

HOUSE BILL No. 1005

DIGEST OF INTRODUCED BILL

Citations Affected: Numerous citations throughout the Indiana Code.

Synopsis: Government reduction. Requires an administrative agency to submit certain information to the office of management and budget (OMB) and receive a certain determination from the director of OMB before pursuing a rulemaking action. Removes or repeals certain motor vehicles provisions, including references to street cars, operation of certain buses, and suspension of driving privileges of minors. Removes from the duties of the division of planning and assessment of the department of homeland security the dispersal of homeland security funds in Indiana. Removes funds used by the division of family resources in relation to programs for individuals with developmental disabilities from the list of funds to which the law concerning the financial services group of the office of the secretary of family and social services applies. Repeals the law concerning providing for continuance of prosecution, treatment, and probation for individuals charged with or convicted of felonies related to drug or alcohol abuse and supervised by the division of mental health and addiction. Repeals provisions for voluntary and involuntary addiction treatment by the division of mental health and addiction. Abolishes the underground petroleum storage tank financial assurance board (board). Makes corrections to references to the defunct environmental boards and language suggesting the existence of multiple boards with environmental rulemaking power. Transfers the powers, duties, liabilities, and adopted rules of the board to the environmental rules board. Amends language referring to environmental rulemaking authority by other boards as only the environmental rules board will be
(Continued next page)

Effective: July 1, 2014.

McMillin

January 14, 2014, read first time and referred to Committee on Select Committee on Government Reduction.



Digest Continued

authorized to adopt environmental rules. Repeals the responsible property transfer law. Repeals the pest control compact. Strikes a provision allowing the commissioner of labor to obtain assistance from the state department of health with respect to an unsafe or unsanitary workplace. Repeals the law concerning homecare consumer and worker protection. Repeals the law concerning payroll bonds. Repeals a provision allowing a terminating employee to request a letter from the employer. Changes the frequency of the occupational safety standards commission meetings. Repeals a provision regulating distress sales. Repeals a provision concerning partition fences. Removes a provision requiring foreign and alien insurers to file applications in duplicate. Makes conforming amendments.



Introduced

Second Regular Session 118th General Assembly (2014)

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 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

HOUSE BILL No. 1005

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

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

1 SECTION 1. IC 4-10-18-12 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 12. If the amount of
3 money in the underground petroleum storage tank excess liability **trust**
4 fund established by IC 13-23-7-1 reaches zero (0), ten million dollars
5 (\$10,000,000) shall be transferred to the underground petroleum
6 storage tank excess liability fund from the fund if: ~~the~~
7 (1) ~~underground petroleum storage tank financial assurance the~~
8 board recommends that the appropriation should be made; and
9 (2) ~~the~~ budget committee approves the appropriation.
10 SECTION 2. IC 4-21.5-7-3, AS AMENDED BY P.L.133-2012,
11 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
12 JULY 1, 2014]: Sec. 3. (a) The office of environmental adjudication is
13 established to review, under this article, agency actions of the
14 department of environmental management, actions of a board described



1 in IC 13-14-9-1, and challenges to rulemaking actions by a board
 2 described in IC 13-14-9-1 made pursuant to IC 4-22-2-44 or
 3 IC 4-22-2-45.

4 (b) The office of environmental adjudication shall:

5 (1) conduct adjudicatory hearings required to implement:

6 (A) air pollution control laws (as defined in IC 13-11-2-6),
 7 water pollution control laws (as defined in IC 13-11-2-261),
 8 environmental management laws (as defined in
 9 IC 13-11-2-71), and IC 13-19;

10 (B) rules of the board (as defined in IC 13-13-8-1); ~~and the~~
 11 ~~financial assurance board~~; and

12 (C) agency action of the department of environmental
 13 management; and

14 (2) notify a ~~the~~ board referred to in subdivision (1)(B) of a final
 15 order of the office of environmental adjudication that interprets:

16 (A) a rule of the board; or

17 (B) a statute under which a rule of the board is authorized.

18 SECTION 3. IC 4-22-2-1.5 IS ADDED TO THE INDIANA CODE
 19 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 20 1, 2014]: **Sec. 1.5. (a) This section does not apply to a public official**
 21 **specified in IC 3-10-2-6(3), IC 3-10-2-6(4), or IC 3-10-2-7.**

22 **(b) An agency shall, before initiating a rulemaking action under**
 23 **IC 4-22-2, notify the office of management and budget of any**
 24 **proposed rule, including the following:**

25 **(1) A summary of the proposed rule.**

26 **(2) A copy of the proposed rule.**

27 **(3) An explanation of the manner in which the proposed rule**
 28 **is thought to be necessary.**

29 **(4) A fiscal impact analysis.**

30 **(5) A cost benefit analysis, including:**

31 **(A) a statement of need;**

32 **(B) an evaluation of the costs and benefits;**

33 **(C) an examination of alternatives;**

34 **(D) independent information supporting the policy**
 35 **rationale and cost benefit analysis; and**

36 **(E) citation of sources used.**

37 **(6) A statement concerning the proposed rule's potential to**
 38 **promote private sector job growth or foster private sector**
 39 **economic development.**

40 **(7) An estimated date of the adoption of the proposed rule.**

41 **(c) An agency may pursue a rulemaking action only if at least**
 42 **one (1) of the following applies, as determined by the director of**



1 **the office of management and budget:**

2 **(1) The rule is required to:**

3 **(A) fulfill an objective related to job creation and**
 4 **increasing investment in Indiana; or**

5 **(B) improve the quality of Indiana's workforce.**

6 **(2) The rule:**

7 **(A) repeals; or**

8 **(B) reduces the regulatory impact of;**
 9 **an existing rule.**

10 **(3) The rule implements a federal mandate that may not be**
 11 **waived under federal law.**

12 **(4) The rule is necessary to avoid a violation of a court order**
 13 **or federal law that would result in sanctions against the state**
 14 **by the court or the federal government for failure to adopt the**
 15 **rule.**

16 **(5) The rule addresses matters related to:**

17 **(A) the control, mitigation, or eradication of waste, fraud,**
 18 **or abuse within an agency; or**

19 **(B) wasteful or abusive activities directed toward an**
 20 **agency.**

21 **(6) The primary purpose and effect of the rule, including an**
 22 **emergency rule adopted under IC 4-22-2-37.1, is to address**
 23 **emergency, health, or safety matters.**

24 SECTION 4. IC 6-6-6.6-1 IS AMENDED TO READ AS
 25 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. **(a) For the purposes**
 26 **of The terms set forth in this section apply throughout this chapter.**

27 **(b) "Department" means the department of state revenue.**

28 **(c) "Disposal" means all forms of disposal in or on the land,**
 29 **including underground injection.**

30 **(d) "Disposal facility" means a site where hazardous wastes are**
 31 **disposed of in or on the land, including a site associated with, within,**
 32 **or adjacent to facilities generating the waste.**

33 **(e) "Hazardous substance" has the meaning set forth in**
 34 **IC 13-11-2-98.**

35 **(f) "Hazardous waste" has the meaning set forth in IC 13-11-2-99(a)**
 36 **and includes any waste that:**

37 **(1) meets the definition in IC 13-11-2-99(a);**

38 **(2) is determined to be hazardous under the criteria developed**
 39 **under IC 13-22-2-3(a); or**

40 **(3) is included on the list compiled and maintained by the solid**
 41 **waste management board under IC 13-22-2-3(b).**

42 **(g) "Remedial action" has the meaning set forth in IC 13-11-2-185.**



1 (h) "Removal" has the meaning set forth in IC 13-11-2-187.

2 (i) "Taxable hazardous waste" means:

3 (1) any waste determined to be a hazardous waste under
4 IC 13-22-2-3 and not excluded under IC 13-22-2-3(b) or
5 IC 13-22-2-3(d); and

6 (2) wastes that are disposed of by underground injection that
7 would constitute hazardous wastes under IC 13-22-2-3 if they
8 were not included in discharges that are subject to permits under
9 Section 402 of the Federal Water Pollution Control Act
10 Amendments of 1972 (33 U.S.C. 1342).

11 Taxable hazardous waste does not include natural agricultural waste.

12 (j) "Ton" means a short ton.

13 SECTION 5. IC 7.1-5-7-1, AS AMENDED BY P.L.125-2012,
14 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
15 JULY 1, 2014]: Sec. 1. (a) It is a Class C misdemeanor for a minor to
16 knowingly or intentionally make a false statement of the minor's age or
17 to present or offer false or fraudulent evidence of majority or identity
18 to a permittee for the purpose of ordering, purchasing, attempting to
19 purchase, or otherwise procuring or attempting to procure an alcoholic
20 beverage.

21 (b) In addition to the penalty under subsection (a), a minor who:

22 (1) uses a false or altered driver's license or the driver's license of
23 another person as evidence of majority under this section; or

24 (2) is convicted of purchasing or procuring an alcoholic beverage
25 with or without using a false or altered driver's license;

26 shall have the minor's driver's license, permit, or driving privileges
27 suspended for up to one (1) year in accordance with IC 9-24-18-8 and
28 IC 9-30-4-9.

29 (c) Upon entering a judgment of conviction for the misdemeanor
30 under this section, the court shall forward a copy of the judgment to the
31 bureau of motor vehicles for the purpose of complying with subsection
32 (b):

33 SECTION 6. IC 8-1-2-89 IS AMENDED TO READ AS FOLLOWS
34 [EFFECTIVE JULY 1, 2014]: Sec. 89. (a) As used in this section,
35 unless the context otherwise requires, the following terms have the
36 following meanings:

37 (1) "Sewage disposal service" means any public utility service
38 whereby liquid and solid waste, sewage, night soil, and industrial
39 waste of any single territorial area is collected, treated, purified,
40 and disposed of in a sanitary manner, and includes all sewage
41 treatment plant or plants, main sewers, submain sewers, local and
42 lateral sewers, intercepting sewers, outfall sewers, force mains,



- 1 pumping stations, ejector stations, and all other equipment and
 2 appurtenances necessary or useful and convenient for the
 3 rendition of such service.
- 4 (2) "Sewage disposal company" means any natural person, firm,
 5 association, corporation, or partnership owning, leasing, or
 6 operating any sewage disposal service within the rural areas of
 7 this state, and all provisions of this chapter pertaining to a public
 8 utility shall apply with equal force and effect to a sewage disposal
 9 company, except insofar as said provisions may be inconsistent
 10 with specific provisions of this section.
- 11 (3) "Rural area" means territory lying within the state of Indiana
 12 and lying outside the corporate limits of a municipality.
- 13 (4) "Certificate of territorial authority" means a certificate of
 14 convenience and necessity issued by the commission pursuant to
 15 this section, which said certificate shall be deemed an
 16 indeterminate permit, unless expressly conditioned otherwise by
 17 the commission when issued.
- 18 (5) "Notice of hearing" means notice of the time, place, and
 19 purpose of a hearing, given by publication in at least one (1)
 20 newspaper of general circulation in each of the counties in which
 21 the particular sewage disposal company operates or proposes to
 22 operate and given also in writing by United States registered mail:
- 23 (A) to each other sewage disposal company operating in
 24 territory contiguous to the territory in which the particular
 25 sewage disposal company operates or proposes to operate;
- 26 (B) to each municipality in territory contiguous and nearest to
 27 the territory in which the particular sewage disposal company
 28 operates or proposes to operate; and
- 29 (C) to such other persons or entities which the commission
 30 may from time to time require by its rules and forms;
- 31 all such notices shall be so mailed as to be received by the
 32 recipients at least ten (10) days prior to any hearing, or as
 33 otherwise required by the commission.
- 34 (b) It is hereby declared to be in the public interest to provide for the
 35 orderly development and rendering of sewage disposal service in rural
 36 areas within the state of Indiana, and such public interest makes it
 37 necessary and desirable that to the extent provided herein the holding
 38 of a certificate of territorial authority should be required as a condition
 39 precedent to the rendering of such service, and that such operation be
 40 under the control, regulation, and supervision of the commission, and
 41 such sewage disposal companies shall not be subject to regulation by
 42 any municipality or county government or metropolitan regulatory



1 body, or any branch or subdivisions thereof or substitute therefor in the
2 form of special service districts, with the exception that said sewage
3 disposal company shall be subject to the comprehensive plan, zoning,
4 and subdivision requirements and regulations of the governmental units
5 having jurisdiction in the area. However, all functions, powers, and
6 duties of the state department of health and the ~~water pollution control~~
7 **environmental rules** board shall remain unaffected by this section.

8 (c) No sewage disposal company shall commence the rendering of
9 sewage disposal service in any rural area in the state of Indiana in
10 which it is not actually rendering sewage disposal service, without first
11 obtaining from the commission a certificate of territorial authority
12 authorizing such sewage disposal service, finding that public
13 convenience and necessity require such sewage disposal service within
14 such rural area by such sewage disposal company, and defining and
15 limiting specifically the rural area covered thereby. No sewage disposal
16 company hereby required to hold such a certificate shall render any
17 additional sewage disposal service within such rural area to any extent
18 greater than that authorized by such certificate or shall continue to
19 render sewage disposal service within such rural area if and after such
20 certificate of territorial authority has been revoked or transferred as in
21 this section provided, unless in such order of revocation or transfer the
22 commission shall require continued service until a new sewage
23 disposal company or municipality actually takes over such service. The
24 commission shall not have the power to require extension of such
25 service by any sewage disposal company into any additional territory
26 than that defined and limited in such a certificate without the consent
27 of such sewage disposal company.

28 (d) Whenever any sewage disposal company proposes to commence
29 the rendering of sewage disposal service in any rural area, it shall file
30 with the commission a verified application for a certificate of territorial
31 authority to cover the proposed service. The commission shall by rule
32 prescribe the form of the application and the information to be
33 contained therein, and such application by any such company shall
34 conform to such prescribed form. The commission shall set the matter
35 for hearing and notice of such hearing shall be given to the parties and
36 in the manner defined in this section. Any city may, and upon petition
37 to the commission shall, be made a party to any service proposal if its
38 territorial limits lie within five (5) miles of the area to be serviced
39 under this section.

40 (e) If, after notice of hearing and hearing on any application for a
41 certificate of territorial authority, the commission shall find from the
42 evidence introduced at such hearing, including any evidence which the



1 commission shall have caused to be introduced as a result of any
2 investigation which it may have made into the matter, that the applicant
3 has proved:

4 (1) lawful power and authority to apply for said certificate and to
5 operate said proposed service;

6 (2) financial ability to install, commence, and maintain said
7 proposed service; and

8 (3) public convenience and necessity require the rendering of the
9 proposed service in the proposed rural area by this particular
10 sewage disposal company; however, in the event the service is
11 proposed for a proposed rural real estate addition, division, or
12 development, or any part thereof, the reasonably expected sewage
13 disposal service requirements of the anticipated residents may be
14 found to constitute such public convenience and necessity;

15 then the certificate of territorial authority, defining and limiting the
16 rural area to be covered thereby, shall be granted to the applicant,
17 subject to such terms, restrictions, limitations, and conditions,
18 including but not limited to a reasonable time in which to commence
19 operations, as the commission shall determine to be necessary and
20 desirable in the public interest.

21 (f) In cases of applications filed by two (2) or more sewage disposal
22 companies seeking the issuance of a certificate of territorial authority
23 for the same area or areas or any conflicting portions thereof, the
24 commission may either consider such applications separately or by
25 consolidation of two (2) or more or all within a single hearing at its
26 discretion and shall have the power to issue its certificate after notice
27 of hearing and hearing to any single qualified sewage disposal
28 company for a particular rural area, or, in the event that the commission
29 determines and finds that two (2) or more or all applicants seeking the
30 same area or areas or any conflicting portions thereof are both or all
31 qualified, then the commission shall have the power to determine
32 which is the better or best qualified, or whether the same area or areas
33 or any conflicting portions thereof shall be divided between or among
34 such qualified applicants. However, in no event shall such area or areas
35 or portions thereof be greater than that for which the particular
36 applicant applied, unless such sewage disposal company shall consent
37 and agree in writing to such modification of its application and the
38 issuance of such modified certificate.

39 (g) After the issuance of such certificate, no other sewage disposal
40 company shall render sewage disposal service in the area or areas so
41 determined and so defined in any certificate of territorial authority
42 issued by the commission, except after notice of hearing and hearing,



1 and the determination and finding by the commission that public
2 convenience and necessity require that sewage disposal service in said
3 same area or areas be also rendered or offered by an additional or
4 another company, and the issuance of a certificate duly granted by the
5 commission as provided in this section.

6 (h) A sewage disposal company shall be required to furnish
7 reasonable adequate sewage disposal services and facilities for which
8 said service and facilities it shall be entitled to charge reasonable,
9 nondiscriminatory rates, subject to the jurisdiction of the commission
10 for the purpose of fixing said rates to be charged to patrons of such
11 sewage disposal company for sewage disposal service, and for such
12 purpose the commission is given jurisdiction to proceed in the same
13 manner and with like power as is provided by this chapter in the case
14 of public utilities.

15 (i) To encourage the installation of sewage treatment plants, and
16 sewers, mains, stations, and all other equipment and appurtenances for
17 rendering sewage disposal service in rural areas in close proximity to
18 municipalities, and to ensure that a sewage disposal company which
19 had made such installation in such area can recover the cost of its
20 investment, in the event that the area or areas or any part thereof
21 included within the territory granted under a certificate of territorial
22 authority shall be annexed by any municipality at any time within
23 twelve (12) years from the date that such certificate was granted, a
24 sewage disposal company operating under such certificate shall
25 continue to operate under such certificate of territorial authority,
26 subject to the exclusive jurisdiction and regulation of the commission,
27 for the unexpired portion of such period of twelve (12) years from the
28 date of granting such certificate, or, in the case of a determinate permit
29 specifying a term shorter than twelve (12) years, then for the unexpired
30 portion of such lesser period as specified by such permit from the date
31 of granting such permit. However, the foregoing provisions in regard
32 to continued operation within the corporate limits of a municipality
33 after annexation shall not affect the right of the sewage disposal
34 company to cease its operation of providing sewage disposal service
35 within such annexed territory prior to the termination of said twelve
36 (12) year or lesser determinate permit period, upon thirty (30) days
37 written notice to the commission, the municipality, and all patrons.

38 (j) Upon approval by the commission given after notice of hearing
39 and hearing, but not otherwise, any certificate of territorial authority
40 may:

41 (1) be sold, assigned, leased, or transferred by the holder thereof
42 to any sewage disposal company to which a territorial certificate



1 might be lawfully issued; or

2 (2) be included in the property and rights encumbered under any
3 indenture of mortgage or deed of trust of such holder;

4 or any sewage treatment plant or plants, sewers, mains, stations, and
5 equipment and appurtenances for the rendering of sewage disposal
6 service, or any part thereof, may be sold, assigned, leased, or
7 transferred by the holder thereof to any municipality if these assets lie
8 within an area which shall have been annexed by such municipality or
9 lie within the given radius of miles from the corporate limits of such
10 municipality into which it is authorized to render such services, if such
11 municipality is prepared to render a comparable sewage disposal
12 service without loss of continuity of service, and if the terms of such
13 sale, assignment, lease, or transfer are reasonable. However, once the
14 commission has given its approval to such transaction and the
15 transaction itself is actually consummated, the commission shall have
16 no control over the sewage disposal service henceforth rendered by
17 such municipality as a municipally owned utility (as defined in this
18 chapter).

19 (k) Any certificate of territorial authority may, after notice of
20 hearing and hearing, be revoked by the commission, in whole or in part,
21 for the failure of the holder thereof to furnish reasonably adequate
22 sewage disposal service within the area or areas determined and
23 defined in such certificate of territorial authority, or for the failure of
24 the holder thereof to comply with any applicable order or rule
25 prescribed by the commission in the exercise of its powers under this
26 chapter, or for failure to comply with any term, condition, or limitation
27 of such certificate of territorial authority.

28 (l) After the commission revokes any certificate of territorial
29 authority under subsection (k) or after the county board of health
30 determines the existence of a serious health problem related to the
31 sewage disposal facility, the county commissioners of the county in
32 which the sewage disposal facility is located may acquire the facility,
33 subject to the approval of the acquisition by the county council, except
34 that the county commissioners may not acquire any facility already
35 acquired by any city or town. The county commissioners shall acquire
36 the sewage disposal facility by:

37 (1) gift, grant, purchase, or condemnation that is funded in the
38 same manner that cities and towns fund sewage treatment
39 acquisitions under IC 36-9; or

40 (2) a lease arrangement that is funded in the same manner that
41 cities and towns fund leases of sewage disposal facilities under
42 IC 36-9.



1 After acquisition, the county commissioners shall repair, operate, and
 2 maintain the sewage disposal facility and charge user fees for these
 3 services.

4 SECTION 7. IC 9-13-2-146 IS REPEALED [EFFECTIVE JULY 1,
 5 2014]. ~~Sec. 146: "Railroad" does not include street car.~~

6 SECTION 8. IC 9-13-2-176 IS REPEALED [EFFECTIVE JULY 1,
 7 2014]. ~~Sec. 176: "Street car" means a car other than a railroad train for
 8 transporting persons or property and operated upon rails principally
 9 within a municipality.~~

10 SECTION 9. IC 9-13-2-182 IS AMENDED TO READ AS
 11 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 182. "Traffic" means
 12 pedestrians, ridden or herded animals, ~~street cars~~, vehicles, and other
 13 conveyances either singly or together while using any highway for
 14 purposes of travel.

