

Second Regular Session of the 123rd General Assembly (2024)

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 2023 Regular Session of the General Assembly.

HOUSE ENROLLED ACT No. 1242

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 13-23-9-1.7, AS ADDED BY P.L.176-2023, SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1.7. (a) The administrator may pay an ELTF claim for fifty percent (50%) of the costs of decommissioning or replacing an underground petroleum storage tank, provided that:

- (1) the applicant is the owner of the tank;
- (2) such decommissioning or replacement is necessary, in the judgment of the administrator, to protect human health and the environment considering the age, obsolescence, and level of deterioration of the tank; and
- (3) the costs:
 - (A) are reasonable and cost effective; and
 - (B) result from or reimburse the claimant for work performed decommissioning the tank or replacing the tank with a new ~~tank~~ **aboveground storage tank as defined in IC 13-11-2-0.4 or underground storage tank as defined in IC 13-11-2-241.**

(b) The expenses described in subsection (a) that are paid from the ELTF in a state fiscal year may not exceed:

- (1) ten million dollars (\$10,000,000) each year for claims submitted by applicants owning not more than twelve (12) underground petroleum storage tanks;

HEA 1242 — Concur



(2) seven million five hundred thousand dollars (\$7,500,000) each year for claims submitted by applicants owning more than twelve (12) but not more than one hundred (100) underground petroleum storage tanks; and

(3) two million five hundred thousand dollars (\$2,500,000) each year for claims submitted by applicants owning more than one hundred (100) underground petroleum storage tanks.

(c) At the end of each state fiscal year, any funds that were allocated for the decommissioning or replacement of underground petroleum storage tanks, as described in subsection (b), but that were not spent shall roll over to the next state fiscal year and be used to decommission or replace underground petroleum storage tanks within the same category as allocated in the prior state fiscal year pursuant to subsection (b)(1), (b)(2), and (b)(3).

SECTION 2. An emergency is declared for this act.



Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____

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