

3. LEAKING UNDERGROUND STORAGE TANK PROGRAM AND EXCESS LIABILITY TRUST FUND PROGRAM

3.1 Purpose and Scope

The Leaking Underground Storage Tank (LUST) Program (www.IN.gov/idem/4997.htm) oversees the release reporting and corrective action requirements for owners (as defined in IC 13-11-2-150) and operators (O/Os) (as defined in IC 13-11-2-148) for releases from regulated Underground Storage Tanks (USTs) required under state and federal laws. Corrective action includes determining the full nature and extent of contamination and cleanup when necessary in order to adequately eliminate or control unacceptable risks from the contamination.

The Excess Liability Trust Fund (ELTF) Program (www.IN.gov/idem/5063.htm) oversees a financial assurance mechanism required under state and federal law for O/Os, and utilized by most O/Os to pay for corrective action costs associated with the release from a regulated petroleum UST. The ELTF Program staff determines ELTF eligibility and reimburses corrective action costs and third party claims associated with confirmed releases from regulated petroleum USTs. ELTF does not reimburse costs from releases that occurred before April 1, 1988, or costs of corrective action for releases of hazardous substances. A regulated UST, (as defined under the rules for the LUST program at 329 IAC 9-1-1 and IC 13-11-2-241), includes, but is not limited to:

- A UST in use on or after November 8, 1984. Note: A UST not closed before this date is considered “in use.” A UST not emptied to a *de minimus* quantity of less than one inch of regulated substance is considered to be still “in use” under 329 IAC 9-1-1(b) (5) and the preamble to 40 CFR 280 found at the U.S. EPA OUST website (www.epa.gov/oust/fedlaws/index.htm).
- USTs that contain a regulated substance⁴ including petroleum⁵ or a hazardous substance⁶.

⁴ “**Regulated Substance**” for purposes of USTs include petroleum and hazardous substances, but excludes any substance regulated as a hazardous waste under: Subtitle C of the federal Solid Waste Disposal Act, as amended (42 U.S.C. 6921 through 6939[a]) or IC 13-22-2-3 (IC 13-11-2-183).

⁵ “**Petroleum**” Petroleum and crude oil or any part of petroleum or crude oil that is liquid at standard conditions of temperature and pressure (60 degrees Fahrenheit (60°F) and 14.7 pounds per square inch absolute) (IC 13-11-2-160). Under the UST rule, a petroleum UST means a UST system that contains petroleum or a mixture of petroleum with *de minimis* quantities of other regulated substances. Such systems include those containing any of the following: motor fuels, jet fuels, distillate fuel oils, residual fuel oils, lubricants, petroleum solvents, or used oils (329 IAC 9-1-36).

⁶ “**Hazardous Substance UST System**” is a UST system containing a hazardous substance as defined in Section 101 of CERCLA (42 U.S. C. 9601) and not regulated as a hazardous waste under 329 IAC 3.1, or any mixture of the preceding substance and petroleum that does not fall under the definition of “petroleum UST system.” Refer to the list of hazardous substances found at www.epa.gov/oust/faqs/hazusts.htm.

- USTs with capacity greater than 110 gallons and the U.S. EPA *de minimus* determination (*residential and farm USTs greater than 1,100 gallons*).
- Heating oil USTs used for on-site consumption are excluded.
- Other exclusions are outlined in IC 13-11-2-241 and 329 IAC 9-1-1(b).

The ELTF Program provides financial assurance mandated by U.S. EPA and Indiana, and provides funding for the cleanup of releases from regulated USTs. Once the O/O submits an Initial Site Characterization Report for a confirmed release (*when required by IDEM*), the O/O may formally apply to the ELTF Program. ELTF Program staff review all information submitted for the release and for the facility where the release occurred to determine if the release is ELTF eligible.

3.1.1 LUST Program Responsibilities

The LUST Program is responsible for the following:

- Receiving UST system release, spill and overfill reports
- Reviewing and commenting on reports and plans including, but not limited to:
 - Spill Recovery and Response Report
 - Abatement and Free Product Recovery Report
 - Initial Site Characterization Report
 - Investigation Work Plan
 - Further Site Investigation Report
 - Pilot Study Work Plan
 - Corrective Action Plan and Amendments
 - Corrective Action Plan Implementation Report
 - Quarterly Monitoring Reports
 - No Further Action request including draft Record of Site Closure, environmental restrictive covenant, etc.
- Ensuring public participation for affected parties regarding corrective action decisions
- Proposing rule changes based on program needs

The LUST process generally includes the following (*see section 3.3 for the LUST process flowchart*):

1. Release confirmation and reporting
2. Site characterization (*first technical approval*)
3. Corrective action (*if necessary and second technical approval*)
4. Corrective action implementation (*third technical approval*)
5. Closure (*fourth technical approval*)
6. Conditions subsequent (*if necessary*)

3.1.2 ELTF Program Responsibilities

The ELTF Program is responsible for the following:

- Reviewing ELTF eligibility applications
- Reviewing ELTF claims for reimbursement of emergency measures, investigation, and corrective action costs
- Referring third party claims to the Office of the Attorney General for review and approval
- Determining substantial compliance (*as defined under 328 IAC 1-1-9*) with LUST and ELTF requirements
- Educating the regulated community regarding ELTF requirements, including payment of UST fees
- Proposing rule changes based on program needs and corrective action costs

The ELTF process generally includes:

1. ELTF application submittal and review for eligibility
2. Review of submitted technical documents
3. Claim application submittal and processing
4. Reimbursement for emergency measures, investigation, corrective action costs, and third party claims

3.1.3 Document Submittal

All documents should be submitted in a form and format consistent with the *OLQ Document Submittal Guidelines* (www.IN.gov/idem/6578.htm). Correspondence should be sent to the section that is managing the site. All ELTF applications and claims should be mailed to the ELTF Program.

67-18

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67-02

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3.1.4 Related Programs

Underground Storage Tank (UST) Program – The UST Program is responsible for registration (*notification*), fee assessment, compliance inspections, and closure oversight of regulated USTs. The LUST Program often works closely with the UST Program regarding suspected release investigations and response.

Emergency Response (ER) Program– ER documents spill and overfill reports from UST systems and dispensers; and documents and responds to a release when emergency conditions exist (*such as fire and explosion hazards, conditions that necessitate evacuations, and releases to surface water*). Once emergency conditions are mitigated, ER refers the release to the LUST Program.

State Cleanup Program (SCP) – ER documents releases from unregulated USTs and refers them to SCP for corrective action oversight. When other sources of contamination are being addressed on the same site, SCP may direct corrective action for a release from a regulated UST.

Voluntary Remediation Program (VRP) – Upon confirmation of a release from a regulated UST, an applicant (*generally the O/O*) may apply to enter into the VRP. VRP may consider the following criteria to determining eligibility:

- Current or pending enforcement actions related to the release
- Imminent and substantial threat to public health or the environment due to the release

Since VRP is a voluntary program, ELTF will not reimburse IDEM’s VRP oversight costs for document review, field oversight, and sampling in the VRP.

3.2 Rules and Laws

Indiana Statutory Authority (www.IN.gov/legislative/ic_iac)

- IC 13-23 *Underground Storage Tanks*. Statutory authority for UST, LUST and ELTF programs
- IC 13-23-1-2 IDEM authority to develop UST and LUST rules
- IC 13-23-8 Administration and use of the ELTF including corrective action plans, reimbursement caps and deductibles, as well as authority to develop ELTF rules
- IC 13-23-9 ELTF eligibility and payment
- IC 13-23-13 Authorizes IDEM to issue orders for corrective actions and conduct corrective actions. Authorizes contribution actions between private parties for corrective action costs

Indiana Administrative Code (IAC) (www.IN.gov/legislative/ic_iac)

- 328 IAC 1 *Payment of Corrective Action and Third Party Liability Claims from the Excess Liability Trust Fund*
- 329 IAC 9 *Underground Storage Tanks*
- 329 IAC 9-4 Requirements for release investigations, release reporting, and spill and overfill reporting and cleanup

- 329 IAC 9-5 Requirements for initial response and abatement, free product removal, initial site characterization, further site investigation, corrective action, and public participation

Nonrule Policy Documents (NPDs) (www.IN.gov/idem/4694.htm)

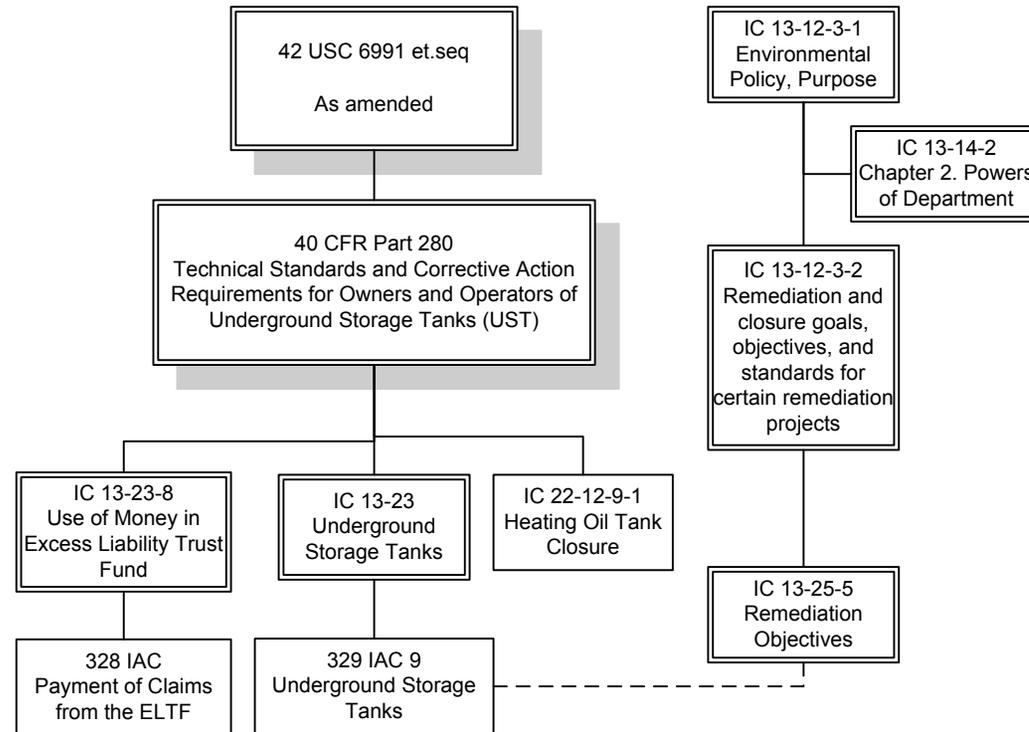
- *Properties Containing Contaminated Aquifers/Underground Storage Tanks (Waste-0038)*. States that IDEM will use its enforcement discretion regarding collection of costs and release response relative to neighboring property owners affected by a LUST site release as long as the neighboring property owner did not contribute to the release and performs due care.
- *Excess Liability Trust Fund/Risk Integrated System of Closure (Waste-0039)*. Addresses reimbursement of costs for transition from the UST Branch Guidance Manual (USTBGM) to RISC and ensuring that the transition is cost effective.
- *Access to Third Party Property (Waste-0043)*. States that in situations where an O/O made a good faith effort to gain access to investigate or perform corrective action on a neighboring property and was refused, IDEM will use its enforcement discretion in regards to the O/Os inability to obtain access.
- *Risk Integrated System of Closure (RISC) Technical Guide and User's Guide (Waste-0046)*. Contains information about risk-based site characterization and default closure objectives. The User's Guide provides program specific requirements. Chapter 3 provides information about UST, LUST, and ELTF.
- *Drilling Procedures and Monitoring Well Construction Guidelines (Waste-0053)*. Provides guidance about installing borings and monitoring wells in compliance with 312 IAC 12 and 312 IAC 13.
- *Monitored Natural Attenuation for Petroleum Contaminated Sites (Waste-0054)*. Establishes criteria to select and implement monitored natural attenuation.
- *Methyl-Tertiary Butyl Ether (MTBE) Remediation (Waste-0055)*. Sets a ground water remediation objective for sites closed under 1994 USTBGM.
- *The Underground Storage Tank Branch Guidance Manual (www.IN.gov/idem/4997.htm)*. The December 1994 Underground Storage Tank Branch Guidance Manual (USTBGM) addresses site characterization, corrective action plans, and cleanup objectives. O/Os with releases reported on or before February 15, 2002, may utilize this guidance for closure.
- *Penalty Policy for Underground Storage Tank/Leaking Underground Storage Tank Requirements (Enf-001)*. IDEM's policy for determining penalties for violations of UST statutes and rules.

- *Compliance and Enforcement Response Policy (Enf-005)*. IDEM's policy on identification of and enforcement for violations by regulated entities.

Other Relevant Documents

- *Investigation of Underground Storage Tank Releases, Quality Assurance Program Plan*, B-001-OLQ-R-XX-09-Q-R0, March 24, 2009, effective April 7, 2009 (www.IN.gov/idem/4997.htm). Outlines requirements for collection of environmental data used to support investigation, corrective action, monitoring and closure of sites with releases, spills and overfills of regulated substances from regulated UST systems.

Figure 3.1 Laws and Rules Related to Underground Storage Tanks



Indiana has state program approval from EPA for the UST/LUST Program

3.3 Process Overview

Figure 3.2 Leaking Underground Storage Tank Program Process Overview

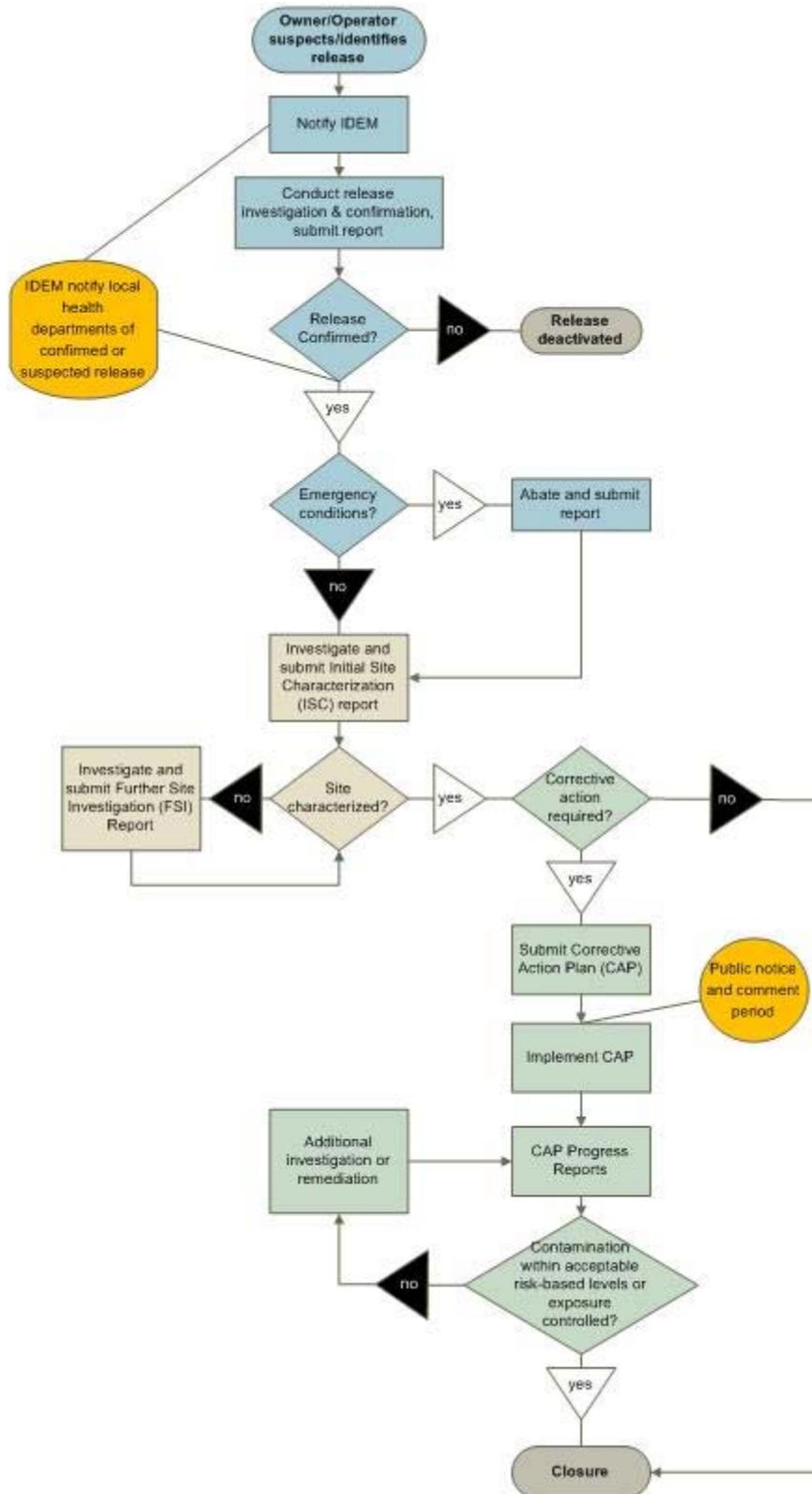


Table 3.1 Potential Petroleum Contaminants

Potential Petroleum Contaminants¹

Petroleum Product or Waste	Soil	Ground Water	Air/ Soil Gas	Typical Products/Wastes
Gasoline Range Product	VOCs ² Naphthalenes ³ Lead and Lead Scavengers ⁴	VOCs ² Naphthalenes ³ Lead and Lead Scavengers ⁴	VOCs ⁵	Automotive Gas Aviation Gas Racing Fuel Mineral Spirits Stoddard Solvent Naphtha Jet Fuel - JP-4 Ethanol fuels
Diesel Range Product	VOCs ² PAHs ⁶	VOCs ² PAHs ⁶	VOCs ⁵	Diesel #1 & 2 Kerosene Jet Fuel-JP #5, 7 & 8 Light Oil Home Heating Oil Biodiesel <100%
Hydrocarbon Oils Range Product	PAHs ⁶	PAHs ⁶	None	#4, 5, & 6 Fuel Oil Bunker C Mineral Oil Virgin Motor Oil Hydraulic Oil
Waste/Used Oil and Unknown Products and Wastes	VOCs ² PAHs ⁶ Lead and Lead Scavengers ⁴	VOCs ² PAHs ⁶ Lead and Lead Scavengers ⁴	VOCs ⁵	Waste/Used Oil Unknown refined petroleum product or waste

¹ Scope and general guidance – This table is intended for use when investigating refined petroleum releases at regulated UST sites. Consult the IDEM Project manager regarding: 1) laboratory methods based on site-specific needs and cost effectiveness; 2) modification of contaminant reporting once the site characterization is completed; 3) potential petroleum contaminants for products not listed in this table; and 4) additional reporting based on site-specific information.

