



Reprinted
April 13, 1999

ENGROSSED SENATE BILL No. 66

DIGEST OF SB66 (Updated April 12, 1999 7:56 pm - DI 84)

Citations Affected: IC 13-23; noncode.

Synopsis: Underground storage tanks. Allows the Indiana development finance authority to use money in the underground storage tank guaranty fund to award grants to certain underground storage tank owners and operators who closed or removed underground storage tanks after December 31, 1997, and before July 1, 1998. Transfers \$120,000 from the underground petroleum storage tank excess liability trust fund to the underground storage tank guaranty fund to be used by the Indiana development finance authority to award grants to these
(Continued next page)

Effective: Upon passage.

Riegsecker, Gard, Adams, Ford
(HOUSE SPONSORS — KUZMAN, WOLKINS)

January 6, 1999, read first time and referred to Committee on Rules and Legislative Procedure.
February 2, 1999, amended; reassigned to Committee on Corrections, Criminal and Civil Procedures.
February 9, 1999, reassigned to Committee on Environmental Affairs.
February 23, 1999, amended, reported favorably — Do Pass.
March 2, 1999, read second time, ordered engrossed.
March 3, 1999, engrossed. Read third time, passed. Yeas 49, nays 0.
HOUSE ACTION
March 8, 1999, read first time and referred to Committee on Environmental Affairs.
March 22, 1999, amended, reported — Do Pass.
March 25, 1999, read second time, amended, ordered engrossed.
March 26, 1999, engrossed.
April 12, 1999, read third time, referred to Committee of One; amended; passed. Yeas 96, nays 0.

ES 66—LS 6138/DI 13+



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underground storage tank owners and operators. Requires the auditor of state to transfer any money remaining in the underground storage tank guaranty fund on July 1, 2000, to the underground petroleum storage tank excess liability trust fund. Provides that a person is not subject to the civil penalty for violation of an underground storage tank standard if: (1) the tank is on a brownfield; (2) the violation arose from a tank that is in a cave; (3) the violation arose from a tank that is in a sinkhole; (4) the person was not the owner or operator of the tank when the violation first occurred; (5) the person does not dispense a regulated substance into or from the tank; and (6) the tank is brought into compliance within one year after the person acquired the property. Requires the solid waste management board to incorporate definitions of "cave" and "sinkhole" into rules concerning solid waste land disposal facilities.

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April 13, 1999

First Regular Session 111th General Assembly (1999)

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 1998 General Assembly.

ENGROSSED SENATE BILL No. 66

A BILL FOR AN ACT to amend the Indiana Code concerning underground storage tanks.

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

- 1 SECTION 1. IC 13-23-10-10 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) The
3 authority may use money in the fund to award grants to owners and
4 operators to assist in the closure or removal of underground storage
5 tanks.
6 (b) An owner or operator may receive a grant from the fund if the
7 owner or operator meets the following requirements:
8 (1) **The owner or operator closed or removed an underground**
9 **storage tank:**
10 (A) **after December 31, 1997; and**
11 (B) **before July 1, 1998.**
12 (†) (2) The owner or operator submits an application for a grant
13 to the authority on a form provided by the authority.
14 (‡) (3) The owner or operator owns or operates not more than
15 twelve (12) underground storage tanks.

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- 1 (3) (4) The owner or operator:
- 2 (A) had an adjusted gross income of less than fifty thousand
- 3 dollars (\$50,000) per year for the five (5) years immediately
- 4 preceding the year the owner or operator submits an
- 5 application for a grant; or
- 6 (B) is a nonprofit corporation.
- 7 (4) (5) The owner or operator has complied with the following:
- 8 (A) This article or IC 13-7-20 (before its repeal).
- 9 (B) Rules adopted under this article or IC 13-7-20 (before its
- 10 repeal).
- 11 (C) 42 U.S.C. 6991 through 6991i.
- 12 (D) Regulations adopted under 42 U.S.C. 6991 through 6991i.
- 13 (5) (6) The owner or operator has paid all registration fees that are
- 14 required under IC 13-23-12.
- 15 (6) (7) The owner or operator verifies that the:
- 16 (A) grant will be used to ~~close or remove~~ **compensate the**
- 17 **owner or operator for closing or removing** an underground
- 18 storage tank and will not be used to upgrade an underground
- 19 storage tank; and
- 20 (B) owner or operator will not be involved in the distribution
- 21 of motor fuels after the underground storage tank is closed or
- 22 removed.
- 23 (7) (8) The owner or operator submits any other information as
- 24 required by the authority.
- 25 (c) The authority shall consider applications submitted under this
- 26 section in the order the applications are received.
- 27 (d) The authority, department, and underground storage tank
- 28 financial assurance board shall develop guidelines for awarding grants
- 29 under this section.
- 30 SECTION 2. IC 13-23-14-3 IS AMENDED TO READ AS
- 31 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) **Except as**
- 32 **provided in subsection (b)**, a person who violates:
- 33 (1) a requirement or standard set forth in this article; or
- 34 (2) a rule adopted under IC 13-23-1-2 other than a violation
- 35 described in section 2 of this chapter;
- 36 is subject to a civil penalty of not more than ten thousand dollars
- 37 (\$10,000) per underground storage tank for each day of violation.
- 38 **(b) A person is not subject to the civil penalty described in**
- 39 **subsection (a) if:**
- 40 **(1) the violation arose from an underground storage tank that**
- 41 **is on a brownfield;**
- 42 **(2) the person was not the owner or operator of the**



