



Reprinted
February 26, 2002

ENGROSSED

SENATE BILL No. 259

DIGEST OF SB 259 (Updated February 25, 2002 6:34 PM - DI 84)

Citations Affected: IC 13-11; IC 13-17; noncode.

Synopsis: Hazardous air pollutants; Indiana Harbor. Allows the air pollution control board to adopt rules to establish general requirements for reporting of hazardous air pollutant emissions. Allows the board to adopt rules to: (1) require sources to report hazardous air pollutant emissions if the reporting is necessary to demonstrate compliance with certain federal standards; and (2) allow the department of environmental management to request certain site specific data. Prohibits the board from adopting rules to require sources to report hazardous air pollutant emissions before January 1, 2004. Requires the environmental quality service council to develop a plan before December 31, 2002, for the creation and funding of an effective hazardous air pollutant monitoring program to address potential health risks from hazardous air pollutants posed by urban air and significant sources. Requires the department of environmental management and the state department of health shall to jointly develop a five year hazardous air pollutant strategy before November 1, 2002. Establishes the Indiana Harbor Ship Canal Maintenance Dredging and Disposal Project study committee. Requires the committee to study and assess the Project and create a final report before January 1, 2003. Prohibits the department of environmental management from issuing permits associated with the Project until the committee issues its final report.

Effective: Upon passage.

Gard, Hume, Riegsecker

(HOUSE SPONSORS — WEINZAPFEL, WOLKINS)

January 7, 2002, read first time and referred to Committee on Environmental Affairs.
January 29, 2002, amended, reported favorably — Do Pass.
February 4, 2002, read second time, ordered engrossed. Engrossed.
February 5, 2002, read third time, passed. Yeas 44, nays 4.

HOUSE ACTION

February 11, 2002, read first time and referred to Committee on Environmental Affairs.
February 21, 2002, amended, reported — Do Pass.
February 25, 2002, read second time, amended, ordered engrossed.

ES 259—LS 6662/DI 52+



C
o
p
y

Second Regular Session 112th General Assembly (2002)

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 2001 General Assembly.

ENGROSSED SENATE BILL No. 259

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 13-11-2-213 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 213. "Source", for
3 purposes of **IC 13-17-3 and IC 13-17-7**, means an aggregation of one
4 (1) or more facilities that are:
5 (1) located on:
6 (A) one (1) piece of property; or
7 (B) contiguous or adjacent properties; and
8 (2) owned, operated, or controlled by the same person.
9 SECTION 2. IC 13-17-3-4 IS AMENDED TO READ AS
10 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) The board
11 shall adopt rules under IC 4-22-2 that are:
12 (1) consistent with the general intent and purposes declared in
13 IC 13-17-1 and section 1 of this chapter; and
14 (2) necessary to the implementation of the federal Clean Air Act
15 (42 U.S.C. 7401 et seq.), as amended by the Clean Air Act
16 Amendments of 1990 (P.L.101-549).
17 (b) Notwithstanding IC 13-15-5, the board may adopt rules under

ES 259—LS 6662/DI 52+



C
O
P
Y

1 IC 4-22-2 and IC 13-14-9 that allow the commissioner's actions on
 2 permits and permit modifications to become effective immediately,
 3 regardless of whether a thirty (30) day comment period is held on the
 4 permits or permit modifications. The board may adopt rules under this
 5 subsection only after considering the:

- 6 (1) environmental significance of;
- 7 (2) federal requirements for federally delegated or approved
- 8 programs concerning; and
- 9 (3) need for opportunity for public participation on;

10 the permits or permit modifications.

11 **(c) The board may adopt rules to require sources to report**
 12 **hazardous air pollutant emissions if the reporting is necessary to**
 13 **demonstrate compliance with emissions and other performance**
 14 **standards established under 42 USC 7412 or 42 USC 7429. The**
 15 **board may amend 326 IAC 2-6 to allow the department to request**
 16 **hazardous air pollutant emissions data from individual sources for**
 17 **the purpose of site specific studies of hazardous air pollutant:**

- 18 (1) emissions; and
- 19 (2) impacts.

20 **However, the rules adopted by the board may not require sources**
 21 **to report hazardous air pollutant emissions before January 1, 2004.**

22 SECTION 3. [EFFECTIVE UPON PASSAGE] (a) The
 23 environmental quality service council shall do the following:

24 (1) Develop and propose a plan for the creation and funding
 25 of an effective hazardous air pollutant monitoring program to
 26 address potential health risks from hazardous air pollutants
 27 posed by urban air and significant sources.

