

HOUSE BILL No. 1495

DIGEST OF INTRODUCED BILL

Citations Affected: IC 4-23-5.5-2; IC 13-11-2; IC 13-20; IC 13-20.5; IC 13-23-9-1.3; IC 13-26-5-7.

Synopsis: Environmental management. Authorizes an ex officio advisory member of the Indiana recycling market development board to designate a representative to serve in an advisory capacity when the ex officio member is unable to attend a board meeting. Amends the law concerning certain facilities for the composting of vegetative matter to require that the facilities be designed and operated to prevent contamination from stormwater and leachate runoff and to require the use of controls at the facilities for ground water or surface water contamination, dust, odor, and noise. Creates an exception to the prohibition against establishing a sanitary landfill within one-half mile of an area subdivided for residential purposes. Amends the law on the recycling of electronic waste: (1) to require manufacturers of video display devices to submit an annual registration to the department of environmental management (department) not later than March 1 of each year and to report to the department not later than March 1 of each year the total weight in pounds of covered electronic devices that the manufacturers collected and recycled during the previous program year; and (2) to require collectors and registered recyclers of covered electronic devices to submit annual registrations to the department not later than March 1 of each year. Provides that the total amount otherwise available from the underground petroleum storage tank excess liability trust fund in connection with an eligible release may be reduced by the sum of annual registration fees for the underground storage tank from which the release occurred that were due in 1991 or a later year and have not been paid. (Under current law, the amount otherwise available may be reduced by the sum of annual registration fees for the tank that were due in 1991 or a later year and were not paid)

(Continued next page)

Effective: July 1, 2017.

Wolkins

January 18, 2017, read first time and referred to Committee on Environmental Affairs.



Digest Continued

in the year in which they were originally due.) Amends the law concerning regional water, sewage, and solid waste districts to eliminate a provision under which a contract providing for a governmental or private body to supply water to or treat the sewage and solid waste of a regional district is subject to the approval of the department.



First Regular Session of the 120th General Assembly (2017)

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 2016 Regular Session of the General Assembly.

HOUSE BILL No. 1495

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 4-23-5.5-2, AS AMENDED BY P.L.204-2007,
2 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2017]: Sec. 2. (a) The Indiana recycling market development
4 board is created and constitutes a public instrumentality of the state.
5 The exercise by the board of the powers conferred by this chapter is an
6 essential governmental function.
7 (b) The board consists of nine (9) members, one (1) of whom shall
8 be the lieutenant governor or the lieutenant governor's designee and
9 eight (8) of whom shall be appointed by the governor for four (4) year
10 terms. The governor's appointees shall be chosen from among
11 representatives of:
12 (1) the waste management industry;
13 (2) the recycling industry;
14 (3) Indiana universities and colleges with expertise in recycling
15 research and development;
16 (4) industrial and commercial consumers of recycled feedstock;
17 (5) environmental groups; and



1 (6) private citizens with a special interest in recycling.
 2 No more than four (4) ~~appointive~~ **appointed** members shall be of the
 3 same political party.

4 (c) A vacancy in the office of an ~~appointive~~ **appointed** member,
 5 other than by expiration, shall be filled in like manner as the original
 6 appointment for the remainder of the term of that retiring member.
 7 Appointed members may be removed by the governor for cause.

8 (d) The board shall have seven (7) ex officio advisory members as
 9 follows:

10 (1) The governor.

11 (2) The director of the department of natural resources.

12 (3) The commissioner of the department of environmental
 13 management.

14 (4) Two (2) members from the house of representatives of
 15 opposite political parties appointed by the speaker of the house of
 16 representatives for two (2) year terms.

17 (5) Two (2) members from the senate of opposite political parties
 18 appointed by the president pro tempore of the senate for two (2)
 19 year terms.

20 (e) The division shall serve as the staff of the board.

