



Reprinted
February 24, 2015

SENATE BILL No. 312

DIGEST OF SB 312 (Updated February 23, 2015 5:41 pm - DI 55)

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

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.

SB 312—LS 6808/DI 55



Reprinted
February 24, 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

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

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- 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 13-25-2, means any:
 20 (1) spilling;
 21 (2) leaking;
 22 (3) pumping;
 23 (4) pouring;
 24 (5) emitting;
 25 (6) emptying;
 26 (7) discharging;
 27 (8) injecting;
 28 (9) escaping;
 29 (10) leaching;
 30 (11) dumping; or
 31 (12) disposing;
 32 into the environment of any hazardous chemical, extremely hazardous
 33 substance, or toxic chemical. The term includes the abandonment or
 34 discarding of barrels, containers, and other closed receptacles.
- 35 (d) "Release", for purposes of IC 13-25-4, means any:
 36 (1) spilling;
 37 (2) leaking;
 38 (3) pumping;
 39 (4) pouring;
 40 (5) emitting;
 41 (6) emptying;
 42 (7) discharging;



- 1 (8) injecting;
 2 (9) escaping;
 3 (10) leaching;
 4 (11) dumping; or
 5 (12) disposing;
 6 into the environment. The term includes the abandonment or discarding
 7 of barrels, containers, or other closed receptacles containing any
 8 hazardous substance.
 9 (e) "Release", for purposes of IC 13-25-5, means any:
 10 (1) spilling;
 11 (2) leaking;
 12 (3) pumping;
 13 (4) pouring;
 14 (5) emitting;
 15 (6) emptying;
 16 (7) discharging;
 17 (8) injecting;
 18 (9) escaping;
 19 (10) leaching;
 20 (11) dumping; or
 21 (12) disposing;
 22 into the environment. The term includes the abandonment or discarding
 23 of barrels, containers, or other closed receptacles containing any
 24 hazardous substance or petroleum.
 25 (f) "Release", for purposes of IC 13-18-5.5, means any:
 26 (1) **spilling;**
 27 (2) **leaking;**
 28 (3) **pumping;**
 29 (4) **pouring;**
 30 (5) **emitting;**
 31 (6) **emptying;**
 32 (7) **discharging;**
 33 (8) **injecting;**
 34 (9) **escaping;**
 35 (10) **leaching;**
 36 (11) **dumping; or**
 37 (12) **disposing;**
 38 **into the environment of any hazardous material.**
 39 SECTION 8. IC 13-11-2-192 IS AMENDED TO READ AS
 40 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 192. (a) "Responsible
 41 person", for purposes of IC 13-24-1, means a person who has caused a
 42 release at a petroleum facility.



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

3 (1) liable to:

4 (A) the United States government;

5 (B) the state; or

6 (C) any other person;

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

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

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

11 SECTION 9. IC 13-18-5.5 IS ADDED TO THE INDIANA CODE
12 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
13 JULY 1, 2015]:

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

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

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

19 (2) **that is not subject to IC 13-23 or other laws, rules, or**
20 **regulations concerning underground storage tanks (as defined**
21 **in IC 13-11-2-241); and**

22 (3) **that is designed to contain more than six hundred sixty**
23 **(660) gallons of a matter that is a liquid at the usual**
24 **temperature and pressure of the area in which the AST is**
25 **located.**

26 **Sec. 2. (a) As used in this chapter, "critical zone of concern"**
27 **means:**

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

29 (A) **travel to a water intake of a public water system that**
30 **uses surface water as a source of drinking water; and**

31 (B) **cause a disruption; or**

32 (2) **another area designated in subsection (b) as a critical zone**
33 **of concern.**

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

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

37 (A) **within one-quarter (1/4) mile of each bank of the**
38 **stream and of every tributary of the stream from the**
39 **location of the intake on the main stream to the point on**
40 **the main stream and on each tributary twenty-five (25)**
41 **miles upstream of the intake; and**

