



# 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

July 7, 2023

AST Owners, AST Operators,  
Environmental Consultants and Contractors,  
And Other Interested Parties

Re: Aboveground Storage Tanks (AST) Registration and Corrective Action Using  
Funds from the Excess Liability Trust Fund (ELTF)

To Whom It May Concern:

On May 4, 2023, Governor Holcomb signed into law statutory revisions to Title 13 of the Indiana Code which authorize, among other things, reimbursement from the Excess Liability Trust Fund (ELTF) for costs related to petroleum releases from registered ASTs. Per new IC 13-11-2-0.4, an AST is defined as a tank or combination of tanks:

1. Used to store a regulated substance.
2. The volume of which, including aboveground piping, has not more than 10% below the surface of the ground.
3. With a capacity of over 1,500 gallons but not more than 20,000 gallons.
4. Which is used at:
  - a. A bulk plant or facility for bulk storage and distribution of motor fuel to retailers; or
  - b. An airport, including both primary and nonprimary airports.

There are several exceptions which are specified in IC 13-11-2-0.4 and which are similar to those found in the definition of underground storage tanks.

The definition of "Eligible release" for purposes of the ELTF has been amended to include ASTs and to clarify certain other elements. The definition of "Eligible release" found at IC 13-11-2-62.7 now requires the following:

1. The release is from a UST or AST that was registered with the department before the date on which the claimant confirmed the existence of the release or (if earlier) first suspected the existence of the release.
2. The release is reported to the department in accordance with applicable regulations and statutes not later than thirty (30) days after the date on which the claimant confirmed the existence of the release or (if earlier) first suspected the existence of the release.


3. An initial site characterization of the facility on which the release occurred is submitted to the department as required by rules adopted by the environmental rules board.
4. The release from the UST or AST is from the tank or dispensing components of the UST or AST, not including the nozzle or hose connecting the nozzle to the pump.

Therefore, pursuant to the definition of “Eligible release”, ASTs must be registered with IDEM to be eligible for ELTF reimbursement. ELTF rules and rates will apply to AST releases.

Additionally, IC 13-23-12-1 regarding annual registration fees has been amended to include ASTs. Fee amounts have not changed, nor has the requirement that a fee is due each year if a UST or AST has not been closed. Fees will be required for all regulated ASTs in use beginning January 1, 2024.

IDEM will have registration forms available on its website [IDEM: IDEM Agency Forms \(in.gov\)](#) on July 1, 2023 for initial registration. IDEM will continue to work on additional details for this new program, but if you have questions, feel free to contact [AST@idem.in.gov](mailto:AST@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'.

Timothy E. Veatch  
Branch Chief  
Petroleum Branch  
Office of Land Quality  
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