21 **(f) An ex officio advisory member identified in subsection (d)**
 22 **may, in writing, designate a representative to serve in an advisory**
 23 **capacity when the ex officio member is unable to attend a board**
 24 **meeting.**

25 SECTION 2. IC 13-11-2-172.1, AS AMENDED BY P.L.37-2012,
 26 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 27 JULY 1, 2017]: Sec. 172.1. "Program year", for purposes of IC 13-20.5,
 28 has the meaning set forth in ~~IC 13-20.5-1-1.~~ **IC 13-20.5-1-0.5.**

29 SECTION 3. IC 13-11-2-193.1 IS ADDED TO THE INDIANA
 30 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 31 [EFFECTIVE JULY 1, 2017]: **Sec. 193.1. "Restricted waste site" has**
 32 **the meaning set forth in 329 IAC 10-2.5-1(b)(57).**

33 SECTION 4. IC 13-20-10-1, AS AMENDED BY P.L.199-2014,
 34 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 35 JULY 1, 2017]: Sec. 1. (a) This chapter applies to composting (as
 36 defined in IC 13-11-2-38) of vegetative matter and other organic
 37 material.

38 (b) This chapter does not apply to the following:

39 (1) A person who conducts a composting operation ~~at~~ **on** the
 40 person's ~~residence or farm property~~ **residence or farm property** for vegetative matter and
 41 other types of organic material that are ~~(A)~~ generated by the
 42 person's activities. ~~and~~



- 1 ~~(B)~~ stored, treated, or disposed of at the person's residence or
2 farm.
- 3 (2) A person who conducts a composting operation ~~that processes~~
4 **in an area of less than two thousand (2,000) pounds of vegetative**
5 **matter during a year: three hundred (300) square feet.**
- 6 (3) Temporary ~~stores~~ **storage** of vegetative matter where only an
7 incidental amount of composting will occur before removal of the
8 matter.
- 9 SECTION 5. IC 13-20-10-4, AS AMENDED BY P.L.199-2014,
10 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
11 JULY 1, 2017]: Sec. 4. **(a)** Except as provided in sections 5 and 6 of
12 this chapter, the active area of a composting facility ~~(†)~~ may not be
13 located ~~(A)~~ within:
- 14 (1) two hundred (200) feet of a well that supplies potable water;
15 or
16 ~~(B)~~ **(2)** within two hundred (200) feet of a residential structure
17 that exists at the time that the composting facility initially
18 registers under this chapter.
- 19 **(b) A composting facility:**
- 20 ~~(2)~~ **(1)** must be located outside the ten (10) year floodplain, except
21 **for a composting** facility that is either:
- 22 (A) operated in conjunction with a publicly owned works
23 permitted under IC 13-15-3; or
24 (B) designed and operated ~~to provide adequate controls to~~
25 prevent ground or surface water contamination in the event of
26 a ten (10) year flood; ~~occurs;~~
- 27 ~~(3)~~ **(2)** must be designed and operated to **prevent ground water**
28 **and surface water contamination from:**
- 29 (A) ~~prevent compost from being placed within five (5) feet of~~
30 a water table or ~~provide adequate controls to prevent ground~~
31 or surface water contamination; **stormwater; and**
- 32 (B) ~~adequately control leachate~~ runoff from the composting
33 facility; ~~and~~
- 34 ~~(C)~~ manage leachate that is generated by the composting
35 facility; ~~and~~
- 36 **(3) must not locate compost within five (5) feet of the seasonal**
37 **high water table unless the composting facility provides**
38 **adequate controls to prevent ground water or surface water**
39 **contamination; and**
- 40 (4) must ~~include~~ **provide** controls for the following:
- 41 (A) Dust.
- 42 (B) Odor.



1 (C) Noise.

2 **(c) If compost material that contains food waste is present in a**
 3 **composting facility, the composting facility must provide controls**
 4 **for vectors and pathogens in addition to the controls required by**
 5 **subsection (b)(4).**

6 SECTION 6. IC 13-20-12-2 IS AMENDED TO READ AS
 7 FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 2. **(a)** A person may not
 8 establish a sanitary landfill for the disposal of garbage, rubbish, or
 9 refuse on land in Indiana within one-half (1/2) mile of an area:

- 10 (1) that has been subdivided for residential purposes; and
 11 (2) for which the plat is on file in the office of the county recorder
 12 at the time the landfill is established.

13 **(b) This section does not apply to the establishment of a**
 14 **restricted waste site by a person that:**

- 15 **(1) generates the restricted waste disposed of in the restricted**
 16 **waste site; and**
 17 **(2) manages the restricted waste site under rules for solid**
 18 **waste land disposal facilities adopted by the board.**

19 SECTION 7. IC 13-20.5-1-0.5 IS ADDED TO THE INDIANA
 20 CODE AS A NEW SECTION TO READ AS FOLLOWS
 21 [EFFECTIVE JULY 1, 2017]: **Sec. 0.5. As used in this chapter,**
 22 **"program year" means a calendar year.**

23 SECTION 8. IC 13-20.5-1-1, AS AMENDED BY P.L.37-2012,
 24 SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 25 JULY 1, 2017]: Sec. 1. **(a)** "Program year", for purposes of this chapter,
 26 means a calendar year.