42 (B) **within one-quarter (1/4) mile of each bank of the main**



- 1 stream from the intake to fifty (50) feet downstream of the
 2 intake.
- 3 (2) In the case of a reservoir or lake other than Lake
 4 Michigan on which an intake of a public water system is
 5 located, the area:
- 6 (A) within one-quarter (1/4) mile of each bank of the
 7 reservoir or lake; and
- 8 (B) within one-quarter (1/4) mile of each bank of every
 9 stream or tributary flowing into the lake or reservoir from
 10 the point where the stream or tributary flows into the lake
 11 or reservoir to the point twenty-five (25) miles upstream of
 12 where the stream or tributary flows into the lake or
 13 reservoir.
- 14 (3) In the case of a stream or tributary flowing into Lake
 15 Michigan, the area that is:
- 16 (A) within one-quarter (1/4) mile of each bank of the
 17 stream or tributary; and
- 18 (B) within five (5) miles of an intake of a public water
 19 system.
- 20 (4) In the case of Lake Michigan, the area of land that is
 21 within one-quarter (1/4) mile of the ordinary high water mark
 22 of Lake Michigan.
- 23 Sec. 3. As used in this chapter, "disruption" means an
 24 interruption in the ability of a public water system to provide safe
 25 drinking water at a rate adequate to meet the demand on the
 26 public water system for a period exceeding twenty-four (24) hours.
- 27 Sec. 4. As used in this chapter, "hazardous material" means:
- 28 (1) a hazardous material (as defined in IC 13-11-2-96(a)); or
 29 (2) a mixture that:
- 30 (A) contains a hazardous material (as defined in
 31 IC 13-11-2-96(a));
- 32 or
- 33 (B) is capable of causing a disruption if released from an
 34 above ground storage tank in a critical zone of concern.
- 35 Sec. 5. As used in this chapter, "liquid" means matter that:
- 36 (1) is in a nongaseous state; and
 37 (2) will, at:
- 38 (A) sixty (60) degrees Fahrenheit; and
 39 (B) ambient atmospheric pressure;
 40 take the shape of the interior of a container immediately upon
 41 being placed in the container.
- 42 Sec. 6. As used in this chapter, "public water system" has the



1 meaning set forth in IC 13-11-2-177.3.

2 Sec. 7. As used in this chapter, "release" has the meaning set
3 forth in IC 13-11-2-184(f).

4 Sec. 8. (a) Except as provided in subsection (c) and sections
5 9(b)(3) and 10 of this chapter, the owner or operator of an above
6 ground storage tank shall report to the department the following
7 information concerning the AST:

8 (1) The location of the AST.

9 (2) The materials stored in the AST.

10 (3) The capacity of the AST.

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

13 The owner or operator shall submit the report before January 1,
14 2016.

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

18 (1) the location of the AST;

19 (2) the classification of the materials stored in the AST;

20 (3) the capacity of the AST; or

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

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

25 (c) If the owner or operator of an above ground storage tank has
26 reported the existence of the AST to the department or another
27 agency of the state pursuant to another statute or administrative
28 rule, the owner or operator is not required to report to the
29 department concerning the AST under this chapter.

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

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

35 (2) either:

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

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

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

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

42 (b) The rules adopted by the board under this section must do



- 1 the following:
- 2 (1) Establish at least three (3) different classifications of above
- 3 ground storage tanks for the purposes of this chapter,
- 4 according to the relative danger of a disruption from an AST
- 5 release, based on:
- 6 (A) the liquid stored in the AST;
- 7 (B) the capacity and location of the AST; and
- 8 (C) the proximity of the AST to the water intake of a public
- 9 water system.
- 10 (2) Require reports to the department under this chapter
- 11 concerning all ASTs that:
- 12 (A) are used to store hazardous materials; or
- 13 (B) are located in a critical zone of concern.
- 14 (3) Establish certain conditions under which an AST shall be
- 15 recognized as exempt from the reporting requirements of this
- 16 chapter because the AST does not pose a threat to cause a
- 17 disruption from a release of the contents of the AST.
- 18 (c) The rules adopted under this section must:
- 19 (1) provide for the filing of a supplemental report concerning
- 20 an AST when a change as described in section 8(b) of this
- 21 chapter occurs so that the information in the possession of the
- 22 department concerning the AST will remain accurate; and
- 23 (2) specify the means by which the owner or operator of an
- 24 AST will comply with the reporting requirements of this
- 25 chapter, as described in section 8(d)(2) of this chapter.
- 26 **Sec. 10. The following are exempt from the reporting**
- 27 **requirements of this chapter:**
- 28 (1) An AST used to contain only drinking water, surface
- 29 water, raw groundwater, demineralized water, noncontact or
- 30 circulating cooling water, or water stored for fire or
- 31 emergency purposes.
- 32 (2) An AST located on a farm, the contents of which:
- 33 (A) are:
- 34 (i) used by the tank owner or operator for farming
- 35 purposes; and
- 36 (ii) not commercially distributed; or
- 37 (B) are produced as an agricultural commodity.
- 38 (3) An AST:
- 39 (A) that is located on a farm or residential property;
- 40 (B) the capacity of which is not more than two thousand
- 41 five hundred (2,500) gallons; and
- 42 (C) that is used for storing motor fuel for noncommercial