15 SECTION 10. IC 9-21-3-10 IS REPEALED [EFFECTIVE JULY 1,
 16 2014]. ~~Sec. 10: The motorman of a street car shall obey traffic control
 17 signals that are applicable to vehicles.~~

18 SECTION 11. IC 9-21-3-11 IS AMENDED TO READ AS
 19 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 11. A person who
 20 violates section 7, 8, ~~or 9 or 10~~ of this chapter commits a Class C
 21 infraction.

22 SECTION 12. IC 9-21-8-41 IS AMENDED TO READ AS
 23 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 41. (a) A person who
 24 drives a vehicle ~~or street car~~ may not disobey the instructions of an
 25 official traffic control device placed in accordance with this article
 26 unless otherwise directed by a police officer.

27 (b) When a traffic control device or flagman is utilized at a worksite
 28 on a highway for traffic control, a person who drives a vehicle shall
 29 exercise extraordinary care to secure the mutual safety of all persons
 30 and vehicles at the worksite.

31 (c) All traffic shall observe and obey traffic control devices
 32 including signals, signs, and warnings, and all directions, signs, or
 33 warning devices that may be given or displayed by a police officer or
 34 flagman to safely control traffic movement at a worksite and promote
 35 safety at a worksite.

36 SECTION 13. IC 9-21-8-43 IS AMENDED TO READ AS
 37 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 43. (a) A person may
 38 not drive a vehicle when any of the following conditions exist:

39 (1) The vehicle:

40 (A) is loaded in a manner; or

41 (B) has more than three (3) persons in the front seat;

42 so as to obstruct the view of the person who drives the vehicle to



1 the front or sides of the vehicle.

2 (2) The vehicle:

3 (A) is loaded in a manner; or

4 (B) has more than three (3) persons in the front seat;

5 so as to interfere with the person's control over the driving
6 mechanism of the vehicle.

7 (b) A passenger in a vehicle ~~or street car~~ may not do the following:

8 (1) Ride in a position that interferes with the view ahead or to the
9 sides of the person who drives the vehicle. ~~or street car.~~

10 (2) Interfere with the person's control over the driving mechanism
11 of the vehicle. ~~or street car.~~

12 SECTION 14. IC 9-21-12-2 IS REPEALED [EFFECTIVE JULY 1,
13 2014]. ~~Sec. 2: Whenever a school bus is being operated upon a highway
14 for purposes other than the actual transportation of children either to or
15 from school or other school related activities; all markings on the
16 school bus indicating "school bus" shall be covered or concealed.~~

17 SECTION 15. IC 9-21-12-6 IS REPEALED [EFFECTIVE JULY 1,
18 2014]. ~~Sec. 6: A street car or vehicle may not be driven over an
19 unprotected hose of a fire department when laid down on a street;
20 private driveway; or street car track to be used at a fire or alarm of fire
21 without the consent of the fire department official in command.~~

22 SECTION 16. IC 9-21-12-9 IS AMENDED TO READ AS
23 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 9. A person who
24 violates section 1 of this chapter commits a Class A infraction. ~~A
25 person who violates section 2 of this chapter commits a Class C
26 misdemeanor.~~

27 SECTION 17. IC 9-21-12-11, AS AMENDED BY P.L.39-2009,
28 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
29 JULY 1, 2014]: Sec. 11. (a) A person who violates section 5, 6, 7, or 19
30 of this chapter commits a Class C infraction.

31 (b) A person who knowingly or intentionally violates section 12, 13,
32 14, 15, ~~or 16 or 17~~ of this chapter commits a Class C misdemeanor.

33 (c) A person described in section 18(b) ~~or 18(c) or 18(d)~~ of this
34 chapter commits a Class B infraction.

35 SECTION 18. IC 9-21-12-17 IS REPEALED [EFFECTIVE JULY
36 1, 2014]: ~~Sec. 17: (a) Except as provided in subsection (b), before
37 crossing any railroad track at grade; the driver of a school bus or
38 special purpose bus shall stop the bus within fifty (50) feet but not less
39 than fifteen (15) feet from the nearest rail. While the bus is stopped; the
40 driver shall:~~

41 ~~(1) listen through an open door;~~

42 ~~(2) look in both directions along the track for an approaching train~~



1 or other on-track equipment; and

2 ~~(3) look for signals indicating the approach of a train or other~~
3 ~~on-track equipment.~~

4 The driver may not proceed until it is safe to proceed. When it is safe
5 to proceed, the driver shall select a gear that will allow the driver to
6 cross the tracks without changing gears. The driver may not shift gears
7 while crossing the tracks.

8 (b) The driver is not required to stop when a police officer is
9 directing the flow of traffic across railroad tracks.

10 (c) Upon conviction of a violation of this section, a driver shall have
11 the driver's operator's license suspended for a period of not less than
12 sixty (60) days in addition to the penalties provided by section 11 of
13 this chapter.

14 SECTION 19. IC 9-21-12-18, AS ADDED BY P.L.107-2006,
15 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
16 JULY 1, 2014]: Sec. 18. (a) Whenever a school bus or special purpose
17 bus is at a place of departure for transporting passengers, the school
18 bus or special purpose bus emergency escape exits, doors, emergency
19 exit windows, roof exits, and service doors must be free of any
20 obstruction that:

21 (1) inhibits or obstructs an exit; or

22 (2) renders the means of exit hazardous.

23 (b) A driver who knowingly operates a school bus or special purpose
24 bus in violation of subsection (a) is subject to section 11(c) of this
25 chapter.

26 (c) A person who knowingly directs a driver to operate a school bus
27 or special purpose bus in violation of subsection (a) is subject to
28 section 11(c) of this chapter.

29 (d) A school corporation or an entity that employs:

30 ~~(1) a driver who knowingly operates a school bus or special~~
31 ~~purpose bus in violation of subsection (a); or~~

32 ~~(2) a person who knowingly directs a driver to operate a school~~
33 ~~bus or special purpose bus in violation of subsection (a);~~

34 is subject to section 11(c) of this chapter.

35 SECTION 20. IC 9-24-18-8 IS AMENDED TO READ AS
36 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. (a) The bureau shall
37 suspend for a mandatory period of at least ninety (90) days the current
38 driving license or permit of a person who:

39 (1) uses or has possession of a driving license or permit of another
40 person with the intent to violate or evade or to attempt to violate
41 or evade any provision of law relating to the sale, purchase, use,
42 or possession of alcoholic beverages; or



1 (2) is convicted of the offenses listed in ~~IC 7-1-5-7-1(b)~~ or
 2 IC 7.1-5-7-10.

3 (b) The mandatory suspension provided by this section is in addition
 4 to all other sanctions provided by section 7 of this chapter and
 5 IC 9-30-4-9.

6 SECTION 21. IC 9-30-4-1 IS REPEALED [EFFECTIVE JULY 1,
 7 2014]. ~~Sec. 1. Upon any reasonable ground appearing on the records of~~
 8 ~~the bureau, the bureau may do the following:~~

9 (1) ~~Suspend or revoke the current driving privileges or driver's~~
 10 ~~license of any person.~~

11 (2) ~~Suspend or revoke the certificate of registration and license~~
 12 ~~plate for any motor vehicle.~~

13 SECTION 22. IC 9-30-4-3, AS AMENDED BY P.L.125-2012,
 14 SECTION 329, IS AMENDED TO READ AS FOLLOWS
 15 [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) A person aggrieved by an
 16 order or act of the bureau under section ~~1~~ or 2 of this chapter may,
 17 within fifteen (15) days after notice is given, file a petition in the circuit
 18 or superior court of the county in which the person resides. If the
 19 person is a nonresident, the person may file a petition for review in the
 20 Marion County circuit court.

21 (b) The petitioner must state facts showing how the order or act of
 22 the bureau is wrongful or unlawful, but the filing of a petition does not
 23 suspend the order or act unless a stay is allowed by a judge of the court
 24 pending final determination of the review on a showing of reasonable
 25 probability that the order or act is wrongful or unlawful.

26 (c) The court shall, within six (6) months of the date of the filing of
 27 the petition, hear the petition, take testimony, and examine the facts of
 28 the case. The court may, in disposing of the issues, modify, affirm, or
 29 reverse the order or act of the bureau in whole or in part and shall make
 30 an appropriate order. If the petition has not been heard within six (6)
 31 months from the date of the filing, the original order or act of the
 32 bureau shall be reinstated in full force and effect.

33 SECTION 23. IC 10-19-4-2, AS ADDED BY P.L.22-2005,
 34 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 35 JULY 1, 2014]: Sec. 2. The division shall do the following:

36 (1) Develop a single strategic plan for preparing for and
 37 responding to homeland security emergencies.

38 (2) Assess state and local security needs.

39 (3) ~~Disburse federal and state homeland security money for all~~
 40 ~~Indiana state and local governments.~~

41 SECTION 24. IC 12-8-10-1, AS AMENDED BY P.L.146-2008,
 42 SECTION 383, IS AMENDED TO READ AS FOLLOWS



1 [EFFECTIVE JULY 1, 2014]: Sec. 1. This chapter applies only to the
 2 indicated money of the following state agencies to the extent that the
 3 money is used by the agency to obtain services from grantee agencies
 4 to carry out the program functions of the agency:

5 (1) Money appropriated or allocated to a state agency from money
 6 received by the state under the federal Social Services Block
 7 Grant Act (42 U.S.C. 1397 et seq.).

8 (2) The division of aging, except this chapter does not apply to
 9 money expended under the following:

10 (A) The following statutes, unless application of this chapter
 11 is required by another subdivision of this section:

12 (i) IC 12-10-6.

13 (ii) IC 12-10-12.

14 (B) Epilepsy services.

15 (3) The division of family resources, for money expended under
 16 the following programs:

17 (A) The child development associate scholarship program.

18 (B) The dependent care program.

19 (C) Migrant day care.

20 (D) The commodities program.

21 (E) The migrant nutrition program.

22 (F) Any emergency shelter program.

23 (G) The energy weatherization program.

24 ~~(H) Programs for individuals with developmental disabilities.~~

25 (4) The state department of health, for money expended under the
 26 following statutes:

27 (A) IC 16-19-10.

28 (B) IC 16-38-3.

29 (5) The group.

30 (6) All state agencies, for any other money expended for the
 31 purchase of services if all the following apply:

32 (A) The purchases are made under a contract between the state
 33 agency and the office of the secretary.

34 (B) The contract includes a requirement that the office of the
 35 secretary perform the duties and exercise the powers described
 36 in this chapter.

37 (C) The contract is approved by the budget agency.

38 (7) The division of mental health and addiction.

39 SECTION 25. IC 12-8-10-9, AS AMENDED BY P.L.181-2006,
 40 SECTION 52, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 JULY 1, 2014]: Sec. 9. (a) Each grantee agency receiving money under
 42 a contract covered by this chapter shall maintain sufficient records to



- 1 show the following:
- 2 (1) The actual cost of services provided under the contract.
- 3 (2) The nature and amount of services provided under the
- 4 contract.
- 5 (b) At least every two (2) years the group shall, in the manner
- 6 prescribed by the state board of accounts, conduct audits of all grantee
- 7 agencies that, under a contract under this chapter, receive payment
- 8 from any of the money described in section 1(2) ~~or 1(3)(f)~~ of this
- 9 chapter. These audits must include an investigation of the records of
- 10 the grantee agencies to determine whether the services rendered under
- 11 the contracts have been in compliance with the terms of the contracts.
- 12 (c) This section does not prohibit the state board of accounts from
- 13 auditing grantee agencies under the board's own authority. The office
- 14 of the secretary may do either of the following:
- 15 (1) Contract with the state board of accounts to conduct audits of
- 16 grantee agencies.
- 17 (2) Require grantee agencies to obtain independent audits of their
- 18 agencies.
- 19 (d) A contract between a state agency and the office of the secretary
- 20 under section (1)(6) of this chapter may include a provision requiring
- 21 the group to perform or arrange for the audits described by this section.
- 22 SECTION 26. IC 12-23-1-11 IS AMENDED TO READ AS
- 23 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 11. (a) This article does
- 24 not repeal or modify Indiana law relating to the operation of a vehicle
- 25 under the influence of liquor or drugs.
- 26 (b) IC 12-23-5 ~~IC 12-23-6, IC 12-23-7, IC 12-23-8~~, and any other
- 27 related provisions of this article shall be considered to be alternative
- 28 methods or procedures for the prosecution of alcoholics or drug abusers
- 29 as criminals.
- 30 SECTION 27. IC 12-23-6 IS REPEALED [EFFECTIVE JULY 1,
- 31 2014]. (Request for Treatment After Charge or Conviction of Certain
- 32 Felonies).
- 33 SECTION 28. IC 12-23-7 IS REPEALED [EFFECTIVE JULY 1,
- 34 2014]. (Continuance of Prosecution After Felony Charge).
- 35 SECTION 29. IC 12-23-8 IS REPEALED [EFFECTIVE JULY 1,
- 36 2014]. (Treatment and Probation Following Felony Conviction).
- 37 SECTION 30. IC 12-23-9-4 IS AMENDED TO READ AS
- 38 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) An individual
- 39 who by medical examination is found to be incapacitated by alcohol at
- 40 the time of admission or to have become incapacitated by alcohol at
- 41 any time after admission may not be detained at a facility:
- 42 (1) after the individual is no longer incapacitated by alcohol; or



1 (2) if the individual remains incapacitated by alcohol for more
 2 than forty-eight (48) hours after admission as a patient. ~~unless the~~
 3 ~~individual is committed under IC 12-23-7 through IC 12-23-8.~~

4 (b) An individual may consent to remain in a facility as long as the
 5 physician in charge believes it is appropriate.

6 SECTION 31. IC 12-23-10 IS REPEALED [EFFECTIVE JULY 1,
 7 2014]. (Voluntary Treatment by Division for Drug Abusers).

8 SECTION 32. IC 12-23-11 IS REPEALED [EFFECTIVE JULY 1,
 9 2014]. (Involuntary Treatment by Division for Alcoholics and Drug
 10 Abusers).

11 SECTION 33. IC 12-24-12-10, AS AMENDED BY P.L.188-2013,
 12 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 JULY 1, 2014]: Sec. 10. (a) Upon admission to a state institution
 14 administered by the division of mental health and addiction, the
 15 gatekeeper is one (1) of the following:

16 (1) For an individual with a psychiatric disorder, the community
 17 mental health center that submitted the report to the committing
 18 court under IC 12-26.

19 (2) For an individual with a developmental disability, a division
 20 of disability and rehabilitative services service coordinator under
 21 IC 12-11-2.1.

22 (b) The division is the gatekeeper for the following:

23 (1) An individual who is found to have insufficient
 24 comprehension to stand trial under IC 35-36-3.

25 (2) An individual who is found to be not guilty by reason of
 26 insanity under IC 35-36-2-4 and is subject to a civil commitment
 27 under IC 12-26.

28 (3) An individual who is immediately subject to a civil
 29 commitment upon the individual's release from incarceration in
 30 a facility administered by the department of correction or the
 31 Federal Bureau of Prisons, or upon being charged with or
 32 convicted of a forcible felony (as defined by IC 35-31.5-2-138).

33 ~~(4) An individual placed under the supervision of the division for~~
 34 ~~addictions treatment under IC 12-23-7 and IC 12-23-8.~~

35 ~~(5)~~ (4) An individual transferred from the department of
 36 correction under IC 11-10-4.

37 SECTION 34. IC 13-11-2-17, AS AMENDED BY P.L.13-2013,
 38 SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 39 JULY 1, 2014]: Sec. 17. (a) "Board", except as provided in subsections
 40 (b) ~~through (d)~~; **and (c)**, refers to the environmental rules board
 41 established by IC 13-13-8-3.

42 (b) "Board", for purposes of IC 13-21, refers to the board of



1 directors of a solid waste management district.

2 (e) "Board", for purposes of IC 13-23-11, refers to the underground
3 storage tank financial assurance board.

4 (d) (c) "Board", for purposes of IC 13-26, refers to the board of
5 trustees of a regional water, sewage, or solid waste district.

6 SECTION 35. IC 13-11-2-40, AS AMENDED BY P.L.189-2011,
7 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
8 JULY 1, 2014]: Sec. 40. "Confined feeding operation" means:

9 (1) any confined feeding of:

10 (A) at least three hundred (300) cattle;

11 (B) at least six hundred (600) swine or sheep;

12 (C) at least thirty thousand (30,000) fowl; or

13 (D) at least five hundred (500) horses.

14 (2) any animal feeding operation electing to be subject to
15 IC 13-18-10; or

16 (3) any animal feeding operation that is causing a violation of:

17 (A) water pollution control laws;

18 (B) any rules of the water pollution control board; or

19 (C) IC 13-18-10.

20 A determination by the department under this subdivision is appealable
21 under IC 4-21.5.

22 SECTION 36. IC 13-11-2-56 IS REPEALED [EFFECTIVE JULY
23 1, 2014]. Sec. 56. "Disclosure document", for purposes of IC 13-25-3,
24 means a document that sets forth certain information about a property
25 that is to be transferred.

26 SECTION 37. IC 13-11-2-70 IS REPEALED [EFFECTIVE JULY
27 1, 2014]. Sec. 70. (a) "Environmental defect", for purposes of
28 IC 13-25-3, means an environmentally related commission, omission,
29 activity, or condition that meets at least one (1) of the following
30 conditions:

31 (1) Constitutes a material violation of an environmental:

32 (A) statute;

33 (B) regulation; or

34 (C) ordinance.

35 (2) Would require remedial activity under an environmental:

36 (A) statute;

37 (B) regulation; or

38 (C) ordinance.

39 (3) Presents a substantial endangerment to at least one (1) of the
40 following:

41 (A) The public health.

42 (B) The public welfare.



- 1 (C) The environment:
- 2 (4) Would have a material, adverse effect on the market value of
- 3 the property or of an abutting property.
- 4 (5) Would prevent or materially interfere with another party's
- 5 ability to obtain a permit or license that is required under an
- 6 environmental:
- 7 (A) statute;
- 8 (B) regulation; or
- 9 (C) ordinance;
- 10 to operate the property or a facility or process on the property.
- 11 (b) The term does not include a condition that is the subject of a
- 12 voluntary remediation that received a certificate of completion from the
- 13 department under IC 13-25-5-16.
- 14 SECTION 38. IC 13-11-2-74.5, AS AMENDED BY P.L.241-2005,
- 15 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 16 JULY 1, 2014]: Sec. 74.5. (a) "Exempt isolated wetland", for purposes
- 17 of IC 13-18 and environmental management laws, means an isolated
- 18 wetland that:
- 19 (1) is a voluntarily created wetland unless:
- 20 (A) the wetland is approved by the department for
- 21 compensatory mitigation purposes in accordance with a permit
- 22 issued under Section 404 of the Clean Water Act or
- 23 IC 13-18-22;
- 24 (B) the wetland is reclassified as a state regulated wetland
- 25 under IC 13-18-22-6(e); or
- 26 (C) the owner of the wetland declares, by a written instrument:
- 27 (i) recorded in the office of the recorder of the county or
- 28 counties in which the wetland is located; and
- 29 (ii) filed with the department;
- 30 that the wetland is to be considered in all respects to be a state
- 31 regulated wetland;
- 32 (2) exists as an incidental feature in or on:
- 33 (A) a residential lawn;
- 34 (B) a lawn or landscaped area of a commercial or
- 35 governmental complex;
- 36 (C) agricultural land;
- 37 (D) a roadside ditch;
- 38 (E) an irrigation ditch; or
- 39 (F) a manmade drainage control structure;
- 40 (3) is a fringe wetland associated with a private pond;
- 41 (4) is, or is associated with, a manmade body of surface water of
- 42 any size created by:



- 1 (A) excavating;
 2 (B) diking; or
 3 (C) excavating and diking;
 4 dry land to collect and retain water for or incidental to
 5 agricultural, commercial, industrial, or aesthetic purposes;
 6 (5) subject to subsection (c), is a Class I wetland with an area, as
 7 delineated, of one-half (1/2) acre or less;
 8 (6) subject to subsection (d), is a Class II wetland with an area, as
 9 delineated, of one-fourth (1/4) acre or less;
 10 (7) is located on land:
 11 (A) subject to regulation under United States Department of
 12 Agriculture wetland conservation programs, including
 13 Swampbuster and the Wetlands Reserve Program, because of
 14 voluntary enrollment in a federal farm program; and
 15 (B) used for agricultural or other purposes allowed under the
 16 programs referred to in clause (A); or
 17 (8) is constructed for reduction or control of pollution.
 18 (b) For purposes of subsection (a)(2), an isolated wetland exists as
 19 an incidental feature:
 20 (1) if:
 21 (A) the owner or operator of the property or facility described
 22 in subsection (a)(2) does not intend the isolated wetland to be
 23 a wetland;
 24 (B) the isolated wetland is not essential to the function or use
 25 of the property or facility; and
 26 (C) the isolated wetland arises spontaneously as a result of
 27 damp soil conditions incidental to the function or use of the
 28 property or facility; and
 29 (2) if the isolated wetland satisfies any other factors or criteria
 30 established in rules that are:
 31 (A) adopted by the ~~water pollution control~~ board; and
 32 (B) not inconsistent with the factors and criteria described in
 33 subdivision (1).
 34 (c) The total acreage of Class I wetlands on a tract to which the
 35 exemption described in subsection (a)(5) may apply is limited to the
 36 larger of:
 37 (1) the acreage of the largest individual isolated wetland on the
 38 tract that qualifies for the exemption described in subsection
 39 (a)(5); and
 40 (2) fifty percent (50%) of the cumulative acreage of all individual
 41 isolated wetlands on the tract that would qualify for the exemption
 42 described in subsection (a)(5) but for the limitation of this



1 subsection.