28 (2) Consider methods for the department of environmental
 29 management and state department of health to:

30 (A) request and receive hazardous air pollution release
 31 information in a timely and effective manner; and

32 (B) communicate to the public and the reporting sources
 33 (as defined in IC 13-11-2-213) the responses received as a
 34 result of the requests.

35 (3) Provide to the executive director of the legislative services
 36 agency before December 1, 2002:

37 (A) a report of its activities under subdivisions (1) and (2);
 38 and

39 (B) an outline of the hazardous air pollutant program plan
 40 developed and proposed under subdivision (1).

41 (b) This SECTION expires January 1, 2003.

42 SECTION 4. [EFFECTIVE UPON PASSAGE] (a) The department

C
O
P
Y



1 of environmental management and the state department of health
2 shall do the following:

3 (1) Jointly develop a five (5) year hazardous air pollutant
4 strategy that includes at least the following:

5 (A) An inventory of known hazardous air pollutant
6 emissions in Indiana, including quantities and types of
7 sources.

8 (B) An assessment of the quality and usefulness of existing
9 data on hazardous air pollutant:

- 10 (i) emissions;
11 (ii) air quality monitoring; and
12 (iii) human health impacts.

13 (C) A description of the gaps in the existing data,
14 alternatives to fill those gaps, and the departments'
15 preferred approach among those alternatives.

16 (D) The departments' top ten (10) priorities to address
17 significant risks posed by hazardous air pollutant releases
18 and the basis for each priority.

19 (E) Based on available information, an inventory of
20 commercial and industrial air pollutant sources, air
21 pollutant source categories, and hazardous air pollutants
22 that require additional study to determine potential human
23 health impacts.

24 (F) A plan that identifies additional hazardous air
25 pollutant data needs, including the:

- 26 (i) intended uses of;
27 (ii) processes to be used to collect; and
28 (iii) resources necessary to collect and assess;

29 the additional data.

30 (2) Provide the strategy developed under subdivision (1) in
31 writing to the environmental quality service council before
32 November 1, 2002.

33 (b) This SECTION expires January 1, 2003.

34 SECTION 5. [EFFECTIVE UPON PASSAGE] (a) As used in this
35 SECTION, "committee" refers to the Indiana Harbor Ship Canal
36 Maintenance Dredging and Disposal Project study committee
37 established under this SECTION.

38 (b) As used in this SECTION, "project" refers to the Indiana
39 Harbor Ship Canal Maintenance Dredging and Disposal Project
40 overseen by the United States Army Corps of Engineers.

41 (c) There is established the Indiana Harbor Ship Canal
42 Maintenance Dredging and Disposal Project study committee.



C
O
P
Y

1 (d) The committee consists of the following twelve (12)
2 members:

3 (1) Two (2) members appointed by the speaker of the house of
4 representatives:

5 (A) who are members of the house of representatives;

6 (B) who are not affiliated with the same political party;
7 and

8 (C) at least one (1) of whom represents a house district that
9 has territory that is directly affected by the project.

10 (2) Two (2) members appointed by the president pro tempore
11 of the senate:

12 (A) who are members of the senate;

13 (B) who are not affiliated with the same political party;
14 and

15 (C) at least one (1) of whom represents a senate district
16 that has territory that is directly affected by the project.

17 (3) The following eight (8) members appointed by the
18 governor:

19 (A) The mayor of East Chicago.

20 (B) One (1) member of the East Chicago city council.

21 (C) One (1) representative of the department of
22 environmental management.

23 (D) One (1) representative of a nonprofit environmental
24 organization.

25 (E) Four (4) residents of East Chicago.

26 (e) If the governor does not make an appointment under
27 subsection (d)(3) before May 1, 2002, the chairman of the
28 legislative council shall make the appointment.

29 (f) An appointed member of the committee serves at the
30 pleasure of the appointing authority identified in subsection (d).
31 The appointing authority shall fill any vacancy on the committee
32 within forty-five (45) days.

33 (g) The chairman of the legislative council shall designate the
34 chairperson of the committee from the membership of the
35 committee.

36 (h) The expenses of the committee shall be paid from
37 appropriations made to the legislative council or the legislative
38 services agency.

39 (i) The committee shall do the following:

40 (1) Study and assess the project.

