



January 30, 2002

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## SENATE BILL No. 259

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DIGEST OF SB 259 (Updated January 28, 2002 3:54 PM - DI 52)

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

**Synopsis:** Hazardous air pollutant emissions. Prohibits the air pollution control board from adopting rules before November 1, 2003, 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 before November 1, 2003, to the environmental quality service council concerning emissions and related data and human health impacts.

**Effective:** Upon passage.

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### Gard, Hume, Riegsecker

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January 7, 2002, read first time and referred to Committee on Environmental Affairs.  
January 29, 2002, amended, reported favorably — Do Pass.

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SB 259—LS 6662/DI 52+



January 30, 2002

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.

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## 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

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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 **The board may amend 326 IAC 2-6 or adopt new rules to establish**  
 21 **a general requirement for sources to report hazardous air**  
 22 **pollutant emissions (as defined by 42 USC 7412(b)) after October**  
 23 **31, 2003.**

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 November 1, 2003, 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;**

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- 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 November 1, 2003.
- 29                  SECTION 4. An emergency is declared for this act.

COPY



SENATE MOTION

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

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## 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.

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