



Reprinted
February 17, 2017

HOUSE BILL No. 1495

DIGEST OF HB 1495 (Updated February 16, 2017 4:41 pm - DI 55)

Citations Affected: IC 4-23; IC 13-11; IC 13-20; IC 13-20.5; IC 13-23; IC 13-26.

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. 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 (ELTF) in connection with an eligible release discovered on or after July 1, 2016, shall be reduced by any annual
(Continued next page)

Effective: July 1, 2017.

Wolkins, Gutwein, Errington

January 18, 2017, read first time and referred to Committee on Environmental Affairs.
January 26, 2017, amended, reported — Do Pass.
February 16, 2017, read second time, amended, ordered engrossed.

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registration fees that were due in 2014 or a later year and not paid in full before the submittal of the initial site characterization. Authorizes payment from the ELTF to reimburse a claimant for compensation paid by the claimant to technicians for services performed in preparation of the claimant's ELTF claim. Provides for the underground storage tank financial assurance board to include one member who represents an environmental consulting firm that performs work involving underground storage tank corrective actions. 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.

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February 17, 2017

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

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

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

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

39 ~~(B) stored, treated, or disposed of at the person's residence or~~
 40 ~~farm.~~

41 (2) A person who conducts a composting operation ~~that processes~~
 42 **in an area of** less than two thousand (2,000) pounds of vegetative



1 ~~matter during a year:~~ **three hundred (300) square feet.**

2 (3) Temporary ~~stores~~ **storage** of vegetative matter where only a
3 incidental amount of composting will occur before removal of the
4 matter.

5 SECTION 4. IC 13-20-10-4, AS AMENDED BY P.L.199-2014,
6 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
7 JULY 1, 2017]: Sec. 4. **(a)** Except as provided in sections 5 and 6 of
8 this chapter, the active area of a composting facility ~~(†)~~ may not be
9 located ~~(A)~~ within:

10 **(1)** two hundred (200) feet of a well that supplies potable water;
11 or

12 ~~(B)~~ **(2)** within two hundred (200) feet of a residential structure
13 that exists at the time that the composting facility initially
14 registers under this chapter.

15 **(b) A composting facility:**

16 ~~(2)~~ **(1)** must be located outside the ten (10) year floodplain, except
17 for a **composting** facility that is either:

18 (A) operated in conjunction with a publicly owned works
19 permitted under IC 13-15-3; or

20 (B) designed and operated ~~to provide adequate controls~~ to
21 prevent ground or surface water contamination in the event of
22 a ten (10) year flood; ~~occurs;~~

23 ~~(3)~~ **(2)** must be designed and operated to **prevent ground water**
24 **and surface water contamination from:**

25 (A) ~~prevent compost from being placed within five (5) feet of~~
26 a water table or ~~provide adequate controls to prevent ground~~
27 or surface water contamination; ~~stormwater;~~ **and**

28 (B) ~~adequately control leachate~~ runoff from the composting
29 facility; **and**

30 ~~(C)~~ **manage** leachate that is generated by the composting
31 facility; **and**

32 **(3) must not locate compost within five (5) feet of the seasonal**
33 **high water table unless the composting facility provides**
34 **adequate controls to prevent ground water or surface water**
35 **contamination; and**

36 (4) must ~~include~~ **provide** controls for the following:

37 (A) Dust.

38 (B) Odor.

39 (C) Noise.

40 **(c) If compost material that contains food waste is present in a**
41 **composting facility, the composting facility must provide controls**
42 **for vectors and pathogens in addition to the controls required by**



1 **subsection (b)(4).**

2 SECTION 5. IC 13-20.5-1-0.5 IS ADDED TO THE INDIANA
3 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
4 [EFFECTIVE JULY 1, 2017]: **Sec. 0.5. As used in this chapter,**
5 **"program year" means a calendar year.**

6 SECTION 6. IC 13-20.5-1-1, AS AMENDED BY P.L.37-2012,
7 SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
8 JULY 1, 2017]: Sec. 1. (a) "Program year", for purposes of this chapter,
9 means a calendar year.

