



Reprinted
February 15, 2019

HOUSE BILL No. 1278

DIGEST OF HB 1278 (Updated February 14, 2019 2:13 pm - DI 55)

Citations Affected: IC 13-11; IC 13-17; IC 13-18; IC 13-20; IC 13-22; IC 16-44.

Synopsis: Various environmental matters. In the law concerning the transportation of septage, replaces the term "wastewater management vehicle" with the term "septage management vehicle". Requires certain reports concerning public water systems to be submitted to the department of environmental management (department) electronically. Corrects two references to the code of federal regulations. Eliminates the requirement that a solid waste hauler keep for at least one year certain records about the waste that the hauler collected in Indiana and transported outside Indiana for final disposal. Revises the law concerning the assessment of the state solid waste management fee and provides for the department to deposit the revenue from the state solid waste management fee quarterly rather than monthly. Changes the latest date for the department's annual assessment of hazardous waste annual operation fees from January 15 to June 15. Revises certain specifications used in the testing of gasoline and gasohol. Makes technical changes.

Effective: July 1, 2019.

Wolkins, Errington

January 10, 2019, read first time and referred to Committee on Environmental Affairs.
January 31, 2019, reported — Do Pass.
February 14, 2019, read second time, amended, ordered engrossed.

HB 1278—LS 6850/DI 55



Reprinted
February 15, 2019

First Regular Session of the 121st General Assembly (2019)

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 2018 Regular and Special Session of the General Assembly.

HOUSE BILL No. 1278

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 13-11-2-199.4 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2019]: **Sec. 199.4. "Septage management**
4 **vehicle", for purposes of IC 13-18-12-2.2, has the meaning set forth**
5 **in IC 13-18-12-2.2(b).**
- 6 SECTION 2. IC 13-11-2-257.6, AS ADDED BY P.L.107-2016,
7 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
8 JULY 1, 2019]: Sec. 257.6. "Wastewater", for purposes of
9 ~~IC 13-18-12-2.2~~; **IC 13-18**, has the meaning set forth in
10 ~~IC 13-18-12-2.2(a)(3)~~; **means liquid or water-carried wastes from**
11 **industrial, municipal, agricultural, or other sources.**
- 12 SECTION 3. IC 13-11-2-257.8 IS REPEALED [EFFECTIVE JULY
13 1, 2019]. ~~Sec. 257.8. "Wastewater management vehicle", for purposes~~
14 ~~of IC 13-18-12-2.2; has the meaning set forth in IC 13-18-12-2.2(b).~~
- 15 SECTION 4. IC 13-17-15-4, AS ADDED BY P.L.181-2018,
16 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
17 JULY 1, 2019]: Sec. 4. Drugs confiscated or collected as evidence by

HB 1278—LS 6850/DI 55



1 a law enforcement agency may be disposed of and destroyed in any of
2 the following:

3 (1) Portland cement manufacturing kilns regulated under 40 CFR
4 63, Subpart LLL.

5 (2) Electric arc furnace steelmaking facilities regulated under:
6 (A) 40 CFR 60, Subpart AAa; or
7 (B) 40 CFR 63, Subpart YYYYYY.

8 (3) Integrated iron and steel manufacturing furnaces regulated
9 under 40 CFR 63, Subpart FFFFFF.

10 (4) Commercial and industrial solid waste incineration units
11 regulated under 40 CFR ~~63~~, **60**, Subpart CCCC or DDDD.

12 (5) Hazardous waste combustion units regulated under 40 CFR
13 63, Subpart EEE.

14 (6) Hospital, medical, and infectious waste incinerators regulated
15 under 40 CFR 60, Subpart Ce or Ec.

16 (7) Institutional boilers and process heaters regulated under 40
17 CFR 63, Subpart DDDDD.

18 (8) Small or large municipal waste combustion units regulated
19 under:

20 (A) 40 CFR 60, Subpart AAAA, BBBB, ~~HH~~, Ea, Eb, or Cb; **or**

21 (B) **40 CFR 62, Subpart JJJ.**

22 SECTION 5. IC 13-18-12-2.2, AS ADDED BY P.L.107-2016,
23 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
24 JULY 1, 2019]: Sec. 2.2. (a) As used in this section:

25 (1) "chemical toilet" has the meaning set forth in 327
26 IAC 7.1-2-6; **and**

27 (2) "sewage disposal system" has the meaning set forth in 327
28 IAC 7.1-2-36; **and**

29 (3) ~~"wastewater" has the meaning set forth in 327 IAC 7.1-2-41;~~
30 on February 1, 2016.

