

IC 13-13-8

Chapter 8. Environmental Rules Board

IC 13-13-8-1

"Board"

Sec. 1. As used in this chapter, "board" refers to the environmental rules board established by section 3 of this chapter.

As added by P.L.133-2012, SEC.72.

IC 13-13-8-2

Abolishes boards

Sec. 2. (a) The following entities are abolished on January 1, 2013:

- (1) The air pollution control board (established by IC 13-17-2 before its repeal).
- (2) The water pollution control board (established by IC 13-18-1 before its repeal).
- (3) The solid waste management board (established by IC 13-19-2 before its repeal).

(b) All powers, duties, and liabilities are transferred from the entities abolished under subsection (a) to the environmental rules board established by section 3 of this chapter effective January 1, 2013.

(c) On and after January 1, 2013, a reference to an entity abolished under subsection (a) in a statute or rule shall be treated as a reference to the environmental rules board.

(d) The rules adopted by the entities abolished under subsection (a) shall be treated, administered, and implemented as follows:

- (1) The rules adopted before January 1, 2013, by the air pollution control board abolished under subsection (a)(1):
 - (A) shall be treated as though the rules were adopted by the environmental rules board; and
 - (B) shall be administered and implemented by the air pollution control division of the department described in IC 13-13-3-2(1).
- (2) The rules adopted before January 1, 2013, by the water pollution control board abolished under subsection (a)(2):
 - (A) shall be treated as though the rules were adopted by the environmental rules board; and
 - (B) shall be administered and implemented by the water pollution control division of the department described in IC 13-13-3-2(2).
- (3) The rules adopted before January 1, 2013, by the solid waste management board abolished under subsection (a)(3):
 - (A) shall be treated as though the rules were adopted by the environmental rules board; and
 - (B) shall be administered and implemented by the solid waste management division of the department described in IC 13-13-3-2(3).

(e) A member of an entity abolished under subsection (a) may

serve until December 31, 2012. The initial members of the environmental rules board shall be appointed under section 4 of this chapter not later than December 31, 2012.

As added by P.L.133-2012, SEC.72.

IC 13-13-8-3

Board established

Sec. 3. The environmental rules board is established as an independent board.

As added by P.L.133-2012, SEC.72.

IC 13-13-8-4

Membership

Sec. 4. (a) The board consists of the following sixteen (16) members:

(1) The following ex officio members:

(A) The commissioner. The commissioner, or the commissioner's designee, serves as a nonvoting member of the board.

(B) The commissioner of the state department of health.

(C) The director of the department of natural resources.

(D) The lieutenant governor.

(E) The secretary of commerce or the secretary's designee.

(2) The following eleven (11) members, who shall be appointed by the governor based on recommendations from representative constituencies:

(A) One (1) representative of agriculture.

(B) One (1) representative of manufacturing.

(C) One (1) representative of environmental interests.

(D) One (1) representative of labor.

(E) One (1) representative of local government.

(F) One (1) representative of small business.

(G) One (1) health professional who holds a license to practice in Indiana.

(H) One (1) representative of the solid waste management industry.

(I) One (1) representative of a public utility that engages in the production and transmission of electricity.

(J) Two (2) representatives of the general public, who cannot qualify to sit on the board under any of the other clauses in this subdivision.

(b) An individual appointed under subsection (a)(2) must possess knowledge, experience, or education qualifying the individual to represent the constituency the individual is being recommended to represent.

As added by P.L.133-2012, SEC.72.

IC 13-13-8-5

Technical representatives for ex officio members

Sec. 5. Except as provided in section 4(a)(1)(A) of this chapter, an

ex officio member of the board may designate in writing a technical representative to serve as a voting member of the board when the ex officio member is unable to attend a board meeting.

As added by P.L.133-2012, SEC.72.

IC 13-13-8-6

Political party limitations

Sec. 6. Not more than six (6) of the appointed members of the board may be members of the same political party.

As added by P.L.133-2012, SEC.72.

IC 13-13-8-7

Terms

Sec. 7. (a) An appointed member of the board serves a term of four (4) years.

(b) The term of each member of the board continues until a successor is appointed and qualified.

