



#4244

Frank O'Bannon  
Governor

Lori F. Kaplan  
Commissioner

100 North Senate Avenue  
P.O. Box 6015  
Indianapolis, Indiana 46206-6015  
(317) 232-8603  
(800) 451-6027  
www.in.gov/idem

December 19, 2001

Mr. Joseph C. Arnold, C.H.M.M.  
City of Indianapolis  
Department of Public Works  
2700 South Belmont Avenue  
Indianapolis, IN 46221

Re: **No Further Action**  
RISC Industrial Closure  
Department of Transportation  
West Street Maintenance Facility  
1725 South West Street  
Indianapolis, Indiana  
LUST # 199001032, FID # 4244

Dear Mr. Arnold:

The technical staff of the Indiana Department of Environmental Management (IDEM) reviewed the Risk Integrated System of Closure (RISC) documentation for your facility located at 1725 South West Street, Indianapolis, Indiana.

Results of soil laboratory analysis in January of 1990 indicate that total petroleum hydrocarbons (TPH) ranged from non-detect to 1800 parts per million (ppm). Bottom soil samples from five of the Underground Storage Tank (UST) pit areas were above the IDEM action limit. The contaminated soils in these five UST pit areas were excavated and disposed of at an approved landfill in 1994. Although more recent soil confirmation samples were not collected, IDEM staff agree that the source has likely attenuated as demonstrated by the decreasing contamination levels in the ground water. However, some contamination may remain in the soil above RISC industrial default closure levels.

Laboratory results for the past ten years of quarterly monitoring indicate five of the 21 monitoring wells have benzene concentrations above Maximum Contaminant Levels (MCLs). A minimum of eight (8) consecutive quarters of ground water monitoring have shown the benzene to be below the default industrial closure levels listed in Appendix 1, Table A of the Risk Integrated System of Closure (RISC) Technical Guide. These monitoring wells are located in the center of the property, around the main building. Based on the last quarterly ground water sampling event conducted on September 7, 8, 11, and 14, 2000, benzene concentrations ranged between <5 parts per billion (ppb) and 58 ppb. All other gasoline contaminants of concern (COCs) are below RISC residential default closure levels.

Based on all information provided by the Responsible Party and documented by the Consolidated City of Indianapolis, Marion County, in the Environmental Notice Covenant signed on October 31, 2001, this property shall remain zoned for nonresidential use only. (See Environmental Notice information enclosed with this letter.) No groundwater shall be used at this nonresidential property. No further action is required at this time.

Since the monitoring wells and/or piezometers are no longer necessary to monitor the ground water quality or ground water levels, they must be permanently abandoned by a licensed Indiana water well driller in accordance with 312 Indiana Administrative Code (IAC) 13-10-2.

If you have any questions or comments regarding this letter, please contact, Mr. John W. Manson at (317) 234-0976. To notify IDEM of any additional information about the site including any deviation from the specified deed restrictions, please call (317) 232-8900.

Sincerely,



Craig Schroer, Chief  
Leaking Underground Storage Tank Section  
Office of Land Quality

Enclosure

cc: Marion County Health Department  
LUST file

## **Environmental Notice**

**The Consolidated City of Indianapolis - Marion County  
Department of Public Works  
West Street Maintenance Facility  
1725 South West Street  
Indianapolis, Indiana**

THIS COVENANT is being made this 31<sup>st</sup> day of October, 2001, by the City of Indianapolis through its Department of Public Works ("DPW"), 200 E. Washington Street, Suite 2460, Indianapolis, Indiana.

WHEREAS: the City of Indianapolis ("Owner") owns real estate located at 1725 South West Street in the City of Indianapolis, County of Marion, Indiana, which is more particularly described in the attached Exhibit "A" and made a part hereof ("Real Estate");

WHEREAS: A corrective action plan based on the Risk Integrated System of Closure (RISC) was prepared and implemented in accordance with Indiana law as a result of a release of regulated or hazardous substances upon said real estate. The corrective action plan, as approved by the Indiana Department of Environmental Management ("the Department"), provides that the regulated or hazardous substances shall remain on or beneath the surface of the real estate and provides for institutional controls that shall ensure the protection of public health, safety, or welfare, and the environment. The corrective action plan, a survey of the areas on said real estate affected, and a list of the chemicals of concern may be examined at the offices of the Department.

