

HOUSE BILL No. 1559

DIGEST OF INTRODUCED BILL

Citations Affected: IC 13-11-2-186; IC 13-14-14.

Synopsis: Data base of potentially contaminated properties. Requires the department of environmental management (department) to establish and maintain an electronic data base of information on potentially contaminated properties. Requires the inclusion of information on a property in the data base if the property: (1) is the site of an existing or former hazardous waste facility; (2) was included in the federal government's Comprehensive Environmental Response, Compensation, and Liability Information System and a hazardous substance remains on the property; (3) contains an underground storage tank; (4) is included in the department's registry of sites at which contamination of groundwater has been detected; (5) is undergoing remediation subject to the authority of the department; or (6) is included in the list of properties used in the illegal manufacture of a controlled substance that is maintained on the Internet by the state police department. Requires that the data base be available to users without cost through the Internet and that information on properties be presented in the data base in a manner that is easily searchable and intuitive to users. Provides for the removal of information on a property from the data base when the condition causing the property to be included in the data base is resolved or if the information was included by error. Provides that a person is not entitled to initiate or participate in an administrative review of a decision of the department concerning the inclusion of a property in the data base unless the person owns or has another legal interest in the property. Provides that the inclusion of information on a property in the data base does not subject a person associated with the property to civil or criminal liability, is not grounds for a civil or

(Continued next page)

Effective: July 1, 2021.

Mayfield, Aylesworth, Baird

January 14, 2021, read first time and referred to Committee on Environmental Affairs.



Digest Continued

administrative action against a person associated with the property, and does not disqualify a person associated with the property from any right, power, privilege, or immunity.



Introduced

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.

HOUSE BILL No. 1559

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 13-11-2-186, AS AMENDED BY P.L.189-2018,
2 SECTION 117, IS AMENDED TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2021]: Sec. 186. "Remediation", for purposes
4 of **IC 13-14-14-2(a)(5)** and IC 13-25-5, means any of the following:
5 (1) Actions necessary to:
6 (A) prevent;
7 (B) minimize; or
8 (C) mitigate;
9 damages to the public health or welfare or to the environment that
10 may otherwise result from a release or threat of a release.
11 (2) Actions consistent with a permanent remedy taken instead of
12 or in addition to removal actions if a release or threatened release
13 of a hazardous substance or petroleum into the environment
14 occurs to eliminate the release of hazardous substances or
15 petroleum so that the hazardous substances or petroleum do not



- 1 migrate to cause substantial danger to present or future public
 2 health or welfare or the environment.
- 3 (3) The cleanup or removal of released hazardous substances or
 4 petroleum from the environment.
- 5 SECTION 2. IC 13-14-14 IS ADDED TO THE INDIANA CODE
 6 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 7 JULY 1, 2021]:
- 8 **Chapter 14. Data Base of Potentially Contaminated Properties**
- 9 **Sec. 1. As used in this chapter, "property" means:**
- 10 (1) a particular lot or tract of land; and
 11 (2) all buildings, structures, fixtures, and other objects present
 12 on or under the surface of the lot or tract of land.
- 13 **Sec. 2. (a) The department shall establish and maintain an**
 14 **electronic data base of information identifying properties located**
 15 **in Indiana that meet at least one (1) of the following conditions:**
- 16 (1) The property is the site of an existing or former hazardous
 17 waste facility that is or was subject to regulation under:
- 18 (A) IC 13-22-2 through IC 13-22-8 and IC 13-22-13
 19 through IC 13-22-14; or
 20 (B) Subchapter III of the federal Solid Waste Disposal Act
 21 (42 U.S.C. 6921 through 6939e).
- 22 (2) The property is a site:
- 23 (A) on which a hazardous substance has been:
- 24 (i) deposited;
 25 (ii) stored; or
 26 (iii) disposed of; and
 27 (B) that is or was listed on the Comprehensive
 28 Environmental Response, Compensation, and Liability
 29 Information System (CERCLIS) in accordance with
 30 Section 116 of the federal Comprehensive Environmental
 31 Response, Compensation, and Liability Act (42 U.S.C.
 32 9616);
- 33 if more than an insignificantly small amount of a hazardous
 34 substance remains on or beneath the surface of that property
 35 after the partial or final closure of a hazardous waste facility
 36 located on the property or the completion of a remedial action
 37 on the property under the federal Comprehensive
 38 Environmental Response, Compensation, and Liability Act or
 39 IC 13-25-4.
- 40 (3) According to:
- 41 (A) notice received by the department under
 42 IC 13-23-1-2(c)(8)(A); or



