



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We Protect Hoosiers and Our Environment.

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Eric J. Holcomb
Governor

Bruno L. Pigott
Commissioner

VIA ELECTRONIC MAIL

May 9, 2019

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

To Whom It May Concern:

Re: UST Rule Amendments

Indiana passed the 2015 federal UST regulation updates in May of 2018. This rule became effective June 28, 2018. In order to ensure ample time for the regulated community to comply with these new requirements, IDEM replaced the federal compliance deadlines with future dates. However, this was not clearly stated in the 2018 UST rule and IDEM filed an amendment of the rule to incorporate future deadlines and put in place an emergency rule to protect UST owners/operators. Final approval of the rule amendment was effective March 18, 2019 and can be found here:
<http://iac.iga.in.gov/iac/T03290/A00090.PDF?>

With regard to the 40 CFR 280.20(c)(3) prohibition on using flow restrictors (ball float vent valve) as a means of complying with 40 CFR 280.20(c)(1)(i), IDEM must be notified no later than November 15, 2019 if a ball float vent valve was installed between June 28, 2018 and March 18, 2019 in order for the owner/operator to avoid a formal enforcement action. **Such notification may be made via email to John T. Morris (jtmorris@idem.in.gov), Tom Newcomb (tnewcomb@idem.in.gov), or Doug Louks (dlouks@idem.in.gov).**

If IDEM is properly notified and the compliance requirements of 40 CFR 280.20 are met within a reasonable and agreed upon time between IDEM and the owner/operator, there will be no enforcement action or penalty assessed for the violation. Please feel free to contact me should you have any questions.

Sincerely,

John T. Morris
Branch Chief
Underground Storage Tank Branch
Office of Land Quality
jtmorris@idem.in.gov

Below are the deadlines for which IDEM has received the most inquiries:

Requirement	Deadline	Comment:
Initial Spill Prevention Test; Containment Sump Test	June 28, 2021	The first test must take place before the deadline and then periodically as stated in the rule thereafter. Results and records of these tests will be requested and required for any inspection and/or compliance review completed after the deadline.
Overfill Prevention Equipment Inspection	June 28, 2021	The first inspection must take place before the deadline and then periodically as stated in the rule thereafter. Results, records, and/or other information related to this inspection will be requested and required for any inspection and/or compliance review completed after the deadline.
Walkthrough Inspections	June 28, 2021	The first of these inspections must be completed before the deadline and then periodically as stated in the rule thereafter. Results, records, and/or other information related to this inspection will be requested and required for any inspection and/or compliance review completed after the deadline.
Prohibition of Flow Restrictor to meet Overfill Protection Requirement	June 28, 2018	Installation of flow restrictors (ball float vent valves) for USTs installed and/or repairs made to existing USTs on/after the deadline no longer meets the overfill protection requirements found in 40 CFR 280.20. This was immediately effective in the rule, but there is an interim period between June 28, 2018 and November 15, 2018 when the emergency rule was first promulgated and also March 18, 2019 when the dates were effective via final rule. IDEM recognizes this and will review those case by case to plot a path forward with the owner/operator. If a flow restrictor was installed between June 28, 2018 and March 18, 2019, please notify IDEM by November 15, 2019, and we will work together to resolve the issue.