² VOC Methods - During site characterization use SW846 Method 8260B and report all VOCs and naphthalenes. SW846 Method 8021 may be more cost effective during Corrective Action Plan (CAP) Implementation and closure monitoring and should be considered when seeking reimbursement from the Excess Liability Trust Fund (ETLF). Identify which methods are proposed in the CAP.

³ Naphthalenes – Report naphthalene, 1-methylnaphthalene, and 2-methylnaphthalene.

⁴ Lead and Lead Scavenger Methods – Report total lead and lead scavengers when investigating aviation gas and racing fuel, and when automotive gas was used or stored before January 1, 1996. Lead scavengers include EDB (ethylene dibromide or 1,2-dibromoethane) and 1,2-DCA (1,2-dichloroethane). Use EPA Methods with appropriate detection limits. Ground water samples for lead analysis should be unfiltered.

⁵ Air VOC Method – Report all VOCs. Use Method TO-15 for VOC.

⁶ PAHs Methods – Report all PAHs. Use SW846 Method 8270 SIM, 8310 or other appropriate method for PAHs.

3.4 How Does a Site Enter the Program?

3.4.1 Releases

A “Release” (*IC 13-11-2-184[a]*) is any spilling, leaking, emitting, discharging, escaping, leaching, or disposing from an underground storage tank (UST) into ground water, surface water, subsurface soils or surface soils. A release as relates to UST operation is any spilling or overfilling during the transfer of product to and from the UST system or during any upgrade or maintenance activities. Under 328 IAC 1-1-6.5, effective March 26, 2011, the ELTF Program defines a “fund qualifying occurrence” as an “incident that is the result of a release of product from a registered UST system and dispensing components, except the nozzle and hose connecting the nozzle to the pump.”

A “release” relating to UST operation will emanate from above the shear valve, which is generally located where the piping exits the ground. In the past the LUST program did not address a release emanating from above the shear valve. The LUST program now addresses all releases, including those from above the shear valve.

3.4.2 What Is a Suspected Release?

A suspected release occurs when at least one of the following happens (*329 IAC 9-4-1*):

- Discovery of a regulated substance at or near the UST system as free product or dissolved product or vapor in backfill, soil, ground water, surface water, basements, sewers, or utility lines. This includes the presence of visual staining, odors, or field screening results indicating the presence of a regulated substance.
- Unusual operating conditions including erratic behavior of dispensers, sudden loss of product, or unexplained presence of water in the UST.
- Monitoring results from release detection indicates a release (*for inventory control, two consecutive month’s failure*).
- Discovery of contamination including free product, dissolved product or vapors in soil, water, utilities, buildings or other locations by IDEM staff or another person (*329 IAC 9-4-2*).

For the situations described in the second and third bullets above, the O/O should first check their system to determine if the equipment is working properly. If the system is found to be working properly (*even when repairs, replacement, or calibration are necessary*), no suspected release report is required.

3.4.3 Release Investigation and Confirmation for Suspected Releases

The O/O must investigate suspected releases to determine if a release has occurred (*329 IAC 9-4-2 and 3*). Depending on the circumstances, the O/O must either:

- Conduct tank and/or line tightness testing
- Collect and analyze soil and/or ground water in the area of the suspected release

IDEM will direct the O/O to perform tightness testing or analyses depending on the circumstances.

- Generally, IDEM requires tightness testing based on unusual operating conditions and monitoring results from release detection.
- Generally, IDEM requires sampling based on the discovery of a regulated substance outside the UST system (*on- or off-site*). Examples include:
 - Failure of a line or tank tightness test. (*If a leak is found, the O/O must conduct an initial response, abatement and an Initial Site Characterization.*)
 - Discovery of contamination in soil immediately adjacent to the facility by utility workers
 - Product (“*product*” means regulated substance as defined in 329 IAC 9-1-38.1) or vapors in utility corridors near or adjacent to the facility
 - Product or vapors in buildings near or adjacent to the facility
 - Sheen or product on surface water near or adjacent to the facility

In all cases a written report must be submitted within seven days of discovery. If additional time is required, the O/O should contact the LUST Program to explain:

- Why the report will not be submitted on time
- What work remains to be completed
- When the report will be submitted

If the results of the investigation show that no release occurred and IDEM concurs, IDEM will issue a “Deactivation Letter.” If the results of the investigation confirm a release, the owner and operator must report the release within 24 hours, perform an initial response, and begin corrective action (*by characterizing the release*). ***Although the O/O must report a release within 24 hours, ELTF eligibility is based on substantial compliance; reporting within 14 days.***

3.4.4 What Is a Confirmed Release?

A release is confirmed when either:

- Product is seen leaking from any part of the UST system including the tank and connected piping (*not the dispenser*) into areas not equipped with secondary containment.
- Laboratory analytical results identify **any contaminant above laboratory detection limits in soil or ground water samples** collected during a UST closure, Phase II Environmental Site Assessment, or release investigation.

3.4.5 Sources and Causes of Releases

IDEM provides the *Energy Policy Act Public Record Summary Information On Underground Storage Tanks (USTs)* (www.IN.gov/idem/4997.htm) regarding the number of confirmed releases, as required by the *Energy Policy Act* of 2005. Table 3.2 lists common sources and causes.

Table 3.2 Common Sources and Causes of Confirmed UST Releases

<u>Sources</u>	<u>Causes</u>
Tank	Spill
Piping	Overfill
Dispenser	Physical or Mechanical Damage
Submersible Turbine Pump	Corrosion
Delivery Problem	Installation Problems
Other	Other
Unknown	Unknown

Most releases are found during a UST Closure or while performing a Phase II Environmental Site Assessment (*subsurface investigation*) prior to a property transaction. As a consequence, the source and cause of the release may not be known, but must be investigated and determined based on the UST records, field observations and laboratory results.

IDEM assigns a separate incident number for each release. Scenarios such as the following suggest that there is more than one release:

- Contamination found at two locations horizontally, for example, under the dispenser and the USTs
- Contamination found at two locations vertically, for example, in shallow and deep soil with clean soil in between
- Laboratory analysis shows the presence of different product types, for example, gasoline and diesel

An O/O who believes that the contamination is from one source should provide an explanation in the release report and demonstrate this interpretation during the subsequent investigation.

3.4.6 Reporting Releases From the UST System

Reporting requirements differ under the UST Rule (329 IAC 9) and the Spill Rule (329 IAC 2-6.1). Suspected and confirmed releases must be reported to IDEM within 24 hours of discovery (329 IAC 9-4-1 and 9-5-2) in one of three ways:

- Telephone:
 - During normal business hours call LUST Program staff at (317) 232-8900 or toll free at (800) 451-6027 ext. 28900
 - After hours and weekends call the Emergency Response Program (ER) at (317) 233-7745 or toll free at (888) 233-7745. Releases subject to reporting requirements under the Spill Rule (329 IAC 2-6.1) must be reported by telephone to the Emergency Response Program within two hours
- Fax the completed Initial Incident Report - State Form 54487 (www.IN.gov/idem/5157.htm) to (317) 234-0428
- E-mail the completed Initial Incident Report form to LeakingUST@idem.IN.gov

The following sections, 3.4.7 (*Reporting Emergency Conditions Subject to the Spill Rule* [329 IAC 2-6.1]) and 3.4.8 (*Reporting Spills and Overfills*), and Table 3.3 (*Leaking Underground Storage Tank Timeframes Summary*) clarify when a release must be reported within 24 hours per the UST Rule, and when a release must be reported within 2 hours per the Spill Rule. Releases

reported under the UST Rule are reported to LUST. ***The LUST Program prefers that non-emergency release reports be submitted via e-mail.***

3.4.7 Reporting Emergency Conditions Subject to the Spill Rule (327 IAC 2-6.1)

Confirmed releases must be reported immediately, but no later than within two hours of discovery to ER via telephone at (317) 233-7745 or (888) 233-7745. Releases subject to reporting under the Spill Rule include:

- Releases of petroleum that cause sheen on surface water
- Releases of hazardous substances equal to or greater than the reportable quantity.
- Conditions that create an actual or imminent threat to public safety and/or acute risk to human health or the environment such as fire and explosion hazards, free product in utility corridors or other conduits, vapors requiring evacuations of buildings, etc.

ER may document a release and refer it to the LUST Program. LUST Program staff will contact the O/Os or their consultant with follow-up questions.

To ensure that the release report is in substantial compliance with IDEM requirements, the O/O should retain a record of the report. Examples of information to retain include:

- Incident number assigned by IDEM
- E-mail record
- Fax record
- Telephone report notes with date, time and name of the IDEM person who took the report

3.4.8 Reporting Spills and Overfills

Spills and overfills that must be reported, investigated and cleaned up include:

- Overfills at the UST fill port or into a vehicle (*overflow*)
- Overfills from dispenser (*spill*), i.e., a “drive-off” with dispenser hose attached to vehicle
- Any leak from a dispenser above the shear valve (*spill*)
- Spills from the delivery truck during filling of the UST (*spill*)
- Spills from the UST system that occur during maintenance, repair or replacement of any part of a system (*spill*)

The RP must report spills and overfills subject to reporting requirements under the Spill Rule (327 IAC 2-6.1) to the ER by telephone (*See Section 3.4.7: Reporting Emergency Releases pursuant to the Spill Rule [327 IAC 2-6.1]*). These spills include but are not limited to:

- Spills and overfills of petroleum equal to or greater than 25 gallons (*report within 24 hours*)
- Spills and overfills of petroleum that cause sheen on surface water (*report within two hours*)
- Spills and overfills of hazardous substances equal to or greater than the reportable quantity (*report within two hours*)

3.4.9 LUST Site Prioritization

The LUST and ELTF Programs prioritize oversight of releases to best allocate resources, based on information provided at the time of the release report and as more information becomes available. This allows priorities to shift when necessary based upon the changing nature and

extent of contamination and the potential for greater harm to human health and the environment. These physical criteria are applied:

- Low priority– soil contamination only
- Medium priority– ground water contamination
- High priority – any of the following exist:
 - Habitable buildings with vapors present
 - Drinking water contamination
 - Surface water – product or oil sheen on surface water
 - Utility conduits with vapors or free product present
 - Ecologically susceptible area affected
 - Free product present – for purposes of this priority scheme, free product is measurable product in an excavation or on ground water greater than or equal to one millimeter or one sixteenth of an inch
 - Ground water contamination within a 1-year time of travel to a designated wellhead protection area or 750 feet for fixed radius (*IDEM will make this determination*)

The O/O should notify the LUST Program within 24 hours if high priority conditions are discovered at anytime during an investigation.

3.4.10 ELTF Application

A UST owner, UST operator, or the property owner where the UST is located may submit an Excess Liability Trust Fund Application - State Form 47139 (www.IN.gov/idem/5157.htm) after a release is confirmed. A consultant or other person assigned the right of reimbursement by the O/O may submit the application (*328 IAC 1-3-1*). IDEM will not complete the eligibility review until the O/O submits the Initial Site Characterization (ISC) or Limited Subsurface Investigation (LSI) Report (*328 IAC 1-3-3[a] [2]*). Adequate information must be available for the ELTF staff to make an accurate eligibility determination. If new information becomes available after an eligibility determination has been made, the decision may be changed. When an ISC or LSI is not required in order for IDEM to grant a No Further Action (NFA) Approval, the eligibility review process begins at the NFA approval.

The O/O must be in substantial compliance at the time a release is first suspected by the O/O, or agent of the O/O (*328 IAC 1-1-9*):

- The O/O has met the requirements for substantial compliance in IC 13-23-8-4(a), with the exception of minor violations of statutory deadlines, regulatory deadlines, or regulatory requirements that have not caused an imminent threat to harm human health or the environment, and
- A minimum of 50 percent of the UST registration fees have been paid (*IC 13-23-12 and 328 IAC 1-3-3*).
- An O/O is not in substantial compliance if the release has not been reported within 14 days of the date the release was required to be reported under the UST spill reporting rule *329 IAC 9-4-4*.

328 IAC 1-3-3 requires a percentage reduction of reimburseable costs if submission of the ISC or LSI is not timely, or payment of tank fees is not timely or if the O/O fails to request environmental investigation results.

3.4.11 Status of Fee Payments and ELTF Eligibility

An O/O or prospective purchaser may submit the Notice of Intent to Purchase UST and Reinstate Eligibility Form – State Form 48079 (www.IN.gov/idem/5157.htm) to determine if all UST fees and associated penalties and interest are paid. Since eligibility is based in part on fee payment (328 IAC 1-3-3), these fees and penalties must be paid prior to the discovery of a suspected or confirmed release.

Eligible Releases

Eligible occurrences (*releases*) from a UST system that is substantially compliant include:

- Release from the UST
- Release from the fill port
- Release from connected underground piping
- Release from testing and monitoring equipment that is part of the UST system

Ineligible Releases

Ineligible occurrences (*releases*) from a UST system that is substantially compliant include:

- Spills and overfills from the dispenser
- Releases caused by acts or omissions on the part of a contractor, owner, or operator that result in disabling of any part of the UST system resulting in a release, spill or overfill (*for example, spill and overfill equipment being disabled*)
- Releases caused by the acts or omissions on the part of a contractor, owner, or operator that result in damage to a UST system, dispensing components or exacerbation of an existing condition (*for example, drilling, construction and other activities*)

3.4.12 ELTF Claim Categories and Priorities for Payment

When the balance of the ELTF is less than \$25,000,000, IDEM categorizes claims based on release conditions. If the balance of the ELTF then approaches \$5,000,000, IDEM uses those categories to prioritize claims for payment such that the fund balance does not drop below \$5,000,000. The categories and procedures for prioritization of claims are in 328 IAC 1-4.

IDEM may require that the O/O submit a completed ELTF Site Categorization for Prioritization of Claims Form – State Form 59120 (www.IN.gov/idem/5157.htm) for eligible occurrences (*releases*) that have technical approval, in order for IDEM to process the claims. If not provided, LUST and ELTF staff will assign a priority rating based on the known site conditions.

3.4.13 ELTF Application for Reimbursement Review and Processing

Upon receipt of an ELTF application - State Form 47139 (www.IN.gov/idem/5157.htm) for reimbursement of investigation, emergency measures and corrective action costs, the ELTF Program:

- Determines whether or not the release is eligible for reimbursement:
 - If eligibility has not been determined, the claim is denied and returned to the applicant with the instructions to submit an eligibility application.
 - If eligibility has been denied, the claim for reimbursement is denied in full.
 - If eligibility has been approved, the claim is processed for reimbursement (328 IAC 1-5-1).
- Determines if release is eligible for emergency measures or has a technical approval such as Site Characterization or CAP approval.
- Determines which costs are part of the technical approval.
- Reviews invoice(s), pay requests and all other backup documentation based on reimbursable (*allowable*) costs as contained in the ELTF Rule (328 IAC 1) in effect when the actual work was completed and the costs incurred. Costs are currently contained in 328 IAC 1-3-5 (*reimbursable and not reimbursable costs*). Some specific costs allowed in the ELTF Rule are:
 - Fixed costs such as soil borings, monitoring wells, laboratory analysis, personnel, travel expenses (*per diem and lodging*), transportation, site preparation, excavation, staging and disposal, equipment rental, and site restoration
 - Markup shall not exceed 10 percent for subcontractors, disposable material or rental equipment
 - Bids such as corrective action system construction and installation
 - Actual costs for item(s) that are not listed but approved
- O/Os must pay a deductible ranging from \$20,000 to \$35,000. The deductible is based on whether the UST and piping are single or double-walled (*IC 13-23-8*). O/Os of 100 or less USTs may be reimbursed up to \$2,000,000 for each occurrence (*release*) for reasonable corrective action and third party costs.

