

IC 13-11-2

Chapter 2. Definitions

IC 13-11-2-269

"Works"

Sec. 269. "Works", for purposes of IC 13-26, means the following:

- (1) For a water project, the following:
 - (A) Wells.
 - (B) Reservoirs.
 - (C) Dams.
 - (D) Pumps.
 - (E) Transmission mains.
 - (F) Distribution mains, including local and service lines.
 - (G) Buildings and facilities for the purification and improvement of the quality of water.
 - (H) Fire hydrants.
 - (I) Meters.
 - (J) Storage facilities for the water.
 - (K) All other appurtenances or equipment:
 - (i) necessary;
 - (ii) useful; or
 - (iii) convenient;in the operation of waterworks.
- (2) For a sewage project, the following:
 - (A) Sewage treatment plants.
 - (B) Intercepting sewers.
 - (C) Main sewers.
 - (D) Submain sewers.
 - (E) Local sewers.
 - (F) Lateral sewers.
 - (G) Outfall sewers.
 - (H) Force mains.
 - (I) Pumping stations.
 - (J) Ejector stations.
 - (K) All other appurtenances or equipment necessary, useful, or convenient for the:
 - (i) collection and treatment;
 - (ii) purification; and
 - (iii) disposal;of liquid and solid waste, sewage, night soil, and industrial waste.
- (3) For a solid waste project, the following:
 - (A) An area or plant designed primarily for the collection and treatment of solid waste.
 - (B) An area or plant designed for the purpose of reducing the volume of solid waste that must finally be disposed of, including the following:
 - (i) Incinerators.
 - (ii) Pulverizers.

- (iii) Compactors.
- (iv) Shredding and baling plants.
- (v) Transfer stations.
- (vi) Compost plants.
- (C) An area or plant that provides for:
 - (i) collection;
 - (ii) separation;
 - (iii) recycling; and
 - (iv) recovery;
 of solid wastes.
- (D) Sanitary landfills reviewed and approved by the department before purchase of land or equipment.

As added by P.L.1-1996, SEC.1.

IC 13-11-2-0.5

"Abatement"

Sec. 0.5. (a) "Abatement", for purposes of IC 13-17-14, means any measure or set of measures designed to permanently eliminate lead-based paint hazards. The term includes the following:

- (1) The removal of lead-based paint and lead-contaminated dust.
 - (2) The permanent enclosure or encapsulation of lead-based paint.
 - (3) The replacement of lead-painted surfaces or fixtures.
 - (4) The removal or covering of lead-contaminated soil.
 - (5) All preparation, cleanup, disposal, and post-abatement clearance testing activities associated with subdivisions (1) through (4).
 - (6) A project for which there is a written contract or other documentation, providing that a person will be conducting activities in or to a residential dwelling or child-occupied facility that:
 - (A) will permanently eliminate lead-based paint hazards; or
 - (B) are designed to permanently eliminate lead-based paint hazards as described under subdivisions (1) through (5).
 - (7) A project resulting in the permanent elimination of lead-based paint hazards, conducted by persons certified under 40 CFR 745.226 or IC 13-17-14, unless the project is described under subsection (b) or (c).
 - (8) A project resulting in the permanent elimination of lead-based paint hazards, conducted by persons who, through the person's company name or promotional literature, represent, advertise, or hold themselves out to be in the business of performing lead-based paint activities, unless those projects are described under subsection (b) or (c).
 - (9) A project resulting in the permanent elimination of lead-based paint hazards that is conducted in response to state or local abatement orders.
- (b) Abatement does not include renovation, remodeling, landscaping, or other activities when those activities are not designed

to permanently eliminate lead-based paint hazards but are designed to repair, restore, or remodel a structure or dwelling, even though these activities may incidentally result in a reduction or elimination of lead-based paint hazards.

(c) Abatement does not include interim controls, operations, or maintenance activities or other measures designed to temporarily reduce lead-based paint hazards.

As added by P.L.123-1997, SEC.1.

IC 13-11-2-1

"Active area"

Sec. 1. "Active area", for purposes of IC 13-20-10, means:

- (1) the raw compostable matter storage area;
- (2) the composting matter area;
- (3) the compost curing area; or
- (4) the compost storage area;

of a composting facility for vegetative matter.

As added by P.L.1-1996, SEC.1.

IC 13-11-2-1.5

"Acute hazardous waste"

Sec. 1.5. "Acute hazardous waste", for purposes of IC 13-22-4-3.1, has the meaning set forth in 40 CFR Part 261.

As added by P.L.143-2000, SEC.1. Amended by P.L.1-2001, SEC.10.

IC 13-11-2-2

"Administrator"

Sec. 2. "Administrator" refers to the administrator of the United States Environmental Protection Agency.

As added by P.L.1-1996, SEC.1.

IC 13-11-2-3

"Air contaminant"

Sec. 3. "Air contaminant", for purposes of air pollution control laws, means:

- (1) dust;
- (2) fumes;
- (3) gas;
- (4) mist;
- (5) smoke;
- (6) vapor; or
- (7) any combination of the items described in subdivisions (1) through (6).

As added by P.L.1-1996, SEC.1.

IC 13-11-2-4

"Air contaminant source"

Sec. 4. (a) "Air contaminant source", for purposes of air pollution control laws, means all sources of emission of air contaminants, whether privately or publicly owned or operated.

(b) The term includes the following:

- (1) All types of business, commercial and industrial plants, works, shops, stores, heating plants, powerplants, and power stations.
- (2) Buildings and other structures of all types, including single and multiple family residences, apartments, houses, office buildings, public buildings, hotels, restaurants, schools, hospitals, churches, and other institutional buildings.
- (3) Automobiles, trucks, tractors, buses, and other motor vehicles.
- (4) Garages.
- (5) Vending and service locations and stations and railroad locomotives.
- (6) Ships, boats, and other watercraft.
- (7) Portable fuel-burning equipment.
- (8) Incinerators of all types, indoor and outdoor.
- (9) Refuse dumps and piles.
- (10) All stack and other chimney outlets from any of the items described in subdivisions (1) through (9).

As added by P.L.1-1996, SEC.1.

IC 13-11-2-5

"Air pollution"

Sec. 5. "Air pollution", for purposes of air pollution control laws and environmental management laws, means the presence in or the threatened discharge into the atmosphere of one (1) or more contaminants in sufficient quantities and of the characteristics and duration that:

- (1) is injurious to or threatens to be injurious to human health, plant or animal life, or property; or
- (2) interferes unreasonably with the enjoyment of life or property.

As added by P.L.1-1996, SEC.1.

IC 13-11-2-6

"Air pollution control laws"

Sec. 6. "Air pollution control laws" refers to IC 13-17, except for the following:

- (1) IC 13-17-3-15.
- (2) IC 13-17-7.
- (3) IC 13-17-8-10.
- (4) IC 13-17-9.
- (5) IC 13-17-10.
- (6) IC 13-17-11.
- (7) IC 13-17-13.

As added by P.L.1-1996, SEC.1.

IC 13-11-2-7

"Alternative PCB technology"

Sec. 7. "Alternative PCB technology", for purposes of

IC 13-17-10, means a technology for the treatment and disposal of PCB that presents:

- (1) an actual; or
- (2) a potential;

alternative to incineration.

As added by P.L.1-1996, SEC.1.

IC 13-11-2-7.5

"Antique"

Sec. 7.5. "Antique", for purposes of IC 13-20-17.5, refers to a product manufactured before 1980.

As added by P.L.225-2001, SEC.1.

IC 13-11-2-8

"Applicant"

Sec. 8. (a) "Applicant", for purposes of IC 13-19-4, means an individual, a corporation, a limited liability company, a partnership, or a business association that:

- (1) receives, for commercial purposes, solid or hazardous waste generated offsite for storage, treatment, processing, or disposal; and
- (2) applies for the issuance, renewal, transfer, or major modification of a permit described in IC 13-15-1-3 other than a post-closure permit or an emergency permit.

(b) "Applicant", for purposes of IC 13-20-2, means an individual, a corporation, a limited liability company, a partnership, or a business association that applies for an original permit for the construction or operation of a landfill.

(c) For purposes of subsection (a), "applicant" does not include an individual, a corporation, a limited liability company, a partnership, or a business association that:

- (1) generates solid or hazardous waste; and
- (2) stores, treats, processes, or disposes of the solid or hazardous waste at a site that is:
 - (A) owned by the individual, corporation, partnership, or business association; and
 - (B) limited to the storage, treatment, processing, or disposal of solid or hazardous waste generated by that individual, corporation, limited liability company, partnership, or business association.

As added by P.L.1-1996, SEC.1.

IC 13-11-2-9

"Application"

Sec. 9. "Application", for purposes of IC 13-15-4 and IC 13-15-12, means an application for a:

- (1) permit; or
- (2) determination related to a permit;

that is described in IC 13-15-4-1.

As added by P.L.1-1996, SEC.1.

IC 13-11-2-10

"Asbestos"

Sec. 10. "Asbestos", for purposes of IC 13-17-6, means an asbestiform variety of the following:

- (1) Chrysotile (serpentine).
- (2) Crocidolite (riebeckite).
- (3) Amosite (cummingtonite-grunerite).
- (4) Anthophyllite.
- (5) Tremolite.
- (6) Actinolite.

As added by P.L.1-1996, SEC.1.

IC 13-11-2-11

"Asbestos containing material"

Sec. 11. (a) "Asbestos containing material", for purposes of IC 13-17-6, means material that contains more than one percent (1%) asbestos by area and that:

- (1) is friable; or
- (2) has a reasonable probability of becoming friable in the course of ordinary or anticipated use of the building containing the material.

(b) The term does not include asbestos containing resilient floor covering materials, including:

- (1) sheet vinyl flooring;
- (2) resilient tile; and
- (3) associated adhesives;

unless the materials are sanded, beadblasted, or mechanically pulverized so that visible asbestos emissions are discharged.

As added by P.L.1-1996, SEC.1.

IC 13-11-2-12

"Asbestos contractor"

Sec. 12. "Asbestos contractor", for purposes of IC 13-17-6, means an individual, a partnership, a corporation, a sole proprietorship, an unincorporated association, a franchise, an enterprise, or any other entity that enters into one (1) or more contracts providing for the individual or entity to engage in the inspection, management, or abatement of asbestos containing material for compensation.

As added by P.L.1-1996, SEC.1.

IC 13-11-2-13

"Asbestos project"

Sec. 13. "Asbestos project", for purposes of IC 13-17-6, means an activity involving the:

- (1) abatement;
- (2) removal;
- (3) renovation;
- (4) enclosure;
- (5) repair; or
- (6) encapsulation;

of asbestos containing material.
As added by P.L.1-1996, SEC.1.

IC 13-11-2-14

"Assistance"

Sec. 14. "Assistance", for purposes of IC 13-14-10-3, means supplies, materials, services, and equipment to:

- (1) prevent the discharge of any contaminant; or
- (2) control, contain, isolate, neutralize, remove, store, or dispose of any contaminant already discharged into or on the air, land, or waters of Indiana.

As added by P.L.1-1996, SEC.1.

IC 13-11-2-15

"Assistant commissioner"

Sec. 15. "Assistant commissioner", for purposes of IC 13-27, refers to the individual appointed by the commissioner under IC 13-27-2-2 to the highest position in the division of pollution prevention.

As added by P.L.1-1996, SEC.1.

IC 13-11-2-15.5

"ASTM"

Sec. 15.5. "ASTM" refers to the American Society for Testing and Materials.

As added by P.L.215-2003, SEC.3.

IC 13-11-2-16

"Authority"

Sec. 16. (a) "Authority", for purposes of IC 13-22-10, refers to the Indiana hazardous waste facility site approval authority.

(b) "Authority", for purposes of IC 13-19-5, refers to the Indiana development finance authority created under IC 4-4-11.

As added by P.L.1-1996, SEC.1. Amended by P.L.124-1996, SEC.3; P.L.59-1997, SEC.2; P.L.14-2001, SEC.1.

IC 13-11-2-17

"Board"

Sec. 17. (a) "Board", except as provided in subsections (b) through (j), refers to:

- (1) the air pollution control board;
- (2) the water pollution control board; or
- (3) the solid waste management board.

(b) "Board", for purposes of IC 13-13-6, refers to the northwest Indiana advisory board.

(c) "Board", for purposes of IC 13-17, refers to the air pollution control board.

(d) "Board", for purposes of IC 13-18, refers to the water pollution control board.

(e) "Board", for purposes of:

- (1) IC 13-19;
- (2) IC 13-20;
- (3) IC 13-22;
- (4) IC 13-23, except IC 13-23-11;
- (5) IC 13-24; and
- (6) IC 13-25;

refers to the solid waste management board.

(f) "Board", for purposes of IC 13-21, refers to the board of directors of a solid waste management district.

(g) "Board", for purposes of IC 13-23-11, refers to the underground storage tank financial assurance board.

(h) "Board", for purposes of IC 13-26, refers to the board of trustees of a regional water, sewage, or solid waste district.

(i) "Board", for purposes of IC 13-27 and IC 13-27.5, refers to the clean manufacturing technology board.

As added by P.L.1-1996, SEC.1. Amended by P.L.124-1997, SEC.1; P.L.1-2002, SEC.61.

IC 13-11-2-18

"Boards"

Sec. 18. "Boards" refers to all of the following:

- (1) The air pollution control board.
- (2) The water pollution control board.
- (3) The solid waste management board.

As added by P.L.1-1996, SEC.1.

IC 13-11-2-19

"Broker"

Sec. 19. "Broker", for purposes of IC 13-20-4 and IC 13-20-6, means a person who is in the business of making arrangements for the transportation of municipal waste that was generated by another person.

As added by P.L.1-1996, SEC.1.

IC 13-11-2-19.3

"Brownfield"

Sec. 19.3. "Brownfield" means a parcel of real estate:

- (1) that:
 - (A) is abandoned or inactive; or
 - (B) may not be operated at its appropriate use; and
- (2) on which expansion, redevelopment, or reuse is complicated;

because of the presence or potential presence of a hazardous substance, a contaminant, petroleum, or a petroleum product that poses a risk to human health and the environment.

As added by P.L.59-1997, SEC.3. Amended by P.L.203-2003, SEC.1.

IC 13-11-2-19.5

"Budget agency"

Sec. 19.5. "Budget agency" refers to the budget agency created

under IC 4-12-1-3.
As added by P.L.59-1997, SEC.4.

IC 13-11-2-20

"Business"

Sec. 20. "Business", for purposes of IC 13-27, means a person that carries on a business or commercial operation in Indiana.

As added by P.L.1-1996, SEC.1.

IC 13-11-2-21

"Business organization"

Sec. 21. "Business organization", for purposes of IC 13-27, means an organization whose members include businesses.

As added by P.L.1-1996, SEC.1.

IC 13-11-2-22

"Byproduct material"

Sec. 22. "Byproduct material", for purposes of IC 13-22-10, has the meaning set forth in section 11e. (2) of the Atomic Energy Act of 1954 (42 U.S.C. 2014(e)(2)), as in effect on January 1, 1987.

As added by P.L.1-1996, SEC.1. Amended by P.L.124-1996, SEC.4.

IC 13-11-2-23

"Care"

Sec. 23. "Care", for purposes of IC 13-29-1, means the continued observation of a facility after closure for the purposes of detecting a need for maintenance, ensuring environmental safety, and determining compliance with applicable licensure and regulatory requirements and including the correction of problems which are detected as a result of that observation.

As added by P.L.1-1996, SEC.1.

IC 13-11-2-24

"CERCLA"

Sec. 24. "CERCLA", for purposes of IC 13-25-4, refers to the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended by the Superfund Amendments and Reauthorization Act of 1986 (42 U.S.C. 9601 et seq.), as in effect on January 1, 1987.

As added by P.L.1-1996, SEC.1.

IC 13-11-2-25

"Chemical munition"

Sec. 25. "Chemical munition", for purposes of IC 13-22-3-10, means any of the following:

- (1) GA (Ethyl-N, N-dimethyl phosphoramidocyanidate).
- (2) GB (Isopropyl methyl phosphonoflouridate).
- (3) H, HD (Bis(2-chloroethyl) sulfide).
- (4) HT (Sixty percent (60%) HD and forty percent (40%) T (Bis[2(2-chloroethyl-thio)ethyl]ester)).

(5) L (Dichloro(2-chlorovinyl)arsine).

(6) VX (O-ethyl-S-(2-diisopropylaminoethyl) methyl phosphonothiolate).

As added by P.L.1-1996, SEC.1.

IC 13-11-2-25.5

"Child-occupied facility"

Sec. 25.5. "Child-occupied facility", for purposes of lead-based paint activities and IC 13-17-14, means a building or a portion of a building that:

- (1) was constructed before 1978;
- (2) does not qualify as target housing (as defined in section 229.5 of this chapter); and
- (3) is visited regularly by a child who is not more than six (6) years of age and any of the following conditions exist for the building or portion of the building:
 - (A) The child visits at least two (2) days a week (Sunday through Saturday) and each of the visits lasts at least three (3) hours.
 - (B) The child visits at least six (6) hours each week.
 - (C) The child's combined annual visits during a calendar year total at least sixty (60) hours.

The term includes day-care centers, preschools, and kindergarten classrooms.

As added by P.L.123-1997, SEC.2.

IC 13-11-2-25.7

"Claimant"

Sec. 25.7. "Claimant", as used in IC 13-23-8 and IC 13-23-9, refers to a person that submits a claim under IC 13-23-8-1.

As added by P.L.14-2001, SEC.2.

IC 13-11-2-25.8 Version a

Class I wetland; Class II wetland; Class III wetland

Note: This version of section effective until 3-16-2004. See also following version of this section, effective 3-16-2004.

Sec. 25.8. For purposes of IC 13-18:

- (1) "Class I wetland" means an isolated wetland described by one (1) or both of the following:
 - (A) At least fifty percent (50%) of the wetland has been disturbed or affected by human activity or development by one (1) or more of the following:
 - (i) Removal or replacement of the natural vegetation.
 - (ii) Disturbance or modification of the natural hydrology.
 - (B) The wetland supports minimal wildlife habitat or hydrologic function because the wetland:
 - (i) does not provide critical habitat for threatened or endangered species listed in accordance with the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);
 - (ii) is typified by low species diversity;

- (iii) contains greater than fifty percent (50%) areal coverage of non-native invasive species;
- (iv) does not support significant habitat or wildlife uses; or
- (v) does not possess significant hydrologic function;
- (2) "Class II wetland" means:
 - (A) an isolated wetland that is not a Class I or Class III wetland; or
 - (B) a type of wetland listed in subdivision (3)(B) that would meet the definition of Class I wetland if the wetland were not a rare or ecologically important type; and
- (3) "Class III wetland" means an isolated wetland:
 - (A) that is located in a setting undisturbed or minimally disturbed by human activity or development; or
 - (B) unless classified as a Class II wetland under subdivision (2)(B), that is of one (1) of the following rare and ecologically important types:
 - (i) Acid bog.
 - (ii) Acid seep.
 - (iii) Circumneutral bog.
 - (iv) Circumneutral seep.
 - (v) Cypress swamp.
 - (vi) Dune and swale.
 - (vii) Fen.
 - (viii) Forested fen.
 - (ix) Forested swamp.
 - (x) Marl beach.
 - (xi) Muck flat.
 - (xii) Panne.
 - (xiii) Sand flat.
 - (xiv) Sedge meadow.
 - (xv) Shrub swamp.
 - (xvi) Sinkhole pond.
 - (xvii) Sinkhole swamp.
 - (xviii) Wet floodplain forest.
 - (xix) Wet prairie.
 - (xx) Wet sand prairie.

As added by P.L.282-2003, SEC.21.

IC 13-11-2-25.8 Version b

"Class I wetland"; Class II wetland"; Class III wetland"

Note: This version of section effective 3-16-2004. See also preceding version of this section, effective until 3-16-2004.

Sec. 25.8. (a) For purposes of IC 13-18:

- (1) "Class I wetland" means an isolated wetland described by one (1) or both of the following:
 - (A) At least fifty percent (50%) of the wetland has been disturbed or affected by human activity or development by one (1) or more of the following:
 - (i) Removal or replacement of the natural vegetation.
 - (ii) Modification of the natural hydrology.

(B) The wetland supports only minimal wildlife or aquatic habitat or hydrologic function because the wetland does not provide critical habitat for threatened or endangered species listed in accordance with the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) and the wetland is characterized by at least one (1) of the following:

- (i) The wetland is typified by low species diversity.
- (ii) The wetland contains greater than fifty percent (50%) areal coverage of non-native invasive species of vegetation.
- (iii) The wetland does not support significant wildlife or aquatic habitat.
- (iv) The wetland does not possess significant hydrologic function;

(2) "Class II wetland" means:

- (A) an isolated wetland that is not a Class I or Class III wetland; or
- (B) a type of wetland listed in subdivision (3)(B) that would meet the definition of Class I wetland if the wetland were not a rare or ecologically important type; and

(3) "Class III wetland" means an isolated wetland:

- (A) that is located in a setting undisturbed or minimally disturbed by human activity or development and that supports more than minimal wildlife or aquatic habitat or hydrologic function; or
- (B) unless classified as a Class II wetland under subdivision (2)(B), that is of one (1) of the following rare and ecologically important types:

- (i) Acid bog.
- (ii) Acid seep.
- (iii) Circumneutral bog.
- (iv) Circumneutral seep.
- (v) Cypress swamp.
- (vi) Dune and swale.
- (vii) Fen.
- (viii) Forested fen.
- (ix) Forested swamp.
- (x) Marl beach.
- (xi) Muck flat.
- (xii) Panne.
- (xiii) Sand flat.
- (xiv) Sedge meadow.
- (xv) Shrub swamp.
- (xvi) Sinkhole pond.
- (xvii) Sinkhole swamp.
- (xviii) Wet floodplain forest.
- (xix) Wet prairie.
- (xx) Wet sand prairie.

(b) For purposes of this section, a wetland or setting is not considered disturbed or affected as a result of an action taken after

January 1, 2004, for which a permit is required under IC 13-18-22 but has not been obtained.

As added by P.L.282-2003, SEC.21. Amended by P.L.52-2004, SEC.1.

IC 13-11-2-26

"Class 2 modification"

Sec. 26. "Class 2 modification", for purposes of IC 13-22-12, refers to the modification classification system described under 40 CFR 270.42.

As added by P.L.1-1996, SEC.1.

IC 13-11-2-27

"Class 3 modification"

Sec. 27. "Class 3 modification", for purposes of IC 13-22-12, refers to the modification classification system described under 40 CFR 270.42.

As added by P.L.1-1996, SEC.1.

IC 13-11-2-27.6

"Clean manufacturing"

Sec. 27.6. (a) "Clean manufacturing", for purposes of IC 13-12, IC 13-27, and IC 13-27.5, means the employment by a manufacturer of a practice that:

- (1) reduces the manufacturing use of toxic materials; or
- (2) reduces the environmental and health hazards associated with an environmental waste without diluting or concentrating the waste before the:
 - (A) recycling;
 - (B) release;
 - (C) handling;
 - (D) storage;
 - (E) transport;
 - (F) treatment; or
 - (G) disposal;of the waste.

(b) The term includes changes in production technology, materials, processes, operations, or procedures.

(c) The term does not include the following:

- (1) A practice that is applied to an environmental waste after the waste:
 - (A) is generated or comes into existence; or
 - (B) exits a production unit or operation.
- (2) Waste burning in:
 - (A) industrial furnaces;
 - (B) boilers;
 - (C) smelters; or
 - (D) cement kilns;for purposes of energy recovery.
- (3) Waste shifting.

- (4) Offsite recycling.
- (5) Onsite recycling, including the following:
 - (A) Inprocess recycling.
 - (B) Inline recycling.
 - (C) Out-of-process recycling.
 - (D) Closed loop recycling.
 - (E) Any other onsite recycling method.
- (6) Any other method of end-of-pipe management of environmental wastes, including the following:
 - (A) Waste exchange.
 - (B) The incorporation or embedding of regulated environmental wastes into products or byproducts.

