

SENATE BILL No. 312

DIGEST OF INTRODUCED BILL

Citations Affected: IC 13-11-2-119.5; IC 13-18.

Synopsis: Tank registration and water threat minimization. Requires the owner of an above ground storage tank that has a capacity of at least 200 gallons and that is used to contain any liquid other than drinking water or residential heating fuel to register the tank with the department of environmental management (department). Requires the person responsible for the operation of a public water system that uses surface water as a source of drinking water to develop and maintain a surface water threat minimization and response plan. Specifies certain contents that a surface water threat minimization and response plan must include and requires that the plan be submitted to and approved by the commissioner of the department. Provides for the adoption of rules by the environmental rules board.

Effective: July 1, 2015.

Charbonneau

January 8, 2015, read first time and referred to Committee on Environmental Affairs.



First Regular Session 119th General Assembly (2015)

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 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

SENATE BILL No. 312

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 13-11-2-119.5 IS ADDED TO THE INDIANA
- 2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
- 3 [EFFECTIVE JULY 1, 2015]: **Sec. 119.5. "Liquid", for purposes of**
- 4 **IC 13-18-5.5, has the meaning set forth in IC 13-18-5.5-1.**
- 5 SECTION 2. IC 13-18-5.5 IS ADDED TO THE INDIANA CODE
- 6 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
- 7 JULY 1, 2015]:
- 8 **Chapter 5.5. Registration of Above Ground Storage Tanks**
- 9 **Sec. 1. As used in this chapter, "liquid" means matter that:**
- 10 **(1) is in a nongaseous state; and**
- 11 **(2) will, at:**
- 12 **(A) sixty (60) degrees Fahrenheit; and**
- 13 **(B) ambient atmospheric pressure;**
- 14 **take the shape of the interior of a container immediately upon**
- 15 **being placed in the container.**
- 16 **Sec. 2. (a) This section applies to an above ground storage tank**



1 that:

- 2 (1) is stationary;
 3 (2) has a capacity of at least two hundred (200) gallons; and
 4 (3) is used to contain any liquid other than:
 5 (A) drinking water; or
 6 (B) residential heating fuel.

7 (b) This section does not apply to a swimming pool.

8 (c) A tank described in subsection (a) must be registered with
 9 the department under section 3 of this chapter.

10 **Sec. 3. (a) The owner of a tank described in section 2(a) of this**
 11 **chapter shall register the tank with the department.**

12 **(b) In registering a tank with the department under this section,**
 13 **the owner of the tank must provide the following information:**

- 14 (A) The storage capacity of the tank.
 15 (B) The age of the tank.
 16 (C) The type of liquid stored in the tank.
 17 (D) The composition of the tank.
 18 (E) The location of the tank.
 19 (F) The name and address of the owner of the tank.
 20 (G) Any other information concerning the tank that is
 21 reasonably required by the department.

22 (c) The department shall adopt and make available a tank
 23 registration form for the purposes of this chapter.

24 **Sec. 4. The environmental rules board established by**
 25 **IC 13-13-8-3 may adopt rules under IC 4-22-2 and IC 13-14-9**
 26 **concerning the administration of this chapter.**

27 SECTION 3. IC 13-18-16-6 IS AMENDED TO READ AS
 28 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 6. (a) All public water
 29 systems shall be continuously operated and maintained so that water is:

- 30 (1) safe in quality;
 31 (2) clean and adequate in quantity; and
 32 (3) chemically satisfactory for ordinary domestic consumption.

33 (b) The person responsible for the operation of a public water
 34 system shall take all measures that are necessary to carry out the
 35 requirements of subsection (a) so as to protect the quality and quantity
 36 of the raw water supply from actual or threatened contamination. These
 37 measures include the relocation of the point of raw water collection to
 38 a site that is not contaminated or threatened by contamination.

39 (c) **The person responsible for the operation of a public water**
 40 **system that uses surface water as a source of drinking water shall**
 41 **implement the surface water threat minimization and response**
 42 **plan developed and maintained under section 7.5 of this chapter**



1 **immediately upon discovering:**

2 **(1) the contamination; or**

3 **(2) a threat of contamination;**

4 **of the surface water used by the public water system as a source of**
5 **drinking water.**

6 ~~(c)~~ **(d)** The failure to carry out a duty set forth in ~~subsection (a) or~~
7 ~~(b)~~ **this section** constitutes a violation subject to the penalties imposed
8 under this chapter. Each day a violation occurs under this section
9 constitutes a separate violation.

10 SECTION 4. IC 13-18-16-7.5 IS ADDED TO THE INDIANA
11 CODE AS A NEW SECTION TO READ AS FOLLOWS
12 [EFFECTIVE JULY 1, 2015]: **Sec. 7.5. (a) This section applies only**
13 **to public water systems that use surface water as a source of**
14 **drinking water.**

15 **(b) To ensure the safety and security of the public water supply,**
16 **the person responsible for a public water system described in**
17 **subsection (a) shall develop and maintain a surface water threat**
18 **minimization and response plan.**

19 **(c) A surface water threat minimization and response plan**
20 **developed under subsection (b) must include at least the following:**

21 **(1) An evaluation of treatment and response options available**
22 **in the event of the contamination of the public water system's**
23 **raw water collection site.**

24 **(2) Options for securing alternate sources of uncontaminated**
25 **water for the public water system.**

26 **(3) Procedures for the notification of all potential users of**
27 **water from the public water system.**

28 **(4) Procedures for:**

29 **(A) the notification of; and**

30 **(B) coordination with;**

31 **response agencies in the event of the contamination or a**
32 **threat of contamination of the public water system's raw**
33 **water collection site.**

34 **(5) Any other contents required in rules adopted by the board**
35 **under section 8 of this chapter.**

36 **(d) To be maintained by the operator of a public water system**
37 **in compliance with subsection (b), a surface water threat**
38 **minimization and response plan must be:**

39 **(1) submitted to; and**

40 **(2) approved by;**

41 **the commissioner in accordance with rules adopted by the board**
42 **under section 8 of this chapter.**



1 SECTION 5. IC 13-18-16-8 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 8. (a) The board shall
3 adopt rules under IC 4-22-2 and IC 13-14-9 establishing requirements
4 for the issuance of permits to control public water systems, including
5 the following:

6 (1) **The requirement to obtain a permits permit** for the
7 construction, installation, or modification of facilities, equipment,
8 or devices for any public water system.

9 (2) **The requirement to obtain a permits permit** for the
10 operation of sources, facilities, equipment, or devices for any
11 public water system.

12 (3) **Requirements for the development and approval of**
13 **surface water threat minimization and response plans under**
14 **section 7.5 of this chapter.**

15 (b) The board shall adopt a permit by rule for water main extensions
16 (as defined in 327 IAC 8-3-1) to satisfy the permit requirement in
17 section 1(a) of this chapter.

