



Reprinted
April 11, 2003

ENGROSSED HOUSE BILL No. 1439

DIGEST OF HB 1439 (Updated April 10, 2003 3:37 PM - DI 52)

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

Synopsis: Air emissions. Defines emission data for purposes of department of environmental management information disclosure requirements and the periodic vehicle inspection program. Permits the air pollution control board (APCB) to adopt rules effective after December 31, 2006 to eliminate the requirement that motor vehicles undergo periodic inspection. Permits the county executive, after consideration of alternatives, to approve the elimination by resolution, and requires the APCB to consider the resolution in its determination whether to eliminate inspections. Permits the APCB to consider emission data in making the determination. Voids the current rule to the extent that it requires inspections.

Effective: January 1, 2003 (retroactive); July 1, 2003.

Bottorff, Cochran, Oxley

(SENATE SPONSORS — GARD, SIPES)

January 14, 2003, read first time and referred to Committee on Environmental Affairs.
February 13, 2003, amended, reported — Do Pass. Recommitted to Committee on Ways and Means.

February 27, 2003, amended, reported — Do Pass.
March 3, 2003, read second time, ordered engrossed. Engrossed.
March 4, 2003, read third time, passed. Yeas 89, nays 8.

SENATE ACTION

March 13, 2003, read first time and referred to Committee on Environmental Affairs.
April 7, 2003, amended, reported favorably — Do Pass.
April 10, 2003, read second time, amended, ordered engrossed.

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EH 1439—LS 6562/DI 52+



Reprinted
April 11, 2003

First Regular Session 113th General Assembly (2003)

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 2002 Regular or Special Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1439

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 13-11-2-66.3 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JANUARY 1, 2003 (RETROACTIVE)]: **Sec. 66.3.**
4 **"Emission data", for purposes of IC 13-14-11 and IC 13-17-5,**
5 **means any of the following:**
6 **(1) The identity, amount, frequency, concentration, or other**
7 **characteristics (related to air quality) of any contaminant**
8 **that:**
9 **(A) has been emitted from; or**
10 **(B) results from any emission by;**
11 **an emission unit authorized to emit under an applicable**
12 **standard or limitation.**
13 **(2) The name, address, or other description of the location and**
14 **the nature of the emission unit necessary to identify the**
15 **emission unit, including a description of the device,**
16 **equipment, or operation constituting the emission unit.**
17 **(3) Information necessary to:**

EH 1439—LS 6562/DI 52+



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- (A) determine a permit condition that assures compliance with an applicable requirement; or
- (B) determine or calculate an enforceable emission limitation, including:
 - (i) rate of operation;
 - (ii) rate of production;
 - (iii) rate of raw material usage;
 - (iv) material balance; or
 - (v) equipment capacity;

if the information is contained in a permit or the technical support document to ensure that the permit is practically enforceable under state or federal law.

SECTION 2. IC 13-11-2-130.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 130.5. "Periodic vehicle inspection program"**, for purposes of IC 13-17-5, means a program requiring a motor vehicle registered in a county to undergo a periodic test of emission characteristics and be repaired and retested, if the motor vehicle fails the emissions test. The term includes entering into and managing contracts for inspection stations.

SECTION 3. IC 13-17-5-9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 9. (a)** The board may adopt a rule whose effective date is after December 31, 2006, under air pollution control laws that eliminates the requirement that motor vehicles undergo a periodic test of emission characteristics in any county.

(b) If the board adopts a rule under subsection (a) eliminating the periodic vehicle inspection program in a county referred to in subsection (a), starting on the effective date of the rule 326 IAC 13-1.1 is void to the extent it applies to that county.

(c) Before December 31, 2006, the board shall adopt a rule under air pollution control laws that allows the board to make a determination whether the executive for each county referred to in subsection (a) has considered and approved, through the adoption of a resolution, the elimination of a periodic vehicle inspection program. The county executive must consider the alternative measures to be implemented locally necessary to meet the requirements 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), including:

- (1) emission off-sets that may result in construction bans for

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1 new and modified major sources; and
 2 (2) federal highway funding sanctions that may result in a loss
 3 of federal highway funds for state and local highway projects.
 4 (d) The county executive must:
 5 (1) indicate in the resolution referred to in subsection (c):
 6 (A) which alternative measures were considered; and
 7 (B) which alternative measures were preferred to periodic
 8 vehicle inspection; and
 9 (2) forward a copy of the resolution referred to in subsection
 10 (c) to the board.
 11 (e) Upon receiving a resolution under subsection (d), the board:
 12 (1) shall consider the resolution; and
 13 (2) may consider emission data for the county;
 14 in its determination whether to adopt a rule under subsection (a)
 15 to eliminate the periodic vehicle inspection program in the county.
 16 SECTION 4. An emergency is declared for this act.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Environmental Affairs, to which was referred House Bill 1439, 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 1, line 3, delete "The" and insert "**After December 31, 2006, the**".

Page 2, line 1, after "(b)" insert "**After December 31, 2006,**".

Page 2, line 2, delete "The" and insert "**After December 31, 2006, the**".

Page 2, line 5, delete "JULY" and insert "JANUARY 1, 2007].".

Page 2, delete line 6.

and when so amended that said bill do pass.

(Reference is to HB 1439 as introduced.)

