

PROPOSED AMENDMENT

SB 277 # 27

DIGEST

Indiana department of environmental management. Defines "decision", "PFAS chemicals", and "state prioritized PFAS chemicals". Prohibits the department of environmental management (department) from basing a decision primarily on federal risk values that have not been promulgated through federal rulemaking. Instructs the department to avoid the use of federal risk values that are at or below background concentrations in air, water, soil, or sediment. Provides that the department shall focus on state prioritized PFAS chemicals when PFAS chemicals are relevant to carrying out the department's duties. Provides that various actions are subject to review without restriction or limitation. Requires the environmental rules board to amend various rules. Removes sections addressing the revocation or modification of certain permits. Deletes language addressing nuclear facility permits. Provides that the department may adopt rules to set forth procedures for the department to impose certain liens. Removes various recycling reporting requirements. Makes various technical changes.

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- 1 Page 7, between lines 36 and 37, begin a new paragraph and insert:
2 "SECTION 17. IC 13-11-2-49.5 IS ADDED TO THE INDIANA
3 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
4 [EFFECTIVE JULY 1, 2026]: **Sec. 49.5. "Decision", for purposes of**
5 **IC 13-14-2-10, includes standards, permits, enforcement actions,**
6 **and clean up levels."**
7 Page 10, between lines 24 and 25, begin a new paragraph and insert:
8 "SECTION 26. IC 13-11-2-163.3 IS ADDED TO THE INDIANA
9 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
10 [EFFECTIVE JULY 1, 2026]: **Sec. 163.3. "PFAS chemicals", for**
11 **purposes of IC 13-14-2-11, means non-polymeric perfluoroalkyl**
12 **substances or non-polymeric saturated polyfluoroalkyl substances**
13 **that are a group of manmade chemicals that:**
14 **(1) are likely to be persistent in the environment; and**
15 **(2) have bioaccumulation potential in humans, animals, or the**
16 **environment."**
17 Page 13, line 12, after "under" insert "**IC 13-20-13 and**".
18 Page 15, between lines 7 and 8, begin a new paragraph and insert:
19 "SECTION 37. IC 13-11-2-221.3 IS ADDED TO THE INDIANA
20 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
21 [EFFECTIVE JULY 1, 2026]: **Sec. 221.3. (a) "State prioritized PFAS**

1 **chemicals", for purposes of IC 13-14-2-11, means non-polymeric**
 2 **perfluoroalkyl substances or non-polymeric saturated**
 3 **polyfluoroalkyl substances that are a group of manmade chemicals**
 4 **that:**

5 **(1) contain at least two (2) fully fluorinated sequential carbon**
 6 **atoms;**

7 **(2) are likely to be persistent in the environment;**

8 **(3) have bioaccumulation potential in humans, animals, or the**
 9 **environment; and**

10 **(4) are regulated by the United States Environmental**
 11 **Protection Agency under the federal Safe Drinking Water Act**
 12 **(42 U.S.C. 300f et seq.) with respect to maximum contaminant**
 13 **levels.**

14 **(b) The term includes the following targeted fluorinated**
 15 **substances:**

16 **(1) Perfluorooctanoic acid (PFOA) and its salts.**

17 **(2) Perfluorooctanesulfonic acid or perfluorooctane sulfonate**
 18 **(PFOS) and its salts.**

19 **(c) The term does not include gases or substances that become**
 20 **gases in use."**

21 Page 34, delete lines 19 through 20, begin a new paragraph and
 22 insert:

23 **"(g) The following actions taken under this title are subject to**
 24 **review under IC 4-21.5 without restriction or limitation:"**

25 Page 35, between lines 28 and 29, begin a new paragraph and insert:

26 **"SECTION 84. IC 13-14-2-10 IS ADDED TO THE INDIANA**
 27 **CODE AS A NEW SECTION TO READ AS FOLLOWS**
 28 **[EFFECTIVE JULY 1, 2026]: Sec. 10. (a) The department may not**
 29 **base a decision primarily on federal risk values that have not been**
 30 **promulgated through federal rulemaking, including:**

31 **(1) reference doses;**

32 **(2) reference concentrations;**

33 **(3) inhalation unit risks; or**

34 **(4) hazard determinations, assessments, evaluations, goals, or**
 35 **toxicity or risk values;**

36 **developed or issued under the United States Environmental**
 37 **Protection Agency's Integrated Risk Information System, 42 U.S.C.**
 38 **300g-1, or 15 U.S.C. 2605.**

39 **(b) The department shall avoid the use of federal risk values**
 40 **that are at or below background concentrations in air, water, soil,**

1 **or sediment.**

2 SECTION 85. IC 13-14-2-11 IS ADDED TO THE INDIANA
3 CODE AS A NEW SECTION TO READ AS FOLLOWS
4 [EFFECTIVE JULY 1, 2026]: **Sec. 11. The department shall focus on**
5 **state prioritized PFAS chemicals when PFAS chemicals are**
6 **relevant to carrying out the department's duties under this title,**
7 **including research, outreach, testing, and risk communication."**

8 Page 38, line 11, after "must" insert ":",

9 Page 38, line 11, strike "be:".

10 Page 38, line 12, after "(1)" insert "**be**".

11 Page 38, line 13, after "(2)" insert "**be**".

12 Page 47, between lines 24 and 25, begin a new paragraph and insert:

13 **"(e) The board shall begin the rulemaking process to amend**
14 **rules to conform to this section not later than December 1, 2027."**