10 (b) (a) A manufacturer of video display devices **that are** sold or
11 offered for sale to households as of January 1 ~~2010~~; **of a program year**
12 shall submit a registration to the department not later than ~~(1) April~~
13 **March 1** ~~2010~~; **for the of that** program year. ~~that begins on April 1,~~
14 ~~2010~~; and

15 (2) each immediately succeeding January 1 on which the
16 manufacturer continues as a manufacturer of video display
17 devices sold or offered for sale to households for the program year
18 that begins on that January 1.

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

22 (1) April 20, 2010; for the program year that begins on April 1,
23 2010; and

24 (2) each immediately succeeding January 1 on which the
25 manufacturer continues as a manufacturer of video display
26 devices sold or offered for sale to households for the program year
27 that begins on that January 1.

28 (d) (b) A manufacturer **of video display devices** that begins to sell
29 **or offer begin to be sold or offered** for sale video display devices to
30 households after ~~March 31, 2010~~; **January 1 of a program year** shall
31 submit a registration to the department not later than:

32 (1) twenty (20) days after the date **on which the manufacturer's**
33 **video display devices manufacturer begins to sell begin to be**
34 **sold or offer offered** for sale, the video display devices for the
35 program year in which the **manufacturer begins to sell or offer for**
36 **sale the manufacturer's** video display devices **begin to be sold**
37 **or offered for sale to households**; and

38 (2) each immediately **for** succeeding January 1 **on program**
39 **years in** which the manufacturer continues as a manufacturer of
40 video display devices **that are** sold or offered for sale to
41 households, **for the program year that begins on that January 1. on**
42 **the date specified in subsection (a).**



1 (e) (c) A registration submitted under this section must include the
2 following:

3 (1) A list of the brands of video display devices **of the**
4 **manufacturer that are** offered for sale in Indiana, ~~by the~~
5 ~~manufacturer~~, regardless of whether the manufacturer owns or
6 licenses the brand.

7 (2) The name, address, and contact information of a person
8 responsible for ensuring compliance with this article. The
9 department shall post the contact information provided by each
10 manufacturer **under this subdivision** on an Internet web site.

11 (3) A certification that the manufacturer or the manufacturer's
12 agent has complied and will continue to comply with the
13 requirements of this article.

14 (4) An estimate, based on national sales data, of the total weight
15 in pounds of the manufacturer's video display devices **that have**
16 **been** sold to households during the most recent twelve (12)
17 months:

18 (A) that precede the date of registration; and

19 (B) for which that data is available.

20 (5) A demonstration of how the manufacturer plans, in the
21 program year for which the registration is submitted, to meet the
22 recycling goal stated in IC 13-20.5-4-1.

23 (6) A statement that discloses whether:

24 (A) any video display devices ~~sold by~~ **of** the manufacturer **that**
25 **have been sold** to households exceed the maximum
26 concentration values established:

27 (i) for lead, mercury, cadmium, hexavalent chromium,
28 polybrominated biphenyls (pbbs), and polybrominated
29 diphenyl ethers (pbdes); and

30 (ii) under the directive restricting the use of certain
31 hazardous substances in electrical and electronic equipment
32 (RoHS Directive) 2002/95/EC of the European Parliament
33 and Council, as amended; or

34 (B) the manufacturer has received an exemption from any of
35 the maximum concentration values under the RoHS Directive
36 that has been approved and published by the European
37 Commission.

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



1 SECTION 7. IC 13-20.5-1-4, AS AMENDED BY P.L.37-2012,
 2 SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2017]: Sec. 4. (a) ~~After 2009~~; A person may not operate as a
 4 collector of covered electronic devices from covered entities unless the
 5 person:

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

8 (2) otherwise complies with 329 IAC 16.

9 (b) A registration submitted under this section:

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

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

13 SECTION 8. IC 13-20.5-1-5, AS AMENDED BY P.L.37-2012,
 14 SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 JULY 1, 2017]: Sec. 5. (a) ~~After 2009~~; A person may not recycle
 16 covered electronic devices generated by covered entities unless the
 17 person:

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

20 (2) otherwise complies with 329 IAC 16.

