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329 IAC 9-1-50	"Wastewater treatment tank" defined (Repealed)
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329 IAC 9-1-1 Applicability; incorporation by reference; definitions

Authority: [IC 4-22-2-21](#); [IC 13-14-8](#); [IC 13-23-1](#)

Affected: [IC 4-22-9-5](#); [IC 13-11-2-158](#); [IC 13-12-3-2](#); [IC 13-23](#)

Sec. 1. (a) This article applies to all owners and operators of a UST as described in 40 CFR 280.10*.

(b) Unless otherwise indicated, any reference to a provision of the Code of Federal Regulations (CFR) means the July 1, 2022, edition, as incorporated by reference in this article.

(c) Owners and operators of a UST as described in 40 CFR 280.10* shall comply with the technical standards and corrective action requirements for USTs at 40 CFR 280*, with the following exceptions:

- (1) Definitions of "owner" and "operator" in 40 CFR 280.12.
- (2) 40 CFR 280.22.
- (3) 40 CFR 280.71 through 40 CFR 280.74.
- (4) 40 CFR 280.101.
- (5) 40 CFR 280, Subpart I.

(d) When used in 40 CFR 280* as incorporated by this rule, substitute the following:

- (1) A reference to "state" means Indiana.
- (2) A reference to "implementing agency" means the Indiana department of environmental management.
- (3) A reference to "person" means the definition found at [IC 13-11-2-158](#)(e).
- (4) A reference to 40 CFR 280.22 means 329 IAC 9-2-2.
- (5) A reference to 40 CFR 280.71 means 329 IAC 9-6-2.1.
- (6) A reference to 40 CFR 280.72 means 329 IAC 9-6-2.5.
- (7) A reference to 40 CFR 280.73 means 329 IAC 9-6-3.
- (8) A reference to 40 CFR 280.74 means 329 IAC 9-6-4.
- (9) A reference to 40 CFR 280.101 means 329 IAC 9-8-11.
- (10) A reference to an October 13, 2015, compliance date means June 28, 2018.
- (11) A reference to an April 11, 2016, compliance date means September 2, 2009.
- (12) A reference to an October 13, 2018, compliance date means June 28, 2021, except in 40 CFR 280, Subpart J.
- (13) A reference to an October 13, 2021, compliance date means June 28, 2024.
- (14) A reference to an October 13, 2022, compliance date means June 28, 2025.

(e) In addition to the definitions in [IC 13-11-2](#) and 40 CFR 280.12*, the definitions in this rule apply throughout this article.

*These documents are incorporated by reference. Copies may be obtained from the Government Publishing Office, www.gpo.gov, or are available for review at the Indiana Department of Environmental Management, Office of Legal Counsel, Indiana Government Center North, 100 North Senate Avenue, Thirteenth Floor, Indianapolis, IN 46204. (*Solid Waste Management Division*; 329 IAC 9-1-1; filed Dec 1, 1992, 5:00 p.m.: 16 IR 1062; filed Jul 19, 1999, 12:00 p.m.: 22 IR 3683; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; filed Aug 30, 2004, 9:35 a.m.: 28 IR 145; filed Aug 3, 2009, 1:48 p.m.: [20090902-IR-329080055FRA](#); filed May 29, 2018, 3:35 p.m.: [20180627-IR-329160204FRA](#); filed Mar 18, 2019, 2:41 p.m.: [20190417-IR-329180281FRA](#); filed Sep

12, 2023, 4:27 p.m.: [20231011-IR-329200025FRA](#))

329 IAC 9-1-1.1 Interim prohibition for deferred UST systems (Repealed)

Sec. 1.1. (Repealed by Solid Waste Management Division; filed May 29, 2018, 3:35 p.m.: [20180627-IR-329160204FRA](#))

329 IAC 9-1-2 Applicability of definitions (Repealed)

Sec. 2. (Repealed by Solid Waste Management Division; filed May 29, 2018, 3:35 p.m.: [20180627-IR-329160204FRA](#))

329 IAC 9-1-3 "Aboveground release" defined (Repealed)

Sec. 3. (Repealed by Solid Waste Management Division; filed May 29, 2018, 3:35 p.m.: [20180627-IR-329160204FRA](#))

329 IAC 9-1-4 "Agency" defined (Repealed)

Sec. 4. (Repealed by Solid Waste Management Division; filed May 29, 2018, 3:35 p.m.: [20180627-IR-329160204FRA](#))

329 IAC 9-1-5 "Ancillary equipment" defined (Repealed)

Sec. 5. (Repealed by Solid Waste Management Division; filed May 29, 2018, 3:35 p.m.: [20180627-IR-329160204FRA](#))

329 IAC 9-1-6 "Belowground release" defined (Repealed)

Sec. 6. (Repealed by Solid Waste Management Division; filed May 29, 2018, 3:35 p.m.: [20180627-IR-329160204FRA](#))

329 IAC 9-1-7 "Beneath the surface of the ground" defined (Repealed)

Sec. 7. (Repealed by Solid Waste Management Division; filed May 29, 2018, 3:35 p.m.: [20180627-IR-329160204FRA](#))

329 IAC 9-1-8 "Cathodic protection" defined (Repealed)

Sec. 8. (Repealed by Solid Waste Management Division; filed May 29, 2018, 3:35 p.m.: [20180627-IR-329160204FRA](#))

329 IAC 9-1-9 "Cathodic protection tester" defined (Repealed)

Sec. 9. (Repealed by Solid Waste Management Division; filed May 29, 2018, 3:35 p.m.: [20180627-IR-329160204FRA](#))

329 IAC 9-1-10 "CERCLA" defined (Repealed)

Sec. 10. (Repealed by Solid Waste Management Division; filed May 29, 2018, 3:35 p.m.: [20180627-IR-329160204FRA](#))

329 IAC 9-1-10.1 "Chemical of concern" or "COC" defined (Repealed)

Sec. 10.1. (Repealed by Solid Waste Management Division; filed Aug 30, 2004, 9:35 a.m.: 28 IR 177)

329 IAC 9-1-10.2 "Clean closure" defined (Repealed)

Sec. 10.2. (Repealed by Solid Waste Management Division; filed Aug 30, 2004, 9:35 a.m.: 28 IR 177)

329 IAC 9-1-10.4 "Change-in-service" defined

Authority: [IC 13-14-8-1](#); [IC 13-14-8-2](#); [IC 13-23-1-1](#); [IC 13-23-1-2](#)
Affected: [IC 13-23](#)

Sec. 10.4. "Change-in-service" means continued use of the UST or UST system to store a nonregulated substance. (*Solid Waste Management Division; 329 IAC 9-1-10.4; filed Aug 30, 2004, 9:35 a.m.: 28 IR 146*)

329 IAC 9-1-10.6 "Chemical of concern" defined

Authority: [IC 13-14-8](#); [IC 13-23-1](#)
Affected: [IC 13-23](#)

Sec. 10.6. "Chemical of concern" means the parameter to be analyzed as a possible contaminant. (*Solid Waste Management Division; 329 IAC 9-1-10.6; filed Aug 30, 2004, 9:35 a.m.: 28 IR 146; filed May 29, 2018, 3:35 p.m.: [20180627-IR-329160204FRA](#)*)

329 IAC 9-1-10.7 "Chronic failure to comply" defined (*Repealed*)

Sec. 10.7. (*Repealed by Solid Waste Management Division; filed Nov 25, 2014, 3:43 p.m.: [20141224-IR-329130272FRA](#)*)

329 IAC 9-1-10.8 "Closure" defined (*Repealed*)

Sec. 10.8. (*Repealed by Solid Waste Management Division; filed May 29, 2018, 3:35 p.m.: [20180627-IR-329160204FRA](#)*)

329 IAC 9-1-11 "Commissioner" defined (*Repealed*)

Sec. 11. (*Repealed by Solid Waste Management Division; filed May 29, 2018, 3:35 p.m.: [20180627-IR-329160204FRA](#)*)

329 IAC 9-1-12 "Compatible" defined (*Repealed*)

Sec. 12. (*Repealed by Solid Waste Management Division; filed May 29, 2018, 3:35 p.m.: [20180627-IR-329160204FRA](#)*)

329 IAC 9-1-13 "Connected piping" defined (*Repealed*)

Sec. 13. (*Repealed by Solid Waste Management Division; filed May 29, 2018, 3:35 p.m.: [20180627-IR-329160204FRA](#)*)

329 IAC 9-1-14 "Consumptive use" defined (*Repealed*)

Sec. 14. (*Repealed by Solid Waste Management Division; filed May 29, 2018, 3:35 p.m.: [20180627-IR-329160204FRA](#)*)

329 IAC 9-1-14.1 "Corrective action" defined (*Repealed*)

Sec. 14.1. (*Repealed by Solid Waste Management Division; filed Aug 30, 2004, 9:35 a.m.: 28 IR 177*)

329 IAC 9-1-14.3 "Contaminant" defined

Authority: [IC 13-14-8](#); [IC 13-23-1-1](#); [IC 13-23-1-2](#)
Affected: [IC 13-11-2-42](#); [IC 13-23](#)

Sec. 14.3. "Contaminant" has the meaning set forth at [IC 13-11-2-42](#). However, for purposes of this article, the term does not include hazardous waste regulated under 329 IAC 3.1. (*Solid Waste Management Division; 329 IAC 9-1-14.3; filed Aug 30, 2004, 9:35 a.m.: 28 IR 146*)

329 IAC 9-1-14.5 "Corrective action" defined

Authority: [IC 13-14-8-1](#); [IC 13-14-8-2](#); [IC 13-23-1-1](#); [IC 13-23-1-2](#)
Affected: [IC 13-23](#)

Sec. 14.5. "Corrective action" means action taken to minimize, contain, eliminate, remediate, mitigate, or clean up a release, including emergency measures taken as part of an initial response to the release under 329 IAC 9-5-2. (*Solid Waste Management Division; 329 IAC 9-1-14.5; filed Aug 30, 2004, 9:35 a.m.: 28 IR 146*)

329 IAC 9-1-14.7 "Corrective action plan" defined

Authority: [IC 13-14-8](#); [IC 13-23-1](#)
Affected: [IC 13-23](#)

Sec. 14.7. "Corrective action plan" means the corrective action plan described under 329 IAC 9-5-7(a) and 329 IAC 9-5-7(b). (*Solid Waste Management Division; 329 IAC 9-1-14.7; filed Aug 30, 2004, 9:35 a.m.: 28 IR 146; filed May 29, 2018, 3:35 p.m.: [20180627-IR-329160204FRA](#)*)

329 IAC 9-1-15 "Corrosion expert" defined (Repealed)

Sec. 15. (*Repealed by Solid Waste Management Division; filed May 29, 2018, 3:35 p.m.: [20180627-IR-329160204FRA](#)*)

329 IAC 9-1-15.1 "Delivery prohibition" defined

Authority: [IC 13-14-8](#); [IC 13-23-1](#); [IC 13-23-1-2](#)
Affected: [IC 13-23-1-4](#)

Sec. 15.1. "Delivery prohibition" means the commissioner:

- (1) determined a UST to be ineligible under [IC 13-23-1-4](#); and
- (2) issued a temporary order prohibiting the owner or operator of the ineligible UST from allowing a regulated substance to be:
 - (A) delivered;
 - (B) deposited; or
 - (C) accepted.

(*Solid Waste Management Division; 329 IAC 9-1-15.1; filed Nov 25, 2014, 3:43 p.m.: [20141224-IR-329130272FRA](#)*)

329 IAC 9-1-15.2 "Department" defined (Repealed)

Sec. 15.2. (*Repealed by Solid Waste Management Division; filed May 29, 2018, 3:35 p.m.: [20180627-IR-329160204FRA](#)*)

329 IAC 9-1-15.5 "Deposit" defined

Authority: [IC 13-14-8](#); [IC 13-23-1-1](#); [IC 13-23-1-2](#)
Affected: [IC 13-23](#)

Sec. 15.5. "Deposit" means the act of placing in or filling of an underground storage tank with a regulated substance. (*Solid Waste Management Division; 329 IAC 9-1-15.5; filed May 7, 2010, 10:02 a.m.: [20100602-IR-329070468FRA](#)*)

329 IAC 9-1-16 "Dielectric material" defined (Repealed)

Sec. 16. (*Repealed by Solid Waste Management Division; filed May 29, 2018, 3:35 p.m.: [20180627-IR-329160204FRA](#)*)

329 IAC 9-1-17 "Electrical equipment" defined (Repealed)

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Sec. 17. *(Repealed by Solid Waste Management Division; filed May 29, 2018, 3:35 p.m.: [20180627-IR-329160204FRA](#))*

329 IAC 9-1-18 "Excavation zone" defined *(Repealed)*

Sec. 18. *(Repealed by Solid Waste Management Division; filed May 29, 2018, 3:35 p.m.: [20180627-IR-329160204FRA](#))*

329 IAC 9-1-18.5 "Existing" defined *(Repealed)*

Sec. 18.5. *(Repealed by Solid Waste Management Division; filed May 29, 2018, 3:35 p.m.: [20180627-IR-329160204FRA](#))*

329 IAC 9-1-19 "Existing tank system" defined *(Repealed)*

Sec. 19. *(Repealed by Solid Waste Management Division; filed May 29, 2018, 3:35 p.m.: [20180627-IR-329160204FRA](#))*

329 IAC 9-1-19.5 "Failure to comply" defined *(Repealed)*

Sec. 19.5. *(Repealed by Solid Waste Management Division; filed Nov 25, 2014, 3:43 p.m.: [20141224-IR-329130272FRA](#))*