2 (d) The total acreage of Class II wetlands on a tract to which the
3 exemption described in subsection (a)(6) may apply is limited to the
4 larger of:

5 (1) the acreage of the largest individual isolated wetland on the
6 tract that qualifies for the exemption described in subsection
7 (a)(6); and

8 (2) thirty-three and one-third percent (33 1/3%) of the cumulative
9 acreage of all individual isolated wetlands on the tract that would
10 qualify for the exemption described in subsection (a)(6) but for
11 the limitation of this subsection.

12 (e) An isolated wetland described in subsection (a)(5) or (a)(6) does
13 not include an isolated wetland on a tract that contains more than one
14 (1) of the same class of wetland until the owner of the tract notifies the
15 department that the owner has selected the isolated wetland to be an
16 exempt isolated wetland under subsection (a)(5) or (a)(6) consistent
17 with the applicable limitations described in subsections (c) and (d).

18 SECTION 39. IC 13-11-2-84 IS REPEALED [EFFECTIVE JULY
19 1, 2014]. ~~Sec. 84. "Financial assurance board"; for purposes of~~
20 ~~IC 13-23; refers to the underground petroleum storage tank financial~~
21 ~~assurance board.~~

22 SECTION 40. IC 13-11-2-96 IS AMENDED TO READ AS
23 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 96. (a) "Hazardous
24 material", for purposes of IC 13-18-5, means any of the following:

25 (1) A hazardous chemical (as defined in 42 U.S.C. 11021(e), as
26 in effect on January 1, 1990).

27 (2) A hazardous waste.

28 (3) A hazardous substance (as defined in 42 U.S.C. 9601(14), as
29 in effect on January 1, 1990).

30 (4) A substance that is on the list of extremely hazardous
31 substances published by the Administrator of the United States
32 Environmental Protection Agency under 42 U.S.C. 11002(a)(2).

33 (5) A material that is identified by the ~~water pollution control~~
34 board as potentially harmful to surface water or groundwater if
35 accidentally released from a storage or handling facility.

36 (b) "Hazardous material", for purposes of IC 13-25-6, means a
37 material or waste that has been determined to be hazardous or
38 potentially hazardous to human health, to property, or to the
39 environment by:

40 (1) the United States:

41 (A) Environmental Protection Agency;

42 (B) Nuclear Regulatory Commission;



1 (C) Department of Transportation; or
 2 (D) Occupational Safety and Health Administration; or
 3 (2) the ~~solid waste management~~ board.
 4 The term includes all of the hazardous materials identified in 49 CFR
 5 172.101.

6 SECTION 41. IC 13-11-2-98 IS AMENDED TO READ AS
 7 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 98. "Hazardous
 8 substance", for purposes of:
 9 (1) IC 13-19-5;
 10 (2) IC 13-25-4; and
 11 (3) IC 13-25-5;

12 has the meaning set forth in Section 101 of CERCLA (42 U.S.C. 9601).
 13 The term includes any substance that the ~~solid waste management~~
 14 board determines to be hazardous under environmental management
 15 laws.

16 SECTION 42. IC 13-11-2-115.5 IS REPEALED [EFFECTIVE
 17 JULY 1, 2014]. Sec. ~~115.5~~: "Land trust", for purposes of IC 13-25-3,
 18 means a trust that is established under terms providing that:
 19 ~~(1) the trustee holds legal or equitable title to property;~~
 20 ~~(2) the beneficiary has the power to manage the trust property;~~
 21 ~~including the power to direct the trustee to sell the property; and~~
 22 ~~(3) the trustee may sell the trust property:~~

23 ~~(A) only at the direction of the beneficiary or other person; or~~
 24 ~~(B) after a time stipulated in the terms of the trust.~~

25 SECTION 43. IC 13-11-2-119 IS AMENDED TO READ AS
 26 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 119. (a) "Lender", for
 27 purposes of IC 13-23-13, means any of the following:

28 (1) An insured depository institution (as defined in Section 3 of
 29 the Federal Deposit Insurance Act (12 U.S.C. 1813)).
 30 (2) An insured credit union (as defined in Section 101 of the
 31 Federal Credit Union Act (12 U.S.C. 1752)).
 32 (3) A bank or association chartered under the Farm Credit Act of
 33 1971 (12 U.S.C. 2001 et seq.).
 34 (4) A leasing or trust company that is an affiliate of an insured
 35 depository institution.
 36 (5) A person (including a successor or assignee of the person)
 37 that:
 38 (A) makes a bona fide extension of credit to; or
 39 (B) takes or acquires a security interest from;
 40 a nonaffiliated person.
 41 (6) The Federal National Mortgage Association, the Federal
 42 Home Loan Mortgage Corporation, the Federal Agricultural



- 1 Mortgage Corporation, or an entity that buys or sells loans or
 2 interests in loans in a bona fide manner.
- 3 (7) A person that:
 4 (A) insures or guarantees against a default in the repayment of
 5 an extension of credit; or
 6 (B) acts as a surety with respect to an extension of credit;
 7 to a nonaffiliated person.
- 8 (8) A person that provides title insurance and that acquires an
 9 underground storage tank as a result of assignment or conveyance
 10 in the course of underwriting claims and claims settlement.
- 11 (b) "Lender", for purposes of IC 13-24-1, means any of the
 12 following:
 13 (1) An insured depository institution (as defined in Section 3 of
 14 the Federal Deposit Insurance Act (12 U.S.C. 1813)).
 15 (2) An insured credit union (as defined in Section 101 of the
 16 Federal Credit Union Act (12 U.S.C. 1752)).
 17 (3) A bank or association chartered under the Farm Credit Act of
 18 1971 (12 U.S.C. 2001 et seq.).
 19 (4) A leasing or trust company that is an affiliate of an insured
 20 depository institution.
 21 (5) A person (including a successor or assignee of the person)
 22 that:
 23 (A) makes a bona fide extension of credit to; or
 24 (B) takes or acquires a security interest from;
 25 a nonaffiliated person.
- 26 (6) The Federal National Mortgage Association, the Federal
 27 Home Loan Mortgage Corporation, the Federal Agricultural
 28 Mortgage Corporation, or an entity that buys or sells loans or
 29 interests in loans in a bona fide manner.
- 30 (7) A person that:
 31 (A) insures or guarantees against a default in the repayment of
 32 an extension of credit; or
 33 (B) acts as a surety with respect to an extension of credit;
 34 to a nonaffiliated person.
- 35 (8) A person that provides title insurance and that acquires a
 36 petroleum facility as a result of assignment or conveyance in the
 37 course of underwriting claims and claims settlement.
- 38 (c) "Lender", for purposes of IC ~~13-25-3~~, means a person that
 39 provides loans secured by:
 40 ~~(1) an interest in property; or~~
 41 ~~(2) an assignment of beneficial interest in a land trust.~~
 42 (d) (c) "Lender", for purposes of IC 13-25-4, means any of the



- 1 following:
- 2 (1) An insured depository institution (as defined in Section 3 of
- 3 the Federal Deposit Insurance Act (12 U.S.C. 1813)).
- 4 (2) An insured credit union (as defined in Section 101 of the
- 5 Federal Credit Union Act (12 U.S.C. 1752)).
- 6 (3) A bank or association chartered under the Farm Credit Act of
- 7 1971 (12 U.S.C. 2001 et seq.).
- 8 (4) A leasing or trust company that is an affiliate of an insured
- 9 depository institution.
- 10 (5) A person (including a successor or assignee of the person)
- 11 that:
- 12 (A) makes a bona fide extension of credit to; or
- 13 (B) takes or acquires a security interest from;
- 14 a nonaffiliated person.
- 15 (6) The Federal National Mortgage Association, the Federal
- 16 Home Loan Mortgage Corporation, the Federal Agricultural
- 17 Mortgage Corporation, or an entity that buys or sells loans or
- 18 interests in loans in a bona fide manner.
- 19 (7) A person that:
- 20 (A) insures or guarantees against a default in the repayment of
- 21 an extension of credit; or
- 22 (B) acts as a surety with respect to an extension of credit;
- 23 to a nonaffiliated person.
- 24 (8) A person that provides title insurance and that acquires a
- 25 vessel or facility as a result of assignment or conveyance in the
- 26 course of underwriting claims and claims settlement.
- 27 SECTION 44. IC 13-11-2-149.5, AS AMENDED BY P.L. 78-2009,
- 28 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 29 JULY 1, 2014]: Sec. 149.5. "Outstanding national resource water", for
- 30 purposes of section 50.5 of this chapter and IC 13-18-3, means a water
- 31 designated as such by the general assembly after recommendations by
- 32 the ~~water pollution control~~ board and the environmental quality service
- 33 council under IC 13-18-3-2(n) and IC 13-18-3-2(o). The designation
- 34 must describe the quality of the outstanding national resource water to
- 35 serve as the benchmark of the water quality that shall be maintained
- 36 and protected. Waters that may be considered for designation as
- 37 outstanding national resource waters include water bodies that are
- 38 recognized as:
- 39 (1) important because of protection through official action, such
- 40 as:
- 41 (A) federal or state law;
- 42 (B) presidential or secretarial action;



- 1 (C) international treaty; or
- 2 (D) interstate compact;
- 3 (2) having exceptional recreational significance;
- 4 (3) having exceptional ecological significance;
- 5 (4) having other special environmental, recreational, or ecological
- 6 attributes; or
- 7 (5) waters with respect to which designation as an outstanding
- 8 national resource water is reasonably necessary for protection of
- 9 other water bodies designated as outstanding national resource
- 10 waters.

11 SECTION 45. IC 13-11-2-149.6 IS AMENDED TO READ AS
 12 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 149.6. "Outstanding
 13 state resource water", for purposes of section 50.5 of this chapter and
 14 IC 13-18-3, means any water designated as such by the ~~water pollution~~
 15 ~~control~~ board regardless of when the designation occurred or occurs.
 16 Waters that may be considered for designation as outstanding state
 17 resource waters include water bodies that have unique or special
 18 ecological, recreational, or aesthetic significance.

19 SECTION 46. IC 13-11-2-152 IS REPEALED [EFFECTIVE JULY
 20 1, 2014]. ~~Sec. 152: (a) "Parties", for purposes of IC 13-25-3, refers to~~
 21 ~~the parties to a transfer of property, which include the following:~~

- 22 ~~(1) The transferor;~~
- 23 ~~(2) The transferee;~~
- 24 ~~(3) Each tender involved in the transfer;~~
- 25 ~~(b) The term includes a person who intends to participate in a~~
 26 ~~transfer of property as:~~
 - 27 ~~(1) a transferor;~~
 - 28 ~~(2) a transferee; or~~
 - 29 ~~(3) a tender.~~

30 SECTION 47. IC 13-11-2-158, AS AMENDED BY P.L.114-2012,
 31 SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 32 JULY 1, 2014]: Sec. 158. (a) "Person", for purposes of:

- 33 (1) IC 13-21;
- 34 (2) air pollution control laws;
- 35 (3) water pollution control laws; and
- 36 (4) environmental management laws, except as provided in
- 37 subsections (c), (d), and (e);

38 means an individual, a partnership, a copartnership, a firm, a company,
 39 a corporation, an association, a joint stock company, a trust, an estate,
 40 a municipal corporation, a city, a school city, a town, a school town, a
 41 school district, a school corporation, a county, any consolidated unit of
 42 government, political subdivision, state agency, a contractor, or any



- 1 other legal entity.
- 2 (b) "Person", for purposes of:
- 3 (1) IC 13-18-10;
- 4 (2) IC 13-18-10.5;
- 5 (3) IC 13-20-10.5; and
- 6 (4) IC 13-20-17;
- 7 means an individual, a partnership, a copartnership, a firm, a company,
- 8 a corporation, an association, a joint stock company, a trust, an estate,
- 9 a political subdivision, a state agency, or other legal entity, or their
- 10 legal representative, agent, or assigns.
- 11 (c) "Person", for purposes of:
- 12 (1) IC 13-20-13;
- 13 (2) IC 13-20-14;
- 14 (3) IC 13-20-16; and
- 15 (4) IC 13-25-6;
- 16 means an individual, a corporation, a limited liability company, a
- 17 partnership, or an unincorporated association.
- 18 (d) "Person", for purposes of IC 13-23, has the meaning set forth in
- 19 subsection (a). The term includes a consortium, a joint venture, a
- 20 commercial entity, and the United States government.
- 21 (e) "Person", for purposes of IC 13-20-17.5, and ~~IC 13-25-3~~, means
- 22 an individual, a corporation, a limited liability company, a partnership,
- 23 a trust, an estate, or an unincorporated association.
- 24 (f) "Person", for purposes of IC 13-26, means an individual, a firm,
- 25 a partnership, an association, a limited liability company, or a
- 26 corporation other than an eligible entity.
- 27 (g) "Person", for purposes of IC 13-29-1, means any individual,
- 28 corporation, business enterprise, or other legal entity either public or
- 29 private and any legal successor, representative, agent, or agency of that
- 30 individual, corporation, business enterprise, or legal entity.
- 31 SECTION 48. IC 13-11-2-174 IS REPEALED [EFFECTIVE JULY
- 32 1, 2014]. ~~Sec. 174. (a) "Property", for purposes of IC 13-25-3, means~~
- 33 ~~a specific and an identifiable parcel of real property that:~~
- 34 ~~(1) contains one (1) or more facilities that are subject to reporting~~
- 35 ~~under Section 312 of the federal Emergency Planning and~~
- 36 ~~Community Right-to-Know Act of 1986 (42 U.S.C. 11022);~~
- 37 ~~(2) is the site of one (1) or more underground storage tanks for~~
- 38 ~~which notification is required under:~~
- 39 ~~(A) 42 U.S.C. 6991a; and~~
- 40 ~~(B) IC 13-23-1-2(c)(8)(A); or~~
- 41 ~~(3) is listed on the Comprehensive Environmental Response,~~
- 42 ~~Compensation, and Liability Information System (CERCLIS) in~~



1 accordance with Section 116 of CERCLA (42 U.S.C. 9616):

2 (b) The term does not include property that has been subject to
3 bonding or other financial assurances released by the appropriate
4 governmental agency after compliance with applicable state laws:

5 SECTION 49. IC 13-11-2-183, AS AMENDED BY P.L.221-2007,
6 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
7 JULY 1, 2014]: Sec. 183. "Regulated substance", for purposes of this
8 chapter and IC 13-23, includes the following:

9 (1) Any substance defined in section 98 of this chapter as a
10 hazardous substance, but excluding any substance regulated as a
11 hazardous waste under:

12 (A) Subtitle C of the federal Solid Waste Disposal Act, as
13 amended (42 U.S.C. 6921 through 6939(a)); or

14 (B) IC 13-22-2-3.

15 (2) Petroleum.

16 (3) Any other substance designated by rules adopted by the ~~solid~~
17 ~~waste management~~ board under IC 13-23-1-2.

18 SECTION 50. IC 13-11-2-205, AS AMENDED BY P.L.189-2011,
19 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
20 JULY 1, 2014]: Sec. 205. (a) "Solid waste", for purposes of IC 13-19,
21 IC 13-21, IC 13-20-22, and environmental management laws, except
22 as provided in subsection (b), means any garbage, refuse, sludge from
23 a waste treatment plant, sludge from a water supply treatment plant,
24 sludge from an air pollution control facility, or other discarded
25 material, including solid, liquid, semisolid, or contained gaseous
26 material resulting from industrial, commercial, mining, or agricultural
27 operations or from community activities. The term does not include:

28 (1) solid or dissolved material in:

29 (A) domestic sewage; or

30 (B) irrigation return flows or industrial discharges;

31 that are point sources subject to permits under Section 402 of the
32 Federal Water Pollution Control Act Amendments (33 U.S.C.
33 1342);

34 (2) source, special nuclear, or byproduct material (as defined by
35 the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.));

36 (3) manures or crop residues returned to the soil as fertilizers or
37 soil conditioners as part of a total farm operation; or

38 (4) vegetative matter at composting facilities registered under
39 IC 13-20-10.

40 (b) "Solid waste", for purposes of IC 13-20-5, IC 13-20-22, and
41 IC 13-21, does not include the following:

42 (1) A waste that is regulated under the following:



- 1 (A) IC 13-22-1 through IC 13-22-8.
 2 (B) IC 13-22-13 through IC 13-22-14.
 3 (2) An infectious waste (as defined in IC 16-41-16-4) that is
 4 disposed of at an incinerator permitted under rules adopted by the
 5 solid waste management board to dispose of infectious waste.
 6 (c) "Solid waste", for purposes of IC 13-26, means all putrescible
 7 and nonputrescible solid and semisolid wastes, except human excreta.
 8 The term includes garbage, rubbish, ashes, street cleanings, dead
 9 animals, offal, and solid commercial, industrial, and institutional
 10 wastes.
 11 SECTION 51. IC 13-11-2-234 IS REPEALED [EFFECTIVE JULY
 12 1, 2014]. Sec. 234: (a) "Transfer", for purposes of IC 13-25-3, means
 13 a conveyance of an interest in property by any of the following:
 14 (1) A deed or other instrument of conveyance of fee title to
 15 property.
 16 (2) A lease whose term, if all options were exercised, would be
 17 more than forty (40) years.
 18 (3) An assignment of more than twenty-five percent (25%) of the
 19 beneficial interest in a land trust.
 20 (4) A collateral assignment of a beneficial interest in a land trust.
 21 (5) An installment contract for the sale of property.
 22 (6) A mortgage or trust deed.
 23 (7) A lease of any duration that includes an option to purchase.
 24 (b) The term does not include a conveyance of an interest in
 25 property by any of the following:
 26 (1) A deed or trust document that, without additional
 27 consideration:
 28 (A) confirms;
 29 (B) corrects;
 30 (C) modifies; or
 31 (D) supplements;
 32 a deed or trust document that was previously recorded.
 33 (2) A deed or trust document that, without additional
 34 consideration, changes title to property without changing
 35 beneficial interest.
 36 (3) A tax deed or a deed from a county transferring property the
 37 county received under IC 6-1.1-25-5.5.
 38 (4) An instrument of release of an interest in property that is
 39 security for a debt or other obligation.
 40 (5) A deed of partition.
 41 (6) A conveyance occurring as a result of the foreclosure of a
 42 mortgage or other lien on real property.



- 1 (7) An easement.
- 2 (8) A conveyance of an interest in minerals, gas, or oil, including
- 3 a lease.
- 4 (9) A conveyance by operation of law upon the death of a joint
- 5 tenant with right of survivorship.
- 6 (10) An inheritance or devise.
- 7 (11) A deed in lieu of foreclosure.
- 8 (12) A Uniform Commercial Code sale or other foreclosure of a
- 9 collateral assignment of a beneficial interest in a land trust.
- 10 (13) A deed that conveys fee title under an installment contract
- 11 for the sale of property.
- 12 (14) A deed that conveys fee title under an exercise of an option
- 13 to purchase contained in a lease of property.

14 SECTION 52. IC 13-11-2-236 IS REPEALED [EFFECTIVE JULY
 15 1, 2014]. Sec. 236: (a) "Transferee"; for purposes of IC 13-25-3, means
 16 any of the following:

- 17 (1) A buyer, mortgagee, grantee, or lessee of real property.
- 18 (2) An assignee of an interest of more than twenty-five percent
- 19 (25%) in a land trust.
- 20 (3) For a transfer to the trustee of a land trust, the owners of the
- 21 beneficial interest of the land trust.

22 (b) The term includes a prospective transferee.

23 SECTION 53. IC 13-11-2-237 IS REPEALED [EFFECTIVE JULY
 24 1, 2014]. Sec. 237: (a) "Transferor"; for purposes of IC 13-25-3, means
 25 any of the following:

- 26 (1) A seller, grantor, mortgagor, or lessor of real property.
- 27 (2) An assignor of an interest of more than twenty-five percent
- 28 (25%) in a land trust.
- 29 (3) For a transfer by the trustee of a land trust, the owner of the
- 30 beneficial interest of the land trust.

31 (b) The term includes a prospective transferor.

32 SECTION 54. IC 13-11-2-241 IS AMENDED TO READ AS
 33 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 241. (a) "Underground
 34 storage tank", for purposes of section 161 of this chapter and IC 13-23,
 35 means one (1) tank or a combination of tanks, including underground
 36 pipes connected to the tank or combination of tanks:

- 37 (1) that is used to contain an accumulation of regulated
- 38 substances; and
- 39 (2) the volume of which, including the volume of the underground
- 40 connected pipes, is at least ten percent (10%) beneath the surface
- 41 of the ground.

