



February 17, 2015

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## SENATE BILL No. 312

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DIGEST OF SB 312 (Updated February 16, 2015 1:13 pm - DI 55)

**Citations Affected:** IC 13-11; IC 13-18; IC 36-7; IC 36-8; noncode.

**Synopsis:** Tank reporting and water threat minimization. Requires the owner or operator of an above ground storage tank (AST) that is designed to contain more than 660 gallons of liquid to report certain information about the AST to the department of environmental management before January 1, 2016. Establishes certain exceptions from this reporting requirement. Requires the environmental rules board to adopt rules concerning the reporting requirement. Requires a person who is responsible for operation of a public water system that uses surface water as a source of drinking water to develop a surface water quality threat minimization and response plan for the public water system. Requires the environmental rules board to adopt rules concerning surface water quality threat minimization and response plans.

**Effective:** Upon passage; July 1, 2015.

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## Charbonneau, Eckerty, Stoops

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January 8, 2015, read first time and referred to Committee on Environmental Affairs.  
February 16, 2015, amended, reported favorably — Do Pass.

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SB 312—LS 6808/DI 55





February 17, 2015

First Regular Session 119th General Assembly (2015)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

## SENATE BILL No. 312

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A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 13-11-2-0.6 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2015]: **Sec. 0.6. "Above ground storage tank", for purposes of**  
4 **IC 13-18-5.5, has the meaning set forth in IC 13-18-5.5-1.**  
5 SECTION 2. IC 13-11-2-48.3 IS ADDED TO THE INDIANA  
6 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
7 [EFFECTIVE JULY 1, 2015]: **Sec. 48.3. "Critical zone of concern",**  
8 **for purposes of IC 13-18-5.5, has the meaning set forth in**  
9 **IC 13-18-5.5-2.**  
10 SECTION 3. IC 13-11-2-57.7 IS ADDED TO THE INDIANA  
11 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
12 [EFFECTIVE JULY 1, 2015]: **Sec. 57.7. "Disruption", for purposes**  
13 **of IC 13-18-5.5, has the meaning set forth in IC 13-18-5.5-3.**  
14 SECTION 4. IC 13-11-2-96, AS AMENDED BY P.L.113-2014,  
15 SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
16 JULY 1, 2015]: Sec. 96. (a) "Hazardous material", for purposes of

SB 312—LS 6808/DI 55



- 1 IC 13-18-5, means any of the following:  
 2 (1) A hazardous chemical (as defined in 42 U.S.C. 11021(e), as  
 3 in effect on January 1, 1990).  
 4 (2) A hazardous waste.  
 5 (3) A hazardous substance (as defined in 42 U.S.C. 9601(14), as  
 6 in effect on January 1, 1990).  
 7 (4) A substance that is on the list of extremely hazardous  
 8 substances published by the Administrator of the United States  
 9 Environmental Protection Agency under 42 U.S.C. 11002(a)(2).  
 10 (5) A material that is identified by the board as potentially  
 11 harmful to surface water or groundwater if accidentally released  
 12 from a storage or handling facility.

13 **(b) "Hazardous material", for purposes of IC 13-18-5.5, has the**  
 14 **meaning set forth in IC 13-18-5.5-4.**

15 ~~(b)~~ (c) "Hazardous material", for purposes of IC 13-25-6, means a  
 16 material or waste that has been determined to be hazardous or  
 17 potentially hazardous to human health, to property, or to the  
 18 environment by:

- 19 (1) the United States:  
 20 (A) Environmental Protection Agency;  
 21 (B) Nuclear Regulatory Commission;  
 22 (C) Department of Transportation; or  
 23 (D) Occupational Safety and Health Administration; or  
 24 (2) the board.

25 The term includes all of the hazardous materials identified in 49 CFR  
 26 172.101.

27 SECTION 5. IC 13-11-2-119.5 IS ADDED TO THE INDIANA  
 28 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 29 [EFFECTIVE JULY 1, 2015]: **Sec. 119.5. "Liquid", for purposes of**  
 30 **IC 13-18-5.5, has the meaning set forth in IC 13-18-5.5-5.**

31 SECTION 6. IC 13-11-2-177.3 IS AMENDED TO READ AS  
 32 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 177.3. "Public water  
 33 system", for purposes of this chapter, **IC 13-18-5.5**, IC 13-18-11,  
 34 **IC 13-18-16**, IC 13-18-20.5, IC 13-18-21, and other environmental  
 35 management laws, has the meaning set forth in 42 U.S.C. 300f.