(c) If a vacancy occurs in the appointed membership of the board, the governor shall appoint a member not later than ninety (90) days after the vacancy occurs for the remainder of the unexpired term created by the vacancy. The board shall suspend the exercise of the board's duties if the vacancy has not been filled within ninety (90) days after the vacancy occurs.

(d) The governor may remove an appointed member of the board for cause. Cause includes the repeated failure to attend meetings.

As added by P.L.133-2012, SEC.72.

IC 13-13-8-8

Compensation

Sec. 8. (a) Ex officio members of the board serve without additional compensation.

(b) Each appointed member of the board is entitled to the following:

(1) The minimum salary per diem provided by IC 4-10-11-2.1(b).

(2) Reimbursement for traveling expenses provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties, as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(c) The per diem salary and mileage reimbursement are valid claims against the department.

As added by P.L.133-2012, SEC.72.

IC 13-13-8-9

Quorum

Sec. 9. Eight (8) members of the board, five (5) of whom must be appointed members of the board, constitute a quorum. A quorum must be present to transact business at a meeting of the board. Meetings of the board are subject to the public meeting requirements

under IC 5-14-1.5.

As added by P.L.133-2012, SEC.72.

IC 13-13-8-10

Chairperson and vice chairperson

Sec. 10. The governor shall annually select:

- (1) one (1) of the appointed members of the board to serve as chairperson; and
- (2) another of the appointed members to serve as vice chairperson.

As added by P.L.133-2012, SEC.72.

IC 13-13-8-11

Disclosure of conflicts of interest

Sec. 11. Each member of the board shall fully disclose any potential conflicts of interest relating to permits or enforcement orders under the:

- (1) federal Clean Air Act (42 U.S.C. 7401 et seq.), as amended by the Clean Air Act Amendments of 1990;
- (2) federal Resource Conservation and Recovery Act (42 U.S.C. 6901 et seq.);
- (3) federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended by the federal Superfund Amendments and Reauthorization Act of 1986 (42 U.S.C. 9601 through 9675);
- (4) federal Water Pollution Control Act (33 U.S.C. 1251 et seq.); and
- (5) federal Safe Drinking Water Act (42 U.S.C. 300f through 300j).

As added by P.L.133-2012, SEC.72.

IC 13-13-8-12

Technical secretary

Sec. 12. (a) The board shall select, from a list of three (3) qualified individuals recommended by the governor, an independent third party who is not an employee of the state to serve as technical secretary of the board.

(b) Between meetings of the board, the department shall do the following:

- (1) Handle correspondence.
- (2) Make or arrange for investigations and surveys.
- (3) Obtain, assemble, or prepare reports and data as directed by the board.

(c) The technical secretary shall review all materials prepared for the board by the department to make any necessary revisions. Provisions of this chapter concerning terms of appointment, vacancies, and compensation of appointed board members apply to the technical secretary. The technical secretary is not a voting member of the board.

As added by P.L.133-2012, SEC.72.

IC 13-13-8-13**Legal counsel**

Sec. 13. (a) The board may select, from a list of three (3) qualified individuals recommended by the governor, an independent third party who is not an employee of the state to serve as legal counsel.

(b) The legal counsel shall do the following:

(1) Advise the board on legal matters or proceedings arising from the exercise of the board's duties.

(2) Review all materials prepared for the board by the department for legal accuracy and sufficiency and direct the department to make any necessary revisions.

(c) Provisions of this chapter concerning terms of appointment, vacancies, and compensation of appointed board members apply to the legal counsel. The legal counsel is not a voting member of the board.

As added by P.L.133-2012, SEC.72.

IC 13-13-8-14**Advisory committees**

Sec. 14. The board may establish advisory committees for the purpose of giving advice on any matters pertaining to the business of the board. A member appointed to an advisory committee shall serve at the pleasure of the board and is not entitled to a salary, per diem, or reimbursement of expenses.

As added by P.L.133-2012, SEC.72.

IC 13-13-8-15**Rules**

Sec. 15. The board shall adopt rules under IC 4-22-2 and IC 13-14-9 that are consistent with the purposes of this title.

As added by P.L.133-2012, SEC.72.