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



- 1 (1) A farm or residential tank with a capacity of not more than one
 2 thousand one hundred (1,100) gallons that is used for storing
 3 motor fuel for noncommercial purposes.
 4 (2) A tank used for storing heating oil for consumptive use on the
 5 premises on which the tank is stored.
 6 (3) A septic tank.
 7 (4) A pipeline facility, including gathering lines, that:
 8 (A) is regulated under the Natural Gas Pipeline Safety Act of
 9 1968 (49 U.S.C. 1671 et seq.);
 10 (B) is regulated under the Hazardous Liquid Pipeline Safety
 11 Act of 1979 (49 U.S.C. 60101 et seq.); or
 12 (C) is an intrastate pipeline facility regulated under state laws
 13 comparable to the laws identified in clauses (A) through (B).
 14 (5) A surface impoundment, pit, pond, or lagoon.
 15 (6) A stormwater or wastewater collection system.
 16 (7) A flow-through process tank.
 17 (8) A liquid trap or associated gathering lines directly related to
 18 oil or gas production and gathering operations.
 19 (9) A storage tank situated in an underground area such as:
 20 (A) a basement;
 21 (B) a cellar;
 22 (C) a mineworking;
 23 (D) a drift;
 24 (E) a shaft; or
 25 (F) a tunnel;
 26 if the storage tank is situated upon or above the surface of the
 27 floor.
 28 (10) Any other tank exempted by a rule adopted by the ~~solid waste~~
 29 ~~management~~ board in accordance with regulations adopted by the
 30 Administrator of the United States Environmental Protection
 31 Agency.
 32 (11) A pipe connected to a tank described in subdivisions (1)
 33 through (10).
 34 SECTION 55. IC 13-13-8-2.1 IS ADDED TO THE INDIANA
 35 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 36 [EFFECTIVE JULY 1, 2014]: **Sec. 2.1. (a) The underground storage**
 37 **tank financial assurance board (established by IC 13-23-11-1**
 38 **before its repeal) is abolished on July 1, 2014.**
 39 **(b) All powers, duties, and liabilities of the underground storage**
 40 **tank financial assurance board are transferred to the**
 41 **environmental rules board established by section 3 of this chapter**
 42 **effective July 1, 2014.**



1 (c) After June 30, 2014:

2 (1) a reference to the underground storage tank financial
3 assurance board in a statute or rule shall be treated as a
4 reference to the environmental rules board; and

5 (2) the rules adopted by the underground storage tank
6 financial assurance board shall be:

7 (A) treated as though the rules had been adopted by the
8 environmental rules board; and

9 (B) administered and implemented by the solid waste
10 management division established within the department
11 under IC 13-13-3-2(3).

12 SECTION 56. IC 13-14-1-11 IS AMENDED TO READ AS
13 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 11. The department
14 shall follow the operating policies established in rules adopted by the
15 boards: **board.**

16 SECTION 57. IC 13-14-2-7 IS AMENDED TO READ AS
17 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. Except as provided
18 in IC 13-14-6, the commissioner may issue orders to:

19 (1) secure compliance with:

20 (A) this title; or

21 (B) any applicable rule of ~~a~~ **the** board; and

22 (2) assess civil penalties.

23 SECTION 58. IC 13-14-5-4 IS AMENDED TO READ AS
24 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. A designated agent
25 of the department is not required to include in an oral report or in a
26 written summary:

27 (1) a matter that is not evident to the designated agent at the time
28 of the designated agent's inspection; or

29 (2) any fact that indicates or evidences an intentional, a knowing,
30 or a reckless violation of:

31 (A) this title;

32 (B) a rule or standard adopted by ~~a~~ **the** board; or

33 (C) any determination, permit, or order made or issued by the
34 commissioner under this title or any other law.

35 SECTION 59. IC 13-14-8-0.3, AS ADDED BY P.L.220-2011,
36 SECTION 279, IS AMENDED TO READ AS FOLLOWS
37 [EFFECTIVE JULY 1, 2014]: Sec. 0.3. A rule **that**:

38 (1) **was** adopted by the solid waste management board
39 **(established by IC 13-19-2, before its repeal)** before May 13,
40 1999; **and**

41 (2) ~~that~~ does not comply with IC 13-20-7-1 (as amended by
42 P.L.224-1999 and before its repeal);



1 applies only to special waste that is disposed of at a solid waste landfill
 2 that does not meet Subtitle D design standards of the federal Resource
 3 Conservation and Recovery Act as provided in 40 CFR Part 258.

4 SECTION 60. IC 13-14-8-3 IS AMENDED TO READ AS
 5 FOLLOWS [EFFECTIVE JULY 1, 2014] Sec. 3. A rule or standard
 6 adopted by a **the** board may:

7 (1) make different provisions as required by varying
 8 circumstances and conditions for different contaminant sources
 9 and for different geographical areas;

10 (2) be made applicable to sources outside Indiana that:

11 (A) are causing;

12 (B) are contributing to; or

13 (C) could cause or contribute to;

14 environmental pollution in Indiana; and

15 (3) make provision for abatement standards and procedures:

16 (A) concerning occurrences, emergencies, or pollution; or

17 (B) on other short term conditions constituting an acute danger
 18 to health or to the environment.

19 SECTION 61. IC 13-14-8-4 IS AMENDED TO READ AS
 20 FOLLOWS [EFFECTIVE JULY 1, 2014] Sec. 4. In adopting rules and
 21 establishing standards, a **the** board shall take into account the
 22 following:

23 (1) All existing physical conditions and the character of the area
 24 affected.

25 (2) Past, present, and probable future uses of the area, including
 26 the character of the uses of surrounding areas.

27 (3) Zoning classifications.

28 (4) The nature of the existing air quality or existing water quality,
 29 as appropriate.

30 (5) Technical feasibility, including the quality conditions that
 31 could reasonably be achieved through coordinated control of all
 32 factors affecting the quality.

33 (6) Economic reasonableness of measuring or reducing any
 34 particular type of pollution.

35 (7) The right of all persons to an environment sufficiently
 36 uncontaminated as not to be injurious to:

37 (A) human, plant, animal, or aquatic life; or

38 (B) the reasonable enjoyment of life and property.

39 SECTION 62. IC 13-14-8-8 IS AMENDED TO READ AS
 40 FOLLOWS [EFFECTIVE JULY 1, 2014] Sec. 8. (a) Except as
 41 provided in section 9 of this chapter, if a person who is affected by a
 42 rule adopted by a **the** board believes that the imposition of the rule



1 would impose an undue hardship or burden upon the person, the person
2 may apply to the commissioner for a variance from the rule.

3 (b) The commissioner may hold a public hearing on an application
4 submitted under subsection (a).

5 (c) If the commissioner determines that immediate compliance with
6 the rule would impose an undue hardship or burden upon the applicant,
7 the commissioner, except as provided in section 9 of this chapter, may
8 grant a variance from the rule for any period not exceeding one (1)
9 year.

10 (d) Upon the request of an applicant, the commissioner may renew
11 an expired variance if the commissioner determines that compliance
12 with the rule would continue to impose an undue hardship or burden
13 upon the applicant. Except as provided in section 9 of this chapter, each
14 renewal may be granted for a period not exceeding one (1) year.

15 SECTION 63. IC 13-14-8-10 IS AMENDED TO READ AS
16 FOLLOWS [EFFECTIVE JULY 1, 2014] Sec. 10. ~~A~~ **The** board may
17 adopt rules under IC 4-22-2 to specify the following with respect to any
18 of the board's rules:

19 (1) Criteria to define what constitutes an undue hardship or
20 burden, as used in section 8 of this chapter, for the purposes of
21 that rule.

22 (2) Procedures for making determinations on applications for
23 variances from that rule.

24 SECTION 64. IC 13-14-8-11.6 IS AMENDED TO READ AS
25 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 11.6. (a) A discharger
26 is not required to obtain a state permit for the modification or
27 construction of a water pollution treatment or control facility if the
28 discharger has an effective:

29 (1) National Pollutant Discharge Elimination System (NPDES)
30 industrial permit for direct discharges to surface water; or

31 (2) industrial waste pretreatment permit not issued by the
32 department for discharges to a publicly owned treatment works.

33 (b) If a modification is for the treatment or control of any new
34 influent pollutant or increased levels of any existing pollutant, within
35 thirty (30) days after commencement of operation, the discharger shall
36 file with the department a notice of installation for the additional
37 pollutant control equipment and a design summary of any
38 modifications.

39 (c) ~~The water pollution control~~ board shall adopt a general permit
40 rule for the approval of sanitary collection system plans, lift station
41 plans, and force main plans.

42 SECTION 65. IC 13-14-9-1, AS AMENDED BY P.L.133-2012,



1 SECTION 89, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JULY 1, 2014]: Sec. 1. (a) Except as provided in sections 8 and 14 of
3 this chapter, this chapter applies to ~~the following~~:

4 (1) the board.

5 (2) ~~The underground storage tank financial assurance board~~
6 ~~established by IC 13-23-11-1.~~

7 (b) In addition to **meeting** the requirements of IC 4-22-2 and
8 IC 13-14-8, ~~a~~ **the** board may not adopt a rule except in accordance with
9 this chapter.

10 SECTION 66. IC 13-14-9-2, AS AMENDED BY P.L.159-2011,
11 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
12 JULY 1, 2014]: Sec. 2. Except as provided in sections 4.5, 7, 8, and 14
13 of this chapter, ~~a~~ **the** board may not adopt a rule under this chapter until
14 the board has conducted at least two (2) public comment periods, each
15 of which must be at least thirty (30) days in length.

16 SECTION 67. IC 13-14-9-4.2, AS AMENDED BY P.L.123-2006,
17 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
18 JULY 1, 2014]: Sec. 4.2. Not less than fourteen (14) days before the
19 date of preliminary adoption of a proposed rule by ~~a~~ **the** board, the
20 department shall make available to the board the fiscal impact
21 statement prepared by the office of management and budget with
22 respect to the proposed rule under IC 4-22-2-28(e).

23 SECTION 68. IC 13-14-9-4.5 IS AMENDED TO READ AS
24 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4.5. (a) Except for a
25 rule:

26 (1) that has been preliminarily adopted by ~~a~~ **the** board in a form
27 that is:

28 (A) identical to; or

29 (B) not substantively different from;

30 the proposed rule published in a second notice under section 4 of
31 this chapter; or

32 (2) for which the commissioner has made a determination and
33 prepared written findings under section 7 or 8 of this chapter;

34 ~~a~~ **the** board may not adopt a rule under this chapter until the board has
35 conducted a third public comment period that is at least twenty-one
36 (21) days in length.

37 (b) The department shall publish notice of a third public comment
38 period with the:

39 (1) text;

40 (2) summary; and

41 (3) fiscal analysis;

42 that are required to be published in the Indiana Register under section



1 5(a)(2) of this chapter.

2 (c) The notice of a third public comment period that must be
3 published in the Indiana Register under subsection (b) must request the
4 submission of comments, including suggestions of specific
5 amendments, that concern only the portion of the preliminarily adopted
6 rule that is substantively different from the language contained in the
7 proposed rule published in a second notice under section 4 of this
8 chapter.

9 SECTION 69. IC 13-14-9-5, AS AMENDED BY P.L.123-2006,
10 SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
11 JULY 1, 2014]: Sec. 5. (a) ~~A~~ **The** board may not adopt a rule until all
12 of the following occur:

- 13 (1) The board holds a board meeting on the proposed rule.
14 (2) The department, after approval of the proposed rule by the
15 board under subsection (c), publishes the following in the Indiana
16 Register as provided in IC 4-22-2-24(c):
17 (A) The full text of the proposed rule, including any
18 amendments arising from the comments received before or
19 during the meeting held under subdivision (1).
20 (B) A summary of the response of the department to all
21 comments received at the meeting held under subdivision (1).
22 (C) For a proposed rule with an estimated economic impact on
23 regulated entities that is greater than five hundred thousand
24 dollars (\$500,000), a copy of the office of management and
25 budget fiscal analysis required under IC 4-22-2-28.
26 (3) The board, after publication of the notice under subdivision
27 (2), holds another board meeting on the proposed rule.
28 (4) If a third public comment period is required under section 4.5
29 of this chapter, the department publishes notice of the third public
30 comment period in the Indiana Register.

31 (b) Board meetings held under subsection (a)(1) and (a)(3) shall be
32 conducted in accordance with IC 4-22-2-26(b) through
33 IC 4-22-2-26(d).

34 (c) At a board meeting held under subsection (a)(1), the board shall
35 determine whether the proposed rule will:

- 36 (1) proceed to publication under subsection (a)(2);
37 (2) be subject to additional comments under section 3 or 4 of this
38 chapter, considering any written finding made by the
39 commissioner under section 7 or 8 of this chapter; or
40 (3) be reconsidered at a subsequent board meeting in accordance
41 with IC 4-22-2-26(d).

42 SECTION 70. IC 13-14-9-7 IS AMENDED TO READ AS



1 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. (a) Unless ~~a~~ **the**
 2 board determines under section 5(c)(2) of this chapter that a proposed
 3 rule should be subject to additional comments, section 3 of this chapter
 4 does not apply to a rulemaking action if the commissioner determines
 5 that the rulemaking policy alternatives available to the department are
 6 so limited that the public notice and comment period under section 3
 7 of this chapter would provide no substantial benefit to:

- 8 (1) the environment; or
 9 (2) persons to be regulated or otherwise affected by the proposed
 10 rule.

11 (b) If the commissioner makes a determination under subsection (a),
 12 the commissioner shall prepare written findings under this section. The
 13 full text of the commissioner's written findings shall be included in the
 14 public notice provided under section 4 of this chapter.

15 SECTION 71. IC 13-14-9-8, AS AMENDED BY P.L.6-2012,
 16 SECTION 103, IS AMENDED TO READ AS FOLLOWS
 17 [EFFECTIVE JULY 1, 2014]: Sec. 8. (a) Except as provided in
 18 subsection (g), unless ~~a~~ **the** board determines that a proposed rule
 19 should be subject to additional comments or makes a determination
 20 described in subsection (f), sections 2 through 7 and sections 9 through
 21 14 of this chapter do not apply to a rulemaking action if the
 22 commissioner determines that:

- 23 (1) the proposed rule constitutes:
 24 (A) an adoption or incorporation by reference of a federal law,
 25 regulation, or rule that:
 26 (i) is or will be applicable to Indiana; and
 27 (ii) contains no amendments that have a substantive effect
 28 on the scope or intended application of the federal law or
 29 rule;
 30 (B) a technical amendment with no substantive effect on an
 31 existing Indiana rule; or
 32 (C) an amendment to an existing Indiana rule, the primary and
 33 intended purpose of which is to clarify the existing rule; and
 34 (2) the proposed rule is of such nature and scope that there is no
 35 reasonably anticipated benefit to the environment or the persons
 36 referred to in section 7(a)(2) of this chapter from the following:
 37 (A) Exposing the proposed rule to diverse public comment
 38 under section 3 or 4 of this chapter.
 39 (B) Affording interested or affected parties the opportunity to
 40 be heard under section 3 or 4 of this chapter.
 41 (C) Affording interested or affected parties the opportunity to
 42 develop evidence in the record collected under sections 3 and



- 1 4 of this chapter.
- 2 (b) If the commissioner makes a determination under subsection (a),
- 3 the commissioner shall prepare written findings under this section. The
- 4 full text of the commissioner's written findings shall be included in:
- 5 (1) the notice of adoption of the proposed rule; and
- 6 (2) the written materials to be considered by the board at the
- 7 public hearing held under this section.
- 8 (c) The notice of adoption of a proposed rule under this section
- 9 must:
- 10 (1) be published in the Indiana Register; and
- 11 (2) include the following:
- 12 (A) Draft rule language that includes the language described
- 13 in subsection (a)(1).
- 14 (B) A written comment period of at least thirty (30) days.
- 15 (C) A notice of public hearing before the appropriate board.
- 16 (d) The department shall include the following in the written
- 17 materials to be considered by the board at the public hearing referred
- 18 to in subsection (c):
- 19 (1) The full text of the proposed rule as most recently prepared by
- 20 the department.
- 21 (2) Written responses of the department to written comments
- 22 received during the comment period referred to in subsection (c).
- 23 (3) The commissioner's findings under subsection (b).
- 24 (e) At the public hearing referred to in subsection (c), the board
- 25 may:
- 26 (1) adopt the proposed rule;
- 27 (2) adopt the proposed rule with amendments;
- 28 (3) reject the proposed rule;
- 29 (4) determine that additional public comment is necessary; or
- 30 (5) determine to reconsider the proposed rule at a subsequent
- 31 board meeting.
- 32 (f) If the board determines under subsection (e) that additional
- 33 public comment is necessary, the department shall publish a second
- 34 notice in accordance with section 4 of this chapter and complete the
- 35 rulemaking in accordance with this chapter.
- 36 (g) If the board adopts the proposed rule with amendments under
- 37 subsection (e)(2), the amendments must meet the logical outgrowth
- 38 requirements of section 10 of this chapter, except that the board, in
- 39 determining whether the amendments are a logical outgrowth of
- 40 comments provided to the board, and in considering whether the
- 41 language of comments provided to the board fairly apprised interested
- 42 persons of the specific subjects and issues contained in the



1 amendments, shall consider the comments provided to the board at the
2 public hearing referred to in subsection (c)(2)(C).

3 (h) This subsection applies to that part of a rule adopted under this
4 section that directly corresponds to and is based on a federal law, rule,
5 or regulation that is stayed or repealed, invalidated, vacated, or
6 otherwise nullified by a legislative, an administrative, or a judicial
7 action described in subdivision (1), (2), or (3). If:

8 (1) a proposed rule is adopted by ~~a~~ **the** board under subsection
9 (e)(1) based on a determination by the commissioner under
10 subsection (a)(1)(A) and the federal law, rule, or regulation on
11 which the adopted rule is based is later repealed or otherwise
12 nullified by legislative or administrative action, then that part of
13 the adopted rule that corresponds to the repealed or nullified
14 federal law, rule, or regulation is void as of the effective date of
15 the legislative or administrative action repealing or otherwise
16 nullifying the federal law, rule, or regulation;

17 (2) ~~a~~ **the** board adopts a proposed rule under subsection (e)(1) that
18 is based on a determination by the commissioner under subsection
19 (a)(1)(A) and the federal law, rule, or regulation on which the
20 adopted rule is based is later invalidated, vacated, or otherwise
21 nullified by a judicial decree, order, or judgment of a state or
22 federal court whose decisions concerning such matters have force
23 and effect in Indiana:

24 (A) then that part of the rule that corresponds to the
25 invalidated, vacated, or otherwise nullified federal law, rule,
26 or regulation shall not be enforced by the commissioner or any
27 other person during the time in which an appeal of the judicial
28 decree, order, or judgment can be commenced or is pending;
29 and

30 (B) either:

31 (i) that part of the adopted rule that corresponds to the
32 invalidated, vacated, or otherwise nullified federal law, rule,
33 or regulation is void as of the date that the judicial decree,
34 order, or judgment becomes final and unappealable; or

35 (ii) enforcement of the adopted rule is restored if the judicial
36 decree, order, or judgment is reversed, vacated, or otherwise
37 nullified on appeal; and

38 (3) the federal law, regulation, or rule that is the basis of a rule
39 that is adopted under subsection (e)(1) and based on a
40 determination by the commissioner under subsection (a)(1)(A) is
41 stayed by an administrative or a judicial order pending an
42 administrative or a judicial action regarding the validity of the



1 federal law, rule, or regulation, the commissioner may suspend
 2 the enforcement of that part of the adopted rule that corresponds
 3 to the stayed federal law, rule, or regulation while the stay is in
 4 force.

5 SECTION 72. IC 13-14-9-10 IS AMENDED TO READ AS
 6 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 10. (a) ~~A~~ **The** board
 7 may amend a proposed rule at a board meeting held under section
 8 5(a)(3) of this chapter and adopt the amended rule under section 9(2)
 9 of this chapter if the amendments are a logical outgrowth of:

10 (1) the proposed rule as published under section 5(a)(2) of this
 11 chapter; and

12 (2) any comments provided to the board at the meeting held under
 13 section 5(a)(3) of this chapter.

14 (b) In determining, for the purposes of this section, whether an
 15 amendment is a logical outgrowth of the proposed rule and any
 16 comments, the board shall consider:

17 (1) whether the language of:

18 (A) the proposed rule as published under section 5(a)(2) of this
 19 chapter; and

20 (B) any comments provided to the board at the meeting held
 21 under section 5(a)(3) of this chapter;

22 fairly apprised interested persons of the specific subjects and
 23 issues contained in the amendment; and

24 (2) whether the interested parties were allowed an adequate
 25 opportunity to be heard by the board.

26 SECTION 73. IC 13-14-9-13 IS AMENDED TO READ AS
 27 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 13. If ~~a~~ **the** board
 28 rejects a proposed rule under section 12 of this chapter, the proposed
 29 rule is subject to section 4 of this chapter whether or not the proposed
 30 rule has previously been the subject of the comment period required by
 31 section 4 of this chapter.

32 SECTION 74. IC 13-14-9.5-3 IS AMENDED TO READ AS
 33 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) The department
 34 or ~~a~~ **the** board ~~that has rulemaking authority under this title~~ may adopt
 35 a rule under IC 13-14-9 in anticipation of a rule's expiration under this
 36 chapter.

37 (b) Except as provided in section 5 of this chapter, the department
 38 or ~~a~~ **the** board ~~that has rulemaking authority under this title~~ may not use
 39 emergency rule procedures to readopt a rule that is subject to expiration
 40 under this chapter.

41 SECTION 75. IC 13-14-9.5-4, AS AMENDED BY P.L.114-2008,
 42 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2014]: Sec. 4. (a) Except as provided in subsection (b), with
 2 respect to the rules subject to expiration under this chapter, the
 3 department or a **the** board: ~~that has rulemaking authority under this~~
 4 ~~title:~~

5 (1) may readopt one (1) or more of the rules under one (1) rule
 6 that lists all rules that are readopted by their titles and subtitles
 7 only; and

8 (2) shall publish a notice in the Indiana Register identifying:

9 (A) the rules, if any, that will be readopted; and

10 (B) the rules, if any, that will not be readopted.