36 SECTION 7. IC 13-11-2-184 IS AMENDED TO READ AS  
 37 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 184. (a) "Release", for  
 38 purposes of IC 13-23, means any:

- 39 (1) spilling;  
 40 (2) leaking;  
 41 (3) emitting;  
 42 (4) discharging;



- 1 (5) escaping;  
 2 (6) leaching; or  
 3 (7) disposing;  
 4 from an underground storage tank into ground water, surface water,  
 5 subsurface soils, or surface soils.
- 6 (b) "Release", for purposes of IC 13-24-1, means:  
 7 (1) a spill;  
 8 (2) a leak;  
 9 (3) an emission;  
 10 (4) a discharge;  
 11 (5) an escape;  
 12 (6) a leaching; or  
 13 (7) a disposing;  
 14 of petroleum into ground water, surface water, subsurface soils, or  
 15 surface soils. The term does not include the release of petroleum into  
 16 land used by a scrap metal processor (as defined in IC 9-13-2-162) or  
 17 farmer, unless the commissioner determines that the release of the  
 18 petroleum is adverse to human health.
- 19 (c) "Release", for purposes of **IC 13-18-5.5** and IC 13-25-2, means  
 20 any:  
 21 (1) spilling;  
 22 (2) leaking;  
 23 (3) pumping;  
 24 (4) pouring;  
 25 (5) emitting;  
 26 (6) emptying;  
 27 (7) discharging;  
 28 (8) injecting;  
 29 (9) escaping;  
 30 (10) leaching;  
 31 (11) dumping; or  
 32 (12) disposing;  
 33 into the environment of any **hazardous material**, hazardous chemical,  
 34 extremely hazardous substance, or toxic chemical. The term includes  
 35 the abandonment or discarding of barrels, containers, and other closed  
 36 receptacles.
- 37 (d) "Release", for purposes of IC 13-25-4, means any:  
 38 (1) spilling;  
 39 (2) leaking;  
 40 (3) pumping;  
 41 (4) pouring;  
 42 (5) emitting;



1 (6) emptying;  
 2 (7) discharging;  
 3 (8) injecting;  
 4 (9) escaping;  
 5 (10) leaching;  
 6 (11) dumping; or  
 7 (12) disposing;  
 8 into the environment. The term includes the abandonment or discarding  
 9 of barrels, containers, or other closed receptacles containing any  
 10 hazardous substance.

11 (e) "Release", for purposes of IC 13-25-5, means any:

12 (1) spilling;  
 13 (2) leaking;  
 14 (3) pumping;  
 15 (4) pouring;  
 16 (5) emitting;  
 17 (6) emptying;  
 18 (7) discharging;  
 19 (8) injecting;  
 20 (9) escaping;  
 21 (10) leaching;  
 22 (11) dumping; or  
 23 (12) disposing;

24 into the environment. The term includes the abandonment or discarding  
 25 of barrels, containers, or other closed receptacles containing any  
 26 hazardous substance or petroleum.

27 SECTION 8. IC 13-11-2-192 IS AMENDED TO READ AS  
 28 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 192. (a) **"Responsible  
 29 person", for purposes of IC 13-18-16-7.5, has the meaning set forth  
 30 in IC 13-18-16-7.5(a).**

31 ~~(a)~~ (b) "Responsible person", for purposes of IC 13-24-1, means a  
 32 person who has caused a release at a petroleum facility.

33 ~~(b)~~ (c) "Responsible person", for purposes of IC 13-25-4, means a  
 34 person that is:

35 (1) liable to:  
 36 (A) the United States government;  
 37 (B) the state; or  
 38 (C) any other person;  
 39 under Section 107 of CERCLA (42 U.S.C. 9607); or  
 40 (2) liable to the state under IC 13-25-4-8.