- 1 purposes.
- 2 (4) An AST:
- 3 (A) the capacity of which is not more than one thousand
- 4 one hundred (1,100) gallons; and
- 5 (B) that is used for storing heating oil for consumption on
- 6 the premises on which the AST is located.
- 7 (5) An AST that is used for storing heating oil, natural gas, or
- 8 propane and that is regulated under NFPA 58-30A or NFPA
- 9 58-30B of the Liquified Petroleum Gas Code of the National
- 10 Fire Protection Association through 49 CFR 192.11(b).
- 11 (6) An AST that is part of a stormwater or wastewater
- 12 collection and treatment system.
- 13 (7) An AST located on a site regulated under IC 14-34.
- 14 (8) Machinery and equipment containing integral operating
- 15 fluids that are necessary for the proper operation of the
- 16 machinery or equipment, including, but not limited to,
- 17 hydraulic reservoirs, lubricating oil reservoirs, electrical
- 18 equipment, heating and cooling equipment, and fuel tanks for
- 19 emergency generators and fire pumps.
- 20 (9) An AST that is:
- 21 (A) located inside a building; and
- 22 (B) resting on or elevated above an impermeable floor
- 23 surface;
- 24 a release from which would be entirely contained in a
- 25 secondary containment structure or would, through other
- 26 means, be prevented from escaping.
- 27 (10) A tank, rail car, or truck:
- 28 (A) that is regulated by the United States Department of
- 29 Transportation; or
- 30 (B) the capacity of which is not more than five thousand
- 31 (5,000) gallons;
- 32 and that is located on a particular site for less than one
- 33 hundred eighty (180) consecutive calendar days.
- 34 (11) A surface impoundment, pit, pond, or lagoon.
- 35 (12) An AST:
- 36 (A) that is otherwise regulated through individual,
- 37 site-specific permits issued under the National Pollutant
- 38 Discharge Elimination System or another regulatory
- 39 program; or
- 40 (B) for which appropriate containment and diversionary
- 41 structures or equipment to prevent unregulated discharge
- 42 of materials from reaching the waters of Indiana are in



- 1 place in compliance with law or administrative rules.
 2 (13) An oil-filled tank that is regulated under section 1321 of
 3 the federal Water Pollution Control Act (section 311 of the
 4 federal Clean Water Act, 33 U.S.C. 1321) and the regulations
 5 adopted thereunder, 40 CFR 112, et seq.
 6 (14) Any flow-through process tank, including, but not limited to,
 7 a pressure vessel and oil and water separators.
 8 (15) A pipeline facility, including gathering lines, that:
 9 (A) is regulated under the Natural Gas Pipeline Safety Act
 10 of 1968 (49 U.S.C. 1671 et seq.);
 11 (B) is regulated under the Hazardous Liquid Pipeline
 12 Safety Act of 1979 (49 U.S.C. 60101 et seq.); or
 13 (C) is an intrastate pipeline facility regulated under state
 14 laws comparable to the laws identified in clauses (A) and
 15 (B).
 16 (16) Electrical equipment such as transformers, circuit
 17 breakers, and voltage regulators.
 18 (17) Process tanks:
 19 (A) in which liquids are altered through biological,
 20 chemical, or physical means; or
 21 (B) that are used strictly to regulate liquid volumes in a
 22 process operation.
 23 (18) An AST containing agricultural pesticides or fertilizers
 24 regulated by the state chemist under 355 IAC.
 25 (19) An emergency spill or overflow containment tank that is
 26 expeditiously emptied after each use.
 27 (20) A tank that contains a de minimis concentration or
 28 regulated substances.
 29 (21) Tanks that are used for the storage of products that are
 30 regulated under the federal Food, Drug, and Cosmetic Act, 21
 31 U.S.C. 301 et seq.
 32 (22) Any other tank exempted by a rule adopted by the board
 33 under section 9(b)(3) of this chapter.