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

23 (c) A registration submitted under this section:

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

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

27 SECTION 9. IC 13-20.5-2-1, AS AMENDED BY P.L.147-2015,
 28 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 29 JULY 1, 2017]: Sec. 1. (a) Except as provided in subsection (g), a
 30 manufacturer that registers under IC 13-20.5-1 shall pay to the
 31 department at the time of registration an annual registration fee. The
 32 registration fee applies for the program year for which the registration
 33 is submitted to the department. The department shall deposit the fee in
 34 the electronic waste fund established by section 3 of this chapter.

35 (b) The registration fee for the initial program year to which the fee
 36 applies under subsection (a) is five thousand dollars (\$5,000). For each
 37 program year thereafter, the registration fee is equal to two thousand
 38 five hundred dollars (\$2,500).

39 (c) In addition to the registration fee under subsection (a), a
 40 manufacturer that registers under IC 13-20.5-1 and fails to meet the
 41 recycling goal under IC 13-20.5-4-1 is subject to a variable recycling
 42 fee for each program year that ends on March 31 of 2013 or December



1 31 of a later year. Not later than September 1, the department shall
 2 provide a statement to each manufacturer liable for the variable
 3 recycling fee that states at least the following:

- 4 (1) The amount of the fee determined under subsection (d).
 5 (2) The method of calculation of the fee.
 6 (3) The due date of the fee.
 7 (4) The opportunity to petition under section 2 of this chapter.

8 The department shall deposit the fee in the Indiana recycling promotion
 9 and assistance fund established by IC 4-23-5.5-14.

10 (d) The amount of the variable recycling fee, if applicable, is the
 11 amount determined in STEP FOUR of the following formula:

12 STEP ONE: Multiply the number of pounds of the manufacturer's
 13 video display devices sold to households during the immediately
 14 preceding program year, as reported in the manufacturer's
 15 registration for the program year under ~~IC 13-20.5-1-1(c)(4)~~;
 16 **IC 13-20.5-1-1(c)(4)**, by the proportion of sales of video display
 17 devices required to be recycled under IC 13-20.5-4-1.

18 STEP TWO: Subject to subsection (e), add the number of pounds
 19 of covered electronic devices recycled by the manufacturer from
 20 covered entities during the immediately preceding program year,
 21 as reported to the department under IC 13-20.5-3-1(a), to the
 22 number of recycling credits the manufacturer elects to use to
 23 calculate the variable recycling fee, as reported to the department
 24 under IC 13-20.5-3-1(b)(2).

25 STEP THREE: Subtract the number of pounds determined in
 26 STEP TWO from the number of pounds determined in STEP
 27 ONE.

28 STEP FOUR: Multiply the greater of zero (0) or the number of
 29 pounds determined in STEP THREE by the per pound cost of
 30 recycling established as follows:

31 (A) Forty cents (\$0.40) per pound for manufacturers that
 32 recycle less than fifty percent (50%) of the number of pounds
 33 determined in STEP ONE.

34 (B) Thirty cents (\$0.30) per pound for manufacturers that
 35 recycle at least fifty percent (50%) but less than ninety percent
 36 (90%) of the number of pounds determined in STEP ONE.

37 (C) Twenty cents (\$0.20) per pound for manufacturers that
 38 recycle at least ninety percent (90%) of the number of pounds
 39 determined in STEP ONE.

40 (e) The following apply to the number of pounds of covered
 41 electronic devices recycled by the manufacturer from covered entities
 42 during the immediately preceding program year for purposes of



