



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

September 10, 2024

UST Owner/Operator

Michael Byrne
7-Eleven Inc.
3200 Hackberry Road
Irving, Texas 75063
Michael.byrne@7-11.com

Property Owner

Jim McGoff
Indiana Finance Authority
1 N Capital Ave. Ste 900
Indianapolis, IN 46204
jmgoff@ifa.in.gov

Re: **No Further Action Approval Determination Pursuant to Risk-based Closure Guide**

7-Eleven Store 40514
5105 Plaza Avenue
Portage, Indiana 46368
Porter County
Facility ID #3805
Incident #202309505

Dear Sirs:

IDEM staff received your No Further Action (NFA) request for the 7-Eleven Store 40514 facility located at 5105 Plaza Avenue in Portage, Indiana (the Site) for Incident #202309505. IDEM reviewed the following document:

- Spill Recovery Response Report, prepared by Atlas Technical Consultants LLC, dated March 14, 2024 (Virtual File Cabinet Document #83611070)

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

- Soil - All release-related chemicals in the soil are below the Risk-based Closure Guide (R2) long term residential published levels.
- Groundwater – Groundwater was not investigated due to the nature of the spill and the non-detect results from the soil sampling.



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

We appreciate your input!



- * Vapor Intrusion – This site screens out for vapor intrusion investigation based on the IDEM R2.

Based on the technical reports reviewed, IDEM concludes that no further response actions are required. 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
- * Unconditional closure for groundwater exposure
- * Unconditional closure for vapor intrusion exposure

Please note that as required by 328 IAC 1-3-3(a)(2) you must submit all claims for payment of reimbursable costs related to the ISC conducted under 329 IAC 9-5-5.1 within three hundred sixty-five (365) days after submittal of all reports required under 329 IAC 9. Additionally, any remaining claims for payment of reimbursable costs must be submitted within three hundred sixty-five (365) days after the date those costs were incurred. 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 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 Joshua Sneed at (317) 232-4770 or toll free at (800) 451-6027. He may also be reached at: jsneed@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

Phil Schlak, Atlas Technical Consultants LLC, phil.schlak@oneatlas.com
Steve Browning, Atlas Technical Consultants LLC,
steve.browning@oneatlas.com

Ellis, Roberta

From: Byrne, Michael B (Michael) <Michael.Byrne@7-11.com>
Sent: Wednesday, September 18, 2024 12:52 PM
To: Ellis, Roberta
Subject: RE: IDEM PRS CORRESPONDENCE FID 3805 NFA

EXTERNAL EMAIL: This email was sent from outside your organization. Exercise caution when clicking links, opening attachments or taking further action, before validating its authenticity.

Received, thank you

Michael Byrne

Regional Environmental Compliance Manager | Indiana & Michigan

Office: (937) 863-7667 | Cell: (614) 563-7590 | Michael.Byrne@7-11.com



From: Ellis, Roberta <REllis@idem.IN.gov>
Sent: Tuesday, September 10, 2024 10:58 AM
To: Byrne, Michael B (Michael) <Michael.Byrne@7-11.com>; McGoff, James (Jim) <JMCGOFF@ifa.IN.gov>
Cc: Sneed, Joshua <JSneed@idem.IN.gov>; phil.schlak@oneatlas.com; steve.browning@oneatlas.com
Subject: IDEM PRS CORRESPONDENCE FID 3805 NFA

****External - Potential security risk - Exercise caution****

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
Administrative
Assistant Petroleum
Remediation Section
Petroleum Branch | Office of Land Quality
Indiana Department of Environmental Management

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