41 SECTION 9. IC 13-18-5.5 IS ADDED TO THE INDIANA CODE  
 42 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2015]:

2 **Chapter 5.5. Reporting of Above Ground Storage Tanks**

3 **Sec. 1. As used in this chapter, "above ground storage tank" or**  
 4 **"AST" means a device:**

- 5 (1) at least ten percent (10%) of the outer surface of which is  
 6 exposed above the ground;  
 7 (2) that is not subject to IC 13-23 or other laws, rules, or  
 8 regulations concerning underground storage tanks (as defined  
 9 in IC 13-11-2-241); and  
 10 (3) that is designed to contain more than six hundred sixty  
 11 (660) gallons of a matter that is a liquid at the usual  
 12 temperature and pressure of the area in which the AST is  
 13 located.

14 **Sec. 2. (a) As used in this chapter, "critical zone of concern"**  
 15 **means an area in which a hazardous material could:**

- 16 (1) travel to a water intake of a public water system that uses  
 17 surface water as a source of drinking water; and  
 18 (2) cause a disruption.

19 **(b) The term includes the following:**

20 (1) In the case of a flowing stream on which an intake of a  
 21 public water system is located, the area:

22 (A) within one-quarter (1/4) mile of each bank of the  
 23 stream and of every tributary of the stream from the  
 24 location of the intake on the main stream to the point on  
 25 the main stream and on each tributary twenty-five (25)  
 26 miles upstream of the intake; and

27 (B) within one-quarter (1/4) mile of each bank of the main  
 28 stream from the intake to fifty (50) feet downstream of the  
 29 intake.

30 (2) In the case of a reservoir or lake other than Lake  
 31 Michigan on which an intake of a public water system is  
 32 located, the area:

33 (A) within one-quarter (1/4) mile of each bank of the  
 34 reservoir or lake; and

35 (B) within one-quarter (1/4) mile of each bank of every  
 36 stream or tributary flowing into the lake or reservoir from  
 37 the point where the stream or tributary flows into the lake  
 38 or reservoir to the point twenty-five (25) miles upstream of  
 39 where the stream or tributary flows into the lake or  
 40 reservoir.

41 (3) In the case of a stream or tributary flowing into Lake  
 42 Michigan, the area that is:



- 1           (A) within one-quarter (1/4) mile of each bank of the  
2           stream or tributary; and  
3           (B) within five (5) miles of an intake of a public water  
4           system.
- 5           Sec. 3. As used in this chapter, "disruption" means an  
6           interruption in the ability of a public water system to provide safe  
7           drinking water at a rate adequate to meet the demand on the  
8           public water system for a period exceeding twenty-four (24) hours.
- 9           Sec. 4. As used in this chapter, "hazardous material" means:  
10          (1) a hazardous material (as defined in IC 13-11-2-96(a)); or  
11          (2) a mixture that:  
12           (A) contains a hazardous material (as defined in  
13           IC 13-11-2-96(a));  
14           or  
15           (B) is capable of causing a disruption if released from an  
16           above ground storage tank in a critical zone of concern.
- 17          Sec. 5. As used in this chapter, "liquid" means matter that:  
18          (1) is in a nongaseous state; and  
19          (2) will, at:  
20           (A) sixty (60) degrees Fahrenheit; and  
21           (B) ambient atmospheric pressure;  
22          take the shape of the interior of a container immediately upon  
23          being placed in the container.
- 24          Sec. 6. As used in this chapter, "public water system" has the  
25          meaning set forth in IC 13-11-2-177.3.
- 26          Sec. 7. As used in this chapter, "release" has the meaning set  
27          forth in IC 13-11-2-184(c).
- 28          Sec. 8. (a) Except as provided in subsection (c) and sections  
29          9(b)(3) and 10 of this chapter, the owner or operator of an above  
30          ground storage tank shall report to the department the following  
31          information concerning the AST:  
32           (1) The location of the AST.  
33           (2) The classification of the materials stored in the AST.  
34           (3) The capacity of the AST.
- 35          The owner or operator shall submit the report before January 1,  
36          2016.
- 37          (b) After submitting a report under subsection (a), the owner or  
38          operator of an above ground storage tank shall submit to the  
39          department a supplemental report concerning the AST whenever:  
40           (A) the location of the AST;  
41           (B) the classification of the materials stored in the AST; or  
42           (C) the capacity of the AST;





1 is changed, so that the information concerning the AST in the  
2 possession of the department will remain accurate.