- 1 subsection (d), STEP TWO:
- 2 (1) Except as provided in subdivision (3), the number is
- 3 multiplied by one and one-tenth (1.1) to the extent that the
- 4 covered electronic devices were recycled in Indiana.
- 5 (2) Except as provided in subdivision (3), the number is
- 6 multiplied by one and five-tenths (1.5) to the extent that the
- 7 covered electronic devices were recycled from covered entities
- 8 not located in a metropolitan statistical area, as defined by the
- 9 federal Office of Management and Budget.
- 10 (3) The number is multiplied by one and six-tenths (1.6) to the
- 11 extent that the covered electronic devices were:
- 12 (A) recycled from covered entities not located in a
- 13 metropolitan statistical area, as defined by the federal Office
- 14 of Management and Budget; and
- 15 (B) recycled in Indiana.
- 16 (f) A manufacturer may retain recycling credits to be added, in
- 17 whole or in part, to the actual number of pounds of covered electronic
- 18 devices recycled by the manufacturer from covered entities during the
- 19 immediately preceding program year, as reported to the department
- 20 under IC 13-20.5-3-1(a), during any of the three (3) immediately
- 21 succeeding program years. A manufacturer may sell all or any part of
- 22 its recycling credits to another manufacturer, at a price negotiated by
- 23 the parties, and the other manufacturer may use the credits in the same
- 24 manner. ~~For purposes of this subsection, the recycling credits for the~~
- 25 ~~program year that begins April 1, 2010, are determined taking into~~
- 26 ~~account covered electronic devices that the manufacturer recycled, or~~
- 27 ~~arranged to have collected and recycled, both:~~
- 28 ~~(1) in that program year; and~~
- 29 ~~(2) after June 30, 2009, and before April 1, 2010.~~
- 30 (g) A manufacturer may not be charged a registration fee or a
- 31 variable recycling fee for any year in which the combined number of
- 32 video display devices produced by the manufacturer for sale to
- 33 households is less than one hundred (100).
- 34 SECTION 10. IC 13-20.5-3-1, AS AMENDED BY P.L.147-2015,
- 35 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 36 JULY 1, 2017]: Sec. 1. (a) Not later than ~~June~~ **March** 1 of ~~2011~~ **and** of
- 37 each ~~immediately succeeding~~ year, a manufacturer shall report to the
- 38 department the total weight in pounds of covered electronic devices
- 39 **that** the manufacturer:
- 40 (1) collected from eligible entities and recycled; or
- 41 (2) arranged to have collected from eligible entities and recycled;
- 42 during the program year that ~~ends~~ **ended** on the immediately preceding



1 December 31.

2 (b) Not later than ~~June March~~ 1 of 2011 and of each immediately
3 succeeding year, a manufacturer shall report the following to the
4 department:

5 (1) The number of recycling credits the manufacturer has
6 purchased and sold during the program year that ~~ends ended~~
7 the immediately preceding December 31.

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

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

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

18 SECTION 11. IC 13-20.5-3-2, AS AMENDED BY P.L.37-2012,
19 SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
20 JULY 1, 2017]: Sec. 2. ~~Before April 1, 2011, and~~ Not later than each
21 ~~April March~~ 1, ~~thereafter~~, a recycler of covered electronic devices
22 shall do the following:

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

25 (A) recycled by the recycler; and

26 (B) taken by the recycler for final disposal;

27 during the **program year that ended on the** immediately
28 preceding ~~calendar year: December 31.~~

29 (2) Submit to the department a list of all collectors from whom the
30 recycler received covered electronic devices **during the program**
31 **year that ended on the immediately preceding December 31.**

32 (3) Certify that the recycler has complied with IC 13-20.5-5 and
33 329 IAC 16 **during the program year that ended on the**
34 **immediately preceding December 31.**

35 SECTION 12. IC 13-20.5-3-3, AS AMENDED BY P.L.37-2012,
36 SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
37 JULY 1, 2017]: Sec. 3. ~~Before April 1, 2011, and~~ Not later than each
38 ~~April March~~ 1, ~~thereafter~~, a collector shall submit to the department a
39 report that contains for the **program year that ended on the**
40 immediately preceding ~~calendar year: December 31:~~

41 (1) the total weight in pounds of covered electronic devices **that**
42 **were** collected in Indiana by the collector; and



1 (2) a list of all recyclers to whom the collector delivered covered
2 electronic devices.

3 SECTION 13. IC 13-20.5-4-1, AS AMENDED BY P.L.37-2012,
4 SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2017]: Sec. 1. A manufacturer shall in each of the
6 manufacturer's program years recycle or arrange for the collection and
7 recycling from covered entities of an amount of covered electronic
8 devices equal to at least sixty percent (60%) of the total weight of the
9 manufacturer's video display devices sold to households as reported in
10 the manufacturer's registration for the program year under
11 ~~IC 13-20.5-1-1(c)(4)~~. **IC 13-20.5-1-1(c)(4)**.

