



# INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

*We Protect Hoosiers and Our Environment.*

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Eric J. Holcomb  
Governor

Brian C. Rockensuess  
Commissioner

September 24, 2024

## UST Owner/Operator

Mitchell Orsburn  
772 North Calumet Avenue  
Valparaiso, Indiana 46383  
[mitchorsburn@gmail.com](mailto:mitchorsburn@gmail.com)

## Property Owner

Mitchell Van Kley  
Hamstra-Wiers Real Estate  
12028 N 200 W, Suite 500  
Wheatfield, Indiana 46392

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

Former Orsburn Amoco  
332 South Halleck Street  
Demotte, Indiana 46310  
Jasper County  
Facility ID #7516  
Incident #199411526

Dear Owners:

IDEM staff received your No Further Action (NFA) request for the former Orsburn Amoco facility located at 332 South Halleck Street in Demotte, Indiana (the Site) for Incident #199411526. IDEM reviewed the following documents:

- Recorded Environmental Restrictive Covenants (ERCs), submitted July 29, 2024 (Virtual File Cabinet Document #83685156).
- Municipal Water Connection and Potable Well Abandonment, prepared by Wilcox Environmental Engineering, dated January 26, 2024 (Virtual File Cabinet Document #83592360).
- No Further Action Request Report, prepared by Wilcox Environmental Engineering, dated October 21, 2019 (Virtual File Cabinet Document #82855124).

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



Visit [on.IN.gov/survey](https://on.IN.gov/survey) or scan the QR code to provide feedback.

*We appreciate your input!*



- \* Soil – Historical results indicate that contaminated soil remains at the site. One sample contained Ethylbenzene at 150 milligrams per kilogram (mg/kg) which is above the Remediation Closure Guide (RCG) residential direct contact screening level of 81 mg/kg; Xylenes were reported at 9,900 mg/kg which is above the RCG commercial industrial direct contact screening level of 260 mg/kg.
- \* Groundwater - Analytical results from the most recent groundwater samples collected did not exhibit petroleum chemicals of concern (COCs) above RCG screening levels, with the exception of Benzene concentrations of 39.8 micrograms per liter ( $\mu\text{g/l}$ ) and 44.7  $\mu\text{g/l}$ , above the residential tap groundwater screening level of 5  $\mu\text{g/l}$ .
- \* Vapor Intrusion - COCs were below residential vapor intrusion screening levels.

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

- \* The release is approximately 30 years old.
- \* Xylenes are volatile organic compounds that evaporate readily and do not pose a long-term exposure risk.
- \* Current land use is commercial and is not expected to change in the next five years.
- \* Onsite drinking water is provided by municipal water utility.
- \* The west-adjacent offsite property has abandoned the potable well and connected to municipal water.
- \* Most of the site is paved and serves as a surficial barrier to prevent direct contact exposure to residual soil impacts.

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
- \* Unconditional closure for vapor intrusion exposure
- \* Onsite Recorded ERC (Virtual File Cabinet Document #83685156)
- \* Offsite Recorded ERC, 325 Almond Street, S.W., Demotte, Indiana (Virtual File Cabinet Document #83685156)

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 24, 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.

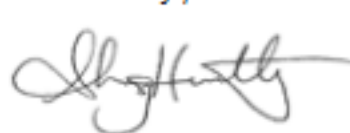
The petition for administrative review should also contain the following information:

- 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 \(in.gov\)/](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 Ben Welvaert at (317) 232-5988 or toll free at (800) 451-6027. He may also be reached at: [bwelvaer@idem.IN.gov](mailto:bwelvaer@idem.IN.gov).

Sincerely,



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

ecopy: Mark Basch, IDNR Division of Water  
Jasper County Health Department  
Michael Anderson, President, Anderson Property Mgt LLC, 11144 West Drive,  
Demotte, Indiana 46310  
Scott Stoldt, Wilcox Environmental Engineering, [sstoldt@wilcoxenv.com](mailto:sstoldt@wilcoxenv.com)

## Ellis, Roberta

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**From:** Mitch Orsburn <mitchorsburn@gmail.com>  
**Sent:** Tuesday, September 24, 2024 12:05 PM  
**To:** Ellis, Roberta  
**Cc:** Welvaert, Benjamin D; Basch, Mark; Taylor, Michele; Scott Stoldt  
**Subject:** Re: IDEM PRS CORRESPONDENCE FID 7516 NFA  
**Attachments:** image006.png

**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.

Please confirm receipt.

On Tue, Sep 24, 2024, 10:44 AM Ellis, Roberta <[REllis@idem.in.gov](mailto:REllis@idem.in.gov)> wrote:

### **RETURN E-MAIL RECEIPT REQUESTED**

The IDEM UST 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 Tim Veatch at 317/234-0980.

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**Bobbi Ellis**

Administrative  
Assistant  
Remediation Section

Petroleum

Petroleum Branch | Office of Land Quality

Indiana Department of Environmental Management



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