

Project Name:
Former Manufactured Gas Plant Site
Logansport, Indiana

AECOM Project Reference:
60726967

Date:
July 12, 2024

To:
Chad Pitcher, IDEM

From:
Jennifer Williams, NIPSCO
Nathan Conniff, AECOM
Roger Beck, AECOM

Technical Memorandum

Subject: ERC Review Meeting Summary
Former Manufactured Gas Plant Site
511 Erie Avenue, Logansport, Indiana
VRP Site Number 6050101

AECOM Technical Services, Inc. (AECOM) has prepared this Technical Memorandum on behalf of NIPSCO LLC (NIPSCO) to summarize and document the discussion points from the Environmental Restrictive Covenant (ERC) review call between IDEM, NIPSCO and AECOM on May 14, 2024. The draft ERC was submitted to IDEM on October 20, 2023 and comments were provided by IDEM on December 13, 2023.

The call attendees were:

IDEM: Chad Pitcher (PM), Teresa Evans (Institutional Controls), Christopher Newell (Geologist)
NIPSCO: Jennifer Williams (PM)
AECOM: Nathan Conniff (PM), Roger Beck (Tech Lead)

Background

The Logansport former manufactured gas plant (MGP) site is located at 511 Erie Avenue, Logansport, Cass County, Indiana (Site or the Site). The Logansport former MGP occupies an approximately 0.7-acre area owned by NIPSCO. Approximately 0.1 acre of this area is a fenced natural gas regulator station, and the remaining 0.6 acre is a vacant, gravel covered fenced lot. The Site is bounded by Erie Avenue to the north, commercial buildings to the west followed by Fifth Street, a light industrial building to the south followed by Melbourne Street, and a public alley to the east followed by commercial buildings. Residential areas are located north and east of the Site. The Wabash River is approximately 500 feet southwest of the Site and flows to the west.

In August 2020, Site remediation work was completed in conformance with the March 2018 Remediation Work Plan Addendum (VFC Doc #80626723). Approximately 4,592 tons of impacted material and approximately 372 tons of asphalt pavement were excavated and transported for off-site disposal. The excavated areas were restored to pre-remediation grade with clean, imported fill materials. On-site monitoring wells located within the excavation zones (MW-01, MW-06, MW-09, and MW-09D) were abandoned prior to initiating remedial activities. A complete summary of the remediation was provided in the September 2021 Interim Action Completion Report. Following remediation activities, AECOM began post-remediation groundwater monitoring at the Site.

Logansport ERC Review Call Meeting Summary

Review of Comments to the ERC

Note: Comments are numbered in the order they are presented on sticky notes on the 10-20-2023 Logansport MGP Draft ERC-IDEM edits document.

Comment 1:

In the first paragraph, the owner's name and address, as defined by the deed, must be used throughout the ERC. Please submit the current property deed.

NIPSCO/AECOM:

- a. Current company name/identity: NIPSCO LLC
- b. Name on 2010 Warranty Deed: Northern Indiana Public Service Company
- c. Name on 1916 Vesting Deed: Northern Indiana Gas and Electric Company

How do we handle this in ERC?

IDEM: Submit an affidavit/quick claim stating the current company name and timeline to provide a legal paper trail. Use the same one filed with Secretary of State.

NIPSCO Legal Counsel, per follow-up on May 20, 2024:

Use name on 2010 deed (Northern Indiana Public Service Company). The ERC template covers "all successors and assignees," which would include NIPSCO LLC."

Comment 2:

In the First Whereas Paragraph, the deed number, acquired and recorded dates must be verified. Please submit the current property deed.

NIPSCO/AECOM: This is in reference to metering station parcel text, Tract 2 Lot 74, which is one Logansport lot included in the 1916 Vesting Deed that involves multiple properties in several Cities acquired by Northern Indiana Gas and Electric Company from the Indiana Lighting Company. This Parcel number is not documented in the Vesting Deed, just the Lot number (74).

The version of the deed currently available is poorly reproduced and has someone's hand-written notes and markings.

IDEM: To provide a complete record to assure all parcels included in the ERC are properly and consistently documented, attach this deed with Exhibit A, as is. Indicate page/section where the Tract 2 Lot 74 is documented in the deed.

Comment 3:

In the First Whereas Paragraph, the deed Instrument number, acquired and recorded dates must be verified. Please submit the current property deed.

NIPSCO/AECOM: This is in reference to the 2010 Warranty Deed property text. This Deed will be attached as Exhibit A.

Comment 4:

The site address is 511 Erie Ave but only 09-17-44-326-010.000-010 is addressed to 511 Erie Ave. 09-17-44-326-053.000-010, 09-17-44-327-057.000-010 are addressed to 523 Erie Ave. and 09-17-44-327-001.000-010 is addressed to 525 Erie Ave. All the other parcels are addressed to Erie Ave.