31 (b) As used in this section, ~~"wastewater "~~**septage** management
32 vehicle" means a vehicle used for the removal of ~~wastewater~~ **septage**
33 from sewage disposal systems.

34 (c) Notwithstanding 327 IAC 7.1-6-1, the invoice provided to a
35 customer by the person who uses a ~~wastewater~~ **septage** management
36 vehicle to remove ~~wastewater~~ **septage** from the customer's sewage
37 disposal system need not show:

38 (1) the date on which the ~~wastewater~~ **septage** was removed from
39 the sewage disposal system; or

40 (2) the amount of ~~wastewater~~ **septage** removed from the sewage
41 disposal system;

42 if the sewage disposal system from which the ~~wastewater~~ **septage** is



1 removed is a chemical toilet.

2 SECTION 6. IC 13-18-16-7 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 7. (a) A person
4 responsible for the operation of public water systems shall submit:

5 (1) samples of water for analysis; and

6 (2) reports of operation pertaining to the sanitary quality,
7 chemical quality, or adequacy of water supplied by those systems;
8 that the commissioner requests. The operator certified under
9 IC 13-18-11 must verify under oath the reports of operation.

10 **(b) The reports submitted to the department under subsection**
11 **(a)(2) shall be submitted electronically unless the commissioner**
12 **authorizes another method of submitting the reports.**

13 SECTION 7. IC 13-20-3-2 IS REPEALED [EFFECTIVE JULY 1,
14 2019]. Sec. 2: (a) A solid waste hauler that collects solid waste in
15 Indiana and takes the solid waste to a transfer station or final disposal
16 facility outside Indiana shall maintain records for at least one (1) year
17 that identify, for each shipment, the county and state of origin of the
18 largest part of the solid waste by volume.

19 (b) Each solid waste hauler who is required to maintain records
20 under subsection (a) shall file quarterly reports with the department
21 that:

22 (1) state the location of each out-of-state transfer station or final
23 disposal facility; and

24 (2) identify the volume of solid waste from each county and state
25 taken to the transfer station or final disposal facility during the
26 reporting period.

27 SECTION 8. IC 13-20-3-3 IS AMENDED TO READ AS
28 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3. A hauler that:

29 (1) is required to make a certification or report under section 1 or
30 2 of this chapter concerning the origin of the solid waste; and

31 (2) did not collect the solid waste at the point of origin;

32 may satisfy the requirements of ~~sections section 1 and 2~~ of this chapter
33 concerning a certification or report of origin of the solid waste by
34 presenting a certification from the owner or operator of the facility at
35 which the solid waste was picked up that indicates the county and state
36 of origin of the largest part of the solid waste. The department shall
37 establish procedures that allow the use of average figures in making the
38 certification.

39 SECTION 9. IC 13-20-3-4 IS AMENDED TO READ AS
40 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4. The requirements of
41 ~~sections section 1 and 2~~ of this chapter do not apply to haulers and
42 owners or operators engaged in transporting or disposing of solid waste



1 that is:

- 2 (1) generated by a person; and
 3 (2) disposed of at a site that is:
 4 (A) owned by the person; and
 5 (B) limited, for the purposes of the disposal of solid waste, to
 6 use by the person for the disposal of solid waste generated by
 7 the person.

