



Reprinted
April 14, 2015

ENGROSSED SENATE BILL No. 312

DIGEST OF SB 312 (Updated April 13, 2015 5:14 pm - DI 69)

Citations Affected: IC 13-11; IC 13-18; 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 (department) 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 and to submit the report to the department. Requires the environmental rules board to adopt rules concerning surface water quality threat minimization and response plans.

Effective: July 1, 2015.

Charbonneau, Eckerty, Stoops, Randolph

(HOUSE SPONSORS — KOCH, BEUMER, HALE)

January 8, 2015, read first time and referred to Committee on Environmental Affairs.
February 16, 2015, amended, reported favorably — Do Pass.
February 23, 2015, read second time, amended, ordered engrossed.
February 24, 2015, engrossed.
February 24, 2015, read third time, passed. Yeas 50, nays 0.

HOUSE ACTION

March 5, 2015, read first time and referred to Committee on Environmental Affairs.
April 9, 2015, amended, reported — Do Pass.
April 13, 2015, read second time, amended, ordered engrossed.

ES 312—LS 6808/DI 55



Reprinted
April 14, 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.

ENGROSSED SENATE BILL No. 312

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 13-11-2-2.3 IS ADDED TO THE INDIANA CODE
6 A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1,
7 2015]: **Sec. 2.3. "Agribusiness", for purposes of IC 13-18-5.5, has**
8 **the meaning set forth in IC 13-18-5.5-2.**
9 SECTION 3. IC 13-11-2-48.3 IS ADDED TO THE INDIANA
10 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
11 [EFFECTIVE JULY 1, 2015]: **Sec. 48.3. "Critical zone of concern",**
12 **for purposes of IC 13-18-5.5, has the meaning set forth in**
13 **IC 13-18-5.5-3.**
14 SECTION 4. IC 13-11-2-55 IS AMENDED TO READ AS
15 FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 55. "Discharge", for**
16 **purposes of IC 13-24-2 and IC 13-18-5.5, means any emission or spill,**

ES 312—LS 6808/DI 55



1 other than natural seepage, that is intentional or unintentional. The term
2 includes any of the following:

- 3 (1) Spilling.
- 4 (2) Leaking.
- 5 (3) Pumping.
- 6 (4) Pouring.
- 7 (5) Emitting.
- 8 (6) Emptying.
- 9 (7) Dumping.

10 SECTION 5. 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 13-18-5.5-5.**

14 SECTION 6. 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
17 IC 13-18-5, means any of the following:

- 18 (1) A hazardous chemical (as defined in 42 U.S.C. 11021(e), as
19 in effect on January 1, 1990).
- 20 (2) A hazardous waste.
- 21 (3) A hazardous substance (as defined in 42 U.S.C. 9601(14), as
22 in effect on January 1, 1990).
- 23 (4) A substance that is on the list of extremely hazardous
24 substances published by the Administrator of the United States
25 Environmental Protection Agency under 42 U.S.C. 11002(a)(2).
- 26 (5) A material that is identified by the board as potentially
27 harmful to surface water or groundwater if accidentally released
28 from a storage or handling facility.

29 **(b) "Hazardous material", for purposes of IC 13-18-5.5, has the**
30 **meaning set forth in IC 13-18-5.5-6.**

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

- 35 (1) the United States:
 - 36 (A) Environmental Protection Agency;
 - 37 (B) Nuclear Regulatory Commission;
 - 38 (C) Department of Transportation; or
 - 39 (D) Occupational Safety and Health Administration; or
- 40 (2) the board.