329 IAC 9-1-20 "Farm tank" defined *(Repealed)*

Sec. 20. *(Repealed by Solid Waste Management Division; filed May 29, 2018, 3:35 p.m.: [20180627-IR-329160204FRA](#))*

329 IAC 9-1-21 "Fire marshal" defined

Authority: [IC 13-14-8](#); [IC 13-23-1-1](#); [IC 13-23-1-2](#)

Affected: [IC 13-23](#)

Sec. 21. "Fire marshal" means the office of the state fire marshal, division of fire and building safety, Indiana department of homeland security. *(Solid Waste Management Division; 329 IAC 9-1-21; filed Dec 1, 1992, 5:00 p.m.: 16 IR 1065; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; errata filed May 31, 2018, 9:57 a.m.: [20180620-IR-329180246ACA](#))*

329 IAC 9-1-22 "Flow-through process tank" defined *(Repealed)*

Sec. 22. *(Repealed by Solid Waste Management Division; filed May 29, 2018, 3:35 p.m.: [20180627-IR-329160204FRA](#))*

329 IAC 9-1-23 "Free product" defined *(Repealed)*

Sec. 23. *(Repealed by Solid Waste Management Division; filed May 29, 2018, 3:35 p.m.: [20180627-IR-329160204FRA](#))*

329 IAC 9-1-23.1 "Galvanic cathodic protection" defined *(Repealed)*

Sec. 23.1. *(Repealed by Solid Waste Management Division; filed May 29, 2018, 3:35 p.m.: [20180627-IR-329160204FRA](#))*

329 IAC 9-1-23.2 "Galvanic cathodic protection system" defined *(Repealed)*

Sec. 23.2. *(Repealed by Solid Waste Management Division; filed May 29, 2018, 3:35 p.m.: [20180627-IR-329160204FRA](#))*

329 IAC 9-1-24 "Gathering lines" defined *(Repealed)*

Sec. 24. *(Repealed by Solid Waste Management Division; filed May 29, 2018, 3:35 p.m.: [20180627-IR-329160204FRA](#))*

329 IAC 9-1-24.1 "Geologically susceptible area" defined *(Repealed)*

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Sec. 24.1. *(Repealed by Solid Waste Management Division; filed May 29, 2018, 3:35 p.m.: [20180627-IR-329160204FRA](#))*

329 IAC 9-1-24.2 "Ground water" defined

Authority: [IC 13-14-8](#); [IC 13-23-1](#)

Affected: [IC 13-23](#)

Sec. 24.2. "Ground water" has the meaning set forth in 327 IAC 2-1-9(25). *(Solid Waste Management Division; 329 IAC 9-1-24.2; filed Jul 19, 1999, 12:00 p.m.: 22 IR 3690; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; filed May 29, 2018, 3:35 p.m.: [20180627-IR-329160204FRA](#))*

329 IAC 9-1-25 "Hazardous substance UST system" defined *(Repealed)*

Sec. 25. *(Repealed by Solid Waste Management Division; filed May 29, 2018, 3:35 p.m.: [20180627-IR-329160204FRA](#))*

329 IAC 9-1-26 "Heating oil" defined *(Repealed)*

Sec. 26. *(Repealed by Solid Waste Management Division; filed May 29, 2018, 3:35 p.m.: [20180627-IR-329160204FRA](#))*

329 IAC 9-1-27 "Hydraulic lift tank" defined *(Repealed)*

Sec. 27. *(Repealed by Solid Waste Management Division; filed May 29, 2018, 3:35 p.m.: [20180627-IR-329160204FRA](#))*

329 IAC 9-1-27.1 "Impressed current cathodic protection" defined *(Repealed)*

Sec. 27.1. *(Repealed by Solid Waste Management Division; filed May 29, 2018, 3:35 p.m.: [20180627-IR-329160204FRA](#))*

329 IAC 9-1-27.2 "Impressed current cathodic protection system" defined *(Repealed)*

Sec. 27.2. *(Repealed by Solid Waste Management Division; filed May 29, 2018, 3:35 p.m.: [20180627-IR-329160204FRA](#))*

329 IAC 9-1-27.3 "In-place closure" defined

Authority: [IC 13-14-8](#); [IC 13-23-1](#)

Affected: [IC 13-23](#)

Sec. 27.3. "In-place closure" means a permanent closure where the UST is emptied and cleaned by removing all liquids and accumulated sludges, filled with an inert material, or closed in some other manner approved by the commissioner, but is not removed from the ground. *(Solid Waste Management Division; 329 IAC 9-1-27.3; filed Jul 19, 1999, 12:00 p.m.: 22 IR 3691; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; filed May 29, 2018, 3:35 p.m.: [20180627-IR-329160204FRA](#))*

329 IAC 9-1-27.4 "Karst terrains" defined *(Repealed)*

Sec. 27.4. *(Repealed by Solid Waste Management Division; filed Aug 3, 2009, 1:48 p.m.: [20090902-IR-329080055FRA](#))*

329 IAC 9-1-27.5 "Interstitial monitoring" defined

Authority: [IC 13-14-8-1](#); [IC 13-14-8-2](#); [IC 13-23-1-1](#); [IC 13-23-1-2](#)

Affected: [IC 13-18-17-6](#); [IC 13-23-3](#)

Sec. 27.5. "Interstitial monitoring" means a release detection method that continuously monitors the interstitial space of an underground storage tank and piping. The term includes only those release detection systems that are capable of detecting a breach in the primary containment of the underground storage tank and piping component being monitored before the regulated substance

or petroleum stored is released to the environment. (*Solid Waste Management Division; 329 IAC 9-1-27.5; filed Aug 3, 2009, 1:48 p.m.: [20090902-IR-329080055FRA](#)*)

329 IAC 9-1-27.6 "Interstitial space" defined

Authority: [IC 13-14-8-1](#); [IC 13-14-8-2](#); [IC 13-23-1-1](#); [IC 13-23-1-2](#)

Affected: [IC 13-18-17-6](#); [IC 13-23-3](#)

Sec. 27.6. "Interstitial space" means the space between the primary and secondary containment systems. (*Solid Waste Management Division; 329 IAC 9-1-27.6; filed Aug 3, 2009, 1:48 p.m.: [20090902-IR-329080055FRA](#)*)

329 IAC 9-1-27.8 "Karst terrains" defined (Repealed)

Sec. 27.8. (*Repealed by Solid Waste Management Division; filed May 29, 2018, 3:35 p.m.: [20180627-IR-329160204FRA](#)*)

329 IAC 9-1-28 "Liquid trap" defined (Repealed)

Sec. 28. (*Repealed by Solid Waste Management Division; filed May 29, 2018, 3:35 p.m.: [20180627-IR-329160204FRA](#)*)

329 IAC 9-1-29 "Maintenance" defined (Repealed)

Sec. 29. (*Repealed by Solid Waste Management Division; filed May 29, 2018, 3:35 p.m.: [20180627-IR-329160204FRA](#)*)

329 IAC 9-1-29.1 "Modified closure" defined (Repealed)

Sec. 29.1. (*Repealed by Solid Waste Management Division; filed Aug 30, 2004, 9:35 a.m.: 28 IR 177*)

329 IAC 9-1-30 "Motor fuel" defined (Repealed)

Sec. 30. (*Repealed by Solid Waste Management Division; filed May 29, 2018, 3:35 p.m.: [20180627-IR-329160204FRA](#)*)

329 IAC 9-1-31 "New tank system" defined (Repealed)

Sec. 31. (*Repealed by Solid Waste Management Division; filed May 29, 2018, 3:35 p.m.: [20180627-IR-329160204FRA](#)*)

329 IAC 9-1-32 "Noncommercial purposes" defined (Repealed)

Sec. 32. (*Repealed by Solid Waste Management Division; filed May 29, 2018, 3:35 p.m.: [20180627-IR-329160204FRA](#)*)

329 IAC 9-1-33 "On the premises where stored" defined (Repealed)

Sec. 33. (*Repealed by Solid Waste Management Division; filed May 29, 2018, 3:35 p.m.: [20180627-IR-329160204FRA](#)*)

329 IAC 9-1-34 "Operational life" defined (Repealed)

Sec. 34. (*Repealed by Solid Waste Management Division; filed May 29, 2018, 3:35 p.m.: [20180627-IR-329160204FRA](#)*)

329 IAC 9-1-34.1 "Operator" defined (Repealed)

Sec. 34.1. (*Repealed by Solid Waste Management Division; filed May 29, 2018, 3:35 p.m.: [20180627-IR-329160204FRA](#)*)

329 IAC 9-1-35 "Overfill release" defined (Repealed)

Sec. 35. (Repealed by Solid Waste Management Division; filed May 29, 2018, 3:35 p.m.: [20180627-IR-329160204FRA](#))

329 IAC 9-1-35.1 "Owner" defined (Repealed)

Sec. 35.1. (Repealed by Solid Waste Management Division; filed May 29, 2018, 3:35 p.m.: [20180627-IR-329160204FRA](#))

329 IAC 9-1-35.2 "Person" defined (Repealed)

Sec. 35.2. (Repealed by Solid Waste Management Division; filed May 29, 2018, 3:35 p.m.: [20180627-IR-329160204FRA](#))

329 IAC 9-1-35.5 "Permanent closure" defined

Authority: [IC 13-14-8](#); [IC 13-23-1](#)

Affected: [IC 13-23](#)

Sec. 35.5. "Permanent closure" means a UST has been emptied and cleaned by removing all liquids and accumulated sludges. Removal closure and in-place closure are types of permanent closure. (Solid Waste Management Division; 329 IAC 9-1-35.5; filed May 29, 2018, 3:35 p.m.: [20180627-IR-329160204FRA](#))

329 IAC 9-1-36 "Petroleum UST system" defined (Repealed)

Sec. 36. (Repealed by Solid Waste Management Division; filed May 29, 2018, 3:35 p.m.: [20180627-IR-329160204FRA](#))

329 IAC 9-1-36.5 "Piezometer" defined (Repealed)

Sec. 36.5. (Repealed by Solid Waste Management Division; filed May 29, 2018, 3:35 p.m.: [20180627-IR-329160204FRA](#))

329 IAC 9-1-37 "Pipe" or "piping" defined (Repealed)

Sec. 37. (Repealed by Solid Waste Management Division; filed May 29, 2018, 3:35 p.m.: [20180627-IR-329160204FRA](#))

329 IAC 9-1-38 "Pipeline facilities" defined (Repealed)

Sec. 38. (Repealed by Solid Waste Management Division; filed May 29, 2018, 3:35 p.m.: [20180627-IR-329160204FRA](#))

329 IAC 9-1-38.1 "Product" defined (Repealed)

Sec. 38.1. (Repealed by Solid Waste Management Division; filed May 29, 2018, 3:35 p.m.: [20180627-IR-329160204FRA](#))

329 IAC 9-1-38.2 "Regulated substance" defined (Repealed)

Sec. 38.2. (Repealed by Solid Waste Management Division; filed May 7, 2010, 10:02 a.m.: [20100602-IR-329070468FRA](#))

329 IAC 9-1-38.3 "Release" defined (Repealed)

Sec. 38.3. (Repealed by Solid Waste Management Division; filed May 7, 2010, 10:02 a.m.: [20100602-IR-329070468FRA](#))

329 IAC 9-1-38.5 "Red tag" defined

Authority: [IC 13-14-8](#); [IC 13-23-1-1](#); [IC 13-23-1-2](#)

Affected: [IC 13-23](#)

Sec. 38.5. "Red tag" means a tag, device, or mechanism, such as a tamper-resistant strap, fill pipe bag, numbered zip tie, or any combination thereof, that clearly identifies an underground storage tank as being under delivery prohibition or the act of attaching the tag, device, or mechanism. The red tag shall:

- (1) indicate the UST is prohibited from receiving a regulated substance;
- (2) be tamper resistant; and
- (3) state "Do Not Fill" in bold face type.