NIPSCO/AECOM: Parcel numbers are constant and run with the land deeds, but mailing addresses do not, as they can change over time. The site is vacant and, as such, has no occupants requiring the former mailing addresses. We've chosen 511 Erie Ave. as the representative address for this project site. How should we respond to this comment?

IDEM: Use of 511 Erie Ave. as the sole property address will be accepted.

Comment 5:

"Exhibit A" the site map needs to be Exhibit B, on a standard size (8.5" by 11") black and white, non-aerial map with parcel numbers clearly identified as required for clear documentation.

NIPSCO/AECOM: This has been completed.

If there is an "Affected Area" to which additional restrictions apply, it needs to be depicted on a map attached as Exhibit C.

NIPSCO/AECOM: No Exhibit C needed as we excavated the affected area.

Comment 6:

In the third WHEREAS, Exhibit B needs to be relabeled to Exhibit D.

Not discussed. This will be labeled Exhibit C, not D.

Comment 7:

Restriction (d) is not current template language and needs to be replaced with the blanks filled in:

"Shall neither engage in nor allow excavation of soil depths greater than _____ feet in the area identified via (choose GPS coordinates OR legal survey) as the "Construction Worker Restriction Area" depicted on Exhibit _____. 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. In accordance with (insert title and date of the IDEM approved Soil Management Plan), described in VFC # (insert VFC#), and any IDEM approved updates.

NIPSCO/AECOM: This site has been remediated down to bedrock. There is no "Affected Area" or remaining soil concentrations above construction worker exposure that would require a "Construction Worker Restriction Area". Do we need to include that language?

The site will have some form of a SMP (internal) regardless because of NIPSCO policy/ownership and is really meant to be more of a contingency plan if excavation were to occur. Do we need to complete an SMP for closure?

IDEM: In general, using too much restriction language is not recommended as over-restricting can lead to unintended problems for future development(s) or site activity. Modifying restrictions due to changing conditions is a difficult process and may not be achievable. It may be possible to only include the soil handling restrictions to cover potential encounters with unexpected impacts. Chad Pitcher will follow-up with the assigned IDEM risk assessor and discuss further.

Comment 8:

Cass County is missing.

Not discussed. This will be added.

Comment 9:

The Owner's name, as defined on the deed, must be used throughout the ERC.

See response to Comment 1.

Comments 10 and 11:

The authorized representative's name and title is missing.

The "prepared by" statement is missing and must be included.

NIPSCO/AECOM: We like to save these for the final version, as we don't know if the named personnel will still be

available or be the current authority when the time comes to finalize. We still have a way to go in the program before attaching this ERC to the deed.

IDEM: The issue is understood, but it is IDEM policy to review the ERC as if it is final. In general, IDEM VRP would like to receive draft ERC documents towards the end of the RCR process, but providing it earlier allows the opportunity to work out any issues.

NIPSCO/AECOM: We will add names to the revised ERC.

Comment 12:

The Social Security redaction statement is missing and must be included.

Not discussed. The redaction statement was just added to most recent template – did not exist on previous template used for review version. In general discussion, IDEM stated we should continue to use the ERC template that was current at the time of creation; we shouldn't need to revise a submitted ERC to a newer template that was amended after submission. NIPSCO understands but has no issue with adding the redaction statement from the current template.

Path Forward discussion points:

NIPSCO/AECOM: RWP was submitted in 2019/2020 but never approved because it was missing ERC. We will submit the necessary documents because it needs to go through public comment period. IDEM confirmed public comment has not occurred.

NIPSCO/AECOM: There is one more sampling event to be performed before we submit revised plume stability evaluation followed by RCR.

IDEM: Extent of contamination isn't confirmed to the south-adjacent parcel. Coal tar, soil contamination, and groundwater contamination has been documented near the south property line (e.g., soil borings SB-05, SB-31, and some of the excavation samples). If an ERC with appropriate restrictions on the south-adjacent parcel is not provided (or impacts, if present, are not otherwise addressed), it would be very hard to get this through approvals. Alternatively, additional data could be collected on the south-adjacent parcel to confirm the presence or absence of impacts beyond the property line.

NIPSCO/AECOM: We don't wish to characterize that property due to previous use (metal plating, painting, etc. which may be associated with degreaser chemicals and heavy metals). Can you give NIPSCO something in writing with what you need from us to get us to closure?

IDEM: After NIPSCO/AECOM submits the draft ERC or updated plume stability evaluation, IDEM will provide a comment letter addressing concern for remaining impacts.

IDEM: NIPSCO needs to file a Notice of Contamination form for Melbourne Street. Send to City representatives.

Please contact Jennifer Williams at jenniferwilliams@nisource.com or Nathan Conniff at Nathan.Conniff@aecom.com if you have any questions regarding the meeting summary presented in this document.