8 SECTION 10. IC 13-20-22-1, AS AMENDED BY P.L.220-2014,
 9 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 10 JULY 1, 2019]: Sec. 1. (a) A fee is imposed on the disposal or
 11 incineration of solid waste in a final disposal facility in Indiana. Except
 12 as provided in section 14 of this chapter, the amount of the fee is as
 13 follows:

14 (1) For solid waste generated in Indiana, ~~and delivered to a final~~
 15 ~~disposal facility in a motor vehicle having a registered gross~~
 16 ~~vehicle weight greater than nine thousand (9,000) pounds, fifty~~
 17 ~~cents (\$0.50) a ton.~~

18 (2) For solid waste generated outside Indiana: ~~and delivered to a~~
 19 ~~final disposal facility in a motor vehicle having a registered gross~~
 20 ~~vehicle weight greater than nine thousand (9,000) pounds:~~

- 21 (A) fifty cents (\$0.50) a ton; and
 22 (B) if the board has adopted rules under subsection ~~(c)~~; ~~(b)~~, an
 23 additional amount imposed under the rules.

24 (3) For solid waste generated in Indiana or outside Indiana and
 25 delivered to a final disposal facility in:

- 26 (A) a motor vehicle having a registered gross vehicle weight
 27 of not more than nine thousand (9,000) pounds; or
 28 (B) a passenger motor vehicle (as defined in IC 9-13-2-123);
 29 fifty cents (\$0.50) for each load delivered by the motor vehicle.

30 (b) The board may adopt rules to establish and impose a fee on the
 31 disposal or incineration of solid waste that is:

- 32 (1) generated outside Indiana; and
 33 (2) disposed of or incinerated in a final disposal facility in
 34 Indiana.

35 If rules are adopted under this subsection, the fee shall be set at an
 36 amount necessary to offset the costs incurred by the state or a county,
 37 municipality, or township that can be attributed to the importation of
 38 the solid waste into Indiana and the presence of the solid waste in
 39 Indiana.

40 ~~(c) Revenue from fees collected under subsection (a)(1) and~~
 41 ~~(a)(2)(A) shall be deposited in the state solid waste management fund~~
 42 ~~established by section 2 of this chapter. Revenue from fees collected~~



1 under subsection (a)(2)(B) shall be deposited in the hazardous
 2 substances response trust fund established by IC 13-25-4-1, except that
 3 any part of the revenue that the board finds is necessary to offset costs
 4 incurred by counties, municipalities, and townships shall be distributed
 5 to solid waste management districts pro rata on the basis of the district's
 6 population:

7 ~~(d)~~ (c) If solid waste has been subject to a fee under this section, the
 8 total amount of the fee paid shall be credited against any other fee to
 9 which the solid waste may later be subject under this section.

10 ~~(e)~~ (d) A fee may not be imposed upon material used as alternate
 11 daily cover pursuant to a permit issued by the department under 329
 12 IAC 10-20-13.

13 SECTION 11. IC 13-20-22-12, AS AMENDED BY P.L.220-2014,
 14 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 JULY 1, 2019]: Sec. 12. Each month The department shall deposit the
 16 following **on a quarterly basis**:

17 (1) Not less than fifty percent (50%) of the revenue from the fee
 18 imposed under section 1(a)(1) of this chapter into the Indiana
 19 recycling promotion and assistance fund established ~~in~~ by
 20 IC 4-23-5.5-14.

21 (2) Not more than fifty percent (50%) of the revenue from the fee
 22 imposed under section 1(a)(1) of this chapter into the **state solid**
 23 **waste management** fund **established by section 2 of this**
 24 **chapter.**

25 (3) The revenue from the fee imposed under section 1(a)(2) of
 26 this chapter into the hazardous substance response trust fund
 27 established by IC 13-25-4-1.

28 SECTION 12. IC 13-22-12-6 IS AMENDED TO READ AS
 29 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 6. Hazardous waste
 30 annual operation fees begin accruing January 1 each year. The
 31 department shall assess the fees not later than ~~January~~ **June** 15 of that
 32 year.

33 SECTION 13. IC 16-44-2-8 IS AMENDED TO READ AS
 34 FOLLOWS [EFFECTIVE JULY 1, 2019] Sec. 8. (a) The inspections
 35 and tests made by the state department under this chapter shall be
 36 conducted in accordance with the methods outlined by the American
 37 Society for Testing and Materials.