(Solid Waste Management Division; 329 IAC 9-1-38.5; filed May 7, 2010, 10:02 a.m.: [20100602-IR-329070468FRA](#); filed Nov 25, 2014, 3:43 p.m.: [20141224-IR-329130272FRA](#))

329 IAC 9-1-38.7 "Regulated substance" defined (Repealed)

Sec. 38.7. *(Repealed by Solid Waste Management Division; filed May 29, 2018, 3:35 p.m.: [20180627-IR-329160204FRA](#))*

329 IAC 9-1-38.9 "Release" defined (Repealed)

Sec. 38.9. *(Repealed by Solid Waste Management Division; filed May 29, 2018, 3:35 p.m.: [20180627-IR-329160204FRA](#))*

329 IAC 9-1-39 "Release detection" defined (Repealed)

Sec. 39. *(Repealed by Solid Waste Management Division; filed May 29, 2018, 3:35 p.m.: [20180627-IR-329160204FRA](#))*

329 IAC 9-1-39.5 "Removal closure" defined

Authority: [IC 13-14-8](#); [IC 13-23-1](#)

Affected: [IC 13-23](#)

Sec. 39.5. "Removal closure" means a permanent closure where a UST is emptied and cleaned by removing all liquids and accumulated sludges and then completely extracted from the ground. *(Solid Waste Management Division; 329 IAC 9-1-39.5; filed Aug 30, 2004, 9:35 a.m.: 28 IR 147; filed May 29, 2018, 3:35 p.m.: [20180627-IR-329160204FRA](#))*

329 IAC 9-1-40 "Repair" defined (Repealed)

Sec. 40. *(Repealed by Solid Waste Management Division; filed May 29, 2018, 3:35 p.m.: [20180627-IR-329160204FRA](#))*

329 IAC 9-1-40.5 "Replaced" defined (Repealed)

Sec. 40.5. *(Repealed by Solid Waste Management Division; filed May 29, 2018, 3:35 p.m.: [20180627-IR-329160204FRA](#))*

329 IAC 9-1-41 "Residential tank" defined (Repealed)

Sec. 41. *(Repealed by Solid Waste Management Division; filed Aug 30, 2004, 9:35 a.m.: 28 IR 177)*

329 IAC 9-1-41.1 "SARA" defined (Repealed)

Sec. 41.1. *(Repealed by Solid Waste Management Division; filed Aug 30, 2004, 9:35 a.m.: 28 IR 177)*

329 IAC 9-1-41.5 "SARA" defined (Repealed)

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Sec. 41.5. *(Repealed by Solid Waste Management Division; filed May 29, 2018, 3:35 p.m.: [20180627-IR-329160204FRA](#))*

329 IAC 9-1-41.8 "Secondary containment" defined *(Repealed)*

Sec. 41.8. *(Repealed by Solid Waste Management Division; filed May 29, 2018, 3:35 p.m.: [20180627-IR-329160204FRA](#))*

329 IAC 9-1-42 "Septic tank" defined *(Repealed)*

Sec. 42. *(Repealed by Solid Waste Management Division; filed May 29, 2018, 3:35 p.m.: [20180627-IR-329160204FRA](#))*

329 IAC 9-1-42.1 "Source area" defined *(Repealed)*

Sec. 42.1. *(Repealed by Solid Waste Management Division; filed Aug 30, 2004, 9:35 a.m.: 28 IR 177)*

329 IAC 9-1-43 "Stormwater or wastewater collection system" defined *(Repealed)*

Sec. 43. *(Repealed by Solid Waste Management Division; filed May 29, 2018, 3:35 p.m.: [20180627-IR-329160204FRA](#))*

329 IAC 9-1-44 "Surface impoundment" defined *(Repealed)*

Sec. 44. *(Repealed by Solid Waste Management Division; filed May 29, 2018, 3:35 p.m.: [20180627-IR-329160204FRA](#))*

329 IAC 9-1-45 "Tank" defined *(Repealed)*

Sec. 45. *(Repealed by Solid Waste Management Division; filed May 29, 2018, 3:35 p.m.: [20180627-IR-329160204FRA](#))*

329 IAC 9-1-45.5 "Under-dispenser spill containment" defined *(Repealed)*

Sec. 45.5. *(Repealed by Solid Waste Management Division; filed May 29, 2018, 3:35 p.m.: [20180627-IR-329160204FRA](#))*

329 IAC 9-1-46 "Underground area" defined *(Repealed)*

Sec. 46. *(Repealed by Solid Waste Management Division; filed May 29, 2018, 3:35 p.m.: [20180627-IR-329160204FRA](#))*

329 IAC 9-1-47 "Underground release" defined *(Repealed)*

Sec. 47. *(Repealed by Solid Waste Management Division; filed May 29, 2018, 3:35 p.m.: [20180627-IR-329160204FRA](#))*

329 IAC 9-1-47.1 "Underground storage tank" or "UST" defined *(Repealed)*

Sec. 47.1. *(Repealed by Solid Waste Management Division; filed May 29, 2018, 3:35 p.m.: [20180627-IR-329160204FRA](#))*

329 IAC 9-1-48 "Upgrade" defined *(Repealed)*

Sec. 48. *(Repealed by Solid Waste Management Division; filed May 29, 2018, 3:35 p.m.: [20180627-IR-329160204FRA](#))*

329 IAC 9-1-49 "UST system" or "tank system" defined *(Repealed)*

Sec. 49. *(Repealed by Solid Waste Management Division; filed May 29, 2018, 3:35 p.m.: [20180627-IR-329160204FRA](#))*

329 IAC 9-1-50 "Wastewater treatment tank" defined (Repealed)

Sec. 50. (Repealed by Solid Waste Management Division; filed May 29, 2018, 3:35 p.m.: [20180627-IR-329160204FRA](#))

329 IAC 9-1-51 References to federal laws (Repealed)

Sec. 51. (Repealed by Solid Waste Management Division; filed Jul 19, 1999, 12:00 p.m.: 22 IR 3761)

329 IAC 9-1-52 "Wellhead protection area" defined

Authority: [IC 13-14-8](#); [IC 13-23-1](#)

Affected: [IC 13-23](#)

Sec. 52. "Wellhead protection area" has the meaning set forth in 327 IAC 8-4.1-1(27). (Solid Waste Management Division; 329 IAC 9-1-52; filed Jul 19, 1999, 12:00 p.m.: 22 IR 3695; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; filed May 29, 2018, 3:35 p.m.: [20180627-IR-329160204FRA](#))

Rule 2. Performance Standards

[329 IAC 9-2-1](#)

New UST systems (Repealed)

[329 IAC 9-2-1.1](#)

New UST systems within a one (1) year time of travel to a community public water supply well (Repealed)

[329 IAC 9-2-2](#)

Notification and registration requirements

[329 IAC 9-2-3](#)

Release detection certification of compliance

329 IAC 9-2-1 New UST systems (Repealed)

Sec. 1. (Repealed by Solid Waste Management Division; filed May 29, 2018, 3:35 p.m.: [20180627-IR-329160204FRA](#))

329 IAC 9-2-1.1 New UST systems within a one (1) year time of travel to a community public water supply well (Repealed)

Sec. 1.1. (Repealed by Solid Waste Management Division; filed May 29, 2018, 3:35 p.m.: [20180627-IR-329160204FRA](#))

329 IAC 9-2-2 Notification and registration requirements

Authority: [IC 13-14-8](#); [IC 13-23-1](#)

Affected: [IC 13-23-3](#)

Sec. 2. (a) The owner and operator of a UST shall notify the department using a form approved by the Indiana archives and records administration for use by the department in the following circumstances:

(1) For a UST that has not been previously registered with the department, the owner shall register the UST by completing and submitting a form as described in subsection (b) within thirty (30) days of:

(A) becoming the owner of the UST; or

(B) bringing into use the UST as determined if the UST:

(i) contains or has contained a regulated substance; and

(ii) has not been closed under 329 IAC 9-6.

(2) For a UST that has been previously registered with the department, the owner and operator shall complete and submit a form as described in subsection (c) to notify the department within thirty (30) days of the following circumstances:

(A) Facility modifications, including the following changes:

(i) Facility type, location, or name.

(ii) New UST system.

(iii) UST owner, operator, or property owner.

(iv) Financial responsibility.

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(B) UST system modification, including the upgrade of a UST system to meet requirements of 40 CFR 280.21*.

(C) Installation of a method of release detection under 40 CFR 280, Subpart D*.

(3) The owner and operator of a UST shall complete and submit the form as described in subsection (f) at least thirty (30) days prior to taking the following actions:

(A) Temporary closure of a UST under 40 CFR 280.70*.

(B) Permanent closure or change-in-service of a UST under 329 IAC 9-6.

(4) For a UST that has been permanently closed under 329 IAC 9-6, the owner shall complete and submit a form as described in subsection (g) within thirty (30) days of permanently closing a UST and submit the following closure report materials:

(A) Site-specific and sampling locations map.

(B) Leak detection methods used for tanks and piping and most recent tank and line tightness testing results.

(C) Field screening values, laboratory values of each sample, sample collection and laboratory methods, data, and chain of custody.

(D) Boring logs, as applicable.

(E) Disposal documentation.

(b) An owner required to submit a form under subsection (a)(1) shall provide the following information on a form approved by the Indiana archives and records administration for use by the department:

(1) Facility name, type, location, and contact information.

(2) Information on the owner and operator of the UST.

(3) Ownership effective date.

(4) Contact information for an individual at the facility if different than the owner or operator.

(5) Owner and operator certification.

(6) Source of financial responsibility.

(7) Information on the deeded or active land contract property owner and certification, as applicable.

(8) Information on the individual preparing the notification form.

(9) Contractor information, including contractor certification and their Indiana department of homeland security, division of fire and building safety certification number.

(10) Indication whether the following actions have taken place:

(A) Installation has been inspected by a registered engineer and registration identification number provided.

(B) Manufacturer's installation checklists have been completed and included with the notification form submitted to the department.

(C) Installer has been certified by a tank and piping manufacturer.

(D) Work has been inspected by the Indiana department of homeland security, division of fire and building safety.

(11) Name and contact information of potentially interested parties that the department may contact regarding the site.

(12) A map of the facility site.

(13) Identification of each UST at the facility.

(14) Status of each UST and status date.

(15) Information on:

(A) the substances currently or last stored in the UST;

(B) UST construction attributes;

(C) UST corrosion protection;

(D) piping construction and protection;

(E) UST and piping release detection; and

(F) spill and overflow prevention equipment.

(c) An owner and operator required to submit a form under subsection (a)(2) shall provide all the information required in subsection (b) on a form approved by the Indiana archives and records administration for use by the department and shall indicate the type of notification on the form.

(d) The owner and operator of a UST shall ensure that a person certified by the department of homeland security, division of fire and building safety performs tank system:

(1) installations;

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- (2) testing;
- (3) upgrades;
- (4) closures;
- (5) removals; and
- (6) change-in-service.

(e) The owner or operator shall certify on a form approved by the Indiana archives and records administration for use by the department that the work performed complies with methods specified in this article and 40 CFR 280, Subpart C*, and was performed by a person with a certification as described in subsection (d).

(f) All owners and operators required to submit a form under subsection (a)(3) shall provide the following information on a form approved by the Indiana archives and records administration for use by the department at least thirty (30) days prior to closure or change-in-service:

- (1) Type of proposed closure.
- (2) Facility name, type, contact information, and location.
- (3) Name and contact information for the individual preparing the notification.
- (4) As applicable, name and contact information for the:
 - (A) owner and operator of the UST;
 - (B) deeded property owner;
 - (C) active land contract property owner; and
 - (D) proposed contractor.
- (5) Name and email address of a potentially interested party that the department may contact regarding the site.
- (6) Leaking underground storage tank incident number and date of incident.
- (7) Number of regulated USTs onsite before closure.
- (8) Number of additional USTs discovered during UST closure, as applicable.
- (9) Information on the closed USTs, including:
 - (A) an approval letter from the Indiana department of homeland security; and
 - (B) a site assessment work plan and site map with proposed boring locations.
- (10) Piping information.
- (11) Dispenser information.

(g) Owners and operators required to submit a form under subsection (a)(4) shall submit the following information on a form approved by the Indiana archives and records administration for use by the department:

- (1) All information listed in subsection (f), except the information required in subsection (f)(9).
- (2) Information on storage and disposal.
- (3) If the UST and piping were removed during closure, the owner and operator shall provide the following information:
 - (A) Amount of backfill material initially removed during UST system closure.
 - (B) Indication whether:
 - (i) there was over-excavation that took place after the removal of a UST system and, as applicable, the amount of over-excavated material;
 - (ii) free product was present in the UST pit or piping run;
 - (iii) bedrock was encountered during UST removal; and
 - (iv) contaminated material above applicable screening levels was excavated.
 - (C) The owner and operator shall provide an explanation why contaminated material above applicable screening levels was not excavated, if applicable.
- (4) Information on the material used to backfill the excavation.
- (5) If water was encountered during the excavation of a UST system, the owner and operator shall provide the following information:
 - (A) Indication whether:
 - (i) the water was removed during the excavation and, if applicable, the total amount of water removed; and
 - (ii) the water was sampled.
 - (B) The owner and operator shall provide an explanation why the water was not sampled, if applicable.
 - (C) Method of water disposal.

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- (6) The owner and operator shall indicate using specific details:
 - (A) which component appears to have failed if contamination above screening level was encountered; and
 - (B) what action or process appears to have caused the contamination.
- (7) The owner and operator shall indicate the following if a UST system or piping were not removed during closure:
 - (A) What type of inert solid material was used to fill the UST or piping.
 - (B) Whether water was encountered in the soil borings during in-place closure.
 - (C) Whether bedrock was encountered during UST system in-place closure.
- (8) Laboratory information.
- (9) Soil screening levels and analytical results.
- (10) Detailed comments for unique circumstances that need to be described, as applicable.
- (11) A list of owners and operators during the previous twenty-five (25) years, including their names, addresses, and type of business run from the facility.
- (12) Type of site coverage.
- (13) Information on the site proximity to human and environmentally sensitive areas, including wellhead protection areas described in 327 IAC 8-4.1.
- (14) Information on a previously closed UST system.
- (h) An owner may provide notification for several USTs at one (1) location using one (1) form.
- (i) A person who sells a facility with a regulated UST or UST system shall notify the purchaser of the purchaser's obligation to submit the appropriate form under subsection (a).
- (j) Pursuant to 42 U.S.C. 6991a, et seq., in effect on September 30, 1996, notification of the service status of the UST system must be provided to the department by the owner or operator of a UST system that is:
 - (1) in the ground on or after May 8, 1986; and
 - (2) not taken out of operational life on or before January 1, 1974.