41 The term includes all of the hazardous materials identified in 49 CFR
42 172.101.



1 SECTION 7. IC 13-11-2-119.5 IS ADDED TO THE INDIANA
 2 CODE AS A NEW SECTION TO READ AS FOLLOWS
 3 [EFFECTIVE JULY 1, 2015]: **Sec. 119.5. "Liquid", for purposes of**
 4 **IC 13-18-5.5, has the meaning set forth in IC 13-18-5.5-7.**

5 SECTION 8. IC 13-11-2-177.3 IS AMENDED TO READ AS
 6 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 177.3. "Public water
 7 system", for purposes of this chapter, **IC 13-18-5.5**, IC 13-18-11,
 8 **IC 13-18-16**, IC 13-18-20.5, IC 13-18-21, and other environmental
 9 management laws, has the meaning set forth in 42 U.S.C. 300f.

10 SECTION 9. IC 13-11-2-192 IS AMENDED TO READ AS
 11 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 192. (a) "Responsible
 12 person", for purposes of IC 13-24-1, means a person who has caused a
 13 release at a petroleum facility.

14 (b) "Responsible person", for purposes of IC 13-25-4, means a
 15 person that is:

16 (1) liable to:

17 (A) the United States government;

18 (B) the state; or

19 (C) any other person;

20 under Section 107 of CERCLA (42 U.S.C. 9607); or

21 (2) liable to the state under IC 13-25-4-8.

22 (c) **"Responsible person", for purposes of IC 13-18-16-7.5, has**
 23 **the meaning set forth in IC 13-18-16-7.5(a).**

24 SECTION 10. IC 13-18-5.5 IS ADDED TO THE INDIANA CODE
 25 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 26 JULY 1, 2015]:

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

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

30 (1) **at least ten percent (10%) of the outer surface of which is**
 31 **exposed above the ground; and**

32 (2) **that is designed to contain more than six hundred sixty**
 33 **(660) gallons above ground of a matter that is a liquid.**

34 **Sec. 2. As used in this chapter, "agribusiness" means a business**
 35 **that is primarily engaged in:**

36 (1) **the distribution of farm equipment and supplies; or**

37 (2) **the processing, storage, and distribution of farm**
 38 **commodities.**

39 **Sec. 3. (a) As used in this chapter, "critical zone of concern"**
 40 **means:**

41 (1) **an area in which a hazardous material could:**

42 (A) **travel to a water intake of a public water system that**



- 1 uses surface water as a source of drinking water; and
 2 (B) cause a disruption; or
 3 (2) another area designated in subsection (b) as a critical zone
 4 of concern.
 5 (b) The term includes the following:
 6 (1) In the case of a flowing stream on which an intake of a
 7 public water system is located, the area:
 8 (A) within one-quarter (1/4) mile of each bank of the
 9 stream and of every tributary of the stream from the
 10 location of the intake on the main stream to the point on
 11 the main stream and on each tributary twenty-five (25)
 12 miles upstream of the intake; and
 13 (B) within one-quarter (1/4) mile of each bank of the main
 14 stream from the intake to fifty (50) feet downstream of the
 15 intake.
 16 (2) In the case of a reservoir or lake other than Lake
 17 Michigan on which an intake of a public water system is
 18 located, the area:
 19 (A) within one-quarter (1/4) mile of each bank of the
 20 reservoir or lake; and
 21 (B) within one-quarter (1/4) mile of each bank of every
 22 stream or tributary flowing into the lake or reservoir from
 23 the point where the stream or tributary flows into the lake
 24 or reservoir to the point twenty-five (25) miles upstream of
 25 where the stream or tributary flows into the lake or
 26 reservoir.
 27 (3) In the case of a stream or tributary flowing into Lake
 28 Michigan, the area that is:
 29 (A) within one-quarter (1/4) mile of each bank of the
 30 stream or tributary; and
 31 (B) within five (5) miles of an intake of a public water
 32 system.
 33 (4) In the case of Lake Michigan, the area of land that is
 34 within one-quarter (1/4) mile of the ordinary high water mark
 35 of Lake Michigan.
 36 (5) Any other areas established by the board in rules adopted
 37 by the board under section 9 of this chapter.
 38 Sec. 4. As used in this chapter, "discharge" has the meaning set
 39 forth in IC 13-11-2-55.
 40 Sec. 5. As used in this chapter, "disruption" means an
 41 interruption in the ability of a public water system to provide safe
 42 drinking water at a rate adequate to meet the demand on the



1 public water system for a period exceeding twenty-four (24) hours.