38 (b) The inspections and tests as to gasoline, gasohol, and kerosene
 39 must reflect the following minimum specifications necessary for the
 40 approval of the product:

41 (1) Gasoline or gasohol:

42 (A) Corrosion Test – Method ASTM D-130. A clean copper



- 1 strip may not show more than extremely slight discoloration
 2 when submerged in the gasoline for three (3) hours at one
 3 hundred twenty-two (122) degrees Fahrenheit.
- 4 (B) Distillation Range – Method ASTM D-86. When the
 5 thermometer reads one hundred sixty-seven (167) degrees
 6 Fahrenheit, not less than ten percent (10%) may be evaporated.
 7 When the thermometer reads two hundred eighty-four (284)
 8 degrees Fahrenheit, not less than fifty percent (50%) may be
 9 evaporated. When the thermometer reads three hundred
 10 ninety-two (392) degrees Fahrenheit, not less than ninety
 11 percent (90%) may be evaporated. The residue may not exceed
 12 two percent (2%). Percent evaporated is found by adding the
 13 distillation loss to the amount collected in the receiver at each
 14 specification temperature.
- 15 (C) Sulphur – Method ASTM D-1266 or D-2622. Sulphur may
 16 not exceed twenty-five hundredths of one percent (0.25%).
- 17 (D) Vapor Pressure – Method ASTM D-4953, ASTM D-5191,
 18 or any other ASTM method to determine vapor pressure
 19 approved by the United States Environmental Protection
 20 Agency. For gasoline, the Reid vapor pressure at one hundred
 21 (100) degrees Fahrenheit may not exceed the following:
- 22 (i) Fifteen (15) pounds per square inch at the normal
 23 barometric pressure at the point of delivery during
 24 November, December, January, February, and March.
- 25 (ii) ~~Fourteen (14)~~ **Thirteen and five-tenths (13.5)** pounds
 26 per square inch during April and October.
- 27 **(iii) Eleven and five-tenths (11.5) pounds per square inch**
 28 **during September 16 through September 30.**
- 29 (iii) ~~(iv) Twelve (12)~~ **Nine (9)** pounds per square inch
 30 during May, June, July, August, and September **1 through**
 31 **September 15, as regulated by the United States**
 32 **Environmental Protection Agency.**
- 33 **(v) Compliant conventional gasoline under 326 IAC 13:**
 34 **Rule 3 is subject to more stringent vapor pressure**
 35 **requirements.**
- 36 (E) For gasohol (a blend of gasoline and alcohol permitted
 37 under federal tax requirements), the vapor pressure may not
 38 exceed the following:
- 39 (i) Sixteen (16) pounds per square inch during November,
 40 December, January, February, and March.
- 41 (ii) ~~Fifteen (15)~~ **Fourteen and five-tenths (14.5)** pounds per
 42 square inch during April and October.



- 1 **(iii) Twelve and five-tenths (12.5) pounds per square inch**
2 **during September 16 through September 30.**
3 ~~(iii)~~ **(iv) Thirteen (13) Ten (10)** pounds per square inch
4 during May, June, July, August, and September **1 through**
5 **September 15, as regulated by the United States**
6 **Environmental Protection Agency.**
7 **(v) Compliant conventional gasoline under 326 IAC 13:**
8 **Rule 3 and federal reformulated gasoline is subject to**
9 **more stringent vapor pressure requirements.**
10 (F) After July 23, 2004, gasoline may not contain more than
11 one-half percent (0.5%) of MTBE by volume.
12 (2) Kerosene:
13 (A) Flash Test – Method ASTM D-56. Flash point may not be
14 lower than one hundred (100) degrees Fahrenheit.
15 (B) For the purpose of this chapter, any petroleum product
16 designated by name or reference as "kerosene" must meet the
17 federal specifications for kerosene VV-K-211d in effect on
18 March 1, 1977.
19 (c) Gasoline, gasohol, and kerosene products that do not comply
20 with the minimum specifications described in subsection (b) may not
21 be sold, offered for sale, or used in Indiana.
22 (d) Petroleum products other than gasoline, gasohol, or kerosene
23 shall be inspected and tested by the methods as are necessary to
24 determine the contents and characteristics of the product.



COMMITTEE REPORT

Mr. Speaker: Your Committee on Environmental Affairs, to which was referred House Bill 1278, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1278 as introduced.)

