

Second Regular Session of the 119th General Assembly (2016)

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 2015 Regular Session of the General Assembly.

HOUSE ENROLLED ACT No. 1300

AN ACT to amend the Indiana Code concerning environmental law.

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

SECTION 1. IC 13-11-2-16.3, AS ADDED BY P.L.170-2006, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 16.3. (a) "Automotive salvage recycler", for purposes of this chapter, means a business that:

- (1) acquires damaged, inoperative, discarded, abandoned, or salvage motor vehicles, or their remains, as stock-in-trade;
- (2) dismantles and processes the vehicles or remains for the reclamation and sale of reusable components and parts; and
- (3) disposes of recyclable materials to a scrap metal processor or other appropriate facility.

(b) ~~This section expires on the date IC 13-20-17.7 expires under IC 13-20-17.7-9.~~

SECTION 2. IC 13-11-2-16.5, AS ADDED BY P.L.170-2006, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 16.5. (a) "Automobile scrapyards", for purposes of this chapter, means a business organized for any of the following purposes:

- (1) Processing scrap metal.
- (2) Wrecking automobiles.
- (3) Operating a junkyard.

(b) ~~This section expires on the date IC 13-20-17.7 expires under IC 13-20-17.7-9.~~

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SECTION 3. IC 13-11-2-50.5, AS AMENDED BY P.L.78-2009, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 50.5. "Degradation", for purposes of IC 13-18-3, means, with respect to a National Pollutant Discharge Elimination System permit, the following:

- (1) With respect to an outstanding national resource water, any new or increased discharge of a pollutant or a pollutant parameter, except for a short term, temporary increase.
- (2) With respect to an outstanding state resource water, any new or increased discharge of a pollutant or pollutant parameter that results in a significant lowering of water quality for that pollutant or pollutant parameter, unless:
 - (A) the activity causing the increased discharge:
 - (i) results in an overall improvement in water quality in the outstanding state resource water; and
 - (ii) meets the applicable requirements of ~~327 IAC 2-1-2(1) and (2) and 327 IAC 2-1.5-4(a) and (b)~~; **rules adopted by the board under IC 13-18-3-2**; or
 - (B) the person proposing the increased discharge undertakes or funds a water quality improvement project in accordance with IC 13-18-3-2(k) in the watershed of the outstanding state resource water that:
 - (i) results in an overall improvement in water quality in the outstanding state resource water; and
 - (ii) meets the applicable requirements of ~~327 IAC 2-1-2(1) and (2) and 327 IAC 2-1.5-4(a) and (b)~~; **rules adopted by the board under IC 13-18-3-2**.

SECTION 4. IC 13-11-2-66.9, AS ADDED BY P.L.170-2006, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 66.9. ~~(a)~~ "End of life vehicle", for purposes of IC 13-20-17.7, means a motor vehicle that is:

- (1) sold; or
- (2) otherwise conveyed;

to a motor vehicle recycler for the purpose of recycling.

~~(b) This section expires on the date IC 13-20-17.7 expires under IC 13-20-17.7-9.~~

SECTION 5. IC 13-11-2-104.5, AS ADDED BY P.L.170-2006, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 104.5. ~~(a)~~ "Hulk crusher", for purposes of this chapter, means an enterprise that engages in the business of handling and flattening, compacting, or otherwise demolishing motor vehicles or their remains for economical delivery to a scrap metal processor or

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other appropriate facility.

~~(b) This section expires on the date IC 13-20-17.7 expires under IC 13-20-17.7-9.~~

SECTION 6. IC 13-11-2-114 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 114. "Land application", for purposes of IC 13-18-12, means the disposal of:

- (1) ~~wastewater septage;~~
- (2) solid waste, as defined in section 205(a) of this chapter; or**
- (3) industrial waste products, as allowed under IC 13-18-12-2.5;**

by burial or incorporation into the soil.

SECTION 7. IC 13-11-2-114.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 114.2. "Land application operation", for purposes of **IC 13-18-12** and IC 13-19-3, means an operation in which sludge, waste products, or wastewater generated by industrial, municipal, or semipublic facilities are disposed of by application upon or incorporation into the soil. The term does not include the operation of a landfill or an open dump.

