

## **IC 13-18-17**

### Chapter 17. Groundwater Protection

## **IC 13-18-17-1**

### **Repealed**

*(Repealed by P.L.131-2006, SEC.14.)*

## **IC 13-18-17-2**

### **Registry of contaminated sites**

Sec. 2. (a) The department, with the assistance of other state agencies as requested, shall establish and maintain a registry of sites within Indiana at which contamination of groundwater has been detected.

(b) The information in the registry shall be made available to the public under IC 5-14-3 for inspection and copying during ordinary business hours.

(c) The department shall continuously supplement and clarify information in the registry as additional information on sites with groundwater contamination becomes available.

*As added by P.L.1-1996, SEC.8.*

## **IC 13-18-17-3**

### **Groundwater quality clearinghouse**

Sec. 3. (a) The department, with the assistance of other state agencies as requested, shall establish and operate a groundwater quality clearinghouse within the department.

(b) The groundwater quality clearinghouse established under this section shall do all of the following:

- (1) Receive complaints about groundwater contamination.
- (2) Screen reports of groundwater pollution.
- (3) Ensure that complaints and reports are adequately investigated.
- (4) Provide information to the public about groundwater and groundwater pollution.
- (5) Coordinate the management of groundwater quality data in Indiana.

*As added by P.L.1-1996, SEC.8.*

## **IC 13-18-17-4**

### **Investigation; contamination of private water supply wells; advisory; emergency action**

Sec. 4. (a) The department under IC 13-14-2-2:

- (1) may investigate allegations of; and
- (2) shall investigate confirmed incidents of;

contamination of groundwater that affect private water supply wells.

(b) The commissioner shall:

- (1) issue an advisory to the users and owners of a water well found to be contaminated concerning the hazards to health posed by the contamination;
- (2) take emergency action, including emergency action under

IC 13-14-10, to reduce exposure to well water contaminants that pose a threat to human health; and

(3) as appropriate to safeguard human health, order abandonment of contaminated water wells.

*As added by P.L.1-1996, SEC.8.*

#### **IC 13-18-17-5**

##### **Water pollution control board; quality standards; onsite sewage systems**

Sec. 5. (a) The board shall adopt rules under IC 4-22-2 establishing groundwater quality standards that include numeric and narrative criteria, a groundwater classification plan, and a method of determining where the groundwater quality standards must apply. The standards established under this subsection shall be used for the following purposes:

(1) To establish minimum compliance levels for groundwater quality monitoring at regulated facilities.

(2) To ban the discharge of effluents into potable groundwater.

(3) To establish health protection goals for untreated water in water supply wells.

(4) To establish concentration limits for contaminants in ambient groundwater.

(b) Except as provided in subsection (c) and subject to subsection (d), the following agencies shall adopt rules under IC 4-22-2 to apply the groundwater quality standards established under this section to activities regulated by the agencies:

(1) The department.

(2) The department of natural resources.

(3) The state department of health.

(4) The office of the state chemist.

(5) The division of fire and building safety.

(c) The executive board of the state department of health may not adopt rules to apply the nitrate and nitrite numeric criteria included in groundwater quality standards established in rules adopted by the board under subsection (a) to onsite sewage systems.

(d) Any rule adopted by the executive board of the state department of health is void to the extent that the rule applies the nitrate and nitrite numeric criteria included in groundwater quality standards established in rules adopted by the Indiana water pollution control board under subsection (a) to onsite sewage systems.

*As added by P.L.1-1996, SEC.8. Amended by P.L.168-1999, SEC.1; P.L.24-2004, SEC.6; P.L.1-2006, SEC.201.*

#### **IC 13-18-17-5.5**

##### **Water well testing costs incurred by nontransient noncommunity water systems operated by certain nonprofit centers; reimbursement by department; procedures**

Sec. 5.5. (a) The department shall pay the costs of well water testing if:

(1) the testing is required by state law, federal law, or both; and

- (2) the costs are incurred:
  - (A) after June 30, 2007;
  - (B) by a nontransient noncommunity water system operated by a nonprofit center for advocacy for abused and neglected children that does not provide overnight care on site; and
  - (C) for testing of water from a well operated by the entity as part of the system.
- (b) To receive payment from the department for the costs described in subsection (a), an entity described in subsection (a)(2)(B) shall do the following:
  - (1) Conduct or cause to be conducted the testing required by state law, federal law, or both, by:
    - (A) submitting samples from the nontransient noncommunity water system to the state department of health for testing; and
    - (B) arranging for a private laboratory to perform any tests not performed by the state department of health.
  - (2) Submit to the department a request for reimbursement of the amount paid for the testing by the entity described in subsection (a)(2)(B). A request under this subdivision must include the following:
    - (A) The name or type of testing conducted.
    - (B) The date of the testing.
    - (C) The name of each laboratory conducting the testing.
    - (D) The cost of each test conducted.
    - (E) A paid invoice from each laboratory conducting the testing, indicating:
      - (i) the amount paid by the entity described in subsection (a)(2)(B); and
      - (ii) the date paid.
    - (F) The name of the facility served by the nontransient noncommunity water system.
- (c) The department shall establish any additional procedures necessary for an entity referred to in subsection (a)(2)(B) to apply to the department for payments under subsection (a).

*As added by P.L.61-2007, SEC.3.*

#### **IC 13-18-17-6**

#### **Water pollution control board; protection zones; notice and hearing**

Sec. 6. (a) The board shall adopt rules under IC 4-22-2 to establish protection zones around community water system wells.

(b) The state agencies referred to in section 5(b) of this chapter may not permit activities within the zones established under subsection (a) that would violate the rules or interfere with the purposes of the rules.

(c) The department shall establish and operate a program of education and assistance to local officials in developing and managing well field protection zones.

(d) The rules adopted under subsection (a) or any zoning under

IC 36-7 to establish protection zones around community water system wells may not restrict any activity by:

- (1) an owner of land;
- (2) a mineral owner; or
- (3) a mineral leaseholder of record;

unless the owner or leaseholder is sent written notice of, and has an opportunity to be heard on, the establishment of the zone and the construction of the community public water system that caused the establishment of the zone.

(e) A person that requests a permit for construction of a community water system or establishment of a well field protection zone is responsible for any notice requirements the board establishes. *As added by P.L.1-1996, SEC.8. Amended by P.L.25-1997, SEC.13; P.L.184-2002, SEC.23.*

### **IC 13-18-17-7**

#### **Water pollution control board; construction and monitoring of surface impoundments; application**

Sec. 7. (a) The board shall adopt rules under IC 4-22-2 for the construction and monitoring of surface impoundments, including pits, ponds, and lagoons, used for the storage or treatment of nonhazardous waste and wastewater.

(b) The requirements of the rules adopted under this section must apply to all the state agencies referred to in section 5(b) of this chapter.

*As added by P.L.1-1996, SEC.8.*