WOLKINS

Committee Vote: Yeas 12, Nays 0

HOUSE MOTION

Mr. Speaker: I move that House Bill 1278 be amended to read as follows:

Page 2, line 21, delete "42" and insert "**40**".

(Reference is to HB 1278 as printed February 1, 2019.)

WOLKINS

HOUSE MOTION

Mr. Speaker: I move that House Bill 1278 be amended to read as follows:

Page 5, after line 32, begin a new paragraph and insert:

"SECTION 13. IC 16-44-2-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019] Sec. 8. (a) The inspections and tests made by the state department under this chapter shall be conducted in accordance with the methods outlined by the American Society for Testing and Materials.

(b) The inspections and tests as to gasoline, gasohol, and kerosene must reflect the following minimum specifications necessary for the approval of the product:

(1) Gasoline or gasohol:

(A) Corrosion Test – Method ASTM D-130. A clean copper strip may not show more than extremely slight discoloration when submerged in the gasoline for three (3) hours at one hundred twenty-two (122) degrees Fahrenheit.

(B) Distillation Range – Method ASTM D-86. When the



thermometer reads one hundred sixty-seven (167) degrees Fahrenheit, not less than ten percent (10%) may be evaporated. When the thermometer reads two hundred eighty-four (284) degrees Fahrenheit, not less than fifty percent (50%) may be evaporated. When the thermometer reads three hundred ninety-two (392) degrees Fahrenheit, not less than ninety percent (90%) may be evaporated. The residue may not exceed two percent (2%). Percent evaporated is found by adding the distillation loss to the amount collected in the receiver at each specification temperature.

(C) Sulphur – Method ASTM D-1266 or D-2622. Sulphur may not exceed twenty-five hundredths of one percent (0.25%).

(D) Vapor Pressure – Method ASTM D-4953, ASTM D-5191, or any other ASTM method to determine vapor pressure approved by the United States Environmental Protection Agency. For gasoline, the Reid vapor pressure at one HUNDRED (100) degrees Fahrenheit may not exceed the following:

(i) Fifteen (15) pounds per square inch at the normal barometric pressure at the point of delivery during November, December, January, February, and March.

(ii) ~~Fourteen (14)~~ **Thirteen and five-tenths (13.5)** pounds per square inch during April and October.

(iii) Eleven and five-tenths (11.5) pounds per square inch during September 16 through September 30.

~~(iii) (iv) Twelve (12)~~ **Nine (9)** pounds per square inch during May, June, July, August, and September **1 through September 15, as regulated by the United States Environmental Protection Agency.**

(v) Compliant conventional gasoline under 326 IAC 13: Rule 3 is subject to more stringent vapor pressure requirements.

(E) For gasohol (a blend of gasoline and alcohol permitted under federal tax requirements), the vapor pressure may not exceed the following:

(i) Sixteen (16) pounds per square inch during November, December, January, February, and March.

(ii) ~~Fifteen (15)~~ **Fourteen and five-tenths (14.5)** pounds per square inch during April and October.

(iii) Twelve and five-tenths (12.5) pounds per square inch during September 16 through September 30.

~~(iii) (iv) Thirteen (13)~~ **Ten (10)** pounds per square inch



during May, June, July, August, and September **1 through September 15, as regulated by the United States Environmental Protection Agency.**

(v) Compliant conventional gasoline under 326 IAC 13: Rule 3 and federal reformulated gasoline is subject to more stringent vapor pressure requirements.

(F) After July 23, 2004, gasoline may not contain more than one-half percent (0.5%) of MTBE by volume.

(2) Kerosene:

(A) Flash Test – Method ASTM D-56. Flash point may not be lower than one hundred (100) degrees Fahrenheit.

(B) For the purpose of this chapter, any petroleum product designated by name or reference as "kerosene" must meet the federal specifications for kerosene VV-K-211d in effect on March 1, 1977.

(c) Gasoline, gasohol, and kerosene products that do not comply with the minimum specifications described in subsection (b) may not be sold, offered for sale, or used in Indiana.

(d) Petroleum products other than gasoline, gasohol, or kerosene shall be inspected and tested by the methods as are necessary to determine the contents and characteristics of the product."

(Reference is to HB 1278 as printed February 1, 2019.)

WOLKINS

