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Woman Business Enterprise (WBE)



July 1, 2024

Ms. Chris Bowman  
SOW Coordinator, Petroleum Branch  
Indiana Department of Environmental Management  
100 N. Senate Avenue  
Indianapolis, IN 46204

**Subject: Site Check Work Plan & Timeline  
Toney Oil Company LLC  
East Goodman Ridge Road / Parcel I.D. #13-07-13-127-001.000-006  
Marengo, IN 47140  
IDEM Facility ID #50117 / AST Incident #202406505**

Dear Ms. Bowman:

On behalf of Toney Oil Company LLC (Toney Oil), Specialty Earth Sciences, LLC (SE Sciences) is pleased to provide this *Site Check Work Plan & Timeline* for the property located at East Goodman Ridge Road, Marengo, IN property (subject property or site).

This *Site Check Work Plan & Timeline* is being submitted in response to various requirements of the Indiana Department of Environmental Management (IDEM) which are described herein. Furthermore, this *Site Check Work Plan & Timeline* provides proposed sampling and analysis details for pre-approval from IDEM.

#### **IDEM CORRESPONDENCE**

In the letter titled *Investigation due to Off-Site Impacts & Release Investigation and Confirmation Steps Request (Attachment A)*, dated June 12, 2024, IDEM indicated the following:

#### **40 CFR § 280.52 Release Investigation and Confirmation Steps**

*Environmental contamination is the basis of the suspected release investigation, as such, you must perform a site check, as specified in 40 CFR § 280.52(b) by measuring for the presence of a release where contamination is most likely to be present. If the results indicate a release has occurred, you must begin corrective action in accordance with 40 CFR § 280 Subpart F.*

*If the results of the site check confirm that a release occurred, you must submit a Confirmed Release Initial Incident Report to the LeakingUST@idem.in.gov inbox in accordance with 40 CFR § 280.61 within 24 hours. Additionally, per 40 CFR § 280.62 you must remove as much of the regulated substance from the UST System as is necessary to prevent further release to the environment and prevent further migration into surrounding soils and groundwater and submit documentation summarizing these initial abatement and site check activities within 20 days after release confirmation.*

Furthermore, IDEM indicated the following:

### **Conclusions**

*1. Release investigation and confirmation pursuant to 40 CFR 280.52 must occur within seven (7) days of receipt of this letter.*

Following a request for an extension of the 7-day deadline, IDEM responded in an email dated June 21, 2024, indicating the following:

*The 7-day release investigation and confirmation steps pursuant to 40 CFR 280.52 was due on 6/19/24 when the request for an extension was received. The request for an extension of 60 days is denied, however an extension of 30 days is approved.*

Thus, we interpret the new deadline to be July 19, 2024.

## **SITE CHECK WORK PLAN**

A copy of the parcel map depicting property boundaries, obtained from the Beacon™ Crawford County, IN website, is included as **Attachment A**.

Included in **Attachment B** are **Figure 1**, *Site Location Map* which depicts the site and surrounding area on an aerial photograph base, and **Figure 2**, *AST and UST Location Map* which represents the aboveground storage tank (AST) and underground storage tank (UST) layouts. Note, the UST sizes, orientations and locations are estimated.

Also included on **Figure 2** are proposed soil boring locations, identified as “B-1”, “B-2” and “B-3”. Actual boring locations are subject to change following public (811) and private underground utility locate services.

Soil borings will be installed utilizing a mobile track-mounted Geoprobe™ 6620DT direct-push drill rig to collect soil and groundwater samples on-site. The borings will be advanced to the first water bearing formation, or upon meeting refusal at the bedrock.

Soil sampling methods will consist of pushing the core sampler to the desired subsurface depth, retrieving the sampler at ground surface, and collecting the discrete interval of soil within the dedicated acetate liner. Soil samples will then be evaluated for petroleum staining and odor. The soil lithology will be classified in accordance with the United States Geological Survey (USGS) soil classification system and standard industry practices.

