

IC 13-25-6

Chapter 6. Reimbursement for Hazardous Materials Emergency Action

IC 13-25-6-1

Application of chapter

Sec. 1. This chapter does not apply to an occurrence involving the release or imminent release of less than twenty-five (25) pounds of active ingredient of a substance or a combination of substances that meets all of the following conditions:

- (1) Was commercially produced and sold as a fertilizer, fungicide, herbicide, or pesticide.
- (2) Is, at the time of the occurrence, in the possession of an individual who acquired the substance or combination of substances with the intent to use the substance for the purpose intended by the commercial producer:
 - (A) in a dwelling owned or occupied by the individual;
 - (B) in the yard adjacent to or surrounding a dwelling owned or occupied by the individual; or
 - (C) on a farm owned or operated by the individual.

As added by P.L.1-1996, SEC.15.

IC 13-25-6-2

Reasonable and necessary expenses; emergency response; reimbursement

Sec. 2. The persons who are responsible parties in connection with a hazardous materials emergency shall reimburse:

- (1) an emergency response agency; or
- (2) the governmental entity served by an emergency response agency;

for reasonable and necessary expenses incurred by the emergency response agency in taking emergency action at or near the scene of the hazardous materials emergency.

As added by P.L.1-1996, SEC.15.

IC 13-25-6-3

Reimbursements to fire departments

Sec. 3. (a) Reimbursement is available under this chapter for expenses, except for expenses of a type that the agency normally incurs in responding to emergencies that do not involve hazardous materials, that are incurred in taking emergency action by an emergency response agency other than a fire department that is described in subsection (b).

(b) Reimbursement is available under this chapter and IC 36-8-12.2 for expenses that are incurred in taking emergency action by a fire department that:

- (1) is established under IC 36-8-2-3 or IC 36-8-13-3(a)(1); and
- (2) employs:
 - (A) both full-time paid members and volunteer members; or
 - (B) only full-time paid members.

As added by P.L.1-1996, SEC.15. Amended by P.L.33-2001, SEC.1.

IC 13-25-6-4

Reimbursement prohibited if expenses reimbursable by federal government

Sec. 4. Reimbursement for expenses is not available under this chapter if those expenses may be reimbursed by the federal government under Section 123 of the Superfund Amendments and Reauthorization Act of 1986 (42 U.S.C. 9623).

As added by P.L.1-1996, SEC.15.

IC 13-25-6-5

Action for reimbursement

Sec. 5. An emergency response agency or a governmental entity may obtain reimbursement under this chapter by filing an action for reimbursement in a court of general jurisdiction of:

- (1) a county in which a hazardous materials emergency arose;
or
- (2) the county in which the unit that established the fire department is located, if the emergency response agency is a fire department that:
 - (A) is established by a unit under IC 36-8-2-3 or IC 36-8-13-3(a)(1); and
 - (B) employs:
 - (i) both full-time paid members and volunteer members; or
 - (ii) only full-time paid members.

As added by P.L.1-1996, SEC.15. Amended by P.L.33-2001, SEC.2.