



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

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Mike Braun
Governor

Clint Woods
Commissioner

July 1, 2026

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

Re: **SEA 277**

To Whom it May Concern:

Senate Enrolled Act (SEA) 277 modernizes Title 13 and, revises Underground Storage Tank (UST) corrective action provisions to state that IDEM cannot issue No Further Action (NFA) determinations, approve closure (or equivalent), or request execution of certain institutional controls unless the commissioner has received and reviewed an evaluation of potential remedies with which to achieve remediation objectives.

Specifically, effective July 1, 2026, Indiana Code (IC) 13-23-13-1, requires that IDEM receive and review an evaluation of potential remedies when any “reportable quantity of the released petroleum product remains or may remain underground at the site.” The term “reportable quantity” is not defined for purposes of petroleum UST regulation and appears only once in Indiana’s UST regulatory scheme. Incorporated federal regulation 40 CFR 280.53(a) regarding spills and overfills relative to hazardous substance USTs requires reporting of such spills over the “reportable quantity under CERCLA”. This federal regulation also requires reporting of spills or overfills relative to petroleum USTs that exceed 25 gallons. As such, while any detection of petroleum is “reportable” under applicable UST release reporting regulations, for purposes of implementing this statutory language regarding corrective action measures, we will look to 40 CFR 280.53 for guidance.

Given that in many situations it is difficult to determine how much petroleum was spilled or released, when a Release Related Chemical (RRC) associated with petroleum will remain in the subsurface above IDEM R2 Published Levels, prior to any NFA or closure determination, IDEM must receive and review an evaluation of closure options, environmental deed restrictions, and remediation methods to achieve a no further action determination. This evaluation must include estimated costs and timeframes sufficient to evaluate the adequacy of the proposed response.

IDEM has provided updates to State Form #55439 and #55441 to include all requirements for this statutory update. Once this information is submitted, IDEM will

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We appreciate your input!

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complete our required review and determine if additional information including pilot studies and/or a detailed Corrective Action Plan is required.

Copies of the updated state forms can be found on the IDEM website on our forms page. Please feel free to reach out to me directly if you have any questions regarding this statutory update or changes to the state forms.

Sincerely,

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

Timothy E. Veatch, Chief
Petroleum Branch
Office of Land Quality
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tveatch@idem.IN.gov