If an ELTF claim is for third party liability, a copy of the application must be submitted to the Office of the Attorney General (OAG). The OAG reviews the claim based on injury, costs and damage suffered by a third party as a result of a release (*including bodily injury and property damage and reasonable attorney fees*) (328 IAC 1-1-10). IDEM completes the claims processing based on the OAG approval, in the same manner as above (328 IAC 1-6-1 and 328 IAC 1-6-2).

3.5 Emergency or Immediate Actions

3.5.1 Initial Response

In addition to reporting a release, spill or overflow to IDEM, the O/O must:

- Take immediate action to prevent any further release of a regulated substance to the environment, regardless of eligibility for the ELTF Program; typically, this includes one or more of the following:
 - Repair or replace the leaking part of the UST system
 - Empty the UST system to ensure that further releases do not occur
- Identify and mitigate fire, explosion and vapor hazards
- Mitigate to the extent practicable adverse effects to human health and the environment. These actions may be on-going
- Initiate corrective action (329 IAC 9-5)

3.5.2 Emergency Conditions

The IDEM Emergency Response Program (ER) will respond when emergency conditions exist due to a spill, overflow or release. Once mitigated, ER will refer the release to the LUST Program for follow-up. Costs incurred during the mitigation of emergency conditions, even when approved by ER staff, are not automatically approved for ELTF reimbursement. ELTF staff must determine eligibility based on a completed eligibility application. Once eligibility is determined, claims are reviewed for costs allowed under 328 IAC 1.

3.5.3 Spill Response

The O/O should submit a Spill Recovery and Response (SRR) Report within 45 days when a reportable spill or overflow event occurs. An SRR Report should contain the following:

- Facility and Owner Information:
 - UST Facility ID Number
 - Name and address of facility
 - Name and address of facility owner
 - Name and address of contractors performing work
- Spill or incident description, including the following:
 - A detailed description of the spill incident including the time, date, and duration
 - Date reported to IDEM
 - The release incident number given by the agency at the time of the initial incident
 - A description of the spilled material including the volume lost
 - A listing of the areas affected such as pavement, surface soils, subsurface soils, ground water, surface water and subsurface conduits
 - A detailed description of actions taken to mitigate, contain, investigate, and clean-up the spill
 - The amount of product recovered and documentation of proper disposal of contaminated soil, water, or product waste
 - A scaled site map indicating the location of the spill, location of all sampling performed, neighboring properties, and property improvements

If IDEM believes that additional investigation or cleanup is necessary, IDEM will require corrective action (329 IAC 9-5). Sampling and laboratory analysis will be required for sites that

have impacted surface soils, subsurface soils, surface water or ground water. Samples for laboratory analyses must be taken in the areas most likely to be contaminated. Adequate delineation of the contaminant impact must be demonstrated.

3.5.4 Abatement and Site Check

The O/O must perform initial abatement measures and a site check (329 IAC 9-5-3.2). The site check must assess:

- Presence of free product greater than one millimeter thick
- Presence of oil sheen on surface water
- Presence of vapors in utility conduits
- Presence of vapors in a habitable building
- Contamination of a drinking water supply at levels that exceed residential screening levels
- Other conditions related to the migration of the release and determined by IDEM to require mitigation

If one or more of these conditions exist, the O/O must submit a 20-day Abatement Report to IDEM, within 20 days from the date the release is confirmed (329 IAC 9-5-3.2). Free product discovery and abatement activities performed and documented on the 20-day Abatement Report will satisfy the free-product abatement and reporting requirements of 329 IAC 9-5-4.2.

3.5.5 ELTF Emergency Measures

An applicant may apply for reimbursement of costs associated with emergency measures taken as part of a corrective action and receive reimbursement, as long as the actions:

- Meet the definition of Emergency Measure in 328 IAC 1-1-5.1
- Are approved by the IDEM project manager assigned to the release

Emergency Measures are necessary to directly abate:

- Vapors in occupied buildings above short-term risk levels
- Vapors in conduits that exceed 10 percent of the lower explosive limit
- Free product or sheen detected in conduits or surface water
- Free product off-site (*not including easements and rights-of-way*)
- Contamination above a residential screening level in drinking water or within a one year time of travel from a public drinking water well and the well is in imminent danger of being contaminated
- Any other conditions requiring direct abatement as determined by the IDEM project manager in order to mitigate a potential threat to human health and the environment, including minimizing the potential for a third party liability claim

3.6 How is the Public Involved or Notified?

3.6.1 Release Notification

As of July 1, 2007, the following notifications are required:

- The LUST Program must notify the county health officer of each county in which the release, spill, or overfill occurred within seven calendar days of the discovery.
- The County Health Officer must publish notice in a newspaper of general circulation in the County Health Officer's county, and provide any other notice the County Health Officer considers necessary or appropriate within seven calendar days of receiving the notice from IDEM.

3.6.2 Administrative Record

IDEM maintains the administrative records for all spills, overfills, and releases from regulated USTs. These records are available in:

- IDEM's Virtual File Cabinet (VFC) (www.IN.gov/idem/6551.htm) where they are accessible to the public
- The *Energy Policy Act Public Record Summary Information On Underground Storage Tanks (USTs)* posted on the LUST website (www.IN.gov/idem/4997.htm)

The VFC contains documents such as permits, inspections, notifications, registrations, releases, investigation, and corrective action.

The LUST Report, *Energy Policy Act Public Record Summary Information On Underground Storage Tanks (USTs)* (www.IN.gov/idem/4997.htm), contains information about all suspected and confirmed releases from registered UST facilities including facility identification numbers, incident numbers, name, address, disposition (*status of release*), and affected areas.

The IDEM File Room is also available. Visit or contact the IDEM File Room at:

Indiana Government Center North
MC 50-07 Room 1201
100 North Senate Avenue
Indianapolis, IN 46204
Phone: (317) 234-0965 or (800) 451-6027, Fax (317) 232-8659

3.6.3 Public Participation

The LUST Program must notify the public in a manner designed to reach those members of the public directly affected by the release and the planned corrective action. This notice may include:

- Public notice in local newspapers
- Block advertisements
- Public service announcements
- Publication in the Indiana Register
- Letters to individual households
- Personal contacts by field staff

Personal contacts by field staff are the most common method used to provide direct notification. IDEM decides on a site-by-site basis if another method is needed.

When a remedy will include the use of an Environmental Restrictive Ordinance (ERO), it is important to obtain feedback from the water utility and from the local government unit that has enacted or that has proposed adoption of the ERO. Consultants are encouraged to work directly with the local government unit. Because IDEM must rely on local governments to enforce EROs, municipal involvement throughout the review process will help IDEM evaluate the effectiveness of proposed EROs. Local governments should be contacted for information including:

- Current and future local water resource planning
- Procedures for granting exceptions and variances to the ERO
- Local point of contact for ERO monitoring and compliance
- Notification provisions for EROs

IDEM will notify local government units and water utilities in writing of any formal proposal to utilize an ERO at a particular site; and will request input on the items listed above if the information has not already been provided in the work plan.

3.7 Investigation

IDEM requires that all detections of contamination be reported as confirmed releases. The reason for this is that IDEM must verify that sampling was performed correctly and that the laboratory results are validated. In some cases, such as a UST Closure, minimal contamination is present. IDEM reviews the results to determine which of the following is appropriate:

- Perform a complete ISC as described in 329 IAC 9-5-5.1(a) and (b)
- Perform a Limited Subsurface Investigation (LSI) that provides substantially equal protection for human health and the environment as the ISC
- Grant a No Further Action determination based on the information that is already available

3.7.1 Conceptual Site Model During Site Characterization

Properties with releases must be fully characterized based on the UST Rule (329 IAC 9-5). A conceptual site model (CSM) should be developed as described in the *Remediation Closure Guide (Waste-0046-R1)* (www.IN.gov/idem/4694.htm).

3.7.2 Site Characterization

Site characterization is required when a release is confirmed, or when a spill or overfill cannot be adequately cleaned up during the spill response. The U.S. EPA Office of Underground Storage Tanks (OUST) (www.epa.gov/oust/cat/index.htm) website is a good source of information about conducting site characterization. The most comprehensive reference is the *Leaking Underground Storage Tank Corrective Action Compendium* (www.epa.gov/oust/lust/intro.html).

Initial Site Characterization (ISC) (329 IAC 9-5-5.1)

The purpose of the ISC is to timely gather and submit the following information:

- Site history
- Source and cause of the release (*including copies of the most recent tank and line tightness tests and inventory reports for the past 12 months*)
- Regulated substance(s) released
- Soil lithology and bedrock
- Minimum three soil borings with one soil and one ground water sample from each boring
- Ground water flow direction
- Preferential flow pathways (*potential or actual, natural and manmade*)
- Human and ecological receptors (*potential or actual*)
- FSI Work Plan for any additional work necessary to determine the full nature and extent of contamination
- Schedule for start and completion of proposed work (*including any anticipated delays for gaining access*)
- Scope of Work- State Form 51955_ (www.IN.gov/idem/5157.htm)

The O/O must use the ISC Report and Checklist templates available at the LUST website (www.IN.gov/idem/4997.htm) (329 IAC 5-5.1[b][2] and [3]). The ISC Report and Checklist must be submitted within 60 days of the confirmed release date (329 IAC 9-5-5.1). IDEM cannot approve extensions. If this requirement is not met, the ELTF eligibility percentage will be reduced by five percent on the ninety-first day. An additional five percent will then be deducted for every six months that passes prior to the ISC being submitted to the department.

Limited Subsurface Investigation (LSI)

Where an LSI is appropriate, IDEM will direct the O/O to either perform specific activities (*such as collection of soil or ground water samples*) or request a work plan for an LSI. The LSI Report must be submitted within 60 days of a confirmed release (329 IAC 5-5.1[c]) since this submittal qualifies as an ISC Report. IDEM cannot approve extensions.

Further Site Investigation (FSI) Work Plans

A Further Site Investigation (FSI) Work Plan may be submitted prior to conducting an FSI when IDEM and the O/O agree that one is needed. This Work Plan should be included with the previous investigation report. Typically, the Work Plan will include:

- Narrative including:
 - Interpretation of known extent of contamination
 - Interpretation of the unknown extent of contamination
 - Estimate of what needs to be done to define the full nature and extent
 - Estimate of number and location of sampling points
 - Number of samples per location
 - Sampling or investigation methodology
 - Proposed sample analysis and laboratory methods
- Map(s) showing proposed sample locations
- Schedule for start and completion of proposed work (*including any anticipated delays for gaining access*)
- Scope of Work- State Form 51955 (www.IN.gov/idem/5157.htm)

IDEM will provide due dates for submittal of the FSI report based on the proposed work and schedule.

Further Site Investigation (329 IAC 9-5-6)

The FSI is performed to determine the full nature and extent of contamination, and to evaluate actual or potential exposure to human and ecological receptors (*using the CSM*). Source soils and ground water are usually delineated using the step-out procedures described in Section 3.7 of the *Remediation Closure Guide (Waste-0046-R1)* (www.IN.gov/idem/4694.htm). Soil and ground water are typically delineated to residential screening levels both vertically and horizontally. The FSI report must be submitted in a format required by the agency (329 IAC 9-5-6[c]). Four pathways are evaluated:

- Drinking water ingestion via ground water and soil migration to ground water
- Direct contact via surface soil contact
- Vapor intrusion via vapor encroachment into indoor air from soil, ground water or preferential pathways
- Ecologically susceptible areas such as surface water, wetlands, shallow bedrock, and karst terrains

The FSI Report must include the following:

- Investigation results concerning:
 - The full extent of soil and ground water contamination
 - Preferential pathways
 - Surface water
 - Human and ecological receptors
- FSI Work Plan if any additional investigation is necessary to complete the site characterization
- Summary of the following for remediation and closure alternatives:
 - Overall effectiveness of the technology
 - Ability to achieve cleanup objectives
 - Expected treatment duration
 - Treatment reliability
 - Pilot Study Proposal
 - Permits required

FastTRACK

The LUST Program goal is to have O/Os complete site characterization as quickly as possible. In order to achieve this goal, IDEM is currently developing a streamlined approach called *FastTRACK* for sites that require less detailed review by IDEM during the delineation process. Not all sites will be candidates for *FastTRACK*. Some sites will follow a traditional process that involves more detailed review of reports and plans by IDEM, as well as active participation by IDEM during the investigation. The LUST Program will post information on the LUST website (www.IN.gov/idem/4997.htm) as it becomes available.

Traditional

Sites not using *FastTRACK* will submit FSI Reports that follow a prescribed work plan and schedule using the FSI Report Form available at the LUST website (www.IN.gov/idem/4997.htm). When using the traditional approach, FSI Reports should be submitted within 90 days. This timeframe may vary depending on the scope of the work to be performed as well as other factors such as site access. The O/O may request an extension. IDEM will grant an extension if it is warranted. Extension requests should be written, submitted timely by electronic mail or letter, provide an expected date for submittal of the FSI and include a justification for the request.

3.7.3 Investigation of Non-UST Releases

IDEM will require investigation of contamination found as part of a LUST investigation that is not or may not be associated with the UST system(s), under:

- IC 13-22-13 *Hazardous Waste Management – Corrective Actions*
- 329 IAC 3.1 *Hazardous Waste Management Permit Program and Related Hazardous Waste Management*
- IC 13-24-1 *Petroleum Releases*
- IC 13-25-4 *Hazardous Substances Response Trust Fund*

If the source of the non-UST contamination is found to be off-site, IDEM will require continued monitoring. The O/O should consider the off-site contamination when evaluating corrective action alternatives for an on-site source. The O/O should select corrective actions that minimize the risk of causing further migration of, or exposure to the contamination from the off-site source. The O/O is not responsible for cleaning up contamination from an off-site source.

If the source of the contamination is found to be on-site, IDEM will require further investigation and cleanup. IDEM will determine the best management approach depending on the nature and extent of the non-UST contamination. Options include:

- Investigate and clean-up all sources as one site within the LUST Program
- Refer entire site to another program
- Refer non-UST contamination to another program and continue investigation and cleanup of UST contamination under the LUST Program

IDEM cannot reimburse the costs associated with the investigation, and eventual remediation, of a non-UST release when required during the work performed for an ELTF eligible UST release, once the full nature and extent of the ELTF eligible UST release is defined. Costs must be tracked separately for the eligible and noneligible ELTF UST releases.

3.7.4 Quarterly Monitoring During Site Characterization

IDEM typically requires quarterly monitoring reports (QMRs) for ground water sampling and other field activities during the site characterization and beyond. This provides information concerning any seasonal fluctuation in ground water depth, ground water flow direction, and ground water contamination that will enhance the development of the final remediation decision. **Only quarterly monitoring results and relevant information (*operation and maintenance activities, sampling results, etc.*) should be included in the QMR.** Mitigation and corrective action activities must be submitted in a separate report as directed by the LUST Program.

QMRs must be submitted four times per year (*about every 90 days*). IDEM will not grant extensions.



3.7.5 Site Characterization Approval

Site Characterization approval is the first technical approval in the LUST process. When IDEM determines that the nature and extent of contamination is adequately determined, IDEM sends a written approval to the O/O. If for any reason new information becomes available that indicates the site characterization is not complete, IDEM may suspend approval and require additional investigation.

If the O/O anticipates that sample results will be used for Site Characterization approval, the O/O must submit full quality assurance and quality control (QA/QC) documentation.

With this technical approval, the ELTF Program will review ELTF claims and approve reimbursement of eligible site characterization costs including costs for:

- Soil borings
- Monitoring well installation
- Soil and ground water sampling
- Soil and ground water laboratory analyses
- Quarterly monitoring
- Preferential pathway investigations
- Vapor intrusion investigations

If an ELTF claim for site characterization costs is submitted to IDEM without a current technical approval from the LUST Program, the ELTF Program will suspend the claim until the technical approval is obtained.

3.7.6 Quality Assurance Program Plan

When reviewing information submitted for releases from UST systems, spill or overfills, IDEM follows the *Investigation of Underground Storage Tank Releases, Quality Assurance Program Plan* (QAPP) (www.IN.gov/idem/4997.htm) dated March 24, 2009. Documentation consistent with the Minimum Data Documentation Requirements (MDDR) must be submitted for all sampling performed during release confirmation or sampling assessment during a UST Closure. If the information will be used for Site Characterization approval or No Further Action (NFA) approval, full QA/QC documentation is required. Typically, soil samples collected during the last mobilization of an investigation and one complete round of ground water samples will suffice for Site Characterization approval. Generally, IDEM will require some amount of soil confirmation sampling as well as a complete round of ground water samples for NFA approval.

The O/O or their consultant should contact the IDEM project manager regarding which samples require full QA/QC documentation or MDDR. During implementation of an approved Corrective Action Plan (CAP), matrix spike and matrix spike duplicate (MS/MSD) samples are not required. The O/O should consult the IDEM project manager regarding the requirement for a specific release. All plans should include the QAPP elements that identify data quality objectives for the proposed work.

3.8 *Remedy Decision*

IDEM will determine if corrective action is necessary based on the CSM. When IDEM requires corrective action, the O/O must submit a Corrective Action Plan (CAP) (329 IAC 9-5-7) and Record of Remedy Selection (RRS) - State Form 54471 (www.IN.gov/idem/5157.htm) along with other relevant information. If corrective action is not required, the O/O skips this step and proceeds to the closure process outlined in Section 3.10.

