

IC 13-20-22

Chapter 22. State Solid Waste Management Fees; State Solid Waste Management Fund

IC 13-20-22-1

Fee schedule; rules; deposit into funds; credit against subsequent fee

Sec. 1. (a) A fee is imposed on the disposal or incineration of solid waste in a final disposal facility in Indiana. Except as provided in section 14 of this chapter, the amount of the fee is as follows:

(1) For solid waste generated in Indiana and delivered to a final disposal facility in a motor vehicle having a registered gross vehicle weight greater than nine thousand (9,000) pounds, fifty cents (\$0.50) a ton.

(2) For solid waste generated outside Indiana and delivered to a final disposal facility in a motor vehicle having a registered gross vehicle weight greater than nine thousand (9,000) pounds:

(A) fifty cents (\$0.50) a ton; and

(B) if the board has adopted rules under subsection (c), an additional amount imposed under the rules.

(3) For solid waste generated in Indiana or outside Indiana and delivered to a final disposal facility in:

(A) a motor vehicle having a registered gross vehicle weight of not more than nine thousand (9,000) pounds; or

(B) a passenger motor vehicle (as defined in IC 9-13-2-123); fifty cents (\$0.50) for each load delivered by the motor vehicle.

(b) The board may adopt rules to establish and impose a fee on the disposal or incineration of solid waste that is:

(1) generated outside Indiana; and

(2) disposed of or incinerated in a final disposal facility in Indiana.

If rules are adopted under this subsection, the fee shall be set at an amount necessary to offset the costs incurred by the state or a county, municipality, or township that can be attributed to the importation of the solid waste into Indiana and the presence of the solid waste in Indiana.

(c) Revenue from fees collected under subsection (a)(1) and (a)(2)(A) shall be deposited in the state solid waste management fund established by section 2 of this chapter. Revenue from fees collected under subsection (a)(2)(B) shall be deposited in the hazardous substances response trust fund established by IC 13-25-4-1, except that any part of the revenue that the board finds is necessary to offset costs incurred by counties, municipalities, and townships shall be distributed to solid waste management districts pro rata on the basis of the district's population.

(d) If solid waste has been subject to a fee under this section, the total amount of the fee paid shall be credited against any other fee to which the solid waste may later be subject under this section.

(e) A fee may not be imposed upon material used as alternate daily cover pursuant to a permit issued by the department under 329 IAC 10-20-13.

As added by P.L.1-1996, SEC.10. Amended by P.L.45-1997, SEC.8; P.L.2-1998, SEC.49; P.L.131-2006, SEC.10; P.L.220-2014, SEC.9.

IC 13-20-22-2

Establishment of solid waste management fund; purpose; administration of fund; sources; investments

Sec. 2. (a) The state solid waste management fund is established to provide money for the following:

(1) Programs that provide grants and loans that provide education and promote the following:

(A) Recycling and the use of recycled materials.

(B) Waste reduction.

(C) Management of yard waste.

(2) Providing grants to implement household hazardous waste source reduction or recycling projects.

(3) Providing grants for household hazardous waste and conditionally exempting small quantity generator waste collection, recycling, or disposal projects under IC 13-20-20.

(4) Payments by the department under IC 13-20-17.7-6.

(b) The expenses of administering the fund shall be paid from money in the fund.

(c) The sources of money for the fund are the following:

(1) All fees deposited into the fund under section 12(2) of this chapter.

(2) Accrued interest and other investment earnings of the fund.

(3) Appropriations made by the general assembly.

(4) Gifts and donations from any person to the fund.

(5) Civil penalties imposed under IC 13-30-4 for violations of IC 13-20-17.7 and proceeds received following a criminal conviction in connection with a violation of IC 13-20-17.7.

(6) Subject to subsection (f), assets assigned and other contributions made by persons.

(7) Transfers from the Indiana recycling promotion and assistance fund under IC 4-23-5.5-14(i).

(8) Money credited to the fund from the environmental management special fund under IC 13-14-12-1(c).

(d) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested.