11 A rule that has expired but is readopted under this subsection may not
 12 be removed from the Indiana Administrative Code.

13 (b) If a person submits to the department or a **the** board ~~that has~~
 14 ~~rulemaking authority under this title~~ a written request stating a basis for
 15 the request during the first comment period that a particular rule be
 16 readopted separately from the readoption rule described in subsection
 17 (a), the department or board must:

18 (1) consider readoption of that rule separately from the readoption
 19 rule described in subsection (a); and

20 (2) follow the procedure for adoption of administrative rules
 21 under IC 13-14-9 with respect to the rule.

22 (c) If the department or board does not receive a written request
 23 under subsection (b) regarding a rule within the first comment period,
 24 the agency may:

25 (1) submit the readoption rule for filing with the publisher under
 26 IC 4-22-2-35 and publish notice in the Indiana Register that the
 27 agency has readopted the rule; or

28 (2) for one (1) or more of the rules proposed to be readopted as
 29 part of the readoption rule described in subsection (a), elect the
 30 procedure for readoption under IC 13-14-9.

31 (d) If a person submits to the department or a **the** board ~~that has~~
 32 ~~rulemaking authority under this title~~ a written request stating a basis for
 33 the request during the first comment period that a particular rule that
 34 the department or board does not intend to readopt as part of the
 35 readoption rule described in subsection (a) be readopted, the
 36 department or board must:

37 (1) consider readoption of that rule separately from the readoption
 38 rule described in subsection (a); and

39 (2) follow the procedure for adoption of administrative rules
 40 under IC 13-14-9 with respect to the rule.

41 SECTION 76. IC 13-14-11-2 IS AMENDED TO READ AS
 42 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. The department ~~and~~



1 ~~boards or the board~~ may reduce or waive fees otherwise required by
 2 IC 5-14-3-8 for the copying of public records if the department or ~~the~~
 3 board, ~~having whichever has~~ authority over the records, determines
 4 that the fee reduction or waiver is in the public interest.

5 SECTION 77. IC 13-14-11-3 IS AMENDED TO READ AS
 6 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) ~~⌘ If a person is~~
 7 required by the department or ~~a the~~ board to submit a record that, in the
 8 person's opinion, constitutes a record that is:

9 (1) confidential under IC 5-14-3-4(a); or

10 (2) permissively excepted under IC 5-14-3-4(b);

11 ~~the person~~ may ~~so~~ certify ~~the person's opinion about the record~~ and
 12 request that the record be made available only for the use of the
 13 department or the ~~boards:~~ **board.**

14 (b) The department shall consider a request made under subsection
 15 (a). If the department finds that the record is excepted from disclosure
 16 under IC 5-14-3-4(a), the request shall be granted. If the department
 17 finds that the record is permissively excepted from disclosure under
 18 IC 5-14-3-4(b), the request may be granted.

19 (c) It is the duty of:

20 (1) the person providing the record to ask that any or all of the
 21 record be declared excepted from disclosure under IC 5-14-3-4;
 22 and

23 (2) the commissioner to decide whether the record will be made
 24 public, subject to review as provided in IC 4-21.5-5.

25 SECTION 78. IC 13-15-4-1, AS AMENDED BY P.L.223-2011,
 26 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 27 JULY 1, 2014]: Sec. 1. (a) Except as provided in sections 2, 3, and 6
 28 of this chapter, the commissioner shall approve or deny an application
 29 filed with the department after July 1, 1995, within the following
 30 number of days:

31 (1) Three hundred sixty-five (365) days for an application
 32 concerning the following:

33 (A) A new hazardous waste or solid waste landfill.

34 (B) A new hazardous waste or solid waste incinerator.

35 (C) A major modification of a solid waste landfill.

36 (D) A major modification of a solid waste incinerator.

37 (E) A new hazardous waste treatment or storage facility.

38 (F) A new Part B permit issued under 40 CFR 270 et seq. for
 39 an existing hazardous waste treatment or storage facility.

40 (G) A Class 3 modification under 40 CFR 270.42 to a
 41 hazardous waste landfill.

42 (H) A new solid waste processing facility other than a transfer



- 1 station.
- 2 (2) Except as provided in IC 13-18-3-2.1, two hundred seventy
- 3 (270) days for an application concerning the following:
- 4 (A) A Class 3 modification under 40 CFR 270.42 of a
- 5 hazardous waste treatment or storage facility.
- 6 (B) A major new National Pollutant Discharge Elimination
- 7 System permit.
- 8 (C) A major modification to a solid waste processing facility
- 9 other than a transfer station.
- 10 (3) Except as provided in IC 13-18-3-2.1, one hundred eighty
- 11 (180) days for an application concerning the following:
- 12 (A) A new transfer station or a major modification to a transfer
- 13 station.
- 14 (B) A minor new National Pollutant Discharge Elimination
- 15 System individual permit.
- 16 (C) A permit concerning the land application of a material.
- 17 (D) A permit for marketing and distribution of a biosolid or an
- 18 industrial waste product.
- 19 (4) Except as provided in IC 13-18-3-2.1, one hundred fifty (150)
- 20 days for an application concerning a minor new National
- 21 Pollutant Discharge Elimination System general permit.
- 22 (5) One hundred twenty (120) days for an application concerning
- 23 a Class 2 modification under 40 CFR 270.42 to a hazardous waste
- 24 facility.
- 25 (6) Ninety (90) days for an application concerning the following:
- 26 (A) A minor modification to a permit for the following:
- 27 (i) A solid waste landfill.
- 28 (ii) A solid waste processing facility.
- 29 (iii) An incinerator.
- 30 (B) A wastewater facility or water facility construction permit.
- 31 (7) The amount of time provided for in rules adopted by the ~~air~~
- 32 ~~pollution control~~ board for an application concerning the
- 33 following:
- 34 (A) An air pollution construction permit that is subject to 326
- 35 IAC 2-2 and 326 IAC 2-3.
- 36 (B) An air pollution facility construction permit (other than as
- 37 defined in 326 IAC 2-2).
- 38 (C) Registration of an air pollution facility.
- 39 (8) Sixty (60) days for an application concerning the following:
- 40 (A) A Class 1 modification under 40 CFR 270.42 requiring
- 41 prior written approval, to a hazardous waste:
- 42 (i) landfill;



- 1 (ii) incinerator;
 2 (iii) treatment facility; or
 3 (iv) storage facility.

4 (B) Any other permit not specifically described in this section
 5 for which the application fee exceeds forty-nine dollars (\$49)
 6 and for which a time frame has not been established under
 7 section 3 of this chapter.

8 (b) When a person holding a valid permit concerning an activity of
 9 a continuing nature has made a timely and sufficient application for a
 10 renewal permit under the rules of ~~one (1) of the boards;~~ **board**, the
 11 commissioner shall approve or deny the application on or before the
 12 expiration date stated in the permit for which renewal is sought.

13 SECTION 79. IC 13-15-4-3, AS AMENDED BY P.L.140-2013,
 14 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 JULY 1, 2014]: Sec. 3. (a) ~~A~~ **The** board may adopt a rule under
 16 IC 4-22-2 that changes a period described under section 1 of this
 17 chapter within which the commissioner must approve or deny a
 18 application:

19 (1) if:

- 20 (A) the general assembly enacts a statute;
 21 (B) ~~a~~ **the** board adopts a rule; or
 22 (C) the federal government enacts a statute or adopts a
 23 regulation;

24 that imposes a new requirement concerning a class of applications
 25 that makes it infeasible for the commissioner to approve or deny
 26 the application within the period;

27 (2) if:

- 28 (A) the general assembly enacts a statute;
 29 (B) ~~a~~ **the** board adopts a rule; or
 30 (C) the federal government enacts a statute or adopts a
 31 regulation;

32 that establishes a new permit program for which a period is not
 33 described under section 1 of this chapter; or

34 (3) if some other significant factor concerning a class of
 35 applications makes it infeasible for the commissioner to approve
 36 or deny the application within the period.

37 (b) **The** board may adopt a rule described in subsection (a) as an
 38 emergency rule under IC 4-22-2-37.1, if:

- 39 (1) the variance procedures are included in the rule; and
 40 (2) permits or licenses granted during the period the emergency
 41 rule is in effect are reviewed after the emergency rule expires.

42 If ~~a~~ **the** board adopts an emergency rule under this subsection, the



1 period described in section 1 of this chapter is suspended during the
 2 emergency rulemaking process. An emergency rule adopted under this
 3 subsection may be extended for two (2) extension periods by adopting
 4 another emergency rule under IC 4-22-2-37.1. IC 4-22-2-37.1(g)(3)
 5 does not apply to an emergency rule adopted under this subsection.

6 SECTION 80. IC 13-15-4-10, AS AMENDED BY P.L.140-2013,
 7 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 8 JULY 1, 2014]: Sec. 10. The commissioner may suspend the
 9 processing of an application, and the period described under sections
 10 1 through 6 of this chapter is suspended, if one (1) of the following
 11 occurs:

12 (1) The department determines that the application is incomplete
 13 and has mailed a notice of deficiency to the applicant that
 14 specifies the parts of the application that:

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

17 (B) are not consistent with applicable law.

18 The period described under sections 1 through 6 of this chapter
 19 shall be suspended during the first two (2) notices of deficiency
 20 sent to an applicant under this subdivision. If more than two (2)
 21 notices of deficiency are issued on an application, the period may
 22 not be suspended unless the applicant agrees in writing to defer
 23 processing of the application pending the applicant's response to
 24 the notice of deficiency. A notice of deficiency may include a
 25 request for the applicant to conduct tests or sampling to provide
 26 information necessary for the department to process the
 27 application. If an applicant's response does not contain complete
 28 information to satisfy all deficiencies described in a notice of
 29 deficiency, the department shall notify the applicant not later than
 30 thirty (30) working days after receiving the response. The
 31 commissioner shall resume processing the application, and the
 32 period described under sections 1 through 6 of this chapter
 33 resumes on the earlier of the date the department receives and
 34 stamps as received the applicant's complete information or the
 35 date marked by the department on a certified mail return receipt
 36 accompanying the applicant's complete information.

37 (2) The commissioner receives a written request from an
 38 applicant to:

39 (A) withdraw; or

40 (B) defer processing of;

41 the application for the purposes of resolving an issue related to a
 42 permit or to provide additional information concerning the



1 application.

2 (3) The department is required by federal law or by an agreement
3 with the United States Environmental Protection Agency for a
4 federal permit program to transmit a copy of the proposed permit
5 to the administrator of the United States Environmental Protection
6 Agency for review and possible objections before the permit may
7 be issued. The period described under sections 1 through 6 of this
8 chapter shall be suspended from the time the department submits
9 the proposed permit to the administrator for review until:

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

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

15 (4) ~~A~~ **The** board initiates emergency rulemaking under section
16 3(b) of this chapter to revise the period described under sections
17 1 through 6 of this chapter.

18 SECTION 81. IC 13-15-6-6 IS AMENDED TO READ AS
19 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. The ~~air pollution~~
20 ~~control~~ board may adopt rules under IC 4-22-2 to provide that the
21 opportunity for judicial review allowed under section 4 or 5 of this
22 chapter applies to the revision or modification of a permit or license
23 under the operating permit program under 42 U.S.C. 7661 through
24 7661f.

25 SECTION 82. IC 13-15-7-1 IS AMENDED TO READ AS
26 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. Except as provided
27 in sections 2 and 4 of this chapter, the commissioner or a designated
28 staff member may revoke or modify a permit granted by the department
29 under environmental management laws or IC 13-7 (before its repeal)
30 for any of the following causes:

31 (1) Violation of any condition of the permit.

32 (2) Failure to disclose all of the relevant facts.

33 (3) Any misrepresentation made in obtaining the permit.

34 (4) Changes in circumstances relating to the permit that require
35 either a temporary or permanent reduction in the discharge of
36 contaminants.

37 (5) Any other change, situation, or activity relating to the use of
38 a permit that, in the judgment of the department, is not consistent
39 with the following:

40 (A) The purposes of this title.

41 (B) Rules adopted by **the board** or one (1) of the **former**
42 **boards abolished by IC 13-13-8-2.**



1 SECTION 83. IC 13-15-12-1 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. Every twelve (12)
 3 months, the commissioner shall submit to the following a report that
 4 contains an evaluation of the actions taken by the department to
 5 improve the department's process of issuing permits:

- 6 (1) The governor.
 7 (2) The general assembly. The report must be in an electronic
 8 format under IC 5-14-6.
 9 (3) ~~The boards.~~ **board.**

10 SECTION 84. IC 13-16-1-2 IS AMENDED TO READ AS
 11 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. To establish fees or
 12 change the amount of a fee, ~~a~~ **the** board shall:

- 13 (1) follow the procedure required for the adoption of rules; and
 14 (2) take into account:
 15 (A) the cost of the issuance of a permit or license;
 16 (B) the cost of the performance of services in connection with
 17 the supervision, review, and other necessary activities related
 18 to the area involved;
 19 (C) the cost of the surveillance of the activity or property
 20 covered by the license or permit; and
 21 (D) fees charged for equivalent permits or licenses in other
 22 states.

23 SECTION 85. IC 13-16-1-6 IS AMENDED TO READ AS
 24 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. Notwithstanding
 25 sections 1 through 5 of this chapter or any other law, ~~a~~ **the** board or the
 26 department may not do any of the following:

- 27 (1) Except as provided in section 7 of this chapter, change a fee
 28 established by:
 29 (A) IC 13-18-20;
 30 (B) IC 13-20-21; or
 31 (C) IC 13-22-12.
 32 (2) Establish an additional fee that was not in effect on January 1,
 33 1994, concerning the following:
 34 (A) National Pollutant Discharge Elimination System
 35 programs.
 36 (B) Solid waste programs.
 37 (C) Hazardous waste programs.
 38 (3) Require payment of a fee for material used as alternate daily
 39 cover pursuant to a permit issued by the department under 329
 40 IAC 10-20-13.

41 SECTION 86. IC 13-18-3-12, AS AMENDED BY P.L.57-2013,
 42 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2014]: Sec. 12. The board shall adopt rules providing that
 2 whenever a person submits plans to a unit concerning the design or
 3 construction of:

- 4 (1) a sanitary sewer or public water main, if:
 5 (A) a professional engineer who is registered under IC 25-31
 6 prepared the plans;
 7 (B) the unit provided for review of the plans by a qualified
 8 engineer and subsequently approved the plans; and
 9 (C) all other requirements specified in rules adopted by the
 10 ~~water pollution control~~ board are met; or
 11 (2) a sanitary sewer extension for and within a subdivision, if:
 12 (A) a qualified professional surveyor who is registered under
 13 IC 25-21.5 prepared the plans;
 14 (B) the subdivision is being laid out or having been laid out by
 15 the professional surveyor subject to IC 25-21.5-7;
 16 (C) the unit provided for review of the plans by a qualified
 17 engineer and subsequently approved the plans; and
 18 (D) all other requirements specified in rules adopted by the
 19 board are met;

20 the plans are not required to be submitted to any state agency for a
 21 permit, permission, or review, unless required by federal law.

22 SECTION 87. IC 13-18-9-3 IS AMENDED TO READ AS
 23 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) A person may not
 24 use, sell, or otherwise dispose of any detergent containing phosphorus,
 25 except:

- 26 (1) for those amounts not exceeding one-half percent (0.5%) by
 27 weight incidental to manufacturing; and
 28 (2) in accordance with rules adopted under IC 4-22-2 by the ~~water~~
 29 ~~pollution control~~ board;

30 in Indiana or into the boundary waters of Indiana from a source within
 31 Indiana.

32 (b) The concentration of phosphorus shall be determined by the
 33 applicable method prescribed by the American Society for Testing and
 34 Materials.

35 SECTION 88. IC 13-18-17-5, AS AMENDED BY P.L.1-2006,
 36 SECTION 201, IS AMENDED TO READ AS FOLLOWS
 37 [EFFECTIVE JULY 1, 2014]: Sec. 5. (a) The board shall adopt rules
 38 under IC 4-22-2 establishing groundwater quality standards that
 39 include numeric and narrative criteria, a groundwater classification
 40 plan, and a method of determining where the groundwater quality
 41 standards must apply. The standards established under this subsection
 42 shall be used for the following purposes:



- 1 (1) To establish minimum compliance levels for groundwater
 2 quality monitoring at regulated facilities.
 3 (2) To ban the discharge of effluents into potable groundwater.
 4 (3) To establish health protection goals for untreated water in
 5 water supply wells.
 6 (4) To establish concentration limits for contaminants in ambient
 7 groundwater.
 8 (b) Except as provided in subsection (c) and subject to subsection
 9 (d), the following agencies shall adopt rules under IC 4-22-2 to apply
 10 the groundwater quality standards established under this section to
 11 activities regulated by the agencies:
 12 (1) The department.
 13 (2) The department of natural resources.
 14 (3) The state department of health.
 15 (4) The office of the state chemist.
 16 (5) The division of fire and building safety.
 17 (c) The executive board of the state department of health may not
 18 adopt rules to apply the nitrate and nitrite numeric criteria included in
 19 groundwater quality standards established in rules adopted by the board
 20 under subsection (a) to onsite sewage systems.
 21 (d) Any rule adopted by the executive board of the state department
 22 of health is void to the extent that the rule applies the nitrate and nitrite
 23 numeric criteria included in groundwater quality standards established
 24 in rules adopted by the ~~Indiana water pollution control~~ board under
 25 subsection (a) to onsite sewage systems.
 26 SECTION 89. IC 13-20-4-16 IS AMENDED TO READ AS
 27 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 16. The ~~solid waste~~
 28 ~~management~~ board may adopt rules under IC 4-22-2 to implement this
 29 chapter.
 30 SECTION 90. IC 13-20-6-9 IS AMENDED TO READ AS
 31 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 9. The ~~solid waste~~
 32 ~~management~~ board shall adopt rules under IC 4-22-2 to implement this
 33 chapter.
 34 SECTION 91. IC 13-20-11-2 IS AMENDED TO READ AS
 35 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. A department
 36 employee designated as a landfill inspector for a county under this
 37 chapter shall monitor operations at every landfill in the county. The
 38 duties of the landfill inspector include the following:
 39 (1) Promoting compliance with the rules of the ~~solid waste~~
 40 ~~management~~ board governing landfill operations.
 41 (2) Keeping records required by the rules of the board or ensuring
 42 that those records be kept.



1 (3) Investigating possible violations of:

2 (A) the rules of the board; or

3 (B) any statute;

4 governing landfill operation or solid waste disposal.

5 SECTION 92. IC 13-20-22-1, AS AMENDED BY P.L.131-2006,
6 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
7 JULY 1, 2014]: Sec. 1. (a) Unless the legislative body of a county
8 having a consolidated city elects by ordinance to participate in the
9 rules, ordinances, and governmental structures enacted or created under
10 this chapter, the collection of fees on the disposal of solid waste in a
11 final disposal facility located in that county are exempt until December
12 2, 2008, from regulation or control under this chapter.

13 (b) A fee is imposed on the disposal or incineration of solid waste
14 in a final disposal facility in Indiana. Except as provided in section 14
15 of this chapter, the amount of the fee is as follows:

16 (1) For solid waste generated in Indiana and delivered to a final
17 disposal facility in a motor vehicle having a registered gross
18 vehicle weight greater than nine thousand (9,000) pounds, fifty
19 cents (\$0.50) a ton.

20 (2) For solid waste generated outside Indiana and delivered to a
21 final disposal facility in a motor vehicle having a registered gross
22 vehicle weight greater than nine thousand (9,000) pounds:

23 (A) fifty cents (\$0.50) a ton; and

24 (B) if the ~~solid waste management~~ board has adopted rules
25 under subsection (c), an additional amount imposed under the
26 rules.

27 (3) For solid waste generated in Indiana or outside Indiana and
28 delivered to a final disposal facility in:

29 (A) a motor vehicle having a registered gross vehicle weight
30 of not more than nine thousand (9,000) pounds; or

31 (B) a passenger motor vehicle (as defined in IC 9-13-2-123);
32 fifty cents (\$0.50) for each load delivered by the motor vehicle.

33 (c) The ~~solid waste management~~ board may adopt rules to establish
34 and impose a fee on the disposal or incineration of solid waste that is:

35 (1) generated outside Indiana; and

36 (2) disposed of or incinerated in a final disposal facility in
37 Indiana.

38 If rules are adopted under this subsection, the fee shall be set at an
39 amount necessary to offset the costs incurred by the state or a county,
40 municipality, or township that can be attributed to the importation of
41 the solid waste into Indiana and the presence of the solid waste in
42 Indiana.



1 (d) Revenue from fees collected under subsection (b)(1) and
 2 (b)(2)(A) shall be deposited in the state solid waste management fund
 3 established by section 2 of this chapter. Revenue from fees collected
 4 under subsection (b)(2)(B) shall be deposited in the hazardous
 5 substances response trust fund established by IC 13-25-4-1, except that
 6 any part of the revenue that the board finds is necessary to offset costs
 7 incurred by counties, municipalities, and townships shall be distributed
 8 to solid waste management districts pro rata on the basis of the district's
 9 population.

