



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We Protect Hoosiers and Our Environment.

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Eric J. Holcomb
Governor

Bruno L. Pigott
Commissioner

June 12, 2018

To all concerned parties,

RE: RCG Transition Policy for LUST Incidents

House Enrolled Act 1162 (Public Law 78-2009) significantly changed allowable approaches to closure of contaminated sites, including sites contaminated by petroleum. Those changes are reflected in the Remediation Closure Guide (RCG). Once finalized, the RCG superseded former IDEM guidance, the Risk Integrated System of Closure (RISC). To avoid confusion and hardship to the regulated community in implementing the RCG, IDEM issued the Transition Policy, dated June 22, 2012. Pursuant to the Transition Policy, any Corrective Action Plan (CAP) submitted before September 22, 2012 could still be approved under RISC. Any CAP submitted after that date must be based on the RCG.

There is still some confusion about application of the Transition Policy for sites contaminated by petroleum. Based on the policy, any CAP, and any revision, amendment, or other change to a previously approved CAP, submitted to IDEM after September 22, 2012, should also have resulted in transition of the site to the RCG. As this did not take place and 6 years has passed, all Leaking Underground Storage Tank (LUST) incidents will be transitioned to RCG guidance as of July 31, 2018 or the next quarterly event to take place at a site, whichever should come first. If ELTF eligible, any claim seeking reimbursement for RISC related activity that was incurred after that date will be denied.

No site should be proceeding under any guidance other than the RCG except under a CAP, CAPA, RCAP, or the like which was submitted and approved in accordance with the Transition Policy *and which has not been amended in any way* after its approval. Unless approved in accordance with the Transition Policy as described in this announcement, any document referring to RISC should be amended/updated to the RCG by the deadline above.

Should you have any questions or concerns, please contact me (dlouks@idem.in.gov). Thank you.

Sincerely,

Douglas R. Louks
Branch Chief
Underground Storage Tank Branch
Office of Land Quality
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