*These documents are incorporated by reference. Copies may be obtained from the Government Publishing Office, www.gpo.gov, or are available for review at the Indiana Department of Environmental Management, Office of Legal Counsel, Indiana Government Center North, 100 North Senate Avenue, Thirteenth Floor, Indianapolis, IN 46204. (*Solid Waste Management Division; 329 IAC 9-2-2; filed Dec 1, 1992, 5:00 p.m.: 16 IR 1068; filed Jul 19, 1999, 12:00 p.m.: 22 IR 3699; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; filed Aug 30, 2004, 9:35 a.m.: 28 IR 150; errata filed Oct 7, 2004, 11:55 a.m.: 28 IR 608; filed Aug 3, 2009, 1:48 p.m.: [20090902-IR-329080055FRA](#); filed May 29, 2018, 3:35 p.m.: [20180627-IR-329160204FRA](#); errata filed May 31, 2018, 9:55 a.m.: [20180627-IR-329160204ACA](#); filed Sep 12, 2023, 4:27 p.m.: [20231011-IR-329200025FRA](#))*

329 IAC 9-2-3 Release detection certification of compliance

Authority: [IC 13-14-8](#); [IC 13-23-1](#)

Affected: [IC 13-23](#)

Sec. 3. (a) The owner or operator of a UST shall demonstrate compliance with the release detection requirements of 40 CFR 280, Subpart D* and this article by providing a certification of compliance on a form approved by the Indiana archives and records administration for use by the department as required under section 2 of this rule.

(b) The certification must demonstrate that the person who performs the work that brings the UST in compliance with 40 CFR 280, Subpart D* has been certified by the office of the state fire marshal under 675 IAC 12-12.

*This document is incorporated by reference. Copies may be obtained from the Government Publishing Office, www.gpo.gov, or are available for review at the Indiana Department of Environmental Management, Office of Legal Counsel, Indiana Government Center North, 100 North Senate Avenue, Thirteenth Floor, Indianapolis, IN 46204. (*Solid Waste Management Division; 329 IAC 9-2-3; filed May 29, 2018, 3:35 p.m.: [20180627-IR-329160204FRA](#); filed Sep 12, 2023, 4:27 p.m.: [20231011-IR-329200025FRA](#))*

Rule 2.1. Upgrading of Existing UST Systems (*Repealed*)

(*Repealed by Solid Waste Management Division; filed May 29, 2018, 3:35 p.m.: [20180627-IR-329160204FRA](#))*

Rule 3. Reporting and Record Keeping

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329 IAC 9-3-1	Reporting and record keeping (Repealed)
329 IAC 9-3-1.2	Secondary containment (Repealed)
329 IAC 9-3-1.3	Interstitial monitoring (Repealed)
329 IAC 9-3-2	Electronic reporting and submittal

329 IAC 9-3-1 Reporting and record keeping (Repealed)

Sec. 1. (Repealed by Solid Waste Management Division; filed Sep 12, 2023, 4:27 p.m.: [20231011-IR-329200025FRA](#))

329 IAC 9-3-1.2 Secondary containment (Repealed)

Sec. 1.2. (Repealed by Solid Waste Management Division; filed May 29, 2018, 3:35 p.m.: [20180627-IR-329160204FRA](#))

329 IAC 9-3-1.3 Interstitial monitoring (Repealed)

Sec. 1.3. (Repealed by Solid Waste Management Division; filed May 29, 2018, 3:35 p.m.: [20180627-IR-329160204FRA](#))

329 IAC 9-3-2 Electronic reporting and submittal

Authority: [IC 13-14-8](#); [IC 13-23-1](#)

Affected: [IC 13-14-13](#); [IC 13-23](#)

Sec. 2. (a) Documentation required to be submitted to the department by this article, with the exception of reports required under 40 CFR 280.53*, may be submitted in an electronic format, in accordance with [IC 13-14-13](#), as prescribed by the commissioner.

(b) Documents submitted in an electronic format must also be submitted as a paper copy unless the commissioner makes a determination that only an electronic copy is needed.

*This document is incorporated by reference. Copies may be obtained from the Government Publishing Office, www.gpo.gov, or are available for review at the Indiana Department of Environmental Management, Office of Legal Counsel, Indiana Government Center North, 100 North Senate Avenue, Thirteenth Floor, Indianapolis, IN 46204. (Solid Waste Management Division; 329 IAC 9-3-2; filed Aug 30, 2004, 9:35 a.m.: 28 IR 155; filed May 29, 2018, 3:35 p.m.: [20180627-IR-329160204FRA](#); filed Sep 12, 2023, 4:27 p.m.: [20231011-IR-329200025FRA](#))

Rule 3.1. General Operating Requirements (Repealed)

(Repealed by Solid Waste Management Division; filed May 29, 2018, 3:35 p.m.: [20180627-IR-329160204FRA](#))

Rule 4. Releases

329 IAC 9-4-1	Reporting of suspected releases (Repealed)
329 IAC 9-4-2	Investigations due to off-site impacts (Repealed)
329 IAC 9-4-3	Release investigations and confirmation steps (Repealed)
329 IAC 9-4-4	Reporting and cleanup of spills and overfills (Repealed)

329 IAC 9-4-1 Reporting of suspected releases (Repealed)

Sec. 1. (Repealed by Solid Waste Management Division; filed May 29, 2018, 3:35 p.m.: [20180627-IR-329160204FRA](#))

329 IAC 9-4-2 Investigations due to off-site impacts (Repealed)

Sec. 2. (Repealed by Solid Waste Management Division; filed May 29, 2018, 3:35 p.m.: [20180627-IR-329160204FRA](#))

329 IAC 9-4-3 Release investigations and confirmation steps (Repealed)

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Sec. 3. (Repealed by Solid Waste Management Division; filed May 29, 2018, 3:35 p.m.: [20180627-IR-329160204FRA](#))

329 IAC 9-4-4 Reporting and cleanup of spills and overfills (Repealed)

Sec. 4. (Repealed by Solid Waste Management Division; filed Sep 12, 2023, 4:27 p.m.: [20231011-IR-329200025FRA](#))

Rule 4.5. Delivery Prohibition Program

329 IAC 9-4.5-1	Affixing red tags (Repealed)
329 IAC 9-4.5-2	Removing red tags (Repealed)
329 IAC 9-4.5-3	Notice of correction of a failure to comply (Repealed)
329 IAC 9-4.5-4	Applicability
329 IAC 9-4.5-5	Ineligibility
329 IAC 9-4.5-6	Notification
329 IAC 9-4.5-7	Thirty (30) day warning period
329 IAC 9-4.5-8	Delivery prohibition order
329 IAC 9-4.5-9	Reclassification
329 IAC 9-4.5-10	Special circumstances
329 IAC 9-4.5-11	Transfer of ownership

329 IAC 9-4.5-1 Affixing red tags (Repealed)

Sec. 1. (Repealed by Solid Waste Management Division; filed Nov 25, 2014, 3:43 p.m.: [20141224-IR-329130272FRA](#))

329 IAC 9-4.5-2 Removing red tags (Repealed)

Sec. 2. (Repealed by Solid Waste Management Division; filed Nov 25, 2014, 3:43 p.m.: [20141224-IR-329130272FRA](#))

329 IAC 9-4.5-3 Notice of correction of a failure to comply (Repealed)

Sec. 3. (Repealed by Solid Waste Management Division; filed Nov 25, 2014, 3:43 p.m.: [20141224-IR-329130272FRA](#))

329 IAC 9-4.5-4 Applicability

Authority: [IC 13-14-8](#); [IC 13-23-1-2](#)
Affected: [IC 13-23-1-4](#); [IC 13-23-12-1](#)

Sec. 4. This rule applies to owners and operators of a UST determined to be ineligible by the commissioner under [IC 13-23-1-4](#) and this rule. (Solid Waste Management Division; 329 IAC 9-4.5-4; filed Nov 25, 2014, 3:43 p.m.: [20141224-IR-329130272FRA](#))

329 IAC 9-4.5-5 Ineligibility

Authority: [IC 13-14-8](#); [IC 13-23-1](#)
Affected: [IC 13-23-1-4](#); [IC 13-23-12](#)

Sec. 5. The commissioner may determine a UST to be ineligible if one (1) of the following conditions are met:

- (1) An inspection shows the following required equipment is not installed:
 - (A) Corrosion protection.
 - (B) Leak detection.
 - (C) Overfill protection.
 - (D) Spill prevention.
- (2) The owner or operator fails to:

- (A) properly operate or maintain equipment for:
 - (i) corrosion protection;
 - (ii) leak detection;
 - (iii) overfill protection; or
 - (iv) spill prevention;
- (B) register a UST that holds petroleum under 329 IAC 9-2-2; or
- (C) pay annual registration fees due under [IC 13-23-12](#).

(Solid Waste Management Division; 329 IAC 9-4.5-5; filed Nov 25, 2014, 3:43 p.m.: [20141224-IR-329130272FRA](#))

329 IAC 9-4.5-6 Notification

Authority: [IC 13-14-8](#); [IC 13-23-1](#)

Affected: [IC 13-23-1-4](#); [IC 13-23-12-1](#); [IC 13-23-14-4](#)

Sec. 6. (a) Notification to the UST owner or operator of ineligibility shall be provided before delivery prohibition.

(b) Notification shall:

(1) be delivered:

- (A) in person; or
- (B) by certified mail with return receipt;

(2) be delivered to the:

- (A) address of the owner or operator provided to the department on the form required by 329 IAC 9-2-2;
- (B) registered agent if the owner or operator is a business; or
- (C) facility where the UST is located; and

(3) provide:

- (A) identification of the tank that is ineligible;
- (B) a list of the violations that caused ineligibility;
- (C) actions the owner or operator must take for the UST to be reclassified from ineligible to eligible; and
- (D) the date delivery prohibition shall be imposed.

(c) If a UST is determined to be ineligible under section 5(1) of this rule, the commissioner may determine an immediate order of delivery prohibition, described in section 8 of this rule, be issued and a red tag attached to the UST. The delivery prohibition order may serve as notification of ineligibility.

(d) If a UST is determined to be ineligible under section 5(2) of this rule, the commissioner may determine, after providing a thirty (30) day warning period described in section 7 of this rule, to issue a delivery prohibition order. *(Solid Waste Management Division; 329 IAC 9-4.5-6; filed Nov 25, 2014, 3:43 p.m.: [20141224-IR-329130272FRA](#))*

329 IAC 9-4.5-7 Thirty (30) day warning period

Authority: [IC 13-14-8](#); [IC 13-23-1](#)

Affected: [IC 13-23-1-4](#); [IC 13-23-12-1](#)

Sec. 7. (a) The commissioner shall provide for a thirty (30) day warning period for any UST determined to be ineligible under section 5(2) of this rule prior to issuing a delivery prohibition order described under section 8 of this rule.

(b) A UST that is not reclassified as eligible to receive a regulated substance, under section 9 of this rule, within thirty (30) days of receiving a warning under this section may receive a delivery prohibition order under section 8 of this rule. *(Solid Waste Management Division; 329 IAC 9-4.5-7; filed Nov 25, 2014, 3:43 p.m.: [20141224-IR-329130272FRA](#))*

329 IAC 9-4.5-8 Delivery prohibition order

Authority: [IC 13-14-8](#); [IC 13-23-1](#)

Affected: [IC 4-21.5-4](#); [IC 13-23-1-4](#); [IC 13-23-14-4](#)

Sec. 8. (a) After notification of ineligibility under [IC 13-23-1-4](#) and this rule, the commissioner may prohibit delivery. A delivery prohibition order shall be issued in the form of a temporary emergency order, described in [IC 4-21.5-4](#).

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(b) When a UST is under a delivery prohibition order, the owner or operator of the UST must notify any person who has delivered or is scheduled to deliver a regulated substance to the UST of the delivery prohibition.

(c) When the commissioner issues a delivery prohibition order, a red tag shall be attached to the UST.

(d) Unless authorized by the commissioner, a red tag shall not be:

(1) removed;

(2) defaced;

(3) altered; or

(4) otherwise tampered with.

(e) Violators of subsection (d) shall be assessed penalties under [IC 13-23-14-4](#). (*Solid Waste Management Division; 329 IAC 9-4.5-8; filed Nov 25, 2014, 3:43 p.m.: 20141224-IR-329130272FRA*)

329 IAC 9-4.5-9 Reclassification

Authority: [IC 13-14-8](#); [IC 13-23-1](#)

Affected: [IC 13-23-3](#); [IC 13-23-12](#)

Sec. 9. (a) A UST shall be reclassified from ineligible to receive a regulated substance to eligible if the:

(1) owner or operator notifies the department that all corrective actions listed in the notification have been taken; and

(2) department determines that the violations were corrected by:

(A) reviewing and approving the provided documentation; or

(B) reinspecting the UST.

(b) The UST owner or operator must provide applicable documentation to the department as follows to show the violations were corrected:

(1) UST test results performed by a UST tester, who is certified under [IC 13-23-3](#).

(2) Proof of installation of equipment by a UST installer, who is certified under [IC 13-23-3](#).

(3) Proof of payment of UST fees due under [IC 13-23-12](#).

(4) Proof of submission of a complete registration or notification form described in 329 IAC 9-2-2.

(5) Any other documentation the department determines is necessary to show the owner or operator corrected the violations described in the notice of ineligibility.

(c) The commissioner shall issue a written determination of eligibility upon:

(1) review and approval of all required documentation; and

(2) an inspection of the UST, if applicable.

(d) The written determination shall include the following:

(1) Identification of the UST that is reclassified.

(2) A statement that all the violations described in the notification have been corrected and approved.

(3) A statement that the UST is eligible to receive a regulated substance.

(4) Authorization for the owner or operator to remove the identified red tag, if applicable.

(5) Instructions for removing and returning the red tag, if applicable.

(e) The written determination shall be delivered by one (1) of the following:

(1) Facsimile.

(2) Electronic mail.

(3) Certified mail.

(4) Other appropriate means.