15 Page 49, delete lines 7 through 22.

16 Page 51, line 6, reset in roman "Ninety (90)".

17 Page 51, line 6, delete "One hundred twenty (120)".

18 Page 58, delete lines 1 through 10.

19 Page 58, delete lines 36 through 42.

20 Page 59, delete lines 1 through 35.

21 Page 110, delete lines 24 through 28.

22 Page 110, line 29, delete "(4)" and insert "**(3)**".

23 Page 111, line 2, delete "and (b)(4)".

24 Page 129, delete lines 39 through 42, begin a new paragraph and
25 insert:

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

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

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

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

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

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

39 (2) if a reportable quantity of the released petroleum remains or
40 may remain underground at the site of the underground storage

- 1 tank or aboveground storage tank:
- 2 (A) request that the owner or operator of the underground
- 3 storage tank or aboveground storage tank execute a restrictive
- 4 covenant (as defined in IC 13-11-2-193.5) applying to the site
- 5 of the underground storage tank or aboveground storage tank;
- 6 (B) make a determination of no further action being required
- 7 at the site of the underground storage tank or aboveground
- 8 storage tank; or
- 9 (C) approve closure, or its equivalent, of the site of the
- 10 underground storage tank or aboveground storage tank;
- 11 unless ~~the commissioner has all of the requirements under~~
- 12 ~~subsection (c) are met.~~
- 13 **(c) The following must occur before an action described in**
- 14 **subsection (b)(1) or (b)(2) is taken:**
- 15 **(1) received and reviewed Either:**
- 16 **(A) the commissioner has received and reviewed** the initial
- 17 site characterization of the site of the release; or
- 18 **(B) an alternative evaluation is prepared for submittal to the**
- 19 **commissioner in accordance with subsection ~~(e)~~ (d).**
- 20 **(2) The commissioner has received and reviewed an**
- 21 **evaluation of potential remedial activities to achieve remedial**
- 22 **objectives. The evaluation must include:**
- 23 **(A) closure options, environmental deed restrictions, and**
- 24 **remediation methods to achieve a no further action**
- 25 **determination; and**
- 26 **(B) estimated costs and time frames sufficient for the**
- 27 **commissioner to evaluate the adequacy of the proposed**
- 28 **response.**
- 29 **However, an evaluation under subdivision (2) is not required if the**
- 30 **site is administered by the Indiana Finance Authority.**
- 31 ~~(e)~~ **(d)** When necessary and feasible as determined by a qualified
- 32 environmental professional, an initial site characterization shall
- 33 include:
- 34 (1) site-specific geologic information obtained from a minimum
- 35 of three (3) continuously sampled soil borings; and
- 36 (2) hydrogeologic information, including depth to ground water
- 37 and ground water flow directions and gradients, obtained from a
- 38 minimum of three (3) monitoring wells screened across the water
- 39 table.
- 40 A qualified environmental professional, on behalf of the owner or

1 operator of an underground storage tank or an aboveground storage
 2 tank from which there has been a release of petroleum, may submit for
 3 approval by the commissioner an alternative procedure for initial site
 4 characterization and request a waiver of the requirements in this
 5 subsection. The commissioner may approve the request for a waiver
 6 and alternative procedure only if the alternative procedure provides
 7 substantially equal protection for human health and the environment.
 8 If an initial site characterization does not define the nature and extent
 9 of the contaminant plume, additional investigation shall be performed
 10 when necessary and feasible as determined by a qualified
 11 environmental professional.

12 ~~(d)~~ (e) The commissioner may take action under subsection (a)
 13 without having received and reviewed the initial site characterization
 14 if the commissioner reasonably believes that the release from the
 15 underground storage tank or aboveground storage tank creates a threat
 16 to human health or the environment sufficient to necessitate action
 17 under subsection (a) before the initial site characterization is submitted
 18 to the department.

19 ~~(e)~~ (f) If the commissioner:

- 20 (1) requires corrective action under subsection (a); and
 21 (2) determines that the corrective action will be done properly and
 22 promptly by the owner or operator of the underground storage
 23 tank or aboveground storage tank from which the release occurs;
 24 the commissioner may enter into an agreed order with the owner or
 25 operator to implement necessary corrective action."

26 Delete page 130.

27 Page 131, delete lines 1 through 23.

28 Page 134, delete lines 23 through 38, begin a new paragraph and
 29 insert:

30 "SECTION 274. IC 13-25-4-11 IS AMENDED TO READ AS
 31 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 11. (a) After a response
 32 is initiated under:

- 33 (1) section 9 of this chapter; or
 34 (2) IC 13-24-1;

35 the **state department** may impose a lien on the property on which the
 36 response is undertaken. The lien may secure the payment to the state
 37 of an amount of money equal to the amount expended from the fund
 38 under section 1(a)(3) of this chapter to finance the response.

39 **(b) The board may adopt rules under IC 4-22-2 and IC 13-14-9**
 40 **to set forth procedures to allow the department to impose a lien as**

- 1 **described in this section."**
- 2 Page 141, delete lines 14 through 42.
- 3 Page 142, delete lines 1 through 20.
- 4 Page 149, delete lines 15 through 42.
- 5 Delete page 150.
- 6 Page 151, delete lines 1 through 11.
- 7 Renumber all SECTIONS consecutively.
(Reference is to SB 277 as reprinted January 29, 2026.)