

HOUSE BILL No. 1366

DIGEST OF INTRODUCED BILL

Citations Affected: IC 13-18-12-2.5.

Synopsis: Industrial waste. Provides that in determining whether a biosolid or an industrial waste product resulting from anaerobic digestion must be evaluated for characteristics of hazardous waste under certain federal regulations applicable to hazardous wastes, the commissioner of the Indiana department of environmental management: (1) may not apply standards that are more stringent than the federal standard; and (2) shall act expeditiously in making the determination for purposes of implementing a state administrative rule.

Effective: July 1, 2020.

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January 15, 2020, read first time and referred to Committee on Environmental Affairs.



Second Regular Session of the 121st General Assembly (2020)

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 2019 Regular Session of the General Assembly.

HOUSE BILL No. 1366

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 13-18-12-2.5, AS AMENDED BY P.L.250-2019,
2 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2020]: Sec. 2.5. (a) The department and the board may allow
4 a person to use industrial waste products in a land application operation
5 or as ingredients in a soil amendment or soil substitute to be land
6 applied if:

- 7 (1) the industrial waste products are not hazardous wastes;
- 8 (2) the industrial waste products:
 - 9 (A) have a beneficial use (as defined in 327 IAC 6.1-2-6); or
 - 10 (B) otherwise provide a benefit to the process of creating the
 - 11 soil amendments or soil substitute or to the final soil
 - 12 amendment, soil substitute, or material to be land applied,
 - 13 such as bulking;
- 14 (3) the finished soil amendment, soil substitute, or material to be
- 15 land applied satisfies the applicable criteria in 327 IAC 6.1;
- 16 (4) the finished soil amendment, soil substitute, or material to be
- 17 land applied has a beneficial use;



- 1 (5) the requirements of subsection (b) are satisfied; and
 2 (6) the person pays a permit fee in an amount determined under
 3 rules adopted by the board that does not exceed the costs incurred
 4 by the department to issue the permit.
- 5 (b) The department:
- 6 (1) may allow the use of industrial waste products:
- 7 (A) in a land application operation; or
 8 (B) as ingredients in a soil amendment or soil substitute to be
 9 land applied;
- 10 on the same basis as other materials under the rules concerning
 11 land application and marketing and distribution permits;
- 12 (2) may not:
- 13 (A) discriminate against the use of industrial waste products
 14 on the basis that the industrial waste products lack biological
 15 carbon;
- 16 (B) impose requirements beyond applicable criteria in 327
 17 IAC 6.1, unless additional requirements are necessary for the
 18 protection of human health and the environment;
- 19 (C) require that the finished soil amendment, soil substitute, or
 20 material to be land applied must be of a particular economic
 21 value; or
- 22 (D) for any pollutant that has a pollutant limit or concentration
 23 in 327 IAC 6.1, require that an industrial waste product or the
 24 finished soil amendment, soil substitute, or material to be land
 25 applied satisfies:
- 26 (i) the department's remediation closure guidance; or
 27 (ii) any other standards other than criteria in 327 IAC 6.1;
- 28 (3) for any pollutant present in the industrial waste products that
 29 does not have a pollutant limit or concentration in 327 IAC 6.1,
 30 shall consider the benefits of the finished soil amendment, soil
 31 substitute, or material to be land applied as compared to the
 32 measurable risks to human health and the environment based on
 33 the anticipated use of the finished soil amendment, soil substitute,
 34 or material to be land applied; and
- 35 (4) shall require an application for a permit for the land
 36 application of industrial waste products to include
 37 characterization of individual industrial waste products at the
 38 point of waste generation before mixing the waste streams.
- 39 (c) The board may adopt rules for pollutant limits or concentrations
 40 for pollutants for which limits or concentrations do not exist in 327
 41 IAC 6.1 as of July 1, 2011.
- 42 (d) **In determining whether a biosolid (as defined in 327**



1 IAC 6.1-2-7) or an industrial waste product (as defined in 327
2 IAC 6.1-2-30) resulting from anaerobic digestion (as defined in 327
3 IAC 6.1-2-4) must be evaluated for characteristics of hazardous
4 waste under 40 CFR 261, Subpart C, the commissioner of the
5 department:

- 6 (1) may not apply standards that are more stringent than the
7 standard established by 40 CFR 261; and
8 (2) shall act expeditiously in making the determination for
9 purposes of 327 IAC 6.1-4-2.