(*Solid Waste Management Division; 329 IAC 9-4.5-9; filed Nov 25, 2014, 3:43 p.m.: 20141224-IR-329130272FRA*)

329 IAC 9-4.5-10 Special circumstances

Authority: [IC 13-14-8](#); [IC 13-23-1](#)

Affected: [IC 13-23-1-4](#); [IC 13-23-12-1](#)

Sec. 10. (a) The commissioner may defer a delivery prohibition order to an ineligible UST that holds motor fuel if the prohibition would jeopardize the availability of, or access to, motor fuel in any rural and remote area unless an urgent threat to public

health, as determined by the commissioner, exists.

(b) The commissioner may only defer a delivery prohibition order for up to one hundred eighty (180) days after determining the UST is ineligible.

(c) A UST is in a rural and remote area if there are no other USTs that contain similar motor fuel for sale within thirty (30) miles by road from the ineligible UST. A motor fuel is similar to another motor fuel if it can run the same motor.

(d) The commissioner may allow delivery of a regulated substance to a UST under delivery prohibition if:

(1) a certain volume in the UST is necessary to test or calibrate the system and the delivery is only of the amount necessary to conduct the test or calibration; or

(2) the UST is used to fuel an emergency generator that:

(A) provides a power supply in the event of a commercial power failure;

(B) stores petroleum; and

(C) is used solely in connection with:

(i) an emergency system;

(ii) a legally required standby system; or

(iii) an optional standby system.

(e) If the commissioner determines a UST is subject to the special circumstances described in this section, a written decision shall be provided to the owner or operator following receipt of a request for the finding and evidence sufficient to allow the commissioner to make this determination. (*Solid Waste Management Division; 329 IAC 9-4.5-10; filed Nov 25, 2014, 3:43 p.m.: 20141224-IR-329130272FRA*)

329 IAC 9-4.5-11 Transfer of ownership

Authority: [IC 13-14-8](#); [IC 13-23-1](#); 42 U.S.C. 6991

Affected: [IC 13-23-1-4](#); [IC 13-23-12-1](#)

Sec. 11. (a) If an owner who has received notice of ineligibility under section 6 of this rule transfers ownership of the ineligible UST to a new owner, the transferring owner shall provide notification as follows:

(1) The transferring owner shall notify the department within thirty (30) days of the transfer that a transfer of ownership has occurred. The following information shall be included:

(A) The name of the new owner.

(B) The address of the new owner.

(C) The date of the transfer.

(2) The transferring owner shall notify the new owner that the UST is ineligible.

(b) In accordance with [IC 13-23-1-4\(c\)](#), the new owner must complete the corrective actions required to comply with an order issued by the commissioner to the previous owner. (*Solid Waste Management Division; 329 IAC 9-4.5-11; filed Nov 25, 2014, 3:43 p.m.: 20141224-IR-329130272FRA; errata filed Apr 21, 2015, 11:01 a.m.: 20150506-IR-329150107ACA*)

Rule 5. Initial Response, Site Investigation, and Corrective Action

329 IAC 9-5-1	Applicability for release response and corrective action (Repealed)
329 IAC 9-5-2	Initial response (Repealed)
329 IAC 9-5-3	Initial abatement measures and site check (Repealed)
329 IAC 9-5-3.1	Free product removal (Repealed)
329 IAC 9-5-3.2	Initial abatement measures and site check (Repealed)
329 IAC 9-5-4	Initial site characterization (Repealed)
329 IAC 9-5-4.1	Initial abatement measures and site check (Repealed)
329 IAC 9-5-4.2	Free product removal (Repealed)
329 IAC 9-5-5	Free product removal (Repealed)
329 IAC 9-5-5.1	Initial site characterization (Repealed)
329 IAC 9-5-6	Further site investigations for soil and ground water cleanup (Repealed)
329 IAC 9-5-7	Corrective action plan (Repealed)
329 IAC 9-5-8	Public participation (Repealed)

329 IAC 9-5-1 Applicability for release response and corrective action (Repealed)

Sec. 1. (Repealed by Solid Waste Management Division; filed Sep 12, 2023, 4:27 p.m.: [20231011-IR-329200025FRA](#))

329 IAC 9-5-2 Initial response (Repealed)

Sec. 2. (Repealed by Solid Waste Management Division; filed Sep 12, 2023, 4:27 p.m.: [20231011-IR-329200025FRA](#))

329 IAC 9-5-3 Initial abatement measures and site check (Repealed)

Sec. 3. (Repealed by Solid Waste Management Division; filed Jul 19, 1999, 12:00 p.m.: 22 IR 3761)

329 IAC 9-5-3.1 Free product removal (Repealed)

Sec. 3.1. (Repealed by Solid Waste Management Division; filed Aug 30, 2004, 9:35 a.m.: 28 IR 177)

329 IAC 9-5-3.2 Initial abatement measures and site check (Repealed)

Sec. 3.2. (Repealed by Solid Waste Management Division; filed Sep 12, 2023, 4:27 p.m.: [20231011-IR-329200025FRA](#))

329 IAC 9-5-4 Initial site characterization (Repealed)

Sec. 4. (Repealed by Solid Waste Management Division; filed Jul 19, 1999, 12:00 p.m.: 22 IR 3761)

329 IAC 9-5-4.1 Initial abatement measures and site check (Repealed)

Sec. 4.1. (Repealed by Solid Waste Management Division; filed Aug 30, 2004, 9:35 a.m.: 28 IR 177)

329 IAC 9-5-4.2 Free product removal (Repealed)

Sec. 4.2. (Repealed by Solid Waste Management Division; filed Sep 12, 2023, 4:27 p.m.: [20231011-IR-329200025FRA](#))

329 IAC 9-5-5 Free product removal (Repealed)

Sec. 5. (Repealed by Solid Waste Management Division; filed Jul 19, 1999, 12:00 p.m.: 22 IR 3761)

329 IAC 9-5-5.1 Initial site characterization (Repealed)

Sec. 5.1. (Repealed by Solid Waste Management Division; filed Sep 12, 2023, 4:27 p.m.: [20231011-IR-329200025FRA](#))

329 IAC 9-5-6 Further site investigations for soil and ground water cleanup (Repealed)

Sec. 6. (Repealed by Solid Waste Management Division; filed Sep 12, 2023, 4:27 p.m.: [20231011-IR-329200025FRA](#))

329 IAC 9-5-7 Corrective action plan (Repealed)

Sec. 7. (Repealed by Solid Waste Management Division; filed Sep 12, 2023, 4:27 p.m.: [20231011-IR-329200025FRA](#))

329 IAC 9-5-8 Public participation (Repealed)

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Sec. 8. (Repealed by Solid Waste Management Division; filed Sep 12, 2023, 4:27 p.m.: [20231011-IR-329200025FRA](#))

Rule 6. Closure

329 IAC 9-6-1	Applicability (Repealed)
329 IAC 9-6-2	Assessing the site at closure or change-in-service (Repealed)
329 IAC 9-6-2.1	Permanent closure and change-in-service
329 IAC 9-6-2.5	Site assessment for permanent closure or change-in-service
329 IAC 9-6-2.6	Site assessment sampling requirements
329 IAC 9-6-3	Applicability to previously closed UST systems
329 IAC 9-6-4	Closure records
329 IAC 9-6-5	Temporary closure (Repealed)

329 IAC 9-6-1 Applicability (Repealed)

Sec. 1. (Repealed by Solid Waste Management Division; filed May 29, 2018, 3:35 p.m.: [20180627-IR-329160204FRA](#))

329 IAC 9-6-2 Assessing the site at closure or change-in-service (Repealed)

Sec. 2. (Repealed by Solid Waste Management Division; filed Aug 30, 2004, 9:35 a.m.: 28 IR 177)

329 IAC 9-6-2.1 Permanent closure and change-in-service

Authority: [IC 13-14-8](#); [IC 13-23-1](#)

Affected: [IC 13-12-3-2](#); [IC 13-23](#)

Sec. 2.1. (a) At least thirty (30) days before beginning permanent closure or a change-in-service, the owner or operator shall notify the department and the office of the state fire marshal of the permanent closure or change-in-service using the form described in 329 IAC 9-2-2(f). If the permanent closure or change-in-service is a part of the response to corrective action, then the notification requirements of 40 CFR 280, Subpart F* apply.

(b) All tanks permanently closed must be removed from the ground or closed in place and the owner or operator must conduct a site assessment in accordance with section 2.5 of this rule.

(c) Continued use of a UST to store a nonregulated substance is considered a change-in-service. Before a change-in-service, the owner and operator must empty and clean the tank by removing all liquid and accumulated sludge and conduct a site assessment in accordance with section 2.5 of this rule.

*This document is incorporated by reference. Copies may be obtained from the Government Publishing Office, www.gpo.gov, or are available for review at the Indiana Department of Environmental Management, Office of Legal Counsel, Indiana Government Center North, 100 North Senate Avenue, Thirteenth Floor, Indianapolis, IN 46204. (Solid Waste Management Division; 329 IAC 9-6-2.1; filed May 29, 2018, 3:35 p.m.: [20180627-IR-329160204FRA](#); errata filed May 31, 2018, 9:55 a.m.: [20180627-IR-329160204ACA](#); filed Sep 12, 2023, 4:27 p.m.: [20231011-IR-329200025FRA](#))

329 IAC 9-6-2.5 Site assessment for permanent closure or change-in-service

Authority: [IC 13-14-8](#); [IC 13-23-1](#)

Affected: [IC 13-12-3-2](#); [IC 13-23](#)

Sec. 2.5. (a) A site assessment for a UST system undergoing permanent closure or a change-in-service must be provided by the UST owner or operator to the department not later than thirty (30) days after completion of permanent closure or change-in-service.

(b) The site assessment must include the following information and be conducted as follows:

(1) Sampling and laboratory analysis, with the associated detection limits, for soil samples and ground water samples are required for the chemical of concern in the UST system. The quantity and location of soil and ground water samples must be taken as follows:

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- (A) Quantity and location of soil samples for permanent closure and change-in-service as follows:
 - (i) In-place closure soil samples must be taken as described in section 2.6(a) of this rule.
 - (ii) Removal closure soil samples must be taken as described in section 2.6(b) of this rule.
 - (iii) Change-in-service soil samples must be taken as described in section 2.6(c) of this rule.
- (B) Quantity and location of ground water samples for each permanent closure and change-in-service must be taken as described in section 2.6(d) of this rule.
- (2) The owner or operator of the UST system shall supply the following information:
 - (A) The UST system facility owner or operator name, owner identification number issued by the department, address, and phone number.
 - (B) The name of the UST system facility contact person, owner or operator affiliation, and phone number.
 - (C) A list of all owners or operators of the UST during the last twenty-five (25) years.
- (3) For the UST closure contractor, the following information:
 - (A) UST closure contractor name, company name, and address.
 - (B) The name of the person onsite during closure that is certified by the office of the state fire marshal to perform UST closure and that person's certification number.
- (4) For the UST site, information regarding the following:
 - (A) Facility name, facility identification number as issued by the department, address, and phone number.
 - (B) Type of facility, past and current operation.
 - (C) Coverage, stating if coverage is turf, concrete, asphalt, or other.
 - (D) History of any spill reports listed by incident number.
 - (E) Site proximity to both human and environmentally sensitive areas, such as residences, schools, wells, well fields, or wellhead protection areas described in 327 IAC 8-4.1.
 - (F) Backfill and site natural soil texture.
- (5) A site-specific map or maps with illustrated legends and compass directions, and at appropriate scale to show site details, described as follows:
 - (A) Drainage features, surface slope, or surface water run-off direction.
 - (B) Identified aboveground features, such as buildings, roadways, manways, pump islands, and utility and property lines.
 - (C) Identified subsurface features, such as tanks and excavation pit, piping, and utility conduits.
 - (D) Locations where samples were taken, soil borings made, and monitoring wells drilled.
 - (E) Location of active and previously closed tanks, as applicable.
 - (F) Site surroundings, such as adjacent buildings, businesses, or human and environmentally sensitive areas, such as residences, schools, wells, well fields, or wellhead protection areas delineated in 327 IAC 8-4.1.
- (6) Information for the UST being closed as follows:
 - (A) The number and volume of tanks.
 - (B) Past and present contents of the tank.
 - (C) Construction material of the tank.
 - (D) Construction and material of piping.
 - (E) Age and installation date of the tank.
 - (F) Leak detection methods used.
 - (G) Records of the most current tank tightness test results.
 - (H) Records of any other current leak detection method results, including the inventory records, ground water, or vapor monitoring results.
 - (I) Information on any previously closed UST system, such as the date closed and the number, size, and product stored.
- (7) Physical and chemical results of the samples taken under subdivision (1) as follows:
 - (A) Data from analysis of soil samples presented in a tabular format.
 - (B) Data from analysis of water samples presented in a tabular format.
 - (C) A signed laboratory certificate of analysis listing analysis method, preparation method, date of sample receipt, and date of analysis.

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- (D) Proper sample identification numbers for cross-reference to UST site maps.
- (E) Chain of custody documentation.
- (F) Description of the sampling procedures, sampling equipment, and decontamination procedures.
- (G) Data from analyses of used oil sampling, as applicable.
- (8) Miscellaneous closure documentation as follows:
 - (A) Contaminated soil and contaminated water disposal documentation.
 - (B) Remaining product and sludge disposal documentation.
 - (C) Tank and piping disposal documentation.
- (c) If one (1) or more additional tanks are discovered during a closure, the owner and operator shall:
 - (1) close each additional tank under this rule; and
 - (2) supply all known information specified in subsection (b) on each additional tank in the site assessment.
- (d) If, at any time during the site assessment, a release is either suspected or confirmed in the backfill, native soil, or ground water, the owner or operator shall:
 - (1) contact the department to report the suspected or confirmed release within twenty-four (24) hours after the release is suspected or confirmed; and
 - (2) proceed with corrective action under 40 CFR 280, Subpart F*.
- (e) The permanent closure or change-in-service is not considered complete until all permanent closure or change-in-service requirements and site assessment requirements are met.
- (f) If the site assessment is incomplete, the owner or operator shall be notified by the commissioner and shall have forty-five (45) days from receipt of the notice to complete the site assessment.
- (g) If the UST contains hazardous substances, the owner and operator shall perform sampling and analyses for the chemical of concern.