2 Sec. 6. As used in this chapter, "hazardous material" means a
3 liquid that:

- 4 (1) contains a hazardous material (as defined in
5 IC 13-11-2-96(a)); and
6 (2) is capable of causing a disruption if discharged from an
7 above ground storage tank.

8 Sec. 7. As used in this chapter, "liquid" means matter that:

- 9 (1) is in a nongaseous state; and
10 (2) will, at:
11 (A) sixty (60) degrees Fahrenheit; and
12 (B) ambient atmospheric pressure;
13 take the shape of the interior of a container immediately upon
14 being placed in the container.

15 Sec. 8. As used in this chapter, "public water system" has the
16 meaning set forth in IC 13-11-2-177.3.

17 Sec. 9. (a) Except as provided in subsection (c) and sections
18 10(b)(3) and 11 of this chapter, the owner or operator of an above
19 ground storage tank located in a critical zone of concern shall
20 report to the department the following information concerning the
21 AST:

- 22 (1) The location of the AST.
23 (2) The materials stored in the AST.
24 (3) The capacity of the AST.
25 (4) The name and contact information of a person who may be
26 contacted for information about the AST.

27 The owner or operator shall submit the report before January 1,
28 2016.

29 (b) After submitting a report under subsection (a), the owner or
30 operator of an above ground storage tank shall submit to the
31 department a supplemental report concerning the AST whenever:

- 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; or
35 (4) the name or contact information of the person who may be
36 contacted for information about the AST;

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

39 (c) If the owner or operator of an above ground storage tank has
40 reported the existence of the AST to the department or another
41 agency of the state pursuant to another statute or administrative
42 rule, the owner or operator is not required to report to the



1 department concerning the AST under this chapter.

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

5 (1) according to rules adopted by the board under section 10
6 of this chapter; and

7 (2) either:

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

9 (B) through an electronic mail or Internet based means
10 established by the board or the department;

11 until rules concerning reporting are adopted under section 9
12 of this chapter.

13 Sec. 10. (a) The board shall adopt rules under IC 13-14-9 and
14 IC 4-22-2 concerning the reporting required under this chapter.

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

17 (1) Establish at least three (3) different classifications of above
18 ground storage tanks for the purposes of this chapter,
19 according to the relative danger of a disruption from an AST
20 discharge, based on:

21 (A) the liquid stored in the AST;

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

23 (C) the proximity of the AST to the water intake of a public
24 water system.

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

27 (A) are used to store hazardous materials; and

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

29 (3) Establish certain conditions under which an AST shall be
30 recognized as exempt from the reporting requirements of this
31 chapter because the AST does not pose a threat to cause a
32 disruption from a discharge of the contents of the AST.

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

34 (1) provide for the filing of a supplemental report concerning
35 an AST when a change as described in section 9(b) of this
36 chapter occurs so that the information in the possession of the
37 department concerning the AST will remain accurate; and

38 (2) specify the means by which the owner or operator of an
39 AST will comply with the reporting requirements of this
40 chapter, as described in section 9(d)(2) of this chapter.

41 (d) Notwithstanding subsection (a), the board may adopt
42 emergency rules under IC 4-22-2-37.1 to create a temporary



1 reporting form for use under this chapter.

2 Sec. 11. The following are exempt from the reporting
3 requirements of this chapter:

4 (1) An AST used to contain only uncontaminated drinking
5 water, demineralized water, noncontact or circulating cooling
6 water, or water stored for fire or emergency purposes.

7 (2) An AST located on a farm or the premises of an
8 agribusiness, the contents of which are:

9 (A) used by the AST owner or operator for farming
10 purposes; or

11 (B) produced as an agricultural commodity.