(e) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

(f) Money in the fund resulting from assets assigned and other contributions made under subsection (c)(6) may be used only by the department of environmental management to make payments under IC 13-20-17.7-6.

As added by P.L.1-1996, SEC.10. Amended by P.L.45-1997, SEC.9; P.L.237-1999, SEC.9; P.L.170-2006, SEC.16; P.L.137-2007, SEC.21.

IC 13-20-22-2.1

Policy on awarding of grants

Sec. 2.1. (a) The department shall adopt and make available a policy concerning the award of grants under section 2 of this chapter.

(b) The policy must include the following considerations:

(1) No private sector services will be displaced if an equipment grant is awarded.

(2) The economic need of the district must be a consideration in awarding a grant.

As added by P.L.45-1997, SEC.10.

IC 13-20-22-3

Appropriation of money; approval of expenditures

Sec. 3. (a) There is annually appropriated to the fund, for the purposes set forth in section 2(a) of this chapter, the amount of money deposited in the fund from the sources set forth in section 2(c) of this chapter.

(b) The governor and the budget agency must approve expenditures from the fund under section 2(a) of this chapter.

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

IC 13-20-22-4

Repealed

(As added by P.L.1-1996, SEC.10. Repealed by P.L.220-2014, SEC.10.)

IC 13-20-22-5

Repealed

(As added by P.L.1-1996, SEC.10. Repealed by P.L.220-2014, SEC.11.)

IC 13-20-22-6

Repealed

(As added by P.L.1-1996, SEC.10. Repealed by P.L.220-2014, SEC.12.)

IC 13-20-22-7

Repealed

(As added by P.L.1-1996, SEC.10. Repealed by P.L.220-2014, SEC.13.)

IC 13-20-22-8

Repealed

(As added by P.L.1-1996, SEC.10. Repealed by P.L.220-2014,

SEC.14.)

IC 13-20-22-9

Repealed

(As added by P.L.1-1996, SEC.10. Repealed by P.L.220-2014, SEC.15.)

IC 13-20-22-10

Repealed

(As added by P.L.1-1996, SEC.10. Repealed by P.L.220-2014, SEC.16.)

IC 13-20-22-11

Collection of state solid waste management fees; quarterly remittance to the department with report

Sec. 11. (a) The owner or operator of a final disposal facility is responsible for collecting the fees imposed under section 1 of this chapter from persons delivering solid waste to that facility.

(b) Each owner or operator may:

- (1) deduct from the fees an amount equal to one percent (1%) of the fees collected; and
- (2) retain this amount as compensation for collecting and remitting the fees;

if the fees collected and the reports required under subsection (e) are timely remitted and filed.

(c) If:

- (1) the fees collected are remitted; or
- (2) the required report is filed;

after the due date, the owner or operator shall remit all fees collected to the department.

(d) The owner or operator shall remit the remainder of the fees that the owner or operator collects during a quarter to the department at the same time that reports are required to be filed under subsection (e).

(e) The owner or operator of a final disposal facility shall file quarterly reports with the department concerning the fees collected under this section:

- (1) on or before the fifteenth day of January, concerning the fees collected during the preceding quarter consisting of the months of October through December;
- (2) on or before the fifteenth day of April, concerning the fees collected during the preceding quarter consisting of the months of January through March;
- (3) on or before the fifteenth day of July, concerning the fees collected during the preceding quarter consisting of the months of April through June; and
- (4) on or before the fifteenth day of October, concerning the fees collected during the preceding quarter consisting of the

months of July through September.
An owner or operator shall submit the quarterly reports on forms provided by the department.
As added by P.L.1-1996, SEC.10. Amended by P.L.220-2014, SEC.17; P.L.147-2015, SEC.14.

IC 13-20-22-12

Deposits in funds

Sec. 12. Each month the department shall deposit the following:

- (1) Not less than fifty percent (50%) of the revenue from the fee imposed under section 1(a)(1) of this chapter into the Indiana recycling promotion and assistance fund established in IC 4-23-5.5-14.
- (2) Not more than fifty percent (50%) of the revenue from the fee imposed under section 1(a)(1) of this chapter into the fund.
- (3) The revenue from the fee imposed under section 1(a)(2) of this chapter into the hazardous substance response trust fund established by IC 13-25-4-1.