Upon collection, a portion of each sample will be immediately placed in a sealable plastic bag and allowed to equilibrate for approximately ten (10) minutes. A Mini-Rae Photoionization Detector (PID) will then be used to screen the sample for Total Photoionization Vapor (TPV) content that volatilized from the respective soil samples. Soil samples from borings that resulted in the greatest potential for impacts (i.e., discoloration, odor, or highest TPV reading) will be collected for analysis. Sampling will be performed consistent with U.S. EPA Method 5035A protocols. At least one (1) soil sample will be collected from each boring.

Soil samples will be relinquished to ENVision Laboratories, Inc. (ENVision) under chain-of-custody protocols for the following analyses:

- Volatile Organic Compounds (VOCs) via Method 8260
- Polycyclic Aromatic Hydrocarbons (PAHs) via Method 8270
- Total Lead via Method 6010B

Grab groundwater samples will be collected utilizing temporary monitoring wells installed in the soil borings. The wells will be constructed with 10 feet (ft) of 0.010-slotted 0.75-inch polyvinyl chloride (PVC) well screen and 0.75-inch flush-threaded PVC riser.

Dedicated bailers will be utilized for grab groundwater sample collection. Groundwater samples were poured into laboratory provided sample containers. Samples will be relinquished to ENVision under chain-of-custody protocols for the following analyses:

- VOCs via Method 8260
- PAHs via Method 8270
- Total Lead via Method 6010B

Quality Assurance/Quality Control (QA/QC) samples will consist of the following:

- One (1) soil duplicate sample for all analyses
- One (1) soil Matrix Spike/Matrix Spike Duplicate (MS/MSD) sample for all analyses
- One (1) groundwater duplicate sample for all analyses
- One (1) groundwater MS/MSD sample for all analyses
- One (1) trip blank for VOC analysis
- One (1) temperature blank

Full Level IV QA/QC documentation will be included with the laboratory reports.

Survey data and recorded groundwater levels will be obtained to assess localized groundwater flow patterns. Calculated relative groundwater elevations will be plotted on a base map for potentiometric surface contouring.

A brief *Site Check Report* will be provided including details of the sampling and analyses. Accompanying the *Site Check Report* will be field sampling forms, boring logs, analytical tables and figures, and laboratory analytical reports.

### SITE CHECK TIMELINE

Following IDEM approval of this *Site Check Work Plan & Timeline*, we will mobilize to the site within two (2) weeks to initiate work. Typically, laboratory analytical data will be available within 7-10 business days following sample collection. Analytical tables and figures will be available within approximately 2-3 business days thereafter. The *Site Check Report* will be provided after receiving the full Level IV QA/QC data from the laboratory.

Please contact us at 317.688.1212 if you have any questions or comments regarding this *Site Check Work Plan & Timeline*.

Sincerely,  
**SPECIALTY EARTH SCIENCES, LLC**



Eric S. Lewis, LPG  
Senior Geologist



P. Cory Smith  
Senior Project Manager

Cc: Messrs. Eric & Errol Toney, Toney Oil Company LLC  
Ms. Andrea Kochert Townsend, PSRB  
Mr. Tom Newcomb, IDEM  
Mr. Tim Veatch, IDEM  
Ms. Julie Lang, IDEM

#### Attachments:

Attachment A	IDEM Correspondence
Attachment B	Beacon™ Parcel Map
Attachment C	Figures

**Attachment A**  
*IDEM Correspondence*



## 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](http://www.idem.IN.gov)

**Eric J. Holcomb**  
Governor

**Brian C. Rockensuess**  
Commissioner

June 12, 2024

### VIA ELECTRONIC MAIL

Tank Owner  
Toney Oil Company LLC  
2866 S. State Road 66  
Marengo, IN 47140  
[Etoney2007@gmail.com](mailto:Etoney2007@gmail.com)

