

IC 13-22-12

Chapter 12. Hazardous Waste Fees

IC 13-22-12-1

Establishment

Sec. 1. Notwithstanding the fees established under IC 13-16-1, the hazardous waste:

- (1) permit application fees;
- (2) annual operation fees;
- (3) prices for purchasing manifests; and
- (4) disposal fees;

provided for in this chapter are established.

As added by P.L.1-1996, SEC.12. Amended by P.L.220-2014, SEC.22.

IC 13-22-12-2

Fee schedule; application fees

Sec. 2. For hazardous waste, the application fees are as follows:

New Permit Application	
	Fee
Land Disposal	\$40,600
Incinerator (per unit)	\$21,700
Storage	\$23,800
Treatment	\$23,800
Permit Renewal or Class 3 Modification	
Land Disposal	\$34,000
Incinerator	\$21,700
Storage	\$17,200
Treatment	\$17,200
Class 2 Modification	
Class 2 Modification	\$ 2,250

As added by P.L.1-1996, SEC.12.

IC 13-22-12-3

Fee schedule; annual operation fees

Sec. 3. For hazardous waste, the annual operation fees are as follows:

	Fee
Land Disposal	\$37,500
Incinerator (per unit)	\$10,000
Storage	\$ 2,500
Treatment	\$10,000
Generator	\$ 1,565
Postclosure Activity	\$ 1,500
Groundwater Compliance Sampling at active facilities (per well)	\$ 1,000

As added by P.L.1-1996, SEC.12.

IC 13-22-12-3.5

Fees for disposal of hazardous waste

Sec. 3.5. (a) For the disposal of hazardous waste in Indiana, the fees are as follows:

(1) For hazardous waste disposed of in a disposal facility, eleven dollars and fifty cents (\$11.50) per ton. If hazardous waste is mixed with or dissolved or suspended in water or another liquid at the time it is disposed of in a disposal facility, the entire mixture, solution, or suspension disposed of is considered hazardous waste disposed of in a disposal facility for the purposes of this subdivision.

(2) For hazardous waste disposed of by underground injection, eleven dollars and fifty cents (\$11.50) per ton. However, a person required to pay disposal fees under this subdivision is not liable for more than twenty-five thousand dollars (\$25,000) in disposal fees under this subdivision for all hazardous waste disposed of by the person by underground injection in one (1) calendar year.

(b) Fees imposed under subsection (a)(1) shall be paid by the operator of the disposal facility at which the hazardous waste is disposed of. For hazardous waste disposed of by underground injection at a location other than a disposal facility, the fee imposed on the disposal of the hazardous waste under subsection (a)(2) shall be paid by the person disposing of the hazardous waste.

(c) Fees imposed under this section begin accruing on January 1 of each year. The fees that accrue under this section during a calendar year shall be paid to the department on or before March 1 of the following year.

(d) The fees imposed under this section shall be based on the total tonnage of hazardous waste disposed of. The fees do not apply to the treatment or storage of hazardous waste in a disposal facility.

(e) The fees paid to the department under this section shall be deposited and paid over as provided in section 3.6 of this chapter.

As added by P.L.220-2014, SEC.23. Amended by P.L.147-2015, SEC.22.

IC 13-22-12-3.6

Hazardous waste disposal fee revenue; deposit in hazardous substances response trust fund; county fund

Sec. 3.6. (a) The fees collected under section 3.5 of this chapter upon the disposal of a quantity of hazardous waste shall be deposited and paid over as follows:

(1) Seventy-five percent (75%) shall be deposited in the hazardous substances response trust fund established by IC 13-25-4-1.

(2) Twenty-five percent (25%) shall be paid over to the county

in which the hazardous waste is disposed of.

(b) Except as provided in subsection (e), and subject to subsections (f) and (g), the revenue paid over to the county under subsection (a)(2) shall be deposited in a separate fund established by the county for the purposes of the following:

(1) Establishing monitoring wells on land near the site of the disposal facility.

(2) Analyzing samples from the monitoring wells established under subdivision (1).

(3) Conducting other types of testing and surveillance for hazardous waste contamination of land near the disposal facility.

(4) Providing training for county and local public health and public safety officers in the proper procedures for dealing with emergencies involving hazardous substances or hazardous waste.

(5) Providing special clothing and equipment needed by county and local public health and public safety officers for dealing with emergencies involving hazardous substances or hazardous waste.

(6) Funding research on alternatives to land disposal as a means of eliminating hazardous waste.

(7) Paying the cost of hazardous waste, hazardous substance, or solid waste removal and remedial action at a site located within the county.

(8) Meeting the county's requirements under IC 13-21 for the planning and implementation of a solid waste management district plan.

(9) Paying the costs associated with the construction or rehabilitation of a facility used for training described in subdivision (4).

(10) Paying the costs associated with any other project that has identifiable environmental benefits.

(11) Paying the costs associated with the construction, structural rehabilitation, and equipment of a facility used for either of the following purposes:

(A) A county public safety central dispatch.

(B) A county emergency operations center.

(12) Paying costs associated with the maintenance or repair of county roads.

(13) Paying for the costs of county ambulance service.

(c) The county fund established under subsection (b) shall be administered by the county treasurer, and the expenses of administering the fund shall be paid from money in the fund. Money in the fund not currently needed to meet the obligations of the fund may be invested in the same manner as other public funds may be invested. Interest that accrues from these investments shall be deposited in the fund. Money in the fund at the end of a particular

fiscal year does not revert to the county general fund.

(d) No money in the county fund established under subsection (b) shall be used for activities authorized in subsection (b)(8) or (b)(9) until the purposes listed in subsection (b)(1) through (b)(7) have been fulfilled.

