

IC 13-19

**ARTICLE 19. SOLID WASTE AND HAZARDOUS
WASTE MANAGEMENT GENERALLY**

IC 13-19-1

Chapter 1. Purpose, Policy, and Goal of Statute

IC 13-19-1-1

Policy

Sec. 1. The policy of the state is that:

- (1) source reduction;
- (2) recycling; and
- (3) other solid waste management alternatives;

are preferred over incineration and landfill disposal as solid waste management methods.

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

IC 13-19-1-2

State goal of encouraging source reduction and recycling; annual report on the environment; rules on legitimate use of waste

Sec. 2. (a) The goal of the state is to encourage solid waste source reduction, recycling, and other alternatives to conserve environmental resources.

(b) The department shall:

- (1) produce an annual report on the state of the environment; and
- (2) develop proposed rules that:
 - (A) provide for the legitimate use of solid and hazardous waste instead of its disposal; and
 - (B) provide that a material being legitimately used is not considered a solid or hazardous waste.

(c) To become effective, any proposed rules developed under subsection (b)(2) must be adopted by the board under IC 13-19-3-1.

As added by P.L.1-1996, SEC.9. Amended by P.L.37-2012, SEC.25; P.L.97-2016, SEC.2.

IC 13-19-1-3

Differential treatment; injunctive relief

Sec. 3. (a) The state may not impose differential treatment against solid waste involved in interstate commerce unless:

- (1) authorized by federal law;
- (2) differential treatment of solid waste in interstate commerce equalizes financial, regulatory, or enforcement burdens among:
 - (A) persons engaged in or benefitting from the interstate commerce; or
 - (B) any other group of persons; or
- (3) the differential treatment serves a legitimate state purpose that could not be served as well by reasonably available means

that did not impose differential treatment.

(b) A court may enjoin a violation of this section but may not award monetary damages or attorney's fees against any of the following:

- (1) The state.
- (2) A state agency.
- (3) An officer or employee of the state.

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