12 (3) An AST:

13 (A) that is located on a farm, the premises of an
14 agribusiness, or residential property;

15 (B) the capacity of which is not more than ten thousand
16 (10,000) gallons; and

17 (C) that is used for storing motor fuel for noncommercial
18 purposes.

19 (4) An AST:

20 (A) the capacity of which is not more than one thousand
21 one hundred (1,100) gallons; and

22 (B) that is used for storing heating oil for consumption on
23 the premises on which the AST is located.

24 (5) An AST that is used for storing heating oil, natural gas, or
25 propane and that is regulated under NFPA 58-30A or NFPA
26 58-30B of the Liquefied Petroleum Gas Code of the National
27 Fire Protection Association through 49 CFR 192.11(b).

28 (6) An AST that is part of a stormwater or wastewater
29 collection and treatment system.

30 (7) An AST located on a site regulated under IC 14-34.

31 (8) Machinery and equipment containing integral operating
32 fluids that are necessary for the proper operation of the
33 machinery or equipment, including, but not limited to,
34 hydraulic reservoirs, lubricating oil reservoirs, electrical
35 equipment, heating and cooling equipment, and fuel tanks for
36 emergency generators and fire pumps.

37 (9) An AST that is:

38 (A) located inside a building; and

39 (B) resting on or elevated above a floor of the building;
40 a discharge from which would be contained in a secondary
41 containment structure or would, through other means, be
42 prevented from escaping in a manner that could cause a



- 1 disruption.
- 2 (10) An AST that:
- 3 (A) is regulated by the United States Department of
- 4 Transportation; and
- 5 (B) is located on a particular site for less than one hundred
- 6 eighty (180) consecutive calendar days.
- 7 (11) A surface impoundment, pit, pond, or lagoon.
- 8 (12) An AST:
- 9 (A) that is otherwise regulated through individual, site
- 10 specific permits issued under the National Pollutant
- 11 Discharge Elimination System or another regulatory
- 12 program; or
- 13 (B) for which appropriate containment and diversionary
- 14 structures or equipment to prevent unregulated discharge
- 15 of materials from reaching the waters of Indiana are in
- 16 place in compliance with law or administrative rules.
- 17 (13) An AST that is regulated under section 1321 of the
- 18 federal Water Pollution Control Act (section 311 of the
- 19 federal Clean Water Act, 33 U.S.C. 1321) and the regulations
- 20 adopted thereunder, 40 CFR 112, et seq.
- 21 (14) Any flow-through or process AST, including, but not
- 22 limited to, a pressure vessel and oil and water separators.
- 23 (15) A pipeline facility, including gathering lines, that:
- 24 (A) is regulated under the Natural Gas Pipeline Safety Act
- 25 of 1968 (49 U.S.C. 1671 et seq.);
- 26 (B) is regulated under the Hazardous Liquid Pipeline
- 27 Safety Act of 1979 (49 U.S.C. 60101 et seq.); or
- 28 (C) is an intrastate pipeline facility regulated under state
- 29 laws comparable to the laws identified in clauses (A) and
- 30 (B).
- 31 (16) Electrical equipment such as transformers, circuit
- 32 breakers, and voltage regulators.
- 33 (17) An AST used in a process operation:
- 34 (A) in which liquids are altered through biological,
- 35 chemical, or physical means; or
- 36 (B) that is used strictly to regulate liquid volumes in a
- 37 process operation.
- 38 (18) An AST containing pesticides or fertilizers regulated by
- 39 the state chemist under 355 IAC.
- 40 (19) An emergency spill or overflow containment AST that is
- 41 maintained to preserve its capacity.
- 42 (20) An AST that contains a de minimis concentration of



1 **hazardous material.**

2 **(21) An AST that is used for the storage of products that are**
 3 **regulated under the federal Food, Drug, and Cosmetic Act, 21**
 4 **U.S.C. 301 et seq.**