(e) Subsection (b)(9), (b)(10), and (b)(11) do not apply to a county having a population of more than three hundred thousand (300,000) but less than four hundred thousand (400,000).

(f) The county may not pay from the county fund established under subsection (b) in a calendar year for the purposes set forth in subsection (b)(11) an amount that exceeds ten percent (10%) of the balance in the fund as of January 1 of that calendar year.

(g) If a county expends money in the county fund established under subsection (b) for the maintenance or repair of county roads, the county may not annually expend more than ten percent (10%) of the balance in the fund (as determined on January 1 of the calendar year in which the expenditures are made) for those purposes.

(h) A fund established by a county under IC 6-6-6.6-3 before its repeal:

- (1) satisfies the requirement of subsection (b) that a county establish a fund;
- (2) shall be administered under subsection (c); and
- (3) is in all other respects subject to this section.

(i) Money deposited in a fund established by a county under IC 6-6-6.6-3 before its repeal:

- (1) may remain in the fund; and
- (2) may be used for the purposes set forth in subsection (b), subject to subsections (d) through (g);

notwithstanding the repeal of IC 6-6-6.6-3.

As added by P.L.220-2014, SEC.24.

IC 13-22-12-4

Repealed

(As added by P.L.1-1996, SEC.12. Repealed by P.L.143-2000, SEC.8.)

IC 13-22-12-5

Remittance of fee required; denial of permit

Sec. 5. (a) When a person files a hazardous waste permit application with the department, the person must remit an application fee to the department.

(b) If a person does not remit an application fee to the department, the department shall deny the person's application.

As added by P.L.1-1996, SEC.12.

IC 13-22-12-6

Accrual of annual operation fees

Sec. 6. Hazardous waste annual operation fees begin accruing

January 1 each year. The department shall assess the fees not later than January 15 of that year.

As added by P.L.1-1996, SEC.12.

IC 13-22-12-7

Remittance of fees or installments

Sec. 7. A person must remit a hazardous waste annual operation fee or an installment established by the department under IC 13-16-2 to the department not more than thirty (30) days after the date the fee is assessed or on the date the installment is due.

As added by P.L.1-1996, SEC.12. Amended by P.L.130-1996, SEC.6; P.L.2-1997, SEC.46.

IC 13-22-12-8

Delinquency charge; revocation of permit

Sec. 8. (a) In addition to the penalties described under:

- (1) IC 13-30-4-1;
- (2) IC 13-30-4-2; and
- (3) IC 13-30-5-1;

if a person does not remit a hazardous waste annual operation fee or an installment established by the department under section 14 of this chapter not more than sixty (60) days after the date the fee is assessed or not more than thirty (30) days after the date the installment is due, the person shall be assessed a delinquency charge equal to ten percent (10%) of the hazardous waste annual operation fee or ten percent (10%) of the installment, whichever is applicable. The delinquency charge is due and payable sixty (60) days after the date the hazardous waste annual operation fee is assessed or thirty (30) days after the date the installment is due.

(b) If a person does not remit a hazardous waste annual operation fee or an installment established by the department under IC 13-16-2 and any applicable delinquency charge not more than ninety (90) days after the date the hazardous waste annual operation fee is assessed or not more than sixty (60) days after the date the installment is due, the department may revoke the person's permit. However, before the department may revoke the permit:

- (1) not earlier than sixty (60) days after the date the hazardous waste annual operation fee is assessed or not earlier than thirty (30) days after the date an installment is due; and
- (2) not later than thirty (30) days before the department revokes the permit;

the department must deliver a written notice to the person that describes what fees and delinquency charges are due and that indicates that the department may revoke the person's permit for nonpayment after thirty (30) days.

As added by P.L.1-1996, SEC.12. Amended by P.L.130-1996, SEC.7; P.L.2-1997, SEC.47.

IC 13-22-12-9**Annual operation fees; applicability**

Sec. 9. Annual operation fees established under this chapter apply to facilities that:

- (1) have received a permit from the department; or
- (2) are operating under interim status or otherwise manage hazardous waste subject to regulation under the following:
 - (A) IC 13-22-2 through IC 13-22-8.
 - (B) IC 13-22-13 through IC 13-22-14.

As added by P.L.1-1996, SEC.12.

IC 13-22-12-10**Annual operation fees; requirement under certain circumstances**

Sec. 10. Regardless of a person's rate of generation, a person must pay a generator annual operation fee if the person accumulates more than:

- (1) six thousand (6,000) kilograms of hazardous waste; or
 - (2) one (1) kilogram of acutely toxic waste;
- onsite at any time during a year.

As added by P.L.1-1996, SEC.12.

IC 13-22-12-11**Groundwater compliance sampling fees**

Sec. 11. Groundwater compliance sampling fees established under this chapter apply to groundwater monitoring wells in existence at an operating land disposal facility at the time an annual operation fee concerning the land disposal facility is assessed.

As added by P.L.1-1996, SEC.12.

IC 13-22-12-12**Payment of all fees by person or facility in multiple fee categories**

Sec. 12. A person or facility that is described in more than one (1) category under this chapter must pay all applicable fees.

As added by P.L.1-1996, SEC.12.

IC 13-22-12-13**Payment and deposit of fees and delinquency charges**

Sec. 13. Except for the hazardous waste disposal fee collected under section 3.5 of this chapter, the fees and delinquency charges collected under this chapter:

- (1) are payable to the department; and
- (2) shall be deposited in the environmental management permit operation fund established by IC 13-15-11-1.

As added by P.L.1-1996, SEC.12. Amended by P.L.220-2014, SEC.25.

IC 13-22-12-14**Repealed**

(Repealed by P.L.2-1997, SEC.89.)