3.8.1 Free Product Recovery

Free product recovery and reporting is required throughout site characterization and corrective action. The following documents may contain free product recovery information:

- 20-Day Abatement Report
- Free Product Removal Report
- Initial Site Characterization (ISC) Report
- Further Site Investigation (FSI) Report
- Quarterly Monitoring Report prior to or after Corrective Action Plan approval

3.8.2 Pilot Study

A Pilot Study may be necessary prior to a remedy decision to determine the effectiveness and design of a selected remediation technology. An IDEM-approved Pilot Study report may be submitted prior to or with the CAP as directed by the IDEM project manager. Typically the Pilot Study Report is included with the CAP.

The O/O may request an extension for Pilot Study Report submittal. Extension requests should be timely, provide an expected date for submittal and include a justification for the request. IDEM may grant an extension.

3.8.3 Corrective Action Plan

The CAP contains detailed information about the proposed remedy including, but not limited to:

- Remediation objectives
- Alternative remediation technologies evaluated
- Brief summary of each technology evaluated including estimated time and costs for implementation, monitoring, operations and maintenance
- Reason(s) for not selecting technology(s)
- Reason(s) for selecting technology
- Narrative of selected remediation technology that may include:
 - Design information for an engineered system
 - Volume or mass to be treated by chemical or biological treatment
 - Location and mass of source to be excavated and disposed and/or monitored
- natural attenuation information
- Scope of Work Form - State Form 51955 (www.IN.gov/idem/5157.htm)
- Sampling and Analysis Plan (SAP)
- Health and Safety Plan (HASP)
- Required federal, state and local permits and approvals
- Schedule of proposed activities

The O/O and their consultant should use published resources when evaluating remediation alternatives. The U.S. EPA OUST Remediation/Cleanup Technologies website is a good source for information. The IDEM Remediation Technology & Other Guidance website (www.IN.gov/idem/6514.htm) also has useful information.

Typically, CAPs must be submitted within 60 days of the CAP request, in a format required by the agency (329 IAC 9-5-7[a][2] and 329 IAC 9-5-7[ff]). The O/O may request and IDEM may grant an extension. Extension requests should be written, submitted by electronic mail or letter, timely, provide an expected date for submittal, and include a justification for the request.

3.8.4 Record of Remedy Selection

The Record of Remedy Selection (RRS) - State Form 54471 (www.IN.gov/idem/5157.htm) is a companion document to the CAP. It must be submitted with the CAP. It includes:

- General site information including location and identifiers, O/Os and consultant
- Site description
- Completed and proposed remediation
- Overview of CSM and site risks based on the exposure pathways
- Description of public participation
- Record of communication (*Administrative Record*)
- Other information such as permits that will be required

If no corrective action is necessary, then the RRS and CAP are not required. A No Further Action Request Report (*including a plan for closing a release*) should be submitted. A Record of Site Closure (RSC) - State Form 54472 (www.IN.gov/idem/5157.htm) must be submitted with the Closure Strategy report in this situation. For more information about the No Further Action Request Report, refer to the Closure Section 3.10.



Second ELTF Technical
Approval Milestone – CAP
Approval

3.8.5 Corrective Action Plan Approval

The CAP approval is the second technical milestone approval in the LUST process. When IDEM determines that the remedy selected is acceptable and the plan is complete and accurate, IDEM sends a written approval to the O/O. The approval letter requires the O/O to implement the CAP immediately in accordance with the schedule in the CAP.

With this technical approval, the ELTF Program will review ELTF claims and approve reimbursement of eligible CAP costs including items such as:

- Pilot study
- Quarterly ground water and monitoring events
- CAP development

If an ELTF claim for CAP costs is submitted to IDEM without a current technical approval from the LUST Program, the ELTF Program will suspend the claim until the technical approval is obtained.

3.8.6 Corrective Action Plan Amendment

Modifications may be necessary during or after implementing the approved CAP when:

- System operation is complete
- System operation is modified
- System design is modified
- Sampling and analysis plan is modified
- Technology is determined to be ineffective

Whenever changes are necessary, a CAP Amendment must be submitted. Do not include these recommendations or modifications in Quarterly Monitoring Reports (QMRs). The CAP Amendment must include the Scope of Work Form - State Form 51955 (www.IN.gov/idem/5157.htm).

3.8.7 Transition Details

Section 1.4 of this *Remediation Program Guide* (RPG) explained how IDEM will manage the transition of sites from the *Risk Integrated System of Closure (RISC)* (Waste-0046) (www.IN.gov/idem/4694.htm) and other existing policies to the *Remediation Closure Guide* (Waste-0046-R1) (www.IN.gov/idem/4694.htm). Many LUST projects may have begun following earlier guidance. If a CAP has not been submitted prior to the end of the six-month transition period of the *Remediation Closure Guide* (RCG), then IDEM will use the RCG and applicable rules and laws when evaluating the proposed CAP and remediation objectives.

If a proposed CAP *has* been submitted **prior to the end of the six-month transition period** of the RCG, a O/O may choose to follow either the previously applicable guidance or the RCG . These previous guidelines include:

USTBGM 1994: For releases reported before February 15, 2002, the O/O may have followed the 1994 USTBGM (www.IN.gov/idem/4997.htm) for:

- a. Releases reported before January 1, 2002, if an ISC or equivalent was submitted before February 15, 2002
- b. Releases reported between January 1, 2002, and February 14, 2002, if an ISC or equivalent was submitted within 45 days of the release report or an extended time approved in writing by IDEM
- c. If an ISC or equivalent was not submitted by the deadline and IDEM granted a written request

RISC 2001: For releases reported before February 15, 2002, the O/O may have followed RISC 2001, if requested in writing before July 1, 2004.

RISC 2004: For releases reported before February 15, 2002, the O/O may have followed RISC 2004, if requested in writing on or after July 1, 2004.

RISC 2004: For investigations begun using RISC 2001, the O/O may have followed RISC 2004, if requested in writing to IDEM on or before July 1, 2006.

RISC 2006: For investigations begun using USTBGM 1994, RISC 2001, or RISC 2004; the O/O may have followed RISC 2006, if requested in writing to IDEM when using the default closure tables.

3.9 Remedial Action

3.9.1 Corrective Action Plan Implementation

An approved CAP must be implemented immediately in accordance with the approved schedule outlined in the CAP. A CAP Implementation Report must be submitted for all sites with an IDEM-approved CAP. Normally, this must be submitted 60 days after successful completion of construction/implementation. The LUST Program may require a CAP Implementation Report for a CAP Amendment.



3.9.2 Corrective Action Plan Implementation Report Approval

The CAP Implementation report approval is the third technical milestone approval in the LUST process. When IDEM determines that the CAP was fully implemented as described in the CAP Implementation Report, IDEM sends a written approval to the O/O. The approval letter requires

continued implementation and monitoring. The CAP Implementation Report must be submitted in a form required by the agency (329 IAC 9-5-7[c]).

With this technical approval, the ELTF Program will review ELTF claims and approve reimbursement of eligible CAP implementation costs including items such as:

- Treatment system construction and installation
 - System construction
 - Installation of treatment wells
 - Piping
 - Trenching
 - Cutting pavement
 - Restoration
- Excavation and disposal of contaminated soil and water
- System operation and maintenance
- Quarterly monitoring and reporting

3.9.3 Corrective Action Plan Amendment

CAP modifications may be necessary during the CAP implementation if:

- System operation is complete
- System operation is modified
- System design is modified
- Sampling and analysis plan is modified
- Subsurface conditions changed
- Technology is determined to be ineffective (*this determination may affect ELTF reimbursement under 328 IAC 1-3-1.3[d]*)

Do not include these recommendations or modifications in QMRs. All changes must be submitted as a CAP Amendment. Consult the IDEM project manager to determine what is needed in the CAP Amendment submittals. An RRS form is required if the remediation objectives are modified or there is a significant modification in the remediation approach.

3.9.4 Quarterly Monitoring During Corrective Action Implementation

Quarterly sampling is often necessary to determine if an implemented remedy exhibits a rebound of dissolved contaminants or free product in the ground water once the remedy stabilizes. The results of corrective action monitoring must be submitted during CAP implementation. The duration of quarterly sampling depends on the contaminant(s), remedy and site conditions. Quarterly Monitoring reports must be submitted in a format required by the agency (329 IAC 9-5-7[c]).

3.10 Closure

3.10.1 Conceptual Site Model at Closure

As with the determination of nature and extent of contamination and CAP development and implementation, the CSM should be applied during the closure process. The closure strategy must adequately demonstrate that the remedy (*when required, which may include institutional*

controls) and site conditions adequately control current and future risk to human health and the environment due to a release of contamination.

3.10.2 Quarterly Monitoring During Closure Monitoring

Closure monitoring begins after a mechanical, chemical or biological remedy is stabilized. Following the CAP implementation, IDEM requires ground water monitoring and sometimes soil confirmation sampling. Ground water monitoring is performed to:

- Determine if ground water rebound occurs after the shutdown of an engineered remediation system. Typically, this takes at least two quarters.
- Determine if ground water rebound occurs after the application of materials for bio-augmentation such as an Oxygen Release Compound (ORC[®]). Typically, this takes two to four quarters following application or injection.
- Determine if the remaining contaminated ground water plume is stable or shrinking. Typically, this takes four quarters. IDEM may require more quarters to verify acceptable closure conditions depending on many factors. Common factors include:
 - Contaminant concentrations
 - Areal extent of contamination
 - Ground water zone impacted is being used or is likely to be used for drinking water in close proximity to the release
 - Proximity to drinking water receptors

Quarterly Monitoring reports must be submitted in a format required by the agency (329 IAC 9-5-7[f][1]).

3.10.3 No Further Action Request

Most No Further Action (NFA) approvals are in response to an NFA request submitted by the O/O. A O/O or consultant who believes that a release is eligible for an NFA approval should prepare an NFA request that includes:

- NFA request cover letter
- Completed Record of Site Closure (RSC) - State Form 54472 (www.IN.gov/idem/5157.htm)
- Supporting documentation for the RSC including full QA/QC documentation when required
- Draft environmental restrictive covenant (ERC) when necessary (*IDEM encourages the use of the LUST ERC template*) (www.IN.gov/idem/4997.htm)
- Local ground water ordinance proposed as an environmental restrictive ordinance (ERO)
- Any other information supporting the NFA request (*such as notification to a state or local government agency that contamination remains under a roadway*)

If IDEM believes that a site may be eligible for an NFA approval, IDEM may request that the O/O submit an NFA request. The NFA request must include a closure strategy based on the existing soil and ground water conditions. A completed RSC must be included.

If the release has been ELTF eligible, the ELTF Program cannot reimburse for continued remediation when contaminant levels fall below their appropriate risk-based industrial remediation objectives (329 IAC 1-1-8.3) except in certain circumstances (*such as an on-site*

drinking water well or a site located within a locally designated wellhead protection area). If the O/O chooses to continue remediation, the eligibility for ELTF reimbursement ends at that time.

When reviewing NFA approval requests, IDEM follows the *Investigation of Underground Storage Tank Releases, Quality Assurance Program Plan (QAPP)* (www.IN.gov/idem/4997.htm). The QAPP requires the submittal of full QA/QC documentation, and data validation by IDEM in order to approve an NFA approval request.

3.10.4 Record of Site Closure – The Record of Site Closure (RSC) - State Form 54472 (www.IN.gov/idem/5157.htm), is a companion document to the NFA request. It must be submitted in order to obtain closure from the LUST Program. The RSC includes information supporting the NFA decision including items such as:

- Site information
- Owner and consultant information
- Site description
- Corrective action completed
- Basis for closure
- Conditions subsequent
- Overview of CSM
- Public participation
- Record of communication (*key decision documents*)
- Other supporting documentation

3.10.5 Institutional Controls (www.IN.gov/idem/5959.htm)

Environmental Restrictive Covenant – An ERC is a legal and administrative measure to protect human health and the environment at sites where contamination is left in place. The intent of the ERC is to limit human exposure by restricting activity, use, and access to properties with contamination. Controls may include administrative and engineering controls. Administrative controls typically include restrictions on land use and ground water. Engineering controls, on the other hand, typically include vapor mitigation systems and caps or covers that are designed to prevent direct contact or migration of contamination to ground water.

Environmental Restrictive Ordinance – An ERO is a local ordinance that may be used to restrict ground water use in lieu of, or in addition to, an ERC.



3.10.6 No Further Action Approval

The LUST Program issues an NFA approval letter upon approval of the RSC. When an ERC is utilized as a component of the remediation, IDEM will issue the NFA approval letter upon receipt of the recorded ERC. The NFA determination is based on information provided to and reviewed by IDEM. The NFA approval letter summarizes the information used to determine and implement the remediation, the use of any institutional control(s), residual contamination at the

time of the closure, and the responsibilities the O/O may have in maintaining the NFA approval status.

NFA approvals may be:

- *Unconditional closures.* Closures that leave the site environmentally suitable for any future use.
- *Conditional closures.* Closures that require some continued operation, maintenance, monitoring; or that require site use or exposure controls. Approval depends on one or more ongoing activities or restrictions that prevent exposure to levels of contamination above the screening levels or site-specific risk-based levels upon which the remediation objectives for a particular land use were based. Most LUST conditional closures utilize an ERC. The most common restrictions are:
 - Ground water use
 - Land use
 - Contamination under building or pavement requiring areas to remain unchanged

The NFA approval is the last technical approval milestone for cost reimbursement. The O/O may apply for reimbursement of all costs (*site characterization, quarterly ground water monitoring and sampling, CAP development, CAP implementation, and closure work*) at this time.

- The O/O must submit claims for all costs associated with an ELTF eligible release given an NFA approval prior to March 26, 2011, by December 25, 2011. IDEM must receive any subsequent re-submittal of denied claims no later than December 25, 2012.
- The O/O must submit claims for all costs associated with an ELTF eligible release given an NFA approval on or after March 26, 2011, within nine months of the NFA approval date. IDEM must receive any subsequent re-submittal of denied claims within twelve months of the claim denial.

3.11 Conditions Subsequent

When the LUST Program approves a conditional closure, the No Further Action (NFA) letter will include conditions subsequent to closure that must be monitored or maintained to ensure the continued effectiveness of the remedy. An ERC may also detail any condition that requires monitoring or maintenance.

Engineering Controls

Often passive engineering controls such as pavement and buildings are used at LUST sites. Vapor mitigation may be required in current or future buildings within the Exposure Control Area (ECA). If there are any engineering controls, an ERC may specify the location of the controls, and requirements for compliance with the ERC.

Monitoring

If monitoring is required as a condition of closure, an ERC may specify the specific monitoring requirements. IDEM may conduct post-closure monitoring to verify compliance with the conditions of closure.

Reporting

If reporting is required as a condition of closure, an ERC may specify the specific reporting requirements for the site.

3.12 *When Issues Arise*

Sometimes issues arise as part of the normal course of business. These issues usually center on technical and policy decisions related to denials of work proposed or performed rather than regulatory requirements and deadlines. When these issues arise and the O/O or environmental consultant is not satisfied with the resolution, IDEM recommends contacting the LUST or ELTF Technical Section Chief via telephone or e-mail. If unsure which person at IDEM to contact, the O/O or consultant should ask the project manager or call (317) 232-8900. If a satisfactory solution is not reached, IDEM recommends that the O/O or consultant contact the Remediation Services Branch Chief at (317) 232-4535.

Claimants who wish to appeal an ELTF reimbursement determination must first submit the claim under 328 IAC 1-3-1(c) and (d). Final appeals can be made by filing a written request for review with the Indiana Office of Environmental Adjudication not later than 18 days after receiving notice of the determination (*IC 13-23-9-4*). Claimants can request that the Office of Environmental Adjudication conduct a hearing to review the determination in its entirety, or to review specific portions of the determination (*IC 4-21.5-3*).

When significant violations are identified, typically the LUST Program issues a Violation Letter that identifies the violation(s) and timeframe for corrective measures. If the violations are not corrected in a timely and complete manner, the LUST Program may refer the violations for consideration of a formal enforcement action. Normally, a Notice of Violation and draft Agreed Order (AO) are sent to the O/O for signature. An AO includes corrective measures, civil penalties for past violations, stipulated penalties for noncompliance, and procedures for Dispute Resolution. Where applicable, ELTF eligibility may also be affected when IDEM issues a Violation Letter, Notice of Violation or Commissioner's Order (*i.e., the O/O is not in substantial compliance under 328 IAC 1-1-9*).

3.13 *Forms and Checklists*

Sample copies of many forms, templates and checklists discussed in this RPG may be found at the end of each Chapter of this guide. **The sample forms, templates and checklists in this guide are images only, may not be current, and cannot be completed electronically.**

Current State Forms that can be completed electronically are posted on the IDEM Forms website (www.IN.gov/idem/5157.htm) as PDF fillable forms, Microsoft Word documents or Excel documents. Links to those forms and checklists as well as links to many other documents and websites have been provided where the document is discussed in the text.

