
SENATE BILL No. 262

DIGEST OF INTRODUCED BILL

Citations Affected: IC 13-24-1-6.

Synopsis: Petroleum releases. Provides that if: (1) petroleum is released from a petroleum facility; and (2) there is reasonable suspicion to believe the petroleum has migrated to real property that is owned by a person that does not own or operate the site where the petroleum facility is located, the commissioner of the department of environmental management must order the person that owns the real property to allow a designated representative of the petroleum facility to enter the real property and conduct appropriate inspections and tests to determine the nature and extent of the petroleum release. Prohibits the commissioner from initiating an enforcement action against an owner, an operator, or a responsible party of the petroleum facility for at least 60 days after the date the order is issued.

Effective: July 1, 2000.

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January 10, 2000, read first time and referred to Committee on Environmental Affairs.

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Second Regular Session 111th General Assembly (2000)

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 1999 General Assembly.

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SENATE BILL No. 262



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 13-24-1-6 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 6. (a) To allow the
 3 commissioner to take or to assess the need for removal or remedial
 4 action under section 1, 2, or 3 of this chapter or to enforce this chapter,
 5 an owner, an operator, or a responsible party of a facility, upon the
 6 request of an officer, an employee, or a designated representative of the
 7 department, shall:

- 8 (1) furnish information relating to the facility or the facility's
- 9 associated equipment or contents;
- 10 (2) conduct testing of the facility or the facility's associated
- 11 equipment or contents;
- 12 (3) conduct testing of:
- 13 (A) soils;
- 14 (B) air;
- 15 (C) surface water; or
- 16 (D) ground water;
- 17 surrounding the facility if the testing, using methods that are



1 similar to but do not exceed federal standards, confirms a release
 2 of petroleum, or if other evidence exists that gives cause for
 3 reasonable suspicion that a release has occurred;

4 (4) allow, at reasonable times, the officer, employee, or
 5 designated representative to have access to and to copy records
 6 that relate to the release at the facility; and

7 (5) allow the officer, employee, or designated representative to
 8 have access for response, removal, or remedial action under
 9 section 2 of this chapter.

10 (b) For the reasons described under subsection (a), an officer, an
 11 employee, or a designated representative of the department may enter,
 12 at reasonable times, a site where a facility is located or where
 13 petroleum may be present because of a release from a facility to do the
 14 following:

15 (1) Inspect and obtain samples of petroleum contained in the
 16 facility from any person.

17 (2) Conduct testing of:

18 (A) the facility;

19 (B) the facility's associated equipment or contents; or

20 (C) surrounding:

21 (i) soils;

22 (ii) air;

23 (iii) surface water; or

24 (iv) ground water.

25 (3) Take removal or remedial action under section 2 of this
 26 chapter.

27 (c) **If:**

28 (1) **petroleum is released from a petroleum facility; and**

29 (2) **there is reasonable suspicion to believe the petroleum has**
 30 **migrated to real property that is owned by a person that does**
 31 **not own or operate the site where the petroleum facility is**
 32 **located;**

33 **the commissioner shall order the person that owns the real**
 34 **property to allow a designated representative of the petroleum**
 35 **facility to enter the real property and conduct appropriate**
 36 **inspections and tests to determine the nature and extent of the**
 37 **petroleum release. If the commissioner issues an order under this**
 38 **subsection, the commissioner may not initiate an enforcement**
 39 **action under this chapter against an owner, an operator, or a**
 40 **responsible party of the petroleum facility for at least sixty (60)**
 41 **days after the date the order is issued.**

42 (d) An action authorized under this section shall be commenced and

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1 completed with reasonable promptness.

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