

COMMITTEE REPORT

MR. PRESIDENT:

The Senate Committee on Environmental Affairs, to which was referred House Bill No. 1578, 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:

- 1 Page 1, between the enacting clause and line 1, begin a new
2 paragraph and insert:
3 "SECTION 1. IC 13-11-2-148 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JANUARY 1, 1999 (RETROACTIVE)]:
5 Sec. 148. (a) "Operator", for purposes of IC 13-18-10, means the
6 person in direct or responsible charge or control of one (1) or more
7 confined feeding operations.
8 (b) "Operator", for purposes of IC 13-18-11 and environmental
9 management laws, means the person in direct or responsible charge and
10 supervising the operation of:
11 (1) a water treatment plant;
12 (2) a wastewater treatment plant; or
13 (3) a water distribution system.
14 (c) "Operator", for purposes of IC 13-20-6, means a corporation, a
15 limited liability company, a partnership, a business association, a unit,
16 or an individual who is a sole proprietor that is one (1) of the following:
17 (1) A broker.
18 (2) A person who manages the activities of a transfer station that

1 receives municipal waste.

2 (3) A transporter.

3 (d) "Operator", for purposes of IC 13-23, except as provided in
4 subsection (e), means a person:

5 (1) in control of; or

6 (2) having responsibility for;

7 the daily operation of an underground storage tank.

8 (e) "Operator", for purposes of IC 13-23-13, does not include **the**
9 **following:**

10 (1) A person who:

11 ~~(1)~~ (A) does not participate in the management of an
12 underground storage tank;

13 ~~(2)~~ (B) is otherwise not engaged in the:

14 ~~(A)~~ (i) production;

15 ~~(B)~~ (ii) refining; and

16 ~~(C)~~ (iii) marketing;

17 of regulated substances; and

18 ~~(3)~~ (C) holds evidence of ownership, primarily to protect the
19 owner's security interest in the tank.

20 (2) A person who:

21 (A) **does not own or lease, directly or indirectly, the facility**
22 **or business at which the underground storage tank is**
23 **located;**

24 (B) **does not participate in the management of the facility**
25 **or business described in clause (A); and**

26 (C) **is engaged only in:**

27 (i) **filling;**

28 (ii) **gauging; or**

29 (iii) **filling and gauging;**

30 **the product level in the course of delivering fuel to an**
31 **underground storage tank."**

32 Page 2, after line 40, begin a new paragraph and insert:

33 "SECTION 4. [EFFECTIVE JANUARY 1, 1999
34 (RETROACTIVE)]: IC 13-11-2-148(e), as amended by this act, shall
35 not be construed to affect any litigation filed before January 1,

- 1 **1999.**
- 2 SECTION 5. **An emergency is declared for this act."**
- 3 Renumber all SECTIONS consecutively.
 (Reference is to HB 1578 as reprinted February 16, 1999.)

and when so amended that said bill do pass.

Committee Vote: Yeas 7, Nays 0.

Senator Gard, Chairperson