

IC 13-23

ARTICLE 23. UNDERGROUND STORAGE TANKS

IC 13-23-1

Chapter 1. Establishment of Underground Storage Tank Release Detection, Prevention, and Correction Program

IC 13-23-1-1

Establishment and operation of program

Sec. 1. (a) The department shall establish and operate an underground storage tank release detection, prevention, and correction program under this article according to rules adopted by the board.

(b) The department may contract with another state agency to jointly operate the program under a memorandum of agreement that:

- (1) may be amended;
- (2) must contain the specific duties of the department and the contracting agency; and
- (3) is available to the public for inspection.

As added by P.L.1-1996, SEC.13. Amended by P.L.131-1997, SEC.2; P.L.133-2012, SEC.153.

IC 13-23-1-2

Rules

Sec. 2. (a) The board shall adopt rules under IC 4-22-2, IC 13-14-8, and IC 13-14-9 for the establishment and operation of the program established under section 1 of this chapter.

(b) The rules must not be less stringent than the regulations adopted by the Administrator of the United States Environmental Protection Agency under Section 9003 of the federal Solid Waste Disposal Act, as amended (42 U.S.C. 6991b, as amended).

(c) The rules adopted under subsection (a) must include the following:

- (1) Requirements for maintaining:
 - (A) a leak detection system;
 - (B) an inventory control system coupled with tank testing; or
 - (C) a comparable system or method;designed to identify releases in a manner consistent with the protection of human health and the environment.
- (2) Requirements for maintaining records of any:
 - (A) monitoring;
 - (B) leak detection system;
 - (C) inventory control system or tank testing; or
 - (D) comparable system.
- (3) Requirements for reporting of:
 - (A) any releases; and
 - (B) corrective action taken in response to a release.
- (4) Requirements for ordering or taking corrective action in

response to a release.

(5) Requirements for closure of underground storage tanks to prevent future releases of regulated substances into the environment.

(6) Requirements for maintaining evidence of financial responsibility for:

(A) taking corrective action; and

(B) compensating third parties for bodily injury and property damage caused by sudden and nonsudden accidental releases arising from the operation of an underground storage tank.

(7) Standards of performance for new underground storage tanks.

(8) Requirements for the following:

(A) Providing notice to the department of the existence of operational and nonoperational underground storage tanks, as required under 42 U.S.C. 6991a(a).

(B) Providing the information required on the form prescribed under 42 U.S.C. 6991a(b)(2).

(C) Providing notice, by any person who sells a tank intended to be used as an underground storage tank, to the purchaser of that tank of the owner's notification requirements established by this article and 42 U.S.C. 6991a(a).

(9) Requirements for the delivery prohibition program prescribed under 42 U.S.C. 6991k, including:

(A) notice to owners or operators when an underground storage tank is declared ineligible for delivery, deposit, or acceptance of a regulated substance; and

(B) procedures to enforce the delivery prohibition that include the use of a temporary emergency order under IC 4-21.5-4 for violations of section 4(a) of this chapter.

As added by P.L.1-1996, SEC.13. Amended by P.L.38-2012, SEC.2.

IC 13-23-1-3

Operator training program; Internet web site

Sec. 3. (a) The department shall establish a training program:

(1) on an Internet web site; and

(2) that complies with the requirements of the federal Energy Policy Act of 2005 (P.L.109-58).

(b) The department may use the excess liability trust fund to pay expenses related to the training program established under subsection (a).

As added by P.L.105-2011, SEC.1.

IC 13-23-1-4

Delivery prohibition program

Sec. 4. (a) This section shall be enforced under IC 4-21.5-4.

(b) To fully implement the delivery prohibition program

requirements under 42 U.S.C. 6991k, the commissioner may:

- (1) determine whether an underground storage tank is eligible for delivery, deposit, or acceptance of a regulated substance; and
- (2) issue a temporary order to prohibit the use of an underground storage tank that has been determined to be ineligible under subdivision (1), and demand compliance with the rules adopted under this chapter as follows:

(A) If an underground storage tank inspection shows failure to install equipment for:

- (i) corrosion protection;
- (ii) leak detection;
- (iii) overfill protection; or
- (iv) spill prevention.

The commissioner must give the owner or operator written notice before implementing a temporary order under this clause.

(B) If the owner or operator fails to properly operate or maintain equipment for corrosion protection, leak detection, overfill protection, and spill prevention. The commissioner must give the owner or operator:

- (i) a written warning; and
- (ii) at least thirty (30) days to take corrective action to bring the underground storage tank into compliance.

(C) If the owner or operator fails to register an underground petroleum storage tank or pay annual registration fees that are due under IC 13-23-12. The commissioner must give the owner or operator at least thirty (30) days to take corrective action to bring the underground storage tank into compliance.

(c) If ownership of an ineligible underground storage tank is transferred, the new owner must complete the corrective actions required to comply with an order issued by the commissioner to the previous owner.

As added by P.L.38-2012, SEC.3. Amended by P.L.5-2015, SEC.40.