Tank Operator  
Toney Oil Company LLC  
2866 S. State Road 66  
Marengo, IN 47140  
[Etoney2007@gmail.com](mailto:Etoney2007@gmail.com)

Property Owners  
Eric and Errol Toney  
2866 S. State Road 66  
Marengo, IN 47140  
[etoney2007@gmail.com](mailto:etoney2007@gmail.com)

Eric and Errol Toney  
396 Main Street  
Marengo, IN 47140  
[etoney2007@gmail.com](mailto:etoney2007@gmail.com)

**Re: Investigation due to Off-Site Impacts & Release Investigation and Confirmation Steps Request**

Toney Oil  
East Goodman Ridge Road  
Marengo  
Crawford County  
Facility ID #50117  
AST Incident #202406505  
UST Incident #

Dear Messrs. Toney:

The release of a regulated substance (petroleum) was discovered at the neighboring property adjacent to your facility. IDEM staff have reviewed the following documents:



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

*We appreciate your input!*



- IDEM Emergency Response Incident Reports dated March 5, 2024, March 7, 2024, March 20, April 5, 2024, and May 23, 2024, attached
- IDEM Underground Storage Tank Inspection Report, dated March 20, 2024, Virtual Vile Cabinet (VFC) Document #83648751
- IDEM Site Visit Report dated June 4, 2024, attached

Based on the review of these documents, petroleum contamination is evident both on-site and off-site (276 N. Hardy Road) from your property appearing related to both Aboveground Storage Tank (AST) and Underground Storage Tank (UST) operations at your facility. Due to violations noted during inspection of USTs at the property, a lack of any records pertaining to the operation and maintenance of tanks at the facility, as well as visual evidence of overall poor housekeeping, deteriorating infrastructure, surface staining, stressed, dying, or dead vegetation, impacted wildlife, and impacts to intermittent streams, your facility is suspected as the source of the petroleum substance discovered on the off-site property. As the Owner/Operator/Property Owner of the Toney Oil Facility you are required to investigate this documented contamination and determine whether a release from an UST and/or AST at this facility has occurred. In accordance with 40 CFR § 280<sup>1</sup> unless corrective action is initiated in accordance with 40 CFR 280 Subpart F with respect to any release from your USTs, you must conduct release investigation and confirmation steps as outlined in 40 CFR § 280.51 and § 280.52 within 7 days. Additionally, in accordance with IC 13-24-1-6, in order to allow IDEM to assess the need for removal or remedial action related to any release from your ASTs, you must conduct testing of soils, surface water, and groundwater.

**This letter provides IDEM's expectations for release reporting, response and investigation.**

#### **40 CFR § 280.52 Release Investigation and Confirmation Steps**

Environmental contamination is the basis of the suspected release investigation, as such, you must perform a site check, as specified in 40 CFR § 280.52(b) by measuring for the presence of a release where contamination is most likely to be present. If the results indicate a release has occurred, you must begin corrective action in accordance with 40 CFR § 280 Subpart F.

If the results of the site check confirm that a release occurred, you must submit a Confirmed Release Initial Incident Report to the [LeakingUST@idem.in.gov](mailto:LeakingUST@idem.in.gov) inbox in accordance with 40 CFR § 280.61 within 24 hours. Additionally, per 40 CFR § 280.62 you must remove as much of the regulated substance from the UST System as is necessary to prevent further release to the environment and prevent further migration into surrounding soils and groundwater and submit documentation summarizing these initial abatement and site check activities within 20 days after release confirmation.

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<sup>1</sup> IDEM has incorporated the majority of the federal underground storage tank regulations of 40 Code Fed. Reg. (CFR) Part 280 via 329 Ind. Admin. Code 9-1-1. All CFR citations refer to the regulation as incorporated.

