



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 C. Rockensuess
Commissioner

August 20, 2024

VIA ELECTRONIC MAIL

Shane Gibson
New Albany Corporate Counsel
142 East Main Street, Suite 112
New Albany, IN 47150
sgibson@cityofnewalbany.com

Re: **No Further Action Approval Determination Pursuant to Risk-based Closure Guide (R2)**
Former H&K Truck N Auto
725 Vincennes Street
New Albany, IN 47150
Floyd County
Incident #0001169

Dear Mr. Gibson:

IDEM staff received your No Further Action (NFA) request for the former H&K Truck N Auto facility located at 725 Vincennes Street in New Albany, Indiana for Incident #0001169 (the Site). IDEM reviewed the following documents:

- *Environmental Restrictive Covenant*, prepared by EnviroForensics, LLC, dated October 6, 2023 (Virtual File Cabinet Document #83542729)
- *Further Site Investigation*, prepared by EnviroForensics, LLC, dated October 6, 2023 (Virtual File Cabinet Document #83542729)

The following is a summary of the current conditions at the Site for the subject release:

- Soil – Samples collected September 2022 were analyzed for volatile organic compounds (VOCs) and polyaromatic hydrocarbons (PAHs). Analytical results showed that all soil samples were below R2 published levels (PLs).
- Groundwater – Sample results from permanent wells exhibited concentrations for naphthalene at 71 micrograms per liter (ug/L) and 1-methylnaphthalene at 74.1 ug/L in MW-1. 2-methylnaphthalene was also detected at 111 ug/L in MW-1. All other contaminants were below R2 PLs.
- Vapor Intrusion – An investigation for vapor intrusion (VI) is not required based on the groundwater sampling results.



Visit on.IN.gov/survey or scan the QR code to provide feedback.

We appreciate your input!



The following are additional lines of evidence regarding current conditions at the Site for the subject release:

- * Most or all of the source was removed.
- * Current land use is commercial and is not expected to change in the next five years.
- * The residual contamination is located in a shallow zone that is unlikely to be used for a drinking water source
- * Current drinking water is provided by municipal water utility.

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 owner 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 additional information is subsequently obtained by IDEM 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 R2 non-rule policy document (NPD) guidelines and conditions:

- * Unconditional closure for soil exposure
- * Conditional closure for groundwater exposure
- * Unconditional closure for vapor intrusion exposure
- * Recorded Environmental Restrictive Covenant (Virtual File Cabinet Document #83542729)

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.

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 Indiana Office of Administrative Law Proceedings (OALP), and serving a copy of the request for review upon the Commissioner of the IDEM. You may request that the OALP 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 OALP 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 OALP and the Commissioner of the IDEM at the following addresses:

Director
Office of Administrative Law Proceedings
Indiana Government Center North
100 North Senate Avenue, Suite N802
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 OALP, 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.

For additional information on filing a petition with the OALP, visit their website at [OALP: Home \(in.gov\)/](http://OALP: Home (in.gov)/).

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 Aaron Fix at (317) 232-8006 or toll free at (800) 451-6027. He may also be reached at: AFix@idem.IN.gov.

Sincerely,



Shay Hartley, Chief
Petroleum Remediation Section
Petroleum Branch
Office of Land Quality
(317) 234-5160
shartle@idem.IN.gov

ecopy:IDEM File

Joseph Stephens, EnviroForensics, LLC, jstephens@enviroforensics.com
Mark Basch, Indiana Department of Natural Resources, mbasch@dnr.in.gov
Floyd County Health Department

Ellis, Roberta

From: Shane Gibson <SGibson@cityofnewalbany.com>
Sent: Tuesday, August 20, 2024 2:13 PM
To: Ellis, Roberta
Cc: Fix, Aaron R; jstephens; Basch, Mark; Anthony Lieber; environmental@floydcounty.in.gov
Subject: Re: IDEM PRS CORRESPONDENCE SITE 0001169 NFA

**** This is an EXTERNAL email. Exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email. ****

Received. Thank you.

Sincerely,

Shane L. Gibson
New Albany Corporate Counsel
142 E. Main, Suite 310
New Albany, IN 47150
Telephone: 812-948-5333
Email: sgibson@cityofnewalbany.com

On Aug 20, 2024, at 12:15 PM, Ellis, Roberta <REllis@idem.IN.gov> wrote:

RETURN E-MAIL RECEIPT REQUESTED

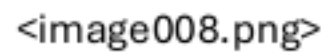
The IDEM Petroleum Remediation Branch is now sending formal communication (signed letters) via electronic mail (e-mail). IDEM has provided electronic copies of our letters to consultants for several years and are now also providing our correspondence via e-mail to the Registered UST Owner/Operator or Responsible Party. The UST Branch will only utilize the US Postal Service if e-mail is not available. We believe that this approach is not only more economically responsible, but will also allow us to reach our customers in a more timely manner.

In that regard, IDEM is requesting a return receipt via email indicating that the correspondence has been received for our records. Please review and respond appropriately to the attached IDEM correspondence per IDEM document submittal guidelines. We hope to continue working with you to improve our customer service. Please notify IDEM if you have a preferred

email address for this correspondence or regarding any e-mail address changes. If you have any questions please feel free to contact me at 317/232-8900 or Shay Hartley at 317/234-5160.



Bobbi Ellis
Secretary | Petroleum Remediation Section
Petroleum Branch | Office of Land Quality
Indiana Department of Environmental Management



(317) 232-8900 | rellis@idem.IN.gov

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