SECTION 8. IC 13-11-2-128.8, AS ADDED BY P.L.170-2006, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 128.8. ~~(a)~~ "Mercury switch", for purposes of IC 13-20-17.7, means a convenience light switch that:

- (1) is located in the hood or trunk lid of a motor vehicle; and
- (2) contains mercury.

~~(b) This section expires on the date IC 13-20-17.7 expires under IC 13-20-17.7-9.~~

SECTION 9. IC 13-11-2-130.1, AS AMENDED BY P.L.221-2014, SECTION 85, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 130.1. ~~(a)~~ "Motor vehicle", for purposes of this chapter, means a vehicle that is self-propelled on a highway in Indiana. The term does not include a farm tractor or a motor driven cycle.

~~(b) This section expires on the date IC 13-20-17.7 expires under IC 13-20-17.7-9.~~

SECTION 10. IC 13-11-2-130.2, AS ADDED BY P.L.170-2006, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 130.2. ~~(a)~~ "Motor vehicle manufacturer", for purposes of this chapter, means a person that is engaged in the business of manufacturing or assembling new motor vehicles for sale to any of the following:

- (1) Dealers.
- (2) Wholesale dealers.

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(3) Distributors.

(4) The general public.

~~(b) This section expires on the date IC 13-20-17.7 expires under IC 13-20-17.7-9.~~

SECTION 11. IC 13-11-2-130.3, AS ADDED BY P.L.170-2006, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 130.3. ~~(a)~~ "Motor vehicle recycler", for purposes of IC 13-20-17.7, means any of the following:

- (1) An automotive salvage recycler.
- (2) An automobile scrapyard.
- (3) A hulk crusher.
- (4) A scrap metal processor.
- (5) A vehicle disposal facility.

~~(b) This section expires on the date IC 13-20-17.7 expires under IC 13-20-17.7-9.~~

SECTION 12. IC 13-11-2-136.5, AS ADDED BY P.L.170-2006, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 136.5. ~~(a)~~ "National mercury switch recovery program", for purposes of IC 13-20-17.7, means a national program:

- (1) that accomplishes, as determined by the commissioner, the goals of IC 13-20-17.7; and
- (2) in which the state participates.

~~(b) This section expires on the date IC 13-20-17.7 expires under IC 13-20-17.7-9.~~

SECTION 13. IC 13-11-2-196.5, AS ADDED BY P.L.170-2006, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 196.5. (a) "Scrap metal processor", for purposes of this chapter, means a private, commercial, or governmental enterprise:

- (1) that has facilities for processing iron, steel, or nonferrous scrap; and
- (2) whose principal product is scrap iron, scrap steel, or nonferrous scrap for sale for remelting purposes.

(b) The term does not include a steel mill.

~~(c) This section expires on the date IC 13-20-17.7 expires under IC 13-20-17.7-9.~~

SECTION 14. IC 13-11-2-205, AS AMENDED BY P.L.113-2014, SECTION 57, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 205. (a) "Solid waste", for purposes of **IC 13-18-12**, IC 13-19, IC 13-21, IC 13-20-22, and environmental management laws, except as provided in subsection (b), means any garbage, refuse, sludge from a waste treatment plant, sludge from a



water supply treatment plant, sludge from an air pollution control facility, or other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, or agricultural operations or from community activities. The term does not include:

(1) solid or dissolved material in:

(A) domestic sewage; or

(B) irrigation return flows or industrial discharges;

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

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

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

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

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

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

(A) IC 13-22-1 through IC 13-22-8.

(B) IC 13-22-13 through IC 13-22-14.

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

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

SECTION 15. IC 13-11-2-245.2, AS ADDED BY P.L.170-2006, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 245.2. (a) "Vehicle disposal facility", for purposes of this chapter, means a person, firm, limited liability company, corporation, or other legal entity that, in the course of business, engages in the acquisition and dismantling or demolition of motor vehicles, motorcycles, semitrailers, or recreational vehicles or their remains for the benefit of reusable components and parts or recyclable materials.