12 SECTION 14. IC 13-23-9-1.3, AS ADDED BY P.L.96-2016,
13 SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
14 JULY 1, 2017]: Sec. 1.3. (a) The total amount otherwise available from
15 the ELTF in connection with an eligible release **discovered on or after**
16 **July 1, 2016**, shall be reduced by:

17 (1) a deductible amount of fifteen thousand dollars (\$15,000); and
18 (2) if ~~applicable~~, **any annual registration fees that were due in**
19 **2014 or a later year are not paid in full before the submittal**
20 **of the initial site characterization as required by the rules**
21 **adopted by the environmental rules board**, an additional
22 amount under subsection (b).

23 (b) The additional amount referred to in subsection (a)(2) is the sum
24 of:

25 (1) all annual registration fees due under IC 13-23-12-1 for USTs
26 located at the facility from which the release occurred that:

27 (A) were due in ~~1991~~ **2014** or a later year; and

28 (B) were not paid in the year the fees were originally due; plus

29 (2) an additional amount of one thousand dollars (\$1,000) for
30 each annual registration fee imposed by IC 13-23-12-1 on a UST
31 located at the facility from which the release occurred that:

32 (A) was due in ~~1991~~ **2014** or a later year; and

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

34 SECTION 15. IC 13-23-9-1.5, AS ADDED BY P.L.96-2016,
35 SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
36 JULY 1, 2017]: Sec. 1.5. (a) The administrator may pay ELTF claims
37 only for costs that:

38 (1) are reasonable and cost effective; and

39 (2) result from **or reimburse the claimant for** the following:

40 (A) Work performed for site characterization.

41 (B) Development and implementation of a corrective action
42 plan that:



- 1 (i) is approved by the commissioner under rules adopted by
- 2 the environmental rules board; and
- 3 (ii) has not been suspended.
- 4 (C) Work performed as part of an emergency response
- 5 necessary to abate an immediate threat of harm to human
- 6 health, property, or the environment.
- 7 (D) Third party indemnification claims submitted in
- 8 accordance with section 3 of this chapter.
- 9 (E) Reasonable attorney's fees incurred in defense of third
- 10 party claims.
- 11 (F) Releases that occurred on or after April 1, 1988.
- 12 **(G) Compensation paid by the claimant to technicians for**
- 13 **services performed in preparation of the claimant's ELTF**
- 14 **claim.**
- 15 (b) The administrator may also pay ELTF claims for costs not
- 16 described in subsection (a) if allowed under rules adopted by the
- 17 financial assurance board.
- 18 SECTION 16. IC 13-23-11-2, AS AMENDED BY P.L.113-2014,
- 19 SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 20 JULY 1, 2017]: Sec. 2. (a) The board consists of the following nine (9)
- 21 members:
- 22 (1) The commissioner or the commissioner's designee.
- 23 (2) One (1) member nominated by the treasurer of state in
- 24 consultation with the commissioner of the department of state
- 25 revenue.
- 26 (3) One (1) member representing the independent petroleum
- 27 wholesale distributor-marketer industry. In making this
- 28 appointment, the governor may consider the recommendation of
- 29 the Indiana petroleum marketers and convenience store
- 30 association.
- 31 (4) One (1) member representing the petroleum refiner-supplier
- 32 industry. In making this appointment, the governor may consider
- 33 the recommendation of the Indiana petroleum council.
- 34 (5) One (1) member of the financial lending community who has
- 35 experience with loan guaranty programs.
- 36 (6) One (1) member representing the convenience store operator
- 37 industry or independent petroleum retail distributor-marketer
- 38 industry. In making this appointment, the governor may consider
- 39 the recommendation of the Indiana petroleum marketers and
- 40 convenience store association.
- 41 (7) One (1) member representing environmental interests.
- 42 (8) One (1) member representing ~~local government.~~ **an**



1 **environmental consulting firm that performs work involving**
 2 **underground storage tank corrective actions.**

3 (9) One (1) member representing the property and casualty
 4 insurance industry.

5 (b) The governor shall appoint the members specified in subsection
 6 (a)(2) through (a)(9) for terms of two (2) years.

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

14 (1) a supply of water;

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

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

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

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

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

26 (1) water supply;

27 (2) sewage or solid waste disposal; or

28 (3) recovery treatment service;

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



COMMITTEE REPORT

Mr. Speaker: Your Committee on Environmental Affairs, to which was referred House Bill 1495, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 10, delete lines 29 through 42.