5 **(22) A device that is subject to IC 13-23 or other laws, rules,**
 6 **or regulations concerning underground storage tanks (as**
 7 **defined in IC 13-11-2-241).**

8 **(23) An AST containing mineral oil used solely for dust**
 9 **suppression.**

10 **(24) Any other AST exempted by a rule adopted by the board**
 11 **under section 10(b)(3) of this chapter.**

12 **Sec. 12. Information about above ground storage tanks that is**
 13 **reported to the department under this chapter may be considered**
 14 **confidential under IC 5-14-3-4(a)(1), IC 5-14-3-4(a)(4),**
 15 **IC 5-14-3-4(a)(8), or IC 5-14-3-4(b)(19) for purposes of public**
 16 **disclosure. However, the information may be disclosed to a**
 17 **responsible person developing or updating a surface water quality**
 18 **threat minimization and response plan for a public water system**
 19 **under IC 13-18-16-7.5.**

20 SECTION 11. IC 13-18-16-6 IS AMENDED TO READ AS
 21 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 6. (a) All public water
 22 systems shall be continuously operated and maintained so that water is:

23 (1) safe in quality;

24 (2) clean and adequate in quantity; and

25 (3) chemically satisfactory for ordinary domestic consumption.

26 (b) The person responsible for the operation of a public water
 27 system shall take all measures that are necessary to carry out the
 28 requirements of subsection (a) so as to protect the quality and quantity
 29 of the raw water supply from actual or threatened contamination. These
 30 measures include the relocation of the point of raw water collection to
 31 a site that is not contaminated or threatened by contamination.

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

37 (1) **the contamination; or**

38 (2) **a threat of contamination;**

39 **of the surface water used by the public water system as a source of**
 40 **drinking water.**

41 (e) (d) The failure to carry out a duty set forth in subsection (a) or
 42 (b) constitutes a violation subject to the penalties imposed under this



1 chapter. Each day a violation occurs under this section constitutes a
2 separate violation.

3 SECTION 12. IC 13-18-16-7.5 IS ADDED TO THE INDIANA
4 CODE AS A NEW SECTION TO READ AS FOLLOWS
5 [EFFECTIVE JULY 1, 2015]: Sec. 7.5. (a) For purposes of this
6 section, "responsible person" means the person responsible for the
7 operation of a public water system that uses surface water as a
8 source of drinking water.

9 (b) A responsible person shall do the following or ensure that
10 the following are done:

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

15 (A) An identification of critical drinking water intake
16 facilities, including specific locations of wells, intake
17 structures, and critical drinking water distribution
18 infrastructure.

19 (B) An identification of potential threats to raw water
20 quality.

21 (C) An assessment of the risks posed by potential threats
22 identified in clause (B).

23 (D) A communication, education, and risk minimization
24 plan.

25 (E) An incident response plan.

26 A plan described in this subdivision, as well as its component
27 parts, is confidential under IC 5-14-3-4(b)(19).

28 (2) With respect to a plan described in subdivision (1):

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

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

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

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

41 (2) The requirement to obtain a permits permit for the
42 operation of sources, facilities, equipment, or devices for any



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public water system.

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

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

SECTION 14. [EFFECTIVE JULY 1, 2015] (a) As used in this SECTION, "above ground storage tank" or "AST" means a device:

(1) at least ten percent (10%) of the outer surface of which is exposed above the ground; and

(2) that is designed to contain more than six hundred sixty (660) gallons of a matter that is a liquid above ground.

(b) The department of environmental management established by IC 13-13-1 shall do the following before November 1, 2015:

(1) Compile a list of all requirements for the reporting of information about above ground storage tanks that exist under federal law, federal regulations, Indiana law, and Indiana administrative rules.

(2) Obtain:

(A) copies of all publicly available forms for the reporting of information about above ground storage tanks in compliance with the requirements described in subdivision (1); or

(B) a representative sample of the forms described in clause (A).

