

IC 13-27-7

Chapter 7. Implementation of Pollution Prevention Programs

IC 13-27-7-1

Voluntary participation in programs

Sec. 1. Programs developed under this article are to be implemented based on voluntary participation by businesses. Except as required in rules referred to in IC 13-27-8-3(b)(5), businesses may not be required to comply with any program developed under this article.

As added by P.L.1-1996, SEC.17. Amended by P.L.100-2006, SEC.11.

IC 13-27-7-2

Binding effect of program implementing documents, manuals, and policies; prohibited activities; duties

Sec. 2. (a) Guidance documents, technical assistance manuals, and policies developed or used in implementing programs under this article are not binding on participating businesses.

(b) Subject to subsection (e), the air pollution control board, the water pollution control board, the solid waste management board, or the department may not do the following:

(1) Subject to IC 13-14-1-11.5, incorporate documents, manuals, or policies developed under this article into rules adopted under IC 4-22-2.

(2) Adopt rules under IC 4-22-2 requiring business implementation of pollution prevention practices or of clean manufacturing by means of any of the following:

(A) Permit conditions.

(B) Enforcement actions.

(C) Other department actions.

(c) Subsection (b) only applies to pollution prevention as defined in this title.

(d) Subsection (b) does not apply to authority granted under federal law to implement pollution prevention as defined under any of the following:

(1) Federally delegated air, water, solid waste, and other programs.

(2) Guidance documents developed to implement programs described in subdivision (1).

(3) Programs established under IC 13-20-3, IC 13-20-22, or IC 13-21.

(e) The department shall present pollution prevention as an option to businesses in any of the following:

(1) Permit conditions.

(2) Enforcement actions.

(3) Other department actions.

As added by P.L.1-1996, SEC.17. Amended by P.L.124-1997, SEC.21; P.L.261-1999, SEC.3; P.L.37-2012, SEC.58.

IC 13-27-7-3

Goals of programs

Sec. 3. Programs implemented by the division:

- (1) must encourage pollution prevention; and
- (2) may not discourage the use of recycling or treatment techniques determined to be acceptable for pollution that has not been prevented.

As added by P.L.1-1996, SEC.17.