HOUSE BILL No. 1393

DIGEST OF INTRODUCED BILL

Citations Affected: IC 13-11-2-16.9; IC 13-18-12-2.5.

Synopsis: Land application of industrial waste products. Requires the department of environmental management (department) and the environmental rules board to allow a person to use industrial waste products in a land application operation or as ingredients in a soil amendment or soil substitute under certain circumstances. Requires the department to allow the use of industrial waste products in a land application operation or as ingredients in a soil amendment or soil substitute on the same basis as other materials under the rules concerning land application and marketing and distribution permits. Prohibits the department from: (1) discriminating against the use of industrial waste products on the basis that the industrial waste products lack biological carbon or other materials; (2) imposing requirements beyond criteria found in the environmental rules board rules concerning land application of biosolid and industrial waste products; (3) requiring that the finished soil amendment, soil substitute, or material to be land applied must be of a particular economic value; or (4) requiring that an industrial waste product or the finished soil amendment, soil substitute, or material to be land applied satisfies the department's risk integrated system of closures nonrule policy document or any other standards other than criteria found in rules adopted by the environmental rules board concerning land application of biosolids, industrial waste products, and pollutant bearing water.

Effective: July 1, 2014.

Morris

January 15, 2014, read first time and referred to Committee on Environmental Affairs.

Introduced

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 BILL No. 1393

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:

SECTION 1. IC 13-11-2-16.9 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 16.9. "Beneficial use", for purposes of IC 13-18-12-2.5, means the use of a solid waste for fertilizing or soil conditioning purposes to provide:**

(1) nutrients, including micronutrients, for growing plants or crops;

(2) organic matter;

(3) pH adjustment capabilities; or

(4) other benefits to soil or crops.

SECTION 2. IC 13-18-12-2.5, AS AMENDED BY P.L.133-2012, SECTION 130, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2.5. (a) The department and the board ~~may~~ **shall** allow a person to use industrial waste products in a land application operation or as ingredients in a soil amendment or soil substitute ~~to be land applied~~ if:

(1) the industrial waste products are not hazardous wastes;

~~(2) the industrial waste products:~~

~~(A) have a beneficial use (as defined in 327 IAC 6.1-2-6); or~~

~~(B) otherwise provide a benefit to the process of creating the soil amendments or soil substitute or to the final soil amendment, soil substitute, or material to be land applied, such as bulking;~~

~~(3)~~ **(2)** the finished soil amendment, soil substitute, or material to be land applied satisfies the applicable criteria in ~~327 IAC 6.1;~~ **327 IAC 6.1-4; and**

~~(4)~~ **(3)** the finished soil amendment, soil substitute, or material to be land applied has a beneficial use.

~~(5) the requirements of subsection (b) are satisfied; and~~

~~(6) the person pays a permit fee in an amount determined by the department that does not exceed the costs incurred by the department to issue the permit.~~

(b) The department:

(1) ~~may~~ **shall** allow the use of industrial waste products:

(A) in a land application operation; or

(B) as ingredients in a soil amendment or soil substitute; ~~to be land applied;~~

on the same basis as other materials under the rules concerning land application and marketing and distribution permits;

(2) may not:

(A) discriminate against the use of industrial waste products on the basis that the industrial waste products lack biological carbon **or other materials;**

(B) impose requirements beyond applicable criteria in ~~327 IAC 6.1, unless additional requirements are necessary for the protection of human health and the environment;~~ **327 IAC 6.1-4;**

(C) require that the finished soil amendment, soil substitute, or material to be land applied must be of a particular economic value; or

(D) ~~for any pollutant that has a pollutant limit or concentration in 327 IAC 6.1,~~ require that an industrial waste product or the finished soil amendment, soil substitute, or material to be land applied satisfies:

(i) the department's risk integrated system of closures nonrule policy document; or

(ii) any other standards other than criteria in 327 IAC 6.1.

~~(3) for any pollutant present in the industrial waste products that~~

~~does not have a pollutant limit or concentration in 327 IAC 6.1, shall consider the benefits of the finished soil amendment, soil substitute, or material to be land applied as compared to the measurable risks to human health and the environment based on the anticipated use of the finished soil amendment, soil substitute, or material to be land applied; and~~

~~(4) shall require an application for a permit for the land application of industrial waste products to include characterization of individual industrial waste products at the point of waste generation before mixing the waste streams.~~

~~(c) The board may adopt rules for pollutant limits or concentrations for pollutants for which limits or concentrations do not exist in 327 IAC 6.1 as of July 1, 2011.~~