As added by P.L.124-1997, SEC.2.

IC 13-11-2-28 Repealed

(Repealed by P.L.127-1997, SEC.2.)

IC 13-11-2-29

"Clean Water Act"

Sec. 29. "Clean Water Act", for purposes of this chapter, IC 13-18-13, IC 13-18-22, and IC 13-18-23, refers to:

- (1) 33 U.S.C. 1251 et seq.; and
- (2) regulations adopted under 33 U.S.C. 1251 et seq.

As added by P.L.1-1996, SEC.1. Amended by P.L.282-2003, SEC.22.

IC 13-11-2-30

"Cleaning"

Sec. 30. "Cleaning", for purposes of IC 13-18-12, means:

- (1) removal of wastewater from sewage disposal systems; and
- (2) other actions incidental to that removal.

As added by P.L.1-1996, SEC.1.

IC 13-11-2-31

"Coal mine permit"

Sec. 31. "Coal mine permit", for purposes of IC 13-18-20, refers to a National Pollutant Discharge Elimination System (NPDES) permit that involves the area on or beneath land used or distributed in activity related to the extraction, removal, or recovery of coal from natural deposits of coal.

As added by P.L.1-1996, SEC.1.

IC 13-11-2-31.3

"Combined sewage"

Sec. 31.3. "Combined sewage", for purposes of sections 31.4 and 31.6 of this chapter and IC 13-18, refers to a combination of wastewater (including domestic, commercial, or industrial wastewater) and storm water transported in a combined sewer or combined sewer system.

As added by P.L.140-2000, SEC.1.

IC 13-11-2-31.4**"Combined sewer"**

Sec. 31.4. "Combined sewer", for purposes of sections 31.3, 31.6, and 120.5 of this chapter and IC 13-18, means a sewer that is designed, constructed, and used to receive and transport combined sewage.

As added by P.L.140-2000, SEC.2.

IC 13-11-2-31.5**"Combined sewer operational plan"**

Sec. 31.5. "Combined sewer operational plan", for purposes of IC 13-18, means a plan that contains the minimum technology controls applicable to, and requirements for operation and maintenance of, a combined sewer system:

- (1) before;
- (2) during; and
- (3) upon the completion of;

the implementation of a long term control plan.

As added by P.L.140-2000, SEC.3.

IC 13-11-2-31.6**"Combined sewer system"**

Sec. 31.6. "Combined sewer system", for purposes of sections 31.3, 31.5, 43.5, 85.7, and 120.5 of this chapter and IC 13-18, means a system of combined sewers that:

- (1) is designed, constructed, and used to receive and transport combined sewage to a publicly owned wastewater treatment plant; and
- (2) may contain one (1) or more overflow points that discharge combined sewage entering the publicly owned wastewater treatment plant when the hydraulic capacity of the system or part of the system is exceeded as a result of a wet weather event.

As added by P.L.140-2000, SEC.4.

IC 13-11-2-32**"Commercial hazardous waste facility"**

Sec. 32. "Commercial hazardous waste facility", for purposes of IC 13-22-10, means a plant, structure, or site at which hazardous waste, generated by:

- (1) a person other than the owner or operator of the plant, structure, or site; or
- (2) the owner or operator of the plant, structure, or site as a result of treatment or storage of wastes generated by persons other than the owner or operator;

is received for treatment, storage, or disposal.

As added by P.L.1-1996, SEC.1.

IC 13-11-2-33**"Commercial low level radioactive waste facility"**

Sec. 33. "Commercial low level radioactive waste facility", for purposes of IC 13-22-10, means a plant, structure, or site at which low level radioactive waste, generated by:

(1) a person other than the owner or operator of the plant, structure, or site; or

(2) the owner or operator of the plant, structure, or site as a result of treatment or storage of low level radioactive wastes generated by persons other than the owner or operator;

is received for treatment, storage, or disposal.

As added by P.L.1-1996, SEC.1.

IC 13-11-2-34

"Commission"

Sec. 34. (a) "Commission", for purposes of IC 13-25-1 and IC 13-25-2, refers to the Indiana emergency response commission.

(b) "Commission", for purposes of IC 13-29-1, means the Midwest Interstate Low-Level Radioactive Waste Commission.

(c) "Commission", for purposes of IC 13-29-2-2 through IC 13-29-2-7, refers to the Ohio River Valley Water Sanitation Commission.

As added by P.L.1-1996, SEC.1.

IC 13-11-2-35

"Commissioner"

Sec. 35. (a) "Commissioner", except as provided in subsection (b), refers to the commissioner of the department of environmental management.

(b) "Commissioner", for purposes of IC 13-29-2-2 through IC 13-29-2-7, means a member of the Ohio River Valley Water Sanitation Commission.

As added by P.L.1-1996, SEC.1.

IC 13-11-2-35.5

"Community water system"

Sec. 35.5. "Community water system", for purposes of IC 13-18-20.5, means a public water system that serves at least fifteen (15) service connections used by year-round residents or regularly serves at least twenty-five (25) year-round residents.

As added by P.L.224-2003, SEC.128.

IC 13-11-2-36

"Compact"

Sec. 36. "Compact", for purposes of IC 13-29-2-2 through IC 13-29-2-7, refers to the Ohio River Valley Water Sanitation Compact.

As added by P.L.1-1996, SEC.1.

IC 13-11-2-36.3

"Compensatory mitigation"

Sec. 36.3. "Compensatory mitigation", for purposes of

IC 13-18-22, means the:

- (1) restoration; or
- (2) creation;

of wetlands to offset or compensate for a loss of wetlands resulting from an authorized wetland activity. Wetlands enlargement, enhancement, and preservation may be considered compensatory mitigation on a case-by-case basis, particularly for Class III wetlands.

As added by P.L.282-2003, SEC.23.

IC 13-11-2-36.5

"Component"

Sec. 36.5. "Component", for purposes of IC 13-17-14, has the meaning set forth in 24 CFR 35.110, as in effect July 1, 2002.

As added by P.L.99-2002, SEC.1.

IC 13-11-2-37

"Compost"

Sec. 37. "Compost", for purposes of IC 13-20-10, means the product:

- (1) produced by the process of composting vegetative matter and other types of organic material; and
- (2) that may be used:
 - (A) as a soil conditioner;
 - (B) as a cover material for a solid waste landfill; or
 - (C) for another use approved by the department.

As added by P.L.1-1996, SEC.1.

IC 13-11-2-38

"Composting"

Sec. 38. (a) "Composting", for purposes of IC 13-20-9 and IC 13-20-10, means the biological treatment process by which microorganisms decompose the organic component of vegetative matter and other types of organic material.

(b) "Composting", for purposes of IC 13-21, means an aerobic degradation process by which plant and other organic wastes decompose under controlled conditions to produce a usable product.

As added by P.L.1-1996, SEC.1.

IC 13-11-2-38.3

"Concentrated animal feeding operation" or "CAFO"

Sec. 38.3. "Concentrated animal feeding operation" or "CAFO", for purposes of IC 13-18-10 and IC 13-18-20, has the meaning set forth in 40 CFR 122.23.

As added by P.L.24-2004, SEC.2.

IC 13-11-2-38.5

"Conditionally exempt small quantity generator waste"

Sec. 38.5. "Conditionally exempt small quantity generator waste", for purposes of IC 13-20-20 and IC 13-25-4, means waste generated by a conditionally exempt small quantity generator (as defined in 40

CFR 261.5).
As added by P.L.237-1999, SEC.1.

IC 13-11-2-39

"Confined feeding"

Sec. 39. (a) "Confined feeding", for purposes of IC 13-18-10, means the confined feeding of animals for food, fur, or pleasure purposes in lots, pens, ponds, sheds, or buildings where:

- (1) animals are confined, fed, and maintained for at least forty-five (45) days during any twelve (12) month period; and
- (2) ground cover or vegetation is not sustained over at least fifty percent (50%) of the animal confinement area.

(b) The term does not include the following:

- (1) A livestock market:
 - (A) where animals are assembled from at least two (2) sources to be publicly auctioned or privately sold on a commission basis; and
 - (B) that is under state or federal supervision.
- (2) A livestock sale barn or auction market where animals are kept for not more than ten (10) days.

As added by P.L.1-1996, SEC.1. Amended by P.L.125-1997, SEC.1.

IC 13-11-2-40

"Confined feeding operation"

Sec. 40. "Confined feeding operation", for purposes of IC 13-18-10, means:

- (1) any confined feeding of:
 - (A) at least three hundred (300) cattle;
 - (B) at least six hundred (600) swine or sheep; and
 - (C) at least thirty thousand (30,000) fowl;
- (2) any animal feeding operation electing to be subject to IC 13-18-10; or
- (3) any animal feeding operation that is causing a violation of:
 - (A) water pollution control laws;
 - (B) any rules of the water pollution control board; or
 - (C) IC 13-18-10.

A determination by the department under this subdivision is appealable under IC 4-21.5.

As added by P.L.1-1996, SEC.1. Amended by P.L.125-1997, SEC.2.

IC 13-11-2-40.8

"Construction"

Sec. 40.8. "Construction", for purposes of IC 13-18-10, means the fabrication, erection, or installation of a facility or manure control equipment at the location where the facility or manure control equipment is intended to be used. The term does not include the following:

- (1) The dismantling of existing equipment and control devices.
- (2) The ordering of equipment and control devices.
- (3) Offsite fabrication.

(4) Site preparation.
As added by P.L.125-1997, SEC.3.

IC 13-11-2-41

"Construction\demolition waste"

Sec. 41. (a) "Construction\demolition waste", for purposes of IC 13-20-21, means:

- (1) bricks;
- (2) concrete;
- (3) stone;
- (4) glass;
- (5) wallboard;
- (6) lumber;
- (7) roofing materials; and
- (8) any other items;

affixed to a structure that is being constructed or demolished and being disposed of at a waste disposal facility.

(b) The term includes the following:

- (1) Plumbing fixtures.
- (2) Wiring.
- (3) Nonasbestos insulation.
- (4) Other items approved by the department.

As added by P.L.1-1996, SEC.1.

IC 13-11-2-42

"Contaminant"

Sec. 42. "Contaminant", for purposes of environmental management laws, means any solid, semi-solid, liquid, or gaseous matter, or any odor, radioactive material, pollutant (as defined by the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), as in effect on January 1, 1989), hazardous waste (as defined in the federal Solid Waste Disposal Act (42 U.S.C. 6901 et seq.), as in effect on January 1, 1989), any constituent of a hazardous waste, or any combination of the items described in this section, from whatever source, that:

- (1) is injurious to human health, plant or animal life, or property;
- (2) interferes unreasonably with the enjoyment of life or property; or
- (3) otherwise violates:
 - (A) environmental management laws; or
 - (B) rules adopted under environmental management laws.

As added by P.L.1-1996, SEC.1. Amended by P.L.2-1998, SEC.44.

IC 13-11-2-43

"Contamination"

Sec. 43. "Contamination", for purposes of IC 13-18-17, refers to the presence in groundwater of at least one (1) contaminant in a quantity or concentration that:

- (1) is injurious to human health, plant or animal life, or

- property;
- (2) interferes unreasonably with the enjoyment of life or property; or
- (3) otherwise violates:
 - (A) environmental management laws; or
 - (B) rules adopted under environmental management laws.

As added by P.L.1-1996, SEC.1.

IC 13-11-2-43.5

"Control alternative"

Sec. 43.5. "Control alternative", for purposes of IC 13-18, means any of the following measures, or any combination of the following measures, for the control of wet weather flows in a combined sewer system:

- (1) Source controls.
- (2) Collection system controls.
- (3) Storage technologies.
- (4) Treatment technologies.

As added by P.L.140-2000, SEC.5.

IC 13-11-2-44

"Cost"

Sec. 44. "Cost", for purposes of IC 13-21 and as applied to a facility or any part of a facility, includes the following:

- (1) The cost of construction, modification, decommissioning, disposal, or acquisition of the facility or any part of the facility.
- (2) Financing charges.
- (3) Interest before and during construction and for a reasonable period after the construction as determined by the board of directors.
- (4) The cost of funding reserves to secure the payment of principal and interest on bonds issued by the district.
- (5) The cost of funding an operation and maintenance reserve fund.
- (6) The cost of funding a major repair or replacement fund.
- (7) Legal and underwriting expenses.
- (8) Municipal bond insurance premiums.
- (9) The cost of plans, specifications, surveys, and estimates of costs and revenues.
- (10) Other expenses necessary or incidental to determining the feasibility or practicability of constructing the facility.
- (11) Administrative expense.
- (12) Other expenses necessary or incidental to the construction, modification, or acquisition of the facility, the financing of the construction, modification, or acquisition of the facility, and the placing of the facility in operation.

As added by P.L.1-1996, SEC.1.

IC 13-11-2-45

"Cost of the works"

Sec. 45. "Cost of the works", for purposes of IC 13-26, includes the following:

- (1) The cost of acquisition or construction of the works.
- (2) The cost of all property, rights, easements, and franchises that are necessary or convenient.
- (3) Interest upon bonds before and during construction or acquisition and for a period not exceeding twenty-four (24) months after completion of construction or acquisition of the improvements last mentioned.
- (4) Engineering and legal expenses, expenses for estimates of cost and of revenues, and expenses for plans, specifications, and surveys.
- (5) Other expenses necessary or incident to determining the feasibility or practicability of the enterprise, administrative expenses, and other expenses necessary or incident to the financing and construction or acquisition of the works, placing the works in operation, and the performance of the thing required or permitted by this chapter in connection with the works.

As added by P.L.1-1996, SEC.1.

IC 13-11-2-46

"Council"

Sec. 46. "Council", for purposes of IC 13-21-2, refers to the solid waste planning advisory council.

As added by P.L.1-1996, SEC.1.

IC 13-11-2-47

"County solid waste management district" or "county district"

Sec. 47. "County solid waste management district" or "county district", for purposes of IC 13-21, refers to a solid waste management district that consists of only one (1) county.

As added by P.L.1-1996, SEC.1.

IC 13-11-2-48

"Creditor"

Sec. 48. "Creditor", for purposes of IC 13-25-4-8, means, with respect to a facility, a person who:

- (1) has extended credit to an owner or operator of the facility;
- (2) has an interest in the facility to secure an extension of credit; or
- (3) has acquired title or a right to title to the facility:
 - (A) upon default;
 - (B) at foreclosure; or
 - (C) in lieu of foreclosure as a result of an extension of credit secured by an interest in the facility, unless the extension of credit was solely for the purpose of avoiding environmental liability.

As added by P.L.1-1996, SEC.1. Amended by P.L.90-1998, SEC.1.

IC 13-11-2-49**"Damage"**

Sec. 49. "Damage", for purposes of IC 13-24-2, means damage of any kind for which liability may exist under Indiana law:

- (1) resulting from;
- (2) arising out of; or
- (3) related to;

the discharge or threatened discharge of oil.

As added by P.L.1-1996, SEC.1.

IC 13-11-2-50**"Decommissioning"**

Sec. 50. (a) "Decommissioning", for purposes of IC 13-23, means the removal or closure of an underground storage tank.

(b) "Decommissioning", for purposes of IC 13-29-1, means the measures taken at the end of a facility's operating life to assure the continued protection of the public from any residual radioactivity or other potential hazards present at a facility.

As added by P.L.1-1996, SEC.1. Amended by P.L.67-1996, SEC.3.

IC 13-11-2-50.5**"Degradation"**

Sec. 50.5. "Degradation", for purposes of IC 13-18-3, means, with respect to a National Pollutant Discharge Elimination System permit, the following:

(1) With respect to an outstanding national resource water, any new or increased discharge of a pollutant or a pollutant parameter, except for a short term, temporary increase.

(2) With respect to an outstanding state resource water or an exceptional use water, any new or increased discharge of a pollutant or pollutant parameter that results in a significant lowering of water quality for that pollutant or pollutant parameter, unless:

(A) the activity causing the increased discharge:

(i) results in an overall improvement in water quality in the outstanding state resource water or exceptional use water; and

(ii) meets the applicable requirements of 327 IAC 2-1-2(1) and (2) and 327 IAC 2-1.5-4(a) and (b); or

(B) the person proposing the increased discharge undertakes or funds a water quality improvement project in accordance with IC 13-18-3-2(l) in the watershed of the outstanding state resource water or exceptional use water that:

(i) results in an overall improvement in water quality in the outstanding state resource water or exceptional use water; and

(ii) meets the applicable requirements of 327 IAC 2-1-2(1) and (2) and 327 IAC 2-1.5-4(a) and (b).

As added by P.L.140-2000, SEC.6. Amended by P.L.1-2001, SEC.11.

IC 13-11-2-51**"Department"**

Sec. 51. "Department" refers to the department of environmental management.

As added by P.L.1-1996, SEC.1.

IC 13-11-2-52**"Department enforcement action"**

Sec. 52. "Department enforcement action", for purposes of IC 13-14-6, means an action of the department commenced under IC 13-30-3-3.

As added by P.L.1-1996, SEC.1.

IC 13-11-2-53**"Developer"**

Sec. 53. "Developer", for purposes of IC 13-21, means a person that:

- (1) proposes to enter into or has entered into a financing agreement with the district for financing a facility; and
- (2) proposes to enter into or has entered into a separate agreement with some other person for the use and operation of the financed facility.

As added by P.L.1-1996, SEC.1.

IC 13-11-2-54**"Director"**

Sec. 54. "Director", for purposes of IC 13-27.5, refers to the director of the Indiana clean manufacturing technology and safe materials institute.

As added by P.L.1-1996, SEC.1. Amended by P.L.124-1997, SEC.3.

IC 13-11-2-55**"Discharge"**

Sec. 55. "Discharge", for purposes of IC 13-24-2, means any emission or spill, other than natural seepage, that is intentional or unintentional. The term includes any of the following:

- (1) Spilling.
- (2) Leaking.
- (3) Pumping.
- (4) Pouring.
- (5) Emitting.
- (6) Emptying.
- (7) Dumping.

As added by P.L.1-1996, SEC.1.

IC 13-11-2-56**"Disclosure document"**

Sec. 56. "Disclosure document", for purposes of IC 13-25-3, means a document that sets forth certain information about a property that is to be transferred.

As added by P.L.1-1996, SEC.1.

IC 13-11-2-57

"Disposal"

Sec. 57. "Disposal", for purposes of environmental management laws, means the:

- (1) discharge;
- (2) deposit;
- (3) injection;
- (4) spilling;
- (5) leaking; or
- (6) placing;

of any solid waste or hazardous waste into or on any land or water so that the solid waste or hazardous waste, or any constituent of the waste, may enter the environment, be emitted into the air, or be discharged into any waters, including ground waters.

(b) "Disposal", for purposes of IC 13-29-1, means the isolation of waste from the biosphere in a permanent facility designed for that purpose.

As added by P.L.1-1996, SEC.1.

IC 13-11-2-57.1

"Disposal fee"

Sec. 57.1. "Disposal fee", for purposes of IC 13-20-23, means a fee levied on the disposal of municipal waste in exchange for permission to construct or operate a landfill under a host agreement.

As added by P.L.133-1998, SEC.2.

IC 13-11-2-58

"District"

Sec. 58. (a) "District", for purposes of IC 13-20-17.5, IC 13-20-20, IC 13-21, and IC 13-20-22, refers to:

- (1) a county solid waste management district; or
- (2) a joint solid waste management district; established under IC 13-21-3-1 or IC 13-9.5-2-1 (before its repeal).

(b) "District", for purposes of IC 13-26, refers to a regional water, sewage, or solid waste district established under:

- (1) IC 13-26;
- (2) IC 13-3-2 (before its repeal on July 1, 1996); or
- (3) IC 19-3-1.1 (before its repeal on April 1, 1980).

As added by P.L.1-1996, SEC.1. Amended by P.L.45-1997, SEC.3; P.L.225-2001, SEC.2.

IC 13-11-2-59

"District plan"

Sec. 59. "District plan", for purposes of IC 13-21, refers to a district solid waste management plan adopted or amended under IC 13-21-5 or IC 13-9.5-4 (before its repeal).

As added by P.L.1-1996, SEC.1.

IC 13-11-2-60**"Division"**

Sec. 60. "Division", for purposes of IC 13-27, refers to the division of pollution prevention.

As added by P.L.1-1996, SEC.1.

IC 13-11-2-61**"Dredged material"**

Sec. 61. "Dredged material", for purposes of this chapter and IC 13-18-22, means material that is dredged or excavated from an isolated wetland.

As added by P.L.52-2004, SEC.2.

IC 13-11-2-61.5**"Elevated blood lead level (EBL)"**

Sec. 61.5. "Elevated blood lead level (EBL)", for purposes of IC 13-17-14, means an excessive absorption of lead that is a confirmed concentration of lead in whole blood of twenty (20) micrograms of lead per deciliter of whole blood for one (1) venous test or of fifteen (15) to nineteen (19) micrograms of lead per deciliter of whole blood in two (2) consecutive tests taken three (3) to four (4) months apart.

As added by P.L.123-1997, SEC.3.

IC 13-11-2-62**"Eligible entity"**

Sec. 62. "Eligible entity", for purposes of IC 13-26, means a county, city, town, township, conservancy district, or other municipal corporation.

As added by P.L.1-1996, SEC.1.

IC 13-11-2-63**"Eligible state"**

Sec. 63. "Eligible state", for purposes of IC 13-29-1, means a state qualified to be a party state to the Midwest Interstate Compact on Low-Level Radioactive Waste as provided in Article VIII of the compact.

As added by P.L.1-1996, SEC.1.

IC 13-11-2-64**"Emergency"**

Sec. 64. "Emergency", for purposes of IC 13-20-9-4, means the occurrence of widespread or severe damage or loss of property resulting from any natural or manmade cause, including fire, flood, earthquake, wind, storm, drought, or explosion.

As added by P.L.1-1996, SEC.1.

IC 13-11-2-65**"Emergency action"**

Sec. 65. "Emergency action", for purposes of IC 13-25-6, means

any action taken at or near the scene of a hazardous materials emergency to prevent or minimize harm to:

- (1) human health;
- (2) property; or
- (3) the environment;

from the uncontrolled release of a hazardous material.

As added by P.L.1-1996, SEC.1.

IC 13-11-2-66

"Emergency response agency"

Sec. 66. "Emergency response agency", for purposes of IC 13-25-6, means:

- (1) the state police;
- (2) the environmental response branch of the department;
- (3) a police department established under IC 36-8-2-2;
- (4) a fire department established under IC 36-8-2-3;
- (5) any agency of a governmental entity, or any combination of agencies of governmental entities, that provides:
 - (A) firefighting services;
 - (B) emergency rescue services; or
 - (C) emergency medical services; or
- (6) any other agency of a governmental entity that provides manpower, equipment, or supplies at the scene of a hazardous materials emergency.

As added by P.L.1-1996, SEC.1.

IC 13-11-2-66.5

"Encapsulant"

Sec. 66.5. "Encapsulant", for purposes of IC 13-17-14, means a substance that forms a barrier between lead-based paint and the environment using a liquid-applied coating, with or without reinforcement materials, or an adhesively bonded covering material.

As added by P.L.123-1997, SEC.4.

IC 13-11-2-66.7

"Encapsulation"

Sec. 66.7. "Encapsulation", for purposes of IC 13-17-14, means the application of an encapsulant.

As added by P.L.123-1997, SEC.5.

