

First Regular Session of the 122nd General Assembly (2021)

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 2020 Regular Session of the General Assembly.

## SENATE ENROLLED ACT No. 303

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AN ACT to amend the Indiana Code concerning health.

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

SECTION 1. IC 13-11-2-241.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 241.5. "Underground storage tank system" (or "UST system"), for purposes of IC 13-23, means any of the following:**

- (1) **An underground storage tank.**
- (2) **Connected underground piping.**
- (3) **Underground ancillary equipment used to distribute, meter, or control the flow of regulated substances to and from an underground storage tank, including piping, fittings, flanges, valves, and pumps.**

SECTION 2. IC 13-23-5-1, AS AMENDED BY P.L.96-2016, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 1. (a) Subject to section 2 of this chapter, and except as provided in subsection (b), an underground storage tank, whether of single or double wall construction, may not be installed before the effective date of the rules adopted under IC 13-23-1-2 for the purpose of storing regulated substances unless:

- (1) the tank will prevent releases due to corrosion or structural failure for the operational life of the tank;
- (2) the tank is:
  - (A) cathodically protected against corrosion;

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- (B) constructed of noncorrosive material;
- (C) steel clad with a noncorrosive material; or
- (D) designed to prevent the release or threatened release of any stored substance;
- (3) the material used in the construction or lining of the tank is compatible with the substance to be stored; ~~and~~
- (4) the underground storage tank system meets the requirements of 40 CFR 280.32; and**
- ~~(4) (5)~~ **(5)** after July 1, 2007, all newly installed or replaced ~~pipings~~ **connected to the tank meets components of the underground storage tank system meet** the secondary containment requirements adopted by the board.

(b) An underground storage tank system that contains alcohol blended fuels composed of greater than fifteen percent (15%) alcohol is a petroleum UST system (as defined in 329 IAC 9-1-36 as in effect January 1, 2007) and may be installed during the period referred to in subsection (a) if the system is otherwise in compliance with rules adopted by the board concerning technical and safety requirements relating to the physical characteristics of underground petroleum storage tanks and ancillary equipment, including dispensing equipment, used in the storing or dispensing of alcohol blended fuels for purposes of all other provisions of this article.

(c) Owners and operators of underground storage tank systems that store, carry, or dispense alcohol blended fuels composed of greater than fifteen percent (15%) alcohol that comply with subsection (b) are considered to meet the standards of:

- (1) compatibility under subsection (a)(3); and
- (2) compliance for purposes of all other provisions of this article.

SECTION 3. IC 16-44-2-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 8. (a) The inspections and tests made by the state department under this chapter shall be conducted in accordance with the methods outlined by the American Society for Testing and Materials.

(b) The inspections and tests as to gasoline, gasohol, and kerosene must reflect the following minimum specifications necessary for the approval of the product:

- (1) Gasoline or gasohol:
  - (A) Corrosion Test – Method ASTM D-130. A clean copper strip may not show more than extremely slight discoloration when submerged in the gasoline for three (3) hours at one hundred twenty-two (122) degrees Fahrenheit.
  - (B) Distillation Range – Method ASTM D-86. When the



thermometer reads one hundred sixty-seven (167) degrees Fahrenheit, not less than ten percent (10%) may be evaporated. When the thermometer reads two hundred eighty-four (284) degrees Fahrenheit, not less than fifty percent (50%) may be evaporated. When the thermometer reads three hundred ninety-two (392) degrees Fahrenheit, not less than ninety percent (90%) may be evaporated. The residue may not exceed two percent (2%). Percent evaporated is found by adding the distillation loss to the amount collected in the receiver at each specification temperature.

(C) Sulphur – Method ASTM D-1266 or D-2622. Sulphur may not exceed twenty-five hundredths of one percent (0.25%).