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

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



- 1 (1) safe in quality;
- 2 (2) clean and adequate in quantity; and
- 3 (3) chemically satisfactory for ordinary domestic consumption.
- 4 (b) The person responsible for the operation of a public water
- 5 system shall take all measures that are necessary to carry out the
- 6 requirements of subsection (a) so as to protect the quality and quantity
- 7 of the raw water supply from actual or threatened contamination. These
- 8 measures include the relocation of the point of raw water collection to
- 9 a site that is not contaminated or threatened by contamination.
- 10 (c) **The person responsible for the operation of a public water**
- 11 **system that uses surface water as a source of drinking water shall**
- 12 **implement the surface water threat minimization and response**
- 13 **plan developed and maintained under section 7.5 of this chapter**
- 14 **immediately upon discovering:**
- 15 (1) **the contamination; or**
- 16 (2) **a threat of contamination;**
- 17 **of the surface water used by the public water system as a source of**
- 18 **drinking water.**
- 19 (d) The failure to carry out a duty set forth in subsection (a) or
- 20 (b) constitutes a violation subject to the penalties imposed under this
- 21 chapter. Each day a violation occurs under this section constitutes a
- 22 separate violation.
- 23 SECTION 11. IC 13-18-16-7.5 IS ADDED TO THE INDIANA
- 24 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 25 [EFFECTIVE JULY 1, 2015]: **Sec. 7.5. (a) For purposes of this**
- 26 **section, "responsible person" means the person responsible for the**
- 27 **operation of a public water system that uses surface water as a**
- 28 **source of drinking water.**
- 29 (b) **A responsible person shall do the following:**
- 30 (1) **Develop, maintain, and update a surface water quality**
- 31 **threat minimization and response plan for the public water**
- 32 **system for which the person is responsible. A plan developed**
- 33 **under this subdivision must include the following:**
- 34 (A) **An identification of critical drinking water intake**
- 35 **facilities, including specific locations of wells, intake**
- 36 **structures, and critical drinking water distribution**
- 37 **infrastructure.**
- 38 (B) **An identification of potential threats to raw water**
- 39 **quality.**
- 40 (C) **An assessment of the risks posed by potential threats**
- 41 **identified in clause (B).**
- 42 (D) **A communication, education, and risk minimization**



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- plan.**
- (E) An incident response plan.**
- A plan described in this subdivision, as well as its component parts, is confidential under IC 5-14-3-4.**
- (2) With respect to a plan described in subdivision (1):**
 - (A) Submit the plan to the department when the plan is developed.**
 - (B) Submit an updated plan to the department every five (5) years thereafter.**

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

- (1) The requirement to obtain a permits permit** for the construction, installation, or modification of facilities, equipment, or devices for any public water system.
- (2) The requirement to obtain a permits permit** for the operation of sources, facilities, equipment, or devices for any 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 13. [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;**
- (2) that is not subject to IC 13-23 or other laws, rules, or regulations concerning underground storage tanks (as defined in IC 13-11-2-241); and**
- (3) that is designed to contain more than six hundred sixty (660) gallons of a matter that is a liquid at the usual temperature and pressure of the area in which the AST is located.**

(b) The department of environmental management established by IC 13-13-1-1 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**



- 1 under federal law, federal regulations, Indiana law, and
- 2 Indiana administrative rules.
- 3 **(2) Obtain:**
- 4 **(A) copies of all publicly available forms for the reporting**
- 5 **of information about above ground storage tanks in**
- 6 **compliance with the requirements described in subdivision**
- 7 **(1); or**
- 8 **(B) a representative sample of the forms described in**
- 9 **clause (A).**
- 10 **(3) Submit a report containing the list of requirements and the**
- 11 **copies of forms to the legislative council in an electronic**
- 12 **format under IC 5-14-6.**
- 13 **(c) The report submitted under subsection (b)(3) must include**
- 14 **an analysis of the existing requirements for the reporting of**
- 15 **information about above ground storage tanks described in**
- 16 **subsection (b)(1) that identifies:**
- 17 **(1) instances in which reporting requirements might be**
- 18 **considered insufficient; and**
- 19 **(2) instances in which the reporting of information is already**
- 20 **adequate.**
- 21 **(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

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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