### **Initial site characterization**

Within 60 days of confirmation of a release from your USTs you must follow the procedures for an initial site characterization (ISC) as outlined below. The purpose of the initial site characterization (ISC) is to gather information regarding the release and surrounding area, including, but not limited to, evaluation of potential pathways for migration, and evaluation of receptors. Pursuant to IC 13-23-13-1, when necessary and feasible as determined by a qualified environmental professional (QEP) (as defined in IC 13-11-2-177.7), an ISC must include:

1. Site-specific geologic information obtained from a minimum of three (3) continuously sampled soil borings;
2. Hydrogeologic information, including depth to ground water and groundwater flow directions and gradients, obtained from a minimum of three (3) monitoring wells screened across the water table; and
3. Other pertinent information as outlined in 40 CFR § 280.63, be consistent with the Risk-based Closure Guide (R2, Waste #0046-R2) and the Petroleum Remediation Program Guide (PRPG, Waste-0082). These non-rule policy documents are available at [www.in.gov/idem/tanks/2329.htm](http://www.in.gov/idem/tanks/2329.htm).

The borings and wells should be installed in areas most likely to be contaminated.

Per IC 13-23-13-1, a QEP, on behalf of the owner or operator of an UST from which there has been a release of petroleum, may submit for approval by the commissioner an alternative procedure for ISC and request a waiver of the requirement. Proof of QEP credentials must be provided. For clarity and to ensure UST Owner engagement, the QEP should copy the UST Owner on any correspondence. The commissioner may approve the request for a waiver and alternative procedure only if the alternative procedure provides substantially equal protection for human health and the environment. Your QEP must submit the waiver request for an alternative procedure as soon as sufficient environmental data is obtained to make the determination that an alternative procedure meets the requirements of IC 13-23-13-1.

Pursuant to 40 CFR § 280.63 you must assemble information about the site and nature of the release, including information gathered while confirming the release or completing the initial abatement measures in 40 CFR § 280.60, 280.61 and 280.62. This information must include, but is not necessarily limited to the following:

1. Data on the nature and estimated quantity of the release;
2. Data from available sources and/or site investigations concerning the following factors: Surrounding populations, water quality, use and approximate locations of wells potentially affected by the release, subsurface



- soil conditions, locations of subsurface sewers, climatological conditions, land use;
3. Results of the site check required under 40 CFR § 280.62(a)(5) (or 40 CFR § 280.52 or 280.72, whichever is applicable); and
  4. Results of free product investigations required under 40 CFR § 280.62(a)(6), to be used by Owners and Operators to determine whether free product must be recovered under 40 CFR 280.64.

It is likely that the site check and ISC submittal will also satisfy the testing requirements of IC 13-24-1-6; however, IDEM will make that determination after receiving the ISC.

### **Additional IDEM expectations**

In order to facilitate complete site characterization within a year, IDEM requests that staff be notified of all investigative site work in a timely manner. Early staff involvement with the site investigation will assist in efforts to develop a complete conceptual site model within the year timeframe. Please inform the project manager via email or telephone (listed below) as field work dates for investigations are scheduled.

### **Conclusions**

- 1. Release investigation and confirmation pursuant to 40 CFR 280.52 must occur within seven (7) days of receipt of this letter.**
- 2. Pursuant to 40 CFR 280.61, any release confirmed while complying with 40 CFR 280.52 must be properly reported within twenty-four (24) hours of confirmation.**
- 3. The initial abatement measures and site check report required by 40 CFR 280.62 must be submitted to IDEM within twenty (20) days of release confirmation.**
- 4. The due date for the Initial Site Characterization Report is 60 days following confirmation of a release.**

IDEM requests Petroleum Remediation Section (PRS) correspondence, reports, and related documents under 15 MB be submitted electronically to:  
[LeakingUST@IDEM.in.gov](mailto:LeakingUST@IDEM.in.gov).