(b) The term includes the following enterprises:

(1) An automotive salvage recycler.

(2) A hulk crusher.

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(c) The term does not include a scrap metal processor.

~~(d) This section expires on the date IC 13-20-17.7 expires under IC 13-20-17.7-9.~~

SECTION 16. IC 13-14-8-8, AS AMENDED BY P.L.147-2015, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 8. (a) Except as provided in section 9 of this chapter, if a person who is affected by a rule adopted by a board believes that the imposition of the rule would impose an undue hardship or burden upon the person, the person may apply to the commissioner for a variance from the rule.

(b) If the variance for which a person applies under subsection (a) would be in effect for more than one (1) year, the person's application must include a demonstration of how the person would come into compliance with the rule within the period for which the variance would be in effect.

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

(d) If the commissioner determines that immediate compliance with the rule would impose an undue hardship or burden upon the applicant, the commissioner may grant a variance from the rule, **except as provided in section 9 of this chapter**. A variance from a rule may be granted for a period of not more than five (5) years.

(e) If a variance from a rule granted to a person under this section will be in effect for more than one (1) year, the variance must include a schedule requiring the person to come into compliance with the rule within the period for which the variance will be in effect.

(f) The commissioner may revoke a variance granted to a person under this section if **the person:**

(1) ~~the person~~ fails to meet the requirements of the compliance schedule ~~included set forth~~ in the variance; ~~under this subsection;~~

(2) receives a notice of noncompliance from the commissioner; and

~~(2) (3) after the end of the variance period, the person: (A) is given a reasonable opportunity to meet the requirements of the rule; and (B) receiving the notice of noncompliance, still does not come into compliance with the rule. fails to take corrective action in order to comply with the compliance schedule.~~

If a variance is revoked under this subsection, the person granted the variance shall comply with the rule for which the variance was granted.

SECTION 17. IC 13-18-3-2, AS AMENDED BY P.L.53-2014, SECTION 124, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. (a) The board may adopt rules

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under IC 4-22-2 that are necessary to the implementation of:

- (1) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), as in effect January 1, 1988; and
- (2) the federal Safe Drinking Water Act (42 U.S.C. 300f through 300j), as in effect January 1, 1988;

except as provided in IC 14-37.

(b) "Degradation" has the meaning set forth in IC 13-11-2-50.5.

(c) "Outstanding national resource water" has the meaning set forth in IC 13-11-2-149.5.

(d) "Outstanding state resource water" has the meaning set forth in IC 13-11-2-149.6.

(e) "Watershed" has the meaning set forth in IC 14-8-2-310.

(f) The board may designate a water body as an outstanding state resource water by rule if the board determines that the water body has a unique or special ecological, recreational, or aesthetic significance.

(g) Before the board may adopt a rule designating a water body as an outstanding state resource water, the board must consider the following:

- (1) Economic impact analyses, presented by any interested party, taking into account future population and economic development growth.
- (2) The biological criteria scores for the water body, using factors that consider fish communities, macro invertebrate communities, and chemical quality criteria using representative biological data from the water body under consideration.
- (3) The level of current urban and agricultural development in the watershed.
- (4) Whether the designation of the water body as an outstanding state resource water will have a significant adverse effect on future population, development, and economic growth in the watershed, if the water body is in a watershed that has more than three percent (3%) of its land in urban land uses or serves a municipality with a population greater than five thousand (5,000).
- (5) Whether the designation of the water body as an outstanding state resource water is necessary to protect the unique or special ecological, recreational, or aesthetic significance of the water body.

(h) Before the board may adopt a rule designating a water body as an outstanding state resource water, the board must make available to the public a written summary of the information considered by the board under subsections (f) and (g), including the board's conclusions concerning that information.

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(i) The commissioner shall present a summary of the comments received from the comment period and information that supports a water body designation as an outstanding state resource water to the interim study committee on environmental affairs established by IC 2-5-1.3-4 in an electronic format under IC 5-14-6 not later than one hundred twenty (120) days after the rule regarding the designation is finally adopted by the board.

(j) Notwithstanding any other provision of this section, the designation of an outstanding state resource water in effect on January 1, 2000, remains in effect.