IC 13-11-2-67

"Enforcement action"

Sec. 67. (a) "Enforcement action", for purposes of IC 13-20-13 and IC 13-20-14, means:

- (1) a written notice of a violation or a commissioner's order issued under IC 13-30-3;
- (2) a letter identifying a violation; or
- (3) a court proceeding initiated by the:
 - (A) department;
 - (B) department of fire and building services;

- (C) state; or
 - (D) federal government;
- under an environmental protection law or other law concerning public health, safety, or the environment.
- (b) "Enforcement action", for purposes of IC 13-25-5, means:
- (1) a written notice of violation issued under IC 13-30-3-3, IC 13-30-3-4, or IC 13-7-11-2 (before its repeal) that requires or involves the removal or remediation of petroleum or a hazardous substance;
 - (2) another written notice that requires the removal or remediation of petroleum or a hazardous substance and that is:
 - (A) issued under:
 - (i) IC 4-21.5-3-6;
 - (ii) IC 4-21.5-3-8; or
 - (iii) IC 4-21.5-4; or
 - (B) substantially equivalent to a special notice letter issued under 42 U.S.C. 9622(e); or
 - (3) a similar notice issued by the federal government.

As added by P.L.1-1996, SEC.1. Amended by P.L.93-1998, SEC.1.

IC 13-11-2-68

"Environmental audit"

Sec. 68. "Environmental audit", for purposes of IC 13-28-4, means a voluntary, an internal, and a comprehensive evaluation of:

- (1) a facility or an activity at a facility regulated under:
 - (A) this title;
 - (B) a rule or standard adopted under this title;
 - (C) any determination, permit, or order made or issued by the commissioner under this title; or
 - (D) federal law; or
- (2) management systems related to a facility or an activity; that is designed to identify and prevent noncompliance with laws and improve compliance with laws, and that is conducted by an owner or operator of a facility or is an activity by an employee of the owner or operator or by an independent contractor.

As added by P.L.1-1996, SEC.1.

IC 13-11-2-69

"Environmental audit report"

Sec. 69. "Environmental audit report", for purposes of IC 13-28-4, means a set of documents prepared as a result of an environmental audit and labeled "Environmental Audit Report; Privileged Document" that:

- (1) includes:
 - (A) field notes;
 - (B) records of observations;
 - (C) findings;
 - (D) opinions;
 - (E) suggestions;
 - (F) conclusions;

- (G) drafts;
 - (H) memoranda;
 - (I) drawings;
 - (J) photographs;
 - (K) computer generated or electronically recorded information;
 - (L) maps;
 - (M) charts;
 - (N) graphs; and
 - (O) surveys;
- collected or developed for the primary purpose of preparing an environmental audit; and
- (2) includes, when completed, the following three (3) components:
- (A) An audit report prepared by the auditor that includes the following:
 - (i) The scope of the audit.
 - (ii) The information gained in the audit.
 - (iii) Conclusions and recommendations.
 - (iv) Exhibits and appendices.
 - (B) Memoranda and documents:
 - (i) analyzing a part of or all of the audit report; and
 - (ii) discussing implementation issues.
 - (C) An implementation plan that addresses the following:
 - (i) Correcting past noncompliance.
 - (ii) Improving current compliance.
 - (iii) Preventing future noncompliance.

As added by P.L.1-1996, SEC.1.

IC 13-11-2-70

"Environmental defect"

Sec. 70. (a) "Environmental defect", for purposes of IC 13-25-3, means an environmentally related commission, omission, activity, or condition that meets at least one (1) of the following conditions:

- (1) Constitutes a material violation of an environmental:
 - (A) statute;
 - (B) regulation; or
 - (C) ordinance.
- (2) Would require remedial activity under an environmental:
 - (A) statute;
 - (B) regulation; or
 - (C) ordinance.
- (3) Presents a substantial endangerment to at least one (1) of the following:
 - (A) The public health.
 - (B) The public welfare.
 - (C) The environment.
- (4) Would have a material, adverse effect on the market value of the property or of an abutting property.
- (5) Would prevent or materially interfere with another party's

ability to obtain a permit or license that is required under an environmental:

- (A) statute;
- (B) regulation; or
- (C) ordinance;

to operate the property or a facility or process on the property.

(b) The term does not include a condition that is the subject of a voluntary remediation that received a certificate of completion from the department under IC 13-25-5-16.

As added by P.L.1-1996, SEC.1. Amended by P.L.59-1997, SEC.5.

IC 13-11-2-70.3

"Environmental legal action"

Sec. 70.3. "Environmental legal action", for purposes of IC 13-30-9, means any legal action brought to recover reasonable costs associated with a removal or remedial action involving a hazardous substance or petroleum released into the surface or subsurface soil or groundwater that poses a risk to human health and the environment.

As added by P.L.59-1997, SEC.6.

IC 13-11-2-71

"Environmental management laws"

Sec. 71. "Environmental management laws" refers to the following:

- (1) IC 13-12-2 and IC 13-12-3.
- (2) IC 13-13.
- (3) IC 13-14.
- (4) IC 13-15.
- (5) IC 13-16.
- (6) IC 13-17-3-15, IC 13-17-8-10, IC 13-17-10, and IC 13-17-11.
- (7) IC 13-18-12 and IC 13-18-15 through IC 13-18-20.
- (8) IC 13-19-1 and IC 13-19-4.
- (9) IC 13-20-1, IC 13-20-2, IC 13-20-4 through IC 13-20-15, and IC 13-20-19 through IC 13-20-21.
- (10) IC 13-22.
- (11) IC 13-23.
- (12) IC 13-24.
- (13) IC 13-25-1 through IC 13-25-5.
- (14) IC 13-30, except IC 13-30-1.

As added by P.L.1-1996, SEC.1. Amended by P.L.1-2002, SEC.62.

IC 13-11-2-72

"Environmental wastes"

Sec. 72. "Environmental wastes", for purposes of IC 13-27 and IC 13-27.5, means all environmental pollutants, wastes, discharges, and emissions, regardless of:

- (1) whether or how they are regulated; and
- (2) whether they are released to the general environment or the

workplace environment.
As added by P.L.1-1996, SEC.1. Amended by P.L.124-1997, SEC.4.

IC 13-11-2-72.5

"Exceptional use water"

Sec. 72.5. "Exceptional use water", for purposes of section 50.5 of this chapter and IC 13-18-3, means any water designated as an exceptional use water by the water pollution control board, regardless of when the designation occurred.

As added by P.L.140-2000, SEC.7. Amended by P.L.1-2001, SEC.12.

IC 13-11-2-73

"Excess liability fund"

Sec. 73. "Excess liability fund", for purposes of IC 13-23, refers to the underground petroleum storage tank excess liability trust fund established by IC 13-23-7-1.

As added by P.L.1-1996, SEC.1. Amended by P.L.9-1996, SEC.3.

IC 13-11-2-74

"Executive"

Sec. 74. "Executive" means the:

- (1) board of commissioners of a county not having a consolidated city;
- (2) mayor of the consolidated city, for a county having a consolidated city;
- (3) mayor of a city; or
- (4) president of the town council of a town.

As added by P.L.1-1996, SEC.1.

IC 13-11-2-74.5 Version a

"Exempt isolated wetland"

Note: This version of section effective until 3-16-2004. See also following version of this section, effective 3-16-2004.

Sec. 74.5. (a) "Exempt isolated wetland", for purposes of IC 13-18, means an isolated wetland that:

- (1) is a voluntarily created wetland unless:
 - (A) the wetland is approved by the department for compensatory mitigation purposes in accordance with a permit issued under Section 404 of the Clean Water Act;
 - (B) the wetland is reclassified as a state regulated wetland under IC 13-18-22-6(c); or
 - (C) the owner of the wetland declares, by a written instrument:
 - (i) recorded in the office of the recorder of the county or counties in which the wetland is located; and
 - (ii) filed with the department;that the wetland is to be considered in all respects to be a state regulated wetland;
- (2) exists as an incidental feature in or on:
 - (A) a residential lawn;

- (B) a lawn or landscaped area of a commercial or governmental complex;
- (C) agricultural land;
- (D) a roadside ditch;
- (E) an irrigation ditch; or
- (F) a manmade drainage control structure;
- (3) is a fringe wetland associated with a private pond;
- (4) is, or is associated with, a manmade body of surface water of any size created by:
 - (A) excavating;
 - (B) diking; or
 - (C) excavating and diking;
- dry land to collect and retain water for or incidental to agricultural, commercial, industrial, or aesthetic purposes;
- (5) subject to subsection (b), is a Class I wetland with a delineation of one-half (1/2) acre or less;
- (6) subject to subsection (c), is a Class II wetland with a delineation of one-fourth (1/4) acre or less;
- (7) is located on land:
 - (A) subject to regulation under the United States Department of Agriculture wetland conservation rules, also known as Swampbuster, because of voluntary enrollment in a federal farm program; and
 - (B) used for agricultural or associated purposes allowed under the rules referred to in clause (A); or
- (8) is constructed for reduction or control of pollution.

(b) The total acreage of Class I wetlands on a tract to which the exemption described in subsection (a)(5) may apply is limited to the larger of:

- (1) the acreage of the largest individual isolated wetland on the tract that qualifies for the exemption described in subsection (a)(5); and
- (2) fifty percent (50%) of the cumulative acreage of all individual isolated wetlands on the tract that would qualify for the exemption described in subsection (a)(5) but for the limitation of this subsection.

(c) The total acreage of Class II wetlands on a tract to which the exemption described in subsection (a)(6) may apply is limited to the larger of:

- (1) the acreage of the largest individual isolated wetland on the tract that qualifies for the exemption described in subsection (a)(6); and
- (2) thirty-three and one-third percent (33 1/3%) of the cumulative acreage of all individual isolated wetlands on the tract that would qualify for the exemption described in subsection (a)(6) but for the limitation of this subsection.

As added by P.L.282-2003, SEC.24.

IC 13-11-2-74.5 Version b
"Exempt isolated wetland"

Note: This version of section effective 3-16-2004. See also preceding version of this section, effective until 3-16-2004.

Sec. 74.5. (a) "Exempt isolated wetland", for purposes of IC 13-18 and environmental management laws, means an isolated wetland that:

- (1) is a voluntarily created wetland unless:
 - (A) the wetland is approved by the department for compensatory mitigation purposes in accordance with a permit issued under Section 404 of the Clean Water Act or IC 13-18-22;
 - (B) the wetland is reclassified as a state regulated wetland under IC 13-18-22-6(c); or
 - (C) the owner of the wetland declares, by a written instrument:
 - (i) recorded in the office of the recorder of the county or counties in which the wetland is located; and
 - (ii) filed with the department;that the wetland is to be considered in all respects to be a state regulated wetland;
- (2) exists as an incidental feature in or on:
 - (A) a residential lawn;
 - (B) a lawn or landscaped area of a commercial or governmental complex;
 - (C) agricultural land;
 - (D) a roadside ditch;
 - (E) an irrigation ditch; or
 - (F) a manmade drainage control structure;
- (3) is a fringe wetland associated with a private pond;
- (4) is, or is associated with, a manmade body of surface water of any size created by:
 - (A) excavating;
 - (B) diking; or
 - (C) excavating and diking;dry land to collect and retain water for or incidental to agricultural, commercial, industrial, or aesthetic purposes;
- (5) subject to subsection (c), is a Class I wetland with an area, as delineated, of one-half (1/2) acre or less;
- (6) subject to subsection (d), is a Class II wetland with an area, as delineated, of one-fourth (1/4) acre or less;
- (7) is located on land:
 - (A) subject to regulation under the United States Department of Agriculture wetland conservation rules, also known as Swampbuster, because of voluntary enrollment in a federal farm program; and
 - (B) used for agricultural or associated purposes allowed under the rules referred to in clause (A); or
- (8) is constructed for reduction or control of pollution.

(b) For purposes of subsection (a)(2), an isolated wetland exists as an incidental feature:

- (1) if:

- (A) the owner or operator of the property or facility described in subsection (a)(2) does not intend the isolated wetland to be a wetland;
 - (B) the isolated wetland is not essential to the function or use of the property or facility; and
 - (C) the isolated wetland arises spontaneously as a result of damp soil conditions incidental to the function or use of the property or facility; and
- (2) if the isolated wetland satisfies any other factors or criteria established in rules that are:
- (A) adopted by the water pollution control board; and
 - (B) not inconsistent with the factors and criteria described in subdivision (1).
- (c) The total acreage of Class I wetlands on a tract to which the exemption described in subsection (a)(5) may apply is limited to the larger of:
- (1) the acreage of the largest individual isolated wetland on the tract that qualifies for the exemption described in subsection (a)(5); and
 - (2) fifty percent (50%) of the cumulative acreage of all individual isolated wetlands on the tract that would qualify for the exemption described in subsection (a)(5) but for the limitation of this subsection.
- (d) The total acreage of Class II wetlands on a tract to which the exemption described in subsection (a)(6) may apply is limited to the larger of:
- (1) the acreage of the largest individual isolated wetland on the tract that qualifies for the exemption described in subsection (a)(6); and
 - (2) thirty-three and one-third percent (33 1/3%) of the cumulative acreage of all individual isolated wetlands on the tract that would qualify for the exemption described in subsection (a)(6) but for the limitation of this subsection.
- (e) An isolated wetland described in subsection (a)(5) or (a)(6) does not include an isolated wetland on a tract that contains more than one (1) of the same class of wetland until the owner of the tract notifies the department that the owner has selected the isolated wetland to be an exempt isolated wetland under subsection (a)(5) or (a)(6) consistent with the applicable limitations described in subsections (c) and (d).

As added by P.L.282-2003, SEC.24. Amended by P.L.52-2004, SEC.3.

IC 13-11-2-75

"Exposure assessment"

Sec. 75. "Exposure assessment", for purposes of IC 13-23, means an assessment to determine the extent of exposure, or potential for exposure, of individuals to any regulated substance from a release from an underground storage tank based on factors such as the following:

(1) The nature and extent of contamination and the existence of or potential for pathways of human exposure, including ground or surface water contamination, air emissions, and food chain contamination.

(2) The size of the community within the likely pathway of exposure.

(3) The comparison of expected human exposure levels to the short term and long term health effects associated with identified contaminants and any available recommended exposure or tolerance limits for those contaminants.

As added by P.L.1-1996, SEC.1.

IC 13-11-2-76

"Extremely hazardous substance"

Sec. 76. "Extremely hazardous substance", for purposes of IC 13-25-2, has the meaning set forth in 42 U.S.C. 11049.

As added by P.L.1-1996, SEC.1.

IC 13-11-2-77

"Facility"

Sec. 77. (a) "Facility", for purposes of IC 13-15-1-3, means a structure or an area of land used for the disposal, treatment, storage, recovery, processing, or transferring of solid waste, hazardous waste, or atomic radiation. The term includes the following:

- (1) A hazardous waste facility.
- (2) An incinerator.
- (3) A solid waste landfill.
- (4) A transfer station.

(b) "Facility", for purposes of IC 13-17-7, means a single structure, piece of equipment, installation, or operation that:

- (1) emits; or
- (2) has the potential to emit;

a regulated air pollutant.

(c) "Facility", for purposes of IC 13-18-5, means a building, a structure, equipment, or other stationary item that is located on:

- (1) a single site; or
- (2) contiguous or adjacent sites that are owned by, operated by, or under common control of the same person.

(d) "Facility", for purposes of IC 13-21, means a facility, a plant, a works, a system, a building, a structure, an improvement, machinery, equipment, a fixture, or other real or personal property of any nature that is to be used, occupied, or employed for the collection, storage, separation, processing, recovery, treatment, marketing, transfer, or disposal of solid waste.

(e) "Facility", for purposes of IC 13-25-2, means all buildings, equipment, structures, and other stationary items that are:

- (1) located on a single site or on contiguous or adjacent sites; and
- (2) owned or operated by:
 - (A) the same person; or

(B) any person that controls, is controlled by, or is under common control with the same person.

For purposes of IC 13-25-2-6, the term includes motor vehicles, rolling stock, and aircraft.

(f) "Facility", for purposes of IC 13-29-1, means a parcel of land or site, together with the structures, equipment, and improvements on or appurtenant to the land or site, which is used or is being developed for the treatment, storage, or disposal of low-level radioactive waste.
As added by P.L.1-1996, SEC.1.

IC 13-11-2-78

"Federal permit"

Sec. 78. "Federal permit", for purposes of IC 13-18-20, refers to a NPDES permit issued to a federally owned facility.
As added by P.L.1-1996, SEC.1.

IC 13-11-2-79

"Federal Water Pollution Control Act"

Sec. 79. "Federal Water Pollution Control Act", for purposes of:
(1) IC 13-13-5 and IC 13-18-2-1; and
(2) environmental management laws;
refers to the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), as amended by the federal Water Quality Act of 1987, P.L.100-4.
As added by P.L.1-1996, SEC.1.

IC 13-11-2-80

"FESOP"

Sec. 80. "FESOP", for purposes of IC 13-17-7, means a federally enforceable state operating permit issued to a source that would require a Title V operating permit but due to a federally enforceable operating restriction has potential emissions less than the amount that would require a Title V operating permit.
As added by P.L.1-1996, SEC.1.

IC 13-11-2-81

"Fiduciary"

Sec. 81. (a) "Fiduciary", for purposes of IC 13-23-13:
(1) means a person acting for the benefit of another party as a bona fide:
(A) trustee;
(B) executor;
(C) administrator;
(D) custodian;
(E) guardian of estates or guardian ad litem;
(F) receiver;
(G) conservator;
(H) committee of estates of incapacitated persons;
(I) personal representative;
(J) trustee (including a successor to a trustee) under an

indenture agreement, trust agreement, lease, or similar financing agreement for debt securities, certificates of interest or certificates of participation in debt securities, or other forms of indebtedness as to which the trustee is not, in the capacity of trustee, the lender; or

(K) representative in a capacity that is similar to the capacities referred to in clauses (A) through (J); and

(2) does not include:

(A) a person that is acting as a fiduciary with respect to a trust or other fiduciary estate that was organized for the primary purpose of, or is engaged in, actively carrying on a trade or business for profit, unless the trust or other fiduciary estate was created as part of, or to facilitate, at least one (1) estate plan or because of the incapacity of a natural person; or

(B) a person that acquires ownership or control of an underground storage tank with the objective purpose of avoiding liability of the person or another person.

(b) "Fiduciary", for purposes of IC 13-24-1:

(1) means a person acting for the benefit of another party as a bona fide:

(A) trustee;

(B) executor;

(C) administrator;

(D) custodian;

(E) guardian of estates or guardian ad litem;

(F) receiver;

(G) conservator;

(H) committee of estates of incapacitated persons;

(I) personal representative;

(J) trustee (including a successor to a trustee) under an indenture agreement, trust agreement, lease, or similar financing agreement for debt securities, certificates of interest or certificates of participation in debt securities, or other forms of indebtedness as to which the trustee is not, in the capacity of trustee, the lender; or

(K) representative in a capacity that is similar to the capacities referred to in clauses (A) through (J); and

(2) does not include:

(A) a person that is acting as a fiduciary with respect to a trust or other fiduciary estate that was organized for the primary purpose of, or is engaged in, actively carrying on a trade or business for profit, unless the trust or other fiduciary estate was created as part of, or to facilitate, at least one (1) estate plan or because of the incapacity of a natural person; or

(B) a person that acquires ownership or control of a petroleum facility with the purpose of avoiding liability of the person or of another person.

(c) "Fiduciary", for purposes of IC 13-25-4:

(1) means a person acting for the benefit of another party as a bona fide:

- (A) trustee;
- (B) executor;
- (C) administrator;
- (D) custodian;
- (E) guardian of estates or guardian ad litem;
- (F) receiver;
- (G) conservator;
- (H) committee of estates of incapacitated persons;
- (I) personal representative;
- (J) trustee (including a successor to a trustee) under an indenture agreement, trust agreement, lease, or similar financing agreement for debt securities, certificates of interest or certificates of participation in debt securities, or other forms of indebtedness as to which the trustee is not, in the capacity of trustee, the lender; or
- (K) representative in a capacity that is similar to the capacities referred to in clauses (A) through (J); and

(2) does not include:

- (A) a person that is acting as a fiduciary with respect to a trust or other fiduciary estate that was organized for the primary purpose of, or is engaged in, actively carrying on a trade or business for profit, unless the trust or other fiduciary estate was created as part of, or to facilitate, at least one (1) estate plan or because of the incapacity of a natural person; or
- (B) a person that acquires ownership or control of a vessel or facility with the objective purpose of avoiding liability of the person or of another person.

As added by P.L.1-1996, SEC.1. Amended by P.L.90-1998, SEC.2.

IC 13-11-2-81.5

"Fiduciary capacity"

Sec. 81.5. (a) "Fiduciary capacity", for purposes of IC 13-23-13, means the capacity of a person in holding title to an underground storage tank pursuant to the exercise of the responsibilities of the person as a fiduciary.

(b) "Fiduciary capacity", for purposes of IC 13-24-1, means the capacity of a person in holding title to a petroleum facility pursuant to the exercise of the responsibilities of the person as a fiduciary.

(c) "Fiduciary capacity", for purposes of IC 13-25-4, means the capacity of a person in holding title to a vessel or facility pursuant to the exercise of the responsibilities of the person as a fiduciary.

As added by P.L.90-1998, SEC.3.

IC 13-11-2-82

"Final disposal facility"

Sec. 82. (a) "Final disposal facility", for purposes of IC 13-20-3, IC 13-20-5, IC 13-20-22, and IC 13-21, means any of the following:

- (1) A landfill.
 - (2) An incinerator.
 - (3) A waste-to-energy facility.
- (b) The term does not include a transfer station.

As added by P.L.1-1996, SEC.1. Amended by P.L.2-1998, SEC.45.

IC 13-11-2-83

"Financial assistance agreement"

Sec. 83. (a) "Financial assistance agreement", for purposes of IC 13-18-13, refers to an agreement between:

- (1) the budget agency; and
- (2) a political subdivision;

establishing the terms and conditions of a loan or other financial assistance, including forgiveness of principal if allowed under federal law, by the state to the political subdivision.

(b) "Financial assistance agreement", for purposes of IC 13-19-5, means an agreement between the authority and a political subdivision that:

- (1) is approved by the budget agency; and
- (2) establishes the terms and conditions of a loan or other financial assistance by the state to the political subdivision.

(c) "Financial assistance agreement", for purposes of IC 13-18-21, refers to an agreement between:

- (1) the budget agency; and
- (2) a participant;

establishing the terms and conditions of a loan or other financial assistance, including forgiveness of principal if allowed under federal law, by the state to the participant.

As added by P.L.1-1996, SEC.1. Amended by P.L.59-1997, SEC.7; P.L.126-1997, SEC.1; P.L.253-1997(ss), SEC.12; P.L.132-1999, SEC.4.

IC 13-11-2-84

"Financial assurance board"

Sec. 84. "Financial assurance board", for purposes of IC 13-23, refers to the underground petroleum storage tank financial assurance board.

As added by P.L.1-1996, SEC.1.

IC 13-11-2-84.5

"Financial or administrative function"

Sec. 84.5. "Financial or administrative function", for purposes of sections 151.2, 151.3, and 151.4 of this chapter, IC 13-23-13-14, IC 13-24-1-10, and IC 13-25-4-8.2, includes a function such as that of:

- (1) a credit manager;
- (2) an accounts payable officer;
- (3) an accounts receivable officer;
- (4) a personnel manager;
- (5) a comptroller; or

(6) a chief financial officer or a similar function.
As added by P.L.97-2004, SEC.58.

IC 13-11-2-85

"Financial agreement"

Sec. 85. "Financing agreement", for purposes of IC 13-21, includes an agreement between a district and a developer, between a developer and a user, or among a district, developer, and user concerning:

- (1) payments to the district under the agreement; and
- (2) any of the following:
 - (A) The financing of facilities.
 - (B) The title to facilities.
 - (C) The possession of facilities.

As added by P.L.1-1996, SEC.1.

IC 13-11-2-85.5

Repealed

(Repealed by P.L.97-2004, SEC.133.)

IC 13-11-2-85.7

"First flush"

Sec. 85.7. "First flush", for purposes of IC 13-18, means the transport of solids in a combined sewer system that:

- (1) have settled in pipes during periods between wet weather events; and
- (2) have washed off of impermeable surfaces such as streets and parking lots during the beginning of a wet weather event.