Paper copies and CDs are no longer necessary as previously required in OLQ Document Submittal Guidelines. Please label the email and attached documents as directed below:

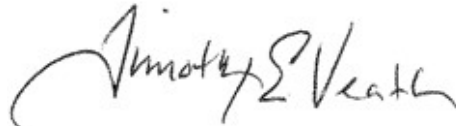
- Email Subject Line: REPORT NAME (ie. 1Q 2023 QMR, ISC, FSI, etc.)\_FID (insert number)\_LUST (insert number)\_DATE (yyyymmdd)

- Document/File Name: REPORT NAME (ie. 1Q 2023 QMR, ISC, FSI, etc.)\_FID (insert number)\_LUST (insert number)\_DATE (yyyymmdd)

For more information regarding document and data submittal guidelines, sampling and analysis requirements or technical information, visit the LUST Home page at [www.in.gov/idem/tanks/2333.htm](http://www.in.gov/idem/tanks/2333.htm) or contact the site project manager.

Failure to submit this information within the specified timeframe may result in a referral to IDEM Office of Land Quality Enforcement. If you have any questions, please contact Chris Bowman at (317) 232-8272 or toll free from within Indiana at (800) 451-6027. I can also be reached at: [cmbowman@idem.IN.gov](mailto:cmbowman@idem.IN.gov).

Sincerely,



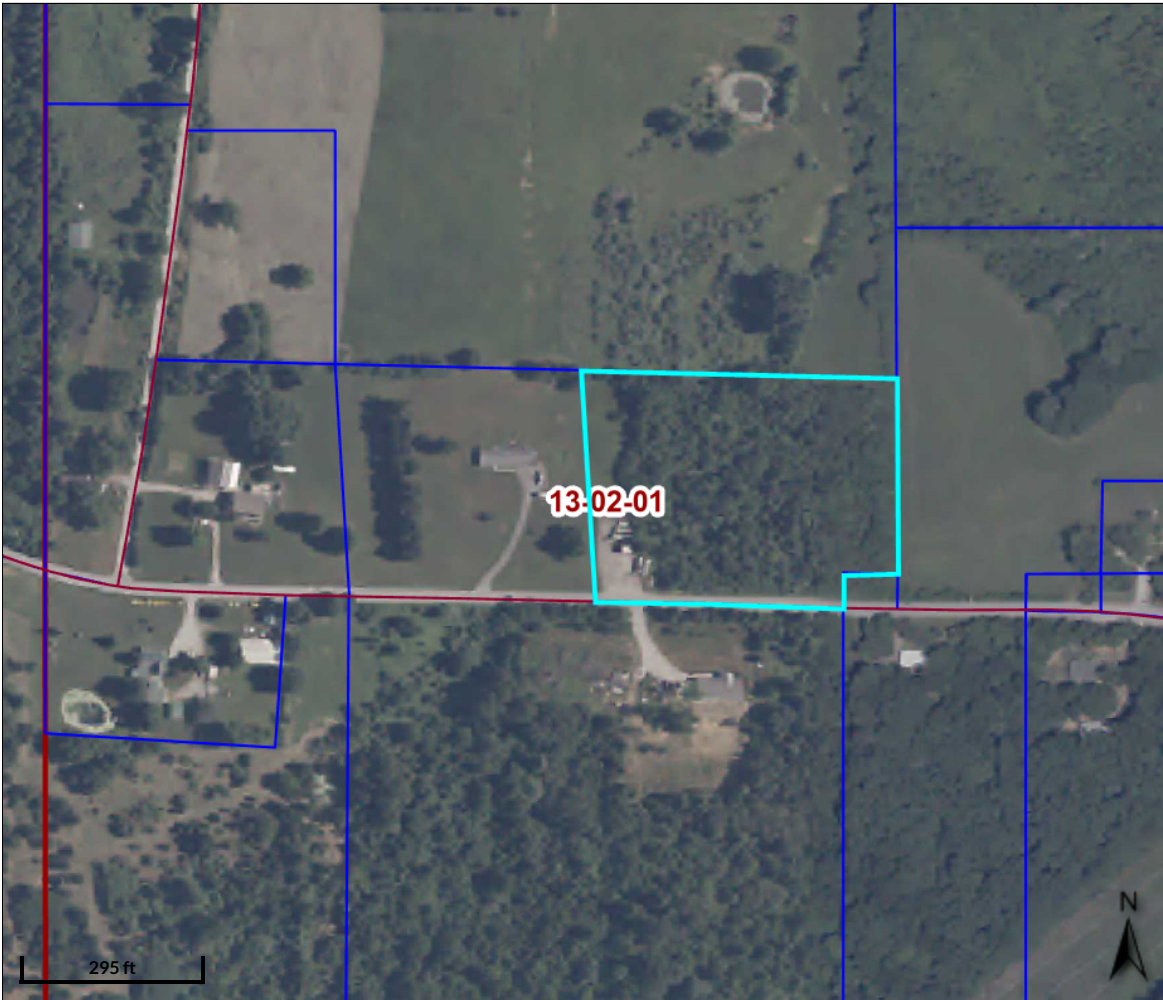
Timothy E. Veatch, Chief  
Petroleum Branch  
Office of Land Quality