41 (2) Study the viability of the site the United States Army
42 Corps of Engineers has selected for the project's Confined

C
O
P
Y



1 **Disposal Facility.**

2 **(3) Study the viability of alternative sites for the project's**
3 **Confined Disposal Facility.**

4 **(4) Submit its final report before January 1, 2003, to the**
5 **following:**

6 **(A) The governor.**

7 **(B) The executive director of the legislative services**
8 **agency.**

9 **(C) The commissioner of the department of environmental**
10 **management.**

11 **The committee shall assure that the final report is made**
12 **readily available to the residents of East Chicago, businesses**
13 **and industry in East Chicago, and the general public.**

14 **(j) The legislative services agency shall provide staff support to**
15 **the committee.**

16 **(k) Each member of the committee who is not a state employee**
17 **is entitled to the minimum salary per diem provided by**
18 **IC 4-10-11-2.1(b). The member is also entitled to reimbursement**
19 **for traveling expenses as provided under IC 4-13-1-4 and other**
20 **expenses actually incurred in connection with the member's duties**
21 **as provided in the state policies and procedures established by the**
22 **Indiana department of administration and approved by the budget**
23 **agency.**

24 **(l) Each member of the committee who is a state employee is**
25 **entitled to reimbursement for traveling expenses as provided under**
26 **IC 4-13-1-4 and other expenses actually incurred in connection**
27 **with the member's duties as provided in the state policies and**
28 **procedures established by the Indiana department of**
29 **administration and approved by the budget agency.**

30 **(m) Each member of the committee who is a member of the**
31 **general assembly is entitled to receive the same per diem, mileage,**
32 **and travel allowances paid to members of the general assembly**
33 **serving on interim study committees established by the legislative**
34 **council. Per diem, mileage, and travel allowances paid under this**
35 **subsection shall be paid from appropriations made to the**
36 **legislative council or to the legislative services agency.**

37 **(n) The affirmative votes of a majority of the members of the**
38 **committee are required for the committee to take action on any**
39 **measure, including the final report.**

40 **(o) Except as specified in this SECTION, the committee shall**
41 **operate under the rules of the legislative council.**

42 **(p) The department of environmental management may not**

C
O
P
Y



1 **issue any permits associated with the project until the committee**
2 **issues its final report under this SECTION.**
3 **(q) This SECTION expires January 1, 2003.**
4 **SECTION 6. An emergency is declared for this act.**

C
o
p
y



SENATE MOTION

Mr. President: I move that Senator Riegsecker be added as coauthor of Senate Bill 259.

GARD

C
o
p
y



COMMITTEE REPORT

Mr. President: The Senate Committee on Environmental Affairs, to which was referred Senate Bill No. 259, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, line 11, delete "The board may not amend 326 IAC 2-6 or adopt new rules".

Page 2, delete lines 12 through 13.

Page 2, line 14, delete "directed to do so by the general assembly".

Page 2, run in lines 11 and 14.

Page 2, line 23, delete "human health".

Page 2, between lines 23 and 24, begin a new line blocked left and insert:

"The board may amend 326 IAC 2-6 or adopt new rules to establish a general requirement for sources to report hazardous air pollutant emissions (as defined by 42 USC 7412(b)) after October 31, 2003."

Page 2, line 32, delete "September 1, 2002," and insert "**November 1, 2003,**".

Page 3, line 28, delete "September 1, 2002." and insert "**November 1, 2003.**".

and when so amended that said bill do pass.

(Reference is to SB 259 as introduced.)

GARD, Chairperson

Committee Vote: Yeas 6, Nays 1.

C
O
P
Y



COMMITTEE REPORT

Mr. Speaker: Your Committee on Environmental Affairs, to which was referred Senate Bill 259, 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 2, delete lines 20 through 23, begin a new line blocked left and insert:

"However, the rules adopted by the board may not require sources to report hazardous air pollutant emissions before January 1, 2004."

Page 2, line 24, delete "For purposes of" and insert "**The environmental quality service council shall do the following:**

(1) Develop and propose a plan for the creation and funding of an effective hazardous air pollutant monitoring program to address potential health risks from hazardous air pollutants posed by urban air and significant sources.

(2) Consider methods for the department of environmental management and state department of health to:

(A) request and receive hazardous air pollution release information in a timely and effective manner; and

(B) communicate to the public and the reporting sources (as defined in IC 13-11-2-213) the responses received as a result of the requests.

(3) Provide to the executive director of the legislative services agency before December 1, 2002:

(A) a report of its activities under subdivisions (1) and (2); and

(B) an outline of the hazardous air pollutant program plan developed and proposed under subdivision (1).

(b) This SECTION expires January 1, 2003.

SECTION 4. [EFFECTIVE UPON PASSAGE] (a) The department of environmental management and the state department of health shall do the following:

(1) Jointly develop a five (5) year hazardous air pollutant strategy that includes at least the following:

(A) An inventory of known hazardous air pollutant emissions in Indiana, including quantities and types of sources.

