

Second Regular Session 118th General Assembly (2014)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

HOUSE ENROLLED ACT No. 1183

AN ACT to amend the Indiana Code concerning environmental law.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 13-11-2-85.3 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2014]: **Sec. 85.3. "Fiscal year", for purposes of IC 13-20-25, has the meaning set forth in IC 13-20-25-2.**

SECTION 2. IC 13-11-2-133, AS AMENDED BY P.L.178-2009, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 133. (a) "Municipal waste", for purposes of:

- (1) IC 13-20-4;
- (2) IC 13-20-6;
- (3) IC 13-20-21;
- (4) IC 13-20-23;
- (5) IC 13-20.5-10;
- (6) IC 13-22-1 through IC 13-22-8; and
- (7) IC 13-22-13 through IC 13-22-14;

means any garbage, refuse, industrial lunchroom or office waste, and other similar material resulting from the operation of residential, municipal, commercial, or institutional establishments and community activities.

(b) The term does not include the following:

- (1) Hazardous waste regulated under:
 - (A) IC 13-22-1 through IC 13-22-8 and IC 13-22-13 through

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IC 13-22-14; or

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

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

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

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

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

(1) Incineration.

(2) Placement in a landfill.

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

SECTION 3. IC 13-11-2-158, AS AMENDED BY P.L.114-2012, SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 158. (a) "Person", for purposes of:

(1) IC 13-21;

(2) air pollution control laws;

(3) water pollution control laws; and

(4) environmental management laws, except as provided in subsections (c), (d), and (e);

means an individual, a partnership, a copartnership, a firm, a company, a corporation, an association, a joint stock company, a trust, an estate, a municipal corporation, a city, a school city, a town, a school town, a school district, a school corporation, a county, any consolidated unit of government, political subdivision, state agency, a contractor, or any other legal entity.

(b) "Person", for purposes of:

(1) IC 13-18-10;

(2) IC 13-18-10.5;

(3) IC 13-20-10.5; and

(4) IC 13-20-17;

means an individual, a partnership, a copartnership, a firm, a company, a corporation, an association, a joint stock company, a trust, an estate, a political subdivision, a state agency, or other legal entity, or their legal representative, agent, or assigns.

(c) "Person", for purposes of:

(1) IC 13-20-13;

(2) IC 13-20-14;

(3) IC 13-20-16; and

(4) IC 13-25-6;

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means an individual, a corporation, a limited liability company, a partnership, or an unincorporated association.

(d) "Person", for purposes of IC 13-20-25, means an individual, a corporation, a limited liability company, a partnership, an unincorporated association, or a solid waste management district established under IC 13-21.

~~(d)~~ **(e) "Person", for purposes of IC 13-23, has the meaning set forth in subsection (a). The term includes a consortium, a joint venture, a commercial entity, and the United States government.**

~~(e)~~ **(f) "Person", for purposes of IC 13-20-17.5 and IC 13-25-3, means an individual, a corporation, a limited liability company, a partnership, a trust, an estate, or an unincorporated association.**

~~(f)~~ **(g) "Person", for purposes of IC 13-26, means an individual, a firm, a partnership, an association, a limited liability company, or a corporation other than an eligible entity.**

~~(g)~~ **(h) "Person", for purposes of IC 13-29-1, means any individual, corporation, business enterprise, or other legal entity either public or private and any legal successor, representative, agent, or agency of that individual, corporation, business enterprise, or legal entity.**

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

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

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

SECTION 7. IC 13-11-2-179.9, AS ADDED BY P.L.178-2009, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 179.9. (a) "Recycler", for purposes of sections 31.1 and 31.2 of this chapter and IC 13-20.5, means an individual or public or private entity that accepts covered electronic devices from covered entities and collectors for the purpose of recycling. ~~(b)~~ The term does not include a manufacturer that accepts products for refurbishment or repair.**

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



forth in IC 13-20-25-7.

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

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

Chapter 25. Resource Conservation and Recycling

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

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

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

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

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

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

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

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

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

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

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

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



(b) The term includes the following:

- (1) A recyclable materials broker.**
- (2) The owner or operator of a solid waste disposal facility regulated under IC 13-20-8 at which recycling occurs.**
- (3) The owner or operator of a material recovery facility.**
- (4) A solid waste management district established under IC 13-21 or IC 13-9.5 (before its repeal).**

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

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.**

(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;
- (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); or

- (3) who:
- (A) is not required to submit a recycling activity report under section 9 of this chapter; but
 - (B) took action during a fiscal year to recover, from the solid waste stream, for purposes of:
 - (i) use or reuse;
 - (ii) conversion into raw materials; or
 - (iii) use in the production of new products;
 materials that were not municipal waste;

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

(b) The commissioner shall include information reported to the commissioner under this section in the annual reports that the commissioner is required to submit under section 14 of this chapter.

