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# HOUSE BILL No. 1200

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 13-19-6; IC 34-30-2-51.2.

**Synopsis:** Immunity for certain brownfield activities. Provides that, under certain circumstances, a person who: (1) owns or otherwise legally possesses a brownfield; and (2) installs watertight pavement or another watertight hard substance on the surface of the brownfield; is not liable under the environmental management laws for costs or damages associated with the presence of a hazardous substance, a contaminant, petroleum, or a petroleum product that is located beneath the surface of the brownfield.

**Effective:** July 1, 2011.

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**Davis, Bosma**

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January 10, 2011, read first time and referred to Committee on Environmental Affairs.

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First Regular Session 117th General Assembly (2011)

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 2010 Regular Session of the General Assembly.

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# HOUSE BILL No. 1200



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 13-19-6 IS ADDED TO THE INDIANA CODE AS  
 2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY  
 3 1, 2011]:  
 4 **Chapter 6. Immunity for Certain Brownfield Activities**  
 5 **Sec. 1. Notwithstanding any liability imposed by the**  
 6 **environmental management laws, a person who:**  
 7 **(1) owns or otherwise legally possesses a brownfield; and**  
 8 **(2) installs:**  
 9 **(A) watertight pavement; or**  
 10 **(B) another watertight hard substance;**  
 11 **on the surface of the brownfield;**  
 12 **is not liable under the environmental management laws for costs**  
 13 **or damages associated with the presence of a hazardous substance,**  
 14 **a contaminant, petroleum, or a petroleum product that is located**  
 15 **beneath the surface of the brownfield, including the costs of any**  
 16 **remediation, if all the conditions described in section 2 of this**  
 17 **chapter are met.**



1           **Sec. 2. A person described in section 1 of this chapter is not**  
2 **liable under the environmental management laws if all the**  
3 **following conditions are met:**

4           **(1) The person has not:**

5               **(A) caused; or**

6               **(B) contributed to;**

7           **the contamination of the brownfield with a hazardous**  
8 **substance, a contaminant, petroleum, or a petroleum product.**

9           **(2) The original source of the hazardous substance,**  
10 **contaminant, petroleum, or petroleum product:**

11               **(A) has been removed; or**

12               **(B) is still located beneath the surface of the brownfield**  
13 **and has been properly decommissioned.**

14           **(3) The hazardous substance, contaminant, petroleum, or**  
15 **petroleum product is located entirely beneath the surface of**  
16 **the brownfield.**

17           **(4) The:**

18               **(A) watertight pavement; or**

19               **(B) other watertight hard substance;**

20 **installed on the surface of the brownfield completely covers**  
21 **the hazardous substance, contaminant, petroleum, or**  
22 **petroleum product located beneath the surface of the**  
23 **brownfield.**

24           **(5) After the pavement or other hard substance has been**  
25 **installed, the person does not:**

26               **(A) construct; or**

27               **(B) allow another person to construct;**

28 **a building or other structure over the top of a hazardous**  
29 **substance, a contaminant, petroleum, or a petroleum product**  
30 **located beneath the surface of the brownfield.**

31           **(6) The person takes all other reasonable precautions against**  
32 **reasonably foreseeable acts or omissions that might be**  
33 **committed by:**

34               **(A) the person; or**

35               **(B) another person;**

36 **that could disturb the hazardous substance, contaminant,**  
37 **petroleum, or petroleum product located beneath the surface**  
38 **of the brownfield.**

39           **SECTION 2. IC 34-30-2-51.2 IS ADDED TO THE INDIANA**  
40 **CODE AS A NEW SECTION TO READ AS FOLLOWS**  
41 **[EFFECTIVE JULY 1, 2011]: Sec. 51.2. IC 13-19-6 (Concerning**  
42 **persons who engage in certain brownfield activities).**

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