3 (c) If the owner or operator of an above ground storage tank has  
4 reported the existence of the AST to the department or another  
5 agency of the state pursuant to another statute or administrative  
6 rule, the owner or operator is not required to report to the  
7 department concerning the AST under this chapter.

8 (d) The owner or operator of an above ground storage tank who  
9 is required to report under this chapter shall report to the  
10 department concerning the AST:

11 (1) according to the rules adopted by the board under section  
12 9 of this chapter; and

13 (2) either:

14 (A) on a form adopted by the board or the department; or

15 (B) through an electronic mail or Internet-based means  
16 established by the board or the department;

17 according to the rules adopted under section 9 of this chapter.

18 Sec. 9. (a) The board shall adopt rules under IC 13-14-9 and  
19 IC 4-22-2 concerning the reporting required under this chapter.

20 (b) The rules adopted by the board under this section must do  
21 the following:

22 (1) Establish at least three (3) different classifications of above  
23 ground storage tanks for the purposes of this chapter,  
24 according to the relative danger of a disruption from an AST  
25 release, based on:

26 (A) the liquid stored in the AST;

27 (B) the capacity and location of the AST; and

28 (C) the proximity of the AST to the water intake of a public  
29 water system.

30 (2) Require reports to the department under this chapter  
31 concerning all ASTs that:

32 (A) are used to store hazardous materials; or

33 (B) are located in a critical zone of concern.

34 (3) Establish certain conditions under which an AST shall be  
35 recognized as exempt from the reporting requirements of this  
36 chapter because the AST does not pose a threat to cause a  
37 disruption from a release of the contents of the AST.

38 (c) The rules adopted under this section must:

39 (1) provide for the filing of a supplemental report concerning  
40 an AST when a change as described in section 8(b) of this  
41 chapter occurs so that the information in the possession of the  
42 department concerning the AST will remain accurate; and



- 1           (2) specify the means by which the owner or operator of an  
2           AST will comply with the reporting requirements of this  
3           chapter, as described in section 8(d)(2) of this chapter.
- 4           **Sec. 10. The following are exempt from the reporting**  
5           **requirements of this chapter:**
- 6           (1) An AST used to contain only drinking water, surface  
7           water, raw groundwater, demineralized water, noncontact or  
8           circulating cooling water, or water stored for fire or  
9           emergency purposes.
- 10          (2) An AST located on a farm, the contents of which:  
11           (A) are:  
12               (i) used by the tank owner or operator for farming  
13               purposes; and  
14               (ii) not commercially distributed; or  
15           (B) are produced as an agricultural commodity.
- 16          (3) An AST:  
17           (A) that is located on a farm or residential property;  
18           (B) the capacity of which is not more than two thousand  
19           five hundred (2,500) gallons; and  
20           (C) that is used for storing motor fuel for noncommercial  
21           purposes.
- 22          (4) An AST:  
23           (A) the capacity of which is not more than one thousand  
24           one hundred (1,100) gallons; and  
25           (B) that is used for storing heating oil for consumption on  
26           the premises on which the AST is located.
- 27          (5) An AST that is used for storing heating oil, natural gas, or  
28           propane and that is regulated under NFPA 58-30A or NFPA  
29           58-30B of the Liquefied Petroleum Gas Code of the National  
30           Fire Protection Association through 49 CFR 192.11(b).
- 31          (6) An AST that is part of a stormwater or wastewater  
32           collection and treatment system.
- 33          (7) An AST located on a site regulated under IC 14-34.
- 34          (8) Machinery and equipment containing integral operating  
35           fluids that are necessary for the proper operation of the  
36           machinery or equipment, including, but not limited to,  
37           hydraulic reservoirs, lubricating oil reservoirs, electrical  
38           equipment, heating and cooling equipment, and fuel tanks for  
39           emergency generators and fire pumps.
- 40          (9) An AST that is:  
41           (A) located inside a building; and  
42           (B) resting on or elevated above an impermeable floor