(k) For a water body designated as an outstanding state resource water, the board shall provide by rule procedures that will:

- (1) prevent degradation; and
- (2) allow for increases and additions in pollutant loadings from an existing or new discharge if:
 - (A) there will be an overall improvement in water quality for the outstanding state resource water as described in this section; and
 - (B) the applicable requirements of ~~327 IAC 2-1-2(1) and 327 IAC 2-1-2(2) and 327 IAC 2-1.5-4(a) and 327 IAC 2-1.5-4(b)~~ **rules adopted by the board under this section** are met.

(l) The procedures provided by rule under subsection (k) must include the following:

- (1) A definition of significant lowering of water quality that includes a de minimis quantity of additional pollutant load:
 - (A) for which a new or increased permit limit is required; and
 - (B) below which antidegradation implementation procedures do not apply.
- (2) Provisions allowing the permittee to choose application of one (1) of the following for each activity undertaken by the permittee that will result in a significant lowering of water quality in the outstanding state resource water:
 - (A) Implementation of a water quality project in the watershed of the outstanding state resource water that will result in an overall improvement of the water quality of the outstanding state resource water.
 - (B) Payment of a fee, not to exceed five hundred thousand dollars (\$500,000), based on the type and quantity of increased pollutant loadings, to the department for deposit in the outstanding state resource water improvement fund established under section 14 of this chapter for use as permitted under that section.

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(3) Criteria for the submission and timely approval of projects described in subdivision (2)(A).

(4) A process for public input in the approval process.

(5) Use of water quality data that is less than seven (7) years old and specific to the outstanding state resource water.

(6) Criteria for using the watershed improvement fees to fund projects in the watershed that result in improvement in water quality in the outstanding state resource water.

(m) For a water body designated as an outstanding state resource water after June 30, 2000, the board shall provide by rule antidegradation implementation procedures before the water body is designated in accordance with this section.

(n) A water body may be designated as an outstanding national resource water only by the general assembly after recommendations for designation are made by the board and the interim study committee on environmental affairs established by IC 2-5-1.3-4.

(o) Before recommending the designation of an outstanding national resource water, the department shall provide for an adequate public notice and comment period regarding the designation. The commissioner shall present a summary of the comments and information received during the comment period and the department's recommendation concerning designation to the interim study committee on environmental affairs established by IC 2-5-1.3-4 in an electronic format under IC 5-14-6 not later than ninety (90) days after the end of the comment period. The committee shall consider the comments, information, and recommendation received from the department, and shall convey its recommendation concerning designation to the general assembly within six (6) months after receipt.

(p) This subsection applies to all surface waters of the state. The department shall complete an antidegradation review of all NPDES general permits. The department may modify the general permits for purposes of antidegradation compliance. After an antidegradation review of a permit is conducted under this subsection, activities covered by an NPDES general permit are not required to undergo an additional antidegradation review. An NPDES general permit may not be used to authorize a discharge into an outstanding national resource water or an outstanding state resource water, except that a short term, temporary storm water discharge to an outstanding national resource water or to an outstanding state resource water may be permitted under an NPDES general permit if the commissioner determines that the discharge will not significantly lower the water quality downstream of the discharge.

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(q) Subsection (r) applies to: ~~an application for:~~

(1) **an application for** an NPDES permit subject to IC 13-15-4-1(a)(2)(B), IC 13-15-4-1(a)(3)(B), or IC 13-15-4-1(a)(4); or

(2) **an application for** a modification or renewal of ~~a~~ **an NPDES** permit; ~~referred to in one (1) of the sections referred to in subdivision (1)~~

that proposes new or increased discharge that would result in a significant lowering of water quality as defined in subsection (l)(1).

(r) For purposes of an antidegradation review with respect to an application referred to in subsection (q), the applicant shall demonstrate at the time the application is submitted to the department, and the commissioner shall review:

- (1) an analysis of alternatives to the proposed discharge; and
- (2) subject to subsection (s), social or economic factors indicating the importance of the proposed discharge if alternatives to the proposed discharge are not practicable.