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- 1 **underground storage tank when the violation first occurred;**
- 2 **(3) the person does not dispense a regulated substance into or**
- 3 **from the underground tank:**
- 4 **(A) for any purpose other than temporary or permanent**
- 5 **closure; or**
- 6 **(B) in violation of any federal, state, or local regulations;**
- 7 **and**
- 8 **(4) the underground storage tank is brought into compliance**
- 9 **with this article not later than one (1) year after the person**
- 10 **acquired ownership of the property.**

11 **SECTION 3. [EFFECTIVE UPON PASSAGE] (a) On July 1, 1999,**
 12 **the auditor of state shall transfer one hundred twenty thousand**
 13 **dollars (\$120,000) from the underground petroleum storage tank**
 14 **excess liability trust fund established by IC 13-23-7-1 to the**
 15 **underground storage tank guaranty fund established by**
 16 **IC 13-23-10-1. The Indiana development finance authority shall**
 17 **use money transferred to the underground storage tank guaranty**
 18 **fund under this SECTION to carry out the purposes of**
 19 **IC 13-23-10-10, as amended by this act.**

20 **(b) On July 1, 2001, the auditor of state shall transfer any**
 21 **money remaining in the underground storage tank guaranty fund**
 22 **established by IC 13-23-10-1 to the underground petroleum storage**
 23 **tank excess liability trust fund established by IC 13-23-7-1.**

24 **(c) This SECTION expires July 2, 2001.**

25 **SECTION 4. An emergency is declared for this act.**

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SENATE MOTION

Mr. President: I move that Senator Garton be removed as author of Senate Bill 66 and that Senator Riegsecker be substituted therefor.

GARTON

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COMMITTEE REPORT

Mr. President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill No. 66, 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 the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning underground storage tanks.

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill be reassigned to the Senate Committee on Corrections, Criminal and Civil Procedures.

(Reference is to SB 66 as introduced.)

GARTON, Chairperson

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SENATE MOTION

Mr. President: I move that Senate Bill 66, currently assigned to the Committee on Corrections, Criminal and Civil Procedures, be reassigned to the Committee on Environmental Affairs.

GARTON

SENATE MOTION

Mr. President: I move that Senator Gard be added as coauthor of Senate Bill 66.

RIEGSECKER

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COMMITTEE REPORT

Mr. President: The Senate Committee on Environmental Affairs, to which was referred Senate Bill No. 66, 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 1, line 11, after "from" delete "a" and insert "**an underground storage**".

Page 1, line 12, delete "facility" and insert "**underground storage tank**".

Page 1, line 13, delete "and".

Page 1, between lines 13 and 14, begin a new line begin a new line block indented and insert:

"(3) the person does not dispense a regulated substance into or from the underground tank:

(A) for any purpose other than temporary or permanent closure; or

(B) in violation of any federal, state, or local regulations; and".

Page 1, line 14, delete "(3) the site" and insert "**(4) the underground storage tank**".

and when so amended that said bill do pass.

(Reference is to SB 66 as printed February 3, 1999.)

GARD, Chairperson

Committee Vote: Yeas 7, Nays 0.

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SENATE MOTION

Mr. President: I move that Senators Adams and Ford be added as coauthors of Senate Bill 66.

RIEGSECKER

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Environmental Affairs, to which was referred Senate Bill 66, 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 the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 13-23-10-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 10. (a) The authority may use money in the fund to award grants to owners and operators to assist in the closure or removal of underground storage tanks.

(b) An owner or operator may receive a grant from the fund if the owner or operator meets the following requirements:

(1) The owner or operator closed or removed an underground storage tank:

(A) after December 31, 1997; and

(B) before July 1, 1998.

(1) (2) The owner or operator submits an application for a grant to the authority on a form provided by the authority.

(2) (3) The owner or operator owns or operates not more than twelve (12) underground storage tanks.

(3) (4) The owner or operator:

(A) had an adjusted gross income of less than fifty thousand dollars (\$50,000) per year for the five (5) years immediately preceding the year the owner or operator submits an application for a grant; or

(B) is a nonprofit corporation.

