



Reprinted
January 28, 2014

HOUSE BILL No. 1183

DIGEST OF HB 1183 (Updated January 27, 2014 5:42 pm - DI 55)

Citations Affected: IC 13-11; IC 13-20.

Synopsis: Recycling reporting, state goal, and study. Requires every recycler to report to the commissioner of the department of environmental management (commissioner) on the recycling activities conducted by the recycler. Allows a recycler the option of reporting annually or quarterly. Allows certain persons who are not subject to the reporting requirement to report voluntarily. Requires the commissioner to post on the department's Internet web site a uniform recycling activity report form to be used in making the recycling activity reports. Requires the commissioner to submit to the environmental quality service council an annual written report summarizing the information obtained through the recycling activity reports submitted to the commissioner. Establishes a state goal of recycling at least 50% of all municipal waste by 2019. Requires the environmental quality service council, not later than November 1, 2014, to produce a written report that includes the environmental quality service council's analysis of a number of recycling-related subjects.

Effective: Upon passage; July 1, 2014.

**Wolkins, Errington, Lutz, Morris,
Pierce, Frye R, Forestal**

January 14, 2014, read first time and referred to Committee on Environmental Affairs.
January 15, 2014, reported — Do Pass.
January 27, 2014, read second time, amended, ordered engrossed.

HB 1183—LS 7108/DI 55



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January 28, 2014

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. 1183

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 13-11-2-85.3 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2014]: **Sec. 85.3. "Fiscal year", for purposes**
4 **of IC 13-20-25, has the meaning set forth in IC 13-20-25-2.**
5 SECTION 2. IC 13-11-2-133, AS AMENDED BY P.L.178-2009,
6 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
7 JULY 1, 2014]: Sec. 133. (a) "Municipal waste", for purposes of:
8 (1) IC 13-20-4;
9 (2) IC 13-20-6;
10 (3) IC 13-20-21;
11 (4) IC 13-20-23;
12 (5) IC 13-20.5-10;
13 (6) IC 13-22-1 through IC 13-22-8; and
14 (7) IC 13-22-13 through IC 13-22-14;
15 means any garbage, refuse, industrial lunchroom or office waste, and
16 other similar material resulting from the operation of residential,

HB 1183—LS 7108/DI 55



1 municipal, commercial, or institutional establishments and community
2 activities.

3 (b) The term does not include the following:

4 (1) Hazardous waste regulated under:

5 (A) IC 13-22-1 through IC 13-22-8 and IC 13-22-13 through
6 IC 13-22-14; or

7 (B) the federal Solid Waste Disposal Act (42 U.S.C. 6901 et
8 seq.), as in effect on January 1, 1990.

9 (2) Infectious waste (as defined in IC 16-41-16-4).

10 (3) Wastes that result from the combustion of coal and that are
11 referred to in IC 13-19-3-3.

12 (4) Materials that are being transported to a facility for
13 reprocessing or reuse.

14 (c) As used in subsection (b)(4), "reprocessing or reuse" does not
15 include either of the following:

16 (1) Incineration.

17 (2) Placement in a landfill.

18 (d) **"Municipal waste", for purposes of IC 13-20-25, has the**
19 **meaning set forth in IC 13-20-25-3.**

20 SECTION 3. IC 13-11-2-179.5 IS ADDED TO THE INDIANA
21 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
22 [EFFECTIVE JULY 1, 2014]: **Sec. 179.5. "Recyclable material", for**
23 **purposes of IC 13-20-25, has the meaning set forth in**
24 **IC 13-20-25-4.**

25 SECTION 4. IC 13-11-2-179.6 IS ADDED TO THE INDIANA
26 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
27 [EFFECTIVE JULY 1, 2014]: **Sec. 179.6. "Recyclable materials**
28 **broker", for purposes of IC 13-20-25, has the meaning set forth in**
29 **IC 13-20-25-5.**

30 SECTION 5. IC 13-11-2-179.7 IS ADDED TO THE INDIANA
31 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
32 [EFFECTIVE JULY 1, 2014]: **Sec. 179.7. "Recycle", for purposes of**
33 **IC 13-20-25, has the meaning set forth in IC 13-20-25-6.**

34 SECTION 6. IC 13-11-2-179.9, AS ADDED BY P.L.178-2009,
35 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
36 JULY 1, 2014]: Sec. 179.9. (a) "Recycler", for purposes of sections
37 31.1 and 31.2 of this chapter and IC 13-20.5, means an individual or
38 public or private entity that accepts covered electronic devices from
39 covered entities and collectors for the purpose of recycling. ~~(b)~~ The
40 term does not include a manufacturer that accepts products for
41 refurbishment or repair.