- 1 surface;  
 2 a release from which would be entirely contained in a  
 3 secondary containment structure or would, through other  
 4 means, be prevented from escaping.  
 5 (10) A mobile tank, rail car, or truck:  
 6 (A) that is regulated by the United States Department of  
 7 Transportation; or  
 8 (B) the capacity of which is not more than five thousand  
 9 (5,000) gallons;  
 10 and that is located on a particular site for less than one  
 11 hundred eighty (180) consecutive calendar days.  
 12 (11) A surface impoundment, pit, pond, or lagoon.  
 13 (12) An AST:  
 14 (A) that is otherwise regulated through individual,  
 15 site-specific permits issued under the National Pollutant  
 16 Discharge Elimination System or another regulatory  
 17 program; or  
 18 (B) for which appropriate containment and diversionary  
 19 structures or equipment to prevent unregulated discharge  
 20 of materials from reaching the waters of Indiana are in  
 21 place in compliance with law or administrative rules.  
 22 (13) An oil-filled tank that is regulated under section 1321 of  
 23 the federal Water Pollution Control Act (section 311 of the  
 24 federal Clean Water Act, 33 U.S.C. 1321) and the regulations  
 25 adopted thereunder, 40 CFR 112, et seq.  
 26 (14) Any flow-through process tank, including, but not limited  
 27 to, a pressure vessel and oil and water separators.  
 28 (15) A pipeline facility, including gathering lines, that:  
 29 (A) is regulated under the Natural Gas Pipeline Safety Act  
 30 of 1968 (49 U.S.C. 1671 et seq.);  
 31 (B) is regulated under the Hazardous Liquid Pipeline  
 32 Safety Act of 1979 (49 U.S.C. 60101 et seq.); or  
 33 (C) is an intrastate pipeline facility regulated under state  
 34 laws comparable to the laws identified in clauses (A) and  
 35 (B).  
 36 (16) Electrical equipment such as transformers, circuit  
 37 breakers, and voltage regulators.  
 38 (17) Process tanks:  
 39 (A) in which liquids are altered through biological,  
 40 chemical, or physical means; or  
 41 (B) that are used strictly to regulate liquid volumes in a  
 42 process operation.



- 1           **(18) An AST containing agricultural pesticides or fertilizers**  
 2           **regulated by the state chemist under 355 IAC.**  
 3           **(19) An emergency spill or overflow containment tank that is**  
 4           **expeditiously emptied after each use.**  
 5           **(20) A tank that contains a de minimis concentration or**  
 6           **regulated substances.**  
 7           **(21) Tanks that are used for the storage of products that are**  
 8           **regulated under the federal Food, Drug, and Cosmetic Act, 21**  
 9           **U.S.C. 301 et seq.**  
 10           **(22) Any other tank exempted by a rule adopted by the board**  
 11           **under section 9(b)(3) of this chapter.**

12           **Sec. 11. Information about above ground storage tanks that is**  
 13           **reported to the department under this chapter is declared**  
 14           **confidential under IC 5-14-3-4(a)(1) for purposes of public**  
 15           **disclosure, but it may be disclosed to a responsible person**  
 16           **developing or updating a surface water quality threat minimization**  
 17           **and response plan for a public water system under IC 13-18-16-7.5.**

18           SECTION 10. IC 13-18-16-6 IS AMENDED TO READ AS  
 19           FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 6. (a) All public water  
 20           systems shall be continuously operated and maintained so that water is:

- 21                   (1) safe in quality;  
 22                   (2) clean and adequate in quantity; and  
 23                   (3) chemically satisfactory for ordinary domestic consumption.  
 24           (b) The person responsible for the operation of a public water  
 25           system shall take all measures that are necessary to carry out the  
 26           requirements of subsection (a) so as to protect the quality and quantity  
 27           of the raw water supply from actual or threatened contamination. These  
 28           measures include the relocation of the point of raw water collection to  
 29           a site that is not contaminated or threatened by contamination.

