

## **Eligibility Requirements for Aboveground Storage Tank Trust Fund Coverage**

Remediation costs resulting from releases from aboveground storage tanks (ASTs) which store motor fuels can be covered under The Alabama Underground and Aboveground Storage Tank Trust Fund as long as eligibility requirements of ADEM Administrative Code Chapter 335-6-16 are met. These requirements can be found at the ADEM website at [www.adem.alabama.gov/alEnviroRegLaws/files/Division6Vol2.pdf](http://www.adem.alabama.gov/alEnviroRegLaws/files/Division6Vol2.pdf). To qualify to obtain coverage under the Trust Fund, ASTs must:

- Contain a motor fuel,
- Meet the AST definition requirements in Section 335-6-16-.02(mm) of the ADEM Trust Fund Rule,
- Not be owned by the state or federal government,
- Be registered with the Department, and
- Be in substantial compliance with all state and federal AST requirements.

To register an AST, an owner/operator should complete ADEM Form #283 and submit the form to the Department. This form may be found on the ADEM website at [www.adem.alabama.gov/DeptForms/Form283.pdf](http://www.adem.alabama.gov/DeptForms/Form283.pdf).

For registered ASTs to be eligible for the Trust Fund if a release occurs, AST owners/operators must maintain substantial compliance with the following state and federal requirements:

- A valid Spill Prevention Control and Countermeasure (SPCC) plan must be maintained for the facility where the AST is located, if required, pursuant to Federal Rule 40 CFR 112 ([www.spccplan.com/pdf/40%20cfr%20112%20.pdf](http://www.spccplan.com/pdf/40%20cfr%20112%20.pdf)). A helpful brochure regarding these requirements can be found at <http://www.epa.gov/osweroe1/docs/oil/spcc/spccbluebroch.pdf>
- An ADEM Industrial General Permit in accordance with ADEM Administrative Code Rule 335-6-6, ([www.adem.alabama.gov/alEnviroRegLaws/files/Division6Vol1.pdf](http://www.adem.alabama.gov/alEnviroRegLaws/files/Division6Vol1.pdf)) may be required depending on the facility's Standard Industrial Classification (SIC) Code. The ADEM staff who can help you with these requirements can be found at <http://adem.state.al.us/programs/water/waterforms/IndustrialGenPermitAreaMap.pdf>
- Financial responsibility as required in ADEM Rule 335-6-16-.05(d).

If a release occurs from an AST registered with ADEM, an eligibility determination will be made by the Department to determine if the tank owner/operator is eligible for coverage under the Trust Fund based on compliance with the above requirements. If the AST owner/operator is found to be in substantial compliance with these rules, upon payment of a \$10,000 deductible, the remaining cost of the cleanup, up to the limits of Trust Fund coverage, can be paid by the Alabama Underground and Aboveground Storage Tank Trust Fund. If the AST owner/operator is not in substantial compliance with these rules, the Trust Fund will not cover the cost of cleaning up the site, and the AST owner/operator will be required to clean up impacted soil, surface water or groundwater at his/her own expense.

Owners/operators of ASTs with tanks that can be covered by the Trust Fund are encouraged to provide notification to the Department of the ASTs and maintain substantial compliance with these requirements, since the cost of cleaning up a release of motor fuel to the environment is very expensive.

If you have any questions concerning coverage or eligibility of ASTs under the Trust Fund, please contact the ADEM Groundwater Branch at (334) 270-5655.