

Contract # 000000000000000000000000####

community water systems so that they can receive initial release notifications and follow-up written reports automatically.

III. CONSIDERATION.

Each Party shall be responsible for its own expense(s) incurred while performing its duties defined in this MOU.

IV. TERM AND TERMINATION OF AGREEMENT.

- A. This MOU shall become effective upon the date of last signature and shall remain in effect for a period of four (4) years beginning July 1, 2026.
- B. This MOU constitutes the entire understanding between the Parties with respect to the duties set forth herein. The terms and conditions of this MOU may be amended at any time by mutual agreement of the Parties in writing.
- C. This MOU does not create or impart any rights for or upon any third party.
- D. This MOU may be terminated or suspended, in whole or in part, by a Party if another Party or Parties has failed to comply with the terms of this MOU, or for any reason if such termination is in the best interest of the terminating agency, upon thirty (30) days advance written notice to the other Parties. Further, a Party reserves the right to terminate this MOU, in whole or in part, immediately upon written notice. The notice of termination or suspension shall state the reasons for termination or suspension. Regardless of the reason for termination or suspension, the Parties will be compensated for services properly rendered prior to termination or suspension of this MOU. The written notice of termination must be sent through SCM and signed by the State Budget Agency.
- E. Changes to federal or state laws or regulations that affect a Party's ability to perform pursuant to this MOU's terms and conditions may result in immediate termination of all or part of a Party's obligations/affected abilities under this MOU. If immediate termination of this MOU occurs, the terminating Party will deliver a written termination notice to the other Parties as soon as possible specifying the extent of services that will immediately terminate.

V. SOFTWARE TECHNICAL SUPPORT AND MAINTENANCE FEE.

The IERC shall be responsible for the annual payment of the software technical support/maintenance fee for the web-based Tier II reporting/fee payment system.

VI. MODIFICATION.

No waiver of any provision hereunder shall operate as an amendment or bind a Party to future waiver of the same unless incorporated in an amendment pursuant to Subsection **IV.B.** herein.

VII. SEVERABILITY.

If any provision of this MOU is found unenforceable, the remaining provisions shall remain in full force and effect.

VIII. FUNDING CANCELLATION.

When the Director of Indiana's State Budget Agency makes a written determination that funds are not appropriated or otherwise available to support the continuation of performance of this MOU, the MOU shall be canceled. A determination by the Director of Indiana's State Budget Agency that funds are not available to support continuation of performance shall be final and conclusive.

IX. NOTICE TO PARTIES.

Whenever any notice, statement, or other communication is required under this MOU, it shall be in writing, email is sufficient and shall be sent to the address specified herein or such other address as a Party may in the future specify in writing to the others.

Agency Contacts for DOR:

Legal Services Department
Indiana Department of Revenue
100 N. Senate Ave.
ICGN 248
Indianapolis, IN, 46204
LegalServices@dor.in.gov

Daniel K. Lavenberg, Deputy Controller
Budget and Revenue Finance
1001 Hickory Road, Suite 5
South Bend, IN 46615
Email: dlavenberg@dor.in.gov

Nurain Yusuf, Deputy Controller
Accounting and Financial Controls
100 North Senate Avenue, ICGN 248
Indianapolis, IN 46204
Email: nyusuf@dor.in.gov

Agency Contact for IERC:

Stephen Jones, Chair
c/o Indiana Department of Homeland Security
302 West Washington Street, Room E-208
Indianapolis, IN 46204
Email: stejones@dhs.in.gov

Agency Contact for IDHS:

Lauren Francis, SARA Title III Program
Manager
302 West Washington Street, Room E-208
Indianapolis, IN 46204
Email: lfrancis@dhs.in.gov

Agency Contact for IDEM:

Brian Wolff, Assistant Commissioner
Office of Land Quality
100 North Senate Avenue, ICGN 1101

Indianapolis, IN 46204
Email: bwolff@idem.in.gov

The remainder of this page is intentionally left blank. Signature page to follow.

