



INDIANA EMERGENCY RESPONSE COMMISSION

TIER II REPORTING FEES FOR INDIANA

IC 13-25-2-10.4 lays out the fees charged to facilities in Indiana for annual Tier II reporting.

Sec. 10.4. (a) Except as provided in subsection (c), each year, a fee is imposed on a facility that must submit an emergency and hazardous chemical inventory form under section 10 of this chapter. The amount of the fee is as follows:

(1) A fee of two hundred dollars (\$200) for a facility in which at least one million (1,000,000) pounds of any hazardous chemical was present at one (1) time during the year preceding the year in which the fee is imposed.

(2) A fee of one hundred dollars (\$100) for a facility in which, in the year preceding the year in which the fee is imposed, one (1) or more hazardous chemicals were present in amounts exceeding the threshold quantities established under 42 U.S.C. 11022(b), but the total amount of any hazardous chemical present did not at any one (1) time equal or exceed one million (1,000,000) pounds.

(3) A fee of fifty dollars (\$50) for a facility that contains underground storage tanks (as defined in IC 13-11-2-241) and was subject to the reporting requirement in 42 U.S.C. 6991a(a), but in which, in the year preceding the year in which the fee is imposed, no hazardous chemicals were present in amounts exceeding the threshold quantities established under 42 U.S.C. 11022(b) (other than substances stored in underground storage tanks that must be reported under 42 U.S.C. 6991a(a)).

(b) A facility subject to the fee imposed by this section shall pay this fee as required by section 10 of this chapter.

(c) The fee established by this section is not applicable to a facility that is owned or operated by any of the following:

- (1) The United States government or an agency or instrumentality of the United States government.
- (2) The state and its agencies.
- (3) A state educational institution as defined in IC 21-7-13-32.
- (4) A political subdivision as defined in IC 36-1-2-13.



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IC 13-25-2-10 (i) lays out the late fees charged to facilities in Indiana for annual Tier II reporting.

Sec. 10. (i) The following provisions apply to the fee required by subsection (a)(2):

(1) A facility that is subject to the fee required by subsection (a)(2) that fails to pay the entire fee by March 1 of each year shall pay to the commission a late fee of twenty dollars (\$20) in addition to the fee payable under subsection (a)(2). This late fee shall increase by twenty dollars (\$20) for each month that the required fee is not paid. This late fee shall never exceed one hundred percent (100%) of the fee required by subsection (a)(2).

(2) If a payment is made by bank draft, check, cashier's check, electronic check, or money order, the liability is not finally discharged and the person has not paid the fee until the draft, check, or money order has been honored by the institution on which it is drawn. If the payment is made by credit card, debit card, charge card, or similar method, the liability is not finally discharged and the person has not paid the fee until the commission receives payment or credit from the institution responsible for making the payment or credit.

(3) If a financial institution reports that it dishonors or rejects a person's check, credit card payment, electronic funds transfer, or other form of payment, the commission shall assess and collect the fees and charges authorized in IC 35-43-5, if applicable, in addition to the applicable late fee assessed under subdivision (1). If the person subject to the penalty under this subsection can show that there is reasonable cause for the payment not being honored, the commission may waive the fees and charges imposed under this subsection.