42 (b) **"Recycler", for purposes of IC 13-20-25, has the meaning set**



1 **forth in IC 13-20-25-7.**

2 SECTION 7. IC 13-11-2-202.8 IS ADDED TO THE INDIANA
3 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
4 [EFFECTIVE JULY 1, 2014]: **Sec. 202.8. "Single stream recyclable**
5 **materials"**, for purposes of IC 13-20-25, has the meaning set forth
6 **in IC 13-20-25-8.**

7 SECTION 8. IC 13-20-25 IS ADDED TO THE INDIANA CODE
8 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
9 UPON PASSAGE]:

10 **Chapter 25. Resource Conservation and Recycling**

11 **Sec. 1. The goal of the state is to recycle at least fifty percent**
12 **(50%) of its municipal waste by 2019.**

13 **Sec. 2. As used in this chapter, "fiscal year" means a period:**

- 14 (1) beginning July 1 in a calendar year; and
15 (2) ending June 30 of the succeeding calendar year.

16 **Sec. 3. As used in this chapter, "municipal waste" means any:**

- 17 (1) garbage;
18 (2) refuse;
19 (3) industrial lunchroom waste;
20 (4) office waste; or
21 (5) other, similar material;

22 **that results from the operation of residential, municipal,**
23 **commercial, or institutional establishments and community**
24 **activities.**

25 **Sec. 4. As used in this chapter, "recyclable material" means**
26 **municipal waste that is suitable for recycling.**

27 **Sec. 5. As used in this chapter, "recyclable materials broker"**
28 **means a person that:**

- 29 (1) engages in the business of arranging for the collection,
30 transportation, delivery, recycling, or reuse of recyclable
31 materials; but
32 (2) does not take title to, or physical possession of, the
33 recyclable materials.

34 **Sec. 6. As used in this chapter, "recycle" means to take action**
35 **by which recyclable materials are recovered from the solid waste**
36 **stream for purposes of:**

- 37 (1) use or reuse;
38 (2) conversion into raw materials; or
39 (3) use in the production of new products.

40 **Sec. 7. (a) As used in this chapter, "recycler" means a person**
41 **who recycles recyclable materials generated by more than one (1)**
42 **person.**



1 (b) The term includes the following:

2 (1) A recyclable materials broker.

3 (2) The owner or operator of a solid waste disposal facility
4 regulated under IC 13-20-8 at which recycling occurs.

5 (3) The owner or operator of a material recovery facility.

6 (4) A solid waste management district established under
7 IC 13-21 or IC 13-9.5 (before its repeal).

8 Sec. 8. As used in this chapter, "single stream recyclable
9 materials" means a combination of two (2) or more types of
10 recyclable materials that have been commingled and cannot be
11 separated into individual types without processing.

12 Sec. 9. (a) A recycler shall report the recycler's recycling
13 activities under this section. A recycler may elect to report the
14 recycler's recycling activities on an annual basis under subsection
15 (b) or on a quarterly basis under subsection (c).

16 (b) A recycler that elects to report on an annual basis shall, in
17 2015 and each succeeding calendar year, before August 1, submit
18 to the commissioner a completed recycling activity report
19 concerning the recycling activities conducted by the recycler
20 during the fiscal year that ended on the most recent June 30.

21 (c) A recycler that elects to report on a quarterly basis shall, for
22 the July through September quarter of 2014 and each succeeding
23 quarter, not more than thirty (30) days after the end of the
24 quarter, submit to the commissioner a completed recycling activity
25 report concerning the recycling activities conducted by the recycler
26 during the quarter. A quarterly report submitted under this
27 subsection must concern the recycling activities conducted by the
28 recycler during the period of:

29 (1) July through September;

30 (2) October through December;

31 (3) January through March; or

32 (4) April through June.

33 (d) A recycler shall submit a separate recycling activity report
34 under this section for each reporting period, whether annual or
35 quarterly, for each facility:

36 (1) that was owned or operated by the recycler; and

37 (2) at which the recycler conducted recycling activities;

38 during the reporting period.

39 Sec. 10. (a) A person:

40 (1) who:

41 (A) is not required to submit a recycling activity report
42 under section 9 of this chapter; but



- 1 (B) recycled recyclable materials during a fiscal year; or
 2 (2) who:
 3 (A) meets the definition of "scrap metal processing
 4 facility" set forth in IC 8-23-1-36;
 5 (B) meets the definition of "automotive salvage recycler"
 6 set forth in IC 9-13-2-10;
 7 (C) meets the definition of "disposal facility" set forth in
 8 IC 9-13-2-44;
 9 (D) is engaged in business subject to IC 9-22-3;
 10 (E) meets the definition of "automotive salvage rebuilder"
 11 set forth in IC 9-32-2-5;
 12 (F) meets the definition of "scrap metal processor" set
 13 forth in IC 13-11-2-196.5;
 14 (G) meets the definition of "core buyer" set forth in
 15 IC 25-37.5-1-0.2; or
 16 (H) meets the definition of "valuable metal dealer" set
 17 forth in IC 25-37.5-1-1(b);

18 may voluntarily submit a recycling activity report to the
 19 commissioner concerning the person's recycling activity during the
 20 fiscal year.