(D) Vapor Pressure – Method ASTM D-4953, ASTM D-5191, or any other ASTM method to determine vapor pressure approved by the United States Environmental Protection Agency **apply to this clause and clauses (E) through (G).** For gasoline, the Reid vapor pressure at one hundred (100) degrees Fahrenheit may not exceed: ~~the following:~~

- (i) fifteen (15) pounds per square inch at the normal barometric pressure at the point of delivery during November, December, January, February, and March;
- (ii) ~~Fourteen (14)~~ **thirteen and five-tenths (13.5)** pounds per square inch during April, and October;
- (iii) eleven and five-tenths (11.5) pounds per square inch during September 16 through September 30; and**
- ~~(iii) (iv) Twelve (12)~~ **nine (9)** pounds per square inch during May, June, July, August, and September **1 through September 15;**

**as regulated by the United States Environmental Protection Agency.**

(E) **Except as provided in clauses (F) and (G), for gasohol (a blend of gasoline and alcohol); permitted under federal tax requirements); (also known as gasoline-ethanol blend) containing ethanol in a concentration of at least one percent (1%) by volume and not more than fifteen percent (15%) by volume, the vapor pressure may not exceed: the following:**

- (i) sixteen (16) pounds per square inch during November, December, January, February, and March;
- (ii) ~~Fifteen (15)~~ **fourteen and five-tenths (14.5)** pounds per square inch during April, ~~May~~, and October; **and**
- (iii) twelve and five-tenths (12.5) pounds per square inch**



during September 16 through September 30.

(F) For gasohol (also known as gasoline-ethanol blend) containing ethanol in a concentration of at least one percent (1%) by volume and less than nine percent (9%) by volume, the vapor pressure may not exceed ~~(iii) Thirteen~~ ~~(13)~~ **nine (9)** pounds per square inch:

(i) during May 1 ~~June, July, August, and~~ through September 15 if measured at the terminal; and

(ii) during June 1 through September 15 if measured at retail;

as regulated by the United States Environmental Protection Agency.

(G) For gasohol (also known as gasoline-ethanol blend) containing ethanol in a concentration of at least nine percent (9%) by volume and not more than fifteen percent (15%) by volume, the vapor pressure may not exceed ten ~~(10)~~ pounds per square inch:

(i) during May 1 through September 15 if measured at the terminal; and

(ii) during June 1 through September 15 if measured at retail;

as regulated by the United States Environmental Protection Agency.

~~(F)~~ **(H)** After July 23, 2004, gasoline may not contain more than one-half percent (0.5%) of MTBE by volume.

(2) Kerosene:

(A) Flash Test – Method ASTM D-56. Flash point may not be lower than one hundred (100) degrees Fahrenheit.

(B) For the purpose of this chapter, any petroleum product designated by name or reference as "kerosene" must meet the federal specifications for kerosene VV-K-211d in effect on March 1, 1977.

(c) Gasoline, gasohol, and kerosene products that do not comply with the minimum specifications described in subsection (b) may not be sold, offered for sale, or used in Indiana.

(d) Petroleum products other than gasoline, gasohol, or kerosene shall be inspected and tested by the methods as are necessary to determine the contents and characteristics of the product.

**(e) Compliant conventional gasoline to which 326 IAC 13-3 applies is subject to vapor pressure requirements more stringent than those set forth in subsection (b)(1)(D).**

**(f) Compliant conventional gasoline to which 326 IAC 13-3**



applies and federal reformulated gasoline are subject to vapor pressure requirements more stringent than those set forth in subsection (b)(1)(E) through (b)(1)(G).

SECTION 4. IC 16-44-2-9.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 9.5. (a) As used in this section, "gasohol" means a blend of gasoline and ethanol that includes, by volume, more than ten percent (10%) and not more than fifteen percent (15%) ethanol.

(b) There must be displayed on a fuel dispenser from which a retail customer dispenses gasohol, next to the fuel grade selection button, as a part of or in addition to the label required to be affixed to the dispenser under 40 CFR 80.1501 as in effect on January 1, 2021, this printed statement in 14 point, black, Helvetica Bold font: "Attention: E15. Check owner's manual for compatibility and warranty requirements." or a similar statement approved by the United States Environmental Protection Agency.

(c) A person who:

- (1) owns or operates a fuel dispenser to which subsection (b) applies; and
- (2) fails to comply with subsection (b);

commits a Class A infraction.

SECTION 5. IC 16-44-2-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 22. Except as provided in sections 9 and ~~10~~ 9.5 of this chapter, a person who recklessly violates this chapter commits a Class B misdemeanor.



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President of the Senate

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President Pro Tempore

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Speaker of the House of Representatives

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Governor of the State of Indiana

Date: \_\_\_\_\_ Time: \_\_\_\_\_

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