10 (e) If solid waste has been subject to a fee under this section, the
 11 total amount of the fee paid shall be credited against any other fee to
 12 which the solid waste may later be subject under this section.

13 (f) A fee may not be imposed upon material used as alternate daily
 14 cover pursuant to a permit issued by the department under 329
 15 IAC 10-20-13.

16 SECTION 93. IC 13-22-3-2 IS AMENDED TO READ AS
 17 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. The department shall
 18 issue permits for a hazardous waste facility constructed and operated
 19 in compliance with rules adopted by the ~~solid waste management~~
 20 board.

21 SECTION 94. IC 13-23-5-3, AS ADDED BY P.L.16-2009,
 22 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 23 JULY 1, 2014]: Sec. 3. (a) An underground storage tank system that
 24 contains fuel composed of greater than fifteen percent (15%) alcohol
 25 is considered to comply with section 1(b) of this chapter if either of the
 26 following applies:

27 (1) The system predates May 11, 2007.

28 (2) The system predates the **adoption by:**

29 **(A) the solid waste management board's board (established**
 30 **by IC 13-19-2, before its repeal); or**

31 **(B) the environmental rules board; adoption**

32 after May 11, 2007, of any additional rules concerning technical
 33 and safety requirements for storing and dispensing alcohol
 34 blended fuel.

35 (b) Replacement tanks or ancillary equipment installed in existing
 36 underground storage tank systems storing or dispensing alcohol
 37 blended fuels must meet the standards contained in additional rules
 38 ~~adopted by the solid waste management board~~ as described in
 39 subsection (a)(2) **that were adopted by the solid waste management**
 40 **board before January 1, 2013, or are adopted by the environmental**
 41 **rules board** only if the installation occurs after the adoption of those
 42 rules.



1 SECTION 95. IC 13-23-7-4 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. The expenses of
 3 administering the provisions of this article that are funded by the trust
 4 fund, including:

- 5 (1) IC 13-23-8;
 6 (2) IC 13-23-9; **and**
 7 ~~(3) IC 13-23-11; and~~
 8 ~~(4)~~ **(3)** IC 13-23-12;

9 shall be paid from money in the fund.

10 SECTION 96. IC 13-23-7-5 IS AMENDED TO READ AS
 11 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. The treasurer of state
 12 shall invest the money in the trust fund not currently needed to meet the
 13 obligations of the fund in the same manner as other public money may
 14 be invested. Interest that accrues from these investments shall be
 15 deposited in the fund. At least one (1) time each year, the treasurer of
 16 state shall provide the ~~financial assurance~~ board a report detailing the
 17 investments made under this section.

18 SECTION 97. IC 13-23-8-1 IS AMENDED TO READ AS
 19 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. The department,
 20 under rules adopted by the ~~underground storage tank financial~~
 21 ~~assurance~~ board under IC 4-22-2 **and IC 13-14-9**, shall use money in
 22 the excess liability trust fund, to the extent that money is available in
 23 the excess liability trust fund, to pay claims submitted to the
 24 department for the following:

- 25 (1) The payment of the costs allowed under IC 13-23-9-2,
 26 excluding:
 27 (A) liabilities to third parties; and
 28 (B) the costs of repairing or replacing an underground storage
 29 tank;
 30 arising out of releases of petroleum.
 31 (2) Providing payment of part of the liability of owners and
 32 operators of underground petroleum storage tanks:
 33 (A) to third parties under IC 13-23-9-3; or
 34 (B) for reasonable attorney's fees incurred in defense of a third
 35 party liability claim.

36 SECTION 98. IC 13-23-8-4.5 IS AMENDED TO READ AS
 37 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4.5. The ~~financial~~
 38 ~~assurance~~ board shall adopt rules under IC 4-22-2 **and IC 13-14-9** to
 39 do the following:

- 40 (1) Establish standards, procedures, and penalties for submitting
 41 or resubmitting a claim under section 1 of this chapter when the
 42 owner or operator has failed to:



- 1 (A) register an underground petroleum storage tank from
 2 which a release has occurred; or
 3 (B) pay all registration fees that are due under IC 13-23-12-1
 4 by the date the fees are due.
 5 (2) Determine eligibility for new owners or operators that acquire
 6 ownership or operation of the underground petroleum storage tank
 7 as a result of:
 8 (A) a bona fide, good faith transaction, negotiated at arm's
 9 length, between parties under separate ownership and control;
 10 (B) a foreclosure or a deed transferred in lieu of a foreclosure;
 11 (C) the exercise of the person's lien rights; or
 12 (D) an inheritance.

13 SECTION 99. IC 13-23-8-5 IS AMENDED TO READ AS
 14 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. The ~~financial~~
 15 ~~assurance~~ board shall adopt rules under IC 4-22-2 and IC 13-14-9 to
 16 define the manner in which the priority order of liability claims and
 17 loan guaranties is established. The rules must give priority to liability
 18 claims associated with releases from underground storage tanks that
 19 pose an immediate and significant threat to the environment.

20 SECTION 100. IC 13-23-11-1 IS REPEALED [EFFECTIVE JULY
 21 1, 2014]. Sec. 1: The underground storage tank financial assurance
 22 board is created.

23 SECTION 101. IC 13-23-11-2 IS REPEALED [EFFECTIVE JULY
 24 1, 2014]. Sec. 2: The board consists of the following sixteen (16)
 25 members:

- 26 (1) The commissioner or the commissioner's designee.
 27 (2) The state fire marshal or the state fire marshal's designee.
 28 (3) The treasurer of state or the treasurer of state's designee.
 29 (4) The commissioner of the department of state revenue or the
 30 commissioner's designee.
 31 (5) Twelve (12) individuals appointed by the governor for terms
 32 of two (2) years as follows:
 33 (A) One (1) member representing the independent petroleum
 34 wholesale distributor-marketer industry.
 35 (B) One (1) member representing the petroleum
 36 refiner-supplier industry.
 37 (C) One (1) member representing the service station dealer
 38 industry who owns or operates less than thirteen (13)
 39 underground petroleum storage tanks.
 40 (D) One (1) member of the financial lending community who
 41 has experience with loan guaranty programs.
 42 (E) One (1) member representing the convenience store



- 1 operator industry:
- 2 (F) One (1) member representing environmental interests:
- 3 (G) One (1) member representing local government:
- 4 (H) Two (2) members representing the general public:
- 5 (I) One (1) member representing the independent petroleum
- 6 retail distributor marketer industry who owns or operates more
- 7 than twelve (12) underground petroleum storage tanks:
- 8 (J) One (1) member representing businesses that own
- 9 petroleum underground storage tanks and are not engaged in
- 10 the sale of petroleum:
- 11 (K) One (1) member representing the property and casualty
- 12 insurance industry:
- 13 SECTION 102. IC 13-23-11-3 IS REPEALED [EFFECTIVE JULY
- 14 1, 2014]. Sec. 3: (a) Each member of the board who is not a state
- 15 employee is entitled to the minimum salary per diem provided by
- 16 IC 4-10-11-2.1(b). The member is also entitled to reimbursement for
- 17 traveling expenses under IC 4-13-1-4 and other expenses actually
- 18 incurred in connection with the member's duties as provided in the state
- 19 policies and procedures established by the Indiana department of
- 20 administration and approved by the budget agency:
- 21 (b) Each member of the board who is a state employee is entitled to
- 22 reimbursement for traveling expenses under IC 4-13-1-4 and other
- 23 expenses actually incurred in connection with the member's duties as
- 24 provided in the state policies and procedures established by the Indiana
- 25 department of administration and approved by the budget agency:
- 26 SECTION 103. IC 13-23-11-4 IS REPEALED [EFFECTIVE JULY
- 27 1, 2014]. Sec. 4: (a) If an appointed member of the board is not able to
- 28 serve the member's full term; the governor shall appoint an individual
- 29 to serve for the remainder of the unexpired term:
- 30 (b) The term of an appointed member of the board continues until
- 31 the member's successor has been appointed and qualified:
- 32 SECTION 104. IC 13-23-11-5 IS REPEALED [EFFECTIVE JULY
- 33 1, 2014]. Sec. 5: The board; at the board's first meeting of each year;
- 34 shall elect from among the board's members a chairperson and other
- 35 officers necessary to transact business:
- 36 SECTION 105. IC 13-23-11-6 IS REPEALED [EFFECTIVE JULY
- 37 1, 2014]. Sec. 6: (a) The board must have a quorum to transact
- 38 business. Nine (9) members constitute a quorum:
- 39 (b) An affirmative vote of the majority of members present is
- 40 required for the board to take action:
- 41 (c) The board shall meet upon:
- 42 (1) the request of the chairperson; or



1 (2) the written request of three (3) of the board's members.

2 (d) A meeting must be held not later than fourteen (14) days after a
3 request is made.

4 SECTION 106. IC 13-23-11-7 IS AMENDED TO READ AS
5 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. (a) The board shall
6 do the following:

7 (1) Adopt rules under IC 4-22-2 and IC 13-14-9 necessary to carry
8 out the duties of the board under this article.

9 (2) Take testimony and receive a written report at every meeting
10 of the board from the commissioner or the commissioner's
11 designee regarding the financial condition and operation of the
12 excess liability trust fund including:

13 (A) a detailed breakdown of contractual and administrative
14 expenses the department is claiming from the excess liability
15 trust fund under ~~IC 13-23-7-1(4)~~; **IC 13-23-7-1(a)(4)**; and

16 (B) a claims statistics report consisting of the status and value
17 of each claim submitted to the fund and claims payments made
18 under IC 13-23-8-1.

19 The testimony and written report under this subdivision shall be
20 provided at every meeting of the board. However, the testimony
21 and written report are not required more than one (1) time during
22 any thirty (30) day period.

23 (3) Consult with the department on administration of the
24 underground petroleum storage tank excess liability trust fund
25 established by IC 13-23-7-1 in developing uniform policies and
26 procedures for revenue collection and claims administration of the
27 fund.

28 (b) The department shall consult with the board on administration
29 of the underground petroleum storage tank excess liability trust fund.
30 The consultation must include evaluation of alternative means of
31 administering the fund in a cost effective and efficient manner.

32 (c) At each meeting of the board, the department shall provide the
33 board with a written report on the financial condition and operation of
34 the underground petroleum storage tank trust fund established under
35 IC 13-23-6-1.

36 SECTION 107. IC 13-25-3 IS REPEALED [EFFECTIVE JULY 1,
37 2014]. (Responsible Property Transfer Law).

38 SECTION 108. IC 13-26-4-7, AS AMENDED BY P.L.179-2013,
39 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
40 JULY 1, 2014]: Sec. 7. (a) Except as provided in subsection (b), the
41 board of a district may provide for the payment of not more than fifty
42 dollars (\$50) per day to members of the board for each day or major



1 part of a day devoted to the work of the district.

2 (b) This subsection applies only to a regional water and sewage
3 district that:

4 (1) is located in more than one (1) county; and

5 (2) was formed in 1975 by order of the stream pollution control
6 board of the state of Indiana (which was succeeded **in 1986** by the
7 water pollution control board, ~~in 1986~~; **which was established**
8 **by IC 13-18-1, before its repeal**).

9 The board of a district may provide for the payment of not more than
10 one hundred twenty-five dollars (\$125) per day to members of the
11 board for each day or major part of a day devoted to the work of the
12 district.

13 (c) Members of the board are entitled to receive an amount for travel
14 expenses equal to the amount paid to state employees for expenses
15 incurred in the performance of their duties.

16 (d) Payments made to board members under subsections (a), (b),
17 and (c) shall be made from the general fund of the district.

18 SECTION 109. IC 13-26-5-4 IS AMENDED TO READ AS
19 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) The board may
20 adopt and enforce rules for the following purposes:

21 (1) To accomplish the purpose of a district.

22 (2) To protect the works, improvements, and properties, both real
23 and personal, that the district owns.

24 (3) To secure the best results from the construction, operation,
25 and maintenance of works, improvements, and properties.

26 (4) To prevent damage by the misuse of the works, improvements,
27 or properties by:

28 (A) the pollution or misuse of the waters in the district or of
29 the sewerage system; or

30 (B) the improper disposal of solid waste.

31 (b) The board may adopt and enforce rules under subsection (a) that
32 are necessary and advisable to do the following:

33 (1) Protect and preserve the works, improvements, and properties
34 owned or controlled by the district, prescribe the manner of use by
35 any person, and preserve order in and adjacent to the works.

36 (2) Prescribe the manner:

37 (A) in which ditches, sewers, pipelines, or other works should
38 be adjusted to or connected with the works of the district; and

39 (B) of waste disposal in the district.

40 (3) Prescribe the permissible uses of the water supply and the
41 manner of distribution and prevent the pollution or unnecessary
42 waste of the water supply.



- 1 (4) Prohibit or regulate the discharge into the sewers of the
 2 district of liquid or solid waste detrimental to the works and
 3 improvements.
- 4 (c) Rules must be:
- 5 (1) consistent with:
- 6 (A) statutes; and
- 7 (B) the rules of the ~~solid waste management board or the water~~
 8 ~~pollution control~~ **environmental rules** board; and
- 9 (2) maintained and open to inspection in the office of the district.
- 10 (d) The board may enforce by injunction or other legal remedy rules
 11 adopted under this section. The board may remove a harmful or
 12 improper construction or obstruction or may close an opening or
 13 connection made improperly or in violation of the rules. A person that
 14 willfully fails to comply with the rules is liable for damage caused by
 15 the failure and for the cost of restoring or replacing construction
 16 damaged.
- 17 SECTION 110. IC 13-27-7-2, AS AMENDED BY P.L.37-2012,
 18 SECTION 58, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 19 JULY 1, 2014]: Sec. 2. (a) Guidance documents, technical assistance
 20 manuals, and policies developed or used in implementing programs
 21 under this article are not binding on participating businesses.
- 22 (b) Subject to subsection (e), the ~~air pollution control board; the~~
 23 ~~water pollution control board; the solid waste management~~ board or the
 24 department may not do the following:
- 25 (1) Subject to IC 13-14-1-11.5, incorporate documents, manuals,
 26 or policies developed under this article into rules adopted under
 27 IC 4-22-2.
- 28 (2) Adopt rules under IC 4-22-2 requiring business
 29 implementation of pollution prevention practices or of clean
 30 manufacturing by means of any of the following:
- 31 (A) Permit conditions.
- 32 (B) Enforcement actions.
- 33 (C) Other department actions.
- 34 (c) Subsection (b) only applies to pollution prevention as defined in
 35 this title.
- 36 (d) Subsection (b) does not apply to authority granted under federal
 37 law to implement pollution prevention as defined under any of the
 38 following:
- 39 (1) Federally delegated air, water, solid waste, and other
 40 programs.
- 41 (2) Guidance documents developed to implement programs
 42 described in subdivision (1).



- 1 (3) Programs established under IC 13-20-3, IC 13-20-22, or
 2 IC 13-21.
- 3 (e) The department shall present pollution prevention as an option
 4 to businesses in any of the following:
- 5 (1) Permit conditions.
 6 (2) Enforcement actions.
 7 (3) Other department actions.
- 8 SECTION 111. IC 13-27-8-3, AS AMENDED BY P.L.133-2012,
 9 SECTION 155, IS AMENDED TO READ AS FOLLOWS
 10 [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) The ~~following boards~~ **board**
 11 may adopt rules to implement this chapter to the extent consistent with
 12 federal law.
- 13 ~~(1) The board.~~
 14 ~~(2) The underground storage tank financial assurance board~~
 15 ~~established by IC 13-23-11-1.~~
- 16 (b) The rules adopted under subsection (a) may establish the
 17 following:
- 18 (1) Eligibility requirements for participation in environmental
 19 performance based programs.
 20 (2) Compliance methods and schedules that:
 21 (A) differ from compliance methods and schedules that apply
 22 to nonparticipants in environmental performance based
 23 programs under rules adopted by the ~~boards;~~ **board;**
 24 (B) apply only to participants in environmental performance
 25 based programs; and
 26 (C) include any of the following:
 27 (i) Changes to monitoring and reporting requirements and
 28 schedules.
 29 (ii) Streamlined submission requirements for permit
 30 renewals.
 31 (iii) Prioritized applications.
 32 (iv) Authorization to make without prior governmental
 33 approval certain operational changes that do not result in
 34 additional environmental impact.
- 35 (3) Recognition incentives to encourage participation in
 36 environmental performance based programs.
 37 (4) Other incentives consistent with the policies of this title and
 38 federal law to encourage participation in environmental
 39 performance based programs.
 40 (5) Requirements for participants in environmental performance
 41 based programs to implement any of the following:
 42 (A) Continuous improvement environmental systems.



- 1 (B) Pollution prevention and waste minimization programs
 2 developed under IC 13-27-7.
- 3 SECTION 112. IC 13-28-4-2 IS AMENDED TO READ AS
 4 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) In a civil or an
 5 administrative proceeding, a court of record, after an in camera review,
 6 shall require disclosure of material for which the privilege described in
 7 section 1 of this chapter is asserted if the court determines that both
 8 subdivisions (1) and (2) apply:
- 9 (1) The environmental audit report was first issued after July 1,
 10 1994.
- 11 (2) One (1) of the following applies:
- 12 (A) The privilege is asserted for a fraudulent purpose.
- 13 (B) The material is not subject to the privilege.
- 14 (C) The material is subject to the privilege and the material
 15 shows evidence of noncompliance with:
- 16 (i) this title or a rule or standard adopted by **the board or**
 17 one (1) of the **former** boards **abolished by IC 13-13-8-2;**
- 18 (ii) a determination, a permit, or an order issued by the
 19 commissioner under this title; or
- 20 (iii) the federal, regional, or local counterpart of item (i) or
 21 (ii);
- 22 and the person claiming the privilege did not promptly initiate
 23 and pursue appropriate efforts to achieve compliance with
 24 reasonable diligence.
- 25 (b) If the noncompliance described in subsection (a)(2)(C)
 26 constitutes a failure to obtain a required permit, the person is
 27 considered to have made appropriate efforts to achieve compliance if
 28 the person filed an application for the required permit not later than
 29 ninety (90) days after the date the person became aware of the
 30 noncompliance.
- 31 SECTION 113. IC 13-30-3-11, AS AMENDED BY P.L.133-2012,
 32 SECTION 159, IS AMENDED TO READ AS FOLLOWS
 33 [EFFECTIVE JULY 1, 2014]: Sec. 11. An order of the commissioner
 34 under this chapter may do any of the following:
- 35 (1) Include a direction to cease and desist from violations of the
 36 following:
- 37 (A) Environmental management laws.
- 38 (B) Air pollution control laws.
- 39 (C) Water pollution control laws.
- 40 (D) A rule adopted by the board.
- 41 ~~(E) A rule adopted by the underground storage tank financial~~
 42 ~~assurance board created by IC 13-23-11-1.~~



1 (2) Impose monetary penalties in accordance with the following:

2 (A) Environmental management laws.

3 (B) Air pollution control laws.

4 (C) Water pollution control laws.

5 (3) Mandate corrective action, including corrective action to be
6 taken beyond the boundaries of the area owned or controlled by
7 the person to whom the order is directed, to alleviate the violation.

8 (4) Revoke a permit or condition or modify the terms of a permit.

9 SECTION 114. IC 13-30-4-1, AS AMENDED BY P.L.133-2012,
10 SECTION 160, IS AMENDED TO READ AS FOLLOWS
11 [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) Subject to IC 13-14-6 and
12 except as provided in IC 13-23-14-2 and IC 13-23-14-3, a person who
13 violates:

14 (1) any provision of:

15 (A) environmental management laws;

16 (B) air pollution control laws;

17 (C) water pollution control laws;

18 (D) IC 13-18-14-1; **or**

19 (E) a rule or standard adopted by the board; or

20 (F) ~~a rule or standard adopted by the underground storage tank~~
21 ~~financial assurance board created by IC 13-23-11-1; or~~

22 (2) any determination, permit, or order made or issued by the
23 commissioner under:

24 (A) environmental management laws or IC 13-7 (before its
25 repeal);

26 (B) air pollution control laws or IC 13-1-1 (before its repeal);

27 or

28 (C) water pollution control laws or IC 13-1-3 (before its
29 repeal);

30 is liable for a civil penalty not to exceed twenty-five thousand dollars
31 (\$25,000) per day of any violation.

32 (b) The department may:

33 (1) recover the civil penalty described in subsection (a) in a civil
34 action commenced in any court with jurisdiction; and

35 (2) request in the action that the person be enjoined from
36 continuing the violation.

37 SECTION 115. IC 13-30-4-3 IS AMENDED TO READ AS
38 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) The department
39 may waive up to one hundred percent (100%) of a civil penalty
40 imposed on a business for a minor violation of:

41 (1) a requirement of environmental management laws;

42 (2) a rule adopted by ~~a~~ **the board or one (1) of the former**



1 **boards abolished by IC 13-13-8-2; or**

2 (3) any determination, permit, or order made or issued by the
3 commissioner.

4 (b) The department may not waive any part of a civil penalty under
5 this section if the violation:

6 (1) endangers or causes damage to public health or the
7 environment;

8 (2) is intentional, willful, or criminal;

9 (3) is of a requirement for which the department has previously
10 issued a notice or warning of violation, for this or a prior
11 violation, to the business required to correct the violation; or

12 (4) is not corrected within ninety (90) days after the date the
13 business required to correct the violation notifies the department
14 of the violation under subsection (c). The department may extend
15 the ninety (90) day period for not more than an additional ninety
16 (90) days.

