

HOUSE BILL No. 1081

DIGEST OF INTRODUCED BILL

Citations Affected: IC 13-11-2-30.5; IC 13-30-2-1.

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

Effective: July 1, 2014.

Niezgodski

January 9, 2014, read first time and referred to Committee on Environmental Affairs.



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. 1081

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

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

1 SECTION 1. IC 13-11-2-30.5 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2014]: **Sec. 30.5. "Coal tar pavement**
4 **product", for purposes of IC 13-30-2-1, means a material that:**
5 **(1) contains tar formed from the distillation of bituminous**
6 **coal; and**
7 **(2) is intended for application on pavement.**
8 SECTION 2. IC 13-30-2-1, AS AMENDED BY P.L.133-2012,
9 SECTION 158, IS AMENDED TO READ AS FOLLOWS
10 [EFFECTIVE JULY 1, 2014]: Sec. 1. A person may not do any of the
11 following:
12 (1) Discharge, emit, cause, allow, or threaten to discharge, emit,
13 cause, or allow any contaminant or waste, including any noxious
14 odor, either alone or in combination with contaminants from other
15 sources, into:
16 (A) the environment; or



- 1 (B) any publicly owned treatment works;
 2 in any form that causes or would cause pollution that violates or
 3 would violate rules, standards, or discharge or emission
 4 requirements adopted by the board under the environmental
 5 management laws.
- 6 (2) Increase the quantity or strength of a discharge of
 7 contaminants into the waters or construct or install a sewer or
 8 sewage treatment facility or a new outlet for contaminants into the
 9 waters of Indiana without prior approval of the department.
- 10 (3) Deposit any contaminants upon the land in a place and manner
 11 that creates or would create a pollution hazard that violates or
 12 would violate a rule adopted by the board.
- 13 (4) Deposit or cause or allow the deposit of any contaminants or
 14 solid waste upon the land, except through the use of sanitary
 15 landfills, incineration, composting, garbage grinding, or another
 16 method acceptable to the board.
- 17 (5) Dump or cause or allow the open dumping of garbage or of
 18 any other solid waste in violation of rules adopted by the board.
- 19 (6) Dispose of solid waste in, upon, or within the limits of or
 20 adjacent to a public highway, state park, state nature preserve, or
 21 recreation area or in or immediately adjacent to a lake or stream,
 22 except:
- 23 (A) in proper containers provided for sanitary storage of the
 24 solid waste; or
- 25 (B) as a part of a sanitary landfill operation or other land
 26 disposal method approved by the department.
- 27 (7) Construct, install, operate, conduct, or modify, without prior
 28 approval of the department, any equipment or facility of any type
 29 that may:
- 30 (A) cause or contribute to pollution; or
 31 (B) be designed to prevent pollution.
- 32 However, the commissioner or the board may approve
 33 experimental uses of any equipment, facility, or pollution control
 34 device that is considered necessary for the further development of
 35 the state of the art of pollution control.
- 36 (8) Conduct any salvage operation or open dump by open burning
 37 or burn, cause, or allow the burning of any solid waste in a
 38 manner that violates either:
- 39 (A) the air pollution control laws; or
 40 (B) the rules adopted by the board.
- 41 (9) Commence construction of a proposed hazardous waste
 42 facility without having first:



- 1 (A) filed an application for; and
 2 (B) received;
 3 a permit from the department.
 4 (10) Commence or engage in the operation of a hazardous waste
 5 facility without having first obtained a permit from the
 6 department.
 7 (11) Deliver any hazardous waste to a hazardous waste facility
 8 that:
 9 (A) is not approved; or
 10 (B) does not hold a permit from the department.
 11 (12) Cause or allow the transportation of a hazardous waste
 12 without a manifest if a manifest is required by law.
 13 (13) Violate any:
 14 (A) condition;
 15 (B) limitation; or
 16 (C) stipulation;
 17 placed upon a certificate of environmental compatibility by the
 18 hazardous waste facility site approval authority or any other
 19 provision of IC 13-22-10.
 20 (14) Apply or allow the application of used oil to any ground
 21 surface, except for purposes of treatment in accordance with a
 22 permit issued by the department under any of the following:
 23 (A) IC 13-15, except IC 13-15-9.
 24 (B) IC 13-17-11.
 25 (C) IC 13-18-18.
 26 (D) IC 13-20-1.
 27 (15) Commence construction of a solid waste incinerator without
 28 first obtaining a permit from the department under IC 13-20-8.
 29 (16) Commence operation of a solid waste incinerator without
 30 first obtaining the approval of the department under IC 13-20-8.
 31 **(17) After June 30, 2014:**
 32 **(A) sell; or**
 33 **(B) apply to pavement;**
 34 **a coal tar pavement product, except as required for purposes**
 35 **of research on the effects of the coal tar pavement product on**
 36 **the environment.**

