

# SENATE BILL No. 259

---

## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 13-11-2-213; IC 13-17-3-4.

**Synopsis:** Hazardous air pollutant emissions. Prohibits the air pollution control board from adopting rules to establish general requirements for reporting of hazardous air pollutant emissions. Permits 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; or (2) allow the department of environmental management to request certain site specific data. Directs the department and the state department of health to conduct evaluations considering specified hazardous air pollutant data and to report to the environmental quality service council concerning emissions and related data and human health impacts.

**Effective:** Upon passage.

---

---

## Gard, Hume

---

---

January 7, 2002, read first time and referred to Committee on Environmental Affairs.

---

---

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.

C  
O  
P  
Y

# 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



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 not amend 326 IAC 2-6 or adopt new rules**  
 12 **to establish a general requirement for sources to report hazardous**  
 13 **air pollutant emissions (as defined by 42 USC 7412(b)) unless**  
 14 **directed to do so by the general assembly. The board may adopt**  
 15 **rules to require sources to report hazardous air pollutant emissions**  
 16 **if the reporting is necessary to demonstrate compliance with**  
 17 **emissions and other performance standards established under**  
 18 **42 USC 7412 or 42 USC 7429. The board may amend 326 IAC 2-6**  
 19 **to allow the department to request hazardous air pollutant**  
 20 **emissions data from individual sources for the purpose of site**  
 21 **specific studies of hazardous air pollutant:**

- 22 (1) emissions; and
- 23 (2) human health impacts.

24 SECTION 3. [EFFECTIVE UPON PASSAGE] (a) For purposes of  
 25 this SECTION, "source" has the meaning set forth in  
 26 IC 13-11-2-213, as amended by this act.

27 (b) The department of environmental management and the state  
 28 department of health shall:

- 29 (1) conduct evaluations necessary to generate the information
- 30 required in the report to be submitted under subdivision (2);
- 31 and

- 32 (2) before September 1, 2002, submit a report to the
- 33 environmental quality service council that includes the
- 34 following:

35 (A) A summary of hazardous air pollutant emissions in  
 36 Indiana, including:

- 37 (i) quantities; and
- 38 (ii) general sources;

39 of emissions.

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

- 42 (i) emissions;

C  
O  
P  
Y



- 1                   (ii) air quality monitoring; and
- 2                   (iii) human health impacts.
- 3                   (C) Identification of the commercial or industrial sources
- 4                   or source categories that require further investigation for
- 5                   potential human health impacts.
- 6                   (D) A plan for collecting additional hazardous air pollutant
- 7                   information.
- 8                   (E) Potential solutions to any human health issues created
- 9                   by hazardous air pollutants.
- 10                  (c) The department of environmental management and state
- 11                  department of health shall consider the following data in their
- 12                  evaluations under subsection (b):
- 13                   (1) Data submitted by sources in permit applications and
- 14                   compliance reports.
- 15                   (2) Data collected by the department of environmental
- 16                   management in other reports.
- 17                   (3) Air monitoring data collected by the department of
- 18                   environmental management.
- 19                   (4) Toxics Release Inventory reports submitted to the United
- 20                   States Environmental Protection Agency.
- 21                   (5) The National Air Toxics Assessment Database and the
- 22                   National Toxics Inventory Database, both published by the
- 23                   United States Environmental Protection Agency.
- 24                   (6) Other existing sources of information regarding hazardous
- 25                   air pollutant:
- 26                    (A) emissions; and
- 27                    (B) ambient concentrations.
- 28                  (d) This SECTION expires September 1, 2002.
- 29                  SECTION 4. An emergency is declared for this act.

COPY