17 (c) To seek a waiver of a civil penalty under this section, the
18 business required to correct the violation must submit to the
19 department a written report of the violation for which a waiver is
20 sought. The report must be submitted to the department before an
21 inspection by the department that discloses the violation or the issuance
22 of a notice or warning of violation.

23 (d) The ~~boards~~ **board** may adopt rules to implement this section.

24 SECTION 116. IC 13-30-7-1 IS AMENDED TO READ AS
25 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. Except as provided
26 in sections 3 and 4 of this chapter, if:

27 (1) the department determines that a business has committed a
28 minor violation:

29 (A) of:

30 (i) environmental management laws;

31 (ii) a rule or standard adopted by ~~a~~ **the** board; or

32 (iii) any determination, permit, or order made or issued by
33 the commissioner;

34 (B) that does not present an immediate or reasonably
35 foreseeable danger to the public health or environment; and

36 (C) that does not include a violation of:

37 (i) a numerical limitation or a numerical standard contained
38 in environmental management laws or a rule or standard
39 adopted by ~~a~~ **the** board applicable to a business required to
40 correct the violation before disclosure of the violation;

41 (ii) a term or condition of a determination, permit, or order
42 made or issued by the commissioner to a business required



1 to correct the violation before disclosure of the violation,
 2 unless the term or condition incorporates a limitation,
 3 standard, work practice, or other requirement by reference
 4 and does not specify the limitation, standard, work practice,
 5 or other requirement; or
 6 (iii) a requirement under environmental management laws
 7 or a rule adopted by ~~a~~ **the** board to possess a permit;
 8 the business required to correct the violation has not more than
 9 ninety (90) days after the date the property owner receives the
 10 written summary of the inspection under this section to correct the
 11 violation; and

12 (2) the:

13 (A) business:

14 (i) corrects the violation; or

15 (ii) commences substantial steps to correct the violation,
 16 including submitting permit applications, securing
 17 financing, or ordering equipment;

18 within the ninety (90) day period described in subdivision (1);
 19 or

20 (B) business corrects the violation within an additional ninety
 21 (90) day period under section 3 of this chapter;

22 the department's enforcement action is limited to the assessment
 23 of a civil penalty in an amount not to exceed five hundred dollars
 24 (\$500).

25 SECTION 117. IC 13-30-7-7, AS AMENDED BY P.L.133-2012,
 26 SECTION 161, IS AMENDED TO READ AS FOLLOWS
 27 [EFFECTIVE JULY 1, 2014]: Sec. 7. The ~~following~~ **board** shall adopt
 28 rules under IC 4-22-2 and IC 13-14-9 to administer this chapter.

29 ~~(1) The board:~~

30 ~~(2) The underground storage tank financial assurance board
 31 created by IC 13-23-11-1.~~

32 SECTION 118. IC 14-8-2-49.2, AS AMENDED BY P.L.4-2008,
 33 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 34 JULY 1, 2014]: Sec. 49.2. ~~(a) "Compact", for purposes of IC 14-24-4.5,
 35 has the meaning set forth in IC 14-24-4.5-2(8):~~

36 ~~(b) "Compact", for purposes of IC 14-25-15, has the meaning set
 37 forth in IC 14-25-15-1.~~

38 SECTION 119. IC 14-8-2-86.5 IS REPEALED [EFFECTIVE JULY
 39 1, 2014]. Sec. 86.5: ~~"Executive committee", for purposes of
 40 IC 14-24-4.5, has the meaning set forth in IC 14-24-4.5-2(7):~~

41 SECTION 120. IC 14-8-2-107, AS AMENDED BY P.L.133-2012,
 42 SECTION 164, IS AMENDED TO READ AS FOLLOWS



1 [EFFECTIVE JULY 1, 2014]: Sec. 107. "Fund" has the following
 2 meaning:

3 (1) For purposes of IC 14-9-5, the meaning set forth in
 4 IC 14-9-5-1.

5 (2) For purposes of IC 14-9-8-21, the meaning set forth in
 6 IC 14-9-8-21.

7 (3) For purposes of IC 14-9-8-21.5, the meaning set forth in
 8 IC 14-9-8-21.5.

9 (4) For purposes of IC 14-9-9, the meaning set forth in
 10 IC 14-9-9-3.

11 (5) For purposes of IC 14-12-1, the meaning set forth in
 12 IC 14-12-1-1.

13 (6) For purposes of IC 14-12-2, the meaning set forth in
 14 IC 14-12-2-2.

15 (7) For purposes of IC 14-12-3, the meaning set forth in
 16 IC 14-12-3-2.

17 (8) For purposes of IC 14-13-1, the meaning set forth in
 18 IC 14-13-1-2.

19 (9) For purposes of IC 14-13-2, the meaning set forth in
 20 IC 14-13-2-3.

21 (10) For purposes of IC 14-16-1, the meaning set forth in
 22 IC 14-16-1-30.

23 (11) For purposes of IC 14-19-8, the meaning set forth in
 24 IC 14-19-8-1.

25 (12) For purposes of IC 14-20-11, the meaning set forth in
 26 IC 14-20-11-2.

27 (13) For purposes of IC 14-22-3, the meaning set forth in
 28 IC 14-22-3-1.

29 (14) For purposes of IC 14-22-4, the meaning set forth in
 30 IC 14-22-4-1.

31 (15) For purposes of IC 14-22-5, the meaning set forth in
 32 IC 14-22-5-1.

33 (16) For purposes of IC 14-22-8, the meaning set forth in
 34 IC 14-22-8-1.

35 (17) For purposes of IC 14-22-34, the meaning set forth in
 36 IC 14-22-34-2.

37 (18) For purposes of IC 14-23-3, the meaning set forth in
 38 IC 14-23-3-1.

39 ~~(19) For purposes of IC 14-24-4.5, the meaning set forth in~~
 40 ~~IC 14-24-4.5-2(5).~~

41 ~~(20)~~ **(19)** For purposes of IC 14-25-2-4, the meaning set forth in
 42 IC 14-25-2-4.



- 1 ~~(21)~~ **(20)** For purposes of IC 14-25-10, the meaning set forth in
 2 IC 14-25-10-1.
 3 ~~(22)~~ **(21)** For purposes of IC 14-25.5, the meaning set forth in
 4 IC 14-25.5-1-3.
 5 ~~(23)~~ **(22)** For purposes of IC 14-28-5, the meaning set forth in
 6 IC 14-28-5-2.
 7 ~~(24)~~ **(23)** For purposes of IC 14-31-2, the meaning set forth in
 8 IC 14-31-2-5.
 9 ~~(25)~~ **(24)** For purposes of IC 14-25-12, the meaning set forth in
 10 IC 14-25-12-1.
 11 ~~(26)~~ **(25)** For purposes of IC 14-32-8, the meaning set forth in
 12 IC 14-32-8-1.
 13 ~~(27)~~ **(26)** For purposes of IC 14-33-14, the meaning set forth in
 14 IC 14-33-14-3.
 15 ~~(28)~~ **(27)** For purposes of IC 14-33-21, the meaning set forth in
 16 IC 14-33-21-1.
 17 ~~(29)~~ **(28)** For purposes of IC 14-34-6-15, the meaning set forth in
 18 IC 14-34-6-15.
 19 ~~(30)~~ **(29)** For purposes of IC 14-34-14, the meaning set forth in
 20 IC 14-34-14-1.
 21 ~~(31)~~ **(30)** For purposes of IC 14-34-19-1.3, the meaning set forth
 22 in IC 14-34-19-1.3(a).
 23 ~~(32)~~ **(31)** For purposes of IC 14-34-19-1.5, the meaning set forth
 24 in IC 14-34-19-1.5(a).
 25 ~~(33)~~ **(32)** For purposes of IC 14-37-10, the meaning set forth in
 26 IC 14-37-10-1.

27 SECTION 121. IC 14-8-2-117, AS AMENDED BY P.L.225-2005,
 28 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 29 JULY 1, 2014]: Sec. 117. "Governing board", **has the following**
 30 **meaning:**

- 31 ~~(1)~~ For purposes of IC 14-24-4.5, the meaning set forth in
 32 IC 14-24-4.5-2(6).
 33 ~~(2)~~ for purposes of IC 14-28-5, **has** the meaning set forth in
 34 IC 14-28-5-3.

35 SECTION 122. IC 14-8-2-203, AS AMENDED BY P.L.17-2009,
 36 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 37 JULY 1, 2014]: Sec. 203. "Pest or pathogen", **has the following**
 38 **meaning:**

- 39 ~~(1)~~ Except as provided in IC 14-24-4.5, for purposes of IC 14-24,
 40 means:
 41 ~~(A)~~ **(1)** an arthropod;
 42 ~~(B)~~ **(2)** a nematode;



- 1 (Ⓒ) (3) a microorganism;
 2 (Ⓓ) (4) a fungus;
 3 (Ⓔ) (5) a parasitic plant;
 4 (Ⓕ) (6) a mollusk;
 5 (Ⓖ) (7) a plant disease; or
 6 (Ⓗ) (8) an exotic weed;
 7 that may be injurious to nursery stock, agricultural crops, other
 8 vegetation, natural resources, or bees.
 9 (2) For purposes of IC ~~14-24-4.5~~, the meaning set forth in
 10 IC ~~14-24-4.5-2(4)~~.
 11 SECTION 123. IC 14-8-2-239.5 IS REPEALED [EFFECTIVE
 12 JULY 1, 2014]. Sec. 239.5: "Requesting state", for purposes of
 13 IC ~~14-24-4.5~~, has the meaning set forth in IC ~~14-24-4.5-2(2)~~.
 14 SECTION 124. IC 14-8-2-242.5 IS REPEALED [EFFECTIVE
 15 JULY 1, 2014]. Sec. 242.5: "Responding state", for purposes of
 16 IC ~~14-24-4.5~~, has the meaning set forth in IC ~~14-24-4.5-2(3)~~.
 17 SECTION 125. IC 14-8-2-265, AS AMENDED BY P.L.225-2005,
 18 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 19 JULY 1, 2014]: Sec. 265. "State", has the following meaning:
 20 (1) For purposes of IC ~~14-24-4.5~~, the meaning set forth in
 21 IC ~~14-24-4.5-2(1)~~.
 22 (2) for purposes of IC 14-28-1, IC 14-28-3, and IC 14-32, means
 23 the following:
 24 (A) (1) The Indiana state government.
 25 (B) (2) An agency, a subdivision, an officer, a board, a bureau, a
 26 commission, a department, a division, or an instrumentality of the
 27 state.
 28 SECTION 126. IC 14-15-2-7 IS AMENDED TO READ AS
 29 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. (a) As used in this
 30 section, "sewage" means human body wastes.
 31 (b) A person may not keep, maintain, or operate upon public water
 32 a boat that is equipped with a water closet or toilet unless the water
 33 closet or toilet is equipped with a holding tank with the capacity to
 34 store wastes for subsequent disposal at:
 35 (1) an approved shoreside facility or incinerator; or
 36 (2) a treatment system approved by the department of
 37 environmental management according to rules adopted by the
 38 solid waste management board or the water pollution control
 39 **environmental rules** board.
 40 (c) A person may not dispose of sewage accumulated in a holding
 41 tank or any other container on a watercraft in a manner that the sewage
 42 reaches or may reach public waters, except through a sewage disposal



1 facility approved by the department of environmental management
2 according to rules adopted by

3 ~~(1) the solid waste management board;~~ or

4 ~~(2) the water pollution control environmental rules board.~~

5 SECTION 127. IC 14-24-4.5 IS REPEALED [EFFECTIVE JULY
6 1, 2014]. (Pest Control Compact).

7 SECTION 128. IC 14-25-3-9 IS AMENDED TO READ AS
8 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 9. In granting a permit,
9 the department may do the following:

10 (1) Impose the conditions or stipulations that are necessary to
11 conserve the ground water of the area and prevent waste,
12 exhaustion, or impairment of the ground water.

13 (2) Require that ground water in a restricted area that is
14 withdrawn and used be returned to the ground through wells, pits,
15 or spreading grounds. If this condition is imposed, the water shall
16 be returned under the rules that the department adopts subject to
17 the approval of the ~~water pollution control environmental rules~~
18 board to avoid pollution of underground water.

19 SECTION 129. IC 14-25-4-5 IS AMENDED TO READ AS
20 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. As used in this
21 chapter, "potable water" means water that at the point of use is
22 acceptable for human consumption under drinking water quality
23 standards adopted by the ~~water pollution control environmental rules~~
24 board under IC 13-18-4-1.

25 SECTION 130. IC 14-33-6-4 IS AMENDED TO READ AS
26 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) The commission
27 shall do the following:

28 (1) Review each district plan.

29 (2) Request the technical assistance of any other state agency,
30 including:

31 (A) the ~~water pollution control environmental rules~~ board;

32 (B) the state department of health; and

33 (C) the department of environmental management;

34 having administrative jurisdiction over any of the purposes of the
35 district.

36 (b) The commission may also request technical assistance of any
37 federal agency.

38 (c) The commission shall approve a plan if the following conditions
39 are met:

40 (1) Any other state agency having authority over certain purposes
41 of the district has approved that part of the plan.

42 (2) The commission finds that the plan accomplishes in an



- 1 economical manner the purpose for which the district is
2 established.
- 3 (d) The commission may reject a plan or any part of a plan.
4 The board may make the changes that are necessary to secure the
5 approval of the commission.
- 6 SECTION 131. IC 16-18-2-116.4 IS ADDED TO THE INDIANA
7 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
8 [EFFECTIVE JULY 1, 2014]: **Sec. 116.4. "Environmental rules**
9 **board", for purposes of IC 16-41, refers to the board established by**
10 **IC 13-13-8-3.**
- 11 SECTION 132. IC 16-18-2-372 IS REPEALED [EFFECTIVE JULY
12 1, 2014]. ~~Sec. 372: "Water board", for purposes of IC 16-41, refers to~~
13 ~~the board established by IC 13-13-8-3.~~
- 14 SECTION 133. IC 16-19-3-4, AS AMENDED BY P.L.83-2007,
15 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
16 JULY 1, 2014]: Sec. 4. (a) The executive board may, by an affirmative
17 vote of a majority of its members, adopt reasonable rules on behalf of
18 the state department to protect or to improve the public health in
19 Indiana.
- 20 (b) The rules may concern but are not limited to the following:
- 21 (1) Nuisances dangerous to public health.
- 22 (2) The pollution of any water supply other than where
23 jurisdiction is in the ~~water pollution control~~ **environmental rules**
24 board and department of environmental management.
- 25 (3) The disposition of excremental and sewage matter.
- 26 (4) The control of fly and mosquito breeding places.
- 27 (5) The detection, reporting, prevention, and control of diseases
28 that affect public health.
- 29 (6) The care of maternity and infant cases and the conduct of
30 maternity homes.
- 31 (7) The production, distribution, and sale of human food.
- 32 (8) Except as provided in section 4.4 of this chapter, the conduct
33 of camps.
- 34 (9) Standards of cleanliness of eating facilities for the public.
- 35 (10) Standards of cleanliness of sanitary facilities offered for
36 public use.
- 37 (11) The handling, disposal, disinterment, and reburial of dead
38 human bodies.
- 39 (12) Vital statistics.
- 40 (13) Sanitary conditions and facilities in public buildings and
41 grounds, including plumbing, drainage, sewage disposal, water
42 supply, lighting, heating, and ventilation, other than where



1 jurisdiction is vested by law in the fire prevention and building
2 safety commission or other state agency.

3 (14) The design, construction, and operation of swimming and
4 wading pools. However, the rules governing swimming and
5 wading pools do not apply to a pool maintained by an individual
6 for the sole use of the individual's household and house guests.

7 SECTION 134. IC 16-41-21-2 IS AMENDED TO READ AS
8 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. Water supply and
9 sewage disposal facilities serving schools must be constructed and
10 operated in accordance with applicable rules of the state department
11 and the ~~water pollution control~~ **environmental rules** board.

12 SECTION 135. IC 16-41-24-6 IS AMENDED TO READ AS
13 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. The state department
14 shall enforce this chapter and the statutes relating to pollution of waters
15 and public water supply, except where jurisdiction is vested in the
16 ~~water pollution control~~ **environmental rules** board and the department
17 of environmental management.

18 SECTION 136. IC 16-41-26-8 IS AMENDED TO READ AS
19 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. (a) Except as
20 provided in subsection (b), the state department shall adopt rules under
21 IC 4-22-2 necessary to protect the health, safety, and welfare of persons
22 living in agricultural labor camps, prescribing standards for living
23 quarters at agricultural labor camps, including provisions relating to
24 construction of camps, sanitary conditions, light, air, safety protection
25 from fire hazards, equipment, maintenance and operation of the camp,
26 sewage disposal through septic tank absorption fields, and other
27 matters appropriate for the security of the life and health of occupants.

28 (b) The ~~water pollution control~~ **environmental rules** board shall
29 adopt rules under IC 4-22-2 pertaining to water supplies and sewage
30 disposal systems other than septic tank absorption fields required for
31 agricultural labor camps.

32 (c) In the preparation of rules, the state department:

33 (1) shall consult with and request technical assistance from other
34 appropriate state agencies; and

35 (2) may appoint and consult with committees of technically
36 qualified persons and of representatives of employers and
37 employees.

38 (d) If a conflict exists between rules adopted under this chapter and
39 rules adopted by the fire prevention and building safety commission,
40 the rules authorized in this section apply.

41 (e) A copy of every rule adopted under this chapter shall be sent to
42 each health officer in Indiana and to the heads of other state agencies



1 with specific or related responsibility affecting agricultural labor camps
 2 and to any person requesting the rules. The rules affecting agricultural
 3 labor camps adopted under this chapter shall be published periodically
 4 in the manner the state department determines.

5 SECTION 137. IC 16-41-27-8, AS AMENDED BY P.L.87-2005,
 6 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 JULY 1, 2014]: Sec. 8. (a) Except as provided in subsection (b), the
 8 state department may adopt rules under IC 4-22-2 to carry out this
 9 chapter, including rules for the following:

- 10 (1) Health, sanitation, and safety.
- 11 (2) Sewage collection.
- 12 (3) Sewage disposal through septic tank absorption fields.

13 (b) The ~~water~~ **environmental rules** board shall adopt rules under
 14 IC 4-22-2 concerning the following:

- 15 (1) Public water supplies required for mobile home communities.
- 16 (2) Sewage disposal systems other than septic tank absorption
 17 fields.

18 SECTION 138. IC 16-41-27-10, AS AMENDED BY P.L.87-2005,
 19 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 20 JULY 1, 2014]: Sec. 10. A mobile home community shall provide a
 21 water supply through the use of a public water system if the water
 22 supply is reasonably available within a reasonable distance from the
 23 mobile home community. A mobile home community is not required
 24 to use a public water system if the water system is more than two
 25 thousand (2,000) feet from the mobile home community. If a public
 26 water system is not available, water shall be provided by a system
 27 approved by the environmental commissioner under rules adopted by
 28 the ~~water pollution control~~ **environmental rules** board.

29 SECTION 139. IC 16-41-27-22, AS AMENDED BY P.L.87-2005,
 30 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 31 JULY 1, 2014]: Sec. 22. (a) The construction of a new mobile home
 32 community or alteration of an existing mobile home community shall
 33 be made only after plans for the proposed construction or alteration
 34 have been forwarded to and approved by the state department.

35 (b) A public water system may not be constructed or altered in a
 36 new or existing mobile home community until plans for the
 37 construction or alteration have been forwarded to and approved by the
 38 environmental commissioner under rules adopted by the ~~water~~
 39 **environmental rules** board.

40 (c) A sewage collection and disposal system may not be constructed
 41 or altered in a new or existing mobile home community until:

- 42 (1) plans for construction or alteration of the sewage collection



1 system and any septic tank absorption field have been forwarded
 2 to and approved by the state department under rules adopted by
 3 the state department; and

4 (2) plans for construction or alteration of any sewage disposal
 5 system other than a septic tank absorption field have been
 6 forwarded to and approved by the environmental commissioner
 7 under rules adopted by the ~~water~~ **environmental rules** board.

8 SECTION 140. IC 16-41-27-25 IS AMENDED TO READ AS
 9 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 25. (a) The state
 10 department shall adopt a schedule of civil penalties that may be levied
 11 in an action to enforce the following:

12 (1) This chapter.

13 (2) The rules of the state department.

14 (3) The rules adopted under this chapter by the ~~water~~
 15 **environmental rules** board.

16 (b) A penalty included in the schedule of civil penalties adopted
 17 under subsection (a) may not exceed one thousand dollars (\$1,000) per
 18 violation per day.

19 (c) The state department may issue an order of compliance, impose
 20 a civil penalty included in the schedule of civil penalties adopted under
 21 subsection (a), or both, against a person who:

22 (1) fails to comply with this chapter or a rule adopted under this
 23 chapter; or

24 (2) interferes with or obstructs the state department or the state
 25 department's designated agent in the performance of duties under
 26 this chapter.

27 (d) An order of compliance may be issued under IC 4-21.5-3-6,
 28 IC 4-21.5-3-8, or IC 4-21.5-4. A civil penalty may be imposed only in
 29 a proceeding under IC 4-21.5-3-8.

30 (e) A proceeding to impose a civil penalty may be consolidated with
 31 any other proceedings to enforce any of the following:

32 (1) This chapter.

33 (2) The rules of the state department.

