



March 31, 2017

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# ENGROSSED HOUSE BILL No. 1344

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DIGEST OF HB 1344 (Updated March 29, 2017 2:55 pm - DI 55)

**Citations Affected:** IC 13-11; IC 13-19.

**Synopsis:** Lead and arsenic soil contamination in East Chicago. Defines "East Chicago area of special concern" to refer to the areas of the city of East Chicago in which lead or arsenic has been discovered in the soil through testing or in which the presence of lead or arsenic in the soil is probable. Encourages the department of environmental management (IDEM) to cooperate with and provide assistance to the United States Environmental Protection Agency (EPA) in the sampling, excavation, and removal of contaminated soil and restoration work in the East Chicago area of special concern. Requires the Indiana housing and community development authority to cooperate with and provide assistance to the United States Department of Housing and Urban Development in the relocation of residents of the East Chicago area of special concern to other residential areas. Requires the state agencies and, if necessary, the attorney general to collect from the EPA the reasonable costs incurred by the state agencies in providing the assistance. Requires IDEM to conduct testing of the water supply for East Chicago to determine whether it is in compliance with the national primary drinking water regulations for lead.

**Effective:** Upon passage.

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## Harris, Aylesworth, Cook, Hamilton

(SENATE SPONSORS — CHARBONNEAU, RANDOLPH LONNIE M,  
NIEMEYER)

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January 12, 2017, read first time and referred to Committee on Environmental Affairs.  
February 9, 2017, amended, reported — Do Pass.  
February 13, 2017, read second time, ordered engrossed. Engrossed.  
February 16, 2017, read third time, passed. Yeas 89, nays 0.

SENATE ACTION

February 23, 2017, read first time and referred to Committee on Environmental Affairs.  
March 30, 2017, amended, reported favorably — Do Pass.

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EH 1344—LS 7389/DI 55





March 31, 2017

First Regular Session of the 120th General Assembly (2017)

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 2016 Regular Session of the General Assembly.

## ENGROSSED HOUSE BILL No. 1344

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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 13-11-2-61.6 IS ADDED TO THE INDIANA  
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
3 [EFFECTIVE UPON PASSAGE]: **Sec. 61.6. "East Chicago area of**  
4 **special concern", for purposes of IC 13-19-7, has the meaning set**  
5 **forth in IC 13-19-7-1.**
- 6 SECTION 2. IC 13-11-2-72.3 IS ADDED TO THE INDIANA  
7 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
8 [EFFECTIVE UPON PASSAGE]: **Sec. 72.3. "EPA", for purposes of**  
9 **IC 13-19-7, has the meaning set forth in IC 13-19-7-2.**
- 10 SECTION 3. IC 13-11-2-104.6 IS ADDED TO THE INDIANA  
11 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
12 [EFFECTIVE UPON PASSAGE]: **Sec. 104.6. "IHCDA", for**  
13 **purposes of IC 13-19-7, has the meaning set forth in IC 13-19-7-3.**
- 14 SECTION 4. IC 13-19-7 IS ADDED TO THE INDIANA CODE AS  
15 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON  
16 PASSAGE]:  
17 **Chapter 7. East Chicago Area of Special Concern**

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1           **Sec. 1. (a) As used in this chapter, "East Chicago area of special**  
 2 **concern" means all areas of East Chicago in which:**

3           **(1) lead has been discovered in the soil through testing at a**  
 4 **level at least equal to the danger level identified under Section**  
 5 **403 of the federal Toxic Substances Control Act, 15 U.S.C.**  
 6 **2684, for bare soil in children's play areas;**

7           **(2) arsenic has been discovered in the soil through testing at**  
 8 **a level at least equal to the Regional Screening Level for soil**  
 9 **arsenic under the exposure assumptions for residential**  
 10 **property (unrestricted use) established by the EPA; or**

11           **(3) the presence of:**

12           **(A) lead in the soil at a level at least equal to the danger**  
 13 **level identified under Section 403 of the federal Toxic**  
 14 **Substances Control Act, 15 U.S.C. 2684, for bare soil in**  
 15 **children's play areas; or**

