

IC 13-14-10

Chapter 10. General Emergency Procedures

IC 13-14-10-1

Emergency order; notice; compliance

Sec. 1. (a) Whenever the commissioner concludes, in consultation with the commissioner of the state department of health, that contamination of air, water, or land in any area has reached the point where the contamination constitutes a clear and present danger to the health and safety of persons in any area, the commissioner's determination shall be immediately communicated to the governor. The commissioner, in concert with the commissioner of the state department of health, shall request the governor to declare that an emergency exists.

(b) The governor may:

- (1) proclaim the existence of an emergency; and
- (2) order all persons causing or contributing to the causing of the contamination to reduce or discontinue immediately the emission or discharge of contaminants.

(c) Notice of an emergency order must be in writing wherever practicable. However, if the governor considers that written notice is not practicable, the governor may give notice in the manner determined by the governor.

(d) A person against whom an emergency order of the governor has been issued shall, upon receiving notice of the order, immediately comply with the provisions of the order.

(e) The governor may enforce an order by any appropriate action.

(f) The procedures for emergency orders provided for in this section are governed by IC 4-21.5-4.

As added by P.L.1-1996, SEC.4.

IC 13-14-10-2

Suit on behalf of state to restrain person contributing to pollution

Sec. 2. (a) Upon receipt of evidence that a pollution source or combination of sources, including an industrial user of a publicly owned treatment plant, is presenting an imminent and substantial endangerment to:

- (1) the health of persons; or
- (2) the welfare of persons whose livelihood is endangered;

the commissioner shall bring suit under subsection (b).

(b) Upon the receipt of evidence under subsection (a), the commissioner shall bring suit on behalf of the state in the appropriate court to:

- (1) immediately restrain any person causing or contributing to the alleged pollution to stop the discharge or introduction of contaminants causing or contributing to the pollution; or
- (2) take other necessary action.

(c) The duty of the commissioner to bring suit under subsection (a) is:

- (1) in addition to the authority contained in section 1 of this

chapter; and
(2) notwithstanding any other provision of this title.
As added by P.L.1-1996, SEC.4.

IC 13-14-10-3

Emergency assistance

Sec. 3. (a) The commissioner may order and provide assistance to abate or remedy an emergency, on private or public property, caused by the discharge or impending discharge of any contaminant into or on the air, land, or waters of Indiana that poses an imminent and substantial danger to public health or the environment whenever:

- (1) the assistance must be immediate to be efficacious; and
- (2) any person responsible for abatement or remedying the emergency:
 - (A) cannot be determined or located; or
 - (B) has refused or failed to take prompt and effective action to abate or remedy the emergency.

(b) For the purpose of this section, the commissioner may request the direct purchase of supplies, materials, services, and equipment for immediate use under IC 5-22-10-4.

(c) In addition to any civil or criminal penalties under the environmental management laws the department may recover the cost of assistance provided under this section from any person responsible for the emergency by commencing a civil action in any court of competent jurisdiction. Officials who collect money under this subsection shall remit the money to the treasurer of state. The money shall be deposited in the environmental management special fund created by IC 13-14-12.

(d) The department may accept on behalf of the state any reimbursement for assistance provided under this section from the federal government. The reimbursements shall be remitted to the treasurer of state for deposit in the environmental management special fund created by IC 13-14-12.

(e) Notwithstanding any other provisions of this title, the authority granted under this section:

- (1) is in addition to; and
 - (2) may be exercised independently of;
- any other authority contained in this chapter.

As added by P.L.1-1996, SEC.4. Amended by P.L.49-1997, SEC.47.