All LUST Site Characterization and CAP reports must be signed by an environmental professional and submitted in a form and format as required by the Commissioner (329 IAC 9). Detailed information is contained in:

- 329 IAC 9-5-5.1 (b) (3)
- 329 IAC 9-5-5 (c)
- 329 IAC 9-5-7 (f) (1) (K)
- 329 IAC 9-5-7 (f) (1) (L) (vi)
- 329 IAC 9-5-7 (f) (1) (M)

The following forms, outlines and checklists are used for LUST reporting:

- Sample 3.1 Initial Incident Report - State Form 54487 (*The O/O or the LUST Program or both must complete this form when submitting a release report via the Internet or facsimile. The LUST Program will complete the form for releases reported via telephone.*)
- Sample 3.2 Environmental Restrictive Covenant (*Optional template*)
- Sample 3.3 Excess Liability Trust Fund Application - State Form 47139
- Sample 3.4 Notice of Intent to Purchase UST and Reinstate Eligibility - State Form 48079
- Sample 3.5 ELTF Site Categorization for Prioritization of Claims - State Form 59120
- Sample 3.6 Scope of Work - State Form 51955

These forms appear in Chapter 1 of this RPG:

- Sample 1.1 Record of Remedy Selection - State Form 54471
- Sample 1.2 Record of Site Closure - State Form 54472

The LUST Program is developing the following forms and outlines. These are often refined. Please always check the LUST Program Website (www.IN.gov/idem/4997.htm) for current versions.

- 20-Day Abatement Report
- Initial Site Characterization Report and Checklist
- Further Site Investigation Report and Checklist
- Corrective Action Plan
- Corrective Action Implementation Report
- Quarterly Monitoring Report

Table 3.3 outlines actions and reports required by law for the LUST process, from releases to closure. It also includes timeframes not specifically defined in law to provide typical timeframes required by IDEM. IDEM may adjust these timeframes based on the scope of the request. IDEM recommends that the O/O or their consultant propose a reasonable timeframe to complete a task when there is no specific timeframe in law. IDEM cannot grant extensions for actions and reports required by law. However, IDEM will use its enforcement discretion in consideration of delayed response actions and late submittals.

Table 3.3 Leaking Underground Storage Tank Timeframes Summary

Report, Plan or Action	Time	Rule or Guidance	Rule Reference(s)	Notes
Suspected Release Report	24 hours	Rule	329 IAC 9-4-1 329 IAC 9-6-2.5(a)(3)	Refer to "What is a Suspected Release" in Section 3.4; use the Initial Incident Report Form when reporting to LUST.
Investigation of Off-site Impacts	Immediately	Rule	329 IAC 9-4-2	Refer to "What is a Suspected Release" in Section 3.4.
Release Investigation and Confirmation Steps	Immediately	Rule	329 IAC 9-4-2 329 IAC 9-4-3	Refer to "Release Investigation and Confirmation for Suspected Releases" in Section 3.4.
Release Investigation and Confirmation Steps Report	7 days	Rule	329 IAC 9-4-3	Refer to "Release Investigation and Confirmation for Suspected Releases" in Section 3.4.
Spill and Overfill Cleanup	Immediately	Rule	329 IAC 9-4-4	Refer to "What is a Spill or Overfill?" in Section 3.4; in some cases spills and overfills are subject to requirements of the Indiana Spill Rule (327 IAC 2-6.1).
Spills and Overfills Report	2 hours (Spill Rule) 24 hours (UST Rule)	Rule	327 IAC 2-6.1-5 327 IAC 2-6.1-7(3) 329 IAC 9-4-4(a) 329 IAC 9-4-4(b)(2)	Refer to "Reporting Spills and Overfills" in Section 3.4; in some cases, spills and overfills are subject to requirements of the Indiana Spill Rule; use the Initial Incident Report Form when reporting to LUST.

Report, Plan or Action	Time	Rule or Guidance	Rule Reference(s)	Notes
Initial Response	Immediately	Rule	329 IAC 9-5-2	Refer to "Initial Response" in Section 3.5; upon confirmation of release, an initial response must be initiated.
Confirmed Release Report	2 hours (Spill Rule) 24 hours (UST Rule)	Rule	327 IAC 2-6.1-5 327 IAC 2-6.1-7(3) 329 IAC 9-5-2(1) 329 IAC 9-6-2.5(a)(4)	Refer to "What is a Confirmed Release" in Section 3.4; in some cases spills and overfills are subject to requirements of the Indiana Spill Rule; use the Initial Incident Report when reporting to LUST.
Initial Abatement Measures and Site Check	Immediately	Rule	329 IAC 9-5-3.2(a)	Refer to "Abatement and Site Check" in Section 3.5; in some cases, actions taken are in compliance with the Indiana Spill Rule as well.
Abatement Report	20 days	Rule	329 IAC 9-5-3.2(b)	Refer to "Abatement and Site Check" in Section 3.5.
Free Product Removal	Immediately	Rule	329 IAC 9-5-4.2	Refer to "Emergency or Immediate Actions" in Section 3.5 and "Free Product Recovery" in Section 3.8.
Free Product Removal Report	60 days	Guidance	329 IAC 9-5-4.2(4)	Include with Abatement, ISC and Quarterly Monitoring Reports as directed by IDEM.
Initial Site Characterization	Upon request	Rule	329 IAC 9-5-5.1(a)	Refer to "Initial Site Characterization (ISC)" in Section 3.7
Initial Site Characterization Report	60 days	Rule	329 IAC 9-5-5.1(b)	Refer to "Initial Site Characterization (ISC)" in Section 3.7; submit using the ISC Report and Checklist.
Limited Subsurface Investigation	Upon request	Rule	329 IAC 9-5-5.1(c)	Refer to "Limited Subsurface Investigation (LSI)" in Section 3.7
Limited Subsurface Investigation Report	30 days	Guidance	329 IAC 9-5-5.1(c)	Refer to "Limited Subsurface Investigation (LSI)" in Section 3.7

Report, Plan or Action	Time	Rule or Guidance	Rule Reference(s)	Notes
Further Site Investigation	Upon request	Rule	329 IAC 9-5-6(a) and (b)	Refer to "Further Site Investigation (FSI)" in Section 3.7
Further Site Investigation Report	90 days	Guidance	329 IAC 9-5-6(c)	Refer to "Further Site Investigation (FSI)" in Section 3.7
Pilot Study Work Plan	30 days	Guidance	329 IAC 9-5-6(d)	Pilot Study Work Plans should be included with the FSI Report whenever possible.
Pilot Study Work Report	60 days	Guidance	329 IAC 9-5-6(d)	Pilot Study Work Plans should be included with the CAP whenever possible.
Corrective Action	Upon request	Rule	329 IAC 9-5-7(a)	Refer to "Corrective Action Plan (CAP)" in Section 3.8
Corrective Action Plan	60 days	Guidance	329 IAC 9-5-7(f)	Refer to "Corrective Action Plan (CAP)" in Section 3.8
CAP Amendment	30 days	Guidance	329 IAC 9-5-7(c)	Refer to "Corrective Action Plan Amendment in Section 3.8
Correction Action Plan Implementation	Upon CAP Approval	Rule	329 IAC 9-5-7(b) and (c)	Refer to "Corrective Action Implementation" in Section 3.9
Corrective Action Implementation Report	60 days	Guidance	329 IAC 9-5-7(f)(1)(L)	Refer to "Corrective Action Implementation" in Section 3.9
Quarterly Monitoring	90 days	Guidance and Rule	329 IAC 9-5-7(f)(1)(L)	Refer to "Quarterly Monitoring" in Section 3.7 and 3.8
Quarterly Monitoring Report	90 days	Rule	329 IAC 9-5-7(f)(1)(L)	Refer to "Corrective Action Implementation" in Section 3.9

Report, Plan or Action	Time	Rule or Guidance	Rule Reference(s)	Notes
No Further Action Request Report	30 days	Guidance	329 IAC 9-5-7(f) (1) (M)	Refer to "Final Report - No Further Action Request in Section 3.10

Sample 3.1 Initial Incident Report Form 54487



LEAKING UNDERGROUND STORAGE TANK (UST) INITIAL INCIDENT REPORT

State Form 54487 (11-10)
 INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
 LEAKING UNDERGROUND STORAGE TANK SECTION

INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
 OFFICE OF LAND QUALITY
 LEAKING UNDERGROUND STORAGE TANK SECTION
 100 N. Senate Ave., MC 67-18
 Indianapolis, IN 46204-2251
 Telephone number: (317) 232-8900
 Fax number: (317) 234-0428
 E-mail: LeakingUST@idem.in.gov

- INSTRUCTIONS:**
- In accordance with 329 IAC 9-4 and 9-5, owners and operators must report all releases within 24 hours of discovery.
 - Fill out the form completely.
 - Complete one report for each release or spill (source area).
 - In accordance with 329 IAC 9-4-3, all suspected releases must be Confirmed or negated within 7 days. Any release that is not negated within 7 days will be considered a confirmed release.
 - E-mail to LeakingUST@idem.in.gov or fax to (317) 234-0428

INCIDENT / PRIORITY INFORMATION

IDEM USE ONLY	PRIORITY
Incident #	<input type="checkbox"/> Low <input type="checkbox"/> Medium <input type="checkbox"/> High

REPORTING / FACILITY / OWNER INFORMATION

Reported / /	DATE	Discovered / /	TYPE	REPORTED VIA
			<input type="checkbox"/> Confirmed <input type="checkbox"/> Suspected	<input type="checkbox"/> Fax <input type="checkbox"/> E-mail <input type="checkbox"/> Telephone

Reporter: Contact/Title	Facility: Contact/Title
Company	Facility Name
	Facility ID#
Street Address (number and street)	Street Address (number and street)
City/State/ZIP	Telephone Number
	City/State/ZIP
	Telephone Number

UST Owner Name	Responsible Party
Street Address (number and street)	Street Address (number and street)
City/State/ZIP	Telephone Number

RELEASE INFORMATION

UST LEAKING	UST REGISTERED	TANK SIZE	CONTENTS	CURRENTLY IN USE
<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/> Gas <input type="checkbox"/> Kerosene <input type="checkbox"/> Diesel <input type="checkbox"/> Used Oil <input type="checkbox"/> Other	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/> Gas <input type="checkbox"/> Kerosene <input type="checkbox"/> Diesel <input type="checkbox"/> Used Oil <input type="checkbox"/> Other	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/> Gas <input type="checkbox"/> Kerosene <input type="checkbox"/> Diesel <input type="checkbox"/> Used Oil <input type="checkbox"/> Other	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/> Gas <input type="checkbox"/> Kerosene <input type="checkbox"/> Diesel <input type="checkbox"/> Used Oil <input type="checkbox"/> Other	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/> Gas <input type="checkbox"/> Kerosene <input type="checkbox"/> Diesel <input type="checkbox"/> Used Oil <input type="checkbox"/> Other	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/> Gas <input type="checkbox"/> Kerosene <input type="checkbox"/> Diesel <input type="checkbox"/> Used Oil <input type="checkbox"/> Other	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/> Gas <input type="checkbox"/> Kerosene <input type="checkbox"/> Diesel <input type="checkbox"/> Used Oil <input type="checkbox"/> Other	<input type="checkbox"/>

UST SYSTEM CHECK/INSPECTION

Last tank tightness test (TTT)	Sump(s) last inspected	Last line tightness test (LTT)	Spill bucket last inspected
Date / /	Date / /	Date / /	Date / /

KNOWLEDGE OF RELEASE

Failed <input type="checkbox"/> TTT <input type="checkbox"/> LTT	<input type="checkbox"/> Inventory loss	<input type="checkbox"/> UST closure	<input type="checkbox"/> Phase II ESA	<input type="checkbox"/> Catastrophic release	<input type="checkbox"/> Other
Date / /	Date / /	Date / /	Date / /	Date / /	Date / /
Estimated volume of release _____ gallons					

SOURCE AND CAUSE

SOURCE	CAUSE						
	Spill	Overfill	Corrosion	Physical or Mechanical Damage	Install Problem	Other	Unknown
Tank	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Piping	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dispenser	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Submersible Turbine Pump	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Delivery Problem	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AFFECTED AREAS

<input type="checkbox"/> Soils Impacted	Predominant Soil Type Affected			
HIGHEST LAB SAMPLE RESULT (mg/kg)				
TPH	Benzene	Toluene	Ethyl benzene	Xylene
MTBE	Naphthalene	Benzo(a)anthracene	Benzo(b)fluoranthene	Benzo(k)fluoranthene
Benzo(a)pyrene	Chrysene	Dibenzo(a,h)anthracene	Indeno(1,2,3-cd)pyrene	Other
<input type="checkbox"/> Groundwater Impacted	Depth to groundwater below ground surface		feet	
HIGHEST LAB SAMPLE RESULT (µg/l)				
TPH	Benzene	Toluene	Ethyl benzene	Xylene
MTBE	Naphthalene	Benzo(a)anthracene	Benzo(b)fluoranthene	Benzo(k)fluoranthene
Benzo(a)pyrene	Chrysene	Dibenzo(a,h)anthracene	Indeno(1,2,3-cd)pyrene	Other

HIGH PRIORITY FACTORS

FACTORS			YES	NO
Free Product	Thickness	feet	<input type="checkbox"/>	<input type="checkbox"/>
Drinking water well impacted	Highest lab sample result	µg/l	<input type="checkbox"/>	<input type="checkbox"/>
Vapors in inhabitable building	Concentration	<input type="checkbox"/> % LEL <input type="checkbox"/> ppm (field screening)	<input type="checkbox"/>	<input type="checkbox"/>
Utility corridors affected	Concentration	<input type="checkbox"/> % LEL <input type="checkbox"/> ppm (field screening)	<input type="checkbox"/>	<input type="checkbox"/>
Wellhead protection area within 1 year time of travel or 1000'	Distance	feet	<input type="checkbox"/>	<input type="checkbox"/>
Surface water impacted	Type	Name	<input type="checkbox"/>	<input type="checkbox"/>
Other			<input type="checkbox"/>	<input type="checkbox"/>

MEDIUM PRIORITY FACTORS

FACTORS	YES	NO
Groundwater impacted with dissolved contaminants	<input type="checkbox"/>	<input type="checkbox"/>

LOW PRIORITY FACTORS

FACTORS	YES	NO
Soil Contamination	<input type="checkbox"/>	<input type="checkbox"/>
Over excavation	<input type="checkbox"/>	<input type="checkbox"/>
Amount	tons	Disposal Facility Name
		City
		State

ADDITIONAL SITE INFORMATION

ADDITIONAL FACTORS	YES	NO
Nearest inhabitable building	<input type="checkbox"/>	<input type="checkbox"/>
Nearest surface water	<input type="checkbox"/>	<input type="checkbox"/>
Potable water supply within 100 feet	<input type="checkbox"/>	<input type="checkbox"/>
Karst/fracture bedrock	<input type="checkbox"/>	<input type="checkbox"/>
Anticipated groundwater flow direction	<input type="checkbox"/>	<input type="checkbox"/>

INCIDENT INFORMATION	YES	NO
Incident #	<input type="checkbox"/>	<input type="checkbox"/>
Incident #	<input type="checkbox"/>	<input type="checkbox"/>

COMMENTS

Describe in detail information including, but not limited to, the source and cause of release, nature of contamination and reason for sampling:

Report received by (IDEM Signature)

Report submitted by (Signature)

X

Date

X

Date

Report received by (IDEM Printed Name)

Report submitted by (Printed Name)

Sample 3.2 Environmental Restrictive Covenant (Optional template)

Environmental Restrictive Covenant

THIS ENVIRONMENTAL RESTRICTIVE COVENANT ("Covenant") is made this _____ day of [month], 20____, by [insert name and address of property owner].

WHEREAS: Owner is the fee owner of certain real estate in the County of _____, Indiana, which is located at [insert address of site] and more particularly described in the attached Exhibit "A" ("Real Estate"), which is hereby incorporated and made a part hereof. This Real Estate was acquired by deed on _____, and recorded on _____, as Deed Record _____, in the Office of the Recorder of _____ County, Indiana. The Real Estate consists of approximately _____ acres and has also been identified by the county as parcel identification number[s] [insert 18-digit parcel identification number(s) as described in 50 IAC 23-8-1]. [Optional: The Real Estate, to which this Covenant applies, is depicted on a map attached hereto as Exhibit ____.]

WHEREAS: Corrective action was implemented in accordance with IC 13-23 and other applicable Indiana law as a result of a release of petroleum [if applicable, insert] and hazardous waste and hazardous substances relating to the [insert name of clean-up site]. The incident number assigned by the Indiana Department of Environmental Management ("IDEM") for this release is _____ and the release identification number is _____.

WHEREAS: Certain concentrations of contaminants ("COCs") remain in the [insert appropriate media: soil, groundwater, or groundwater and soil] of the Real Estate following completion of corrective action. The Department has determined that the COCs will not pose an unacceptable risk to human health at the remaining concentrations, provided that the land use restrictions contained herein are implemented [if applicable, insert] and engineering controls maintained] to protect human health. These COCs are [list the COCs remaining above residential land use criteria; if there are numerous COCs, consider the following language instead: The remaining COCs are listed in Exhibit _____, which is attached hereto and incorporated herein.]

WHEREAS: Environmental investigation reports and other related documents are hereby incorporated by reference and may be examined at the offices of the Department, which is located in the Indiana Government Center North building at 100 N. Senate Avenue, Indianapolis, Indiana. The documents may also be viewed electronically in the Department's Virtual File Cabinet by accessing the Department's Web Site (currently www.in.gov/idem/).