Non-Collusion and Acceptance

The undersigned attests, subject to the penalties for perjury, that the undersigned is the properly authorized representative, agent, member, or officer of the agreeing party. Further, to the undersigned's knowledge, neither the undersigned nor any other member, employee, representative, agent or officer of the party, directly or indirectly, has entered into or been offered any sum of money or other consideration for the execution of this MOU other than that which appears upon the face hereof. **Furthermore, if the undersigned has knowledge that a state officer, employee, or special state appointee, as those terms are defined in I.C. § 4-2-6-1, has a financial interest in the MOU, the party attests to compliance with the disclosure requirements in I.C. § 4-2-6-10.5.**

In Witness Whereof, the Parties have, through their duly authorized representatives, entered into this MOU. The Parties, having read and understood the foregoing terms of this MOU, do by their respective signatures dated below agree to the terms thereof. The Parties agree that any signature through electronic means shall have the same legal validity and enforceability as a manually executed signature.

Indiana Emergency Response Commission:

Stephen Jones
Indiana State Fire Marshall

Date

Indiana Department of Homeland Security:

Sean Wooding
General Counsel

Date

Indiana Department of Environmental Management:

William H. Anthony
General Counsel

Date

Indiana Department of Revenue:

M. Kevin Gulley
Commissioner

Date

Approved by:

State Budget Agency:

Chad Ranney, Director

Date

EXHIBIT A
DUTIES OF THE PARTIES

Description	Statutory Citation	Law (applicable portions and paraphrased)	Responsibilities
Administrati on of local emergency planning and right to know fund	I.C. § 13-25-2-10.5	The local emergency planning and right to know fund is established for the purpose of providing each county with funds to help implement SARA (42 U.S.C. § 11001 <i>et seq.</i>). DOR shall administer the fund.	DOR administers this fund by statute.
Submission of emergency and hazardous chemical inventory form	I.C. §§ 13-25-2-9, 10	I.C. § 13-25-2-9 Establishes the required information a facility must provide for each chemical listed in a Tier II hazardous chemical inventory form. I.C. § 13-25-2-10 A facility subject to this section shall submit to the IERC a Tier II emergency and hazardous chemical inventory form and a fee established by I.C. § 13-25-2-10.4.	The IERC has this responsibility by statute. However, IDHS shall implement this provision on behalf of and in coordination with the IERC.
Distribution of 10% of collected funds to IERC account	I.C. § 13-25-2-10.6(a)(1)	Before July 1 of each year, DOR shall distribute ten percent (10%) of the money in the local emergency planning and right to know fund to the IERC.	DOR shall distribute 10% of the fund to the IERC.
Administrati on of the IERC account	I.C. § 13-25-2-10.6(a)(1)	Ten percent (10%) of the local emergency planning fund shall be allocated to the IERC and administered by IDHS.	IDHS shall administer the IERC's 10% allocation.
Distribution of funds to counties for use by LEPCs	I.C. § 13-25-2-10.6(a)(2)	(2) A distribution of the remaining money as follows: (A) To each county, two thousand five hundred dollars (\$2,500). (B) To each county, an additional distribution in an amount determined in STEP TWO of the following formula: STEP ONE: Divide the amount available for distribution by the number of facilities that paid the fee required under I.C. § 13-25-2-10(a)(2) in the calendar year preceding the distribution. STEP TWO: Multiply the quotient determined in STEP ONE by the number of facilities located in each county. The Department of State Revenue may make a distribution to a county under this subdivision only after receiving notice from the emergency response commission that the LEPC for the county has met the	DOR shall make the required distributions. The IERC is responsible for deciding if an LEPC is eligible to receive funds. IDHS shall assist the IERC in determining the LEPCs/counties eligible to receive funds.

