



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 18, 2024

VIA ELECTRONIC MAIL

Mr. Jeremy Fultz
Evergreen Resources Group, LLC
2 Righter Parkway, Suite 120
Wilmington, DE 19803
jdfultz@evergreenresmgt.com

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

Former Sunoco
2065 Indianapolis Avenue
Lebanon, IN 46052
Boone County
Facility ID #25205
Incident #200410035

Dear Mr. Fultz:

IDEM staff received your No Further Action (NFA) request for the former Sunoco facility located at 2065 Indianapolis Avenue, in Lebanon, Indiana for Incident #200410035 (the Site). IDEM reviewed the following document:

- First Quarter 2022 Monitoring Report, prepared by ATC Group Services LLC, dated July 20, 2022 (Virtual File Cabinet Document #83346321)

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

- Soil – All Chemicals of Concern (COCs) are below the Remediation Closure Guide (RCG) residential direct contact screening levels.
- Groundwater – Benzene remains in the groundwater at 331 micrograms per liter (µg/L) which is above the RCG tap water screening level of 5 µg/L. Naphthalene remains in the groundwater at 29 µg/L which is above the RCG tap water screening level of 1.2 µg/L. All other COCs are below the RCG residential tap water screening level.
- Vapor Intrusion – Benzene remains in the groundwater at 332 µg/L which is above the RCG residential vapor intrusion screening level of 28 µg/L. All other COCs are below the RCG residential vapor intrusion screening level.



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:

- The residual groundwater contamination is located in a shallow zone that is unlikely to be used for a drinking water source.
- Residual groundwater contamination exists along the property boundary and will continue to naturally attenuate.
- Current land use is commercial and is not expected to change in the next five years.
- 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 RCG non-rule policy document (NPD) guidelines and conditions:

- Unconditional closure for soil exposure
- Conditional closure for groundwater exposure
- Conditional closure for vapor intrusion exposure
- Recorded Environmental Restrictive Covenant (Virtual File Cabinet Document #83572101)
- Notice letter sent to the Boone County Commissioners (Virtual File Cabinet Document #83696479)

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.

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 18, 2025** 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 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 \(in.gov\)/](#).

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 Roxann Klika Sanders at (317)234-0977 or toll free from within Indiana at (800) 451-6027. She may also be reached at: rsanders@idem.IN.gov.

Sincerely,



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

ecopy: IDEM File

Mark Basch, IDNR Division of Water
Boone County Health Department
Phil Schlak, ATC Group Services
All Property Investments, LLC, 142 Sheridan Road, Winthrop Harbor, IL 60096
Boone County Commissioners, commissioners@co.boone.in.us

Ellis, Roberta

From: Fultz, Jeremy D <jdfultz@evergreenresmgt.com>
Sent: Wednesday, September 25, 2024 12:58 PM
To: Ellis, Roberta
Cc: SANDERS, ROXANN
Subject: RE: IDEM PRS CORRESPONDENCE FID 25205 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,



Jeremy Fultz
Evergreen Resources Management Operations
Office: (302) 485-4081
Mobile: (717) 572-9836
2 Righter Parkway, Suite 120, Wilmington, DE 19803

From: Ellis, Roberta <REllis@idem.IN.gov>
Sent: Wednesday, September 25, 2024 12:47 PM
To: Fultz, Jeremy D <jdfultz@evergreenresmgt.com>
Cc: SANDERS, ROXANN <RSANDERS@idem.IN.gov>
Subject: FW: IDEM PRS CORRESPONDENCE FID 25205 NFA

Hello,

Could you please respond to the email that was sent to you on 09/18/2024? I need confirmation that you received this letter.

Thank you.



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

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



From: Ellis, Roberta

Sent: Wednesday, September 18, 2024 10:25 AM

To: jdfultz@evergreenresmgt.com

Cc: SANDERS, ROXANN <RSANDERS@idem.IN.gov>; Basch, Mark <mbasch@dnr.IN.gov>; amessenger@co.boone.in.us; phil.schlak@oneatlas.com; commissioners@co.boone.in.us

Subject: IDEM PRS CORRESPONDENCE FID 25205 NFA

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

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

