

IC 13-30-7

Chapter 7. Minor Violations by Certain Businesses

IC 13-30-7-1

Correction period

Sec. 1. Except as provided in sections 3 and 4 of this chapter, if:

(1) the department determines that a business has committed a minor violation:

(A) of:

- (i) environmental management laws;
- (ii) a rule or standard adopted by a board; or
- (iii) any determination, permit, or order made or issued by the commissioner;

(B) that does not present an immediate or reasonably foreseeable danger to the public health or environment; and

(C) that does not include a violation of:

- (i) a numerical limitation or a numerical standard contained in environmental management laws or a rule or standard adopted by a board applicable to a business required to correct the violation before disclosure of the violation;
- (ii) a term or condition of a determination, permit, or order made or issued by the commissioner to a business required to correct the violation before disclosure of the violation, unless the term or condition incorporates a limitation, standard, work practice, or other requirement by reference and does not specify the limitation, standard, work practice, or other requirement; or
- (iii) a requirement under environmental management laws or a rule adopted by a board to possess a permit;

the business required to correct the violation has not more than ninety (90) days after the date the property owner receives the written summary of the inspection under this section to correct the violation; and

(2) the:

(A) business:

- (i) corrects the violation; or
- (ii) commences substantial steps to correct the violation, including submitting permit applications, securing financing, or ordering equipment;

within the ninety (90) day period described in subdivision (1); or

(B) business corrects the violation within an additional ninety (90) day period under section 3 of this chapter;

the department's enforcement action is limited to the assessment of a civil penalty in an amount not to exceed five hundred dollars (\$500).

As added by P.L.1-1996, SEC.20. Amended by P.L.123-1996, SEC.16.

IC 13-30-7-2

Exceptions

Sec. 2. The department may decrease the penalty provided in section 1 of this chapter based on:

- (1) a good faith effort or cooperation of a business required to correct a violation before or after disclosure of the violation;
- (2) the ability of a business required to correct the violation to pay the penalty;
- (3) an agreement that a business required to correct a violation will offset the payment of a civil penalty by a project that:
 - (A) has clearly identifiable and quantifiable environmental benefits; and
 - (B) is not otherwise required under federal, state, or local law, rules, or regulations; or
- (4) other mitigating factors within the discretion of the department.

As added by P.L.1-1996, SEC.20.

IC 13-30-7-3

Extension of correction period

Sec. 3. If:

- (1) a violation under section 1 of this chapter cannot be corrected; or
- (2) substantial steps to correct the violation cannot be taken; within ninety (90) days, the department may extend the correction period for one (1) additional ninety (90) day period.

As added by P.L.1-1996, SEC.20.

IC 13-30-7-4

Applicability of chapter

Sec. 4. Section 1 of this chapter does not apply if the department determines that an alleged violation under section 1 of this chapter:

- (1) is disclosed after a business receives a notice of violation from the department for an alleged violation of the same or similar requirement;
- (2) is a criminal offense under environmental management laws; or
- (3) is committed intentionally or knowingly.

As added by P.L.1-1996, SEC.20.

IC 13-30-7-5

Public access to reports

Sec. 5. (a) Before March 2 of each year, the department shall:

- (1) file a report with the governor concerning any business required to correct a violation under section 1 of this chapter during the preceding year; and
- (2) make the report available for public inspection.

(b) The report must include a summary of:

- (1) violations;
- (2) corrections for violations; and

(3) penalties;
imposed for each business.
As added by P.L.1-1996, SEC.20.

IC 13-30-7-6

Election to resolve enforcement action

Sec. 6. A business required to correct a violation that is subject to section 1 of this chapter may elect to resolve an enforcement action in the same manner as a business required to correct a violation that is not subject to section 1 of this chapter.

As added by P.L.1-1996, SEC.20.

IC 13-30-7-7

Rules

Sec. 7. The following shall adopt rules under IC 4-22-2 and IC 13-14-9 to administer this chapter:

(1) The board.

(2) The underground storage tank financial assurance board created by IC 13-23-11-1.

As added by P.L.1-1996, SEC.20. Amended by P.L.133-2012, SEC.161.