

IC 13-20-15

Chapter 15. Regulation of Polychlorinated Biphenyls and Terphenyls

IC 13-20-15-1

Administration and implementation of chapter; rules

Sec. 1. The department shall administer and implement this chapter to protect the public health, safety, and welfare from the toxic effects and environmental dangers of PCB. The board shall adopt the rules required by this chapter under IC 4-22-2 and IC 13-14-9.

As added by P.L.1-1996, SEC.10. Amended by P.L.133-2012, SEC.148.

IC 13-20-15-2

Sale, manufacture, or use of PCB compound prohibited; maximum concentrations; exception; exemption

Sec. 2. (a) Except as provided in subsections (e) and (f), a person may not:

- (1) sell; or
- (2) manufacture for sale;

in Indiana the compound PCB.

(b) Except as provided in subsections (c), (d), (e), and (f), a person may not:

- (1) sell;
- (2) manufacture for sale; or
- (3) use;

an item, a product, or a material in the person's business in Indiana if the item, product, or material contains a concentration of PCB equal to or greater than one hundred (100) ppm.

(c) The board may adopt rules to prescribe a lower maximum concentration of PCB for a specific item, product, or material if the board finds the one hundred (100) ppm concentration provided in subsection (b) to be inadequate to protect the public health, safety, and welfare from the toxic dangers of the PCB contained in the item, product, or material.

(d) An item, a product, or a material for which a lower maximum concentration of PCB is prescribed by federal law or regulation may not contain a concentration of PCB higher than the federal maximum.

(e) PCB or an item, a product, or a material containing PCB may be:

- (1) manufactured;
- (2) sold for use; or
- (3) used;

in Indiana if the PCB or item is used in a closed system as a dielectric fluid for an electric transformer or capacitor under rules adopted by the board to insure the public health, safety, and welfare.

- (f) An item, a product, or a material containing PCB may be:
 - (1) manufactured for sale;
 - (2) sold for use; or
 - (3) used;

in a business in Indiana under an exemption certificate issued by the commissioner under section 3 of this chapter or IC 13-7-16.5-4 (before its repeal).

As added by P.L.1-1996, SEC.10.

IC 13-20-15-3

Exemption certificate; application; scope; conditions

Sec. 3. (a) A person may apply to the commissioner for an exemption certificate on forms provided by the department. The department may require additional information or materials to accompany the application as considered necessary for an accurate evaluation of the application.

(b) The commissioner, according to rules adopted by the board, may grant an exemption for an item, a product, or a material:

- (1) manufactured for sale;
- (2) sold for use; or
- (3) used by the person;

in the person's business if the item, product, or material contains incidental concentrations of PCB.

(c) In granting a certificate of exemption, the commissioner shall impose conditions on the exemption so that the exemption covers only incidental concentrations of PCB.

As added by P.L.1-1996, SEC.10.

IC 13-20-15-4

Additional prohibitions; exceptions; notice; approval; report

Sec. 4. In addition to the prohibitions prescribed in section 2 of this chapter, a person may not use an item, a product, or a material containing a concentration of PCB equal to or greater than one hundred (100) ppm in the person's business in Indiana unless:

- (1) the person files with the department:
 - (A) a written notice of intent to use:
 - (i) the PCB; or
 - (ii) the item, product, or material containing PCB;
 - in the person's business; and
 - (B) a plan for the disposal of all material containing PCB;
- (2) the department approves the plan for disposal of the material containing PCB described in subdivision (1)(B); and
- (3) the person annually files with the department a report detailing:
 - (A) the total amount of PCB used by the person; and
 - (B) other information required by rule of the board to protect the public health, safety, and welfare from the toxic effects and environmental dangers of PCB.

As added by P.L.1-1996, SEC.10.

IC 13-20-15-5

Additional prohibitions; exceptions; disclosure label; notice; report

Sec. 5. In addition to the prohibitions prescribed in section 2 of this chapter, a person may not manufacture for sale or sell in Indiana an item, a product, or a material containing a concentration of PCB equal to or greater than one hundred (100) ppm unless:

- (1) the PCB or the item, product, or material containing PCB is conspicuously labeled to disclose:
 - (A) the presence of PCB;
 - (B) the concentration of PCB; and
 - (C) other information required by rule of the board to protect the public health, safety, and welfare from the toxic effects and environmental dangers of PCB;
- (2) the person files with the department a written notice of intent to manufacture or sell:
 - (A) the PCB; or
 - (B) the item, product, or material containing PCB; and
- (3) the person annually files with the department a report detailing:
 - (A) the total amount of PCB manufactured or sold by the person; and
 - (B) other information required by rule of the board to protect the public health, safety, and welfare from the toxic effects and environmental dangers of PCB.

As added by P.L.1-1996, SEC.10.

IC 13-20-15-6

Disposal of solid or liquid waste containing PCB

Sec. 6. A person may not dispose of solid or liquid waste resulting from the use in the person's business of:

- (1) PCB; or
- (2) an item, a product, or a material containing or that has contained PCB;

except in conformity with rules adopted by the board.

As added by P.L.1-1996, SEC.10.

IC 13-20-15-7

Violations; enforcement of chapter

Sec. 7. (a) A person who violates this chapter is subject to the penalties imposed by the following:

- (1) IC 13-30-4.
- (2) IC 13-30-5.
- (3) IC 13-30-8.

In addition, a person who violates this chapter may be subject to criminal prosecution under IC 13-30-10.

- (b) This chapter may be enforced under IC 13-30-3 or

IC 13-14-2-6.

*As added by P.L.1-1996, SEC.10. Amended by P.L.137-2007,
SEC.19.*