As added by P.L.140-2000, SEC.8.

IC 13-11-2-86

"Fiscal body"

Sec. 86. "Fiscal body" means:

- (1) the county council, for a county not having a consolidated city;
- (2) the city-county council of a consolidated city and county;
- (3) the common council of a city;
- (4) the town council of a town;
- (5) the township board of a township; or
- (6) the board of directors of a conservancy district.

As added by P.L.1-1996, SEC.1.

IC 13-11-2-87

"Fund"

Sec. 87. (a) "Fund", for purposes of IC 13-14-12, refers to the environmental management special fund.

(b) "Fund", for purposes of IC 13-15-10, refers to the waste facility operator trust fund.

(c) "Fund", for purposes of IC 13-15-11, refers to the environmental management permit operation fund.

(d) "Fund", for purposes of IC 13-17-6, refers to the asbestos trust fund.

(e) "Fund", for purposes of IC 13-17-8, refers to the Title V operating permit program trust fund.

(f) "Fund", for purposes of IC 13-17-14, refers to the lead trust fund.

(g) "Fund", for purposes of IC 13-18-8-5, refers to a sanitary fund.

(h) "Fund", for purposes of IC 13-18-13, refers to the wastewater revolving loan fund established by IC 13-18-13-2.

(i) "Fund", for purposes of IC 13-18-21, refers to the drinking water revolving loan fund established by IC 13-18-21-2. The term does not include the supplemental fund established by IC 13-18-21-22.

(j) "Fund", for purposes of IC 13-19-5, refers to the environmental remediation revolving loan fund established by IC 13-19-5-2.

(k) "Fund", for purposes of IC 13-20-4, refers to the municipal waste transportation fund.

(l) "Fund", for purposes of IC 13-20-13, refers to the waste tire management fund.

(m) "Fund", for purposes of IC 13-20-22, refers to the state solid waste management fund.

(n) "Fund", for purposes of IC 13-21-7, refers to the waste management district bond fund.

(o) "Fund", for purposes of IC 13-21-13-2, refers to a district solid waste management fund.

(p) "Fund", for purposes of IC 13-23-6, refers to the underground petroleum storage tank trust fund.

(q) "Fund", for purposes of IC 13-23-7, refers to the underground petroleum storage tank excess liability trust fund.

(r) "Fund", for purposes of IC 13-25-4, refers to the hazardous substances response trust fund.

(s) "Fund", for purposes of IC 13-25-5, refers to the voluntary remediation fund.

(t) "Fund", for purposes of IC 13-28-2, refers to the voluntary compliance fund.

As added by P.L.1-1996, SEC.1. Amended by P.L.123-1997, SEC.6; P.L.59-1997, SEC.8; P.L.126-1997, SEC.2; P.L.253-1997(ss), SEC.13; P.L.132-1999, SEC.5; P.L.14-2001, SEC.3.

IC 13-11-2-88

"Garbage"

Sec. 88. "Garbage", for purposes of environmental management laws, means all putrescible animal solid, vegetable solid, and semisolid wastes resulting from the:

- (1) processing;
- (2) handling;
- (3) preparation;
- (4) cooking;
- (5) serving; or
- (6) consumption;

of food or food materials.
As added by P.L.1-1996, SEC.1.

IC 13-11-2-89

"Generator"

Sec. 89. (a) "Generator", for purposes of IC 13-22-12, means a person that, during the preceding year, generated hazardous waste in quantities greater than:

- (1) one thousand (1,000) kilograms of hazardous waste; or
- (2) one (1) kilogram of acutely toxic waste in any month.

(b) "Generator", for purposes of IC 13-29-1, means a person who produces or possesses low-level radioactive waste in the course of or incident to manufacturing, power generation, processing, medical diagnosis and treatment, research, or other industrial or commercial activity and who, to the extent required by law, is licensed by the United States Nuclear Regulatory Commission or a party state to produce or possess such waste. The term does not include a person who provides a service by arranging for the collection, transportation, treatment, storage, or disposal of wastes generated outside the region.

As added by P.L.1-1996, SEC.1.

IC 13-11-2-90

"Governmental entity"

Sec. 90. "Governmental entity", for purposes of IC 13-25-6, means the state or a political subdivision.

As added by P.L.1-1996, SEC.1.

IC 13-11-2-91

"Grantee"

Sec. 91. "Grantee", for purposes of IC 13-20-20, means a person that receives a grant under IC 13-20-20.

As added by P.L.1-1996, SEC.1.

IC 13-11-2-92

"Groundwater monitoring well"

Sec. 92. "Groundwater monitoring well", for purposes of IC 13-20-21 and IC 13-22-12, means a device required by a permit condition or applicable rule to monitor the quality of groundwater during a twelve (12) month period.

As added by P.L.1-1996, SEC.1.

IC 13-11-2-93

"Guarantor"

Sec. 93. (a) "Guarantor", for purposes of IC 13-22-8, means a person, other than the owner or operator of a hazardous waste facility, who provides evidence of financial responsibility for the owner or operator under IC 13-22-8.

(b) "Guarantor", for purposes of IC 13-23-4-6, means any person, other than the owner or operator of an underground storage tank,

who provides evidence of financial responsibility for an owner or operator under:

- (1) IC 13-23-4-1 or IC 13-23-4-2; and
- (2) the rules adopted under IC 13-23-1-2(c)(6).

As added by P.L.1-1996, SEC.1.

IC 13-11-2-94

"Hazardous chemical"

Sec. 94. "Hazardous chemical", for purposes of IC 13-25-2, has the meaning set forth in 42 U.S.C. 11021(e).

As added by P.L.1-1996, SEC.1.

IC 13-11-2-95

"Hazardous household product"

Sec. 95. "Hazardous household product", for purposes of IC 13-20-20, means a household product that:

(1) may cause serious injury or death when introduced into or upon the body of a living human because the product is:

- (A) a poison;
- (B) toxic;
- (C) corrosive;
- (D) an irritant;
- (E) flammable; or
- (F) radioactive; or

(2) generates pressure through:

- (A) decomposition;
- (B) heat; or
- (C) other means;

during a customary or reasonably anticipated handling or use.

As added by P.L.1-1996, SEC.1.

IC 13-11-2-96

"Hazardous material"

Sec. 96. (a) "Hazardous material", for purposes of IC 13-18-5, means any of the following:

- (1) A hazardous chemical (as defined in 42 U.S.C. 11021(e), as in effect on January 1, 1990).
- (2) A hazardous waste.
- (3) A hazardous substance (as defined in 42 U.S.C. 9601(14), as in effect on January 1, 1990).
- (4) A substance that is on the list of extremely hazardous substances published by the Administrator of the United States Environmental Protection Agency under 42 U.S.C. 11002(a)(2).
- (5) A material that is identified by the water pollution control board as potentially harmful to surface water or groundwater if accidentally released from a storage or handling facility.

(b) "Hazardous material", for purposes of IC 13-25-6, means a material or waste that has been determined to be hazardous or potentially hazardous to human health, to property, or to the environment by:

- (1) the United States:
 - (A) Environmental Protection Agency;
 - (B) Nuclear Regulatory Commission;
 - (C) Department of Transportation; or
 - (D) Occupational Safety and Health Administration; or
- (2) the solid waste management board.

The term includes all of the hazardous materials identified in 49 CFR 172.101.

As added by P.L.1-1996, SEC.1.

IC 13-11-2-97

"Hazardous materials emergency"

Sec. 97. "Hazardous materials emergency", for purposes of IC 13-25-6, means an occurrence that:

- (1) involves the uncontrolled release or imminent uncontrolled release of a hazardous material into the environment; and
- (2) creates the possibility of harm to:
 - (A) human health;
 - (B) property; or
 - (C) the environment.

As added by P.L.1-1996, SEC.1.

IC 13-11-2-98

"Hazardous substance"

Sec. 98. "Hazardous substance", for purposes of:

- (1) IC 13-19-5;
- (2) IC 13-25-4; and
- (3) IC 13-25-5;

has the meaning set forth in Section 101 of CERCLA (42 U.S.C. 9601). The term includes any substance that the solid waste management board determines to be hazardous under environmental management laws.

As added by P.L.1-1996, SEC.1. Amended by P.L.59-1997, SEC.9.

IC 13-11-2-99

"Hazardous waste"

Sec. 99. (a) "Hazardous waste", for purposes of section 96(a) of this chapter, IC 13-19, and environmental management laws, means a solid waste or combination of solid wastes that, because of its quantity, concentration, or physical, chemical, or infectious characteristics, may:

- (1) cause or significantly contribute to an increase in:
 - (A) mortality;
 - (B) serious irreversible illness; or
 - (C) incapacitating reversible illness; or
- (2) pose a substantial present or potential hazard to:
 - (A) human health; or
 - (B) the environment;

when improperly treated, stored, transported, disposed of, or otherwise managed.

(b) "Hazardous waste", for purposes of IC 13-22-10, includes a waste determined to be a hazardous waste under IC 13-22-2-3(b).

(c) "Hazardous waste", for purposes of IC 13-22-11, has the meaning set forth in the federal Resource Conservation and Recovery Act (42 U.S.C. 6903(5)), as in effect January 1, 1989.

As added by P.L.1-1996, SEC.1.

IC 13-11-2-100

"Hazardous waste facility"

Sec. 100. "Hazardous waste facility", for purposes of environmental management laws, means a plant or site where hazardous waste is subjected to treatment, storage, or disposal.

As added by P.L.1-1996, SEC.1.

IC 13-11-2-101

"Hazardous waste landfill"

Sec. 101. "Hazardous waste landfill", for purposes of IC 13-22-9, means a hazardous waste disposal facility at which hazardous waste is deposited on or beneath the surface of the ground as an intended place of final location.

As added by P.L.1-1996, SEC.1.

IC 13-11-2-102

"High level radioactive waste"

Sec. 102. "High level radioactive waste", for purposes of IC 13-22-10, has the meaning set forth in Section 2 of the federal Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101), as in effect on January 1, 1987.

As added by P.L.1-1996, SEC.1. Amended by P.L.124-1996, SEC.5.

IC 13-11-2-102.6

"Host agreement"

Sec. 102.6. "Host agreement", for purposes of IC 13-20-23, means a valid and enforceable agreement entered into between a county and another person for the payment of a disposal fee in exchange for the county's permission to construct or operate a landfill.

As added by P.L.133-1998, SEC.3.

IC 13-11-2-103

"Host state"

Sec. 103. "Host state", for purposes of IC 13-29-1, means any state which is designated by the Midwest Interstate Low-Level Radioactive Waste Commission to host a regional facility.

As added by P.L.1-1996, SEC.1.

IC 13-11-2-104

"Household hazardous waste"

Sec. 104. "Household hazardous waste", for purposes of IC 13-20-20 and IC 13-21, means hazardous waste generated by households.

As added by P.L.1-1996, SEC.1. Amended by P.L.237-1999, SEC.2.

IC 13-11-2-105

"Incidental concentration of PCB"

Sec. 105. "Incidental concentrations of PCB", for purposes of IC 13-20-15-3, means concentrations of PCB that are beyond the control of the person and that are not the result of the person:

- (1) exposing the:
 - (A) item;
 - (B) product; or
 - (C) material;to concentrations of PCB;
- (2) failing to take reasonable measures to rid the:
 - (A) item;
 - (B) product; or
 - (C) material;of concentrations of PCB; or
- (3) failing to use a reasonable substitute for the:
 - (A) item;
 - (B) product; or
 - (C) material;

for which the exemption is sought.

As added by P.L.1-1996, SEC.1.

IC 13-11-2-106

"Incinerator"

Sec. 106. "Incinerator", for purposes of IC 13-21 and environmental management laws, means an engineered apparatus designed for the burning of solid waste under the effect of controls on the following:

- (1) Temperature.
- (2) Retention time.
- (3) Air.
- (4) Other combustion factors.

As added by P.L.1-1996, SEC.1.

IC 13-11-2-107

"Includes"

Sec. 107. "Includes" means includes but is not limited to.

As added by P.L.1-1996, SEC.1.

IC 13-11-2-108

"Industrial permit"

Sec. 108. "Industrial permit", for purposes of IC 13-14-8-11.6 and IC 13-18-20, refers to a National Pollutant Discharge Elimination System (NPDES) permit other than a permit issued to any of the following:

- (1) a municipal facility;
- (2) a state facility;
- (3) a federal facility;

- (4) a semipublic facility;
- (5) a public water system facility; or
- (6) a facility for storm water discharge.

As added by P.L.1-1996, SEC.1. Amended by P.L.72-1999, SEC.1; P.L.184-2002, SEC.2.

IC 13-11-2-109

"Industrial pretreatment permit"

Sec. 109. "Industrial pretreatment permit", for purposes of IC 13-18-20, refers to a permit issued by the state to an industry discharging to a publicly owned treatment works that:

- (1) meets the criteria in 327 IAC 5-13-2(f); and
- (2) has been approved by the commissioner in accordance with 327 IAC 5-13-4.

As added by P.L.1-1996, SEC.1.

IC 13-11-2-109.5

Repealed

(Repealed by P.L.218-2001, SEC.11.)

IC 13-11-2-110

"Institute"

Sec. 110. "Institute", for purposes of IC 13-27 and IC 13-27.5, refers to the Indiana clean manufacturing technology and safe materials institute.

As added by P.L.1-1996, SEC.1. Amended by P.L.124-1997, SEC.5; P.L.1-2002, SEC.63.

IC 13-11-2-111

"Intentionally introduced"

Sec. 111. "Intentionally introduced", for purposes of IC 13-20-17, means any time that mercury is present in a battery, unless the mercury is only incidentally present in other materials in the battery.

As added by P.L.1-1996, SEC.1.

IC 13-11-2-112

"Interstate agency"

Sec. 112. "Interstate agency", for purposes of IC 13-18-2, means an agency of at least two (2) states having powers or duties pertaining to the abatement of water pollution.

As added by P.L.1-1996, SEC.1.

IC 13-11-2-112.5

"Isolated wetland"

Sec. 112.5. "Isolated wetland", for purposes of IC 13-18, is a wetland that is not subject to regulation under Section 404(a) of the Clean Water Act.

As added by P.L.282-2003, SEC.25.

IC 13-11-2-113

"Joint solid waste management district" or "joint district"

Sec. 113. "Joint solid waste management district" or "joint district", for purposes of IC 13-21, refers to a solid waste management district that consists of at least two (2) counties.

As added by P.L.1-1996, SEC.1.

IC 13-11-2-113.5

"Knee of the curve"

Sec. 113.5. "Knee of the curve", for purposes of IC 13-18, means the point where the incremental change in the cost of the control alternative per change in performance of the control alternative changes most rapidly.

As added by P.L.140-2000, SEC.9.

IC 13-11-2-114

"Land application"

Sec. 114. "Land application", for purposes of IC 13-18-12, means the disposal of wastewater by burial or incorporation into the soil.

As added by P.L.1-1996, SEC.1.

IC 13-11-2-114.2

"Land application operation"

Sec. 114.2. "Land application operation", for purposes of IC 13-19-3, means an operation in which sludge, waste products, or wastewater generated by industrial, municipal, or semipublic facilities are disposed of by application upon or incorporation into the soil. The term does not include the operation of a landfill or an open dump.

As added by P.L.30-1999, SEC.1.

IC 13-11-2-115

"Land disposal"

Sec. 115. "Land disposal", for purposes of IC 13-22-12, includes the following:

- (1) Interim status and permitted hazardous waste landfills.
- (2) Interim status and permitted hazardous waste surface impoundments.

As added by P.L.1-1996, SEC.1.

IC 13-11-2-115.5

"Land trust"

Sec. 115.5. "Land trust", for purposes of IC 13-25-3, means a trust that is established under terms providing that:

- (1) the trustee holds legal or equitable title to property;
- (2) the beneficiary has the power to manage the trust property, including the power to direct the trustee to sell the property; and
- (3) the trustee may sell the trust property:
 - (A) only at the direction of the beneficiary or other person;
 - or
 - (B) after a time stipulated in the terms of the trust.

As added by P.L.97-2004, SEC.59.

IC 13-11-2-116

"Landfill"

Sec. 116. (a) "Landfill", for purposes of IC 13-20-2, means a solid waste disposal facility at which solid waste is deposited on or beneath the surface of the ground as an intended place of final location.

(b) "Landfill", for purposes of section 114.2 of this chapter and IC 13-20-11, means a facility operated under a permit issued under IC 13-15-3 or IC 13-7-10 (before its repeal) at which solid waste is disposed of by placement on or under the surface of the ground.

(c) "Landfill", for purposes of section 82 of this chapter and IC 13-21, means a solid waste disposal facility at which solid waste is deposited on or in the ground as an intended place of final location. The term does not include the following:

(1) A site that is devoted solely to receiving one (1) or more of the following:

(A) Fill dirt.

(B) Vegetative matter subject to disposal as a result of:

(i) landscaping;

(ii) yard maintenance;

(iii) land clearing; or

(iv) any combination of activities referred to in this clause.

(2) A facility receiving waste that is regulated under the following:

(A) IC 13-22-1 through IC 13-22-8.

(B) IC 13-22-13 through IC 13-22-14.

As added by P.L.1-1996, SEC.1. Amended by P.L.2-1998, SEC.46; P.L.133-1998, SEC.4; P.L.30-1999, SEC.2; P.L.14-2000, SEC.34; P.L.97-2004, SEC.60.

IC 13-11-2-117

Repealed

(Repealed by P.L.97-2004, SEC.133.)

IC 13-11-2-118

"Lead acid battery"

Sec. 118. "Lead acid battery", for purposes of IC 13-20-16, means a battery that:

(1) contains lead and sulfuric acid; and

(2) has a nominal voltage of at least six (6) volts.

As added by P.L.1-1996, SEC.1.

IC 13-11-2-118.3

"Lead based paint"

Sec. 118.3. "Lead-based paint", for purposes of IC 13-17-14, means paint or another surface coating that contains lead in an amount equal to or more than one (1) milligram per square centimeter, or in the amount of more than one-half percent (0.5%) by

weight.

As added by P.L.123-1997, SEC.7.

IC 13-11-2-118.5

"Lead based paint activities"

Sec. 118.5. "Lead-based paint activities", for purposes of IC 13-17-14, means the inspection, risk assessment, and abatement of lead-based paint in target housing and child-occupied facilities. The term includes project design and supervision.

As added by P.L.123-1997, SEC.8.

IC 13-11-2-119

"Lender"

Sec. 119. (a) "Lender", for purposes of IC 13-23-13, means any of the following:

(1) An insured depository institution (as defined in Section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813)).

(2) An insured credit union (as defined in Section 101 of the Federal Credit Union Act (12 U.S.C. 1752)).

(3) A bank or association chartered under the Farm Credit Act of 1971 (12 U.S.C. 2001 et seq.).

(4) A leasing or trust company that is an affiliate of an insured depository institution.

(5) A person (including a successor or assignee of the person) that:

(A) makes a bona fide extension of credit to; or

(B) takes or acquires a security interest from;

a nonaffiliated person.

(6) The Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, the Federal Agricultural Mortgage Corporation, or an entity that buys or sells loans or interests in loans in a bona fide manner.

(7) A person that:

(A) insures or guarantees against a default in the repayment of an extension of credit; or

(B) acts as a surety with respect to an extension of credit;

to a nonaffiliated person.

(8) A person that provides title insurance and that acquires an underground storage tank as a result of assignment or conveyance in the course of underwriting claims and claims settlement.

(b) "Lender", for purposes of IC 13-24-1, means any of the following:

(1) An insured depository institution (as defined in Section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813)).

(2) An insured credit union (as defined in Section 101 of the Federal Credit Union Act (12 U.S.C. 1752)).

(3) A bank or association chartered under the Farm Credit Act of 1971 (12 U.S.C. 2001 et seq.).

(4) A leasing or trust company that is an affiliate of an insured

depository institution.

(5) A person (including a successor or assignee of the person) that:

(A) makes a bona fide extension of credit to; or

(B) takes or acquires a security interest from;

a nonaffiliated person.

(6) The Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, the Federal Agricultural Mortgage Corporation, or an entity that buys or sells loans or interests in loans in a bona fide manner.

(7) A person that:

(A) insures or guarantees against a default in the repayment of an extension of credit; or

(B) acts as a surety with respect to an extension of credit; to a nonaffiliated person.

(8) A person that provides title insurance and that acquires a petroleum facility as a result of assignment or conveyance in the course of underwriting claims and claims settlement.

(c) "Lender", for purposes of IC 13-25-3, means a person that provides loans secured by:

(1) an interest in property; or

(2) an assignment of beneficial interest in a land trust.

(d) "Lender", for purposes of IC 13-25-4, means any of the following:

(1) An insured depository institution (as defined in Section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813)).

(2) An insured credit union (as defined in Section 101 of the Federal Credit Union Act (12 U.S.C. 1752)).

(3) A bank or association chartered under the Farm Credit Act of 1971 (12 U.S.C. 2001 et seq.).

(4) A leasing or trust company that is an affiliate of an insured depository institution.

(5) A person (including a successor or assignee of the person) that:

(A) makes a bona fide extension of credit to; or

(B) takes or acquires a security interest from;

a nonaffiliated person.

(6) The Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, the Federal Agricultural Mortgage Corporation, or an entity that buys or sells loans or interests in loans in a bona fide manner.

(7) A person that:

(A) insures or guarantees against a default in the repayment of an extension of credit; or

(B) acts as a surety with respect to an extension of credit; to a nonaffiliated person.

(8) A person that provides title insurance and that acquires a vessel or facility as a result of assignment or conveyance in the course of underwriting claims and claims settlement.

As added by P.L.1-1996, SEC.1. Amended by P.L.90-1998, SEC.5.

IC 13-11-2-120

"Local emergency planning committee"

Sec. 120. "Local emergency planning committee", for purposes of IC 13-25-1, refers to a committee established under Title III of SARA for a local emergency planning district.

As added by P.L.1-1996, SEC.1.

IC 13-11-2-120.5

"Long term control plan"

Sec. 120.5. "Long term control plan", for purposes of section 31.5 of this chapter and IC 13-18, means a plan that:

- (1) is consistent with the federal Combined Sewer Overflow Control Policy (59 Fed. Reg. 18688);
- (2) is developed in accordance with the recommendations set forth in Combined Sewer Overflows Guidance for Long-Term Control Plan (EPA 832B95002);
- (3) describes changes and improvements to be made to a combined sewer system or to a publicly owned wastewater treatment plant for the purpose of meeting the requirements of the federal Clean Water Act and state law;
- (4) is developed with public participation using a process that is designed to promote active involvement by the affected public, through opportunities to provide in the decision making to select long term control alternatives:
 - (A) information;
 - (B) opinions; and
 - (C) comments;
- (5) is submitted to the department for approval; and
- (6) does the following:
 - (A) Uses characterization, monitoring, and modeling of the combined sewer system to determine:
 - (i) the response of the combined sewer system to various precipitation events;
 - (ii) the characteristics of overflows from the combined sewer system; and
 - (iii) the water quality impacts that result from overflows from the combined sewer system.
 - (B) Considers the impact of combined sewer overflows on sensitive areas and gives highest priority to controlling overflows in those areas.
 - (C) Contains an evaluation of a reasonable range of control alternatives, taking into account expected and projected future growth.
 - (D) Contains cost and performance analyses of the control alternatives evaluated.
 - (E) Maximizes treatment of wet weather flows at a publicly owned treatment works (POTW) treatment plant.
 - (F) Contains a practicable implementation schedule for the selected control alternative.
 - (G) Contains a post-construction compliance monitoring

program adequate to ascertain:

- (i) the effectiveness of the selected control alternative; and
- (ii) the extent to which water quality standards have been attained.

As added by P.L.140-2000, SEC.10.

IC 13-11-2-121

"Low level radioactive waste"

Sec. 121. (a) "Low level radioactive waste", for purposes of IC 13-22-10, means radioactive material that:

- (1) is not:
 - (A) high level radioactive waste;
 - (B) spent nuclear fuel; or
 - (C) byproduct material; and
- (2) is classified by the United States Nuclear Regulatory Commission, in accordance with law, as low level radioactive waste.