(B) An assessment of the quality and usefulness of existing data on hazardous air pollutant:

(i) emissions;

(ii) air quality monitoring; and



C
O
P
Y

(iii) human health impacts.

(C) A description of the gaps in the existing data, alternatives to fill those gaps, and the departments' preferred approach among those alternatives.

(D) The departments' top ten (10) priorities to address significant risks posed by hazardous air pollutant releases and the basis for each priority.

(E) Based on available information, an inventory of commercial and industrial air pollutant sources, air pollutant source categories, and hazardous air pollutants that require additional study to determine potential human health impacts.

(F) A plan that identifies additional hazardous air pollutant data needs, including the:

- (i) intended uses of;**
 - (ii) processes to be used to collect; and**
 - (iii) resources necessary to collect and assess;**
- the additional data.**

(2) Provide the strategy developed under subdivision (1) in writing to the environmental quality service council before November 1, 2002.

(b) This SECTION expires January 1, 2003."

Page 2, delete lines 25 through 42.

Page 3, delete lines 1 through 28.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 259 as printed January 30, 2002.)

WEINZAPFEL, Chair

Committee Vote: yeas 9, nays 0.

C
O
P
Y



HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 259 be amended to read as follows:

Page 3, between lines 33 and 34, begin a new paragraph and insert:
"SECTION 5. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "committee" refers to the Indiana Harbor Ship Canal Maintenance Dredging and Disposal Project study committee established under this SECTION.

(b) As used in this SECTION, "project" refers to the Indiana Harbor Ship Canal Maintenance Dredging and Disposal Project overseen by the United States Army Corps of Engineers.

(c) There is established the Indiana Harbor Ship Canal Maintenance Dredging and Disposal Project study committee.

(d) The committee consists of the following twelve (12) members:

(1) Two (2) members appointed by the speaker of the house of representatives:

(A) who are members of the house of representatives;

(B) who are not affiliated with the same political party; and

(C) at least one (1) of whom represents a house district that has territory that is directly affected by the project.

(2) Two (2) members appointed by the president pro tempore of the senate:

(A) who are members of the senate;

(B) who are not affiliated with the same political party; and

(C) at least one (1) of whom represents a senate district that has territory that is directly affected by the project.

(3) The following eight (8) members appointed by the governor:

(A) The mayor of East Chicago.

(B) One (1) member of the East Chicago city council.

(C) One (1) representative of the department of environmental management.

(D) One (1) representative of a nonprofit environmental organization.

(E) Four (4) residents of East Chicago.

(e) If the governor does not make an appointment under subsection (d)(3) before May 1, 2002, the chairman of the legislative council shall make the appointment.

(f) An appointed member of the committee serves at the

C
O
P
Y



pleasure of the appointing authority identified in subsection (d). The appointing authority shall fill any vacancy on the committee within forty-five (45) days.

(g) The chairman of the legislative council shall designate the chairperson of the committee from the membership of the committee.

(h) The expenses of the committee shall be paid from appropriations made to the legislative council or the legislative services agency.

(i) The committee shall do the following:

(1) Study and assess the project.

(2) Study the viability of the site the United States Army Corps of Engineers has selected for the project's Confined Disposal Facility.

(3) Study the viability of alternative sites for the project's Confined Disposal Facility.

(4) Submit its final report before January 1, 2003, to the following:

(A) The governor.

(B) The executive director of the legislative services agency.

(C) The commissioner of the department of environmental management.

The committee shall assure that the final report is made readily available to the residents of East Chicago, businesses and industry in East Chicago, and the general public.

(j) The legislative services agency shall provide staff support to the committee.

(k) Each member of the committee who is not a state employee is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). The member is also entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(l) Each member of the committee who is a state employee is entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

C
O
P
Y

(m) Each member of the committee who is a member of the general assembly is entitled to receive the same per diem, mileage, and travel allowances paid to members of the general assembly serving on interim study committees established by the legislative council. Per diem, mileage, and travel allowances paid under this subsection shall be paid from appropriations made to the legislative council or to the legislative services agency.

(n) The affirmative votes of a majority of the members of the committee are required for the committee to take action on any measure, including the final report.

(o) Except as specified in this SECTION, the committee shall operate under the rules of the legislative council.

(p) The department of environmental management may not issue any permits associated with the project until the committee issues its final report under this SECTION.

(q) This SECTION expires January 1, 2003."

Renumber all SECTIONS consecutively.

(Reference is to ESB 259 as printed February 22, 2002.)

AGUILERA

C
o
p
y

