



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We Protect Hoosiers and Our Environment.

100 N. Senate Avenue • Indianapolis, IN 46204
(800) 451-6027 • (317) 232-8603 • www.idem.IN.gov

Eric J. Holcomb
Governor

Brian Rockensuess
Commissioner

September 13, 2022

VIA MAIL

Ms. Shirley Albert
Albert's LaPaz Service Station
P.O. Box 67
LaPaz, Indiana 46537

Dear Ms. Albert:

:

**Re: No Further Action Approval
Pursuant to Remediation Closure
Guide.**

Albert's LaPaz Service Station
724 South Michigan Street
LaPaz, Indiana
Marshall County
FID# 16871
LUST# 199601516

Indiana Department of Environmental Management (IDEM) staff reviewed the file for the Albert's LaPaz Service Station located at 724 South Michigan Street in Lapaz, Indiana. The following document was reviewed:

- Recorded Environmental Restrictive Covenant (ERC), recorded on July 27, 2022 (VFC # 83331039).

The following is a summary of the current conditions at the site for the subject release.

- Soil – Soil samples were collected from the site during the subsurface investigations conducted for the release and were analyzed for Volatile Organic Compounds (VOCs) and Polycyclic Aromatic Hydrocarbons (PAHs). While petroleum-related VOCs have been detected, there have been no exceedances above Residential Soil Screening Levels. For this reason, a remedy is not necessary for the on-site soil direct contact exposure scenario.
- Groundwater – Multiple groundwater samples have been collected from the monitoring wells. During the most recent groundwater sampling event in October 2019, samples were collected and analyzed for VOCs and PAHs. Chemicals of concern ranged from non-detect to a high benzene concentration of 720 µg/L in MW-9. The recorded ERC has restrictions that will be used to manage any exposure related to the groundwater contamination left at the site.

- Vapor Intrusion (V.I)– Benzene exceeded the Commercial Vapor Intrusion Groundwater Screening Levels (CVIGWSL) of 120 µg/L at on-site MW-9 (720 µg/L) in October 2019. If site use changes, V.I potential should be re-evaluated. The recorded Environmental restrictive Covenant contains restriction for future V.I Check.

Based on the technical reports reviewed by IDEM and the additional lines of evidence, IDEM concludes that no further response actions are required as long as the lessee abandons the monitoring wells in accordance with 312 IAC 13-10-2 and complies with the conditions of this decision. This NFA determination is based on information known to IDEM at the time of issuance of this letter. If IDEM obtains additional information indicating that the site poses a risk to human health or the environment, IDEM reserves the right to modify or revoke this NFA determination as the situation may warrant.

This NFA determination is based on the Remediation Closure Guide system of Closure non-rule policy document (NPD) guidelines and conditions.

- Unconditional closure for soil exposure
- Conditional closure for ground water exposure
- Conditional closure for vapor intrusion exposure
- Recorded Environmental Restrictive Covenant (VFC # 83331039)

All wells installed associated with the release at the site must be permanently abandoned in accordance with the Indiana Department of Natural Resources (IDNR) regulation 312 IAC 13-10-2 (Permanent Abandonment of Wells) and IDEM's "Drilling Procedures and Monitoring Well Guidelines Non-Rule Policy Document (Waste-0053)". Additionally, IDNR regulations require that Well Abandonment Forms be submitted to IDNR. Liaison

If you are eligible and will be seeking reimbursement from the Excess Liability Trust Fund (ELTF) for well abandonment activities, completed "Record of Water Well" (State Form 35680) for all wells (monitoring and treatment) should be signed by the licensed Well Driller and submitted as documentation in your ELTF Claim, in addition to other required backup for reimbursement. **Submittal under separate cover is not required for technical approval.**

Please note that as required by 328 IAC 1-3-3(a) (4) you have three hundred sixty-five (365) days to submit all claims for reimbursement of costs from the Excess Liability Trust Fund after the eligible release is granted a status of NFA by the administrator. You therefore have until **September 13, 2023** to submit claims for reimbursement of eligible costs associated with this release. In addition, all re-submittals associated with any disallowed cost must be received by the department within three hundred sixty-five (365) days after the denial of the claim.

This is a determination of status that is an agency action described in I.C. 4-21.5-3-5. This determination is subject to review under IC 4-21.5 and takes effect fifteen (15) days after it is issued (eighteen (18) days if you receive this notice by U.S. Mail) unless review of this Order is requested before the fifteenth day (eighteenth day if you receive this notice by U.S. Mail), by filing a written request for review with the Office of Environmental Adjudication, and serving a copy of the request for review upon the Commissioner of the Indiana Department of Environmental Management. You may request that the Office of Environmental Adjudication conduct a hearing to review this determination under IC 4-21.5, in its entirety, or you may limit your request for review to specific findings of fact and/or determinations. You may also petition the Office of Environmental Adjudication under 4-21.5-3-5(h) to stay the effectiveness of this determination of status. Petitions for Administrative Review and/or for a Stay of Effectiveness must be submitted separately to the Office of Environmental Adjudication and the Commissioner of the Indiana Department of Environmental Management at the following addresses:

Director
Office of Environmental Adjudication
Indiana Government Center North
100 North Senate Avenue, Room N103
Indianapolis, Indiana 46204

Commissioner
Indiana Department of Environmental Management
Indiana Government Center North
100 North Senate Avenue, Room 1301
Indianapolis, Indiana 46204

Failure to properly submit a request for review to the Office of Environmental Adjudication, before the fifteenth day following issuance of this determination (eighteenth day if you receive this notice by U.S. Mail), waives your right to administrative review of this determination and your right to judicial review of the determination. The petition for administrative review must contain the following information:

- a. Name, address, and telephone number of each person filing the petition.
- b. Identification of the interest of each petitioner in the subject of the petition.
- c. Statement of facts demonstrating that the petitioner is:
 - (A) a person to whom the order is directed.
 - (B) aggrieved or adversely affected by the determination; or
 - (C) entitled to review under any law.
- d. Statement with particularity the legal issues proposed for consideration in the proceedings.

The petition for administrative review should also contain the following information:

- a. Identification of any persons represented by the person making the request.
- b. Statement identifying the person against whom administrative review is sought.

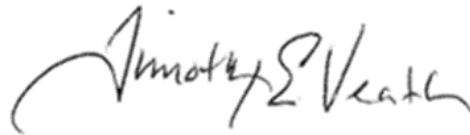
- c. A copy of IDEM's determination that is the basis of the petition for administrative review.
- d. Statement indicating the identification of petitioner's attorney or other representative.

If you have procedural or scheduling questions regarding your petition for administrative review, you may contact the Office of Environmental Adjudication at (317) 232-8591 or see OEA's website at <http://www.in.gov/oea>.

This determination is based upon review of the documentation presented to IDEM as well as documents previously submitted and made available to the Petroleum Remediation Section. If additional information or documentation is subsequently provided, IDEM reserves the right to modify this determination as the situation may warrant.

If you have any questions, please contact Stephen Onochie at (317) 234-3306, or toll free from within Indiana at (800) 451-6027. He may also be reached at: sonochie@idem.IN.gov.

Sincerely,



Timothy E. Veatch, Chief
Petroleum Branch
Office of Land Quality
(317) 234-0980
tveatch@idem.IN.gov

E-copy:
IDEM File
Timothy Good. trgood@sbcglobal.net