(b) "Low-level radioactive waste" or "waste", for purposes of IC 13-29-1, means radioactive waste not classified as high-level radioactive waste, transuranic waste, spent nuclear fuel, or byproduct material as defined in Section 11e.(2) of the Atomic Energy Act of 1954.

As added by P.L.1-1996, SEC.1.

IC 13-11-2-122

"Major modification"

Sec. 122. "Major modification", for purposes of IC 13-15-4, when applied to a solid waste permit, means any change in a permitted solid waste facility that would:

- (1) increase the facility's permitted capacity to process or dispose of solid waste by the lesser of:
 - (A) more than ten percent (10%); or
 - (B) five hundred thousand (500,000) cubic yards; or
- (2) change the permitted footprint of the landfill by more than one (1) acre.

As added by P.L.1-1996, SEC.1.

IC 13-11-2-123

"Major permit"

Sec. 123. "Major permit", for purposes of IC 13-18-20, refers to a NPDES permit:

- (1) as classified by the Region V Regional Administrator of the United States Environmental Protection Agency and the commissioner; and
- (2) as set forth in the Major Dischargers List developed by the United States Environmental Protection Agency and the department in the "National Pollutant Discharge Elimination System Memorandum of Agreement Between the State of Indiana and EPA Region V" dated July 22, 1977.

As added by P.L.1-1966, SEC.1.

IC 13-11-2-124

"Management plan"

Sec. 124. "Management plan", for purposes of IC 13-29-1, means the plan adopted by the commission for the storage, transportation, treatment, and disposal of waste within the region.

As added by P.L.1-1996, SEC.1.

IC 13-11-2-125

"Manifest"

Sec. 125. "Manifest", for purposes of environmental management laws except IC 13-20-4-7, means the form used for identifying the:

- (1) quantity;
- (2) composition; and
- (3) origin, routing, and destination;

of hazardous waste during its transportation from the point of generation to the point of disposal, treatment, or storage.

As added by P.L.1-1996, SEC.1.

IC 13-11-2-126

"Manufacturer"

Sec. 126. (a) "Manufacturer", for purposes of IC 13-20-16, means a person who is engaged in the business of making lead acid batteries:

- (1) in Indiana; or
- (2) for sale in Indiana.

(b) "Manufacturer", for purposes of IC 13-27.5, means a manufacturer in Indiana operating under standard industrial classification codes twenty (20) through thirty-nine (39) in the Standard Industrial Classification Manual of the United States Office of Management and Budget.

(c) "Manufacturer", for purposes of IC 13-20-17.5, means any individual, corporation, limited liability company, partnership, trust, estate, or unincorporated association that:

- (1) produces in the United States a mercury-added product that does not consist of multiple components produced by separate entities;
- (2) is the last entity to produce or assemble in the United States a mercury-added product that consists of multiple components produced by separate entities; or
- (3) domestically distributes a mercury-added product produced in a foreign country.

As added by P.L.1-1996, SEC.1. Amended by P.L.124-1997, SEC.6; P.L.225-2001, SEC.3.

IC 13-11-2-127

"Mass balance calculation"

Sec. 127. "Mass balance calculation", for purposes of IC 13-27 and IC 13-27.5, means a determination of the annual quantities of each toxic material that is:

- (1) transported to;

- (2) produced at;
- (3) used at;
- (4) accumulated or stored at;
- (5) released from; or
- (6) transported from;

a business or manufacturing facility as a waste or pollutant, as a commercial product or byproduct, in a commercial product or byproduct, or as a component of a commercial product or byproduct, based upon an analysis of each process or operation at the business or manufacturing facility.

As added by P.L.1-1996, SEC.1. Amended by P.L.124-1997, SEC.7.

IC 13-11-2-128

"Material safety data sheet"

Sec. 128. "Material safety data sheet", for purposes of IC 13-20-17.5 and IC 13-25-2, has the meaning set forth in 42 U.S.C. 11049.

As added by P.L.1-1996, SEC.1. Amended by P.L.225-2001, SEC.4.

IC 13-11-2-128.3

"Mercury-added novelty"

Sec. 128.3. "Mercury-added novelty", for purposes of IC 13-20-17.5, means a mercury-added product intended mainly for personal or household enjoyment or adornment, including:

- (1) items intended for use as practical jokes;
- (2) figurines;
- (3) adornments;
- (4) toys;
- (5) games;
- (6) cards;
- (7) ornaments;
- (8) yard statues and figurines;
- (9) candles;
- (10) jewelry;
- (11) holiday decorations; and
- (12) footwear and other items of apparel.

As added by P.L.225-2001, SEC.5.

IC 13-11-2-128.5

"Mercury-added product"

Sec. 128.5. (a) "Mercury-added product", for purposes of this chapter and IC 13-20-17.5, means:

- (1) a product that contains:
 - (A) elemental mercury;
 - (B) metallic mercury in an alloy;
 - (C) inorganic mercury salt; or
 - (D) organic mercury;

intentionally added by the manufacturer in order to provide a specific characteristic, appearance, or quality to the product or to perform a specific beneficial function for the product; or

(2) a product with a component that meets the criteria of subdivision (1).

(b) "Mercury-added product" does not include:

(1) a product in which mercury is a residue from the intentional use of mercury in the manufacturing process, if the mercury residue does not:

(A) provide a specific characteristic, appearance, or quality to the product; or

(B) perform a specific beneficial function for the product; or

(2) a mercury commodity.

As added by P.L.225-2001, SEC.6.

IC 13-11-2-128.6

"Mercury commodity"

Sec. 128.6. "Mercury commodity", for purposes of this chapter and IC 13-20-17.5, means a product that consists of only mercury and its container (such as a container of mercury that is opened and from which mercury is put into a mercury-added product) if the mercury is not performing a specific beneficial function for the product.

As added by P.L.225-2001, SEC.7.

IC 13-11-2-128.7

"Mercury fever thermometer"

Sec. 128.7. "Mercury fever thermometer", for purposes of IC 13-20-17.5, means a mercury-added product that:

(1) is a thermometer or another medical or scientific instrument; and

(2) is used for measuring body temperature.

As added by P.L.225-2001, SEC.8.

IC 13-11-2-129

"MGD"

Sec. 129. "MGD" refers to millions of gallons per day.

As added by P.L.1-1996, SEC.1.

IC 13-11-2-130

"Minor permit"

Sec. 130. "Minor permit", for purposes of IC 13-18-20, refers to a NPDES permit that is not a major permit.

As added by P.L.1-1996, SEC.1.

IC 13-11-2-130.5

"Periodic vehicle inspection program"

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.

As added by P.L.282-2003, SEC.26.

IC 13-11-2-131

"Multimedia"

Sec. 131. "Multimedia", for purposes of IC 13-27 and IC 13-27.5, refers to:

- (1) air;
- (2) water;
- (3) land; and
- (4) workplace environmental;

media into which pollutants and wastes are emitted, released, discharged, or disposed.

As added by P.L.1-1996, SEC.1. Amended by P.L.124-1997, SEC.8.

IC 13-11-2-132

"Municipal permit"

Sec. 132. "Municipal permit", for purposes of IC 13-18-20, refers to a NPDES permit issued to any of the following:

- (1) A publicly owned treatment works (as defined in 33 U.S.C. 1292(2)) that is not state owned.
- (2) A conservancy district (as defined in IC 14-8-2-72(3)).
- (3) A regional water, sewage, and solid waste district.

As added by P.L.1-1996, SEC.1.

IC 13-11-2-133

"Municipal waste"

Sec. 133. (a) "Municipal waste", for purposes of:

- (1) IC 13-20-4;
- (2) IC 13-20-6;
- (3) IC 13-20-21;
- (4) IC 13-20-23;
- (5) IC 13-22-1 through IC 13-22-8; and
- (6) IC 13-22-13 through IC 13-22-14;

means any garbage, refuse, industrial lunchroom or office waste, and other similar material resulting from the operation of residential, municipal, commercial, or institutional establishments and community activities.

(b) The term does not include the following:

- (1) Hazardous waste regulated under:
 - (A) IC 13-22-1 through IC 13-22-8 and IC 13-22-13 through IC 13-22-14; or
 - (B) the federal Solid Waste Disposal Act (42 U.S.C. 6901 et seq.), as in effect on January 1, 1990.
- (2) Infectious waste (as defined in IC 16-41-16-4).
- (3) Wastes that result from the combustion of coal and that are referred to in IC 13-19-3-3.
- (4) Materials that are being transported to a facility for reprocessing or reuse.

(c) As used in subsection (b)(4), "reprocessing or reuse" does not include either of the following:

- (1) Incineration.
- (2) Placement in a landfill.

As added by P.L.1-1996, SEC.1. Amended by P.L.133-1998, SEC.5; P.L.138-2000, SEC.2; P.L.218-2001, SEC.1.

IC 13-11-2-134

"Municipal waste collection and transportation vehicle"

Sec. 134. (a) "Municipal waste collection and transportation vehicle", for purposes of IC 13-20-4, means a truck or railroad car used to transport municipal waste from a solid waste generator or a solid waste processing facility to a:

- (1) solid waste processing facility in Indiana; or
- (2) solid waste disposal facility in Indiana.

(b) The term does not include a vehicle that is:

- (1) used to transport municipal waste from a residence if the vehicle is:
 - (A) owned;
 - (B) leased; or
 - (C) operated;by an individual who lives in the residence; or
- (2) not used for commercial solid waste transportation.

As added by P.L.1-1996, SEC.1.

IC 13-11-2-135

"Municipality"

Sec. 135. "Municipality" means a city or town.

As added by P.L.1-1996, SEC.1.

IC 13-11-2-136

"National contingency plan"

Sec. 136. "National contingency plan", for purposes of IC 13-25-4, refers to the plan that:

- (1) was established and is revised by the President of the United States; and
- (2) includes the national hazardous substance response plan that is required under Section 105 of CERCLA (42 U.S.C. 9605) and published in 40 CFR 300.

As added by P.L.1-1996, SEC.1.

IC 13-11-2-137

"Natural resources"

Sec. 137. "Natural resources", for purposes of IC 13-25-4, means:

- (1) land;
- (2) fish;
- (3) wildlife;
- (4) biota;
- (5) air;
- (6) water;
- (7) ground water;
- (8) drinking water supplies; and

(9) other similar resources;
belonging to, managed by, held in trust by, appertaining to, or
otherwise controlled by, the state.
As added by P.L.1-1996, SEC.1.

IC 13-11-2-138

"Navigable waters"

Sec. 138. "Navigable waters", for purposes of IC 13-24-2, means
waters of the United States (as defined in the federal Clean Water
Act (33 U.S.C. 1362(7))).

As added by P.L.1-1996, SEC.1.

IC 13-11-2-139

"Net revenues"

Sec. 139. "Net revenues", for purposes of IC 13-21, means:

- (1) the amount of revenues received by a county or joint solid
waste management district from the operation and ownership of
facilities; less
- (2) the reasonable expenses of the:
 - (A) operation;
 - (B) repair; and
 - (C) maintenance;of the facilities.

As added by P.L.1-1996, SEC.1.

IC 13-11-2-140

"New tire"

Sec. 140. (a) "New tire", for purposes of IC 13-20-13 and
IC 13-20-14, means a tire that has never been mounted on a wheel of
a vehicle.

(b) For purposes of IC 13-20-13, the term does not include a
retreaded tire.

As added by P.L.1-1996, SEC.1.

IC 13-11-2-141

"Noncontact cooling water"

Sec. 141. "Noncontact cooling water", for purposes of
IC 13-18-20, means cooling water:

- (1) that is discharged to waters of Indiana;
- (2) that is used for the sole purpose of removing unwanted heat
from a process, generally through a heat exchanger; and
- (3) that does not otherwise come into contact with a production
process or any raw material or manufactured product.

As added by P.L.1-1996, SEC.1.

IC 13-11-2-142

"Nonoperational storage tank"

Sec. 142. "Nonoperational storage tank", for purposes of
IC 13-23, means an underground storage tank:

- (1) in which regulated substances are not deposited; or

(2) from which regulated substances are not dispensed;
after November 8, 1984.
As added by P.L.1-1996, SEC.1.

IC 13-11-2-142.6

"Non-public school"

Sec. 142.6. "Non-public school", for purposes of IC 13-20-17.5, has the meaning set forth in IC 20-10.1-1-3.
As added by P.L.225-2001, SEC.9.

IC 13-11-2-142.7

"Nontransient noncommunity water system"

Sec. 142.7. "Nontransient noncommunity water system", for purposes of IC 13-18-20.5, means a public water system that is not a community water system that regularly serves the same twenty-five (25) or more persons at least six (6) months per year.
As added by P.L.224-2003, SEC.129.

IC 13-11-2-143

"Office"

Sec. 143. (a) "Office", for purposes of IC 13-22-11, refers to the division of pollution prevention and technical assistance established by IC 13-27-2-1.

(b) "Office", for purposes of IC 13-28, refers to the office of voluntary compliance.

As added by P.L.1-1996, SEC.1.

IC 13-11-2-144

"Oil"

Sec. 144. (a) "Oil", for purposes of IC 13-24-2, means oil of any kind or in any form.

(b) The term includes the following:

- (1) Petroleum.
- (2) Fuel oil.
- (3) Sludge.
- (4) Oil refuse.
- (5) Oil mixed with wastes other than dredged spoil.

(c) The term does not include petroleum, including crude oil or any fraction of crude oil, that is:

- (1) specifically listed or designated as a hazardous substance under subparagraphs (A) through (F) of Section 101(14) of; and
- (2) subject to;

the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601), as in effect January 1, 1995.

As added by P.L.1-1996, SEC.1.

IC 13-11-2-144.7

"Onsite residential sewage discharging disposal system"

Sec. 144.7. For purposes of IC 13-18-12, "onsite residential sewage discharging disposal system" means a sewage disposal

system that:

- (1) is located on a site with and serves a one (1) or two (2) family residence; and
- (2) discharges effluent offsite.

As added by P.L.172-2002, SEC.2.

IC 13-11-2-144.8

"Onsite sewage system"

Sec. 144.8. "Onsite sewage system", for purposes of IC 13-18-17, means all equipment and devices necessary for proper:

- (1) onsite:
 - (A) conduction;
 - (B) collection;
 - (C) storage; and
 - (D) treatment; and
- (2) absorption in soil;

of sewage from a residence or a commercial facility.

As added by P.L.24-2004, SEC.5.

IC 13-11-2-145

"Open burning"

Sec. 145. "Open burning", for purposes of environmental management laws, means the combustion of any matter in the open or in an open dump.

As added by P.L.1-1996, SEC.1.

IC 13-11-2-146

"Open dump"

Sec. 146. "Open dump", for purposes of environmental management laws, means the consolidation of solid waste from one (1) or more sources or the disposal of solid waste at a single disposal site that:

- (1) does not fulfill the requirements of a sanitary landfill or other land disposal method as prescribed by law or regulations; and
- (2) is established and maintained:
 - (A) without cover; and
 - (B) without regard to the possibilities of contamination of surface or subsurface water resources.

As added by P.L.1-1996, SEC.1.

IC 13-11-2-147

"Open dumping"

Sec. 147. "Open dumping", for purposes of environmental management laws, means the act of disposing of solid waste at an open dump.

As added by P.L.1-1996, SEC.1.

IC 13-11-2-147.5

"Operational function"

Sec. 147.5. "Operational function", for purposes of sections 151.2, 151.3, and 151.4 of this chapter, IC 13-23-13-14, IC 13-24-1-10, and IC 13-25-4-8.2, includes a function such as that of:

- (1) a facility manager;
- (2) a plant manager;
- (3) an operations manager;
- (4) a chief operating officer; or
- (5) a chief executive officer.

As added by P.L.90-1998, SEC.6.

IC 13-11-2-148

"Operator"

Sec. 148. (a) "Operator", for purposes of IC 13-18-10, means the person in direct or responsible charge or control of one (1) or more confined feeding operations.

(b) "Operator", for purposes of IC 13-18-11 and environmental management laws, means the person in direct or responsible charge and supervising the operation of:

- (1) a water treatment plant;
- (2) a wastewater treatment plant; or
- (3) a water distribution system.

(c) "Operator", for purposes of IC 13-20-6, means a corporation, a limited liability company, a partnership, a business association, a unit, or an individual who is a sole proprietor that is one (1) of the following:

- (1) A broker.
- (2) A person who manages the activities of a transfer station that receives municipal waste.
- (3) A transporter.

(d) "Operator", for purposes of IC 13-23, except as provided in subsection (e), means a person:

- (1) in control of; or
- (2) having responsibility for;

the daily operation of an underground storage tank.

(e) "Operator", for purposes of IC 13-23-13, does not include the following:

- (1) A person who:
 - (A) does not participate in the management of an underground storage tank;
 - (B) is otherwise not engaged in the:
 - (i) production;
 - (ii) refining; and
 - (iii) marketing;of regulated substances; and
 - (C) holds evidence of ownership, primarily to protect the owner's security interest in the tank.
- (2) A person who:
 - (A) does not own or lease, directly or indirectly, the facility or business at which the underground storage tank is located;
 - (B) does not participate in the management of the facility or

business described in clause (A); and
(C) is engaged only in:

- (i) filling;
- (ii) gauging; or
- (iii) filling and gauging;

the product level in the course of delivering fuel to an underground storage tank.

As added by P.L.1-1996, SEC.1. Amended by P.L.90-1998, SEC.7; P.L.212-1999, SEC.3.

IC 13-11-2-149

"Outfall"

Sec. 149. "Outfall", for purposes of IC 13-18-4-8, means the point of discharge from a point source.

As added by P.L.1-1996, SEC.1.

IC 13-11-2-149.5

"Outstanding national resource water"

Sec. 149.5. "Outstanding national resource water", for purposes of section 50.5 of this chapter and IC 13-18-3, means a water designated as such by the general assembly after recommendations by the water pollution control board and the environmental quality service council under IC 13-18-3-2(o) and IC 13-18-3-2(p). The designation must describe the quality of the outstanding national resource water to serve as the benchmark of the water quality that shall be maintained and protected. Waters that may be considered for designation as outstanding national resource waters include water bodies that are recognized as:

(1) important because of protection through official action, such as:

- (A) federal or state law;
- (B) presidential or secretarial action;
- (C) international treaty; or
- (D) interstate compact;

(2) having exceptional recreational significance;

(3) having exceptional ecological significance;

(4) having other special environmental, recreational, or ecological attributes; or

(5) waters with respect to which designation as an outstanding national resource water is reasonably necessary for protection of other water bodies designated as outstanding national resource waters.

As added by P.L.140-2000, SEC.11. Amended by P.L.1-2001, SEC.13.

IC 13-11-2-149.6

"Outstanding state resource water"

Sec. 149.6. "Outstanding state resource water", for purposes of section 50.5 of this chapter and IC 13-18-3, means any water designated as such by the water pollution control board regardless of

when the designation occurred or occurs. Waters that may be considered for designation as outstanding state resource waters include water bodies that have unique or special ecological, recreational, or aesthetic significance.

As added by P.L.140-2000, SEC.12. Amended by P.L.1-2001, SEC.14.

IC 13-11-2-150

"Owner"

Sec. 150. (a) "Owner", for purposes of IC 13-23 except as provided in subsection (b), means:

(1) for an underground storage tank that was:

(A) in use on November 8, 1984; or

(B) brought into use after November 8, 1984;

for the storage, use, or dispensing of regulated substances, a person who owns the underground storage tank; or

(2) for an underground storage tank that is:

(A) in use before November 8, 1984; but

(B) no longer in use on November 8, 1984;

a person who owned the tank immediately before the discontinuation of the tank's use.

(b) "Owner", for purposes of IC 13-23-13, does not include a person who:

(1) does not participate in the management of an underground storage tank;

(2) is otherwise not engaged in the:

(A) production;

(B) refining; and

(C) marketing;

of regulated substances; and

(3) holds indicia of ownership primarily to protect the owner's security interest in the tank.

As added by P.L.1-1996, SEC.1.

IC 13-11-2-151

"Owner or operator"

Sec. 151. (a) "Owner or operator", for purposes of IC 13-24-1, means the following:

(1) For a petroleum facility, a person who owns or operates the facility.

(2) For a facility where title or control has been conveyed because of:

(A) bankruptcy;

(B) foreclosure;

(C) tax delinquency;

(D) abandonment; or

(E) a similar means;

to a unit of state or local government, a person who owned, operated, or otherwise controlled the facility immediately before title or control was conveyed.

(b) Subject to subsection (c), the term does not include a unit of federal, state, or local government that acquired ownership or control involuntarily through:

- (1) bankruptcy;
- (2) tax delinquency;
- (3) abandonment; or
- (4) other circumstances in which the government unit involuntarily acquired title because of the unit's function as sovereign.

(c) The term includes a unit of federal, state, or local government that causes or contributes to the release or threatened release of a substance. The unit of federal, state, or local government is subject to IC 13-24-1:

- (1) in the same manner; and
- (2) to the same extent;

as a nongovernmental entity under IC 13-24-1.

(d) The term does not include a person who:

- (1) does not participate in the management of a petroleum facility;
- (2) is otherwise not engaged in the:
 - (A) production;
 - (B) refining; and
 - (C) marketing;of petroleum; and
- (3) holds evidence of ownership in a petroleum facility, primarily to protect the owner's security interest in the petroleum facility.

As added by P.L.1-1996, SEC.1. Amended by P.L.90-1998, SEC.8.

IC 13-11-2-151.1

"Participant"

Sec. 151.1. "Participant", for purposes of this chapter and IC 13-18-21, means:

- (1) a political subdivision; or
- (2) any other owner or operator of a public water system.

As added by P.L.132-1999, SEC.6.

IC 13-11-2-151.2

"Participate in management" for purposes of IC 13-23-13

Sec. 151.2. (a) "Participate in management", for purposes of IC 13-23-13, means actually participating in the management or operational affairs of an underground storage tank.

(b) The term does not include the following:

- (1) Merely having the capacity to influence, or the unexercised right to control, underground storage operations.
- (2) Performing an act or failing to perform an act before the time at which a security interest is created in an underground storage tank.
- (3) Holding a security interest or abandoning a security interest.
- (4) Including in the terms of an extension of credit, or in a

contract or security agreement relating to the extension, a covenant, a warranty, or another term or condition that relates to environmental compliance.

(5) Monitoring or enforcing the terms and conditions of the extension of credit or security interest.

(6) Monitoring or undertaking at least one (1) inspection of an underground storage tank.

(7) Requiring a response action or other lawful means of addressing the release or threatened release of a hazardous substance in connection with the underground storage tank prior to, during, or on the expiration of the term of the extension of credit.

(8) Providing financial advice or other advice or counseling in an effort to mitigate, prevent, or cure default or decrease in the value of an underground storage tank.

(9) Restructuring, renegotiating, or otherwise agreeing to alter the terms and conditions of the extension of credit or security interest, exercising forbearance.

(10) Exercising other remedies that may be available under applicable law for the breach of a term or condition of the extension of credit or security agreement.

(11) Conducting a response action under Section 107(d) of CERCLA (42 U.S.C. 9607(d)) or under the direction of an on-scene coordinator appointed under the National Contingency Plan, unless the person conducting the response action assumes or manifests responsibility:

(A) for the overall management of the underground storage tank, encompassing day to day decision making with respect to environmental compliance; or

(B) over all or substantially all of the operational functions (as distinguished from financial or administrative functions) of the underground storage tank other than the function of environmental compliance.

(c) As used in this section, "extension of credit" includes a lease finance transaction:

(1) in which the lessor does not initially select the leased underground storage tank and does not during the lease term control the daily operations or maintenance of the underground storage tank; or

(2) that conforms with regulations issued by:

(A) the appropriate federal banking agency or the appropriate state bank supervisor (as those terms are defined in Section 3 of the Federal Deposit Insurance Act, 12 U.S.C. 1813); or

(B) the National Credit Union Administration Board.