BOTTORFF, Chair

Committee Vote: yeas 10, nays 2.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1439, 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 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 13-11-2-130.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 130.5."Periodic vehicle inspection program", for purposes of IC 13-17-5, means a program requiring a motor vehicle registered in a county to undergo a periodic test of emission characteristics and be repaired and retested, if the motor vehicle fails the emissions test. The term includes entering into and managing contracts for inspection stations.**"

Page 1, delete lines 13 through 17.

Page 2, delete line 1.

Page 2, line 2, delete "void." and insert "void to the extent it applies to a county referred to in subsection (a).

(c) Unless the budget agency approves a periodic vehicle inspection program for a county referred to in subsection (a), the board shall amend 326 IAC 13-1.1 so that it does not apply after December 31, 2006, to a county referred to in subsection (a).

(d) The budget agency, after review by the budget committee, may approve in writing the implementation of a periodic vehicle inspection program for one (1) or more counties described in subsection (a) only if the budget agency determines that the implementation of a periodic vehicle inspection program in the designated counties is necessary to avoid a loss of federal highway funding for the state or a political subdivision. The approval must specify the counties to which the periodic vehicle inspection program applies and the time during which the periodic vehicle inspection program must be conducted in each designated county. The budget agency, after review by the budget committee shall withdraw an approval given under this subsection for a periodic vehicle inspection program in a county if the budget agency determines that the suspension of the periodic vehicle inspection program will not adversely affect federal highway funding for the state or a political subdivision."

Page 2, delete lines 3 through 7.



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Renumber all SECTIONS consecutively.
and when so amended that said bill do pass.

(Reference is to HB 1439 as printed February 14, 2003.)

CRAWFORD, Chair

Committee Vote: yeas 27, nays 0.

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COMMITTEE REPORT

Mr. President: The Senate Committee on Environmental Affairs, to which was referred House Bill No. 1439, 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 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 13-11-2-66.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2003 (RETROACTIVE)]: **Sec. 66.3. "Emission data", for purposes of IC 13-14-11 and IC 13-17-5, means any of the following:**

(1) The identity, amount, frequency, concentration, or other characteristics (related to air quality) of any contaminant that:

(A) has been emitted from; or

(B) results from any emission by;

an emission unit authorized to emit under an applicable standard or limitation.

(2) The name, address, or other description of the location and the nature of the emission unit necessary to identify the emission unit, including a description of the device, equipment, or operation constituting the emission unit.

(3) Information necessary to determine or calculate emission data under subdivision (1), including:

(A) rate of operation;

(B) rate of production;

(C) rate of raw material usage; or

(D) material balance;

if the information is contained in a permit to ensure that the permit is enforceable under state or federal law."

Page 1, line 3, delete "130.5."Periodic" and insert "**130.5. "Periodic"**."

Page 1, line 11, delete "After December 31, 2006, the" and insert "**The"**."

Page 1, line 11, delete "not".

Page 1, line 12, after "rule" insert "**whose effective date is after December 31, 2006,"**."

Page 1, line 12, delete "requires" and insert "**eliminates the requirement that"**."

Page 1, line 13, delete "to".

Page 1, line 13, delete "the" and insert "**any county**."

EH 1439—LS 6562/DI 52+



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(b) If the board adopts a rule under subsection (a) eliminating the periodic vehicle inspection program in a county referred to in subsection (a), starting on the effective date of the rule 326 IAC 13-1.1 is void to the extent it applies to that county.

(c) Before December 31, 2006, the board shall adopt a rule under air pollution control laws that allows the board to make a determination whether the executive for each county referred to in subsection (a) has considered and approved, through the adoption of a resolution, the elimination of a periodic vehicle inspection program. The county executive must consider the alternative measures to be implemented locally necessary to meet the requirements 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), including:

- (1) emission off-sets that may result in construction bans for new and modified major sources; and**
- (2) federal highway funding sanctions that may result in a loss of federal highway funds for state and local highway projects.**

(d) The county executive must:

- (1) indicate in the resolution referred to in subsection (c):**
 - (A) which alternative measures were considered; and**
 - (B) which alternative measures were preferred to periodic vehicle inspection; and**
- (2) forward a copy of the resolution referred to in subsection (c) to the board.**

(e) Upon receiving a resolution under subsection (d), the board:

- (1) shall consider the resolution; and**
- (2) may consider emission data for the county;**

in its determination whether to adopt a rule under subsection (a) to eliminate the periodic vehicle inspection program in the county.

SECTION 4. An emergency is declared for this act."

Page 1, delete lines 14 through 17.

Delete page 2.

Re-number all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1439 as printed February 28, 2003.)

GARD, Chairperson

Committee Vote: Yeas 10, Nays 0.

EH 1439—LS 6562/DI 52+



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SENATE MOTION

Mr. President: I move that Engrossed House Bill 1439 be amended to read as follows:

Page 1, delete line 17, begin a new line block indented and insert:

"(3) Information necessary to:

(A) determine a permit condition that assures compliance with an applicable requirement; or

(B) determine or calculate an enforceable emission limitation, including:

(i) rate of operation;

(ii) rate of production;

(iii) rate of raw material usage;

(iv) material balance; or

(v) equipment capacity;

if the information is contained in a permit or the technical support document to ensure that the permit is practically enforceable under state or federal law."

Page 2, delete lines 1 through 7.

(Reference is to EHB 1439 as printed April 8, 2003.)

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