NOW THEREFORE, [insert name of Owner] subjects the Real Estate to the following restrictions and provisions, which shall be binding on the current Owner and all future Owners:

I. RESTRICTIONS

1. Restrictions. The Owner: *[Select from the list below those restrictions that are applicable to the site. Delete those that are not applicable and renumber list. Additional site specific restrictions may be appropriate based on site conditions, and are to be negotiated between the property owner and the Department.]*

- (a) Shall not use or allow the use of the Real Estate for residential purposes, including, but not limited to, daily child care facilities or educational facilities for children (e.g., daycare centers or K-12 schools).
- (b) Shall not use or allow the use or extraction of groundwater at the Real Estate for any purpose, including, but not limited to: human or animal consumption, gardening, industrial processes, or agriculture, except that groundwater may be extracted in conjunction with environmental investigation and/or remediation activities.
- (c) Shall not use the Real Estate for any agricultural use.

[Include the following soil disturbance restriction if COCs remain in soil at levels above residential worker criteria.]

(d) Shall neither engage in nor allow excavation of soil [at depths greater than ____ feet] in the area identified via *[choose* GPS coordinates *or* legal survey, *as applicable*] as the "Construction Worker Restriction Area" on the attached Exhibit ____ (which is incorporated herein), unless soil disturbance obligations listed in the preceding paragraph are followed. In addition, the Owner shall provide written notice to the Department in accordance with paragraph 14 below *[edit as necessary* at least ____ days *[before or after]* the start of soil disturbance activities]. The owner, upon the Department's request, shall provide the Department evidence showing the excavated and restored area does not represent a threat to human health or the environment. This determination shall be made in accordance with the Department's Risk Integrated System of Closure ("RISC") Technical Guidance Document. Upon the Department's request, the Owner shall provide the Department written evidence (including sampling data) showing the excavated and restored area, and any other area affected by the excavation, does not represent such a threat. Contaminated soils that are excavated must be managed in accordance with all applicable federal and state laws, and disposal of such soils must also be done in accordance with all applicable federal and state laws.

[In addition to the preceding general soil disturbance restriction, additional soil disturbance restrictions may be appropriate for high levels of contamination and should be tailored accordingly. The following is an example restriction illustrating the case where COCs remain in soil at levels above construction worker criteria.]

- (e) Shall neither engage in nor allow excavation of soil [at depths greater than ____ feet] in the area identified via *[choose* GPS coordinates *or* legal survey, *as applicable*] as the "Construction Worker Restriction Area" on the attached Exhibit ____ (which is incorporated herein), unless soil disturbance obligations listed in the preceding paragraph are followed. In addition, the Owner shall provide written notice to the Department in accordance with paragraph 14 below *[edit as necessary* at least ____ days *[before or after]* the start of soil disturbance activities]. The owner, upon the Department's request, shall provide the Department evidence showing the excavated and restored area does not represent a threat to human health or the environment.

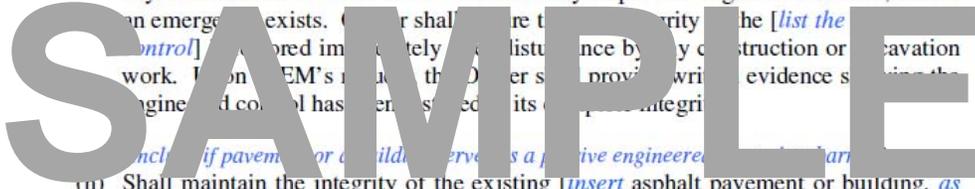
[Include the following if there is a potential future vapor intrusion threat at undeveloped or

unoccupied sites; sites that are already occupied and have vapor intrusion issues should instead include the restriction below requiring operation and maintenance of an engineered control.]

- (f) Shall not construct or allow occupancy of a dwelling or work space on the Real Estate unless a vapor mitigation system is installed, operated, and maintained within the dwelling or work space. IDEM may waive this restriction in writing if the Owner has provided data and analysis demonstrating to IDEM's satisfaction that there is no unacceptable risk to human health via the vapor intrusion exposure pathway.

[Include if an active engineered control (vapor mitigation system, etc.) has been implemented at the site]

- (g) Shall operate and maintain the *[list engineered control, depicted in Exhibit ____]* so as to protect its functional integrity *[in accordance with insert title and date of the document containing operations and maintenance requirements]*. Owner shall notify the Department in writing at least fifteen (15) days in advance of conducting any construction or excavation work that may impact an engineered control, unless an emergency exists. Owner shall ensure the integrity of the *[list the control]* is not impaired immediately or in the future by any construction or excavation work. Upon IDEM's request, the Owner shall provide written evidence showing the engineered control has been maintained to protect its functional integrity.



- (h) *[Include if pavement or building serves as a passive engineered control]* Shall maintain the integrity of the existing *[insert asphalt pavement or building, as appropriate]*, which is depicted on Exhibit ____ via *[choose GPS coordinates or legal survey, as applicable]*; this asphalt area serves as an engineered barrier to prevent direct contact with the underlying soils and must not be excavated, removed, disturbed, demolished, or allowed to fall into disrepair.

[Include the following if groundwater monitoring is being conducted]

- (i) Shall prohibit any activity at the Real Estate that may interfere with the groundwater monitoring or well network.
- (j) *[Insert other site specific restriction(s) here.]*

II. GENERAL PROVISIONS

- 2. Restrictions to Run with the Land. The restrictions and other requirements described in this Covenant shall run with the land and be binding upon, and inure to the benefit of the Owner of the Real Estate and the Owner's successors, assignees, heirs and lessees and their authorized agents, employees, contractors, representatives, agents, lessees, licensees, invitees, guests, or persons acting under their direction or control (hereinafter "Related Parties") and shall continue as a servitude running in perpetuity with the Real Estate. No transfer, mortgage, lease, license, easement, or other conveyance of any interest in or right to occupancy in all or any part of the Real Estate by any person shall affect the restrictions set forth herein. This Covenant is imposed upon the entire Real

IV. TERM, MODIFICATION AND TERMINATION

- 9. Term. The restrictions shall apply until the Department determines that the contaminants of concern no longer present an unacceptable risk to the public health, safety, or welfare, or to the environment.
- 10. Modification and Termination. This Covenant shall not be amended, modified, or terminated without the Department's prior written approval. Within thirty (30) days of executing an amendment, modification, or termination of the Covenant, Owner shall record such amendment, modification, or termination with the Office of the Recorder of _____ County and within thirty (30) days after recording, provide a true copy of the recorded amendment, modification, or termination to the Department.

V. MISCELLANEOUS

- 11. Waiver. No failure on the part of the Department at any time to require performance by a person of a term of this Covenant shall constitute or help to be a waiver of such term or in any way affect the Department's right to enforce such term, and no waiver on the part of the Department shall constitute or help to be a waiver of any term hereof or of the breach of any term hereof.
- 12. Conflict and Compliance with Laws. If any provision of this Covenant conflicts with the subject of any law or regulation established by any federal, state, or local government, the strictest standard or requirement shall apply. Compliance with this Covenant does not relieve the Owner of its obligation to comply with any other applicable laws.
- 13. Change in Law, Policy or Regulation. In no event shall this Covenant be rendered unenforceable if Indiana's laws, regulations, RISC guidelines, or remediation policies (including those concerning environmental restrictive covenants, or institutional or engineering controls) change as to form or content. All statutory references include any successor provisions.
- 14. Notices. Any notice, demand, request, consent, approval or communication that either party desires or is required to give to the other pursuant to this Covenant shall be in writing and shall either be served personally or sent by first class mail, postage prepaid, addressed as follows:

To Owner: *[insert owner's name and address]*

My Commission Expires:

Residing in _____ County, _____

This instrument prepared by:
[insert name and address]

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law:
[insert name and address]

SAMPLE

EXHIBIT A
LEGAL DESCRIPTION OF REAL ESTATE

SAMPLE

EXHIBIT ____

Instructions: Attach separate sheets as necessary, labeled as 'Exhibit B', 'Exhibit C', etc. The following are some examples of additional Exhibits.

1. A scaled map of the site (optional).
2. List, description, or table of COCs (optional for non-CERCLIS sites and non-hazardous waste facilities).
3. Scaled map(s) with GPS coordinates¹ showing the location of engineered barriers or other engineering controls.
4. Scaled map(s) with GPS coordinates showing the location of contamination above construction worker levels, identifying the relevant area as the "Construction Worker Restriction Area" (requested if contaminant concentrations remain above that level).
5. Scaled map(s) showing the legal boundary (by survey, GPS coordinates, etc.) of areas within a property (i.e. "carve outs") subject to specific restrictions or obligations (required if such areas exist).

CERCLIS sites and current and former hazardous waste facilities (defined in 11-2-100 to mean a plant or site where hazardous waste is subjected to treatment, storage or disposal) are required by 11-5-4-1(e) to describe the identity, quantity, and location of hazardous substances remaining on the property. Two methods of relating this information include the following exhibit types:

- a. Scaled map(s) identifying the location of contamination exceeding residential land use criteria for each contaminant of concern. For clarity purposes, it is recommended that analytical information (identification and quantity of hazardous substances) be showed separately in a table.
- b. A narrative summary of the identity, quantity, and location of hazardous substances remaining on the property.

¹ The presence of any of the following will likely necessitate the collection of GPS data: engineered barriers or controls; a restriction that applies to only a portion of the site; and areas labeled 'construction worker restriction area.' GPS data should be collected with a mapping or survey-grade GPS receiver, and data deliverable information should be submitted in accordance with the document *IDEM Office of Land Quality Spatial Data Collection Standards*, which is available on IDEM's Website.

Excess Liability Trust Fund Application



SAMPLE

Indiana Department of Environmental Management
100 North Senate Avenue
Mail Code 67-02
Indianapolis, IN 46204-2251

State Form 47139 (R6 / 1-12)



APPLICATION
State Form 47139 (R6 / 1-12)

TO BE COMPLETED BY IDEM
Date submitted (month/day/year)
ELTF control number

INSTRUCTIONS: This form should be submitted when applying for an eligibility determination, a reimbursement request, or a resubmittal of reimbursement request. For detailed information on completing this form, please see the INSTRUCTIONS (tab at bottom of Excel document). **Note:** Applications will not be processed that contain incomplete information (all fields on this application must be completed) or do not contain the required forms/pages as described in the INSTRUCTIONS for completing the application.

TO BE COMPLETED BY APPLICANT

SECTION 1 - APPLICANT INFORMATION (applicant must be the owner/operator for eligibility determinations)

Name of applicant	Federal Tax ID number
Mailing address of applicant (number and street, city, state, ZIP code)	
Name of second party for joint check (if applicable). Check will be issued to applicant and party listed below, and mailed to the above address.	
Name of contact person concerning claim issues	Contact telephone number (with area code)
Contact email address	
Was there private insurance that may cover this release? <input type="checkbox"/> Yes <input type="checkbox"/> No	Name of insurance company
	Policy number

SECTION 2 - SITE INFORMATION

Facility identification number	Date incident reported to IDEM (month/day/year)	LUST incident number
Name of facility	IDEM project manager	County where facility is located
Address of facility (NOTE: enter number and street address. DO NOT include P.O. Box numbers.)		

SECTION 3 - ELIGIBILITY DETERMINATIONS

Request reimbursement for cleanup costs from the ELTF. An application submitted requesting a determination of the LUST incident's eligibility to be determined on claims is \$_____. Costs not submitted for eligibility determination applications will not complete payment. The claim will be eligible for eligibility determination.

SECTION 4 - REIMBURSEMENT REQUESTS

Request covers work performed during the following period (month/day/year) From: _____ To: _____

Type of work performed:
 Investigation CAP Quarterly Monitoring NFA Emergency Response

Identify the type of claim application:

Initial dollar claim application (This is the first request for payment from the ELTF.)

Subsequent claim application (One or more claims have been submitted to the ELTF. None of the costs requested in this claim application have been previously submitted.)

Subsequent claim application and Resubmittal of denied costs (This claim application includes new costs and costs that have been denied by the IDEM. The portion of the claim that was previously submitted must be identified below as being previously submitted and include the dollar value of the original claim.)

Original Amount Requested \$ _____ Claim Number Assigned By IDEM: _____

Complete Claim Resubmittal (A claim was submitted to IDEM and was denied in full. To have a previously denied claim reevaluated, a new application for each claim must be submitted, that includes the amount of the original request, and the claim number assigned by IDEM. (See instructions))

Original Amount Requested for Denied Costs \$ _____ Claim Number Assigned By IDEM: _____

Third party claim (If you have been held responsible for damages to a third party and are submitting the judgment or settlement agreement for reimbursement as a third party claim. Please submit proof that a copy of this claim has been sent to the Indiana Attorney General.)

Enter the total costs for the claim from the attached "Pay Requests" (including resubmitted costs if applicable)
\$ _____

Enter the total resubmitted costs if applicable
\$ _____



APPLICATION

State Form 47139 (R6 / 1-12)

TO BE COMPLETED BY IDEM
Date submitted (month/day/year)
ELTF control number

TO BE COMPLETED BY APPLICANT (continued)
Most recent technical determination (check one):
<input type="checkbox"/> Emergency measures (Attach a completed "Confirmation of Emergency Response Status" form signed by the IDEM project manager, or the IDEM Emergency Response On-Scene Coordinator.)
<input type="checkbox"/> Site characterization performed in accordance with the UST Guidance Manual and 329 IAC 9-5 (Attach a copy of the letter from IDEM stating that the site is fully characterized.)
<input type="checkbox"/> Approved CAP (Attach a copy of your "Corrective Action Plan Approval" letter from the IDEM.)
<input type="checkbox"/> Approved CAP Implementation (Attach a copy of your "Corrective Action Plan Implementation Approval" letter from the IDEM if available.)
<input type="checkbox"/> No further action required (Attach a copy of your "No Further Action" letter from the IDEM.)
<input type="checkbox"/> Site conditions do not warrant preparation of a CAP (You must provide documentation that IDEM has determined that a CAP should not be prepared. Please contact the IDEM project manager.)

SECTION 5 - SIGNATURE OF OWNER/OPERATOR, ATTORNEY-IN-FACT OR ASSIGNEE	
I swear or affirm to the best of my knowledge and belief that the costs presented herein represent the reimbursable costs actually incurred in the performance of site characterization or corrective action related to this site during the period of time indicated on this application. I also swear or affirm that all information submitted as part of this application was necessary to complete the site characterization or corrective action pursuant to Indiana Code 13-23-9 and I am not subject to any criminal and civil penalties for submitting false and/or inaccurate information on this application.	
Signature of owner/operator, attorney-in-fact or assignee	Date signed (month/day/year)
Printed name	Title
If applicable, a copy of the signed Assignment of Rights under 329 IAC 9-1 must be attached. If applicable, the Assignment of Rights or the Power of Attorney must also be attached. If the Assignment of Rights or the Power of Attorney has been modified or amended, a current copy must be attached.	

EXCESS LIABILITY TRUST FUND APPLICATION

INSTRUCTIONS

THE APPLICATION FORM - STATE FORM 47139 (R6 / 1-12)

Underground storage tank registration fee: For an eligibility determination, you must show proof of payment for all tank fees. **You must enclose copies of UST fee receipts or copies of your cancelled checks for all years since the tanks were registered.**

SECTION 1 - APPLICANT INFORMATION

Name of applicant: For eligibility determinations, the applicant name must be the name which appears on the "Underground Storage Tank Registration" as the owner or operator of the USTs. **For reimbursement requests,** the applicant name is the owner/operator or the entity who has been assigned rights as the first party through an assignment of rights. A copy of an *Assignment of Rights* document (see instructions for Section 5) must be attached. Please note that the reimbursement check will be issued through direct deposit (for single party checks) or mailed (for joint checks) to the address listed on the application.

Federal Tax ID number: The applicant's Federal Tax ID number (must be included for all reimbursement requests).

Mailing address: This address must be the complete current mailing address (street address or P.O. Box) and must match the vendor information supplied on State Form 53788 to the State Auditor's office. All correspondence from IDEM regarding this claim will be mailed to this address.

Name of second party for joint check: Complete this section if you would like a joint check to be issued from the ELTF, otherwise write "not applicable." The check will be issued to the applicant and the second party listed, but will be mailed to the address listed on the application.

Name and title of contact person: This section should be completed by the name of the person who should be contacted concerning questions about the claim. Refer to the person who completed the claim.

Contact telephone number: Telephone number of contact person, if previously.

Contact email address: Email address for contact person, if previously.

SECTION 2 - SITE INFORMATION

Facility identification number: This is the number assigned by the Underground Storage Tank section for your facility.

Date incident reported to IDEM: This date, if not known, can be obtained from the Leaking Underground Storage Tank Section at (317) 232-8900.

LUST incident number: This is the number assigned to your site when you reported the incident to IDEM. If you do not know this number, it can be obtained from the Leaking Underground Storage Tank section at (317) 232-8900.

Name of facility: This should be the name listed under Section II of your "Notification For Underground Storage Tanks" form.

IDEM project manager: If your site has been assigned to an IDEM project manager, list his/her name here. If you do not know the name of your project manager, enter "unknown" or "not applicable". Not all sites are assigned to LUST/ELTF project managers.

Address of facility: This should be the address listed under Section II of the "Notification For Underground Storage Tanks" form.