		requirements of I.C. § 13-25-1-6(b).	
IERC oversight and support of LEPCs	I.C. § 13-25-1-6(a)	(a) IERC shall do the following: (1) Encourage and support the development of emergency planning efforts to provide: (A) state government entities; (B) local governments; and (C) the public; - with information concerning potential chemical hazards in Indiana. (2) Assist the state in complying with the requirements of SARA. (3) Design and supervise the operation of emergency planning districts in Indiana. (4) Gather and distribute information needed for effective emergency response planning. (5) Appoint the members of the LEPC of each emergency planning district.	The IERC has this responsibility by statute. IDHS shall assist the IERC in implementing this oversight role.
LEPC compliance requirements	I.C. § 13-25-1-6(b)	(b) LEPCs shall do the following: (1) Satisfy the requirements of SARA. (2) Prepare and submit a roster of committee members to IERC at least one time each year. (3) Meet at least two (2) times, on separate days, every six (6) months. (4) Prepare and submit the report required under I.C. § 13-25-1-6.	LEPCs shall follow these requirements. The IERC shall monitor and assist LEPCs in complying with these requirements.
Facility notification to the IERC and notification to EPA	I.C. §§ 13-25-2-3, 4(1)	I.C. § 13-25-2-3 (a) The owner or operator of a facility subject to this chapter shall notify the IERC that the facility is subject to this chapter. (b) If: (1) a substance on the list of substances referred to in I.C. § 13-25-2-2(a) becomes present at a facility in an amount that exceeds the threshold planning quantity established for the substance; or (2) there is a revision of the list referred to in I.C. § 13-25-2-2(a) and the facility has present a substance on the revised list that exceeds the threshold planning quantity established for the substance; the owner or operator of the facility shall notify the IERC and the appropriate LEPC that the facility is subject to this chapter not later than sixty (60) days after the acquisition of the substance or the revision of the list. I.C. § 13-25-2-4 (1) The IERC shall notify the EPA administrator of the facilities subject to I.C. § 13-25-2 by notifying the	IDHS, on behalf of the IERC, shall receive the notifications submitted by the facilities and shall provide the required notification to EPA.

		administrator of: (1) Each notification received from a facility under I.C. § 13-25-2-3. (2) Each facility designated by the IERC under I.C. § 13-25-2-2(c).	
Facility notification of LEPCs	I.C. § 13-25-2-5(d)	(d) For each facility subject to this chapter: (1) the owner or operator of the facility shall notify: (A) the appropriate LEPC; or (B) the IERC if there is no LEPC; of a facility representative who will participate in the emergency planning process as a facility emergency coordinator; (2) the owner or operator of the facility shall promptly inform the LEPC of any relevant changes occurring at the facility as the changes occur or are expected to occur; and (3) upon request from the LEPC, the owner or operator of the facility shall promptly provide information to the LEPC necessary for developing and implementing the emergency plan.	The IERC statutorily receives this notification when there is no LEPC. However, IDHS shall receive the required notices from the facility on behalf of the IERC
Review of LEPC Plans	I.C. § 13-25-2-5(e)	(e) After completion or update of a local emergency plan under I.C. § 13-25-2-5(a) for an emergency planning district, the LEPC shall submit a copy of the local emergency plan to the IERC. The IERC shall review the local emergency plan and make recommendations to the LEPC on revisions of the local emergency plan that may be necessary to ensure coordination of the local emergency plan with emergency response plans of other emergency planning districts. To the maximum extent practicable, the review may not delay implementation of the local emergency plan.	IDHS shall implement this provision on behalf of the IERC. Should IDHS hire a contractor to conduct this review, IDHS shall obtain the services of the contractor in compliance with state procurement requirements. The IERC agrees to fund such plan review should IDHS hire a contractor.
Notice of release of substances	I.C. §§ 13-25-2-6, 6.5(c), 7	I.C. § 13-25-2-6; I.C. § 13-25-2-7 These statutes state the circumstances under which the owner or operator of a facility shall give notice of any substance releases, what to include in the given notice, and to whom the notice is to be given. I.C. § 13-25-2-6.5 (c) IDEM shall provide a toll free long distance telephone line through which a person required to provide notice under I.C. § 13-25-2-6 may contact the office described in	IDEM shall continue to maintain a toll free telephone line that shall be used to provide the required verbal notice. Upon verbal notice of a SARA Title III release, IDEM shall enter

