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**TITLE 328 UNDERGROUND STORAGE TANK FINANCIAL ASSURANCE BOARD**

**Notice of Public Comment Period for Rule Readoption**

LSA Document #23-811

Readopts rules in anticipation of [IC 4-22-2.6](#), providing that an administrative rule adopted under [IC 4-22-2](#) expires January 1 of the fifth year after the year in which the rule takes effect unless the rule contains an earlier expiration date. Effective 30 days after filing with the publisher.

**STATUTORY AUTHORITY:** [IC 4-22-2.6](#); [IC 13-14](#)

**OVERVIEW**

Rules to be readopted without changes are as follows:

[328 IAC 1](#) EXCESS LIABILITY TRUST FUND CORRECTIVE ACTION AND ELTF LIABILITY INDEMNITY CLAIM PAYMENTS

Rules to be repealed are as follows:

None

**SUMMARY OF FINDINGS UNDER [IC 4-22-2.6-4](#)**

The Indiana Department of Environmental Management (IDEM) is proposing to readopt all rules in Title 328 regarding the Excess Liability Trust Fund (ELTF) without any proposed changes. All the rules proposed for readoption remain necessary and meet the standards set forth in [IC 4-22-2-19.5](#). IDEM has determined that there is a continued need for the listed ELTF rules based on statutory requirements, federal financial assurance requirements for underground storage tanks, and the benefits of funding remediation for releases from underground storage tanks. The details of the ELTF program are described in more detail in the previously published legislative notice ([20231220-IR-328230811LNA](#)) for LSA Document #23-811.

No less costly or less intrusive alternative methods of achieving the purposes of the rules have been identified. The rules avoid duplicating standards found in state or federal law, are written for ease of comprehension for the entities subject to them, and have practicable enforcement. There have been no significant changes to the cost benefit, fiscal impact, or regulatory burden statements prepared for the initial adoption of the proposed readopted rules.

**REQUEST FOR PUBLIC COMMENT**

IDEM is soliciting public comment on rule expiring under [IC 4-22-2.6](#). Comments may be submitted in one of the following ways:

(1) By mail or common carrier to the following address:

LSA Document #23-811  
Dan Watts  
Rules Development Section  
Office of Legal Counsel  
Indiana Department of Environmental Management  
Indiana Government Center North  
100 North Senate Avenue  
Indianapolis, IN 46204-2251

(2) By email to [dwatts1@idem.in.gov](mailto:dwatts1@idem.in.gov). To confirm timely delivery of submitted comments, please request a document receipt when sending the email. PLEASE NOTE: Email comments will not be considered part of the official written comment period unless they are sent to the address indicated in this notice.

**COMMENT PERIOD DEADLINE**

All comments must be postmarked or time stamped not later than September 20, 2024.

*Posted: 08/21/2024 by Legislative Services Agency*

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