(s) Subject to subsection (t), the commissioner shall consider the following factors in determining whether a proposed discharge is necessary to accommodate important economic or social development in the area in which the waters are located under antidegradation standards and implementation procedures:

- (1) Creation, expansion, or maintenance of employment.
- (2) The unemployment rate.
- (3) The median household income.
- (4) The number of households below the poverty level.
- (5) Community housing needs.
- (6) Change in population.
- (7) The impact on the community tax base.
- (8) Provision of fire departments, schools, infrastructure, and other necessary public services.
- (9) Correction of a public health, safety, or environmental problem.
- (10) Production of goods and services that protect, enhance, or improve the overall quality of life and related research and development.
- (11) The impact on the quality of life for residents in the area.
- (12) The impact on the fishing, recreation, and tourism industries.
- (13) The impact on threatened and endangered species.
- (14) The impact on economic competitiveness.
- (15) Demonstration by the permit applicant that the factors identified and reviewed under subdivisions (1) through (14) are



necessary to accommodate important social or economic development despite the proposed significant lowering of water quality.

(16) Inclusion by the applicant of additional factors that may enhance the social or economic importance associated with the proposed discharge, such as an approval that:

(A) recognizes social or economic importance; and

(B) is given to the applicant by:

(i) a legislative body; or

(ii) other government officials.

(17) Any other action or recommendation relevant to the antidegradation demonstration made by a:

(A) state;

(B) county;

(C) township; or

(D) municipality;

potentially affected by the proposed discharge.

(18) Any other action or recommendation relevant to the antidegradation demonstration received during the public participation process.

(19) Any other factors that the commissioner:

(A) finds relevant; or

(B) is required to consider under the Clean Water Act.

(t) In determining whether a proposed discharge is necessary to accommodate important economic or social development in the area in which the waters are located under antidegradation standards and implementation procedures, the commissioner:

(1) must give substantial weight to any applicable determinations by governmental entities; and

(2) may rely on consideration of any one (1) or a combination of the factors listed in subsection (s).

(u) Each exceptional use water (as defined in IC 13-11-2-72.5, before its repeal) designated by the board before June 1, 2009, becomes an outstanding state resource water on June 1, 2009, by operation of law.

(v) Beginning June 1, 2009, all waters of the state are classified in the following categories:

(1) Outstanding national resource waters.

(2) Outstanding state resource waters.

(3) Waters of the state as described in 327 IAC 2-1-2(1), as in effect on January 1, 2009.

(4) High quality waters as described in 327 IAC 2-1-2(2), as in

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effect on January 1, 2009.

(5) Waters of the state as described in 327 IAC 2-1.5-4(a), as in effect on January 1, 2009.

(6) High quality waters as described in 327 IAC 2-1.5-4(b), as in effect on January 1, 2009.

SECTION 18. IC 13-18-3-2.1, AS ADDED BY P.L.78-2009, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2.1. (a) If:

(1) a discharge results from an activity for which:

(+) (A) an NPDES permit subject to IC 13-15-4-1(a)(2)(B), IC 13-15-4-1(a)(3)(B), or IC 13-15-4-1(a)(4); or

(-) (B) a modification or renewal of a permit referred to in one (1) of the sections referred to in subdivision (1);

is sought; and

(2) **the permit application or application to modify or renew the permit** that proposes a new or increased discharge that would result in a significant lowering of water quality as defined in IC 13-18-3-2(1)(1); ~~is sought;~~

the deadline for the department to complete the antidegradation review under 40 CFR 131.12 and 40 CFR Part 132, Appendix E with respect to the discharge is the deadline for the commissioner to approve or deny the NPDES permit application under IC 13-15-4-1.

(b) The commissioner may extend for cause for not more than ninety (90) days the deadline under subsection (a) for the department to complete the antidegradation review.

SECTION 19. IC 13-18-12-4, AS AMENDED BY P.L.37-2012, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. (a) The board shall, in accordance with IC 13-14-9, adopt rules to establish the following:

(1) Standards for the following:

(A) The issuance of **permits for:**

(i) septage management ~~permits~~ under section 3 of this chapter; **and**

(ii) **land application of authorized septage, solid waste, and industrial waste products.**

(B) Transportation, storage, ~~and treatment, of septage,~~ and disposal of septage. ~~including land application.~~

(2) Procedures and standards for approval of sites for land application. ~~of septage.~~

(b) The board may designate a county or city health agency as the board's agent to approve land application sites in accordance with rules adopted under this section.