21 (b) The commissioner shall include information reported to the
 22 commissioner under this section in the written annual reports that
 23 the commissioner is required to submit to the environmental
 24 quality service council under section 14 of this chapter.

25 Sec. 11. (a) Except as provided in subsection (b), a recycling
 26 activity report submitted to the commissioner under this chapter
 27 must be submitted on the uniform recycling activity report form
 28 posted by the commissioner on the department's Internet web site
 29 under section 12 of this chapter.

30 (b) If a uniform recycling activity report form is not posted on
 31 the department's Internet web site by July 1 in a calendar year in
 32 which a recycler is required to submit a completed recycling
 33 activity report under section 9(a) of this chapter, the recycler may
 34 satisfy the recycler's duties under this chapter by submitting to the
 35 commissioner, by a letter postmarked before August 1 of the
 36 calendar year, the types of information about the recycler's
 37 recycling activities during the fiscal year that are set forth in
 38 section 12 of this chapter.

39 Sec. 12. (a) Not later than July 1, 2015, the commissioner shall
 40 post on the department's Internet web site a uniform recycling
 41 activity report form. The form must do the following:

- 42 (1) Provide for reporting of the:



- 1 (A) name and location of; and
 2 (B) principal business activities conducted at;
 3 the recycler's establishment.
 4 (2) Include:
 5 (A) an appropriate space for; and
 6 (B) instructions requiring the completion of;
 7 an appropriate certification, by signature of the recycler (if
 8 the recycler is an individual) or a senior official with
 9 management responsibility for the recycler (if the recycler is
 10 not an individual), of the accuracy and completeness of the
 11 recycling activity report.
 12 (3) Provide for reporting of the quantity, in tons, of each type
 13 of recyclable material listed in subsection (b) that was in
 14 storage at the reporting recycler's establishment:
 15 (A) at the start of the fiscal year; and
 16 (B) at the close of the fiscal year.
 17 (4) Provide for reporting of the quantity, in tons, of each type
 18 of recyclable material listed in subsection (b) that was
 19 transported from the reporting recycler's establishment, or
 20 (in the case of a recycler that is a recyclable materials broker)
 21 that was transported or delivered by arrangement of the
 22 recycler, to any of the following:
 23 (A) Other recyclers located in Indiana.
 24 (B) Persons that are located in Indiana but are not
 25 recyclers, including persons who may employ the
 26 recyclable material as a raw material or a new product
 27 without further recycling.
 28 (C) Persons located outside Indiana.
 29 (b) The uniform recycling activity report form posted on the
 30 department's Internet web site under subsection (a) must specify
 31 that the information to be reported by a recycler under subsection
 32 (a)(3) and (a)(4) must be reported separately for each of the
 33 following types of recyclable materials:
 34 (1) Glass.
 35 (2) Metal, including white goods (ferrous).
 36 (3) Metal (nonferrous).
 37 (4) Paper and paper products (all grades).
 38 (5) Plastic and plastic products.
 39 (6) Single stream recyclable materials.
 40 (7) Any other distinct type of recyclable material not specified
 41 in subdivisions (1) through (6).



1 **Sec. 13.** A recycler is not required to measure directly the
2 weight of recyclable materials for purposes of submitting a
3 recycling activities report under this chapter. For the purposes of
4 reporting the quantity, in tons, of a type of recyclable material
5 recycled, a recycler may estimate the weight of the recyclable
6 material by converting the volume of the recyclable material to
7 weight based on the density of the recyclable material.

8 **Sec. 14.** Not later than December 31, 2015, and each succeeding
9 calendar year, the commissioner shall submit to the environmental
10 quality service council established by IC 13-13-7-1 a written report
11 summarizing the information obtained through the recycling
12 activity reports submitted to the commissioner under this chapter
13 concerning the fiscal year most recently ended.

14 **Sec. 15.** The environmental rules board may adopt rules under
15 IC 4-22-2 and IC 13-14-9 to administer this chapter.

16 **Sec. 16. (a)** Not later than November 1, 2014, the environmental
17 quality service council established by IC 13-13-7-1 shall produce a
18 written report that includes the following:

19 (1) An analysis of all policy options that would increase the
20 recycling of municipal solid waste in Indiana, and a good faith
21 estimate of the number of tons of municipal solid waste that
22 would be recovered from the waste stream in Indiana for
23 recycling into new products as the result of the
24 implementation of each policy option.

25 (2) An analysis of the role of the solid waste management
26 districts established under IC 13-21-3 and how the solid waste
27 management districts can most effectively contribute to
28 achieving the recycling goal set forth in section 1 of this
29 chapter.