30           **(c) The person responsible for the operation of a public water**  
 31           **system that uses surface water as a source of drinking water shall**  
 32           **implement the surface water threat minimization and response**  
 33           **plan developed and maintained under section 7.5 of this chapter**  
 34           **immediately upon discovering:**

- 35                   **(1) the contamination; or**  
 36                   **(2) a threat of contamination;**  
 37           **of the surface water used by the public water system as a source of**  
 38           **drinking water.**

39           (↯) **(d) The failure to carry out a duty set forth in subsection (a) or**  
 40           **(b) constitutes a violation subject to the penalties imposed under this**  
 41           **chapter. Each day a violation occurs under this section constitutes a**  
 42           **separate violation.**



1 SECTION 11. IC 13-18-16-7.5 IS ADDED TO THE INDIANA  
 2 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 3 [EFFECTIVE JULY 1, 2015]: **Sec. 7.5. (a) For purposes of this**  
 4 **section, "responsible person" means the person responsible for the**  
 5 **operation of a public water system that uses surface water as a**  
 6 **source of drinking water.**

7 **(b) A responsible person shall do the following:**

8 **(1) Develop, maintain, and update a surface water quality**  
 9 **threat minimization and response plan for the public water**  
 10 **system for which the person is responsible. A plan developed**  
 11 **under this subdivision must include the following:**

12 **(A) An identification of critical drinking water intake**  
 13 **facilities, including specific locations of wells, intake**  
 14 **structures, and critical drinking water distribution**  
 15 **infrastructure.**

16 **(B) An identification of potential threats to raw water**  
 17 **quality.**

18 **(C) An assessment of the risks posed by potential threats**  
 19 **identified in clause (B).**

20 **(D) A communication, education, and risk minimization**  
 21 **plan.**

22 **(E) An incident response plan.**

23 **A plan described in this subdivision, as well as its component**  
 24 **parts, is confidential under IC 5-14-3-4.**

25 **(2) Designate and maintain a single point of contact for**  
 26 **purposes of planning and response under this section.**

27 **(3) With respect to a plan described in subdivision (1):**

28 **(A) Submit the plan to the department when the plan is**  
 29 **developed.**

30 **(B) Submit an updated plan to the department every five**  
 31 **(5) years thereafter.**

32 SECTION 12. IC 13-18-16-8 IS AMENDED TO READ AS  
 33 FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 8. (a) The board shall**  
 34 **adopt rules under IC 4-22-2 and IC 13-14-9 establishing requirements**  
 35 **for the issuance of permits to control public water systems, including**  
 36 **the following:**

37 **(1) The requirement to obtain a permits permit for the**  
 38 **construction, installation, or modification of facilities, equipment,**  
 39 **or devices for any public water system.**

40 **(2) The requirement to obtain a permits permit for the**  
 41 **operation of sources, facilities, equipment, or devices for any**  
 42 **public water system.**



1           **(3) Requirements for the development of surface water**  
 2           **quality threat minimization and response plans under section**  
 3           **7.5 of this chapter.**

4           (b) The board shall adopt a permit by rule for water main extensions  
 5 (as defined in 327 IAC 8-3-1) to satisfy the permit requirement in  
 6 section 1(a) of this chapter.

7           SECTION 13. IC 36-7-29-7 IS AMENDED TO READ AS  
 8 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 7. As used in this  
 9 chapter, "responsible person" has the meaning set forth in  
 10 ~~IC 13-11-2-192(b)~~; **IC 13-11-2-192(c)**.

11           SECTION 14. IC 36-8-12-13, AS AMENDED BY P.L.208-2011,  
 12 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 13 JULY 1, 2015]: Sec. 13. (a) Except as provided in subsection (b), the  
 14 volunteer fire department that responds first to an incident may impose  
 15 a charge on the owner of property, the owner of a vehicle, or a  
 16 responsible party (as defined in IC 13-11-2-191(e)) that is involved in  
 17 a hazardous material or fuel spill or chemical or hazardous material  
 18 related fire (as defined in ~~IC 13-11-2-96(b)~~; **IC 13-11-2-96(c)**):

- 19           (1) that is responded to by the volunteer fire department; and  
 20           (2) that members of that volunteer fire department assisted in  
 21           extinguishing, containing, or cleaning up.

22           A second or subsequently responding volunteer fire department may  
 23 not impose a charge on an owner or responsible party under this  
 24 section, although it may be entitled to reimbursement from the first  
 25 responding volunteer fire department in accordance with an interlocal  
 26 or other agreement.