As added by P.L.1-1996, SEC.10. Amended by P.L.45-1997, SEC.11; P.L.2-1998, SEC.50; P.L.1-1999, SEC.39; P.L.220-2014, SEC.18.

IC 13-20-22-13

Limitation on imposition of fee

Sec. 13. A fee may not be imposed by the state under section 1 of this chapter on the disposal of solid waste by a person who:

- (1) generated the solid waste; and
- (2) disposed of the solid waste at a site that is:
 - (A) owned by the person; and
 - (B) limited, for purposes of the disposal of solid waste, to use by that person for the disposal of solid waste generated by that person.

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

IC 13-20-22-14

Contiguous governmental units; solid waste management agreement; fee imposed

Sec. 14. If:

(1) the:

- (A) county executive of the county; or
- (B) board of directors of the district;

in which a final disposal facility is located has entered into an agreement concerning solid waste management with a governmental unit that is, or that is located within, a county that is contiguous to Indiana but within another state; and

(2) the agreement provides for solid waste generated in that governmental unit to be disposed of in the final disposal facility;

the fee imposed under this chapter upon the disposal in the final

disposal facility of solid waste generated in that governmental unit is the fee set forth in section 1(b)(1) of this chapter, not the fee set forth in section 1(b)(2) of this chapter.

As added by P.L.1-1996, SEC.10. Amended by P.L.2-1998, SEC.51; P.L.1-1999, SEC.40.

IC 13-20-22-15

Fee collection; determination of weight of solid waste

Sec. 15. (a) For purposes of the collection of the fees imposed under section 1 of this chapter, the owner or operator of a final disposal facility that:

- (1) receives, on the average, less than two hundred (200) tons of solid waste each day; and
- (2) does not have a scale suitable for weighing the solid waste received at the final disposal facility;

may determine the weight of the solid waste received by conversion from the volume of the solid waste.

(b) The owner or operator shall apply the following conversion factors:

- (1) Three and three-tenths (3.3) cubic yards of compacted solid waste equals one (1) ton of solid waste.
- (2) Six (6) cubic yards of uncompact solid waste equals one (1) ton of solid waste.

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

IC 13-20-22-16

Fees not revenues of facility

Sec. 16. Fees prescribed by this chapter are not:

- (1) revenues (as defined in IC 36-9-31-2) of a facility (as defined in IC 36-9-31-2); or
- (2) revenues under:
 - (A) IC 8-1.5;
 - (B) IC 13-21-3-13;
 - (C) IC 13-21-7 through IC 13-21-12;
 - (D) IC 13-21-14; or
 - (E) IC 36-9-30.

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

IC 13-20-22-17

Repealed

(As added by P.L.1-1996, SEC.10. Repealed by P.L.220-2014, SEC.19.)

IC 13-20-22-18

Election and exclusivity of remedies

Sec. 18. The remedies provided by this chapter are cumulative. Action taken by the state may not be construed as an election to pursue a remedy to the exclusion of other remedies.

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

IC 13-20-22-19

Failure to remit collected solid waste disposal or incineration fees; offense

Sec. 19. A person who knowingly or intentionally fails to pay the fee to the department under section 11 of this chapter commits a Level 6 felony.

As added by P.L.1-1996, SEC.10. Amended by P.L.158-2013, SEC.189; P.L.220-2014, SEC.20.

IC 13-20-22-20

Repealed

(As added by P.L.1-1996, SEC.10. Amended by P.L.158-2013, SEC.190. Repealed by P.L.220-2014, SEC.21.)

IC 13-20-22-21

Criminal penalty for application misstatement

Sec. 21. A person who, with intent to defraud, knowingly or intentionally makes a material misstatement in connection with an application for a loan or grant from the fund commits a Level 6 felony.

As added by P.L.137-2007, SEC.22. Amended by P.L.158-2013, SEC.191.