*This document is incorporated by reference. Copies may be obtained from the Government Publishing Office, www.gpo.gov, or are available for review at the Indiana Department of Environmental Management, Office of Legal Counsel, Indiana Government Center North, 100 North Senate Avenue, Thirteenth Floor, Indianapolis, IN 46204. (*Solid Waste Management Division*; 329 IAC 9-6-2.5; filed Aug 30, 2004, 9:35 a.m.: 28 IR 168; filed May 29, 2018, 3:35 p.m.: [20180627-IR-329160204FRA](#); filed Sep 12, 2023, 4:27 p.m.: [20231011-IR-329200025FRA](#))

329 IAC 9-6-2.6 Site assessment sampling requirements

Authority: [IC 13-14-8](#); [IC 13-23-1](#)

Affected: [IC 13-12-3-2](#)

Sec. 2.6. (a) Soil sampling for an in-place closure must be conducted as follows:

- (1) To request conditional approval for in-place closure, the owner and operator shall submit a site plan with an accompanying map showing proposed boring locations to the department and to the office of the state fire marshal, using the form described in 329 IAC 9-2-2(f) as follows:
 - (A) The map must be to scale and include the entire site.
 - (B) An additional map showing only the underground storage area must be included for sites larger than one (1) acre.
 - (C) The proposed boring locations must be as follows:
 - (i) One (1) boring every twenty (20) feet around the tank area, with a minimum of four (4) borings.
 - (ii) Each boring must be within three (3) feet adjacent to the UST.
- (2) The commissioner may grant conditional approval to proceed with in-place closure of the UST system based on the following:
 - (A) The location of the borings identified under subdivision (1).
 - (B) Approval from the office of the state fire marshal.
- (3) After approval is received under subdivision (2), the owner and operator may proceed with soil borings that must meet the following requirements:
 - (A) Soil sampling must be performed continuously using a sampling device relevant to the drilling technology used.
 - (B) Borings must extend two (2) feet or greater below the elevation of the base of the UST.
 - (C) If the boring depth is fifteen (15) feet or less, a minimum of two (2) soil samples are required at the point where

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- a contaminant is detected, one (1) each from the:
- (i) midpoint of the boring; and
 - (ii) bottom of the boring.
- (D) If the boring depth is greater than fifteen (15) feet, a minimum of three (3) soil samples are required as follows:
- (i) The most shallow soil sample must be taken one (1) foot or greater below grade.
 - (ii) Samples must be taken where the release is suspected or detected.
- (b) Soil sampling for removal closure must be conducted as follows:
- (1) Native soil samples must be taken from the following areas:
- (A) Tank cavity excavation.
 - (B) Piping trenches.
 - (C) Dispensing unit areas.
 - (D) Remote fill pipe trenches.
- (2) Each UST excavation must be sampled separately. Composite samples are not acceptable for removal closure. The samples must meet the following requirements:
- (A) All samples must be discrete grab samples taken directly from the undisturbed native soil from the base and sidewalls of the excavation. Excavated materials must be staged in a separate area. The following requirements apply to samples:
 - (i) Bottom samples must meet the following requirements:
 - (AA) Soil sampling must consist of a minimum of two (2) soil samples taken within two (2) feet below both ends of each UST.
 - (BB) If the UST capacity is greater than ten thousand (10,000) gallons, one (1) additional sample must be taken within two (2) feet below the middle of the UST.
 - (ii) Sidewall samples must meet the following requirements:
 - (AA) The sidewalls must be sampled and analyzed at a rate of one (1) sample every twenty (20) feet of perimeter distance around the excavation zone.
 - (BB) If the perimeter dimension measures less than eighty (80) feet, a minimum of one (1) sample for each sidewall must be taken.
 - (CC) Sidewall samples must be taken at a point half the distance from the surface to the bottom of the UST excavation.
 - (B) Samples must be discrete grab samples taken directly from the excavated materials.
 - (C) Sampling of the excavated soil must occur for every fifty (50) cubic yards of material.
- (3) Native soil under piping and dispenser islands that routinely contained regulated substances must be sampled. All samples must be discrete grab samples. The following requirements apply to the number and location of sampling for piping and dispensers:
- (A) Soil sampling from under the piping must be completed as follows:
 - (i) The soil must be sampled every twenty (20) feet, or fraction thereof, along the piping run. If the piping run is less than twenty (20) feet in length, one (1) sample must be taken at half the distance between the UST excavation and the pump or dispenser island.
 - (ii) Soil must be sampled from under the piping elbows and connectors.
 - (B) Soils under the dispenser islands must be sampled and analyzed at a rate of one (1) soil sample per dispenser.
 - (C) If the UST system has a remote fill line, the following soil samples must be collected:
 - (i) Soils under the remote fill line must be sampled and analyzed at the origin or fill area and every twenty (20) feet, or fraction thereof, from the fill area to the UST connection.
 - (ii) If the remote fill line is less than twenty (20) feet, one (1) soil sample must be taken half the distance between the fill area and the UST.
 - (D) Composite samples are not acceptable for permanent closure.
- (4) Soil sampling under the piping and product dispenser islands is not required if all dispensers and piping that routinely contain product are located directly above the UST system that is being permanently closed by removal and the location is documented.
- (5) During removal closure, native soil and backfill that is to be returned to the UST excavation must be sampled. The

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sampling must meet the following requirements:

- (A) The exposure criteria in accordance with [IC 13-12-3-2](#).
 - (B) One (1) discrete grab sample must be taken for every fifty (50) cubic yards of native soil or backfill.
- (c) Soil samples for a change-in-service must be taken as follows:
- (1) Soil sampling must be performed continuously using a sampling device relevant to the drilling technology and used every twenty (20) feet around the tank area, with a minimum of four (4) borings as follows:
 - (A) Each soil boring must:
 - (i) be within three (3) feet of the UST; and
 - (ii) extend two (2) feet or greater below the elevation of the base of the UST.
 - (B) If the soil boring depth is fifteen (15) feet or less:
 - (i) two (2) soil samples must be taken where a contaminant is detected;
 - (ii) one (1) soil sample must be taken at the midpoint of the soil boring; and
 - (iii) one (1) soil sample must be taken at the bottom of the soil boring.
 - (C) If the soil boring depth is greater than fifteen (15) feet, three (3) soil samples are required as follows:
 - (i) Samples must be collected where the release is suspected or detected.
 - (ii) One (1) soil sample must be taken one (1) foot or greater below grade and must be the most shallow sample taken.
 - (2) Piping and dispenser sampling and analysis must be completed in accordance with subsection (b)(3) and (b)(4).
- (d) Water samples for a permanent closure or change-in-service must be collected as follows:
- (1) For a permanent closure or change-in-service, a ground water sample must be collected within an area where a suspected contaminant release has occurred, or where a chemical of concern release has been substantiated through one (1) of the following:
 - (A) Visual staining of the soil or water.
 - (B) Field screening with one (1) of the following:
 - (i) Flame ionization detector.
 - (ii) Photo ionization detector.
 - (iii) Field gas chromatograph.
 - (C) Petroleum odors.
 - (D) Laboratory analytical results.
 - (2) For an in-place closure or change-in-service, borings and water sampling are to be made as follows:
 - (A) One (1) boring must be placed in each of the four (4) principal directions within ten (10) feet of the area most likely to have contaminated ground water.
 - (B) Each boring must extend to the first saturated ground water zone or to a total depth of thirty (30) feet below grade at the area of suspected or confirmed release. A water sample must be collected from each boring if ground water is present within a depth of thirty (30) feet or less.
 - (C) If ground water is not encountered within a depth of thirty (30) feet, an additional soil sample must be obtained at the base of the boring or a minimum depth of thirty (30) feet.
 - (3) For removal closure, water sampling must be conducted as follows:
 - (A) If water is encountered in an excavation, a minimum of one (1) water sample must be collected from the water encountered.
 - (B) The ground water sample collected in subdivision (1) must be collected from a continuously sampled boring that extends to the first saturated ground water zone or to a total depth of thirty (30) feet below grade at the area of suspected or confirmed release.
 - (C) If ground water is not encountered within a depth of thirty (30) feet, a soil sample must be obtained at the base of the boring.
 - (4) If bedrock is encountered in a boring before a depth of thirty (30) feet is reached, and a saturated ground water zone is not encountered in the boring, an owner or operator may contact the department for approval of alternative sampling or waiver of ground water sampling requirements. The department may approve a waiver of ground water sampling within the bedrock if the owner or operator can demonstrate the following:
 - (A) A soil zone at least ten (10) feet thick existing immediately above the bedrock does not have a contaminant.

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- (B) A soil sample collected immediately above the bedrock does not have a contaminant.
- (e) The following conditions apply to a waiver of sampling:
 - (1) The commissioner may waive sampling under any of the following conditions:
 - (A) A leaking underground storage tank incident number is assigned and the following requirements are completed:
 - (i) Permanent closure is conducted in response to a confirmed release at the site.
 - (ii) The confirmed release occurred before the request for permanent closure.
 - (B) The initial site characterization meets the requirements of 40 CFR 280.63*.
 - (C) The corrective action plan meets the requirements of 40 CFR 280.66*.
 - (D) Bedrock was encountered during the boring as described in subsection (d)(4).
 - (2) Sites that have previous releases and are not under remediation at the time of permanent closure are not eligible for a sampling waiver.
 - (3) In-place closure sampling requirements may not be waived.

*These documents are incorporated by reference. Copies may be obtained from the Government Publishing Office, www.gpo.gov, or are available for review at the Indiana Department of Environmental Management, Office of Legal Counsel, Indiana Government Center North, 100 North Senate Avenue, Thirteenth Floor, Indianapolis, IN 46204. (*Solid Waste Management Division; 329 IAC 9-6-2.6; filed May 29, 2018, 3:35 p.m.: [20180627-IR-329160204FRA](#); filed Sep 12, 2023, 4:27 p.m.: [20231011-IR-329200025FRA](#)*)

329 IAC 9-6-3 Applicability to previously closed UST systems

Authority: [IC 13-14-8-1](#); [IC 13-14-8-2](#); [IC 13-23-1-1](#); [IC 13-23-1-2](#)
Affected: [IC 13-23](#)

Sec. 3. When directed by the commissioner, the owner and operator of an UST system permanently closed before December 22, 1988, shall assess the excavation zone and close the UST system in accordance with this rule, and the closure must be performed by a person certified under the rules of the fire prevention and building safety commission at 675 IAC 12-12, if releases from the underground storage tank may, in the judgment of the commissioner, pose a current or potential threat to human health and the environment. (*Solid Waste Management Division; 329 IAC 9-6-3; filed Dec 1, 1992, 5:00 p.m.: 16 IR 1074; filed Jul 19, 1999, 12:00 p.m.: 22 IR 3722; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; filed Aug 30, 2004, 9:35 a.m.: 28 IR 172*)

329 IAC 9-6-4 Closure records

Authority: [IC 13-14-8](#); [IC 13-23-1](#)
Affected: [IC 13-23](#)

Sec. 4. The owner and operator shall maintain records in accordance with 40 CFR 280.34* and this article that are capable of demonstrating compliance with closure requirements under this rule. The results of the site assessment required in section 2.5 of this rule must be submitted to the department within thirty (30) days after completion of closure or change-in-service of the UST system. Results of the site assessment must be maintained for at least three (3) years after completion of closure or change-in-service in one (1) of the following ways:

- (1) By the owner and operator who took the UST system out of service.
- (2) By the current owner and operator of the UST system site.
- (3) By mailing these records to the department, if the records cannot be maintained at the closed facility.