27 **(b) (a)** A manufacturer of video display devices **that are** sold or
 28 offered for sale to households as of January 1 ~~2010~~; **of a program year**
 29 shall submit a registration to the department not later than ~~(1) April~~
 30 **March 1** ~~2010~~; **for the of that** program year. ~~that begins on April 1,~~
 31 ~~2010; and~~

- 32 **(2)** each immediately succeeding January ~~1~~ on which the
 33 manufacturer continues as a manufacturer of video display
 34 devices sold or offered for sale to households for the program year
 35 that begins on that January ~~1~~.

36 **(c)** A manufacturer that begins to sell or offer for sale video display
 37 devices to households after 2009 and before April ~~1, 2010~~; shall submit
 38 a registration to the department not later than:

- 39 **(1)** April ~~20, 2010~~; for the program year that begins on April ~~1,~~
 40 ~~2010~~; and
 41 **(2)** each immediately succeeding January ~~1~~ on which the
 42 manufacturer continues as a manufacturer of video display



- 1 devices sold or offered for sale to households for the program year
 2 that begins on that January 1:
- 3 (d) **(b)** A manufacturer of video display devices that begins to sell
 4 or offer **begin to be sold or offered** for sale video display devices to
 5 households after ~~March 31, 2010~~; **January 1 of a program year** shall
 6 submit a registration to the department not later than:
- 7 (1) twenty (20) days after the date **on which the manufacturer's**
 8 **video display devices manufacturer begins to sell begin to be**
 9 **sold or offer offered** for sale, the video display devices for the
 10 program year in which the manufacturer begins to sell or offer for
 11 sale the manufacturer's video display devices **begin to be sold**
 12 **or offered for sale to households**; and
- 13 (2) ~~each immediately for~~ succeeding ~~January 1 on~~ **program**
 14 **years in** which the manufacturer continues as a manufacturer of
 15 video display devices **that are** sold or offered for sale to
 16 households, ~~for the program year that begins on that January 1; on~~
 17 **the date specified in subsection (a).**
- 18 (e) ~~(c)~~ (c) A registration submitted under this section must include the
 19 following:
- 20 (1) A list of the brands of video display devices **of the**
 21 **manufacturer that are** offered for sale in Indiana, ~~by the~~
 22 ~~manufacturer~~, regardless of whether the manufacturer owns or
 23 licenses the brand.
- 24 (2) The name, address, and contact information of a person
 25 responsible for ensuring compliance with this article. The
 26 department shall post the contact information provided by each
 27 manufacturer **under this subdivision** on an Internet web site.
- 28 (3) A certification that the manufacturer or the manufacturer's
 29 agent has complied and will continue to comply with the
 30 requirements of this article.
- 31 (4) An estimate, based on national sales data, of the total weight
 32 in pounds of the manufacturer's video display devices **that have**
 33 **been** sold to households during the most recent twelve (12)
 34 months:
- 35 (A) that precede the date of registration; and
 36 (B) for which that data is available.
- 37 (5) A demonstration of how the manufacturer plans, in the
 38 program year for which the registration is submitted, to meet the
 39 recycling goal stated in IC 13-20.5-4-1.
- 40 (6) A statement that discloses whether:
- 41 (A) any video display devices ~~sold by~~ **of** the manufacturer **that**
 42 **have been sold** to households exceed the maximum



1 concentration values established:

2 (i) for lead, mercury, cadmium, hexavalent chromium,
3 polybrominated biphenyls (pbbs), and polybrominated
4 diphenyl ethers (pbdes); and

5 (ii) under the directive restricting the use of certain
6 hazardous substances in electrical and electronic equipment
7 (RoHS Directive) 2002/95/EC of the European Parliament
8 and Council, as amended; or

9 (B) the manufacturer has received an exemption from any of
10 the maximum concentration values under the RoHS Directive
11 that has been approved and published by the European
12 Commission.

