



# SENATE MOTION

**MR. PRESIDENT:**

**I move** that Senate Bill 277 be amended to read as follows:

1       Page 2, line 19, after "IC 13-28-3;" insert "**and**".  
2       Page 2, strike lines 20 through 21.  
3       Page 2, line 22, strike "(3)" and insert "**(2)**".  
4       Page 2, line 29, strike "work with the ombudsman".  
5       Page 2, line 30, strike "described in subdivision (2)".  
6       Page 2, line 31, strike "to".  
7       Page 2, line 32, strike "If applicable, the".  
8       Page 2, strike line 33.  
9       Page 2, line 34, strike "referred to in subdivision".  
10      Page 2, line 34, delete "(3).".  
11      Page 3, line 6, strike "However, in the case of a rule adopted by".  
12      Page 3, strike lines 7 through 10.  
13      Page 3, line 11, strike "designated under IC 13-28-3-2.". **described in IC 4-22-2-28.1(b) for".**  
14      Page 4, line 35, strike "ombudsman designated under".  
15      Page 4, line 36, strike "IC 13-28-3-2".  
16      Page 4, line 37, strike "to coordinate" and insert "**coordinator**  
17      **described in IC 4-22-2-28.1(b) for".**  
18      Page 9, line 11, delete "biomass" and insert "**biomass, appropriate**  
19      **feedstock, or both".**  
20      Page 9, delete lines 33 through 41, begin a new paragraph and  
21      insert:  
22      "SECTION 22. IC 13-11-2-114, AS AMENDED BY P.L.112-2016,  
23      SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
24      JULY 1, 2026]: Sec. 114. "Land application", for purposes of **section**  
25      **205 of this chapter and** IC 13-18-12, means the disposal of:  
26          (1) septage;  
27          (2) solid waste, as defined in section 205(a) of this chapter; or

(3) industrial waste products, as allowed under IC 13-18-12-2.5; by **burial or injection below the land surface**, incorporation into the soil, **or spraying or spreading onto the land surface**."

Page 10, line 5, strike "application upon or" and insert "**spraying or spreading onto the land surface,**".

Page 10, line 6, after "soil" insert ",".

Page 98, line 40, strike "Except as provided in section 3 of this chapter,".

Page 98, line 41, delete "an" and insert "An".

Page 99, delete lines 2 through 7, begin a new paragraph and insert:

"SECTION 202. IC 13-20-10.5-3 IS REPEALED [EFFECTIVE

JULY 1, 2026]. See: 3: The department may determine that a biomass anaerobic digestion facility or a biomass gasification facility for which the input is a combination of biomass and solid waste is subject to regulation as a solid waste processing facility.".

Page 129, line 1, delete "UST or AST" and insert "**UST facility or AST facility**".

Page 129, line 3, delete "UST or AST." and insert "**UST facility or AST facility.**".

Page 129, between lines 35 and 36, begin a new paragraph and insert:

"SECTION 264. IC 13-23-13-1, AS AMENDED BY P.L.176-2023, SECTION 50, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. (a) Subject to subsections (b)(1) and (d), the commissioner may, under rules adopted under IC 13-23-1-2:

(1) issue an order under IC 13-14-2-7 or IC 4-21.5-4; or

(2) proceed under IC 13-14-2-6;

to require the owner or operator of an underground storage tank or aboveground storage tank to undertake corrective action with respect to any release of a regulated substance.

(b) Except as provided in subsection (d), the commissioner may not, with respect to a release of petroleum from an underground storage tank or aboveground storage tank:

(1) take action under subsection (a); or

(2) if a reportable quantity of the released petroleum remains or may remain underground at the site of the underground storage tank or aboveground storage tank:

(A) request that the owner or operator of the underground storage tank or aboveground storage tank execute a restrictive covenant (as defined in IC 13-11-2-193.5) applying to the site

of the underground storage tank or aboveground storage tank; (B) make a determination of no further action being required at the site of the underground storage tank or aboveground

storage tank; or  
(C) approve closure, or its equivalent, of the site of the underground storage tank or aboveground storage tank;

1       unless the commissioner has received and reviewed the initial site  
2       characterization of the site of the release or an alternative evaluation is  
3       prepared for submittal to the commissioner in accordance with  
4       subsection (c) **and an evaluation of potential remedial activities to**  
5       **achieve remedial objectives including closure options,**  
6       **environmental deed restrictions, and remediation methods to**  
7       **achieve a no further action determination, including estimated**  
8       **costs and time frames sufficient for the commissioner to evaluate**  
9       **the adequacy of the proposed response.**

10      (c) When necessary and feasible as determined by a qualified  
11       environmental professional, an initial site characterization shall  
12       include:

- 13       (1) site-specific geologic information obtained from a minimum  
14       of three (3) continuously sampled soil borings; and  
15       (2) hydrogeologic information, including depth to ground water  
16       and ground water flow directions and gradients, obtained from a  
17       minimum of three (3) monitoring wells screened across the water  
18       table.

19      A qualified environmental professional, on behalf of the owner or  
20       operator of an underground storage tank or an aboveground storage  
21       tank from which there has been a release of petroleum, may submit for  
22       approval by the commissioner an alternative procedure for initial site  
23       characterization and request a waiver of the requirements in this  
24       subsection. The commissioner may approve the request for a waiver  
25       and alternative procedure only if the alternative procedure provides  
26       substantially equal protection for human health and the environment.  
27       If an initial site characterization does not define the nature and extent  
28       of the contaminant plume, additional investigation shall be performed  
29       when necessary and feasible as determined by a qualified  
30       environmental professional.

31      (d) The commissioner may take action under subsection (a) without  
32       having received and reviewed the initial site characterization if the  
33       commissioner reasonably believes that the release from the  
34       underground storage tank or aboveground storage tank creates a threat  
35       to human health or the environment sufficient to necessitate action  
36       under subsection (a) before the initial site characterization is submitted  
37       to the department.

38      (e) If the commissioner:

- 39       (1) requires corrective action under subsection (a); and  
40       (2) determines that the corrective action will be done properly and  
41       promptly by the owner or operator of the underground storage  
42       tank or aboveground storage tank from which the release occurs;  
43       the commissioner may enter into an agreed order with the owner or  
44       operator to implement necessary corrective action.".

45      Page 131, delete lines 24 through 42.

46      Delete page 132.

1       Page 133, delete lines 1 through 11, begin a new paragraph and  
2       insert:

3       "SECTION 269. IC 13-24-1-1 IS AMENDED TO READ AS  
4       FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. (a) The  
5       commissioner may issue an order under:

6           (1) IC 13-14-2-7;  
7           (2) IC 4-21.5-4; or  
8           (3) IC 4-21.5-3-6;

9       to require an owner or operator or a responsible person to undertake  
10      removal or remedial action with respect to a release of petroleum at a  
11      petroleum facility.

12       (b) If the commissioner determines that the removal or remedial  
13      action will be done properly and promptly by the owner, operator, or  
14      responsible person, the commissioner may enter into an agreed order  
15      with the owner, operator, or responsible person to implement necessary  
16      removal or remedial action.

17       (c) ~~If the commissioner and the owner or operator or the responsible  
18      party fail to agree on the appropriate and necessary removal or  
19      remedial action to be taken, the dispute shall be resolved under  
20      IC 4-21.5.~~

21       Renumber all SECTIONS consecutively.

(Reference is to SB 277 as printed January 23, 2026.)

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Senator NIEMEYER