Page 11, delete lines 1 through 4, begin a new paragraph and insert:

"SECTION 16. IC 13-23-9-1.3, AS ADDED BY P.L.96-2016, SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 1.3. (a) The total amount otherwise available from the ELTF in connection with an eligible release **discovered on or after July 1, 2016**, shall be reduced by:

- (1) a deductible amount of fifteen thousand dollars (\$15,000); and
- (2) if ~~applicable~~, **any annual registration fees that were due in 2014 or a later year are not paid in full before the submittal of the initial site characterization as required by the rules adopted by the environmental rules board**, an additional amount under subsection (b).

(b) The additional amount referred to in subsection (a)(2) is the sum of:

- (1) all annual registration fees due under IC 13-23-12-1 for USTs located at the facility from which the release occurred that:
 - (A) were due in ~~1991~~ **2014** or a later year; and
 - (B) were not paid in the year the fees were originally due; plus
- (2) an additional amount of one thousand dollars (\$1,000) for each annual registration fee imposed by IC 13-23-12-1 on a UST located at the facility from which the release occurred that:
 - (A) was due in ~~1991~~ **2014** or a later year; and
 - (B) was not paid in the year the fee was originally due."

and when so amended that said bill do pass.

(Reference is to HB 1495 as introduced.)

WOLKINS

Committee Vote: yeas 11, nays 2.



HOUSE MOTION

Mr. Speaker: I move that House Bill 1495 be amended to read as follows:

Page 11, between lines 8 and 9, begin a new paragraph and insert:
 "SECTION 17. IC 13-23-9-1.5, AS ADDED BY P.L.96-2016, SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 1.5. (a) The administrator may pay ELTF claims only for costs that:

- (1) are reasonable and cost effective; and
- (2) result from **or reimburse the claimant for** the following:
 - (A) Work performed for site characterization.
 - (B) Development and implementation of a corrective action plan that:
 - (i) is approved by the commissioner under rules adopted by the environmental rules board; and
 - (ii) has not been suspended.
 - (C) Work performed as part of an emergency response necessary to abate an immediate threat of harm to human health, property, or the environment.
 - (D) Third party indemnification claims submitted in accordance with section 3 of this chapter.
 - (E) Reasonable attorney's fees incurred in defense of third party claims.
 - (F) Releases that occurred on or after April 1, 1988.
 - (G) Compensation paid by the claimant to technicians for services performed in preparation of the claimant's ELTF claim.**

(b) The administrator may also pay ELTF claims for costs not described in subsection (a) if allowed under rules adopted by the financial assurance board.

SECTION 18. IC 13-23-11-2, AS AMENDED BY P.L.113-2014, SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 2. (a) The board consists of the following nine (9) members:

- (1) The commissioner or the commissioner's designee.
- (2) One (1) member nominated by the treasurer of state in consultation with the commissioner of the department of state revenue.
- (3) One (1) member representing the independent petroleum wholesale distributor-marketer industry. In making this appointment, the governor may consider the recommendation of



the Indiana petroleum marketers and convenience store association.

(4) One (1) member representing the petroleum refiner-supplier industry. In making this appointment, the governor may consider the recommendation of the Indiana petroleum council.

(5) One (1) member of the financial lending community who has experience with loan guaranty programs.

(6) One (1) member representing the convenience store operator industry or independent petroleum retail distributor-marketer industry. In making this appointment, the governor may consider the recommendation of the Indiana petroleum marketers and convenience store association.

(7) One (1) member representing environmental interests.

(8) One (1) member representing ~~local government~~: **an environmental consulting firm that performs work involving underground storage tank corrective actions.**

(9) One (1) member representing the property and casualty insurance industry.

(b) The governor shall appoint the members specified in subsection (a)(2) through (a)(9) for terms of two (2) years."

Renumber all SECTIONS consecutively.

(Reference is to HB 1495 as printed January 27, 2017.)

EBERHART

HOUSE MOTION

Mr. Speaker: I move that House Bill 1495 be amended to read as follows:

Page 2, delete lines 29 through 32.

Page 4, delete lines 6 through 18.

Renumber all SECTIONS consecutively.

(Reference is to HB 1495 as printed January 27, 2017.)

HARRIS