As added by P.L.90-1998, SEC.9.

IC 13-11-2-151.3

"Participate in management" for purposes of IC 13-24-1

Sec. 151.3. (a) "Participate in management", for purposes of

IC 13-24-1, means actually participating in the management or operational affairs of a petroleum facility.

(b) The term does not include the following:

(1) Merely having the capacity to influence, or the unexercised right to control, petroleum facility operations.

(2) Performing an act or failing to perform an act before the time at which a security interest is created in a petroleum facility.

(3) Holding a security interest or abandoning a security interest.

(4) Including in the terms of an extension of credit, or in a contract or security agreement relating to the extension, a covenant, a warranty, or another term or condition that relates to environmental compliance.

(5) Monitoring or enforcing the terms and conditions of the extension of credit or security interest.

(6) Monitoring or undertaking at least one (1) inspection of a petroleum facility.

(7) Requiring a response action or other lawful means of addressing the release or threatened release of petroleum in connection with the petroleum facility prior to, during, or on the expiration of the term of the extension of credit.

(8) Providing financial advice or other advice or counseling in an effort to mitigate, prevent, or cure default or decrease in the value of a petroleum facility.

(9) Restructuring, renegotiating, or otherwise agreeing to alter the terms and conditions of the extension of credit or security interest, exercising forbearance.

(10) Exercising other remedies that may be available under applicable law for the breach of a term or condition of the extension of credit or security agreement.

(11) Conducting a response action under Section 107(d) of CERCLA (42 U.S.C. 9607(d)) or under the direction of an on-scene coordinator appointed under the National Contingency Plan, unless the person conducting the response action assumes or manifests responsibility:

(A) for the overall management of the petroleum facility, encompassing day to day decision making with respect to environmental compliance; or

(B) over all or substantially all of the operational functions (as distinguished from financial or administrative functions) of the petroleum facility other than the function of environmental compliance.

(c) As used in this section, "extension of credit" includes a lease finance transaction:

(1) in which the lessor does not initially select the leased petroleum facility and does not during the lease term control the daily operations or maintenance of the petroleum facility; or

(2) that conforms with regulations issued by:

(A) the appropriate federal banking agency or the appropriate state bank supervisor (as those terms are defined

in Section 3 of the Federal Deposit Insurance Act, 12 U.S.C. 1813); or

(B) the National Credit Union Administration Board.

As added by P.L.90-1998, SEC.10.

IC 13-11-2-151.4

"Participate in management" for purposes of IC 13-25-4

Sec. 151.4. (a) "Participate in management", for purposes of IC 13-25-4, means actually participating in the management or operational affairs of a vessel or facility.

(b) The term does not include the following:

- (1) Merely having the capacity to influence, or the unexercised right to control, vessel or facility operations.
- (2) Performing an act or failing to perform an act before the time at which a security interest is created in a vessel or facility.
- (3) Holding a security interest or abandoning a security interest.
- (4) Including in the terms of an extension of credit, or in a contract or security agreement relating to the extension, a covenant, a warranty, or another term or condition that relates to environmental compliance.
- (5) Monitoring or enforcing the terms and conditions of the extension of credit or security interest.
- (6) Monitoring or undertaking at least one (1) inspection of a vessel or facility.
- (7) Requiring a response action or other lawful means of addressing the release or threatened release of a hazardous substance in connection with the vessel or facility before, during, or on the expiration of the term of the extension of credit.
- (8) Providing financial advice or other advice or counseling in an effort to mitigate, prevent, or cure default or decrease in the value of a vessel or facility.
- (9) Restructuring, renegotiating, or otherwise agreeing to alter the terms and conditions of the extension of credit or security interest, exercising forbearance.
- (10) Exercising other remedies that may be available under applicable law for the breach of a term or condition of the extension of credit or security agreement.
- (11) Conducting a response action under Section 107(d) of CERCLA (42 U.S.C. 9607(d)) or under the direction of an on-scene coordinator appointed under the National Contingency Plan, unless the person conducting the response action assumes or manifests responsibility:
 - (A) for the overall management of the vessel or facility, encompassing day to day decision making with respect to environmental compliance; or
 - (B) over all or substantially all of the operational functions (as distinguished from financial or administrative functions) of the vessel or facility other than the function of environmental compliance.

(c) As used in this section, "extension of credit" includes a lease finance transaction:

- (1) in which the lessor does not initially select the leased vessel or facility and does not during the lease term control the daily operations or maintenance of the vessel or facility; or
- (2) that conforms with regulations issued by:
 - (A) the appropriate federal banking agency or the appropriate state bank supervisor (as those terms are defined in Section 3 of the Federal Deposit Insurance Act, 12 U.S.C. 1813); or
 - (B) the National Credit Union Administration Board.

As added by P.L.90-1998, SEC.11.

IC 13-11-2-152

"Parties"

Sec. 152. (a) "Parties", for purposes of IC 13-25-3, refers to the parties to a transfer of property, which include the following:

- (1) The transferor.
- (2) The transferee.
- (3) Each lender involved in the transfer.

(b) The term includes a person who intends to participate in a transfer of property as:

- (1) a transferor;
- (2) a transferee; or
- (3) a lender.

As added by P.L.1-1996, SEC.1.

IC 13-11-2-153

"Party"

Sec. 153. "Party", for purposes of IC 13-25-4-23, means a person that:

- (1) is potentially a responsible person; and
- (2) enters into an agreement with the commissioner under IC 13-25-4-23 or IC 13-7-8.7-11 (before its repeal).

As added by P.L.1-1996, SEC.1.

IC 13-11-2-154

"Party state"

Sec. 154. "Party state", for purposes of IC 13-29-1, means any eligible state which enacts the compact into law.

As added by P.L.1-1996, SEC.1.

IC 13-11-2-155

"PCB"

Sec. 155. (a) "PCB", for purposes of:

- (1) IC 13-17-10;
- (2) IC 13-20-15; and
- (3) IC 13-22;

means the class of organic compounds known as polychlorinated biphenyls or terphenyls.

(b) The term includes any of several compounds produced by replacing at least two (2) hydrogen atoms on the biphenyl or terphenyl molecule with chlorine.

As added by P.L.1-1996, SEC.1.

IC 13-11-2-156

"Pending"

Sec. 156. "Pending", for purposes of IC 13-17-7, means not completed as of January 1, 1994.

As added by P.L.1-1996, SEC.1.

IC 13-11-2-157

"Permit"

Sec. 157. (a) "Permit", for purposes of IC 13-15-4, means:

- (1) a permit;
- (2) a license;
- (3) a registration;
- (4) a certificate; or
- (5) other type of authorization required before construction or operation;

that may be issued by the commissioner under pollution control laws or environmental management laws.

(b) As used in IC 13-15-4-11 through IC 13-15-4-17, the term includes:

- (1) a permit; or
- (2) a determination related to a permit;

that is described in IC 13-15-4-1.

As added by P.L.1-1996, SEC.1.

IC 13-11-2-158

"Person"

Sec. 158. (a) "Person", for purposes of:

- (1) IC 13-21;
- (2) air pollution control laws;
- (3) water pollution control laws; and
- (4) environmental management laws, except as provided in subsections (c), (d), (e), and (h);

means an individual, a partnership, a copartnership, a firm, a company, a corporation, an association, a joint stock company, a trust, an estate, a municipal corporation, a city, a school city, a town, a school town, a school district, a school corporation, a county, any consolidated unit of government, political subdivision, state agency, a contractor, or any other legal entity.

(b) "Person", for purposes of:

- (1) IC 13-18-10; and
- (2) IC 13-20-17;

means an individual, a partnership, a copartnership, a firm, a company, a corporation, an association, a joint stock company, a trust, an estate, a political subdivision, a state agency, or other legal entity, or their legal representative, agent, or assigns.

(c) "Person", for purposes of:

- (1) IC 13-20-13;
- (2) IC 13-20-14;
- (3) IC 13-20-16; and
- (4) IC 13-25-6;

means an individual, a corporation, a limited liability company, a partnership, or an unincorporated association.

(d) "Person", for purposes of IC 13-23, has the meaning set forth in subsection (a). The term includes a consortium, a joint venture, a commercial entity, and the United States government.

(e) "Person", for purposes of IC 13-20-17.5 and IC 13-25-3, means an individual, a corporation, a limited liability company, a partnership, a trust, an estate, or an unincorporated association.

(f) "Person", for purposes of IC 13-26, means an individual, a firm, a partnership, an association, a limited liability company, or a corporation other than an eligible entity.

(g) "Person", for purposes of IC 13-29-1, means any individual, corporation, business enterprise, or other legal entity either public or private and any legal successor, representative, agent, or agency of that individual, corporation, business enterprise, or legal entity.

(h) "Person", for purposes of:

- (1) IC 13-30-6-6;
- (2) IC 13-30-6-7; and
- (3) IC 13-30-8-1;

has the meaning set forth in IC 35-41-1.

As added by P.L.1-1996, SEC.1. Amended by P.L.123-1997, SEC.9; P.L.225-2001, SEC.10.

IC 13-11-2-159

"Pesticide"

Sec. 159. "Pesticide", for purposes of IC 13-25-6, includes a substance or a combination of substances commercially produced for use as:

- (1) an insecticide;
- (2) a rodenticide; or
- (3) a nematocide.

As added by P.L.1-1996, SEC.1.

IC 13-11-2-160

"Petroleum"

Sec. 160. "Petroleum", for purposes of:

- (1) IC 13-23;
- (2) IC 13-24-1; and
- (3) IC 13-25-5;

includes petroleum and crude oil or any part of petroleum or crude oil that is liquid at standard conditions of temperature and pressure (sixty degrees Fahrenheit (60 F) and fourteen and seven-tenths (14.7) pounds per square inch absolute).

As added by P.L.1-1996, SEC.1. Amended by P.L.97-2004, SEC.61.

IC 13-11-2-161**"Petroleum facility"**

Sec. 161. (a) "Petroleum facility", for purposes of IC 13-24-1, means any of the following:

- (1) A building.
- (2) A structure.
- (3) An installation.
- (4) A piece of equipment.
- (5) A pipe, including a pipe that runs into a sewer or publicly owned treatment facility.
- (6) A well.
- (7) A pit.
- (8) A pond.
- (9) A lagoon.
- (10) An impoundment.
- (11) A ditch.
- (12) A landfill.
- (13) A storage container.
- (14) A motor vehicle.
- (15) Rolling stock.
- (16) Aircraft.
- (17) A site or an area on which petroleum has been:
 - (A) deposited;
 - (B) stored;
 - (C) disposed of;
 - (D) placed; or
 - (E) located.

(b) The term does not include the following:

- (1) A consumer product in consumer use.
- (2) An underground storage tank.

As added by P.L.1-1996, SEC.1.

IC 13-11-2-162**"Petroleum marketer"**

Sec. 162. "Petroleum marketer", for purposes of IC 13-23-4-3, means a person that is engaged in the business of selling petroleum products at retail.

As added by P.L.1-1996, SEC.1.

IC 13-11-2-163**"Petroleum trust fund"**

Sec. 163. "Petroleum trust fund", for purposes of IC 13-23, refers to the underground petroleum storage tank trust fund established by IC 13-23-6-1.

As added by P.L.1-1996, SEC.1.

IC 13-11-2-164**"Political subdivision"**

Sec. 164. (a) "Political subdivision", for purposes of IC 13-18-13, means:

- (1) a political subdivision (as defined in IC 36-1-2);
- (2) a regional water, sewage, or solid waste district organized under:

- (A) IC 13-26; or

- (B) IC 13-3-2 (before its repeal July 1, 1996); or

- (3) a local public improvement bond bank organized under IC 5-1.4.

(b) "Political subdivision", for purposes of IC 13-18-21, means:

- (1) a political subdivision (as defined in IC 36-1-2);

- (2) a regional water, sewage, or solid waste district organized under:

- (A) IC 13-26; or

- (B) IC 13-3-2 (before its repeal July 1, 1996);

- (3) a local public improvement bond bank organized under IC 5-1.4;

- (4) a qualified entity described in IC 5-1.5-1-8(4) that is a public water utility described in IC 8-1-2-125; or

- (5) a conservancy district established for the purpose set forth in IC 14-33-1-1(a)(4).

(c) "Political subdivision", for purposes of IC 13-19-5, has the meaning set forth in IC 36-1-2-13 and includes a redevelopment district under IC 36-7-14 or IC 36-7-15.1.

As added by P.L.1-1996, SEC.1. Amended by P.L.59-1997, SEC.10; P.L.126-1997, SEC.3; P.L.253-1997(ss), SEC.14.

IC 13-11-2-165

"Pollution control laws"

Sec. 165. "Pollution control laws" refers to the following:

- (1) IC 13-12-4 and IC 13-12-5.

- (2) IC 13-17, except for the following:

- (A) IC 13-17-3-15.

- (B) IC 13-17-7.

- (C) IC 13-17-8-10.

- (D) IC 13-17-10.

- (E) IC 13-17-11.

- (F) IC 13-17-13.

- (3) IC 13-18, except for the following:

- (A) IC 13-18-12 and IC 13-18-13.

- (B) IC 13-18-15 through IC 13-18-20.

- (4) IC 13-19-2 and IC 13-19-3.

- (5) IC 13-20-16 and IC 13-20-17.

As added by P.L.1-1996, SEC.1.

IC 13-11-2-166

"Pollution prevention"

Sec. 166. "Pollution prevention", for purposes of this title, means pollution prevention as defined by the United States Environmental Protection Agency under:

- (1) the federal Pollution Prevention Act (42 U.S.C. 13101 et seq.); and

(2) the United States Environmental Protection Agency pollution prevention policy statement (June 15, 1993), as amended.

As added by P.L.1-1996, SEC.1. Amended by P.L.124-1997, SEC.9; P.L.2-1998, SEC.47.

IC 13-11-2-166.5 Version a

"Pond"

Note: This version of section effective until 3-16-2004. See also following repeal of this section, effective 3-16-2004.

Sec. 166.5. "Pond", for purposes of IC 13-18:

(1) means:

(A) a natural surface water that is smaller than ten (10) acres at the ordinary high water mark, as defined in 33 CFR 328.3; or

(B) a manmade body of surface water of any size created by:

(i) excavating;

(ii) diking; or

(iii) excavating and diking;

dry land to collect and retain water for or incidental to agricultural, commercial, industrial, or aesthetic purposes; and

(2) includes water in saturated soils associated with the body of water.

As added by P.L.282-2003, SEC.27.

IC 13-11-2-166.5 Version b

Note: This repeal of section effective 3-16-2004. See also preceding version of this section, effective until 3-16-2004.

(Repealed by P.L.52-2004, SEC.12.)

IC 13-11-2-167

"Portable sanitary unit"

Sec. 167. "Portable sanitary unit", for purposes of IC 13-18-12, includes the following:

(1) Portable toilets.

(2) Mobile restrooms.

(3) Similar devices or equipment of a portable nature containing sanitary facilities for temporary or short term use.

As added by P.L.1-1996, SEC.1.

IC 13-11-2-168

"Potential emissions"

Sec. 168. "Potential emissions", for purposes of IC 13-17-7, means emissions calculated:

(1) before:

(A) the installation of air pollution control equipment; and

(B) the application of any applicable state or federal:

(i) rule;

(ii) regulation; or

(iii) statute;
that establishes emission limitations or standards; and
(2) after consideration of any physical or operational limitation
on the capacity of a facility or source.
As added by P.L.1-1996, SEC.1.

IC 13-11-2-169

"Ppm"

Sec. 169. "Ppm" means parts per million.
As added by P.L.1-1996, SEC.1.

IC 13-11-2-170

"Prior environmental law"

Sec. 170. "Prior environmental law", for purposes of IC 13-12-1,
refers to the statutes that are repealed or amended in the
recodification act of the 1996 regular session of the general assembly
as the statutes existed before the effective date of the applicable or
corresponding provision of the recodification act of the 1996 regular
session of the general assembly.
As added by P.L.1-1996, SEC.1.

IC 13-11-2-171

"Processing"

Sec. 171. "Processing", for purposes of IC 13-21, means an
operation for the purpose of modifying the characteristics or
properties of solid waste to facilitate any of the following:
(1) The transportation of solid waste.
(2) The disposal of solid waste.
(3) The recovery of solid waste for reuse or sale.
As added by P.L.1-1996, SEC.1.

IC 13-11-2-172

"Program"

Sec. 172. (a) "Program", for purposes of IC 13-18-13, refers to the
wastewater revolving loan program established by IC 13-18-13-1.
(b) "Program", for purposes of IC 13-18-21, refers to the drinking
water revolving loan program established by IC 13-18-21-1. The term
does not include the supplemental program.
(c) "Program", for purposes of IC 13-19-5, refers to the
environmental remediation revolving loan program established by
IC 13-19-5-1.
(d) "Program", for purposes of IC 13-23, refers to an underground
storage tank release:
(1) detection;
(2) prevention; and
(3) correction;
program created in accordance with the requirements of IC 13-23 or
IC 13-7-20 (before its repeal).

*As added by P.L.1-1996, SEC.1. Amended by P.L.59-1997, SEC.11;
P.L.126-1997, SEC.4; P.L.253-1997(ss), SEC.15; P.L.132-1999,*

SEC.7.

IC 13-11-2-173

"Project"

Sec. 173. "Project", for purposes of IC 13-20-20, refers to a household hazardous waste collection and disposal project.

As added by P.L.1-1996, SEC.1.

IC 13-11-2-174

"Property"

Sec. 174. (a) "Property", for purposes of IC 13-25-3, means a specific and an identifiable parcel of real property that:

- (1) contains one (1) or more facilities that are subject to reporting under Section 312 of the federal Emergency Planning and Community Right-to-Know Act of 1986 (42 U.S.C. 11022);
- (2) is the site of one (1) or more underground storage tanks for which notification is required under:

(A) 42 U.S.C. 6991a; and

(B) IC 13-23-1-2(c)(8)(A); or

- (3) is listed on the Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS) in accordance with Section 116 of CERCLA (42 U.S.C. 9616).

(b) The term does not include property that has been subject to bonding or other financial assurances released by the appropriate governmental agency after compliance with applicable state laws.

As added by P.L.1-1996, SEC.1. Amended by P.L.127-1997, SEC.1.

IC 13-11-2-175

"Property owner"

Sec. 175. "Property owner", for purposes of IC 13-14-5 and IC 13-30-7, means:

- (1) the person who owns the property or operates a regulated activity on the property; or
- (2) an agent of the person who owns the property or operates a regulated activity on the property.

As added by P.L.1-1996, SEC.1.

IC 13-11-2-176

"Public notice"

Sec. 176. "Public notice", for purposes of IC 13-21, means the following:

- (1) For a county or a county solid waste management district, a notice published by the district board of directors in accordance with IC 5-3-1, following procedures applicable to a county.

- (2) For a joint solid waste management district, a notice published by the board of directors in each county in the district in accordance with IC 5-3-1, following procedures applicable to a county.

As added by P.L.1-1996, SEC.1.

IC 13-11-2-176.5**"Public school"**

Sec. 176.5. "Public school", for purposes of IC 13-20-17.5, has the meaning set forth in IC 20-10.1-1-2.

As added by P.L.225-2001, SEC.11.

IC 13-11-2-177**Repealed**

(Repealed by P.L.184-2002, SEC.29.)

IC 13-11-2-177.3**"Public water system"**

Sec. 177.3. "Public water system", for purposes of this chapter, IC 13-18-11, IC 13-18-20.5, IC 13-18-21, and other environmental management laws, has the meaning set forth in 42 U.S.C. 300f.

As added by P.L.126-1997, SEC.5. Amended by P.L.132-1999, SEC.8; P.L.220-1999, SEC.1; P.L.14-2000, SEC.35; P.L.184-2002, SEC.3; P.L.224-2003, SEC.130.

IC 13-11-2-177.5**"Publicly owned treatment works"**

Sec. 177.5. "Publicly owned treatment works", for purposes of IC 13-18-3, has the meaning set forth in 327 IAC 5-1.5-48.

As added by P.L.112-2000, SEC.1.

IC 13-11-2-178**"Railroad car"**

Sec. 178. "Railroad car", for purposes of section 134 of this chapter, means a vehicle that can be used for the transportation of municipal waste on a railroad.

As added by P.L.1-1996, SEC.1.

IC 13-11-2-179**"Recovery"**

Sec. 179. "Recovery", for purposes of environmental management laws, means obtaining materials or energy for commercial or industrial use from solid waste or hazardous waste.

As added by P.L.1-1996, SEC.1.

IC 13-11-2-180**"Recycling"**

Sec. 180. "Recycling", for purposes of IC 13-20-17.5 and IC 13-21, means a process by which materials that would otherwise become solid waste are:

- (1) collected;
- (2) separated or processed; and
- (3) converted into materials or products for reuse or sale.

As added by P.L.1-1996, SEC.1. Amended by P.L.225-2001, SEC.12.

IC 13-11-2-181

"Region"

Sec. 181. "Region", for purposes of IC 13-29-1, means the area of the party states.

As added by P.L.1-1996, SEC.1.

IC 13-11-2-182

"Regional facility"

Sec. 182. "Regional facility", for purposes of IC 13-29-1, means a facility which is located within the region and which is established by a party state pursuant to designation of that state as a host state by the Commission.

As added by P.L.1-1996, SEC.1.

IC 13-11-2-183

"Regulated substance"

Sec. 183. "Regulated substance", for purposes of IC 13-23, includes the following:

(1) Any substance defined in section 98 of this chapter as a hazardous substance, but excluding any substance regulated as a hazardous waste under:

(A) Subtitle C of the federal Solid Waste Disposal Act, as amended (42 U.S.C. 6921 through 6939(a)); or

(B) IC 13-22-2-3.

(2) Petroleum.

(3) Any other substance designated by rules adopted by the solid waste management board under IC 13-23-1-2.

As added by P.L.1-1996, SEC.1.

IC 13-11-2-184

"Release"

Sec. 184. (a) "Release", for purposes of IC 13-23, means any:

- (1) spilling;
- (2) leaking;
- (3) emitting;
- (4) discharging;
- (5) escaping;
- (6) leaching; or
- (7) disposing;

from an underground storage tank into ground water, surface water, subsurface soils, or surface soils.

(b) "Release", for purposes of IC 13-24-1, means:

- (1) a spill;
- (2) a leak;
- (3) an emission;
- (4) a discharge;
- (5) an escape;
- (6) a leaching; or
- (7) a disposing;

of petroleum into ground water, surface water, subsurface soils, or surface soils. The term does not include the release of petroleum into

land used by a scrap metal processor (as defined in IC 9-13-2-162) or farmer, unless the commissioner determines that the release of the petroleum is adverse to human health.

(c) "Release", for purposes of IC 13-25-2, means any:

- (1) spilling;
- (2) leaking;
- (3) pumping;
- (4) pouring;
- (5) emitting;
- (6) emptying;
- (7) discharging;
- (8) injecting;
- (9) escaping;
- (10) leaching;
- (11) dumping; or
- (12) disposing;

into the environment of any hazardous chemical, extremely hazardous substance, or toxic chemical. The term includes the abandonment or discarding of barrels, containers, and other closed receptacles.

(d) "Release", for purposes of IC 13-25-4, means any:

- (1) spilling;
- (2) leaking;
- (3) pumping;
- (4) pouring;
- (5) emitting;
- (6) emptying;
- (7) discharging;
- (8) injecting;
- (9) escaping;
- (10) leaching;
- (11) dumping; or
- (12) disposing;

into the environment. The term includes the abandonment or discarding of barrels, containers, or other closed receptacles containing any hazardous substance.