SECTION 3 - ELIGIBILITY DETERMINATIONS

An application requesting a determination of the LUST incident's eligibility to be reimbursed for cleanup costs from the Excess Liability Trust Fund. Do not complete pay requests. The claimed amount for eligibility determination claims is \$0. New costs submitted with eligibility determination applications will not be evaluated. Costs must be submitted in a dollar claim application after eligibility has been determined.

EXCESS LIABILITY TRUST FUND APPLICATION

INSTRUCTIONS

SECTION 4 - REIMBURSEMENT REQUESTS

Type of work performed: Check the box that best describes the work that was performed for the costs being claimed.

Identify the type of claim application:

Read the descriptions provided and check the box next to the type of claim you are submitting. If costs denied in previous claims are being resubmitted, you must check the "Subsequent claim application and Resubmittal of denied costs" box.

If you are resubmitting a claim that was denied completely, check the "Complete Claim Resubmittal" box. A separate application must be submitted for each complete claim resubmittal.

Note: For Complete Claim Resubmittals or Resubmittals of Denied Costs, you must also include (1) the original amount requested (from the original claim submittal) and (2) the IDEM claim number relating to that previous claim in the spaces provided on the application.

Total costs for the claim from the attached "Pay Requests": This is the total requested amount of the claim. The total costs for the claim would include subsequent and resubmitted costs.

Total resubmitted costs: This is the total requested amount of resubmitted costs, if they are included in the claim. If there are no resubmitted costs, this line should be left blank.

Most recent technical determination: In order to receive reimbursement from the ELTF, one of the situations listed should apply to this site. Check only one box on the Application form.

Emergency measures - The work for which reimbursement is sought was performed in response to a petroleum release that created the need for emergency measures, as defined in 328 IAC 1-1-5.1. A completed (signed by an IDEM Incident Manager or the Incident Response On-Scene Coordinator) "Notification of Emergency Response Status" form must be submitted with your ELTF application.

Characterization - Work for which reimbursement is sought is completed to characterize a release with the background information, Technical Guidance manual and 328 IAC 9-5. Attach a copy of the letter from IDEM indicating that the site has been fully characterized.

Approved CAP - A Corrective Action Plan (CAP) has been approved or deemed approved for purposes of ELTF eligibility by IDEM. Attach a copy of your "Corrective Action Plan Approval" letter from the IDEM.

Approved CAP Implementation - A Corrective Action Plan Implementation has been approved or deemed approved for purposes of ELTF eligibility by IDEM. Attach a copy of your "Corrective Action Plan Implementation Approval" letter from the IDEM if available.

No further action required - IDEM has determined that no additional corrective action activities are necessary. You must provide a copy of your "No Further Action" letter from the IDEM. Also, DNR well abandonment logs must be included if costs pertain to well abandonment.

The site conditions do not warrant the preparation of a Corrective Action Plan - You must provide documentation that IDEM has decided that a CAP should not be prepared.

If more than one of these technical determinations has been issued for the release, indicate which occurred most recently. For example, if IDEM has determined that the site has been fully characterized, then approves a CAP, you would indicate that a CAP has been approved.

SECTION 5 - SIGNATURE

The application must be submitted with an original signature and date. If the signator is signing as an Attorney-in-Fact, a copy of the Power of Attorney must be attached.

A copy of any Power of Attorney and/or Assignment of Rights must be attached to each claim application. A Power of Attorney must specify the incident number and what authority the Attorney-In-Fact has been granted. An Assignment of Rights must specify the incident number and what reimbursement rights have been assigned by the owner/operator for value received. Both documents must be notarized and must include the telephone number, address, and e-mail address of the person granting the Power of Attorney or assigning the right to reimbursement (the Assignor).

EXCESS LIABILITY TRUST FUND APPLICATION

INSTRUCTIONS

PAY REQUEST

The purpose of the Pay Request form is to itemize any / all charges requested for reimbursement in an initial or subsequent claim application. This form is not to be altered from the original format.

Definition of Terms

- 1. Description - List the item for which you are seeking reimbursement, including personnel classifications.
2. Task Performed - Describe the activity for which the item was used. Please list specific tasks as listed in the 328 IAC 1-3-5. Do not restate personnel classifications.
3. Units - The number of units requested.
4. Unit Type - The type of unit requested (ex. hours, days, tons, gallons).
5. % Mark-up - Specify percentage of consultant mark-up for subcontractor or equipment purchase costs, if any. Please note, if this column is left blank, ELTF will not approve costs greater than the back-up documentation.
6. Amt Requested - Amount claimed.
7. Amt Allowed - To be used by ELTF staff only.
8. Ref - To be used by ELTF staff only.
9. Subtotal - The total costs requested for this page.
10. Total Requested for this Invoice - Once you have listed all the costs associated with an invoice, enter the total costs requested.



For the following expense types, the purpose, the information requested in the manner described

Bid Expenses - Enter the bid items on pay request enter "bid item" in Description column. In the Task column enter a description of the bid activity (ex. install of a pump and treatment system). In the Unit Type column enter "1". In the Amt Requested column enter the amount requested. Reimbursement for work performed after February 8, 1997, will be reimbursed on the basis of the lowest of three competitive bids on the work specified in the Corrective Action Plan that is approved or deemed approved by the Department. Copies of the three bids must be provided for evaluation; however, information from the three bids does not need to be summarized or listed on the "Pay Request", or anywhere else on the application. If a mark-up is applied, the correct/allowable % mark-up must be indicated on the "Pay Request" in the appropriate column.

Please note: Bids should not include lodging, per diem and mileage. These items will be reimbursed as separate line items on the invoice and pay request. Please refer to the instructions specific to these expenses.

Disposal Expenses - Enter type of material being disposed in the Description column (ex. soil disposal). In the Task column enter the source and nature of the material (ex. petroleum contaminated soil generated during monitoring well installation). Please note that signed waste manifests and/or disposal tickets must be submitted for reimbursement consideration.

Mileage / Vehicle Expenses - In the Description column enter the type of cost requested (ex. car mileage, pick-up mileage, support trucks for drilling). In the Task column enter the purpose of the trip (vehicle mileage for monitoring well sampling, support truck for monitoring well installation). Mileage is calculated at the federal rate for a privately owned automobile under 41 CFR 301-10.303, in effect on January 1 of each year.

EXCESS LIABILITY TRUST FUND APPLICATION

INSTRUCTIONS

Expense Types (Continued)

Soil Boring / Monitoring Well Expenses - In the Description column enter the drilling subcontractor. In the Task column enter the names of monitoring wells/soil borings installed. **The total cost for the drilling event should be entered in the units column as a lump sum. The correct/allowable % mark-up must be indicated if applied.**

1. mobilization of drill rig
2. decontamination
3. linear drilling expenses
4. well materials (filter pack, riser)
5. flush-grade well cover
6. conversion to monitoring well
7. concrete / asphalt cutting expenses (for monitoring wells installed in concrete or asphalt, as indicated on the accompanying well diagram)
8. split spoon sampling
9. lodging/per diem (back-up must be included)
10. miscellaneous equipment (drums, pressure washer, pump, etc.)

These costs are to be figured into the cost for completion of a soil boring / monitoring well (**expenses must be itemized on the corresponding invoice**). **Soil boring and well logs must be submitted for reimbursement consideration.**

Lodging and Per Diem Expenses - In the Description column enter the type of travel cost requested (ex. per diem, lodging). In the Task column enter the person's activity with the travel cost (ex. telephone, log so borings). Lodging and per diem costs will be reimbursed in accordance with the most current Indiana Department of Administration financial rules. **Per diem** covers state travel policies and procedures and per diem are only reimbursed when a overnight stay is needed to complete work or more consecutive days. The items should be separated on the invoice and pay requested from the complete. Lodging receipts are required for reimbursement consideration.

Subcontractor Expenses - These costs should be itemized. Specify the percentage of consultant mark-up for subcontractor costs, if any. Provide subcontractor invoices.

Excavation / Transportation & Hauling / Stockpiling / Backfilling Expenses - In the Description column enter the type of activity (ex. soil excavation, transportation of soil, soil hauling, soil stockpiling, backfilling, hauling backfill to site). These costs will include equipment and labor charges. In the Task column identify under what circumstances the soil was removed (ex. contaminated soil encountered during UST removal, contaminated soil encountered during remediation system installation). For hauling list the number of tons and miles hauled in the Units column (ex. 40 / 100). In the Unit Type column you will enter "tons / miles". Please submit the number of trucks used, the hours of operation and the miles traveled from the site to the disposal/backfill facility (also include a map). Mileage must be documented.

Laboratory Expenses - In the Description column enter the contracted laboratory. In the Task column enter the reason the analysis was performed (site characterization, remediation system evaluation). **Chains of custody (COCs) corresponding to the invoiced samples must be submitted for reimbursement consideration.**

Miscellaneous Expenses - In the Description column enter the type of in-house expense (ex. pressure washers, bailers, photoionization detectors, copies) or the store name on the purchase receipt/invoice. In the Task column enter the use of the item (ex. system hook-up, system housing construction material). **Please be descriptive in the Task column; why it is needed and how it relates to the specific site. Individual receipts should be listed separately.**

EXCESS LIABILITY TRUST FUND APPLICATION

INSTRUCTIONS

Expense Types (Continued)

Equipment Rental and Capital Expenditures - In the Description column enter the type of equipment rented or purchased (as part of a corrective action plan). Include operating costs associated with the remediation equipment. In the Task column enter the use of the item (ex. remediation system installation). In the Units and Unit Type columns enter the amount of time the equipment was rented for or the number of items purchased (ex. 4 hours, 1 pump). In the Mark-up column enter the amount of mark-up applied to the actual purchase price of the item.

Personnel Expenses - In the Description column enter the ELTF classification for the personnel requested (ex. principal, senior project manager, project manager, staff project person, field technician, drafting person, word processor/clerical). If you are unsure of the ELTF classification for a particular position or job title, please refer to 328 IAC 1-3-5. In the Task column enter the activity the person was performing (ex. CAP preparation, general project management). Please refer to 328 IAC 1-3-5 for approved task descriptions. In the Units column enter the number of hours the employee spent performing this task.

Tank Removal Expenses - All tank removal costs must be itemized. NOTE: UST removal and disposal costs are not reimbursable unless the removal and disposal are a part of the **previously approved CAP**.

PAY REQUEST FOR RESUBMITTAL OF DENIED COSTS

Complete this form for the resubmittal of denied costs (some costs in a claim were denied). Do not complete this form for Complete Claim Resubmittals (the entire claim was denied). As back-up for this pay request, you should submit copies of the pay requests previously submitted, invoices and supporting documentation, and a copy of the IDEM Decision Letter. This request for pay must explain why the costs are now eligible for reimbursement.

Denial of Terms

1. **Item Number** - The number assigned by IDEM to each of your costs on the Cost Review Summary report. This report generated the Cost Review Summary report listing the processing of your application.
2. **Reason(s) for Reconsideration of Denied Cost** - Use this column to explain why this cost should be approved for reimbursement by the ELTF.
3. **Attachments** - If you need additional documents assign a unique number to each document. Write that number on the document and in the Attachment column.
4. **Amt Denied** - Enter the total amount denied by the ELTF during the previous review of this cost.
5. **Amt Requested** - Of the total amount denied by the ELTF during the previous review of this cost, enter the dollar amount for which you are seeking reevaluation. This cannot be more than the denied amount or the amount originally requested.
6. **Amt Allowed** - To be used by ELTF staff only.
7. **Ref** - To be used by ELTF staff only.
8. **Subtotal** - The total costs requested for this page.
9. **Total Requested for this Invoice** - Once you have listed all the costs associated with an invoice, enter the total costs requested.

COMPLETE CLAIM RESUBMITTAL

If a previous claim was denied in full, complete a new application form when you resubmit the claim. You do not need to fill out new pay requests for a complete claim resubmittal. However, if you choose to submit revised pay requests, you must use the **Subsequent Pay Request** form. The application for a complete claim resubmittal must contain copies of the pay requests previously submitted, invoices and supporting documentation, and a copy of the IDEM Decision Letter. In addition, please explain why the claim is now eligible for reimbursement from the ELTF and provide supporting documentation. New costs submitted with complete claim resubmittal applications will not be evaluated. New costs must be submitted in a subsequent claim application.

EXCESS LIABILITY TRUST FUND APPLICATION

INSTRUCTIONS

AFFIDAVIT

The affidavit and invoice summary sheet may be used when cancelled checks are difficult to provide as proof of payment for corrective action costs. This form may not be altered. The Indiana Department of Environmental Management reserves the right to deny any application that is submitted with an altered affidavit. The Indiana Department of Environmental Management reserves the right to require cancelled checks as proof of payment at any time.

CONFIRMATION OF EMERGENCY RESPONSE STATUS

See instructions on form.

SECTION 1 - APPLICANT INFORMATION

See instructions above for the applicant information section on the Application Form.

SECTION 2 - SITE INFORMATION

See instructions above for the site information section on the Application Form.

SECTION 3 - SITE CONDITIONS

Check all of the conditions present at or around the site at the time of the emergency response situation.

SECTION 4 - REPORTS SUBMITTED

Of the reports listed, indicate which reports have been submitted to IDEM as a result of this incident.

SAMPLE

**THE INDIANA UNDERGROUND STORAGE TANK
EXCESS LIABILITY TRUST FUND**

STATE OF _____

COUNTY OF _____ } SS:

AFFIDAVIT REGARDING PAYMENT OF COSTS INCIDENT NUMBER: _____

_____, being of sound mind and majority, and being duly cautioned and sworn in accordance with law (*in accordance with IC 13-23-9-6, I may be subject to criminal and civil penalties for submitting false and/or inaccurate information on this affidavit*), make the following statement based upon personal information and under penalty of perjury:

1. I certify that I have been duly authorized to sign this affidavit on behalf of the applicant submitting a claim for the qualifying occurrence listed above to the Indiana Excess Liability Trust Fund. I have obtained all necessary or applicable approvals for such authorization.
2. **Per 328 IAC 1-3-5**, all costs incurred and/or paid for work performed in the identified claim are reflected in the attached invoice summary listing and pay requests.
Per 328 IAC 1-5-1 (c), proof of payment documentation is and will be maintained on file for a minimum of four (4) years after the date the application for payment was submitted or four (4) years after completion of remedial action, whichever is later.*
Credits, rebates, refunds, or other similar payments or inducements made to the owner/operator or recipient of the cover/contract by the applicant have been from the contract listed for this claim.
The following is the correct business address and telephone at which I can be reached:

Address (number and street or rural route)		Telephone number
City	State	ZIP code
Signature of affiant		Date signed (month/day/year)

STATE OF _____

COUNTY OF _____ } SS:

Sworn to and subscribed in my presence this _____ day of _____, 20_____

Signature of Notary Public	County of residence
Printed or typed name of Notary Public	Date commission expires (month/day/year)

* The Indiana Department of Environmental Management reserves the right to require cancelled checks as proof of payment at any time.

This form may not be altered. The Indiana Department of Environmental Management reserves the right to deny any application that is submitted with an altered affidavit.

The Notary Seal must be included and must be legible when copied.

CONFIRMATION OF EMERGENCY RESPONSE STATUS

State Form 47139 (R6 / 1-12)

INSTRUCTIONS		
To be submitted by an owner or operator seeking reimbursement from the Excess Liability Trust Fund for emergency measures pursuant to 328 IAC 1-3-5 (a)(2)(B)(iii)		
Please complete the following form and forward to the IDEM LUST section, ELTF section, or Emergency Response section for concurrence by your project manager. Your project manager will complete this form and return it to you for submission with your claim application. Prior to the approval of site characterization activities or a Corrective Action Plan (CAP) costs cannot be reimbursed unless the need for emergency measures defined in 328 IAC 1-1-5.1 is verified by an IDEM project manager no more than thirty (30) days prior to submitting the claim application. Approval provided on this form by an IDEM project manager does not guarantee the eligibility of future submittals to the ELTF. This form must be submitted prior to filing each emergency measures claim application. Eligibility of the LUST incident must be determined before reimbursement can occur.		
TO BE COMPLETED BY CLAIMANT		
SECTION 1 - APPLICANT INFORMATION		
Name of applicant	Mailing address of applicant (<i>number and street, city, state, ZIP code</i>)	
Name or contact person	Contact telephone number (<i>with area code</i>)	Contact fax number (<i>with area code</i>)
SECTION 2 - SITE INFORMATION		
Name of facility	Date incident reported to IDEM (<i>month/day/year</i>)	LUST incident number
Address of facility (<i>NOTE: enter number and street address. Do not use a P.O. Box number.</i>)		
SECTION 3 - SITE CONDITIONS (<i>check all that apply</i>)		
<input type="checkbox"/> Inhabitable buildings affected <input type="checkbox"/> Free product or sheen present in conduits or surface water <input type="checkbox"/> Drinking water affected <input type="checkbox"/> Utility lines affected <input type="checkbox"/> Odors present in building or cond... <input type="checkbox"/> Other _____ Note: Conditions which are products not leaving the site and/or are not accepted for disposal are not considered emergency response conditions.		
SECTION 4 - REPORTS (<i>check all that apply</i>)		
<input type="checkbox"/> Statewide Report <input type="checkbox"/> Progress Reports <input type="checkbox"/> Free Product Recovery Report <input type="checkbox"/> Other(s) _____ _____ _____		
I swear or affirm under penalty of perjury, to the best of my knowledge and belief, that these statements are true and accurately represent the conditions at and around the site in question. I understand that pursuant to Indiana Code 13-23-9-6, I may be subject to criminal and civil penalties for submitting false and/or inaccurate information on this application.		
Signature of applicant		Date signed (<i>month/day/year</i>)
Printed Name		Title
TO BE COMPLETED BY IDEM PROJECT MANAGER		
<input type="checkbox"/> I concur that the site conditions reported above are true and accurately represent the conditions at and around the site in question and constitute an emergency response situation requiring emergency measures. <input type="checkbox"/> The conditions at the site do not constitute an emergency response situation and do not require emergency measures.		
Comments: _____		
Signature of IDEM project manager		Date signed (<i>month/day/year</i>)

Please fax completed forms to (317) 234-0428 or mail to:

IDEM Office of Emergency Response
 100 N. Senate Ave.
 Mail Code 66-30
 Indianapolis, IN 46204-2251

EXCESS LIABILITY TRUST FUND APPLICATION

Checklist

1 - THE APPLICATION FORM

- All fields in Sections 1 and 2 of the application are completed.
- Section 3 of the application is checked for eligibility determinations. **The claimed amount is \$0.**
- Section 4 of the application is checked for claim type (initial, subsequent, subsequent and resubmittal, complete claim resubmittal, third party).
 - For resubmitted costs: Original amount requested and the claim number assigned by IDEM are included on application.
 - The type of eligibility (ER, SC, CAP, CAPI, NFA) is checked. **Letters sent from IDEM confirming the corresponding eligibility are attached.**
- The total costs calculated from the attached "Pay Requests" are entered on the application.
- For subsequent claims that include resubmitted items: The total resubmitted costs are entered on the application.