*This document is incorporated by reference. Copies may be obtained from the Government Publishing Office, www.gpo.gov, or are available for review at the Indiana Department of Environmental Management, Office of Legal Counsel, Indiana Government Center North, 100 North Senate Avenue, Thirteenth Floor, Indianapolis, IN 46204. (*Solid Waste Management Division; 329 IAC 9-6-4; filed Dec 1, 1992, 5:00 p.m.: 16 IR 1074; filed Jul 19, 1999, 12:00 p.m.: 22 IR 3722; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; filed Aug 30, 2004, 9:35 a.m.: 28 IR 173; errata filed Dec 2, 2004, 2:50 p.m.: 28 IR 1184; filed May 29, 2018, 3:35 p.m.: [20180627-IR-329160204FRA](#)*)

329 IAC 9-6-5 Temporary closure (*Repealed*)

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Sec. 5. *(Repealed by Solid Waste Management Division; filed Sep 12, 2023, 4:27 p.m.: [20231011-IR-329200025FRA](#))*

Rule 7. Release Detection

329 IAC 9-7-1	General requirements for all UST systems (Repealed)
329 IAC 9-7-2	Requirements for petroleum UST systems (Repealed)
329 IAC 9-7-3	Requirements for hazardous substance UST systems (Repealed)
329 IAC 9-7-4	Methods of release detection for tanks (Repealed)
329 IAC 9-7-5	Methods of release detection for piping (Repealed)
329 IAC 9-7-6	Release detection record keeping (Repealed)
329 IAC 9-7-7	Release detection certification of compliance (Repealed)

329 IAC 9-7-1 General requirements for all UST systems *(Repealed)*

Sec. 1. *(Repealed by Solid Waste Management Division; filed May 29, 2018, 3:35 p.m.: [20180627-IR-329160204FRA](#))*

329 IAC 9-7-2 Requirements for petroleum UST systems *(Repealed)*

Sec. 2. *(Repealed by Solid Waste Management Division; filed May 29, 2018, 3:35 p.m.: [20180627-IR-329160204FRA](#))*

329 IAC 9-7-3 Requirements for hazardous substance UST systems *(Repealed)*

Sec. 3. *(Repealed by Solid Waste Management Division; filed May 29, 2018, 3:35 p.m.: [20180627-IR-329160204FRA](#))*

329 IAC 9-7-4 Methods of release detection for tanks *(Repealed)*

Sec. 4. *(Repealed by Solid Waste Management Division; filed May 29, 2018, 3:35 p.m.: [20180627-IR-329160204FRA](#))*

329 IAC 9-7-5 Methods of release detection for piping *(Repealed)*

Sec. 5. *(Repealed by Solid Waste Management Division; filed May 29, 2018, 3:35 p.m.: [20180627-IR-329160204FRA](#))*

329 IAC 9-7-6 Release detection record keeping *(Repealed)*

Sec. 6. *(Repealed by Solid Waste Management Division; filed Aug 30, 2004, 9:35 a.m.: 28 IR 177)*

329 IAC 9-7-7 Release detection certification of compliance *(Repealed)*

Sec. 7. *(Repealed by Solid Waste Management Division; filed May 29, 2018, 3:35 p.m.: [20180627-IR-329160204FRA](#))*

Rule 8. Financial Responsibility

329 IAC 9-8-1	Applicability (Repealed)
329 IAC 9-8-2	Compliance dates (Repealed)
329 IAC 9-8-3	Definitions (Repealed)
329 IAC 9-8-4	Amount and scope of required financial responsibility (Repealed)
329 IAC 9-8-5	Allowable mechanisms and combinations of mechanisms (Repealed)
329 IAC 9-8-6	Financial test of self-insurance (Repealed)
329 IAC 9-8-7	Guarantee (Repealed)
329 IAC 9-8-8	Insurance and risk retention group coverage (Repealed)
329 IAC 9-8-9	Surety bond (Repealed)
329 IAC 9-8-10	Letter of credit (Repealed)

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329 IAC 9-8-11	Excess liability trust fund
329 IAC 9-8-12	Trust fund (Repealed)
329 IAC 9-8-13	Standby trust fund (Repealed)
329 IAC 9-8-14	Local government bond rating test (Repealed)
329 IAC 9-8-15	Local government financial test (Repealed)
329 IAC 9-8-16	Local government guarantee (Repealed)
329 IAC 9-8-17	Local government fund (Repealed)
329 IAC 9-8-18	Substitution of financial assurance mechanisms by owner or operator (Repealed)
329 IAC 9-8-19	Cancellation or nonrenewal by a provider of financial assurance (Repealed)
329 IAC 9-8-20	Reporting by owner or operator (Repealed)
329 IAC 9-8-21	Record keeping (Repealed)
329 IAC 9-8-22	Drawing on financial assurance mechanisms (Repealed)
329 IAC 9-8-23	Release from the requirements (Repealed)
329 IAC 9-8-24	Bankruptcy or other incapacity of owner or operator or provider of financial assurance (Repealed)
329 IAC 9-8-25	Replenishment of guarantees, letters of credit, surety bonds, or certificates of deposit

329 IAC 9-8-1 Applicability (Repealed)

Sec. 1. (Repealed by Solid Waste Management Division; filed Sep 12, 2023, 4:27 p.m.: [20231011-IR-329200025FRA](#))

329 IAC 9-8-2 Compliance dates (Repealed)

Sec. 2. (Repealed by Solid Waste Management Division; filed Mar 18, 2019, 2:41 p.m.: [20190417-IR-329180281FRA](#))

329 IAC 9-8-3 Definitions (Repealed)

Sec. 3. (Repealed by Solid Waste Management Division; filed Sep 12, 2023, 4:27 p.m.: [20231011-IR-329200025FRA](#))

329 IAC 9-8-4 Amount and scope of required financial responsibility (Repealed)

Sec. 4. (Repealed by Solid Waste Management Division; filed Sep 12, 2023, 4:27 p.m.: [20231011-IR-329200025FRA](#))

329 IAC 9-8-5 Allowable mechanisms and combinations of mechanisms (Repealed)

Sec. 5. (Repealed by Solid Waste Management Division; filed Sep 12, 2023, 4:27 p.m.: [20231011-IR-329200025FRA](#))

329 IAC 9-8-6 Financial test of self-insurance (Repealed)

Sec. 6. (Repealed by Solid Waste Management Division; filed Sep 12, 2023, 4:27 p.m.: [20231011-IR-329200025FRA](#))

329 IAC 9-8-7 Guarantee (Repealed)

Sec. 7. (Repealed by Solid Waste Management Division; filed Sep 12, 2023, 4:27 p.m.: [20231011-IR-329200025FRA](#))

329 IAC 9-8-8 Insurance and risk retention group coverage (Repealed)

Sec. 8. (Repealed by Solid Waste Management Division; filed Sep 12, 2023, 4:27 p.m.: [20231011-IR-329200025FRA](#))

329 IAC 9-8-9 Surety bond (Repealed)

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Sec. 9. *(Repealed by Solid Waste Management Division; filed Sep 12, 2023, 4:27 p.m.: [20231011-IR-329200025FRA](#))*

329 IAC 9-8-10 Letter of credit *(Repealed)*

Sec. 10. *(Repealed by Solid Waste Management Division; filed Sep 12, 2023, 4:27 p.m.: [20231011-IR-329200025FRA](#))*

329 IAC 9-8-11 Excess liability trust fund

Authority: [IC 13-14-8](#); [IC 13-23-1](#)

Affected: [IC 13-23-4-1](#); [IC 13-23-4-2](#); [IC 13-23-9-1.3](#)

Sec. 11. (a) An owner or operator may satisfy the financial responsibility requirements of 40 CFR 280.93* by participation in the excess liability trust fund under 328 IAC 1. Reimbursement from the fund is determined by compliance with 328 IAC 1.

(b) An owner or operator of:

(1) twelve (12) or fewer USTs shall demonstrate the ability to pay the applicable deductible amount under [IC 13-23-9-1.3](#);

or

(2) more than twelve (12) USTs shall demonstrate the ability to pay two (2) times the applicable deductible amount under [IC 13-23-9-1.3](#).

(c) The owner or operator shall demonstrate the ability to pay the applicable amount under subsection (b) with a written and signed certification worded exactly as follows, except that instructions in brackets are to be replaced with the relevant information and the brackets deleted:

"I certify that I own or operate, or that I am an authorized representative of the business entity that owns or operates, [insert number] underground storage tanks at the facility with facility identification (FID) number [insert FID number assigned by the Indiana Department of Environmental Management] located at [insert facility address]. I further certify that I have, or the business entity I represent has, the ability to pay the deductible or twice the deductible as applicable and required by [IC 13-23-9-1.3](#) and 329 IAC 9-8-11(b). I further certify that the mechanism used to satisfy such deductible amount consists of the following: [insert mechanism description]".

(d) The department shall issue a certificate of financial assurance to each eligible tank owner or operator describing the nature of the state's assumption of responsibility. The certificate of financial assurance must contain the following information:

(1) Facility name and address.

(2) Facility identification number issued by the department.

(3) Amount of funds for corrective action and compensating third parties that is assured by the fund.

(e) The owner or operator must maintain the certificate of financial assurance described in subsection (d) on file as proof of financial responsibility in accordance with 40 CFR 280.111*.

*These documents are incorporated by reference. Copies may be obtained from the Government Publishing Office, www.gpo.gov, or are available for review at the Indiana Department of Environmental Management, Office of Legal Counsel, Indiana Government Center North, 100 North Senate Avenue, Thirteenth Floor, Indianapolis, IN 46204. *(Solid Waste Management Division; 329 IAC 9-8-11; filed Jul 19, 1999, 12:00 p.m.: 22 IR 3741; errata filed Sep 10, 1999, 9:08 a.m.: 23 IR 26; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; errata filed Feb 19, 2018, 10:06 a.m.: [20180228-IR-329180109ACA](#); filed May 29, 2018, 3:35 p.m.: [20180627-IR-329160204FRA](#); filed Sep 12, 2023, 4:27 p.m.: [20231011-IR-329200025FRA](#))*

329 IAC 9-8-12 Trust fund *(Repealed)*

Sec. 12. *(Repealed by Solid Waste Management Division; filed Sep 12, 2023, 4:27 p.m.: [20231011-IR-329200025FRA](#))*

329 IAC 9-8-13 Standby trust fund *(Repealed)*

Sec. 13. *(Repealed by Solid Waste Management Division; filed Sep 12, 2023, 4:27 p.m.: [20231011-IR-329200025FRA](#))*

329 IAC 9-8-14 Local government bond rating test *(Repealed)*

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Sec. 14. *(Repealed by Solid Waste Management Division; filed Sep 12, 2023, 4:27 p.m.: [20231011-IR-329200025FRA](#))*

329 IAC 9-8-15 Local government financial test *(Repealed)*

Sec. 15. *(Repealed by Solid Waste Management Division; filed Sep 12, 2023, 4:27 p.m.: [20231011-IR-329200025FRA](#))*

329 IAC 9-8-16 Local government guarantee *(Repealed)*

Sec. 16. *(Repealed by Solid Waste Management Division; filed Sep 12, 2023, 4:27 p.m.: [20231011-IR-329200025FRA](#))*

329 IAC 9-8-17 Local government fund *(Repealed)*

Sec. 17. *(Repealed by Solid Waste Management Division; filed Sep 12, 2023, 4:27 p.m.: [20231011-IR-329200025FRA](#))*

329 IAC 9-8-18 Substitution of financial assurance mechanisms by owner or operator *(Repealed)*

Sec. 18. *(Repealed by Solid Waste Management Division; filed Sep 12, 2023, 4:27 p.m.: [20231011-IR-329200025FRA](#))*

329 IAC 9-8-19 Cancellation or nonrenewal by a provider of financial assurance *(Repealed)*

Sec. 19. *(Repealed by Solid Waste Management Division; filed Sep 12, 2023, 4:27 p.m.: [20231011-IR-329200025FRA](#))*

329 IAC 9-8-20 Reporting by owner or operator *(Repealed)*

Sec. 20. *(Repealed by Solid Waste Management Division; filed Sep 12, 2023, 4:27 p.m.: [20231011-IR-329200025FRA](#))*

329 IAC 9-8-21 Record keeping *(Repealed)*

Sec. 21. *(Repealed by Solid Waste Management Division; filed Sep 12, 2023, 4:27 p.m.: [20231011-IR-329200025FRA](#))*

329 IAC 9-8-22 Drawing on financial assurance mechanisms *(Repealed)*

Sec. 22. *(Repealed by Solid Waste Management Division; filed Sep 12, 2023, 4:27 p.m.: [20231011-IR-329200025FRA](#))*

329 IAC 9-8-23 Release from the requirements *(Repealed)*

Sec. 23. *(Repealed by Solid Waste Management Division; filed Sep 12, 2023, 4:27 p.m.: [20231011-IR-329200025FRA](#))*

329 IAC 9-8-24 Bankruptcy or other incapacity of owner or operator or provider of financial assurance *(Repealed)*

Sec. 24. *(Repealed by Solid Waste Management Division; filed Sep 12, 2023, 4:27 p.m.: [20231011-IR-329200025FRA](#))*

329 IAC 9-8-25 Replenishment of guarantees, letters of credit, surety bonds, or certificates of deposit

Authority: [IC 13-14-8-1](#); [IC 13-14-8-2](#); [IC 13-23-1-1](#); [IC 13-23-1-2](#)

Affected: [IC 13-23-4-1](#); [IC 13-23-4-2](#)

Sec. 25. (a) If at any time after a standby trust is funded, upon the instruction of the commissioner, with funds drawn from a guarantee, local government guarantee with standby trust, letter of credit, surety bond, or certificate of deposit, and the amount in the standby trust is reduced below the full amount of coverage required, the owner or operator shall, by the anniversary date of the financial mechanism from which the funds were drawn or within one hundred twenty (120) days after the reduction has occurred, whichever is sooner:

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- (1) replenish the value of financial assurance to equal the full amount of coverage required; or
- (2) acquire another financial assurance mechanism for the amount by which funds in the standby trust have been reduced.

(b) As used in this section, "full amount of coverage required" means the amount of coverage to be provided by section 4 of this rule. If a combination of mechanisms is used to provide the assurance funds that are drawn upon, replenishment must occur by the earliest anniversary date among the mechanisms or within one hundred twenty (120) days after the reduction has occurred, whichever is sooner. *(Solid Waste Management Division; 329 IAC 9-8-25; filed Jul 19, 1999, 12:00 p.m.: 22 IR 3760; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535)*

Rule 9. Underground Storage Tank Operator Training and Certification *(Repealed)*

(Repealed by Solid Waste Management Division; filed May 29, 2018, 3:35 p.m.: [20180627-IR-329160204FRA](#))

Rule 10. Underground Storage Tank Certification Program

329 IAC 9-10-1	Authority; definitions
329 IAC 9-10-2	Purpose
329 IAC 9-10-3	Application for certification
329 IAC 9-10-3.1	Certification examination
329 IAC 9-10-4	Issuance of certificate
329 IAC 9-10-5	Orders; sanctions; appeals
329 IAC 9-10-6	Performance bond
329 IAC 9-10-7	Display of certificate

329 IAC 9-10-1 Authority; definitions

Authority: [IC 13-23-3-1](#); [IC 13-23-3-2](#); [IC 13-23-3-3](#); [IC 13-23-3-4](#)
Affected: [IC 13-11-2-241](#); [IC 13-23-3](#)

Sec. 1. (a) This section is adopted in accordance with [IC 13-23-3-1](#) through [IC 13-23-3-4](#).