13 ~~(f)~~ (d) A manufacturer shall update the manufacturer's registration
14 under this section not more than ten (10) days after the date **on which**
15 the manufacturer changes the brand or brands of video display devices
16 **of the manufacturer sells or offers that are sold or offered** for sale to
17 households.

18 SECTION 9. IC 13-20.5-1-4, AS AMENDED BY P.L.37-2012,
19 SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
20 JULY 1, 2017]: Sec. 4. (a) ~~After 2009~~; A person may not operate as a
21 collector of covered electronic devices from covered entities unless the
22 person:

23 (1) has submitted to the department a completed registration form
24 as required by 329 IAC 16-5-1; and

25 (2) otherwise complies with 329 IAC 16.

26 (b) A registration submitted under this section:

27 (1) is effective upon receipt by the department; and

28 (2) must be submitted **for a program year** not later than
29 ~~November March 1 for of the next~~ program year.

30 SECTION 10. IC 13-20.5-1-5, AS AMENDED BY P.L.37-2012,
31 SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
32 JULY 1, 2017]: Sec. 5. (a) ~~After 2009~~; A person may not recycle
33 covered electronic devices generated by covered entities unless the
34 person:

35 (1) has submitted to the department a completed registration form
36 as required by 329 IAC 16-5-1; and

37 (2) otherwise complies with 329 IAC 16.

38 (b) A registered recycler may conduct recycling activities that are
39 consistent with this article.

40 (c) A registration submitted under this section:

41 (1) is effective upon receipt by the department; and

42 (2) must be submitted **for a program year** not later than



- 1 ~~November~~ **March 1** for of the next program year.
- 2 SECTION 11. IC 13-20.5-2-1, AS AMENDED BY P.L.147-2015,
 3 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 4 JULY 1, 2017]: Sec. 1. (a) Except as provided in subsection (g), a
 5 manufacturer that registers under IC 13-20.5-1 shall pay to the
 6 department at the time of registration an annual registration fee. The
 7 registration fee applies for the program year for which the registration
 8 is submitted to the department. The department shall deposit the fee in
 9 the electronic waste fund established by section 3 of this chapter.
- 10 (b) The registration fee for the initial program year to which the fee
 11 applies under subsection (a) is five thousand dollars (\$5,000). For each
 12 program year thereafter, the registration fee is equal to two thousand
 13 five hundred dollars (\$2,500).
- 14 (c) In addition to the registration fee under subsection (a), a
 15 manufacturer that registers under IC 13-20.5-1 and fails to meet the
 16 recycling goal under IC 13-20.5-4-1 is subject to a variable recycling
 17 fee for each program year that ends on March 31 of 2013 or December
 18 31 of a later year. Not later than September 1, the department shall
 19 provide a statement to each manufacturer liable for the variable
 20 recycling fee that states at least the following:
- 21 (1) The amount of the fee determined under subsection (d).
 22 (2) The method of calculation of the fee.
 23 (3) The due date of the fee.
 24 (4) The opportunity to petition under section 2 of this chapter.
- 25 The department shall deposit the fee in the Indiana recycling promotion
 26 and assistance fund established by IC 4-23-5.5-14.
- 27 (d) The amount of the variable recycling fee, if applicable, is the
 28 amount determined in STEP FOUR of the following formula:
- 29 STEP ONE: Multiply the number of pounds of the manufacturer's
 30 video display devices sold to households during the immediately
 31 preceding program year, as reported in the manufacturer's
 32 registration for the program year under ~~IC 13-20.5-1-1(c)(4);~~
 33 **IC 13-20.5-1-1(c)(4)**, by the proportion of sales of video display
 34 devices required to be recycled under IC 13-20.5-4-1.
- 35 STEP TWO: Subject to subsection (e), add the number of pounds
 36 of covered electronic devices recycled by the manufacturer from
 37 covered entities during the immediately preceding program year,
 38 as reported to the department under IC 13-20.5-3-1(a), to the
 39 number of recycling credits the manufacturer elects to use to
 40 calculate the variable recycling fee, as reported to the department
 41 under IC 13-20.5-3-1(b)(2).
 42 STEP THREE: Subtract the number of pounds determined in



