

IC 13-22-7.5

Chapter 7.5. Transportation of Chemical Munitions

IC 13-22-7.5-1

Application to certain persons

Sec. 1. This chapter applies to a person that transports:

- (1) a chemical munition referred to in 329 IAC 3.1-6-3, as in effect on January 1, 2005; or
- (2) hazardous waste derived from the bulk neutralization and destruction of the agent VX referred to in IC 13-11-2-25(6).

As added by P.L.172-2005, SEC.2.

IC 13-22-7.5-2

Requirements before transporting certain substances

Sec. 2. (a) Subject to subsections (b) and (c), before transporting a substance referred to in section 1 of this chapter, a person must coordinate the transport with the appropriate state agencies of each state through which the substance will be transported and file in Indiana the following with the department, the state police department, and the department of homeland security established by IC 10-19-2-1:

- (1) A written evaluation of potential transportation risks that:
 - (A) accounts for the type and quantity of hazardous waste to be transported;
 - (B) identifies the most likely types of incidents that could:
 - (i) occur during the transport; and
 - (ii) result in harm to the public health or environment;
 - (C) assesses the likelihood of the occurrence of each type of incident referred to in clause (B);
 - (D) identifies the magnitude of the potential harm to the public health or environment associated with each type of incident referred to in clause (B); and
 - (E) is written in a manner understandable to:
 - (i) the scientific community; and
 - (ii) the public.
- (2) A written transport safety plan that:
 - (A) is tailored to the risks described in subdivision (1);
 - (B) demonstrates that the driver of each vehicle to be used in the transport:
 - (i) has received United States Department of Transportation training and licensure; and
 - (ii) is familiar with the content of the plan;
 - (C) demonstrates for the transport route that appropriate procedures and response personnel will be available for:
 - (i) medical response;
 - (ii) environmental response;
 - (iii) local law enforcement response; and
 - (iv) evacuation of the area; and

(D) provides for submitting notice to the department before the first shipment of each particular chemical munition or hazardous waste described in section 1 of the chapter is transported.

(b) A notice submitted under the transport safety plan provision described in subsection (a)(2)(D) must include the estimated shipment schedule for each chemical munition or hazardous waste for the duration of the transport activity. A person who transports a chemical munition or hazardous waste described in subsection (a) shall immediately notify the department of any major variations from the estimated shipment schedule provided under this subsection.

(c) A person must file an amended:

(1) evaluation of potential transportation risks; and

(2) transport safety plan;

under subsection (a) only if the proposed transport route changes.

As added by P.L.172-2005, SEC.2. Amended by P.L.1-2009, SEC.109.

IC 13-22-7.5-3

Transport at times providing maximum public safety

Sec. 3. The transport of a substance referred to in section 2 of this chapter shall occur at times that provide maximum public safety.

As added by P.L.172-2005, SEC.2.