1 **(B) the actual knowledge of the department;**
 2 **at least one (1) operational or nonoperational underground**
 3 **storage tank is located on the property.**

4 **(4) The property is:**

5 **(A) included in; or**

6 **(B) located in an area that is included in;**
 7 **the registry of sites at which contamination of groundwater**
 8 **has been detected that is maintained by the department under**
 9 **IC 13-18-17-2.**

10 **(5) The property is undergoing remediation subject to the**
 11 **authority of the department.**

12 **(6) The property is included in the list of properties used in**
 13 **the illegal manufacture of a controlled substance that is**
 14 **maintained on an Internet web site by the state police**
 15 **department under IC 10-11-2-31.2.**

16 **(b) The data base must include, for each property, information**
 17 **stating:**

18 **(1) the location of the property; and**

19 **(2) the condition or conditions set forth in subsection (a) that**
 20 **the property meets.**

21 **(c) The department shall remove information on the property**
 22 **from the data base:**

23 **(1) if the information was included in the data base by error;**
 24 **or**

25 **(2) if the property no longer meets the condition or conditions**
 26 **set forth in subsection (a) for which information on the**
 27 **property was included in the data base.**

28 **(d) The department shall remove information on a property**
 29 **included in the data base under subsection (a)(6) when the state**
 30 **police department removes the property from the list of properties**
 31 **used in the illegal manufacture of a controlled substance under**
 32 **IC 10-11-2-31.2(e).**

33 **(e) The department shall provide a means by which a person**
 34 **who owns or has a legal interest in a property included in the data**
 35 **base can notify the department that information on the property**
 36 **must be removed from the data base under subsection (c) or (d).**

37 **Sec. 3. (a) The electronic data base established and maintained**
 38 **under this chapter:**

39 **(1) must be available to users without cost through the**
 40 **Internet; and**

41 **(2) must present the information on properties in a manner**
 42 **that is easily searchable and intuitive to users.**



1 (b) The department may enter into a contract under which a
2 service provider establishes and maintains the electronic data base
3 for the department.

4 Sec. 4. The inclusion of information on a property in the data
5 base established and maintained under this chapter is subject to
6 administrative review under IC 4-21.5. However, for purposes of
7 IC 4-21.5-3-7(a), a person who:

8 (1) is not an owner or occupant of a property; and

9 (2) does not have another legal interest in a property or in an
10 entity that owns or has a legal interest in a property;
11 is not entitled to review of a decision of the department to include
12 or not to include information on the property in, or to remove
13 information on the property from, the data base established and
14 maintained under this chapter.

15 Sec. 5. The inclusion of information on a property in the data
16 base established and maintained under this chapter:

17 (1) does not subject a person associated in any way with the
18 property to civil or criminal liability;

19 (2) is not grounds for:

20 (A) a civil action; or

21 (B) an administrative action;

22 against a person associated in any way with the property;
23 (3) does not disqualify a person associated in any way with the
24 property from any right, power, privilege, or immunity under
25 any law or administrative rule; and

26 (4) may not be considered by any:

27 (A) state court;

28 (B) officer or agency of the state;

29 (C) political subdivision of the state; or

30 (D) entity funded by or subject to the direction or oversight
31 of the state;

32 in the taking of any action or the making of any determination
33 affecting a person associated in any way with the property.

34 Sec. 6. The environmental rules board may adopt rules under
35 IC 4-22-2 and IC 13-14-9 to administer this chapter.