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SECTION 20. IC 13-20-17.7-9 IS REPEALED [EFFECTIVE UPON PASSAGE]. ~~Sec. 9: This chapter expires on the earlier of:~~

- ~~(1) the date on which a national mercury switch recovery program takes effect, as determined by the commissioner; or~~
- ~~(2) July 1, 2016.~~

SECTION 21. IC 13-20-25-14, AS AMENDED BY P.L.147-2015, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE DECEMBER 30, 2015 (RETROACTIVE)]: Sec. 14. Not later than ~~December 31, 2015~~, **May 1, 2016**, and in each succeeding calendar year, the commissioner shall submit to the executive director of the legislative services agency, in an electronic format under IC 5-14-6, a report summarizing the information obtained through the recycling activity reports submitted to the commissioner under this chapter concerning the calendar year most recently ended. The executive director of the legislative services agency shall forward the report to the members of the standing committees of the senate and the house having subject matter jurisdiction most closely related to the subject of recycling.

SECTION 22. IC 13-20.5-7-4, AS AMENDED BY P.L.53-2014, SECTION 127, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. (a) Before August 1, 2013, and before August 1 of each year thereafter, the department shall submit a report concerning the implementation of this article to:

- (1) the general assembly in an electronic format under IC 5-14-6;
- (2) the governor;
- (3) the interim study committee on environmental affairs established by IC 2-5-1.3-4 in an electronic format under IC 5-14-6; and
- (4) the Indiana recycling market development board established by IC 4-23-5.5-2.

(b) For each state fiscal year, the report submitted under subsection (a):

- (1) must discuss the total weight of covered electronic devices recycled in the state ~~fiscal~~ **program** year and a summary of information in the reports submitted by manufacturers and recyclers under IC 13-20.5-3;
- (2) must discuss the various collection programs used by manufacturers to collect covered electronic devices, information regarding covered electronic devices that are being collected by persons other than registered manufacturers, collectors, and recyclers, and information about covered electronic devices, if any, being disposed of in landfills in Indiana;

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(3) must include a description of enforcement actions under this article during the state fiscal year; and

(4) may include other information received by the department regarding the implementation of this article.

SECTION 23. IC 13-26-11-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) Just and equitable rates and charges are those that: ~~produce sufficient revenue to:~~

(1) **produce sufficient revenue to** pay all expenses incident to the operation of the works, including maintenance cost, operating charges, upkeep, repairs, and interest charges on bonds or other obligations;

(2) **produce sufficient revenue to** provide the sinking fund for the liquidation of bonds or other evidence of indebtedness and reserves against default in the payment of interest and principal of bonds; ~~and~~

(3) **produce sufficient revenue to** provide adequate money to be used as working capital, as well as money for making improvements, additions, extensions, and replacements; **and**

(4) **give due consideration to the interests of the ratepayers.**

(b) Rates and charges too low to meet the financial requirements described in subsection (a) are unlawful. The initial rates and charges established after notice and hearing under this article are prima facie just and equitable.

(c) **Nothing in this section shall prohibit a district authority from examining the methodology or process by which rates and charges were derived.**

SECTION 24. IC 13-30-9-1, AS AMENDED BY P.L.221-2007, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. This chapter applies to actions brought by the state or a person. However, this chapter does not apply to an action brought by the state if the action arises from a site: ~~that:~~

(1) **that** is listed on the National Priorities List for hazardous substance response sites (40 CFR 300 et seq.);

(2) scores at least twenty-five (25) under the Indiana scoring model under 329 IAC 7; **that:**

(A) **is considered a high priority site; or**

(B) **is the site of a release that is considered a high priority release;**

under rules adopted by the board under IC 13-25-4-7; or

(3) **that** is deemed by the commissioner to pose an imminent threat to human health or the environment.

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SECTION 25. An emergency is declared for this act.



Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____

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