34 (3) The rules adopted under this chapter by the ~~water pollution~~
 35 **control environmental rules** board.

36 SECTION 141. IC 16-41-35-38 IS AMENDED TO READ AS
 37 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 38. The powers, duties,
 38 and functions of the state department under this chapter do not affect
 39 the powers, duties, and functions of the state department or the ~~water~~
 40 **pollution control environmental rules** board under any other law.

41 SECTION 142. IC 20-26-5-6, AS ADDED BY P.L.1-2005,
 42 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2014]: Sec. 6. All powers delegated to the governing body of
 2 a school corporation under section 1 or 4 of this chapter are subject to
 3 all laws subjecting the school corporation to regulation by a state
 4 agency, including the state superintendent, state board of accounts,
 5 state police department, fire prevention and building safety
 6 commission, department of local government finance, ~~water pollution~~
 7 ~~control~~ **environmental rules** board, state school bus committee, state
 8 department of health, and any local governmental agency to which the
 9 state has been delegated a specific authority in matters other than
 10 educational matters and other than finance, including plan
 11 commissions, zoning boards, and boards concerned with health and
 12 safety.

13 SECTION 143. IC 22-1-1-11, AS AMENDED BY P.L.35-2007,
 14 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 JULY 1, 2014]: Sec. 11. The commissioner of labor is authorized and
 16 directed to do the following:

17 (1) To investigate and adopt rules under IC 4-22-2 prescribing
 18 what safety devices, safeguards, or other means of protection shall
 19 be adopted for the prevention of accidents in every employment
 20 or place of employment, to determine what suitable devices,
 21 safeguards, or other means of protection for the prevention of
 22 industrial accidents or occupational diseases shall be adopted or
 23 followed in any or all employments or places of employment, and
 24 to adopt rules under IC 4-22-2 applicable to either employers or
 25 employees, or both for the prevention of accidents and the
 26 prevention of industrial or occupational diseases.

27 ~~(2) Whenever, in the judgment of the commissioner of labor, any~~
 28 ~~place of employment is not being maintained in a sanitary manner~~
 29 ~~or is being maintained in a manner detrimental to the health of the~~
 30 ~~employees therein; to obtain any necessary technical or expert~~
 31 ~~advice and assistance from the state department of health. The~~
 32 ~~state department of health, upon the request of the commissioner~~
 33 ~~of labor, shall furnish technical or expert advice and assistance to~~
 34 ~~the commissioner and take the steps authorized or required by the~~
 35 ~~health laws of the state.~~

36 ~~(3)~~ **(2)** Annually forward the report received from the mining
 37 board under IC 22-10-1.5-5(a)(5) to the legislative council in an
 38 electronic format under IC 5-14-6 and request from the general
 39 assembly funding for necessary additional mine inspectors.

40 ~~(4)~~ **(3)** Administer the mine safety fund established under
 41 IC 22-10-12-16.

42 SECTION 144. IC 22-1-5 IS REPEALED [EFFECTIVE JULY 1,



1 2014]. (Home Care Consumers and Worker Protection).

2 SECTION 145. IC 22-2-11 IS REPEALED [EFFECTIVE JULY 1,
3 2014]. (Payroll Bond for Benefit of Employees).

4 SECTION 146. IC 22-6-3 IS REPEALED [EFFECTIVE JULY 1,
5 2014]. (Termination Letter From Employer).

6 SECTION 147. IC 22-8-1.1-13 IS AMENDED TO READ AS
7 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 13. The commission
8 shall meet at the call of the commissioner **or** the chairman or upon the
9 written request of any four (4) members. However, the commission
10 shall meet at least ~~every three (3) months~~ **one (1) time per year** at the
11 call of the commissioner to conduct the business that comes before the
12 commission.

13 SECTION 148. IC 22-13-2-2, AS AMENDED BY P.L.101-2006,
14 SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
15 JULY 1, 2014]: Sec. 2. (a) The commission shall adopt rules under
16 IC 4-22-2 to adopt a statewide code of fire safety laws and building
17 laws.

18 (b) Before December 1, 2003, the commission shall adopt the most
19 recent edition, including addenda, of the following national codes by
20 rules under IC 4-22-2 and IC 22-13-2.5 (before its repeal):

21 (1) ANSI A10.4 (Safety Requirements for Personnel Hoists).

22 (2) ASME A17.1 (Safety Code for Elevators and Escalators, an
23 American National Standard).

24 (3) ASME A18.1 (Safety Standard for Platform Lifts and Stairway
25 Chairlifts, American National Standard).

26 (4) ASME QEI-1 (Standard for the Qualification of Elevator
27 Inspectors, an American National Standard).

28 (5) The American Society of Civil Engineers (ASCE) Automated
29 People Mover Standard 21.

30 (6) ANSI A90.1 Safety Code for Manlifts.

31 (c) Before July 1, 2006, the commission shall adopt the most recent
32 edition, including addenda, of ASME A17.3 (Safety Code for Existing
33 Elevators and Escalators, an American National Standard) by rules
34 under IC 4-22-2 and IC 22-13-2.5 (before its repeal).

35 (d) The commission shall adopt the subsequent edition of each
36 national code, including addenda, to be adopted as provided under
37 subsections (b) and (c) within eighteen (18) months after the effective
38 date of the subsequent edition.

39 (e) The commission may amend the national codes as a condition of
40 the adoption under subsections (b), (c), and (d).

41 (f) ~~To the extent that the following sections of the International Fire
42 Code, 2000 edition, as adopted by reference in 675 IAC 22-2.3-1, apply~~



1 to tents or canopies in which cooking does not occur; the commission
 2 shall suspend enforcement of the following sections of the International
 3 Fire Code, 2000 edition; until the division of fire and building safety
 4 recommends amendments to the commission under subsection (h) and
 5 the commission adopts rules under subsection (i) based on the
 6 recommendations:

7 (1) Section 2406.1 (675 IAC 22-2.3-233):

8 (2) Section 2406.2:

9 (3) Section 2406.3:

10 (g) To the extent that section 2403.2 of the International Fire Code;
 11 2000 edition; as adopted by reference in 675 IAC 22-2.3-1; applies to
 12 a tent or canopy in which there is an open flame; the commission shall
 13 suspend enforcement of section 2403.2 until the division of fire and
 14 building safety recommends amendments to section 2403.2 to the
 15 commission under subsection (h) and the commission adopts rules
 16 under subsection (i) based on the recommendations and amending
 17 section 2403.2:

18 (h) The division of fire and building safety shall recommend
 19 amendments to the commission to the following sections of the
 20 International Fire Code; 2000 edition; as adopted by reference in 675
 21 IAC 22-2.3-1:

22 (1) Section 2403.2:

23 (2) Section 2406.1 (675 IAC 22-2.3-233):

24 (3) Section 2406.2:

25 (4) Section 2406.3:

26 (i) After receiving and considering recommendations from the
 27 division of fire and building safety under subsection (h); and using the
 28 procedure set forth in IC 4-22-2-38; the commission shall amend the
 29 following sections of the International Fire Code; 2000 edition; as
 30 adopted by reference in 675 IAC 22-2.3-1:

31 (1) Section 2403.2:

32 (2) Section 2406.1 (675 IAC 22-2.3-233):

33 (3) Section 2406.2:

34 (4) Section 2406.3:

35 SECTION 149. IC 25-18-1 IS REPEALED [EFFECTIVE JULY 1,
 36 2014]. (Licensing of Retail Distress Sales).

37 SECTION 150. IC 27-1-17-4, AS AMENDED BY P.L.193-2006,
 38 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 39 JULY 1, 2014]: Sec. 4. Whenever a foreign or an alien insurance
 40 company desires to be admitted to do an insurance business in this
 41 state, it shall execute in the English language and present the following
 42 to the department, at its office, accompanied by the fees prescribed by



- 1 law:
- 2 (1) A copy of its articles of incorporation or association, with all
- 3 amendments thereto, duly authenticated by the proper officer of
- 4 the state, country, province, or government wherein it is
- 5 incorporated or organized, or the state in which it is domiciled in
- 6 the United States.
- 7 (2) An application for admission, executed in the manner
- 8 provided in this chapter, setting forth:
- 9 (A) the name of such company;
- 10 (B) the location of its principal office or place of business
- 11 without this state;
- 12 (C) the names of the states in which it has been admitted or
- 13 qualified to do business;
- 14 (D) the character of insurance business under its articles of
- 15 incorporation or association which it intends to transact in this
- 16 state, which must conform to the class or classes set forth in
- 17 the provisions of IC 27-1-5-1;
- 18 (E) the total authorized capital stock of the company and the
- 19 amount thereof issued and outstanding, and the surplus
- 20 required of such company by the laws of the state, country,
- 21 province, or government under which it is organized, or the
- 22 state in which it is domiciled in the United States, if a stock
- 23 company, which shall equal at least the requirements set forth
- 24 in section 5(a) of this chapter;
- 25 (F) the total amount of assets and the surplus of assets over all
- 26 its liabilities, if other than a stock company, which shall equal
- 27 at least the requirements set forth in section 5(b) of this
- 28 chapter;
- 29 (G) if an alien company, the surplus of assets invested
- 30 according to the laws of the state in the United States where it
- 31 has its deposit, which shall equal at least the requirements set
- 32 forth in section 5(c) of this chapter; and
- 33 (H) such further and additional information as the department
- 34 may from time to time require.
- 35 The application shall be signed, ~~in duplicate~~, in the form
- 36 prescribed by the department, by the president or a vice president
- 37 and the secretary or an assistant secretary of the corporation, and
- 38 verified under oath by the officers signing the same.
- 39 (3) A statement of its financial condition and business, in the form
- 40 prescribed by law for annual statements, signed and sworn to by
- 41 the president or secretary or other principal officers of the
- 42 company; provided, however, that an alien company shall also



- 1 furnish a separate statement comprising only its condition and
2 business in the United States, which shall be signed and sworn to
3 by its United States manager.
- 4 (4) A copy of the last report of examination certified to by the
5 insurance commissioner or other proper supervisory official of the
6 state in which such company is domiciled; provided, however,
7 that the commissioner may cause an examination to be made of
8 the condition and affairs of such company before authority to
9 transact business in this state is given.
- 10 (5) A certificate from the proper official of the state, country,
11 province, or government wherein it is incorporated or organized,
12 or the state in which it is domiciled in the United States, that it is
13 duly organized or incorporated under those laws and authorized
14 to make the kind or kinds of insurance which it proposes to make
15 in this state.
- 16 (6) A copy of its bylaws or regulations, if any, certified to by the
17 secretary or similar officer of the insurance company.
- 18 (7) A duly executed power of attorney in a form prescribed by the
19 department which constitutes and appoints an individual or a
20 corporate resident of Indiana, or an authorized Indiana insurer, as
21 the insurance company's agent, its true and lawful attorney upon
22 whom, except as provided in section 4.2 of this chapter, all lawful
23 processes in any action in law or in equity against it shall be
24 served. Such power of attorney shall contain an agreement by the
25 insurance company that any lawful process against it which may
26 be served upon the agent as its attorney shall be of the same force
27 and validity as if served upon the insurance company and that
28 such power of attorney shall continue in force and be irrevocable
29 so long as any liability of the insurance company remains
30 outstanding in this state. Such power of attorney shall be executed
31 by the president and secretary of the insurance company or other
32 duly authorized officers under its seal and shall be accompanied
33 by a certified copy of the resolution of the board of directors of
34 the company making said appointment and authorizing the
35 execution of said power of attorney. Service of any lawful process
36 shall be by delivering to and leaving with the agent two (2) copies
37 of such process, with copy of the pertinent complaint attached.
38 The agent shall forthwith transmit to the defendant company at its
39 last known principal place of business by registered or certified
40 mail, return receipt requested, one (1) of the copies of such
41 process, with complaint attached, the other copy to be retained in
42 a record which shall show all process served upon and transmitted



1 by ~~him~~: **the agent**. Such service shall be sufficient provided the
 2 returned receipt or, if the defendant company shall refuse to
 3 accept such mailing, the registered mail together with an affidavit
 4 of plaintiff or ~~his~~ **the plaintiff's** attorney stating that service was
 5 made upon the agent and forwarded as above set forth but that
 6 such mail was returned by the post office department is filed with
 7 the court. The agent shall make information and receipts available
 8 to plaintiff, defendant or their attorneys. No plaintiff or
 9 complainant shall be entitled to a judgment by default based on
 10 service authorized by this section until the expiration of at least
 11 thirty (30) days from the date on which either the post office
 12 receipt or the unclaimed mail together with affidavit is filed with
 13 the court. Nothing in this section shall limit or abridge the right to
 14 serve any process, notice, or demand upon any company in any
 15 other manner permitted by law.

16 (8) Proof which satisfies the department that it has complied with
 17 the financial requirements imposed in this chapter upon foreign
 18 and alien insurance companies which transact business in this
 19 state and that it is entitled to public confidence and that its
 20 admission to transact business in this state will not be prejudicial
 21 to public interest.

22 SECTION 151. IC 32-21-11 IS REPEALED [EFFECTIVE JULY 1,
 23 2014]. (Responsible Property Transfer Law).

24 SECTION 152. IC 32-26-9 IS REPEALED [EFFECTIVE JULY 1,
 25 2014]. (Partition Fences).

26 SECTION 153. IC 33-32-5-2 IS REPEALED [EFFECTIVE JULY
 27 1, 2014]. ~~Sec. 2: For issuing a license to hold a distress sale under~~
 28 ~~IC 25-18-1-6, the clerk shall collect the following fee:~~

29 (1) ~~Forty dollars (\$40) if the value of the inventory is not more~~
 30 ~~than twenty-five thousand dollars (\$25,000):~~

31 (2) ~~Sixty-five dollars (\$65) if the value of the inventory is more~~
 32 ~~than twenty-five thousand dollars (\$25,000) but not more than~~
 33 ~~fifty thousand dollars (\$50,000):~~

34 (3) ~~One hundred dollars (\$100) if the value of the inventory is~~
 35 ~~more than fifty thousand dollars (\$50,000) but not more than~~
 36 ~~seventy-five thousand dollars (\$75,000):~~

37 (4) ~~One hundred fifty dollars (\$150) if the value of the inventory~~
 38 ~~is more than seventy-five thousand dollars (\$75,000):~~

39 SECTION 154. IC 34-6-2-52 IS AMENDED TO READ AS
 40 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 52. "Hazardous
 41 substance", for purposes of IC 34-30-6, means:

42 (1) a material or waste that has been determined to be hazardous



1 or potentially hazardous to any individual, to property, or to the
 2 environment by the United States Environmental Protection
 3 Agency, the federal Nuclear Regulatory Commission, the United
 4 States Department of Transportation, the ~~solid waste management~~
 5 **environmental rules** board, or the United States Occupational
 6 Safety and Health Agency or any agent or designee of any of the
 7 above mentioned boards, agencies, or commission; or

8 (2) any substance that may be potentially hazardous to any person,
 9 to property or to the environment.

10 SECTION 155. IC 34-30-2-140 IS REPEALED [EFFECTIVE JULY
 11 1, 2014]. ~~Sec. 140. IC 32-26-9-5 (Concerning township trustee for~~
 12 ~~contracts to repair fences):~~

13 SECTION 156. IC 36-9-23-16 IS AMENDED TO READ AS
 14 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 16. (a) A municipality
 15 that does not have a sewage treatment plant, and wants to acquire,
 16 construct, improve, operate, and maintain sewage works other than a
 17 sewage treatment plant, may proceed under this chapter only if it first
 18 contracts for the required treatment of the sewage emanating from its
 19 works.

20 (b) A municipality owning and operating facilities for sewage
 21 treatment may contract to treat all or part of the sewage of:

22 (1) any other municipality;

23 (2) any facility of the department of correction; or

24 (3) if a contract described in subdivision (2) is in effect, any
 25 person or entity, a municipal corporation, a private corporation,
 26 or a federal government facility that is located within five (5)
 27 miles of the sewer line connecting the municipality to the facility
 28 of the department of correction under the contract.

29 The contracts must be authorized by ordinance and are subject to
 30 approval by the department of environmental management according
 31 to rules adopted by the ~~water pollution control~~ **environmental rules**
 32 board as to the sufficiency of the provision for sewage treatment.

33 (c) Unless otherwise provided in the authorizing ordinance or
 34 governing indenture, the revenues received by the owner under the
 35 contract are considered a part of the revenues of the owner's sewage
 36 treatment facilities, and shall be applied in accordance with the
 37 applicable statutes.

38 (d) The necessary intercepting and connecting sewers and
 39 appurtenances to connect the sewage treatment facilities and sewage
 40 works of the contracting parties may be constructed in part or in whole
 41 by either of the contracting parties, as provided in the contract. For a
 42 municipality, the money to pay for this construction may be provided



1 by the issuance of bonds under the applicable statutes, as part of the
2 cost of the facilities or works of the respective parties.

3 (e) All bonds issued under this section are payable before the
4 expiration date of the contract. The parties may contract for the terms
5 of the bonds, and for any term or terms beyond the last maturity of the
6 bonds.

7 SECTION 157. IC 36-9-23-35 IS AMENDED TO READ AS
8 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 35. No proceedings
9 other than those prescribed by this chapter are required for:

- 10 (1) the construction or acquisition of sewage works;
11 (2) the issuance or sale of bonds; or
12 (3) the establishment of fees;

13 under this chapter. However, the functions, powers, and duties of the
14 department of environmental management, the ~~water pollution control~~
15 **environmental rules** board, and the state department of health are not
16 affected by this chapter.

17 SECTION 158. IC 36-9-24-10 IS AMENDED TO READ AS
18 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 10. A lease under this
19 chapter does not become effective until its provisions for sewage
20 treatment have been found sufficient by the department of
21 environmental management according to rules adopted by the ~~state~~
22 **water pollution control environmental rules** board.

23 SECTION 159. IC 36-9-30-4 IS AMENDED TO READ AS
24 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. A unit acting under
25 this chapter must obtain approval from the department of
26 environmental management, according to rules adopted by the ~~solid~~
27 **waste management environmental rules** board, for any method or
28 methods used for the disposal of solid waste before obtaining land or
29 facilities. One (1) or more of the methods listed below may be used:

- 30 (1) A unit may use a sanitary landfill. If a sanitary landfill is to be
31 used, information necessary to evaluate the project shall be
32 submitted to the department of environmental management for
33 review and approval before the purchase of land or equipment.
34 (2) A unit may use incineration. If incineration is to be used, the
35 plans and specifications of each incinerating plant or other
36 facility, along with other information necessary to evaluate the
37 project, shall be submitted to the department of environmental
38 management for review and approval before construction of the
39 facilities. The plans must include an approved method for the
40 disposal of noncombustible solid waste and incinerator residue.
41 (3) A unit may use composting. If composting is to be used, the
42 plans and specifications of composting facilities, along with other



1 information necessary to evaluate the project, shall be submitted
 2 to the department of environmental management for review and
 3 approval before construction of the facilities. The plans must
 4 provide for the proper disposal of all solid waste that is not
 5 suitable for composting.

6 (4) A unit may use a garbage grinding system involving the
 7 separate collection and disposal of garbage into a community
 8 sewerage system through commercial-type grinders or
 9 community-wide installation of individual grinders. As used in
 10 this subdivision, "garbage" means all decayable solid and
 11 semisolid wastes resulting from the processing, preparation,
 12 cooking, serving, or consumption of food or food materials. The
 13 plans and specifications for the garbage grinding facilities, along
 14 with other information necessary to evaluate the project, shall be
 15 submitted to the department of environmental management for
 16 review and approval before construction or installation of the
 17 facilities. The plans must provide for the proper disposal of all
 18 solid waste that is not suitable for grinding.

19 (5) A unit may use any other suitable methods or facilities for the
 20 disposal of solid waste, if the plans and specifications, along with
 21 other information necessary to evaluate the project, are submitted
 22 to the department of environmental management for review and
 23 approval before the acquisition, construction, installation, or
 24 operation of the method or facility.

25 SECTION 160. IC 36-9-30-33 IS AMENDED TO READ AS
 26 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 33. The ~~solid waste~~
 27 ~~management~~ **environmental rules** board may adopt rules under
 28 IC 4-22-2 to carry out this chapter.

29 SECTION 161. IC 36-9-30-35 IS AMENDED TO READ AS
 30 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 35. (a) Solid waste may
 31 be disposed of on land only through use of sanitary landfills,
 32 incineration, composting, garbage grinding, or other acceptable
 33 methods approved by the department of environmental management in
 34 accordance with rules adopted by the ~~solid waste management~~
 35 **environmental rules** board. A person may not operate or maintain an
 36 open dump.

37 (b) A person may not operate or maintain facilities for the collection
 38 and disposal of solid waste, except as set out in section 4 of this chapter
 39 or under rules adopted by the ~~solid waste management~~ **environmental**
 40 **rules** board.

41 (c) Failure to comply with this section constitutes the operation of
 42 a nuisance inimical to human health. A prosecuting attorney who



1 receives a report of such a failure from the department of
2 environmental management, a solid waste management district, or a
3 local health officer shall cause appropriate court proceedings to be
4 instituted.

5 (d) A person who fails to comply with this section commits a Class
6 C infraction. If the violation is of a continuing nature, each day of
7 failure to comply constitutes a separate infraction.

8 (e) The department of environmental management may bring
9 proceedings for injunctive or mandatory relief through the attorney
10 general against any person (including any agency of the state or federal
11 government) for failure to comply with this section.