- 1 STEP TWO from the number of pounds determined in STEP
 2 ONE.
- 3 STEP FOUR: Multiply the greater of zero (0) or the number of
 4 pounds determined in STEP THREE by the per pound cost of
 5 recycling established as follows:
- 6 (A) Forty cents (\$0.40) per pound for manufacturers that
 7 recycle less than fifty percent (50%) of the number of pounds
 8 determined in STEP ONE.
- 9 (B) Thirty cents (\$0.30) per pound for manufacturers that
 10 recycle at least fifty percent (50%) but less than ninety percent
 11 (90%) of the number of pounds determined in STEP ONE.
- 12 (C) Twenty cents (\$0.20) per pound for manufacturers that
 13 recycle at least ninety percent (90%) of the number of pounds
 14 determined in STEP ONE.
- 15 (e) The following apply to the number of pounds of covered
 16 electronic devices recycled by the manufacturer from covered entities
 17 during the immediately preceding program year for purposes of
 18 subsection (d), STEP TWO:
- 19 (1) Except as provided in subdivision (3), the number is
 20 multiplied by one and one-tenth (1.1) to the extent that the
 21 covered electronic devices were recycled in Indiana.
- 22 (2) Except as provided in subdivision (3), the number is
 23 multiplied by one and five-tenths (1.5) to the extent that the
 24 covered electronic devices were recycled from covered entities
 25 not located in a metropolitan statistical area, as defined by the
 26 federal Office of Management and Budget.
- 27 (3) The number is multiplied by one and six-tenths (1.6) to the
 28 extent that the covered electronic devices were:
- 29 (A) recycled from covered entities not located in a
 30 metropolitan statistical area, as defined by the federal Office
 31 of Management and Budget; and
 32 (B) recycled in Indiana.
- 33 (f) A manufacturer may retain recycling credits to be added, in
 34 whole or in part, to the actual number of pounds of covered electronic
 35 devices recycled by the manufacturer from covered entities during the
 36 immediately preceding program year, as reported to the department
 37 under IC 13-20.5-3-1(a), during any of the three (3) immediately
 38 succeeding program years. A manufacturer may sell all or any part of
 39 its recycling credits to another manufacturer, at a price negotiated by
 40 the parties, and the other manufacturer may use the credits in the same
 41 manner. ~~For purposes of this subsection, the recycling credits for the~~
 42 ~~program year that begins April 1, 2010, are determined taking into~~



1 account covered electronic devices that the manufacturer recycled; or
 2 arranged to have collected and recycled; both:

3 (1) in that program year; and

4 (2) after June 30, 2009, and before April 1, 2010.

5 (g) A manufacturer may not be charged a registration fee or a
 6 variable recycling fee for any year in which the combined number of
 7 video display devices produced by the manufacturer for sale to
 8 households is less than one hundred (100).

9 SECTION 12. IC 13-20.5-3-1, AS AMENDED BY P.L.147-2015,
 10 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 11 JULY 1, 2017]: Sec. 1. (a) Not later than ~~June~~ **March** 1 of ~~2011~~ and of
 12 each ~~immediately succeeding~~ year, a manufacturer shall report to the
 13 department the total weight in pounds of covered electronic devices
 14 **that** the manufacturer:

15 (1) collected from eligible entities and recycled; or

16 (2) arranged to have collected from eligible entities and recycled;
 17 during the program year that ~~ends~~ **ended** on the immediately preceding
 18 December 31.

19 (b) Not later than ~~June~~ **March** 1 of ~~2011~~ and of each ~~immediately~~
 20 ~~succeeding~~ year, a manufacturer shall report the following to the
 21 department:

22 (1) The number of recycling credits the manufacturer ~~has~~
 23 purchased and sold during the program year that ~~ends~~ **ended** on
 24 the immediately preceding December 31.

25 (2) The number of recycling credits possessed by the
 26 manufacturer that the manufacturer intends to use in the
 27 calculation of its variable recycling fee under IC 13-20.5-2-1.

28 (3) The number of recycling credits the manufacturer ~~retains~~
 29 **retained** at the beginning of the ~~current~~ program year **that began**
 30 **on the immediately preceding January 1.**

31 (4) The amount in pounds of covered electronic devices **that** the
 32 manufacturer arranged for a recycler to collect and recycle **during**
 33 **the program year that ended on the immediately preceding**
 34 **December 31 and** that were not converted to recycling credits.