NOW THEREFORE, the Owner, hereby, in consideration for the promises herein contained and other good and valuable consideration, imposes restrictions on the Real Estate and covenants and agrees that:

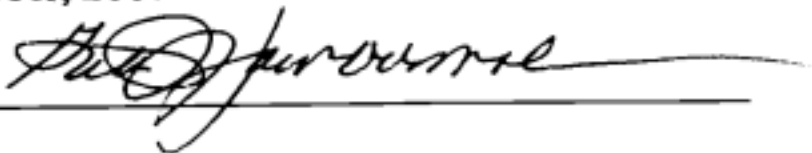
1. The Owner shall prevent a conveyance of title, an easement, or any other interest in the real estate from being consummated without adequate and complete provision for compliance with the closure plan and prevention of exposure to regulated or hazardous substances as described in item 3 below.

2. The Owner shall grant to the Department and its designated representatives the right to enter the real estate at reasonable times for the purpose of determining and monitoring compliance with the corrective action plan, including, but not limited to, the right to take samples, inspect the operation of the corrective action measures, and inspect records.
3. Specific restrictions that apply shall be:
  - a. The property shall remain zoned for nonresidential use only.
  - b. No groundwater from the site shall be used as drinking water.
4. The restrictions and other requirements described in this Environmental Notice shall run with the land and be binding on the owners successors, assignees, and lessees or their authorized agents, employees, or persons acting under their direction or control.
5. The restrictions shall apply until the Department determines that regulated or hazardous substances no longer present an unacceptable risk to the public health, safety, or welfare, or to the environment. This Environmental Notice shall not be amended, modified, or terminated except by written instrument executed between the Owner and the Department at the time of the proposed amendment, modification, or termination. Within five (5) days of executing an amendment, modification, or termination of the Environmental Notice, the Owner shall record such amendment, modification, or termination with the Marion County Registrar of Deeds and within five (5) days thereafter, the Owner shall provide a true copy of the recorded amendment, modification, or termination to the Department.
6. If any provision of the Environmental Notice is also the subject of any laws or regulations established by any federal, state, or local government, the stricter of the two standards shall prevail.
7. In the event that the Risk Integrated System of Closure (RISC) is adopted by rule in Indiana, this Environmental Notice shall be modified, if necessary, to conform with the Indiana RISC regulations for the scope or specificity of the Environmental Notice. In no event shall this Environmental Notice be rendered null and void if Indiana's RISC guidelines for an Environmental Notice differ in form or content.

8. The undersigned persons executing the Environmental Notice on behalf of the Owner represent and certify that they are duly authorized and have been fully empowered to execute and deliver this Environmental Notice.

I hereby attest to the accuracy of the statements in this document and all attachments.

IN WITNESS WHEREOF, the Owner of the Real Estate described above has duly empowered the appropriate individual(s) of the DPW to execute the Environmental Notice on this 31<sup>st</sup> day of October, 2001.

By: 

Greta J. Hawvermale, Director  
Department of Public Works

This instrument was prepared by  
Ms LeAnnette M. Pierce  
Assistant Corporation Counsel  
1601 City County Building  
200 E. Washington Street  
Indianapolis, IN 46204

ATTACHMENT A

A tract of land including parts of Lots 22, 23 and 24 and part of a vacated street lying between Lots 22 and 23, in the Peru and Indianapolis Railroad Company's South Addition to the City of Indianapolis, as recorded in Plat Book 1, page 157, in the Recorder's Office of Marion County, Indiana; also a part of Section 14, Township 15 North, Range 3 East of the second principal meridian, in Marion County, Indiana, being identified as Parcel "C", and more particularly described as follows:

PARCEL "C". Beginning at a point in the east line of West Street as fixed by Declaratory Resolution No. 15124, adopted April 30, 1934, by the board of public works of the City of Indianapolis, said point being thirty-five (35) feet east of the center line of West Street and two hundred fifty-three and forty-seven hundredths (253.47) feet north of the south line of Lot 22 in the said Peru & Indianapolis Railroad Company's South Addition; running thence southwardly along the said east line of West Street a distance of four hundred sixty-three and forty-seven hundredths (463.47) feet to a point; thence east ten (10) feet to a point forty-five (45) feet from the center line of West Street; thence southwardly along the said east line of West Street five hundred seventy-one (571) feet, more or less, to a point in the thread of stream of White River as shown platted on a plan designated and marked:

"PLAN OF WHITE RIVER FLOOD PROTECTION PROJECT, FROM A LINE 775 FEET SOUTH OF THE CENTER LINE OF RAYMOND STREET (west of White River) TO MORRIS STREET, PLAN NO. 21, 1927"

adopted by the board of public works of the City of Indianapolis, February 2, 1927, as a part of Declaratory Resolution No. 13258, recorded January 9, 1930, in the Recorder's Office of Marion County, Indiana, in town lot deed record No. 855, page 148; thence eastwardly following the meanderings of said thread of stream to a point in a line five hundred twenty-five and eighty-four hundredths (525.84) feet east of and parallel to the center line of West Street, said point being eight hundred sixty-five (865) feet, more or less, south of the north line of Lot 24 in said Peru & Indianapolis Railroad Company's South Addition; thence northwardly along said line five hundred twenty-five and eighty-four hundredths (525.84) feet east of and parallel to the center line of West Street a distance of three hundred five and ninety-five hundredths (305.95) feet, more or less, to a point in a line seventy-five (75) feet southwest of and parallel to the center line of the main railroad track of the Illinois Central System, said point being five hundred fifty-nine and five hundredths (559.05) feet south of the north line of said Lot 24; thence northwestwardly along the line seventy-five (75) feet southwest of and parallel to the center line

of the main railroad track of the Illinois Central System a distance of six hundred sixty-nine and four tenths (669.4) feet to a point in the south line of Lot 22 in said Peru & Indianapolis Railroad Company's South Addition, said point being two hundred sixty-four and eleven hundredths (264.11) feet east of the center line of West Street; thence northwestwardly along an extension of the aforesaid line seventy-five (75) feet southwest of and parallel to the center line of the main railroad track of the Illinois Central System a distance of two hundred ten and six hundredths (210.06) feet to a point in a curved line fifteen (15) feet southwestwardly and parallel to the center line of the railroad switch track which runs westwardly across West Street and into Lot 31 of the Peru & Indianapolis Railroad Company's South Addition, thence westwardly along a curve to the left, said curve having a radius of three hundred seventy and seventy-eight hundredths (370.78) feet, and whose tangent at the beginning deflects thirty-three (33) degrees and nineteen (19) minutes to the left, a distance of one hundred fifty-eight and sixty hundredths (158.60) feet, more or less, to the place of beginning; containing an area of eight and thirty-seven hundredths (8.37) acres, more or less.

**AFFIDAVIT**

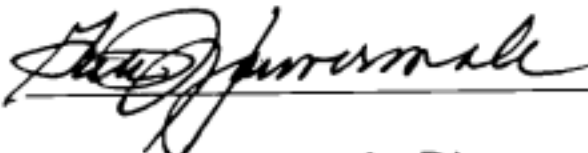
I, the undersigned, being duly sworn upon my oath, have personal knowledge of the facts stated herein:

- The enclosed copy of the Environmental Notice for the property located at 1725 South West Street, Indianapolis, Indiana was recorded in the Marion County Recorder's Miscellaneous Book and was cross-referenced to the recorded deed that concerns the property on which the remediation took place;
- The enclosed copy of the Environmental Notice has been approved by the Indiana Department of Environmental Management.

County Recorder's Book and Page or Instrument Number: Book # 926 Page 432

Number of Pages Recorded: 5

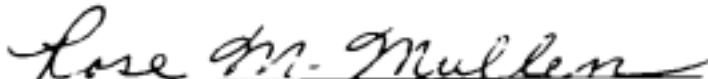
I swear or affirm under the penalties for perjury that the foregoing representations are true and accurate to the best of my knowledge and belief.



Greta J. Hawvermale, Director  
Department of Public Works

11/14/01  
Date

Signed before me the 14<sup>th</sup> day of November, 2001.

  
Notary Public

My Commission Expires:

County and State of Residence