(b) The following definitions apply throughout this rule:

- (1) "Examination" means a written set of questions approved by the division.
- (2) "Decommissioning" means the removal or closure of an underground storage tank.
- (3) "Owner" has the meaning set forth in 675 IAC 22.
- (4) "Performance bond" means a document that establishes a guaranty obligation in a stated dollar amount to pay the costs of the:

- (A) installation;
- (B) retrofitting;
- (C) testing;
- (D) cathodic protection; or
- (E) decommissioning;

of one (1) or more underground storage tanks.

(5) "Person" has the meaning set forth in 675 IAC 22.

(6) "Underground storage tank" has the meaning set forth in [IC 13-11-2-241](#).

(Solid Waste Management Division; 329 IAC 9-10-1; filed Sep 13, 1990, 4:00 p.m.: 14 IR 286; filed Jan 24, 1992, 11:45 a.m.: 15 IR 1006; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2111; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530; filed Aug 30, 2006, 2:25 p.m.: [20060927-IR-675050108FRA](#); readopted filed Aug 8, 2012, 8:08 a.m.: [20120905-IR-675120260RFA](#); readopted filed Jul 3, 2018, 2:22 p.m.: [20180801-IR-675180204RFA](#)) NOTE: Transferred from the Fire Prevention and Building Safety Commission (675 IAC 12-12) to the Solid Waste Management Division (329 IAC 9-10-1) by P.L.176-2023 SECTION 75, effective July 1, 2023.

329 IAC 9-10-2 Purpose

Authority: [IC 13-23-3-1](#); [IC 13-23-3-2](#); [IC 13-23-3-3](#); [IC 13-23-3-4](#)
Affected: [IC 13-23-3](#)

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Sec. 2. The purpose of this rule is to establish procedures for the division to administer a certification program for persons who supervise, manage, or direct underground storage tank:

- (1) installation or retrofitting;
- (2) testing;
- (3) cathodic protection procedures; or
- (4) decommissioning.

(Solid Waste Management Division; 329 IAC 9-10-2; filed Sep 13, 1990, 4:00 p.m.: 14 IR 286; filed Jan 24, 1992, 11:45 a.m.: 15 IR 1007; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2111; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530; filed Aug 30, 2006, 2:25 p.m.: [20060927-IR-675050108FRA](#); readopted filed Aug 8, 2012, 8:08 a.m.: [20120905-IR-675120260RFA](#); readopted filed Jul 3, 2018, 2:22 p.m.: [20180801-IR-675180204RFA](#)) NOTE: Transferred from the Fire Prevention and Building Safety Commission (675 IAC 12-12) to the Solid Waste Management Division (329 IAC 9-10-2) by P.L.176-2023 SECTION 75, effective July 1, 2023.

329 IAC 9-10-3 Application for certification

Authority: [IC 13-23-3-1](#); [IC 13-23-3-2](#); [IC 13-23-3-3](#); [IC 13-23-3-4](#)
Affected: [IC 13-23-3](#)

Sec. 3. (a) A person who supervises, manages, or directs the installation, retrofitting, testing, cathodic protection, or decommissioning of underground storage tanks shall submit evidence to the division that the person has successfully completed applicable examinations administered by either of the following:

- (1) The International Fire Code Institute.
- (2) Another independent testing agency whose examinations have been approved by the state fire marshal as being substantially similar.

(b) Renewal procedures pertaining to the certification examinations shall be as set forth in [IC 13-23-3-4\(a\)](#). A certificate expires two (2) years from the date a person successfully completes the examination referenced in subsection (a).

(c) Passing scores and retest requirements for the certification examinations shall be as set forth in section 3.1 of this rule.

(d) Examination subjects are those as set forth in section 2 of this rule. *(Solid Waste Management Division; 329 IAC 9-10-3; filed Sep 13, 1990, 4:00 p.m.: 14 IR 286; filed Jan 24, 1992, 11:45 a.m.: 15 IR 1007; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2112; filed Nov 20, 2000, 3:25 p.m.: 24 IR 1009; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530; filed Aug 30, 2006, 2:25 p.m.: [20060927-IR-675050108FRA](#); readopted filed Aug 8, 2012, 8:08 a.m.: [20120905-IR-675120260RFA](#); readopted filed Jul 3, 2018, 2:22 p.m.: [20180801-IR-675180204RFA](#)) NOTE: Transferred from the Fire Prevention and Building Safety Commission (675 IAC 12-12) to the Solid Waste Management Division (329 IAC 9-10-3) by P.L.176-2023 SECTION 75, effective July 1, 2023.*

329 IAC 9-10-3.1 Certification examination

Authority: [IC 13-23-3-1](#); [IC 13-23-3-2](#); [IC 13-23-3-3](#); [IC 13-23-3-4](#)
Affected: [IC 13-23-3](#)

Sec. 3.1. (a) The passing score for each module shall be seventy percent (70%).

(b) There shall be no limit on the number of times a person may be examined on any module, nor any waiting period required before reapplying for examinations for any module. *(Solid Waste Management Division; 329 IAC 9-10-3.1; filed Jan 24, 1992, 11:45 a.m.: 15 IR 1007; filed Apr 22, 1996, 3:00 p.m.: 19 IR 2287; errata filed Feb 2, 1998, 8:30 a.m.: 21 IR 2129; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530; readopted filed Sep 21, 2007, 9:20 a.m.: [20071010-IR-675070388RFA](#); readopted filed Oct 10, 2007, 9:16 a.m.: [20071031-IR-675070388RFA](#); readopted filed Aug 8, 2012, 8:08 a.m.: [20120905-IR-675120260RFA](#); readopted filed Jul 3, 2018, 2:22 p.m.: [20180801-IR-675180204RFA](#)) NOTE: Transferred from the Fire Prevention and Building Safety Commission (675 IAC 12-12) to the Solid Waste Management Division (329 IAC 9-10-3.1) by P.L.176-2023 SECTION 75, effective July 1, 2023.*

329 IAC 9-10-4 Issuance of certificate

Authority: [IC 13-23-3-1](#); [IC 13-23-3-2](#); [IC 13-23-3-3](#); [IC 13-23-3-4](#)
Affected: [IC 13-23-3](#)

UNDERGROUND STORAGE TANKS

Sec. 4. (a) Unless grounds exist to deny a certificate under [IC 13-23-3-3\(b\)](#), the state fire marshal shall issue a certificate to a person who does the following:

- (1) Passes one (1) or more of the certification examination subjects under section 2 of this rule.
- (2) Pays a certificate issuance fee of twenty-five dollars (\$25) payable to the fire and building services fund.

(b) A person who had a certificate revoked under [IC 13-23-3-3\(b\)](#) may obtain a certificate from the state fire marshal only if the person files a performance bond in an amount prescribed in section 6 of this rule.

(c) A certificate:

- (1) shall identify which certification examination subjects were passed; and
- (2) is valid only for work within the scope of those subjects.

(d) A certificate issued under subsection (a) expires two (2) years from the date the person successfully completes the examination to qualify to obtain a certificate.

(e) Upon payment of the required fee, as specified in subsection (a), any person who is certified or licensed to supervise, manage, or direct underground storage tank installation, retrofitting, testing, cathodic protection, or decommissioning in another state shall, without examination, be granted a certificate, provided the following:

- (1) The person submits an application for reciprocity.
- (2) No such person shall be granted a certificate in a category the person is not certified for in another state.
- (3) The requirements for licensing in the other state are substantially similar to the requirements in force in Indiana.

(f) The department shall submit to the state fire marshal documented evidence that the certification or licensing is substantially similar to Indiana's underground storage tank certification examination. The state fire marshal shall grant or deny the certification. Application forms for reciprocity shall be provided by the division. (*Solid Waste Management Division; 329 IAC 9-10-4; filed Sep 13, 1990, 4:00 p.m.: 14 IR 286; filed Jan 24, 1992, 11:45 a.m.: 15 IR 1008; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2112; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530; filed Aug 30, 2006, 2:25 p.m.: [20060927-IR-675050108FRA](#); readopted filed Aug 8, 2012, 8:08 a.m.: [20120905-IR-675120260RFA](#); readopted filed Jul 3, 2018, 2:22 p.m.: [20180801-IR-675180204RFA](#))*

NOTE: Transferred from the Fire Prevention and Building Safety Commission (675 IAC 12-12) to the Solid Waste Management Division (329 IAC 9-10-4) by P.L.176-2023 SECTION 75, effective July 1, 2023.

329 IAC 9-10-5 Orders; sanctions; appeals

Authority: [IC 13-23-3-1](#); [IC 13-23-3-2](#); [IC 13-23-3-3](#); [IC 13-23-3-4](#)

Affected: [IC 4-21.5-3-7](#); [IC 22-12-7](#)

Sec. 5. (a) The state fire marshal may issue orders under [IC 22-12-7-4](#) to require a person to cease and correct any violation of the laws and rules pertaining to the:

- (1) installation;
- (2) retrofitting;
- (3) testing;
- (4) cathodic protection; or
- (5) decommissioning;

of underground storage tanks.

(b) The state fire marshal may impose sanctions, with respect to certificates issued under section 4 of this rule, as described in [IC 22-12-7-7](#) and [IC 13-23-3-3](#).

(c) A person who is aggrieved by an order of the state fire marshal may do either of the following:

- (1) Request an informal hearing under [IC 22-12-7-12](#).
- (2) Appeal by filing a petition for review of the order under [IC 4-21.5-3-7](#).

(Solid Waste Management Division; 329 IAC 9-10-5; filed Sep 13, 1990, 4:00 p.m.: 14 IR 287; filed Jan 24, 1992, 11:45 a.m.: 15 IR 1008; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2113; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530; filed Aug 30, 2006, 2:25 p.m.: [20060927-IR-675050108FRA](#); readopted filed Aug 8, 2012, 8:08 a.m.: [20120905-IR-675120260RFA](#); readopted filed Jul 3, 2018, 2:22 p.m.: [20180801-IR-675180204RFA](#)) *NOTE: Transferred from the Fire Prevention and Building Safety Commission (675 IAC 12-12) to the Solid Waste Management Division (329 IAC 9-10-5) by P.L.176-2023 SECTION 75, effective July 1, 2023.*

329 IAC 9-10-6 Performance bond

Authority: [IC 13-23-3-1](#); [IC 13-23-3-2](#); [IC 13-23-3-3](#); [IC 13-23-3-4](#)

Affected: [IC 13-23-3-3](#)

Sec. 6. If a person files a performance bond with an application for a certificate under [IC 13-23-3-3\(c\)](#), the amount of the bond shall be equal to the dollar value of a single contract awarded to the person for the installation, retrofitting, testing, cathodic protection, or decommissioning of one (1) or more underground storage tanks at a particular location. The division shall:

- (1) act only as a custodian; and
- (2) not be obligee of the bond.

(Solid Waste Management Division; 329 IAC 9-10-6; filed Sep 13, 1990, 4:00 p.m.: 14 IR 287; filed Jan 24, 1992, 11:45 a.m.: 15 IR 1009; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2113; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530; filed Aug 30, 2006, 2:25 p.m.: [20060927-IR-675050108FRA](#); readopted filed Aug 8, 2012, 8:08 a.m.: [20120905-IR-675120260RFA](#); readopted filed Jul 3, 2018, 2:22 p.m.: [20180801-IR-675180204RFA](#)) NOTE: Transferred from the Fire Prevention and Building Safety Commission (675 IAC 12-12) to the Solid Waste Management Division (329 IAC 9-10-6) by P.L.176-2023 SECTION 75, effective July 1, 2023.

329 IAC 9-10-7 Display of certificate

Authority: [IC 13-23-3-1](#); [IC 13-23-3-2](#); [IC 13-23-3-3](#); [IC 13-23-3-4](#)

Affected: [IC 13-23-3](#)

Sec. 7. The person who supervises, manages, or directs the:

- (1) installation;
- (2) retrofitting;
- (3) testing;
- (4) cathodic protection; or
- (5) decommissioning;

of an underground storage tank shall display or produce a valid certificate or copy thereof that was issued by the state fire marshal under this rule. *(Solid Waste Management Division; 329 IAC 9-10-7; filed Sep 13, 1990, 4:00 p.m.: 14 IR 287; filed Jan 24, 1992, 11:45 a.m.: 15 IR 1009; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2114; readopted filed Sep 11, 2001, 2:49 p.m.: 25 IR 530; filed Aug 30, 2006, 2:25 p.m.: [20060927-IR-675050108FRA](#); readopted filed Aug 8, 2012, 8:08 a.m.: [20120905-IR-675120260RFA](#); readopted filed Jul 3, 2018, 2:22 p.m.: [20180801-IR-675180204RFA](#)) NOTE: Transferred from the Fire Prevention and Building Safety Commission (675 IAC 12-12) to the Solid Waste Management Division (329 IAC 9-10-7) by P.L.176-2023 SECTION 75, effective July 1, 2023.*

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