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

(b) If a uniform recycling activity report form is not posted on the department's Internet web site by July 1 in a calendar year in which a recycler is required to submit a completed recycling activity report under section 9(a) of this chapter, the recycler may



satisfy the recycler's duties under this chapter by submitting to the commissioner, by a letter postmarked before August 1 of the calendar year, the types of information about the recycler's recycling activities during the fiscal year that are set forth in section 12 of this chapter.

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

- (1) Provide for reporting of the:**
 - (A) name and location of; and**
 - (B) principal business activities conducted at; the recycler's establishment.**
- (2) Include:**
 - (A) an appropriate space for; and**
 - (B) instructions requiring the completion of; an appropriate certification, by signature of the recycler (if the recycler is an individual) or a senior official with management responsibility for the recycler (if the recycler is not an individual), of the accuracy and completeness of the recycling activity report.**
- (3) Provide for reporting of the quantity, in tons, of each type of recyclable material listed in subsection (b) that was in storage at the reporting recycler's establishment:**
 - (A) at the start of the fiscal year; and**
 - (B) at the close of the fiscal year.**
- (4) Provide for reporting of the quantity, in tons, of each type of recyclable material listed in subsection (b) that was transported from the reporting recycler's establishment, or (in the case of a recycler that is a recyclable materials broker) that was transported or delivered by arrangement of the recycler, to any of the following:**
 - (A) Other recyclers located in Indiana.**
 - (B) Persons that are located in Indiana but are not recyclers, including persons who may employ the recyclable material as a raw material or a new product without further recycling.**
 - (C) Persons located outside Indiana.**

(b) The uniform recycling activity report form posted on the department's Internet web site under subsection (a) must specify that the information to be reported by a recycler under subsection (a)(3) and (a)(4) must be reported separately for each of the following types of recyclable materials:



- (1) Glass.
- (2) Metal, including white goods (ferrous).
- (3) Metal (nonferrous).
- (4) Paper and paper products (all grades).
- (5) Plastic and plastic products.
- (6) Single stream recyclable materials.
- (7) Any other distinct type of recyclable material not specified in subdivisions (1) through (6).

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

Sec. 14. Not later than December 31, 2015, and each succeeding calendar year, the commissioner shall submit to the executive director of the legislative services agency, in an electronic format under IC 5-14-6, a report summarizing the information obtained through the recycling activity reports submitted to the commissioner under this chapter concerning the fiscal year most recently ended. The executive director of the legislative services agency shall forward the report to the members of the standing committees of the senate and the house having subject matter jurisdiction most closely related to the subject of recycling.

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

Sec. 16. (a) The general assembly urges the legislative council to assign to the appropriate study committee for the 2014 interim period the tasks set forth in this section.

(b) Not later than November 1, 2014, the appropriate study committee assigned the task under subsection (a) shall produce a written report that includes the following:

- (1) An analysis of all policy options that would increase the recycling of municipal solid waste in Indiana, and a good faith estimate of the number of tons of municipal solid waste that would be recovered from the waste stream in Indiana for recycling into new products as the result of the implementation of each policy option.
- (2) An analysis of the role of the solid waste management districts established under IC 13-21-3 and how the solid waste



management districts can help to increase the rate of recycling in Indiana.

(3) An analysis of the role of the Indiana recycling market development board created by IC 4-23-5.5-2 and how the recycling market development board can help to increase the rate of recycling in Indiana.

(4) An analysis of the role of the state solid waste management fund established by IC 13-20-22-2 and how the state solid waste management fund can help to increase the rate of recycling in Indiana.

(5) An analysis of alternatives to landfill disposal of municipal waste and the relationship of these alternatives to increasing the rate of recycling in Indiana.

(c) The report produced under subsection (b) must include all written testimony and materials presented to the study committee concerning the subjects set forth in subsection (b)(1) through (b)(5), including citations to all sources referenced or relied upon. However, the report must not:

(1) make recommendations concerning; or

(2) otherwise limit consideration of;

any policy option for increasing the recycling of municipal solid waste for any reason.

(d) This section expires December 31, 2014.

SECTION 10. An emergency is declared for this act.



Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____

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