35 SECTION 13. IC 13-20.5-3-2, AS AMENDED BY P.L.37-2012,
 36 SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 37 JULY 1, 2017]: Sec. 2. ~~Before April 1, 2011, and~~ Not later than each
 38 ~~April~~ **March** 1, ~~thereafter,~~ a recycler of covered electronic devices
 39 shall do the following:

40 (1) Report to the department separately the total weight in pounds
 41 of covered electronic devices **that were:**

42 (A) recycled by the recycler; and



1 (B) taken by the recycler for final disposal;
 2 during the **program year that ended on the** immediately
 3 preceding ~~calendar year~~: **December 31.**
 4 (2) Submit to the department a list of all collectors from whom the
 5 recycler received covered electronic devices **during the program**
 6 **year that ended on the immediately preceding December 31.**
 7 (3) Certify that the recycler has complied with IC 13-20.5-5 and
 8 329 IAC 16 **during the program year that ended on the**
 9 **immediately preceding December 31.**
 10 SECTION 14. IC 13-20.5-3-3, AS AMENDED BY P.L.37-2012,
 11 SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 12 JULY 1, 2017]: Sec. 3. ~~Before April 1, 2011, and~~ Not later than each
 13 ~~April~~ **March 1, thereafter**, a collector shall submit to the department a
 14 report that contains for the **program year that ended on the**
 15 immediately preceding ~~calendar year~~: **December 31:**
 16 (1) the total weight in pounds of covered electronic devices **that**
 17 **were** collected in Indiana by the collector; and
 18 (2) a list of all recyclers to whom the collector delivered covered
 19 electronic devices.
 20 SECTION 15. IC 13-20.5-4-1, AS AMENDED BY P.L.37-2012,
 21 SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 22 JULY 1, 2017]: Sec. 1. A manufacturer shall in each of the
 23 manufacturer's program years recycle or arrange for the collection and
 24 recycling from covered entities of an amount of covered electronic
 25 devices equal to at least sixty percent (60%) of the total weight of the
 26 manufacturer's video display devices sold to households as reported in
 27 the manufacturer's registration for the program year under
 28 ~~IC 13-20.5-1-1(c)(4)~~: **IC 13-20.5-1-1(c)(4).**
 29 SECTION 16. IC 13-23-9-1.3, AS ADDED BY P.L.96-2016,
 30 SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 31 JULY 1, 2017]: Sec. 1.3. (a) The total amount otherwise available from
 32 the ELTF in connection with an eligible release shall be reduced by:
 33 (1) a deductible amount of fifteen thousand dollars (\$15,000); and
 34 (2) if applicable, an additional amount under subsection (b).
 35 (b) The additional amount referred to in subsection (a)(2) is the sum
 36 of:
 37 (1) all annual registration fees due under IC 13-23-12-1 for USTs
 38 located at the facility from which the release occurred that:
 39 (A) were due in 1991 or a later year; and
 40 (B) **were have not been paid; in the year the fees were**
 41 **originally due**; plus
 42 (2) an additional amount of one thousand dollars (\$1,000) for



1 each annual registration fee imposed by IC 13-23-12-1 on a UST
 2 located at the facility from which the release occurred that:

3 (A) was due in 1991 or a later year; and

4 (B) was not paid in the year the fee was originally due.

5 SECTION 17. IC 13-26-5-7 IS AMENDED TO READ AS
 6 FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 7. (a) Exclusive of
 7 building a sewage treatment plant, solid waste disposal or recovery
 8 system, or installing a supply of water, a district that desires to own,
 9 acquire, construct, equip, improve, enlarge, extend, operate, and
 10 maintain a works may proceed under this article if the district first
 11 contracts for:

12 (1) a supply of water;

13 (2) the required treatment of the sewage emanating from the
 14 district's works; or

15 (3) the disposition of solid waste generated within the district.

16 (b) A governmental or private body owning and operating facilities
 17 for water supply, sewage, or solid waste disposal, recovery, or
 18 treatment may contract to supply water or treat all or part of the sewage
 19 and solid waste of a district. The contracts ~~(1)~~ must be authorized by
 20 ordinance. ~~and~~

21 ~~(2) are subject to approval by the department.~~

22 (c) All bonds issued under this article or IC 13-3-2 (before its
 23 repeal) by a district contracting for:

24 (1) water supply;

25 (2) sewage or solid waste disposal; or

26 (3) recovery treatment service;

27 under this section are payable before the expiration date of the contract,
 28 and districts may contract for the term of the bonds, including a term
 29 or terms beyond the last maturity of the bonds.