(e) "Release", for purposes of IC 13-25-5, means any:

- (1) spilling;
- (2) leaking;
- (3) pumping;
- (4) pouring;
- (5) emitting;
- (6) emptying;
- (7) discharging;
- (8) injecting;
- (9) escaping;
- (10) leaching;
- (11) dumping; or
- (12) disposing;

into the environment. The term includes the abandonment or

discarding of barrels, containers, or other closed receptacles containing any hazardous substance or petroleum.

As added by P.L.1-1996, SEC.1.

IC 13-11-2-185

"Remedial action"

Sec. 185. (a) "Remedial action", for purposes of IC 13-25-4, means actions consistent with a permanent remedy taken instead of or in addition to removal actions if a release or threatened release of a hazardous substance into the environment occurs to prevent or minimize the release of hazardous substances so that the hazardous substances do not migrate to cause substantial danger to present or future public health or welfare or the environment.

(b) The term includes actions necessary to:

- (1) monitor;
- (2) assess; or
- (3) evaluate;

the continuing effectiveness of other response actions.

As added by P.L.1-1996, SEC.1.

IC 13-11-2-186

"Remediation"

Sec. 186. "Remediation", for purposes of IC 13-19-5 and IC 13-25-5, means any of the following:

- (1) Actions necessary to:
 - (A) prevent;
 - (B) minimize; or
 - (C) mitigate;

damages to the public health or welfare or to the environment that may otherwise result from a release or threat of a release.

(2) Actions consistent with a permanent remedy taken instead of or in addition to removal actions if a release or threatened release of a hazardous substance or petroleum into the environment occurs to eliminate the release of hazardous substances or petroleum so that the hazardous substances or petroleum do not migrate to cause substantial danger to present or future public health or welfare or the environment.

(3) The cleanup or removal of released hazardous substances or petroleum from the environment.

As added by P.L.1-1996, SEC.1. Amended by P.L.59-1997, SEC.12.

IC 13-11-2-187

"Removal"

Sec. 187. "Removal", for purposes of IC 13-25-4, means any of the following:

- (1) The cleanup or removal of released hazardous substances from the environment.
- (2) Actions necessary to be taken if the threat of release of hazardous substances into the environment occurs.
- (3) Actions necessary to monitor, assess, and evaluate:

- (A) the release or threat of release of hazardous substances;
or
- (B) the continuing effectiveness of other response actions.
- (4) The disposal of removed material.
- (5) Actions necessary to prevent, minimize, or mitigate damage to:
 - (A) the public health or welfare; or
 - (B) the environment;that may otherwise result from a release or threat of release.
- (6) The extension of a municipal water or sewer service to a residence or an industry to:
 - (A) prevent;
 - (B) minimize; or
 - (C) mitigate;damage to public health that may result from a release or threat of release.

As added by P.L.1-1996, SEC.1. Amended by P.L.124-1996, SEC.6.

IC 13-11-2-188

"Removal costs"

Sec. 188. "Removal costs", for purposes of IC 13-24-2, includes all of the following:

- (1) Costs to:
 - (A) prevent;
 - (B) minimize; or
 - (C) mitigate;oil pollution from an oil discharge.

- (2) Other costs necessary to:
 - (A) minimize; or
 - (B) mitigate;

damage to public health or welfare related to an oil discharge.

As added by P.L.1-1996, SEC.1.

IC 13-11-2-189

"Response"

Sec. 189. (a) "Response", for purposes of IC 13-25-4, means removal and remedial action.

(b) The term includes enforcement activities related to removal and remedial action.

As added by P.L.1-1996, SEC.1.

IC 13-11-2-190

"Response assistance"

Sec. 190. "Response assistance", for purposes of IC 13-24-2, means services, care, assistance, or advice provided:

- (1) consistent with the National Contingency Plan prepared and published under Section 311(d) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1321(d)); or
- (2) at the direction of the commissioner or the federal on-scene coordinator;

in response to a discharge or a threatened discharge of oil into or on the navigable waters of Indiana.

As added by P.L.1-1996, SEC.1.

IC 13-11-2-191

"Responsible party"

Sec. 191. (a) "Responsible party", for purposes of IC 13-19-4, means:

(1) an officer, a corporation director, or a senior management official of a corporation, partnership, limited liability company, or business association that is an applicant; or

(2) an individual, a corporation, a limited liability company, a partnership, or a business association that owns, directly or indirectly, at least a twenty percent (20%) interest in the applicant.

(b) "Responsible party", for purposes of IC 13-20-6, means:

(1) an officer, a corporation director, or a senior management official of a corporation, partnership, limited liability company, or business association that is an operator; or

(2) an individual, a corporation, a limited liability company, a partnership, or a business association that owns, directly or indirectly, at least a twenty percent (20%) interest in the operator.

(c) "Responsible party", for purposes of IC 13-24-2, has the meaning set forth in Section 1001 of the federal Oil Pollution Act of 1990 (33 U.S.C. 2701).

(d) "Responsible party", for purposes of IC 13-25-6, means a person:

(1) who:

(A) owns hazardous material that is involved in a hazardous materials emergency; or

(B) owns a container or owns or operates a vehicle that contains hazardous material that is involved in a hazardous materials emergency; and

(2) who:

(A) causes; or

(B) substantially contributes to the cause of; the hazardous materials emergency.

As added by P.L.1-1996, SEC.1.

IC 13-11-2-192

"Responsible person"

Sec. 192. (a) "Responsible person", for purposes of IC 13-24-1, means a person who has caused a release at a petroleum facility.

(b) "Responsible person", for purposes of IC 13-25-4, means a person that is:

(1) liable to:

(A) the United States government;

(B) the state; or

(C) any other person;

under Section 107 of CERCLA (42 U.S.C. 9607); or
(2) liable to the state under IC 13-25-4-8.
As added by P.L.1-1996, SEC.1.

IC 13-11-2-193

"Restricted waste"

Sec. 193. "Restricted waste", for purposes of IC 13-20-21, means waste disposed of at a restricted waste site (as defined in 329 IAC 10-2.5-1(b)(57)).

As added by P.L.1-1996, SEC.1. Amended by P.L.218-2001, SEC.2.

IC 13-11-2-193.5

"Restrictive covenant"

Sec. 193.5. "Restrictive covenant", for purposes of IC 13-14-2-6, means, with respect to land, any deed restriction, restrictive covenant, environmental covenant, environmental notice, or other restriction or obligation that:

- (1) limits the use of the land or the activities that may be performed on or at the land or requires the maintenance of any engineering control on the land designed to protect human health or the environment;
- (2) by its terms is intended to run with the land and be binding on successors;
- (3) is recorded with the county recorder's office in the county in which the land is located; and
- (4) explains how it can be modified or terminated.

As added by P.L.61-2001, SEC.2.

IC 13-11-2-194

"Retailer"

Sec. 194. (a) "Retailer", for purposes of IC 13-20-14, means a person engaged in the business of selling new tires at retail in Indiana.

(b) "Retailer", for purposes of IC 13-20-16, means a person engaged in the business of selling lead acid batteries at retail in Indiana.

As added by P.L.1-1996, SEC.1.

IC 13-11-2-195

"Revenues"

Sec. 195. (a) "Revenues", for purposes of IC 13-21, means the amounts received by a county or joint solid waste management district from the operation or ownership of facilities.

(b) The term does not include amounts derived from the levy of taxes or from fees under IC 13-21-13.

As added by P.L.1-1996, SEC.1.

IC 13-11-2-196

"SARA"

Sec. 196. "SARA", for purposes of IC 13-25-1, refers to Title III

of the Superfund Amendments and Reauthorization Act of 1986 (P.L.99-499).

As added by P.L.1-1996, SEC.1.

IC 13-11-2-197

"Secondary containment structure"

Sec. 197. "Secondary containment structure", for purposes of IC 13-18-5, means a structure or a part of a structure that prevents or impedes a hazardous material that is released accidentally from entering surface water or groundwater.

As added by P.L.1-1996, SEC.1.

IC 13-11-2-197.5

"Secondary material"

Sec. 197.5. "Secondary material", for purposes of IC 13-22-11.5, means a solid, liquid, or contained gaseous form of a byproduct, spent material, sludge, discarded commercial chemical product, or scrap metal that may be incorporated into a manufacturing or an industrial process, except reclamation, to make a product.

As added by P.L.45-1997, SEC.4. Amended by P.L.128-1997, SEC.1.

IC 13-11-2-197.7

"Security interest"

Sec. 197.7. "Security interest", for purposes of sections 119, 148, 151.2, 151.3, and 151.4 of this chapter, IC 13-23-13-14, IC 13-24-1-10, and IC 13-25-4-8.2, includes:

- (1) a right under a:
 - (A) mortgage;
 - (B) deed of trust;
 - (C) assignment;
 - (D) judgment lien;
 - (E) pledge;
 - (F) security agreement;
 - (G) factoring agreement; or
 - (H) lease; and
- (2) any other right accruing to a person to secure:
 - (A) the repayment of money;
 - (B) the performance of a duty; or
 - (C) any other obligation;

by a nonaffiliated person.

As added by P.L.90-1998, SEC.12.

IC 13-11-2-198

"Self-insurance"

Sec. 198. "Self insurance", for purposes of IC 13-22-9, means the practice of meeting expenses when those expenses are incurred with financial resources that:

- (1) were previously set aside for the purpose of meeting those expenses; or
- (2) are not committed to another purpose;

rather than through a trust fund, a surety bond, a letter of credit, or an insurance policy.

As added by P.L.1-1996, SEC.1.

IC 13-11-2-199

"Semipublic permit"

Sec. 199. "Semipublic permit", for purposes of IC 13-18-20, refers to a NPDES permit issued to a privately owned treatment works (as defined in 33 U.S.C. 1292(2)).

As added by P.L.1-1996, SEC.1.

IC 13-11-2-199.5

"Septic tank soil absorption system"

Sec. 199.5. "Septic tank soil absorption system", for purposes of IC 13-18-12 and IC 13-26-5-2.5, means pipes laid in a system of trenches or elevated beds, into which the effluent from the septic tank is discharged for soil absorption, or similar structures.

As added by P.L.193-2001, SEC.1. Amended by P.L.172-2002, SEC.3.

IC 13-11-2-200

"Sewage"

Sec. 200. "Sewage", for purposes of environmental management laws, means all refuse, human excreta, garbage, waste or waste products, or any combination of these substances that:

(1) is potentially capable of contaminating the environment; and

(2) may be collected and carried off in a pipe, ditch, or channel.

As added by P.L.1-1996, SEC.1.

IC 13-11-2-201

"Sewage disposal system"

Sec. 201. "Sewage disposal system", for purposes of IC 13-18-12, means septic tanks, wastewater holding tanks, seepage pits, cesspools, privies, composting toilets, interceptors or grease traps, portable sanitary units, and other equipment, facilities, or devices used to:

(1) store;

(2) treat;

(3) make inoffensive; or

(4) dispose of;

human excrement or liquid carrying wastes of a domestic nature.

As added by P.L.1-1996, SEC.1.

IC 13-11-2-202

"Sewage works"

Sec. 202. "Sewage works", for purposes of environmental management laws, means, individually or collectively, those constructions or devices used for any of the following:

(1) Collecting, pumping, treating, and disposing of sewage.

(2) The recovery of byproducts from sewage.

As added by P.L.1-1996, SEC.1.

IC 13-11-2-203

"Site"

Sec. 203. (a) "Site", for purposes of IC 13-25-5, means a parcel of real property for which an application has been submitted under IC 13-25-5-2.

(b) "Site", for purposes of IC 13-29-1, means the geographic location of a facility.

As added by P.L.1-1996, SEC.1.

IC 13-11-2-204

"Small business petroleum marketer"

Sec. 204. "Small business petroleum marketer", for purposes of IC 13-23-4-3, means a petroleum marketer that owns or operates not more than twelve (12) underground storage tanks.

As added by P.L.1-1996, SEC.1.

IC 13-11-2-205

"Solid waste"

Sec. 205. (a) "Solid waste", for purposes of IC 13-19, IC 13-21, IC 13-20-22, and environmental management laws, except as provided in subsection (b), means any garbage, refuse, sludge from a waste treatment plant, sludge from a water supply treatment plant, sludge from an air pollution control facility, or other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, or agricultural operations or from community activities. The term does not include:

(1) solid or dissolved material in:

(A) domestic sewage; or

(B) irrigation return flows or industrial discharges;

that are point sources subject to permits under Section 402 of the Federal Water Pollution Control Act Amendments (33 U.S.C. 1342);

(2) source, special nuclear, or byproduct material (as defined by the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.));

(3) manures or crop residues returned to the soil at the point of generation as fertilizers or soil conditioners as part of a total farm operation; or

(4) vegetative matter at composting facilities registered under IC 13-20-10.

(b) "Solid waste", for purposes of IC 13-20-5, IC 13-20-22, and IC 13-21, does not include the following:

(1) A waste that is regulated under the following:

(A) IC 13-22-1 through IC 13-22-8.

(B) IC 13-22-13 through IC 13-22-14.

(2) An infectious waste (as defined in IC 16-41-16-4) that is disposed of at an incinerator permitted under rules adopted by the solid waste management board to dispose of infectious

waste.

(c) "Solid waste", for purposes of IC 13-26, means all putrescible and nonputrescible solid and semisolid wastes, except human excreta. The term includes garbage, rubbish, ashes, street cleanings, dead animals, offal, and solid commercial, industrial, and institutional wastes.

As added by P.L.1-1996, SEC.1. Amended by P.L.2-1997, SEC.39.

IC 13-11-2-206

"Solid waste disposal facility"

Sec. 206. "Solid waste disposal facility", for purposes of IC 13-19-3-8.2, IC 13-20-4, and IC 13-20-6, means a facility at which solid waste is:

- (1) deposited on or beneath the surface of the ground as an intended place of final location; or
- (2) incinerated.

As added by P.L.1-1996, SEC.1. Amended by P.L.218-2001, SEC.3; P.L.1-2002, SEC.64.

IC 13-11-2-207

"Solid waste hauler"

Sec. 207. "Solid waste hauler" or "hauler", for purposes of IC 13-21, means a person who operates a vehicle in which solid waste is transported to:

- (1) a transfer station for further transport to a final disposal facility; or
- (2) a final disposal facility.

As added by P.L.1-1996, SEC.1.

IC 13-11-2-208

"Solid waste landfill"

Sec. 208. "Solid waste landfill", for purposes of IC 13-20-9, IC 13-20-21-6, and IC 13-22-9, means a solid waste disposal facility at which solid waste is deposited on or beneath the surface of the ground as an intended place of final location.

As added by P.L.1-1996, SEC.1. Amended by P.L.138-2000, SEC.3; P.L.218-2001, SEC.4.

IC 13-11-2-209

"Solid waste management"

Sec. 209. "Solid waste management", for purposes of IC 13-21 and environmental management laws, means the systematic administration of activities that provide for the collection, source separation, storage, transportation, transfer, processing, treatment, and disposal of solid waste.

As added by P.L.1-1996, SEC.1.

IC 13-11-2-210

"Solid waste management facility"

Sec. 210. "Solid waste management facility", for purposes of

IC 13-20-1, does not include a hazardous waste facility.
As added by P.L.1-1996, SEC.1.

IC 13-11-2-211

"Solid waste management unit"

Sec. 211. "Solid waste management unit", for purposes of environmental management laws, means a discernible unit at a hazardous waste facility from which hazardous waste or constituents of hazardous waste might migrate, irrespective of whether the unit was intended for the management of solid or hazardous wastes. The term includes containers, tanks, surface impoundments, waste piles, land treatment units, landfills, incinerators, and underground injection wells.

As added by P.L.1-1996, SEC.1.

IC 13-11-2-212

"Solid waste processing facility"

Sec. 212. (a) "Solid waste processing facility", for purposes of IC 13-19-3-8.2, IC 13-20-4, and IC 13-20-6, means a facility at which at least one (1) of the following is located:

- (1) A solid waste incinerator.
- (2) A transfer station.
- (3) A solid waste baler.
- (4) A solid waste shredder.
- (5) A resource recovery system.
- (6) A composting facility.
- (7) A garbage grinding system.

(b) The term does not include a facility or operation that generates solid waste.

As added by P.L.1-1996, SEC.1. Amended by P.L.218-2001, SEC.5; P.L.1-2002, SEC.65.

IC 13-11-2-213

"Source"

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.

As added by P.L.1-1996, SEC.1. Amended by P.L.166-2002, SEC.1.

IC 13-11-2-214

"Source reduction"

Sec. 214. "Source reduction", for purposes of IC 13-17-7 and IC 13-21, means a reduction in the amount of solid waste generated that is achieved through actions affecting the source of the solid waste.

As added by P.L.1-1996, SEC.1.

IC 13-11-2-215

Repealed

(Repealed by P.L.138-2000, SEC.11.)

IC 13-11-2-215.1

Repealed

(Repealed by P.L.138-2000, SEC.11.)

IC 13-11-2-216

"Spent nuclear fuel"

Sec. 216. "Spent nuclear fuel", for purposes of IC 13-22-10, has the meaning set forth in Section 2 of the federal Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101), as in effect on January 1, 1987.

As added by P.L.1-1996, SEC.1. Amended by P.L.124-1996, SEC.7.

IC 13-11-2-217

Repealed

(Repealed by P.L.127-1997, SEC.2.)

IC 13-11-2-218

Repealed

(Repealed by P.L.127-1997, SEC.2.)

IC 13-11-2-219

"State"

Sec. 219. "State", for purposes of IC 13-29-1, means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, or any other territorial possession of the United States.

As added by P.L.1-1996, SEC.1.

IC 13-11-2-220

"State permit"

Sec. 220. "State permit", for purposes of IC 13-18-20, refers to a NPDES permit issued to a state owned facility.

As added by P.L.1-1996, SEC.1.

IC 13-11-2-221

"State plan"

Sec. 221. "State plan", for purposes of IC 13-21, refers to the state solid waste management plan adopted under IC 13-21-1-1.

As added by P.L.1-1996, SEC.1.

IC 13-11-2-221.5

"State regulated wetland"

Sec. 221.5. "State regulated wetland", for purposes of IC 13-18, means an isolated wetland located in Indiana that is not an exempt isolated wetland.

As added by P.L.282-2003, SEC.28.

IC 13-11-2-222

"Stone quarry permit"

Sec. 222. "Stone quarry permit", for purposes of IC 13-18-20, refers to a NPDES permit that involves the area on or beneath land used or distributed in activity related to the extraction, removal, or recovery of:

- (1) sand;
- (2) gravel;
- (3) dimension stone; or
- (4) crushed stone;

from natural deposits.

As added by P.L.1-1996, SEC.1.

IC 13-11-2-223

"Storage"

Sec. 223. (a) "Storage", for purposes of environmental management laws and when used in connection with hazardous waste, means the containment of hazardous waste, either on a temporary basis or for a period of years, in a manner that does not constitute disposal of the hazardous waste.

(b) "Storage", for purposes of IC 13-22-10, means:

- (1) the containment of hazardous waste requiring a permit under rules adopted under IC 13-22-2-4; or
- (2) the containment of low level radioactive waste, either on a temporary basis or for a period of years, in a manner that does not constitute disposal of the low level radioactive waste.

(c) "Storage", for purposes of IC 13-22-12, includes:

- (1) interim status; and
- (2) permitted;

hazardous waste storage.

(d) "Storage", for purposes of IC 13-29-1, means the temporary holding of waste for treatment or disposal.

As added by P.L.1-1996, SEC.1.

IC 13-11-2-223.5

"Storm water management program"

Sec. 223.5. "Storm water management program", for purposes of IC 13-18-21, means a program that is consistent with the requirements in:

- (1) 40 CFR 122.26(d)(2)(iv) for a proposed management program; or
- (2) 40 CFR 122.34 for a storm water management program.

As added by P.L.55-2001, SEC.1.

IC 13-11-2-224

"Stormwater permit"

Sec. 224. "Stormwater permit", for purposes of IC 13-18-20, refers to a permit issued to a facility regulated under 327 IAC 15-5 or 327 IAC 15-6.

As added by P.L.1-1996, SEC.1.

IC 13-11-2-225**"Substance"**

Sec. 225. "Substance", for purposes of IC 13-25-2, refers to a substance on the list described in 42 U.S.C. 11002(a)(2).

As added by P.L.1-1996, SEC.1.

IC 13-11-2-226**"Supplemental fund"**

Sec. 226. "Supplemental fund", for purposes of IC 13-18-13 and IC 13-18-21, refers to the supplemental drinking water and wastewater assistance fund established by IC 13-18-21-22.

As added by P.L.1-1996, SEC.1. Amended by P.L.126-1997, SEC.6; P.L.132-1999, SEC.9.

IC 13-11-2-227**"Supplemental program"**

Sec. 227. "Supplemental program", for purposes of IC 13-18-13 and IC 13-18-21, refers to the supplemental drinking water and wastewater assistance program established by IC 13-18-21-21.

As added by P.L.1-1996, SEC.1. Amended by P.L.126-1997, SEC.7; P.L.132-1999, SEC.10.

IC 13-11-2-228**"Tank"**

Sec. 228. "Tank", for purposes of IC 13-18-12, means any container that is placed on a vehicle to transport wastewater removed from a sewage disposal system.

As added by P.L.1-1996, SEC.1.

IC 13-11-2-229**Repealed**

(Repealed by P.L.14-2001, SEC.19.)

IC 13-11-2-229.5**"Target housing"**

Sec. 229.5. "Target housing", for purposes of lead-based paint activities and IC 13-17-14, means housing constructed before January 1, 1978. The term does not include the following:

(1) Housing for the elderly or individuals with disabilities that is not occupied by or expected to be occupied by a child of not more than six (6) years of age.

(2) A building without a bedroom.

As added by P.L.123-1997, SEC.10.

IC 13-11-2-230**"Task force"**

Sec. 230. "Task force", for purposes of IC 13-18-17, refers to the interagency groundwater task force.

As added by P.L.1-1996, SEC.1.

IC 13-11-2-231**"Tire"**

Sec. 231. (a) "Tire", for purposes of:

- (1) IC 13-20-13, except as provided in subsection (b); and
- (2) IC 13-20-14;

means a continuous solid or pneumatic rubber covering that is designed to encircle a wheel of a motor vehicle (as defined in IC 9-13-2-105(a)).

(b) "Tire", for purposes of IC 13-20-13-7, means a continuous solid or pneumatic rubber covering that is designed to encircle a wheel of a vehicle.

As added by P.L.1-1996, SEC.1.

IC 13-11-2-232**"Title V operating permit"**

Sec. 232. "Title V operating permit", for purposes of IC 13-17-7, means a permit required by 42 U.S.C. 7661a.

As added by P.L.1-1996, SEC.1.

IC 13-11-2-233**"Toxic material"**

Sec. 233. "Toxic material", for purposes of IC 13-27 and IC 13-27.5, means any of the following:

- (1) A chemical substance in a gaseous, liquid, or solid state that meets the definition of hazardous substance in the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601(14)).
- (2) A mixture of substances described in subdivision (1).
- (3) An element, a substance, a compound, or a mixture designated by the commissioner as a toxic or hazardous substance.
- (4) A mixture of substances containing a substance described in subdivision (1).

As added by P.L.1-1996, SEC.1. Amended by P.L.124-1997, SEC.10.

IC 13-11-2-233.5**"Tract"**

Sec. 233.5. "Tract", for purposes of this chapter, means any area of land that is under common ownership and is contained within a continuous border.

As added by P.L.282-2003, SEC.29.

IC 13-11-2-234**"Transfer"**

Sec. 234. (a) "Transfer", for purposes of IC 13-25-3, means a conveyance of an interest in property by any of the following:

- (1) A deed or other instrument of conveyance of fee title to property.
- (2) A lease whose term, if all options were exercised, would be more than forty (40) years.

