

First Regular Session of the 120th General Assembly (2017)

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 2016 Regular Session of the General Assembly.

HOUSE ENROLLED ACT No. 1344

AN ACT to amend the Indiana Code concerning environmental law.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 13-11-2-61.6 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 61.6. "East Chicago area of special concern", for purposes of IC 13-19-7, has the meaning set forth in IC 13-19-7-1.**

SECTION 2. IC 13-11-2-72.3 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 72.3. "EPA", for purposes of IC 13-19-7, has the meaning set forth in IC 13-19-7-2.**

SECTION 3. IC 13-11-2-104.6 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 104.6. "IHCDA", for purposes of IC 13-19-7, has the meaning set forth in IC 13-19-7-3.**

SECTION 4. IC 13-19-7 IS ADDED TO THE INDIANA CODE AS A **NEW CHAPTER** TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 7. East Chicago Area of Special Concern

Sec. 1. (a) As used in this chapter, "East Chicago area of special concern" means all areas of East Chicago in which:

- (1) lead has been discovered in the soil through testing at a level at least equal to the danger level identified under Section 403 of the federal Toxic Substances Control Act, 15 U.S.C.**

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- 2684, for bare soil in children's play areas;
 (2) arsenic has been discovered in the soil through testing at a level at least equal to the Regional Screening Level for soil arsenic under the exposure assumptions for residential property (unrestricted use) established by the EPA; or
 (3) the presence of:

(A) lead in the soil at a level at least equal to the danger level identified under Section 403 of the federal Toxic Substances Control Act, 15 U.S.C. 2684, for bare soil in children's play areas; or

(B) arsenic in the soil at a level at least equal to the Regional Screening Level for soil arsenic under the exposure assumptions for residential property (unrestricted use) established by the EPA;

is probable due to the documented history of one (1) or more industrial facilities that formerly operated in the area.

(b) The term includes the following:

(1) The entire area of East Chicago listed on April 19, 2009, on the Superfund National Priorities List compiled under Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. 9605 (EPA site identification number IND047030226).

(2) The area in which:

(A) the lead factory known alternately as International Lead Refining Co., Anaconda Lead Products, and Eagle Picher was located; and

(B) the West Calumet Housing Complex was constructed between 1970 and 1973.

Sec. 2. As used in this chapter, "EPA" refers to the United States Environmental Protection Agency.

Sec. 3. As used in this chapter, "IHCDA" refers to the Indiana housing and community development authority created by IC 5-20-1-3.

Sec. 4. (a) The department is encouraged to cooperate with and provide assistance to the EPA in the sampling, excavation, and removal of contaminated soil and restoration work to be performed in the East Chicago area of special concern.

(b) The department shall seek reimbursement from the EPA for the reasonable costs incurred by the department under subsection (a).

Sec. 5. (a) The IHCDA shall, to the greatest extent possible, cooperate with and provide assistance to the United States



Department of Housing and Urban Development in the relocation of residents of the East Chicago area of special concern to other residential areas.

(b) The IHCDA shall seek reimbursement from the EPA for the reasonable costs incurred by the IHCDA under subsection (a).

Sec. 6. The attorney general shall take all steps necessary to collect the reasonable costs described in sections 4(b) and 5(b) of this chapter.

Sec. 7. The department shall conduct testing of the water supply for East Chicago. Testing shall be conducted in such a way as to determine whether the water supply for East Chicago is in compliance with the requirements of 40 CFR 141, Subpart I, the national primary drinking water regulations for lead and copper.

SECTION 5. An emergency is declared for this act.



Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____

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