		I.C. § 13-13-3-1.	initial spill information into IDHS's Tier 2 Manager system by the following business day. After normal business hours, calls to this telephone line shall be transferred to IDHS EOC Watchdesk. The Watchdesk Officer will then provide notification via email and phone to designated on-call IDEM personnel. The required follow-up written reports shall be submitted to IDHS. IDHS shall provide the required notification to the IERC.
Submission of safety data sheets or list	I.C. § 13-25-2-8	(a) The owner or operator of a facility that is required to prepare or have available a safety data sheet for a hazardous chemical under the federal Occupational Safety and Health Act (29 U.S.C. §§ 651 through 658) and regulations adopted under the Act shall submit a safety data sheet for each chemical or, preferably, a list of chemicals described in I.C. § 13-25-2-8(b).	The IERC receives these by statute. However, IDHS shall receive these safety data sheets or list of chemicals on behalf of the IERC.
Provision of Tier II information to state and local officials upon request	I.C. § 13-25-2-10(d)	(d) A state or local official acting in the official's capacity may have access to Tier II information by submitting a request to the IERC or an LEPC. Upon receipt of a request for Tier II information, the IERC or appropriate LEPC shall request the facility owner or operator to provide the Tier II information and make the information available to the official.	The IERC receives these requests by statute. However, IDHS shall receive and respond to these requests on behalf of the IERC.
Disclosure to general public	I.C. §§ 13-25-2-10(f), 10(g), 10(h), 14(a)	I.C. § 13-25-2-10 (f) Any Tier II information that the IERC or an LEPC possesses shall be made available to a person making a request under this section in accordance with I.C. § 13-25-2-14. If the IERC or an LEPC does not possess the Tier II information requested, the IERC or LEPC shall request the facility owner or operator to: (1) provide the Tier II information with respect to a hazardous chemical that a	IDEM shall provide information requested for Reporting Year 2014 and earlier. IDHS shall provide information requested for Reporting Year

		facility has stored in an amount of at least ten thousand (10,000) pounds present at the facility at any time during the preceding year; and (2) make the information available in accordance with I.C. § 13-25-2-14; to the person making the request. (g) For Tier II information that is not in the possession of the IERC or an LEPC with respect to a hazardous chemical that a facility has stored in an amount that is less than ten thousand (10,000) pounds at the facility at any time during the preceding year, a request from a person must include a statement specifying the general need for the information. The IERC or LEPC may request the facility owner or operator for the Tier II information on behalf of the person making the request. Upon receipt of any information requested on behalf of the person, the IERC or LEPC shall make the information available in accordance with I.C. § 13-25-2-14 to the person. (h) The IERC or LEPC shall respond to a request for Tier II information under this section not later than seven (7) days after the date the request is received. I.C. § 13-25-2-14 (a) An emergency response plan, safety data sheet, list of chemicals described in I.C. § 13-25-2-8(b), inventory form, and follow-up emergency notice shall be made available to the general public during normal working hours at the location or locations designated by the IERC or LEPC, as appropriate. Upon request by an owner or operator of a facility subject to the requirements of I.C. § 13-25-2-9 and I.C. § 13-25-2-10, the IERC and the appropriate LEPC shall withhold from disclosure under this section the location of any specific chemical required by I.C. § 13-25-2-10(a) to be contained in an inventory form as Tier II information.	2015 and later. IDEM and IDHS shall implement this on behalf of the IERC (depending on information requested) (1) Emergency response plan (IDHS) (2) Safety data sheets/list of chemicals (IDHS) (3) Tier II inventory form (IDHS) (4) Written notices of releases (IDEM).
State notification of potentially affected community water systems	42 U.S.C. § 11004(e)	(e) Addressing Source Water Used for Drinking Water (1) Applicable State Agency Notification – A State emergency response commission shall – (A) promptly notify the applicable State agency of any release that requires notice under subsection (a); (B) provide to the applicable State agency the information identified in subsection (b)(2); and (C) provide to the applicable State agency a	IDHS, on behalf of IDEM, shall issue notifications required under 42 U.S.C. § 11004(e)(2).

		written follow up emergency notice in accordance with subsection (c). (2) Community Water System Notification.— (A) In General.—An applicable State agency receiving notice of a release under paragraph (1) shall— (i) promptly forward such notice to any community water system the source waters of which are affected by the release; (ii) forward to the community water system the information provided under paragraph (1)(B); and (iii) forward to the community water system the written follow up emergency notice provided under paragraph (1)(C). (B) Direct Notification.—In the case of a State that does not have an applicable State agency, the State emergency response commission shall provide the notices and information described in paragraph (1) directly to any community water system the source waters of which are affected by a release that requires notice under subsection (a). (3) Definitions.—In this subsection: (A) Community Water System.—The term ‘community water system’ has the meaning given such term in section 1401(15) of the Safe Drinking Water Act. (B) Applicable State Agency.—The term ‘applicable State agency’ means the State agency that has primary responsibility to enforce the requirements of the Safe Drinking Water Act in the State.	
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