(4) (5) The owner or operator has complied with the following:

(A) This article or IC 13-7-20 (before its repeal).

(B) Rules adopted under this article or IC 13-7-20 (before its repeal).

(C) 42 U.S.C. 6991 through 6991i.

(D) Regulations adopted under 42 U.S.C. 6991 through 6991i.

(5) (6) The owner or operator has paid all registration fees that are required under IC 13-23-12.

(6) (7) The owner or operator verifies that the:

(A) grant will be used to ~~close or remove~~ **compensate the owner or operator for closing or removing** an underground storage tank and will not be used to upgrade an underground storage tank; and

(B) owner or operator will not be involved in the distribution of motor fuels after the underground storage tank is closed or

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removed.

~~(7)~~ (8) The owner or operator submits any other information as required by the authority.

(c) The authority shall consider applications submitted under this section in the order the applications are received.

(d) The authority, department, and underground storage tank financial assurance board shall develop guidelines for awarding grants under this section."

Page 2, after line 6, begin a new paragraph and insert:

"SECTION 3. [EFFECTIVE JULY 1, 1999] (a) **On July 1, 1999, the auditor of state shall transfer one hundred twenty thousand dollars (\$120,000) from the underground petroleum storage tank excess liability trust fund established by IC 13-23-7-1 to the underground storage tank guaranty fund established by IC 13-23-10-1. The Indiana development finance authority shall use money transferred to the underground storage tank guaranty fund under this SECTION to carry out the purposes of IC 13-23-10-10, as amended by this act.**

(b) **On July 1, 2001, the auditor of state shall transfer any money remaining in the underground storage tank guaranty fund established by IC 13-23-10-1 to the underground petroleum storage tank excess liability trust fund established by IC 13-23-7-1.**

(c) **This SECTION expires July 2, 2001."**

Re-number all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 66 as printed February 24, 1999.)

STURTZ, Chair

Committee Vote: yeas 10, nays 0.

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HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 66 be amended to read as follows:

Replace the effective dates in SECTIONS 1 through 3 with "[EFFECTIVE UPON PASSAGE]".

(Reference is to ESB 66 as printed March 23, 1999.)

WOLKINS

 HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 66 be amended to read as follows:

Page 2, between lines 40 and 41, begin a new line block indented and insert:

"(2) the violation arose from an underground storage tank that is in a cave (as defined in 329 IAC 10-2);

(3) the violation arose from an underground storage tank that is in a sinkhole (as defined in 329 IAC 10-2);"

Page 2, line 41, delete "(2)" and insert "(4)".

Page 3, line 1, delete "(3)" and insert "(5)".

Page 3, line 4, delete "(4)" and insert "(6)".

Page 3, between lines 9 and 10, begin a new paragraph and insert:
"SECTION 3. [EFFECTIVE UPON PASSAGE] (a) Before February 1, 2000, the solid waste management board shall amend 329 IAC 10-2 to incorporate the following definitions of terms used in IC 13-23-14-3 as amended by this act and 329 IAC 10-2-99:

(1) "Cave" means a natural cavity in rock that is:

(A) large enough for a person to enter or greater than twenty-four (24) cubic feet;

(B) laterally or vertically extensive or greater than twenty-five (25) feet in length;

(C) formed by solution from current or past conduit flow; and

(D) part of a natural subsurface conduit flow system.

The term refers to a landform feature that generally develops in carbonate and evaporite rock regions (such as limestone, dolomite, and gypsum) and is formed by solution or a combination of solution and collapse.

(2) "Sinkhole" means a funnel shaped depression in the land surface with:



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- (A) greater than three (3) feet of topographic relief; and
- (B) a map surface area greater than one hundred (100) square feet.

The depression provides active storm water drainage as part of a subsurface conduit flow system developed by solution of bedrock. The term refers to a landscape feature that generally develops in carbonate and evaporite rock regions (such as limestone, dolomite, and gypsum) and is formed by solution or a combination of solution and collapse of carbonate or interbedded carbonate and sedimentary bedrock."

Renumber all SECTIONS consecutively.

Page 3, after line 23, begin a new paragraph and insert:
"SECTION 5. **An emergency is declared for this act.**"

(Reference is to ESB 66 as printed March 23, 1999.)

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HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 66 be recommitted to a Committee of One, Representative Steele, with specific instructions to amend as follows:

Page 2, delete line 42.

Page 3, delete lines 1 through 3.

Page 3, delete lines 15 through 42.

Renumber all SECTIONS consecutively.

(Reference is to ESB 66 as reprinted March 26, 1999.)

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COMMITTEE REPORT

Mr. Speaker: Your Committee of One, to which was referred Senate Bill 66, begs leave to report that said bill has been amended as directed.

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