

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.

## SENATE ENROLLED ACT No. 259

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 13-11-2-213 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 213. "Source", for purposes of **IC 13-17-3** and IC 13-17-7, means an aggregation of one (1) or more facilities that are:

- (1) located on:
  - (A) one (1) piece of property; or
  - (B) contiguous or adjacent properties; and
- (2) owned, operated, or controlled by the same person.

SECTION 2. IC 13-17-3-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) The board shall adopt rules under IC 4-22-2 that are:

- (1) consistent with the general intent and purposes declared in IC 13-17-1 and section 1 of this chapter; and
- (2) necessary to the implementation of the federal Clean Air Act (42 U.S.C. 7401 et seq.), as amended by the Clean Air Act Amendments of 1990 (P.L.101-549).

(b) Notwithstanding IC 13-15-5, the board may adopt rules under IC 4-22-2 and IC 13-14-9 that allow the commissioner's actions on permits and permit modifications to become effective immediately, regardless of whether a thirty (30) day comment period is held on the permits or permit modifications. The board may adopt rules under this subsection only after considering the:

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- (1) environmental significance of;
  - (2) federal requirements for federally delegated or approved programs concerning; and
  - (3) need for opportunity for public participation on;
- the permits or permit modifications.

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

- (1) emissions; and**
- (2) impacts.**

**(d) 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 U.S.C. 7412(b)). However, the rules amended or adopted by the board under this subsection may not require sources to report hazardous air pollutant emissions before January 1, 2004.**

**SECTION 3. [EFFECTIVE UPON PASSAGE] (a) 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 help assess 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 at the time the environmental quality service council submits its final report in 2002 as directed by the legislative council:**
  - (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.**



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**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**
- (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) Based on available information, 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.**

**SECTION 5. An emergency is declared for this act.**

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President of the Senate

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President Pro Tempore

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Speaker of the House of Representatives

Approved: \_\_\_\_\_

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Governor of the State of Indiana

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