2 - THE AFFIDAVIT

- For initial and subsequent claims: An original, unaltered affidavit is included for all costs incurred and
- For applications with resubmitted costs: A copy of the original, unaltered affidavit is acceptable for these expenses.

3 - THE INVOICE SUMMARY

- Every pay request that includes costs is listed with the name of vendor, invoice number, invoice amount, and proof of payment. Cancelled check copies, both front and back, or an affidavit are needed as proof of payment.

4 - INITIAL/SUBSEQUENT PAY REQUEST

- All of the fields on the "Pay Request" are completed.
 - Invoice number
 - Incident number
 - Name of Applicant
 - Name of Vendor
 - Description
 - Task Performed
 - Units
 - Unit type
 - % Mark-up
 - Amt Requested
 - Subtotal
 - Total requested for this invoice
- The invoice and all back-up documentation are included.
- Pay requests (including invoice and back-up) are separated by colored sheets of paper or clips.

5 - RESUBMITTAL OF DENIED COSTS PAY REQUEST & COMPLETE CLAIM RESUBMITTAL

- All of the applicable fields on the "Pay Request" are completed.
 - Invoice number
 - Incident number
 - Name of Applicant
 - Name of Vendor
 - Description
 - Reason(s) for reconsideration of denied costs
 - Attachments
 - Amt Denied
 - Amt Requested
 - Subtotal
 - Total requested for this invoice
- Copies of the letter and Cost Review Summary report generated by IDEM during the processing of the original claim are included.
- The invoice and all necessary back-up documentation for the denied costs are included.
- Pay requests (including invoice and back-up) are separated by colored sheets of paper or clips.

6 - BACK-UP DOCUMENTS

- For drilling: all pertinent soil boring logs and groundwater monitoring well diagrams are included with the drilling invoice.
- For lab costs: chains of custody are included with the laboratory invoices.
- For disposal costs: manifests/certificates of disposal are included with all soil and/or water disposal invoices.
- For all equipment/materials rented or purchased: receipts or invoices are included. An explanation of the equipment and the need for the equipment is included on the receipt/invoice or pay request.

Sample 3.4 Notice of Intent to Purchase UST and Reinstate Eligibility Form 48079



NOTICE OF INTENT TO PURCHASE UST AND REINSTATE ELIGIBILITY State Form 48079 (R / 12-00)

- INSTRUCTIONS:**
- To be completed by current owner.
 - If the scheduled purchase date is postponed, you must resubmit this form at least sixty (60) days prior to the revised planned purchase date.
 - This form will be destroyed, and the information will be invalid ninety (90) days after the scheduled date of closing unless the closing occurs.

SITE INFORMATION	
Name	Facility ID number
Address (number and street or rural route)	
City, state and ZIP code	Number of registered UST tanks at this location
LUST incident numbers attributed to this site	

CURRENT OWNER INFORMATION	
Name of current owner	Current owner ID number
Address (number and street or rural route)	
City, state and ZIP code	
Signature of current owner	Date signed (month, day, year)

NEW OWNER INFORMATION	
Name of new owner	New owner ID number
Address (number and street or rural route)	Federal ID or Social Security number (if applicable)
City, state and ZIP code	
Scheduled date of closing (month, day, year)	Scheduled closing date must be at least sixty (60) days after the Indiana Department of Environmental Management receives this form.
I swear or affirm under penalty of perjury, to the best of my knowledge and belief, that these statements are true and accurately represent the conditions around the site in question. I understand that pursuant to Indiana Code 13-23-14-2, IC 13-30-4-1 and IC 13-30-6-1 I may be subject to criminal and civil penalties for submitting false and/or inaccurate information on this application.	
Signature of new owner	Date signed (month, day, year)

DISTRIBUTION: White - Agency; Canary - New Owner; Pink - Current Owner

Sample 3.5 Site Categorization for Prioritization of Claims Form 51920



SITE CATEGORIZATION FOR PRIORITIZATION OF CLAIMS
 State Form 51920 (R / 8-08)
 328 IAC 1-3-3(a)(1)
 Indiana Department of Environmental Management
 Excess Liability Trust Fund

Indiana Department of Environmental Management
 Office of Land Quality
 Excess Liability Trust Fund
 Telephone: (317) 234-0990
 Fax number: (317) 234-0428

- INSTRUCTIONS:**
1. Please submit **two** copies of the completed form and **one** copy of any supporting documentation.
 2. Document references are required in order for the form to be processed. List appropriate supporting documentation references, in the section below, for each line item criteria checked on the form.
 3. Check all line item criteria that apply to the release.
 4. After completing the form and determining the prioritization category, enter the appropriate category number into the **SITE CATEGORY FOR CLAIMS PRIORITIZATION** box located at the bottom of the form.
 5. To adjust a sites prioritization category, submit a letter requesting that the site be re-categorized, along with the appropriate justification(s). Include an updated Site Categorization for Prioritization of Claims Form, along with any supporting documentation, to the Department for review.

NOTE: Forms will not be processed with incomplete information (all sections of this survey must be completed) or if required supporting documentation is not provided as described in the instructions below. Claims cannot be processed without site categorization. The Department may request additional supporting documentation if it is deemed necessary to validate selected categorization criteria.

RETURN COMPLETED FORM TO:		Indiana Department of Environmental Management Office of Land Quality/ELTF Section 100 North Senate Avenue Indianapolis, IN 46204-2251	Facility ID Number:	
			UST Incident Number:	
			Received:	
Check the appropriate box:		Initial Site Categorization Request	Re-categorize	IDEM Site Categorization
OWNER CERTIFICATION:	I certify that I am not a minor and am familiar with the information submitted in this and all attachments, and that based on my inquiry of the individuals immediately responsible for the information submitted, the information is true, accurate, and complete.			
	NAME AND TITLE OF OWNER OR AUTHORIZED REPRESENTATIVE			
	SIGNATURE OF OWNER OR AUTHORIZED REPRESENTATIVE		DATE (MM / DD / YYYY)	
				/ /
SUPPORTING DOCUMENT REFERENCES:	EXAMPLE CITATIONS: (1) Initial Site Characterization Report, dated October 27, 2003, p. 5; or (2) Further Site Investigation Report, dated December 10, 2003, Appendix B			
	Line 1.A			
	Line 1.B			
	Line 1.C			
	Line 2.A			
	Line 2.B			
	Line 3.A			
	Line 3.B			
	Line 3.C			
	Line 3.D			
Line 4.A				
Line 4.B				

CATEGORY 1 CRITERIA		<input type="checkbox"/> Not Applicable
If any of the following criteria apply, the site is prioritized in Category 1		
<input type="checkbox"/>	1.A	Petroleum or petroleum constituents are detected in a structure or a utility conduit, such as a storm sewer, sanitary sewer, or utility conduit that exceed ten percent (10%) lower explosive limit (LEL).
<input type="checkbox"/>	1.B	Vapors for petroleum or petroleum constituents are detected in an inhabitable building in levels greater than long term, risk-based exposure for contaminants of concern. <i>[Contact the IDEM project manager for guidance]</i>
<input type="checkbox"/>	1.C	Petroleum or petroleum constituents are detected in a drinking water well at or above maximum contamination levels (MCLs) or RISC residential groundwater cleanup objectives at the point of compliance (sampling point) or at the tap. <i>[Reference 327 IAC 8-2-5]</i>
CATEGORY 2 CRITERIA		<input type="checkbox"/> Not Applicable
If the site does not qualify as Category 1 and any of the following criteria apply, the site is prioritized in Category 2		
<input type="checkbox"/>	2.A	Petroleum or petroleum constituents are detected in free phase in a thickness of at least one (1) foot in any one (1) well, or at least one (1) inch in two (2) or more wells where the wells are at least twenty (20) feet apart, provided that the wells are not screened in the UST cavity backfill.
<input type="checkbox"/>	2.B	Petroleum or petroleum constituents are detected in surface water above water quality standards under rules of the water pollution control board at 327 IAC 2.
CATEGORY 3 CRITERIA		<input type="checkbox"/> Not Applicable
If the site does not qualify as Category 2 and any of the following criteria apply, the site is prioritized in Category 3		
<input type="checkbox"/>	3.A	Petroleum or petroleum constituents are detected in site groundwater concentrations exceeding RISC Residential Default Closure Levels (IDLs).
<input type="checkbox"/>	3.B	Petroleum or petroleum constituents are detected in site soil at concentrations exceeding RISC Residential Default Closure Levels (IDLs).
<input type="checkbox"/>	3.C	Petroleum or petroleum constituents are present in free phase in a thickness of at least one-sixteenth (1/16) inch in any well.
<input type="checkbox"/>	3.D	Petroleum or petroleum constituents, attributable to a gasoline release, are detected in the groundwater at concentrations exceeding RISC Default Closure Levels. For the purpose of this clause, gasoline is defined as set forth in 45 IAC 12-1-7.
CATEGORY 4 CRITERIA		<input type="checkbox"/> Not Applicable
If the site does not qualify as Category 3 and any of the following criteria apply, the site is prioritized in Category 4		
<input type="checkbox"/>	4.A	Petroleum or petroleum constituents are detected in on-site groundwater at concentrations exceeding RISC Industrial Default Closure Levels (IDCLs) in two (2) or more wells, where the wells are at least twenty (20) feet apart, where neither well is screened in the UST cavity backfill.
<input type="checkbox"/>	4.B	Petroleum or petroleum constituents are detected in on-site soil at concentrations exceeding RISC Industrial Default Closure Levels (IDCLs) in at least two (2) boring holes at least twenty (20) feet apart.
CATEGORY 5 CRITERIA		<input type="checkbox"/> Not Applicable
<input type="checkbox"/>	5.A	A release that does not qualify as a Category 1, 2, 3, or 4 will be considered a Category 5 release.
SITE CATEGORY FOR CLAIMS PRIORITIZATION		<input style="width: 50px; height: 20px;" type="text"/>
NAME OF IDEM PROJECT MANAGER RE-CATEGORIZING THE SITE [FOR IDEM USE ONLY]		DATE (MM/DD/YYYY)

Sample 3.6 Scope of Work Form 51955



SCOPE OF WORK
 State Form 51955 (R / 12-08)
 Pursuant to 328 IAC 1-3-3(a)(1)

INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
 OFFICE OF LAND QUALITY
 EXCESS LIABILITY TRUST FUND
 Telephone: (317) 234-0990
 Fax number: (317) 234-0428

- INSTRUCTIONS:**
1. This form must be included for all proposed corrective actions submitted after September 29, 2004, [328 IAC 1-3-3(a)(1)] and should be included with technical documents related to the below referenced phases.
 2. Detail each proposed activity on a separate line and provide a detailed description of each in the appropriate field.
 3. Table 1 is to provide a detailed breakdown of proposed work activities utilizing the Activity Code Classification Key below. Table 2 and Table 3 are to provide detailed technical specifications for proposed wells and borings along with detailed specifications of proposed pilot studies and/or remedial systems.

NOTE: This form does not constitute pre-approval of corrective action related costs, as provided for in 328 IAC 1-3-1.6.

SUBMIT	Indiana Department of Environmental Management	Facility ID Number:	
COMPLETED	Attention: ELTF Section	Incident Number:	
FORM TO:	100 North Senate Avenue Indianapolis, IN 46204-2251		
RP Name: _____		Site Name: _____	
RP Address: _____		Site Address: _____	
RP Phone: _____		Contractor Name: _____	
Phase Categorization			
Check only <u>one</u> Phase below:			
Site Characterization / FSI	<input type="checkbox"/>	Pre-CAP Approval Monitoring	<input type="checkbox"/>
FSI / CAP Development	<input type="checkbox"/>	CAP Addendum	<input type="checkbox"/>
		CAP Implementation	<input type="checkbox"/>
		Site Closure	<input type="checkbox"/>
Activity Code Classification Key			
Please use the codes listed below when filling in the form:			
A. Office Activities / Report Generation		C. Site Activities	
Labor	A010	Labor	C010
Supplies & Materials	A020	Equipment Rental	C020
B. Analytical		Subcontractor	-
		Labor	C031
Ground Water	B010	Materials	C032
Subsurface Soil	B020	Other	C033
Surface Water	B030	Disposal	C040
Surface Soil	B040	Permits	C050
Air	B050	Site Prep / Demolition	C060
Other	B060	Site Restoration	C070
		Supplies	C080
		Other	C090
		Site Investigation Specifications (see TABLE 2)	
		Remediation Technical Specifications (see TABLE 3)	

LUST Incident number: _____

TABLE 3 Proposed Remediation Technical Specifications	
I. Proposed Pilot Study Specifications	
Type: <input type="checkbox"/> MNA <input type="checkbox"/> ORCs <input type="checkbox"/> Pump & Treat <input type="checkbox"/> SVE / AS <input type="checkbox"/> VER <input type="checkbox"/> EFR <input type="checkbox"/> DPE/ MPE <small>(see below)</small> <input type="checkbox"/> Other: _____	
Equipment: <input type="checkbox"/> Direct Push Equipment <input type="checkbox"/> Vacuum Truck <input type="checkbox"/> Vacuum Pump / Blower <input type="checkbox"/> Liquid Ring Pump <input type="checkbox"/> Submersible Pump <input type="checkbox"/> Air Compressor <input type="checkbox"/> Other: _____ <input type="checkbox"/> Other: _____ <input type="checkbox"/> Other: _____	
II. Proposed Remedial System Specifications <small>[check / fill out all that apply]</small>	
<input type="checkbox"/> Monitored Natural Attenuation (MNA) Sampling for MNA Parameters: <input type="checkbox"/> Yes <input type="checkbox"/> No Number of Monitoring Wells: _____	<input type="checkbox"/> Vacuum Enhanced Recovery (VER) Number of SVE/Recovery Wells: _____ Number of Submersible Pumps: _____ Number of Blowers/Vacuum Pumps: _____ Number of Air Strippers: _____ Number of Carbon Vessels (GAC): _____ Number of Transfer Pumps: _____ Capacity of Knockout Tank (gallons): _____ Number of Bag/Sediment Filters: _____
<input type="checkbox"/> Oxygen Releasing Compounds (ORCs) Number of Injection Points: _____ Total Pounds of ORCs: _____ Number of Injection Events: _____	<input type="checkbox"/> Enhanced Fluid Recovery (EFR) LPH Present: <input type="checkbox"/> Yes <input type="checkbox"/> No Number of Extraction Points: _____ Number of Approved Events: _____
<input type="checkbox"/> Pump & Treat Number of Extraction Wells: _____ Number of Submersible Pumps: _____ Number of Air Strippers: _____ Number of Carbon Vessels (GAC): _____ Number of Transfer Pumps: _____ Capacity of Knockout Tank (gallons): _____ Number of Bag/Sediment Filters: _____	<input type="checkbox"/> Dual or Multi Phase Recovery (DPE / MPE) Number of Extraction Points: _____ Number of Liquid Ring Pumps (LRPs): _____ Number of Air Strippers: _____ Number of Carbon Vessels (GAC): _____ Number of Transfer Pumps: _____ Capacity of Knockout Tank (gallons): _____ Number of Bag/Sediment Filters: _____
<input type="checkbox"/> Soil Vapor Extraction / Air Sparge (SVE / AS) Number of SVE Points: _____ Number of AS Points: _____ Number of Blowers/Vacuum Pumps: _____ Number of Air Compressors: _____ Capacity of Knockout Tank (gallons): _____ Radius of Influence (ROI) in Feet: _____	<input type="checkbox"/> Excavation / Trenching Number of Cubic Yards: _____ Number of Tons (yds ³ * 1.36): _____ Depth of Excavation: _____ feet Linear Footage of Trenching: _____ feet
<input type="checkbox"/> Other: _____	