



# INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

*We Protect Hoosiers and Our Environment.*

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**Eric J. Holcomb**  
Governor

**Brian C. Rockensuess**  
Commissioner

VIA ELECTRONIC MAIL

June 22, 2023

UST Owners,  
Environmental Consultants, Contractors,  
And Other Interested Parties

Re: ELTF Claim for 50% Cost Reimbursement for Decommissioning or Replacing  
Qualified Underground Storage Tanks (UST)

To Whom It May Concern:

IDEM is excited to announce a new reimbursement opportunity available to Underground Storage Tank (UST) owners. On May 4, 2023, Governor Holcomb signed into law statutory revisions to Ind. Code 13-23 which authorize, among other things, reimbursement from the Excess Liability Trust Fund (ELTF) of 50% of eligible costs related to qualified UST decommissioning or replacement projects. Per new IC 13-23-9-1.7, IDEM must find that such decommissioning or replacement of an UST “is necessary ... to protect human health and the environment considering the age, obsolescence, and level of deterioration of the tank”.

While each UST will be considered by IDEM on a case-by-case basis, certain characteristics may make a UST more likely to qualify for this program. Those characteristics include but are not limited to:

1. Lined Steel USTs.
2. First Generation Fiberglass Reinforced Plastic (FRP) USTs.
3. USTs over 30 Years Old.
4. USTs which have caused or are likely to cause catastrophic release and which cannot be repaired or maintained to avoid such release.

IDEM will accept ELTF eligibility applications, via a new form (attached), with backup documentation outlining the project for agency review beginning July 1, 2023. Such backup documentation must include evidence of age, obsolescence, and/or level of deterioration such that IDEM may determine whether the UST qualifies for the program. In order for costs to be eligible for reimbursement, IDEM must confirm project eligibility **prior to** the work being initiated at the site, and applicable portions of 328 IAC 1 (the ELTF rules) will apply to such work. Costs related to tank installations will not be reimbursed unless costs related to the required corresponding tank removal are submitted simultaneously therewith or have been previously submitted for reimbursement.

Examples of Allowable Costs include:

- Removal & Proper Disposal of USTs
- Proper Disposal of Contaminated Water/Sludge
- Closure Report Costs (Report must be approved)
- Installation of Replacement UST Systems to below the Shear Valve
- In-Place Closure Work Plans
- "Tank-in-a-Tank" related closures and installations
- Concrete/Asphalt Replacement

Examples of Ineligible Costs include (but are not limited to):

- Fuel Dispenser and Nozzle
- Island / Canopy
- Buildings
- Concrete/Asphalt to Expand Parking Area
- Relining Regulated Tanks
- Loan interest or late payment fees

To the extent possible and to facilitate more efficient claim review, Owners should request separate invoicing and refrain from submitting ineligible costs to the ELTF program.

Applicants to this program must be aware that this 50% reimbursement program does not allow IDEM to encumber funds for each approved project. This is not a "grant" program. The statute outlines maximum reimbursement from the Fund per fiscal year (July 1 to June 30) based on type of UST owner. Reimbursements are capped at:

- Ten million dollars for UST owners with 12 or less tanks.
- Seven million five hundred thousand dollars for UST owners with more than 12 but not more than 100 tanks.
- Two million five hundred thousand dollars for UST owners with more than 100 tanks.

Eligible projects will be reimbursed under a first in first out (FIFO) review process, up to the maximum in each of the three categories based on claims approved for payment. Once the maximum has been reimbursed for a given fiscal year, all subsequent claims submitted in that fiscal year will have to be denied. Applicants can resubmit such claims on or after July 1 of the next fiscal year. The applicant is required to be the UST owner.

New releases discovered during decommissioning or replacement projects must be reported to the Petroleum Remediation Section (PRS). Eligible costs for over-excavation and disposal of contaminated soil should be submitted for reimbursement under an ELTF Eligible Leaking UST (LUST) Incident Number and should not be submitted as part of this 50% reimbursement program.

As part of the review process for the ELTF claim, IDEM staff may contact vendors and contractors directly to discuss submitted invoices and the work completed. It will be preferable to have one ELTF claim application for costs related to the entire project. If necessary to comply with claim submission requirements under 328 IAC 1, removal/closure costs can be submitted in one ELTF claim once the closure report is approved, and replacement/installation costs can be submitted in a second ELTF claim once the tanks are properly registered with IDEM.

IDEM is looking forward to the impact this program will have on protecting human health and the environment. We are still ironing out additional details, but if you have any additional questions, feel free to contact Bobbi Steiff at 317.234.0935 or [Rsteiff@idem.in.gov](mailto:Rsteiff@idem.in.gov).

Sincerely,

A handwritten signature in blue ink that reads "Timothy E. Veatch". The signature is fluid and cursive, with a large initial 'T' and 'V'.

Timothy E. Veatch  
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