

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:

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

- 1 **(B) rate of production;**
 2 **(C) rate of raw material usage; or**
 3 **(D) material balance;**
 4 **if the information is contained in a permit to ensure that the**
 5 **permit is enforceable under state or federal law."**

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

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

10 Page 1, line 11, delete "not".

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

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

15 Page 1, line 13, delete "to".

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

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

21 **(c) Before December 31, 2006, the board shall adopt a rule**
 22 **under air pollution control laws that allows the board to make a**
 23 **determination whether the executive for each county referred to in**
 24 **subsection (a) has considered and approved, through the adoption**
 25 **of a resolution, the elimination of a periodic vehicle inspection**
 26 **program. The county executive must consider the alternative**
 27 **measures to be implemented locally necessary to meet the**
 28 **requirements of the federal Clean Air Act (42 U.S.C. 7401 et seq.)**
 29 **as amended by the Clean Air Act amendments of 1990 (P.L.**
 30 **101-549), including:**

31 **(1) emission off-sets that may result in construction bans for**
 32 **new and modified major sources; and**

33 **(2) federal highway funding sanctions that may result in a loss**
 34 **of federal highway funds for state and local highway projects.**

35 **(d) The county executive must:**

36 **(1) indicate in the resolution referred to in subsection (c):**

37 **(A) which alternative measures were considered; and**

38 **(B) which alternative measures were preferred to periodic**
 39 **vehicle inspection; and**

40 **(2) forward a copy of the resolution referred to in subsection**

41 **(c) to the board.**

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

- 1 **(1) shall consider the resolution; and**
- 2 **(2) may consider emission data for the county;**
- 3 **in its determination whether to adopt a rule under subsection (a)**
- 4 **to eliminate the periodic vehicle inspection program in the county.**

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

6 Page 1, delete lines 14 through 17.

7 Delete page 2.

8 Renumber all SECTIONS consecutively.

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

and when so amended that said bill do pass .

Committee Vote: Yeas 10, Nays 0.

Senator Gard, Chairperson