- 27           (b) A volunteer fire department that is funded, in whole or in part:  
 28           (1) by taxes imposed by a unit; or  
 29           (2) by a contract with a unit;

30           may not impose a charge under subsection (a) on a natural person who  
 31 resides or pays property taxes within the boundaries of the unit  
 32 described in subdivision (1) or (2), unless the spill or the chemical or  
 33 hazardous material fire poses an imminent threat to persons or  
 34 property.

35           (c) The volunteer fire department shall bill the owner or responsible  
 36 party of the vehicle for the total dollar value of the assistance that was  
 37 provided, with that value determined by a method that the state fire  
 38 marshal shall establish under section 16 of this chapter. A copy of the  
 39 fire incident report to the state fire marshal must accompany the bill.  
 40 This billing must take place within thirty (30) days after the assistance  
 41 was provided. The owner or responsible party shall remit payment  
 42 directly to the governmental unit providing the service. Any money that



- 1 is collected under this section may be:
- 2 (1) deposited in the township firefighting fund established in
- 3 IC 36-8-13-4;
- 4 (2) used to pay principal and interest on a loan made by the
- 5 department of homeland security established by IC 10-19-2-1 or
- 6 a division of the department for the purchase of new or used
- 7 firefighting and other emergency equipment or apparatus; or
- 8 (3) used for the purchase of equipment, buildings, and property
- 9 for firefighting, fire protection, and other emergency services.
- 10 (d) Any administrative fees charged by a fire department's agent
- 11 must be paid only from fees that are collected and allowed by Indiana
- 12 law and the fire marshal's schedule of fees.
- 13 (e) An agent who processes fees on behalf of a fire department shall
- 14 send all bills, notices, and other related materials to both the fire
- 15 department and the person being billed for services.
- 16 (f) All fees allowed by Indiana law and the fire marshal's fee
- 17 schedule must be itemized separately from any other charges.
- 18 (g) The volunteer fire department may maintain a civil action to
- 19 recover an unpaid charge that is imposed under subsection (a) and may,
- 20 if it prevails, recover all costs of the action, including reasonable
- 21 attorney's fees.
- 22 **SECTION 15. [EFFECTIVE UPON PASSAGE] (a) As used in this**
- 23 **SECTION, "above ground storage tank" or "AST" means a**
- 24 **device:**
- 25 **(1) at least ten percent (10%) of the outer surface of which is**
- 26 **exposed above the ground;**
- 27 **(2) that is not subject to IC 13-23 or other laws, rules, or**
- 28 **regulations concerning underground storage tanks (as defined**
- 29 **in IC 13-11-2-241); and**
- 30 **(3) that is designed to contain more than six hundred sixty**
- 31 **(660) gallons of a matter that is a liquid at the usual**
- 32 **temperature and pressure of the area in which the AST is**
- 33 **located.**
- 34 **(b) The department of environmental management established**
- 35 **by IC 13-13-1-1 shall do the following before November 1, 2015:**
- 36 **(1) Compile a list of all requirements for the reporting of**
- 37 **information about above ground storage tanks that exist**
- 38 **under federal law, federal regulations, Indiana law, and**
- 39 **Indiana administrative rules.**
- 40 **(2) Obtain:**
- 41 **(A) copies of all publicly available forms for the reporting**
- 42 **of information about above ground storage tanks in**



1 compliance with the requirements described in subdivision  
2 (1); or  
3 (B) a representative sample of the forms described in  
4 clause (A).  
5 (3) Submit a report containing the list of requirements and the  
6 copies of forms to the legislative council in an electronic  
7 format under IC 5-14-6.  
8 (c) The report submitted under subsection (b)(3) must include  
9 an analysis of the existing requirements for the reporting of  
10 information about above ground storage tanks described in  
11 subsection (b)(1) that identifies:  
12 (1) instances in which reporting requirements might be  
13 considered insufficient; and  
14 (2) instances in which the reporting of information is already  
15 adequate.  
16 (d) This SECTION expires January 1, 2016.  
17 SECTION 16. An emergency is declared for this act.





COMMITTEE REPORT

Madam President: The Senate Committee on Environmental Affairs, to which was referred Senate Bill No. 312, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill do pass.

(Reference is to SB 312 as introduced.)

CHARBONNEAU, Chairperson

Committee Vote: Yeas 10, Nays 0.