(3) Submit a report containing the list of requirements and the copies of forms to the legislative council in an electronic format under IC 5-14-6.

(c) The report submitted under subsection (b)(3) must include an analysis of the existing requirements for the reporting of information about above ground storage tanks described in subsection (b)(1) that identifies:

(1) instances in which reporting requirements might be considered insufficient; and

(2) instances in which the reporting of information is already adequate.

(d) This SECTION expires January 1, 2016.



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.

SENATE MOTION

Madam President: I move that Senate Bill 312 be amended to read as follows:

Page 3, line 19, delete "IC 13-18-5.5 and".

Page 3, line 33, delete "hazardous material,".

Page 4, between lines 26 and 27, begin a new paragraph and insert:

"(f) "Release", for purposes of IC 13-18-5.5, means any:

- (1) spilling;**
- (2) leaking;**
- (3) pumping;**
- (4) pouring;**
- (5) emitting;**
- (6) emptying;**
- (7) discharging;**
- (8) injecting;**
- (9) escaping;**
- (10) leaching;**
- (11) dumping; or**
- (12) disposing;**

into the environment of any hazardous material."

Page 4, delete lines 27 through 40, begin a new paragraph and insert:

"SECTION 8. IC 13-11-2-192 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 192. (a) "Responsible person", for purposes of IC 13-24-1, means a person who has caused a

ES 312—LS 6808/DI 55



release at a petroleum facility.

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

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

(c) "Responsible person", for purposes of IC 13-18-16-7.5, has the meaning set forth in IC 13-18-16-7.5(a)."

Page 5, line 15, delete "means an area in which a hazardous material could:" and insert "**means:**

- (1) an area in which a hazardous material could:**
 - (A) travel to a water intake of a public water system that uses surface water as a source of drinking water; and**
 - (B) cause a disruption; or**
- (2) another area designated in subsection (b) as a critical zone of concern."**

Page 5, delete lines 16 through 18.

Page 6, between lines 4 and 5, begin a new line block indented and insert:

"(4) In the case of Lake Michigan, the area of land that is within one-quarter (1/4) mile of the ordinary high water mark of Lake Michigan."

Page 6, line 27, delete "13-11-2-184(c)." and insert "**13-11-2-184(f)."**

Page 6, line 33, delete "classification of the".

Page 6, between lines 34 and 35, begin a new line block indented and insert:

"(4) The name and contact information of a person who may be contacted for information about the AST."

Page 6, line 40, delete "(A)" and insert "**(1)**".

Page 6, line 41, delete "(B)" and insert "**(2)**".

Page 6, line 41, delete "or".

Page 6, line 42, delete "(C)" and insert "**(3)**".

Page 6, line 42, after "AST;" insert "**or**".

Page 6, after line 42, begin a new line block indented and insert:

"(4) the name or contact information of the person who may be contacted for information about the AST;"

Page 7, line 11, after "to" delete "the".

Page 9, line 5, delete "mobile".



Page 11, delete lines 25 through 26.
Page 11, line 27, delete "(3)" and insert "(2)".
Page 12, delete lines 7 through 42.
Page 13, delete lines 1 through 21.
Page 13, line 22, delete "UPON PASSAGE]" and insert "JULY 1, 2015]".
Page 14, delete line 17.
Renumber all SECTIONS consecutively.
(Reference is to SB 312 as printed February 17, 2015.)

CHARBONNEAU

COMMITTEE REPORT

Mr. Speaker: Your Committee on Environmental Affairs, to which was referred Senate Bill 312, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between lines 9 and 10, begin a new paragraph and insert:
"SECTION 3. IC 13-11-2-55 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 55. "Discharge", for purposes of IC 13-24-2 **and IC 13-18-5.5**, means any emission or spill, other than natural seepage, that is intentional or unintentional. The term includes any of the following:

- (1) Spilling.
- (2) Leaking.
- (3) Pumping.
- (4) Pouring.
- (5) Emitting.
- (6) Emptying.
- (7) Dumping."

