

# SENATE BILL No. 274

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 13-23-1-4.

**Synopsis:** Underground storage tanks subject to delivery prohibition. Authorizes the commissioner of the department of environmental management (IDEM), after issuing an initial temporary order prohibiting the use of a particular underground storage tank, to reissue the temporary order prohibiting the use of the tank if the tank remains ineligible for delivery, deposit, or acceptance of a regulated substance when the initial order expires. Authorizes the commissioner of IDEM to require the closure of an underground storage tank that is subject to delivery prohibition if: (1) the owner or operator of the tank has failed to complete the corrective actions required by the commissioner in an earlier order; and (2) the tank has been the subject of one temporary order prohibiting the use of the underground storage tank and at least two consecutive actions by the commissioner reissuing the order prohibiting the use of the underground storage tank.

**Effective:** July 1, 2018.

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January 4, 2018, read first time and referred to Committee on Environmental Affairs.

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Second Regular Session 120th General Assembly (2018)

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 2017 Regular Session of the General Assembly.

# SENATE BILL No. 274

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 13-23-1-4, AS AMENDED BY P.L.5-2015,  
2 SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2018]: Sec. 4. (a) This section shall be enforced under  
4 IC 4-21.5-4.

5 (b) To fully implement the delivery prohibition program  
6 requirements under 42 U.S.C. 6991k, the commissioner may **do the**  
7 **following:**

8 (1) Determine whether an underground storage tank is eligible for  
9 delivery, deposit, or acceptance of a regulated substance. ~~and~~

10 (2) Issue a temporary order to prohibit the use of an underground  
11 storage tank that has been determined to be ineligible under  
12 subdivision (1), and demand compliance with the rules adopted  
13 under this chapter as follows:

14 (A) If an underground storage tank inspection shows failure to  
15 install equipment for:

- 16 (i) corrosion protection;
- 17 (ii) leak detection;



1 (iii) overfill protection; or

2 (iv) spill prevention.

3 The commissioner must give the owner or operator written  
4 notice before implementing a temporary order under this  
5 clause.

6 (B) If the owner or operator fails to properly operate or  
7 maintain equipment for corrosion protection, leak detection,  
8 overfill protection, and spill prevention. The commissioner  
9 must give the owner or operator:

10 (i) a written warning; and

11 (ii) at least thirty (30) days to take corrective action to bring  
12 the underground storage tank into compliance.

13 (C) If the owner or operator fails to register an underground  
14 petroleum storage tank or pay annual registration fees that are  
15 due under IC 13-23-12. The commissioner must give the  
16 owner or operator at least thirty (30) days to take corrective  
17 action to bring the underground storage tank into compliance.

18 **(3) Reissue a temporary order to prohibit the use of an**  
19 **underground storage tank under this section if the tank**  
20 **remains ineligible for delivery, deposit, or acceptance of a**  
21 **regulated substance when the initial order issued under**  
22 **subdivision (2) expires. The requirements to give the owner or**  
23 **operator a written warning and a thirty (30) day corrective**  
24 **action grace period under subdivision (2)(B) do not apply to**  
25 **the reissuance of an order under this subdivision.**

26 **(4) Require the closure of an underground storage tank that**  
27 **is subject to delivery prohibition under 42 U.S.C. 6991k and**  
28 **this section if:**

29 **(A) the owner or operator has failed to complete the**  
30 **corrective actions required to comply with an order issued**  
31 **under this section; and**

32 **(B) the underground storage tank has been the subject of:**

33 **(i) one (1) temporary order under subdivision (2)**  
34 **prohibiting the use of the underground storage tank; and**

35 **(ii) at least two (2) consecutive actions by the**  
36 **commissioner under subdivision (3) reissuing the order**  
37 **prohibiting the use of the underground storage tank.**

38 (c) If ownership of an ineligible underground storage tank is  
39 transferred, the new owner must complete the corrective actions  
40 required to comply with an order issued by the commissioner to the  
41 previous owner.

