



February 26, 2014

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## ENGROSSED HOUSE BILL No. 1183

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DIGEST OF HB 1183 (Updated February 24, 2014 4:01 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. 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.

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

(SENATE SPONSORS — CHARBONNEAU, STOOPS, ECKERTY,  
RANDOLPH)

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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.  
January 28, 2014, engrossed.  
January 29, 2014, read third time, passed. Yeas 97, nays 0.

SENATE ACTION

February 4, 2014, read first time and referred to Committee on Environmental Affairs.  
February 25, 2014, amended, reported favorably — Do Pass.

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EH 1183—LS 7108/DI 55





February 26, 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.

## ENGROSSED HOUSE BILL No. 1183

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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,

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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.**

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

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 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.**

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(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



COMMITTEE REPORT

Madam President: The Senate Committee on Environmental Affairs, to which was referred House Bill No. 1183, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 3, line 12, delete "waste by 2019." and insert "**waste.**".

and when so amended that said bill do pass.

(Reference is to HB 1183 as reprinted January 28, 2014.)

CHARBONNEAU, Chairperson

Committee Vote: Yeas 7, Nays 1.