Page 2, delete lines 36 through 42.

Delete page 3.

Page 4, delete lines 1 through 38.

Page 5, line 18, after "ground;" insert "**and**

(2) that is designed to contain more than six hundred sixty (660) gallons above ground of a matter that is a liquid."

Page 5, delete lines 19 through 25.

Page 6, between lines 22 and 23, begin a new line block indented and insert:



"(5) Any other areas established by the board in rules adopted by the board under section 9 of this chapter.

Sec. 3. As used in this chapter, "discharge" has the meaning set forth in IC 13-11-2-55."

Page 6, line 23, delete "3." and insert "4."

Page 6, delete lines 27 through 34, begin a new paragraph and insert:

"Sec. 5. As used in this chapter, "hazardous material" means a liquid that:

(1) contains a hazardous material (as defined in IC 13-11-2-96(a)); and

(2) is capable of causing a disruption if discharged from an above ground storage tank."

Page 6, line 35, delete "5." and insert "6."

Page 6, line 42, delete "6." and insert "7."

Page 7, delete lines 2 through 3.

Page 7, line 37, delete "Internet-based" and insert "**Internet based**".

Page 7, line 39, delete "according to the" and insert "**until**".

Page 7, line 39, after "rules" insert "**concerning reporting are**".

Page 8, line 5, delete "release" and insert "**discharge**".

Page 8, line 12, delete "or" and insert "**and**".

Page 8, line 17, delete "release" and insert "**discharge**".

Page 8, between lines 25 and 26, begin a new paragraph and insert:

"(d) Notwithstanding subsection (a), the board may adopt emergency rules under IC 4-22-2-37.1 to create a temporary reporting form for use under this chapter."

Page 8, line 28, after "only" insert "**uncontaminated**".

Page 8, line 28, delete "surface".

Page 8, line 29, delete "water, raw groundwater,".

Page 9, line 22, delete "an impermeable floor" and insert "**a floor of the building;**".

Page 9, delete line 23.

Page 9, line 24, delete "release" and insert "**discharge**".

Page 9, line 24, delete "entirely".

Page 9, line 26, delete "escaping." and insert "**escaping in a manner that could cause a disruption.**".

Page 9, line 27, delete "A tank, rail car, or truck:" and insert "**An AST that:**

(A) is regulated by the United States Department of Transportation; and

(B) is located on a particular site for less than one hundred eighty (180) consecutive calendar days."



Page 9, delete lines 28 through 33.

Page 9, line 37, delete "site-specific" and insert "**site specific**".

Page 10, line 2, delete "oil-filled tank" and insert "AST".

Page 10, line 6, after "flow-through" insert "**or**".

Page 10, line 6, delete "tank," and insert "AST,".

Page 10, delete lines 18 through 33, begin a new line block indented and insert:

"(17) An AST used in a process operation:

(A) in which liquids are altered through biological, chemical, or physical means; or

(B) that is used strictly to regulate liquid volumes in a process operation.

(18) An AST containing pesticides or fertilizers regulated by the state chemist under 355 IAC.

(19) An emergency spill or overflow containment AST that is maintained to preserve its capacity.

(20) An AST that contains a de minimis concentration of hazardous material.

(21) An AST that is used for the storage of products that are regulated under the federal Food, Drug, and Cosmetic Act, 21 U.S.C. 301 et seq.

(22) A device that is subject to IC 13-23 or other laws, rules, or regulations concerning underground storage tanks (as defined in IC 13-11-2-241).

(23) Any other AST exempted by a rule adopted by the board under section 9(b)(3) of this chapter."

Page 10, line 35, delete "is declared" and insert "**may be considered**".

Page 10, line 36, delete "IC 5-14-3-4(a)(1)" and insert "**IC 5-14-3-4(b)(19)**".