16           **(B) arsenic in the soil at a level at least equal to the**  
 17 **Regional Screening Level for soil arsenic under the**  
 18 **exposure assumptions for residential property**  
 19 **(unrestricted use) established by the EPA;**

20           **is probable due to the documented history of one (1) or more**  
 21 **industrial facilities that formerly operated in the area.**

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

23           **(1) The entire area of East Chicago listed on April 19, 2009,**  
 24 **on the Superfund National Priorities List compiled under**  
 25 **Section 105 of the Comprehensive Environmental Response,**  
 26 **Compensation, and Liability Act of 1980, 42 U.S.C. 9605 (EPA**  
 27 **site identification number IND047030226).**

28           **(2) The area in which:**

29           **(A) the lead factory known alternately as International**  
 30 **Lead Refining Co., Anaconda Lead Products, and Eagle**  
 31 **Picher was located; and**

32           **(B) the West Calumet Housing Complex was constructed**  
 33 **between 1970 and 1973.**

34           **Sec. 2. As used in this chapter, "EPA" refers to the United**  
 35 **States Environmental Protection Agency.**

36           **Sec. 3. As used in this chapter, "IHCDA" refers to the Indiana**  
 37 **housing and community development authority created by**  
 38 **IC 5-20-1-3.**

39           **Sec. 4. (a) The department is encouraged to cooperate with and**  
 40 **provide assistance to the EPA in the sampling, excavation, and**  
 41 **removal of contaminated soil and restoration work to be**  
 42 **performed in the East Chicago area of special concern.**



1           **(b) The department shall seek reimbursement from the EPA for**  
2 **the reasonable costs incurred by the department under subsection**  
3 **(a).**

4           **Sec. 5. (a) The IHCDA shall, to the greatest extent possible,**  
5 **cooperate with and provide assistance to the United States**  
6 **Department of Housing and Urban Development in the relocation**  
7 **of residents of the East Chicago area of special concern to other**  
8 **residential areas.**

9           **(b) The IHCDA shall seek reimbursement from the EPA for the**  
10 **reasonable costs incurred by the IHCDA under subsection (a).**

11           **Sec. 6. The attorney general shall take all steps necessary to**  
12 **collect the reasonable costs described in sections 4(b) and 5(b) of**  
13 **this chapter.**

14           **Sec. 7. The department shall conduct testing of the water supply**  
15 **for East Chicago. Testing shall be conducted in such a way as to**  
16 **determine whether the water supply for East Chicago is in**  
17 **compliance with the requirements of 40 CFR 141, Subpart I, the**  
18 **national primary drinking water regulations for lead and copper.**

19           **SECTION 5. An emergency is declared for this act.**



## COMMITTEE REPORT

Mr. Speaker: Your Committee on Environmental Affairs, to which was referred House Bill 1344, 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 2, line 39, delete "shall, to the greatest extent possible," and insert "**is encouraged to**".

Page 3, line 20, delete "city of East Chicago." and insert "**East Chicago area of special concern.**".

Page 3, delete lines 21 through 25.

Page 3, line 26, delete "(c)" and insert "**(b)**".

Page 3, line 28, after "of" insert "**the**".

Page 3, line 28, after "Chicago" insert "**area of special concern**".

Page 3, line 30, after "of" insert "**the**".

Page 3, line 30, after "Chicago" insert "**area of special concern**".

Page 3, delete lines 34 through 42.

Delete page 4.

Page 5, delete lines 1 through 32.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1344 as introduced.)

WOLKINS

Committee Vote: yeas 10, nays 0.

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 COMMITTEE REPORT

Madam President: The Senate Committee on Environmental Affairs, to which was referred House Bill No. 1344, 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:

Page 3, line 14, delete "(a) In each calendar year:" and insert "**The department shall conduct testing of the water supply for East Chicago. Testing shall be conducted in such a way as to determine whether the water supply for East Chicago is in compliance with**



**the requirements of 40 CFR 141, Subpart I, the national primary drinking water regulations for lead and copper."**

Page 3, delete lines 15 through 29.

and when so amended that said bill do pass.

(Reference is to HB 1344 as printed February 10, 2017.)

ECKERTY, Chairperson

Committee Vote: Yeas 6, Nays 0.