30 (3) An analysis of the role of the Indiana recycling market
31 development board created by IC 4-23-5.5-2 and how the
32 recycling market development board can most effectively
33 contribute to achieving the recycling goal set forth in section
34 1 of this chapter.

35 (4) An analysis of the role of the state solid waste management
36 fund established by IC 13-20-22-2 and how the state solid
37 waste management fund can most effectively contribute to
38 achieving the recycling goal set forth in section 1 of this
39 chapter.

40 (5) An analysis of alternatives to landfill disposal of municipal
41 waste, including incineration and the use of waste-to-energy



- 1 facilities, and the relationship of these alternatives to the
2 recycling goal set forth in section 1 of this chapter.
- 3 (b) The report produced under subsection (a) must include all
4 written testimony and materials presented to the environmental
5 quality service council concerning the subjects set forth in
6 subsection (a)(1) through (a)(5), including citations to all sources
7 referenced or relied upon. However, the report must not:
8 (1) make recommendations concerning; or
9 (2) otherwise limit consideration of;
10 any policy option for increasing the recycling of municipal solid
11 waste for any reason.
- 12 (c) The environmental quality service council shall begin its
13 analysis of the subjects set forth in subsection (a)(1) through (a)(5)
14 not later than June 1, 2014.
- 15 (d) The environmental quality service council, or a committee
16 of the environmental quality service council, shall meet at least six
17 (6) times for the purposes of this section.
- 18 (e) This section expires December 31, 2014.
- 19 SECTION 9. An emergency is declared for this act.



COMMITTEE REPORT

Mr. Speaker: Your Committee on Environmental Affairs, to which was referred House Bill 1183, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1183 as introduced.)

Committee Vote: Yeas 11, Nays 0

Representative Wolkins

 HOUSE MOTION

Mr. Speaker: I move that House Bill 1183 be amended to read as follows:

Page 4, line 6, delete "A scrap metal processor, as defined in IC 13-11-2-196.5." and insert "**A solid waste management district established under IC 13-21 or IC 13-9.5 (before its repeal).**".

Page 4, delete lines 11 through 24, begin a new paragraph and insert:

"Sec. 9. (a) A recycler shall report the recycler's recycling activities under this section. A recycler may elect to report the recycler's recycling activities on an annual basis under subsection (b) or on a quarterly basis under subsection (c).

(b) A recycler that elects to report on an annual basis shall, in 2015 and each succeeding calendar year, before August 1, submit to the commissioner a completed recycling activity report concerning the recycling activities conducted by the recycler during the fiscal year that ended on the most recent June 30.

(c) A recycler that elects to report on a quarterly basis shall, for the July through September quarter of 2014 and each succeeding quarter, not more than thirty (30) days after the end of the quarter, submit to the commissioner a completed recycling activity report concerning the recycling activities conducted by the recycler during the quarter. A quarterly report submitted under this subsection must concern the recycling activities conducted by the recycler during the period of:

- (1) July through September;**
- (2) October through December;**
- (3) January through March; or**
- (4) April through June.**

HB 1183—LS 7108/DI 55



(d) A recycler shall submit a separate recycling activity report under this section for each reporting period, whether annual or quarterly, for each facility:

- (1) that was owned or operated by the recycler; and
- (2) at which the recycler conducted recycling activities;

during the reporting period.

Sec. 10. (a) A person:

(1) who:

(A) is not required to submit a recycling activity report under section 9 of this chapter; but

(B) recycled recyclable materials during a fiscal year; or

(2) who:

(A) meets the definition of "scrap metal processing facility" set forth in IC 8-23-1-36;

(B) meets the definition of "automotive salvage recycler" set forth in IC 9-13-2-10;

(C) meets the definition of "disposal facility" set forth in IC 9-13-2-44;

(D) is engaged in business subject to IC 9-22-3;

(E) meets the definition of "automotive salvage rebuilder" set forth in IC 9-32-2-5;

(F) meets the definition of "scrap metal processor" set forth in IC 13-11-2-196.5;

(G) meets the definition of "core buyer" set forth in IC 25-37.5-1-0.2; or

(H) meets the definition of "valuable metal dealer" set forth in IC 25-37.5-1-1(b);".

Page 5, line 4, delete "A not" and insert "**Not**".

Page 6, line 22, delete "October" and insert "**November**".

Page 6, line 26, delete "good-faith" and insert "**good faith**".

Page 7, delete lines 4 through 6, begin a new line block indented and insert:

"(5) An analysis of alternatives to landfill disposal of municipal waste, including incineration and the use of waste-to-energy facilities, and the relationship of these alternatives to the recycling goal set forth in section 1 of this chapter."

Page 7, line 18, delete "April" and insert "**June**".

(Reference is to HB 1183 as printed January 16, 2014.)

MORRIS