Page 10, line 37, delete "disclosure, but it" and insert "**disclosure. However, the information**".

Page 11, line 12, after "water" insert "**quality**".

Page 11, line 29, delete "following:" and insert "**following or ensure that the following are done:**".

Page 12, line 4, delete "IC 5-14-3-4." and insert "**IC 5-14-3-4(b)(19)**".



Page 12, line 31, after "ground;" insert "**and
(2) that is designed to contain more than six hundred sixty
(660) gallons of a matter that is a liquid above ground.**".

Page 12, delete lines 32 through 38.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 312 as reprinted February 24, 2015.)

WOLKINS

Committee Vote: yeas 10, nays 0.

HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 312 be amended to read as follows:

Page 1, between lines 4 and 5, begin a new paragraph and insert:

"SECTION 2. IC 13-11-2-2.3 IS ADDED TO THE INDIANA CODE A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2.3. "Agribusiness", for purposes of IC 13-18-5.5, has the meaning set forth in IC 13-18-5.5-2.**".

Page 1, line 9, delete "IC 13-18-5.5-2." and insert "**IC 13-18-5.5-3.**".

Page 2, line 9, delete "IC 13-18-5.5-3." and insert "**IC 13-18-5.5-5.**".

Page 2, line 26, delete "IC 13-18-5.5-4." and insert "**IC 13-18-5.5-6.**".

Page 2, line 42, delete "IC 13-18-5.5-5." and insert "**IC 13-18-5.5-7.**".

Page 3, between lines 29 and 30, begin a new paragraph and insert:

"**Sec. 2. As used in this chapter, "agribusiness" means a business that is primarily engaged in:**

(1) the distribution of farm equipment and supplies; or

(2) the processing, storage, and distribution of farm commodities.".

Page 3, line 30, delete "2." and insert "**3.**".

Page 4, line 29, delete "3." and insert "**4.**".

Page 4, line 31, delete "4." and insert "**5.**".

Page 4, line 35, delete "5." and insert "**6.**".

Page 4, line 41, delete "6." and insert "**7.**".

Page 5, line 6, delete "7." and insert "**8.**".

Page 5, line 8, delete "8." and insert "**9.**".



Page 5, line 9, delete "9(b)(3) and 10" and insert "**10(b)(3) and 11**".

Page 5, line 10, after "tank" insert "**located in a critical zone of concern**".

Page 5, line 37, delete "9" and insert "**10**".

Page 6, line 3, delete "9." and insert "**10.**".

Page 6, line 25, delete "8(b)" and insert "**9(b)**".

Page 6, line 30, delete "8(d)(2)" and insert "**9(d)(2)**".

Page 6 line 34, delete "10." and insert "**11.**".

Page 6, delete lines 39 through 42, begin a new line block indented and insert:

"(2) An AST located on a farm or the premises of an agribusiness, the contents of which are:

(A) used by the AST owner or operator for farming purposes; or

(B) produced as an agricultural commodity."

Page 7, delete lines 1 through 2.

Page 7, line 4, after "farm" insert "**, the premises of an agribusiness,**".

Page 7, line 5, delete "two" and insert "**ten**".

Page 7, line 6, delete "five hundred (2,500)" and insert "**(10,000)**".

Page 8, between lines 39 and 40, begin a new line block indented and insert:

"(23) An AST containing mineral oil used solely for dust suppression."

Page 8, line 40, delete "(23)" and insert "**(24)**".

Page 8, line 41, delete "9(b)(3)" and insert "**10(b)(3)**".

Page 8, line 42, delete "11." and insert "**12.**".

Page 9, line 2, after "under" insert "**IC 5-14-3-4(a)(1), IC 5-14-3-4(a)(4), IC 5-14-3-4(a)(8), or**".

Renumber all SECTIONS consecutively.

(Reference is to ESB 312 as printed April 10, 2015.)

KOCH