- (3) An assignment of more than twenty-five percent (25%) of the beneficial interest in a land trust.
- (4) A collateral assignment of a beneficial interest in a land trust.
- (5) An installment contract for the sale of property.
- (6) A mortgage or trust deed.
- (7) A lease of any duration that includes an option to purchase.
- (b) The term does not include a conveyance of an interest in property by any of the following:
 - (1) A deed or trust document that, without additional consideration:
 - (A) confirms;
 - (B) corrects;
 - (C) modifies; or
 - (D) supplements;
 a deed or trust document that was previously recorded.
 - (2) A deed or trust document that, without additional consideration, changes title to property without changing beneficial interest.
 - (3) A tax deed or a deed from a county transferring property the county received under IC 6-1.1-25-5.5.
 - (4) An instrument of release of an interest in property that is security for a debt or other obligation.
 - (5) A deed of partition.
 - (6) A conveyance occurring as a result of the foreclosure of a mortgage or other lien on real property.
 - (7) An easement.
 - (8) A conveyance of an interest in minerals, gas, or oil, including a lease.
 - (9) A conveyance by operation of law upon the death of a joint tenant with right of survivorship.
 - (10) An inheritance or devise.
 - (11) A deed in lieu of foreclosure.
 - (12) A Uniform Commercial Code sale or other foreclosure of a collateral assignment of a beneficial interest in a land trust.
 - (13) A deed that conveys fee title under an installment contract for the sale of property.
 - (14) A deed that conveys fee title under an exercise of an option to purchase contained in a lease of property.

As added by P.L.1-1996, SEC.1.

IC 13-11-2-235

"Transfer station"

Sec. 235. (a) "Transfer station", for purposes of:

- (1) IC 13-21; and
- (2) environmental management laws, except as provided in subsection (c);

means a facility where solid waste is transferred from a vehicle or a container to another vehicle or container for transportation.

- (b) The term does not include a facility:

(1) where the solid waste that is transferred has been generated by the facility or a recycling facility; or

(2) where:

(A) infectious waste (as defined in IC 16-41-16-4) is transferred directly between two (2) vehicles;

(B) infectious waste is packaged in compliance with 410 IAC 1-3-24; and

(C) packages of infectious waste are not opened at any time during the transfer.

(c) "Transfer station", for purposes of IC 13-22-9, means a facility for the:

(1) acceptance;

(2) holding; and

(3) loading;

of solid waste into a vehicle for movement to a facility for processing, recycling, or disposal. The term does not include collection containers for solid waste.

As added by P.L.1-1996, SEC.1. Amended by P.L.128-1997, SEC.2.

IC 13-11-2-236

"Transferee"

Sec. 236. (a) "Transferee", for purposes of IC 13-25-3, means any of the following:

(1) A buyer, mortgagee, grantee, or lessee of real property.

(2) An assignee of an interest of more than twenty-five percent (25%) in a land trust.

(3) For a transfer to the trustee of a land trust, the owners of the beneficial interest of the land trust.

(b) The term includes a prospective transferee.

As added by P.L.1-1996, SEC.1.

IC 13-11-2-237

"Transferor"

Sec. 237. (a) "Transferor", for purposes of IC 13-25-3, means any of the following:

(1) A seller, grantor, mortgagor, or lessor of real property.

(2) An assignor of an interest of more than twenty-five percent (25%) in a land trust.

(3) For a transfer by the trustee of a land trust, the owner of the beneficial interest of the land trust.

(b) The term includes a prospective transferor.

As added by P.L.1-1996, SEC.1.

IC 13-11-2-237.5

"Transient noncommunity water system"

Sec. 237.5. "Transient noncommunity water system", for purposes of IC 13-18-11 and IC 13-18-20.5, means a noncommunity water system that does not regularly serve at least twenty-five (25) of the same persons over six (6) months per year.

As added by P.L.132-2000, SEC.1. Amended by P.L.1-2001, SEC.15;

P.L.224-2003, SEC.131.

IC 13-11-2-238

"Transporter"

Sec. 238. "Transporter", for purposes of IC 13-20-4 and IC 13-20-6, means a person who is in the business of transporting municipal waste.

As added by P.L.1-1996, SEC.1.

IC 13-11-2-239

"Treatment"

Sec. 239. (a) "Treatment", for purposes of environmental management laws, when used in connection with a waste that is determined to be hazardous waste under IC 13-22-2-3, means any method, technique, or process designed to change the physical, chemical, or biological character or composition of the waste so as to:

- (1) neutralize the waste;
 - (2) make the waste:
 - (A) nonhazardous or less hazardous;
 - (B) safer to transport, store, or dispose of;
 - (C) amenable to recovery or storage; or
 - (D) reduced in volume; or
 - (3) recover energy or material resources from the waste.
- (b) "Treatment", for purposes of IC 13-22-12, includes:
- (1) interim status; and
 - (2) permitted;

hazardous waste treatment.

(c) "Treatment", for purposes of IC 13-29-1, means any method, technique, or process, including storage for radioactive decay, designed to change the physical, chemical, or biological characteristics or composition of any waste in order to render the waste safer for transport or management, amenable to recovery, convertible to another usable material, or reduced in volume.

As added by P.L.1-1996, SEC.1.

IC 13-11-2-240

"Underground petroleum storage tank"

Sec. 240. "Underground petroleum storage tank", for purposes of IC 13-23, means an underground storage tank that is in operation after December 31, 1973.

As added by P.L.1-1996, SEC.1.

IC 13-11-2-241

"Underground storage tank"

Sec. 241. (a) "Underground storage tank", for purposes of section 161 of this chapter and IC 13-23, means one (1) tank or a combination of tanks, including underground pipes connected to the tank or combination of tanks:

- (1) that is used to contain an accumulation of regulated

substances; and

(2) the volume of which, including the volume of the underground connected pipes, is at least ten percent (10%) beneath the surface of the ground.

(b) The term does not include any of the following:

(1) A farm or residential tank with a capacity of not more than one thousand one hundred (1,100) gallons that is used for storing motor fuel for noncommercial purposes.

(2) A tank used for storing heating oil for consumptive use on the premises on which the tank is stored.

(3) A septic tank.

(4) A pipeline facility, including gathering lines, that:

(A) is regulated under the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. 1671 et seq.);

(B) is regulated under the Hazardous Liquid Pipeline Safety Act of 1979 (49 U.S.C. 60101 et seq.); or

(C) is an intrastate pipeline facility regulated under state laws comparable to the laws identified in clauses (A) through (B).

(5) A surface impoundment, pit, pond, or lagoon.

(6) A stormwater or wastewater collection system.

(7) A flow-through process tank.

(8) A liquid trap or associated gathering lines directly related to oil or gas production and gathering operations.

(9) A storage tank situated in an underground area such as:

(A) a basement;

(B) a cellar;

(C) a mineworking;

(D) a drift;

(E) a shaft; or

(F) a tunnel;

if the storage tank is situated upon or above the surface of the floor.

(10) Any other tank exempted by a rule adopted by the solid waste management board in accordance with regulations adopted by the Administrator of the United States Environmental Protection Agency.

(11) A pipe connected to a tank described in subdivisions (1) through (10).

As added by P.L.1-1996, SEC.1.

IC 13-11-2-242

"Unit"

Sec. 242. "Unit", for purposes of:

(1) section 148(c) of this chapter;

(2) IC 13-20-17.5;

(3) IC 13-20-20; and

(4) IC 13-23;

has the meaning set forth in IC 36-1-2-23.

As added by P.L.1-1996, SEC.1. Amended by P.L.225-2001, SEC.13.

IC 13-11-2-242.3**"Upset"**

Sec. 242.3. "Upset", for purposes of IC 13-18-12-8, means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee, and does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

As added by P.L.112-2000, SEC.2.

IC 13-11-2-242.5**"Use attainability analysis"**

Sec. 242.5. "Use attainability analysis", for purposes of IC 13-18, refers to a structured scientific assessment of the physical, chemical, biological, and economic factors affecting the attainment of a designated use as provided in 40 CFR 131.3(g).

As added by P.L.140-2000, SEC.13.

IC 13-11-2-243**"Used oil"**

Sec. 243. "Used oil", for purposes of IC 13-21-5-14 and environmental management laws, means a petroleum based or synthetic oil that has been used. The term includes oil that has been used for the following purposes:

- (1) Lubricant for engines, turbines, or gears.
- (2) Hydraulic fluid, including transmission fluid.
- (3) Metal working fluid, including cutting, grinding, machining, rolling, stamping, quenching, and coating oil.
- (4) Insulating fluid or coolants.

As added by P.L.1-1996, SEC.1.

IC 13-11-2-244**"User"**

Sec. 244. "User", for purposes of IC 13-21 and environmental management laws, means a person that has entered into a financing agreement with:

- (1) a county solid waste management district or joint solid waste management district; or
- (2) a developer;

in contemplation of the user's use and operation of the facilities referred to in the agreement.

As added by P.L.1-1996, SEC.1.

IC 13-11-2-244.5**"Utilize"**

Sec. 244.5. "Utilize", for purposes of IC 13-22-11.5, means to legitimately incorporate a secondary material into an industrial or manufacturing process to make a usable product without intervening

reclamation or recovery, and includes any necessary transportation directly between the generator and user or storage by the generator or user of the secondary material, but which must occur without speculative accumulation or in a manner that constitutes disposal. *As added by P.L.45-1997, SEC.5. Amended by P.L.128-1997, SEC.3.*

IC 13-11-2-245

"Vehicle"

Sec. 245. (a) "Vehicle", for purposes of IC 13-17-5, refers to a vehicle required to be registered with the bureau of motor vehicles and required to have brakes. The term does not include the following:

- (1) Farm tractors.
- (2) Implements of husbandry.
- (3) Farm tractors used in transportation.
- (4) Mobile homes (house trailers).
- (5) Trailers weighing not more than three thousand (3,000) pounds.
- (6) Antique motor vehicles.

(b) "Vehicle", for purposes of IC 13-18-12, means a device used to transport a tank.

(c) "Vehicle", for purposes of IC 13-20-4, refers to a municipal waste collection and transportation vehicle.

(d) "Vehicle", for purposes of IC 13-20-13-7, means a motor vehicle and types of equipment, machinery, implements, or other devices used in transportation, manufacturing, agriculture, construction, or mining. The term does not include the following:

- (1) A lawn and garden tractor that is propelled by a motor of not more than twenty (20) horsepower.
- (2) A semitrailer.

(e) "Vehicle", for purposes of IC 13-20-14, has the meaning set forth in IC 9-13-2-196.

As added by P.L.1-1996, SEC.1.

IC 13-11-2-245.5

"Voluntarily created wetland"

Sec. 245.5. "Voluntarily created wetland", for purposes of this chapter, means an isolated wetland that:

- (1) was restored or created in the absence of a governmental order, directive, or regulatory requirement concerning the restoration or creation of the wetland; and
- (2) has not been applied for or used as compensatory mitigation or another regulatory purpose that would have the effect of subjecting the wetland to regulation as waters by:
 - (A) the department; or
 - (B) another governmental entity.

As added by P.L.282-2003, SEC.30.

IC 13-11-2-246

"Waste exchange"

Sec. 246. "Waste exchange", for purposes of IC 13-27 and IC 13-27.5, means a method of end-of-pipe management of environmental wastes that involves the transfer of environmental wastes between:

- (1) businesses;
- (2) manufacturers; or
- (3) facilities owned by the same business or manufacturer;

for recovery or to serve a productive purpose.

As added by P.L.1-1996, SEC.1. Amended by P.L.124-1997, SEC.11.

IC 13-11-2-247

"Waste management"

Sec. 247. "Waste management", for purposes of IC 13-29-1, means the storage, transportation, treatment, or disposal of waste.

As added by P.L.1-1996, SEC.1.

IC 13-11-2-247.5

"Waste management services"

Sec. 247.5. "Waste management services", for purposes of IC 13-21, means:

- (1) the collection, storage, separation, recovery, recycling, marketing, transfer, disposal, transportation, and processing of solid waste or recyclable materials, including the use of facilities incidental to these activities; and
- (2) the operation of facilities described in subdivision (1).

As added by P.L.125-1996, SEC.4. Amended by P.L.45-1997, SEC.6.

IC 13-11-2-248

"Waste minimization"

Sec. 248. "Waste minimization", for purposes of environmental management laws, means a process that leads to:

- (1) preventing the creation of waste; or
- (2) a diminution in the volume of waste being generated.

As added by P.L.1-1996, SEC.1.

IC 13-11-2-249

"Waste reduction"

Sec. 249. (a) "Waste reduction", for purposes of environmental management laws except as provided in subsection (b), means a process that leads to the prevention of the creation of waste.

(b) "Waste reduction", for purposes of IC 13-22-11, means the use of one (1) or more industrial practices that reduce, eliminate, or avoid the generation of hazardous waste to reduce risks to human health and to the environment. The term does not include the following:

- (1) Recycling of a hazardous waste, except for recycling that is an integral part of the industrial operation that generated the hazardous waste.
- (2) An act that concentrates a hazardous waste to reduce the volume of the hazardous waste.

- (3) A dilution of a hazardous waste to reduce the hazardous characteristics of the hazardous waste.
- (4) A treatment of a hazardous waste after the hazardous waste is generated, such as by incineration.
- (5) Any other action involving a hazardous waste, unless the action is taken:
 - (A) as part of the industrial operation that generates the hazardous waste;
 - (B) at the place where the hazardous waste is generated; and
 - (C) at the time that the hazardous waste is generated.

As added by P.L.1-1996, SEC.1.

IC 13-11-2-249.5

"Waste shifting"

Sec. 249.5. "Waste shifting", for purposes of IC 13-27.5, means the transfer of an environmental waste from one (1) environmental medium to:

- (1) another environmental medium;
- (2) the workplace environment; or
- (3) a product.

As added by P.L.124-1997, SEC.12.

IC 13-11-2-250

"Waste tire"

Sec. 250. "Waste tire", for purposes of IC 13-20-13 and IC 13-20-14, means a tire that is not suitable for the tire's original purpose.

As added by P.L.1-1996, SEC.1.

IC 13-11-2-250.5

"Waste tire processing operation"

Sec. 250.5. "Waste tire processing operation", for purposes of IC 13-20-13, means an operation that processes waste tires by cutting, shredding, or grinding. The term does not include a retail operation that cuts or shreds waste tires generated by the retail operation.

As added by P.L.93-1998, SEC.2.

IC 13-11-2-251

"Waste tire storage site"

Sec. 251. "Waste tire storage site", for purposes of IC 13-20-13 and IC 13-20-14, means:

- (1) a site at which at least one thousand (1,000) waste tires are accumulated outdoors or within a structure that is not completely enclosed; or
- (2) a site at which at least two thousand (2,000) waste tires are accumulated indoors within a completely enclosed structure.

As added by P.L.1-1996, SEC.1. Amended by P.L.93-1998, SEC.3.

IC 13-11-2-252

"Waste tire transporter"

Sec. 252. "Waste tire transporter", for purposes of IC 13-20-14, means a person who engages in the business of:

- (1) accepting waste tires from retailers; and
- (2) transporting the waste tires to one (1) or more other locations.

As added by P.L.1-1996, SEC.1.

IC 13-11-2-253

"Waste-to-energy facility"

Sec. 253. "Waste-to-energy facility", for purposes of IC 13-20 and IC 13-21, means a facility at which solid waste is converted into energy or another useful product by incineration.

As added by P.L.1-1996, SEC.1. Amended by P.L.138-2000, SEC.4.

IC 13-11-2-254

"Waste transfer activities"

Sec. 254. "Waste transfer activities", for purposes of IC 13-20-6, means the participation by:

- (1) a broker or a transporter who is:
 - (A) a resident of Indiana; or
 - (B) not a resident of Indiana; or
- (2) a transfer station that receives municipal waste located:
 - (A) inside Indiana; or
 - (B) outside Indiana;

in the collection or transportation of municipal waste for disposal or incineration in Indiana.

As added by P.L.1-1996, SEC.1.

IC 13-11-2-255

"Waste treatment facilities"

Sec. 255. "Waste treatment facilities", for purposes of IC 13-18-10, means the system of:

- (1) treatment works;
- (2) control facilities;
- (3) equipment; and
- (4) other facilities and appurtenances;

installed to treat, control, or dispose of runoff, waste, and manure.

As added by P.L.1-1996, SEC.1.

IC 13-11-2-256

"Wastewater"

Sec. 256. "Wastewater", for purposes of IC 13-18-12 and IC 13-20-17.5, means the following:

- (1) Human excreta, water, scum, sludge, and sewage from sewage disposal systems, retained contents of wastewater holding tanks, or portable sanitary units.
- (2) Grease, fats, and retained wastes from grease traps or interceptors.
- (3) Wastes carried in liquid from ordinary living processes.

(4) Incidental or accidental seepage from sewage disposal systems.

As added by P.L.1-1996, SEC.1. Amended by P.L.225-2001, SEC.14.

IC 13-11-2-257

"Wastewater management"

Sec. 257. "Wastewater management", for purposes of IC 13-18-12, includes the following:

- (1) The cleaning of sewage disposal systems.
- (2) The transportation, storage, treatment, or disposal of wastewater.

As added by P.L.1-1996, SEC.1.

IC 13-11-2-258

"Wastewater treatment plant"

Sec. 258. "Wastewater treatment plant", for purposes of IC 13-18-11 and environmental management laws, means the system of treatment works, regulatory devices, equipment, and other facilities and appurtenances installed to treat sewage, industrial wastes, and other wastes delivered by a system of sewers and other related facilities, whether owned or operated by the state, a municipality, or a person, firm, or corporation. The term does not include septic tank disposal systems.

As added by P.L.1-1996, SEC.1.

IC 13-11-2-259

"Water distribution system"

Sec. 259. "Water distribution system", for purposes of IC 13-18-11 and environmental management laws, means that part of the public water system in which water is conveyed from the water treatment plant to the premises of the consumer.

As added by P.L.1-1996, SEC.1. Amended by P.L.184-2002, SEC.4.

IC 13-11-2-260

"Water pollution"

Sec. 260. "Water pollution", for purposes of water pollution control laws and environmental management laws, means:

- (1) actual or threatened alteration of the physical, thermal, chemical, biological, bacteriological, or radioactive properties of any waters; or
- (2) the discharge or threatened discharge of any contaminant into any waters that does or can create a nuisance or make the waters harmful, detrimental, or injurious to any of the following:
 - (A) Public health, safety, or welfare.
 - (B) Domestic, commercial, industrial, agricultural, recreational, or other legitimate uses.
 - (C) Livestock, wild animals, birds, fish, or aquatic life.

As added by P.L.1-1996, SEC.1.

IC 13-11-2-261**"Water pollution control laws"**

Sec. 261. "Water pollution control laws" refers to IC 13-18, except for the following:

- (1) IC 13-18-2.
- (2) IC 13-18-9 through IC 13-18-20.

As added by P.L.1-1996, SEC.1.

IC 13-11-2-262**"Water supply permit"**

Sec. 262. "Water supply permit", for purposes of IC 13-18-20, refers to a NPDES permit issued to a facility collecting, treating, or distributing water from:

- (1) wells;
- (2) reservoirs;
- (3) lakes;
- (4) rivers;
- (5) sources of supply;
- (6) pumps;
- (7) mains;
- (8) pipes;
- (9) facilities; or
- (10) structures;

through which potable water is obtained, treated as required, and provided to water users.

As added by P.L.1-1996, SEC.1.

IC 13-11-2-263**Repealed**

(Repealed by P.L.184-2002, SEC.29.)

IC 13-11-2-264**"Water treatment plant"**

Sec. 264. "Water treatment plant", for purposes of IC 13-18-11 and environmental management laws, means that part of the public water system that provides the water or in some way alters the physical, chemical, or bacteriological quality of the water.

As added by P.L.1-1996, SEC.1. Amended by P.L.184-2002, SEC.5.

IC 13-11-2-265 Version a**"Waters"**

Note: This version of section effective until 3-16-2004. See also following version of this section, effective 3-16-2004.

Sec. 265. (a) "Waters", for purposes of water pollution control laws and environmental management laws, means:

- (1) the accumulations of water, surface and underground, natural and artificial, public and private; or
- (2) a part of the accumulations of water;

that are wholly or partially within, flow through, or border upon Indiana.

- (b) The term "waters" does not include:
- (1) an exempt isolated wetland;
 - (2) a private pond; or
 - (3) an off-stream pond, reservoir, wetland, or other facility built for reduction or control of pollution or cooling of water before discharge.

As added by P.L.1-1996, SEC.1. Amended by P.L.183-2002, SEC.1; P.L.282-2003, SEC.31.

IC 13-11-2-265 Version b

"Waters"

Note: This version of section effective 3-16-2004. See also preceding version of this section, effective until 3-16-2004.

Sec. 265. (a) "Waters", for purposes of water pollution control laws and environmental management laws, means:

- (1) the accumulations of water, surface and underground, natural and artificial, public and private; or
- (2) a part of the accumulations of water;

that are wholly or partially within, flow through, or border upon Indiana.

(b) The term "waters" does not include:

- (1) an exempt isolated wetland;
- (2) a private pond; or
- (3) an off-stream pond, reservoir, wetland, or other facility built for reduction or control of pollution or cooling of water before discharge.

(c) The term includes all waters of the United States, as defined in Section 502(7) of the federal Clean Water Act (33 U.S.C. 1362(7)), that are located in Indiana.

As added by P.L.1-1996, SEC.1. Amended by P.L.183-2002, SEC.1; P.L.282-2003, SEC.31; P.L.52-2004, SEC.4.

IC 13-11-2-265.1

"Watershed"

Sec. 265.1. "Watershed", for purposes of IC 13-18-3, has the meaning set forth in IC 14-8-2-310.

As added by P.L.97-2004, SEC.62.

IC 13-11-2-265.3

"Wet weather event"

Sec. 265.3. "Wet weather event", for purposes of IC 13-18, means storm water runoff, snow melt runoff, or ice melt runoff entering a combined sewer system.

As added by P.L.140-2000, SEC.15.

IC 13-11-2-265.5

Repealed

(Repealed by P.L.97-2004, SEC.133.)

IC 13-11-2-265.6

"Wetland activity"

Sec. 265.6. "Wetland activity", for purposes of IC 13-18-22, means the discharge of:

- (1) dredged; or
- (2) fill;

material into an isolated wetland.

As added by P.L.282-2003, SEC.32.

IC 13-11-2-265.7

"Wetlands"

Sec. 265.7. "Wetlands", for purposes of IC 13-18, means areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include:

- (1) swamps;
- (2) marshes;
- (3) bogs; and
- (4) similar areas.

As added by P.L.282-2003, SEC.33.

IC 13-11-2-265.8

"Wetlands delineation"

Sec. 265.8. "Wetlands delineation" or "delineation", for purposes of section 74.5 of this chapter, means a technical assessment:

- (1) of whether a wetland exists on an area of land; and
- (2) if so, of the type and quality of the wetland based on the presence or absence of wetlands characteristics, as determined consistently with the Wetlands Delineation Manual, Technical Report Y-87-1 of the United States Army Corps of Engineers.

As added by P.L.282-2003, SEC.34.

IC 13-11-2-266

"White goods"

Sec. 266. "White goods", for purposes of IC 13-21, means discarded:

- (1) refrigerators;
- (2) ranges;
- (3) water heaters; and
- (4) other similar domestic and commercial large appliances.

As added by P.L.1-1996, SEC.1.

IC 13-11-2-267

"Wholesaler"

Sec. 267. (a) "Wholesaler", for purposes of IC 13-20-14, means a person engaged in the business of selling new tires at wholesale in Indiana.

(b) "Wholesaler", for purposes of IC 13-20-16, means a person engaged in the business of selling lead acid batteries at wholesale in

Indiana.

As added by P.L.1-1996, SEC.1.

IC 13-11-2-268

"Work receipt"

Sec. 268. "Work receipt", for purposes of IC 13-23, means a receipt that:

- (1) is signed by a contractor certified under IC 13-23-3-3; and
- (2) contains the following:
 - (A) The name and address of the contractor.
 - (B) An itemized list of the work performed by the contractor.
 - (C) The itemized cost of the work performed.

As added by P.L.1-1996, SEC.1.