

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 ENROLLED ACT No. 311

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 13-11-2-185 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 185. (a) "Remedial action", for purposes of **IC 13-24 and** IC 13-25-4, means actions consistent with a permanent remedy **that are** taken instead of or in addition to removal actions if a release or threatened release of a hazardous substance **or petroleum** into the environment occurs, to prevent or minimize the release of hazardous substances **or petroleum** so that the hazardous substances ~~do~~ **or petroleum does** not migrate to cause substantial danger to present or future public health or welfare or the environment.

(b) The term includes actions necessary to:

- (1) monitor;
- (2) assess; or
- (3) evaluate;

the continuing effectiveness of other response actions.

SECTION 2. IC 13-11-2-187 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 187. "Removal", for purposes of **IC 13-24 and** IC 13-25-4, means any of the following:

- (1) The cleanup or removal of released hazardous substances **or petroleum** from the environment.
- (2) Actions necessary to be taken if the threat of release of

SEA 311



hazardous substances **or petroleum** into the environment occurs.

(3) Actions necessary to monitor, assess, and evaluate:

(A) the release or threat of release of hazardous substances **or petroleum**; or

(B) the continuing effectiveness of other response actions.

(4) The disposal of removed material.

(5) Actions necessary to prevent, minimize, or mitigate damage to:

(A) the public health or welfare; or

(B) the environment;

that may otherwise result from a release or threat of release.

(6) The extension of a municipal water or sewer service to a residence or an industry to:

(A) prevent;

(B) minimize; or

(C) mitigate;

damage to public health that may result from a release or threat of release.

SECTION 3. IC 13-11-2-189 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 189. (a) "Response", for purposes of **IC 13-24 and IC 13-25-4**, means removal and remedial action.

(b) The term includes enforcement activities related to removal and remedial action.

SECTION 4. IC 13-25-4-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 23. (a) The commissioner may enter into an agreement with one (1) or more potentially responsible persons concerning removal and remedial action at a site in Indiana. An agreement entered into under this section may call for one (1) or more parties, at the party's own expense, to conduct any response ~~action~~ at a site if the commissioner determines that the **removal and remedial** action called for in the agreement will be performed properly.

(b) An agreement entered into under this section may:

(1) allow the commissioner to obtain from a potentially responsible person that enters into an agreement under subsection (a) the reimbursement of oversight costs incurred by the department in reviewing the removal and remedial action undertaken by the potentially responsible person; and

(+) (2) provide that the commissioner will:

(A) reimburse one (1) or more parties for certain costs of the actions that those parties have agreed to perform under the

SEA 311



agreement; or

~~(2)~~ **(B)** perform a part of the response action called for in the agreement.

Money from the fund may be used for the reimbursement. An agreement may provide for the commissioner to pay interest on the principal amount to be reimbursed. Money from the fund may be used to pay the interest.

(c) The commissioner may not enter into an agreement subject to subsection (b) if, in the commissioner's opinion, there is not a reasonable likelihood of recovering:

(1) the amount of the reimbursement agreed to under subsection (b); and

(2) other costs incurred by the department in the response action; unless the commissioner determines that the agreement is nonetheless in the public interest.

(d) After entering into an agreement that provides for reimbursement under subsection (b), the commissioner shall make every reasonable effort to recover the amount of the reimbursement under section 10 of this chapter from persons other than the parties.

(e) An agreement entered into under this section may be established:

(1) in an administrative order issued by the commissioner; or

(2) by a consent decree entered in an appropriate court.



President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Governor of the State of Indiana

Date: _____ Time: _____

SEA 311