Ecopy: IDEM File

Chris Bowman, IDEM Project Manager  
Brock Goodman, IDEM Underground Storage Tank Inspector  
Andy Stinchfield, IDEM Emergency Response On-Scene Coordinator  
Mr. Charles Isaacs, Off-site Property Owner, [charlesisaacs@frontier.com](mailto:charlesisaacs@frontier.com)  
P. Cory Smith, Specialty Earth Sciences, [csmith@sesciences.com](mailto:csmith@sesciences.com)

**Attachment B**

*Beacon™ Parcel Map*



Overview



Legend

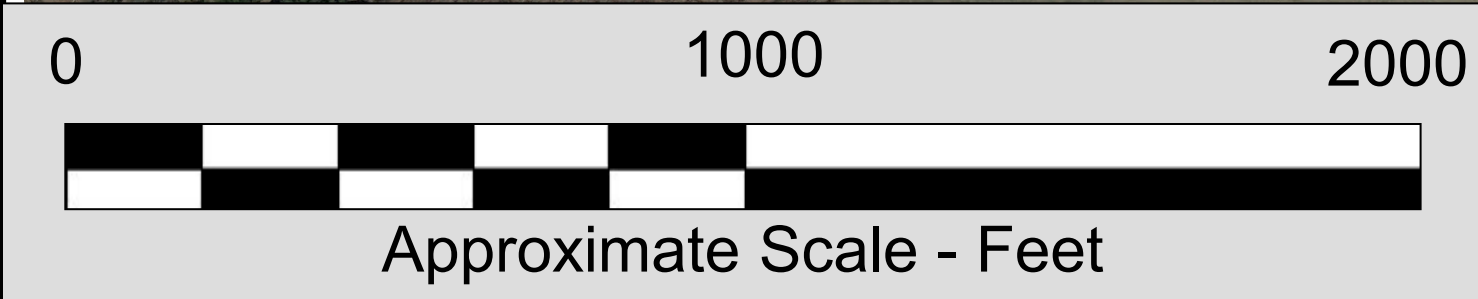
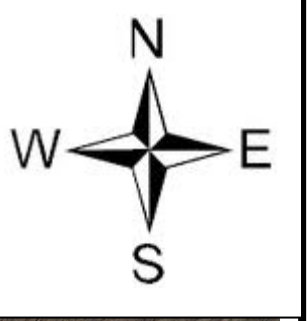
- Parcels
- Centerlines
- Corporate Limits
- Political Townships
- Sections

<b>Parcel ID</b>	13-07-13-127-001.000-006	<b>Alternate ID</b>	RE-04-0400	<b>Owner Address</b>	Toney, Eric & Errol
<b>Sec/Twp/Rng</b>	n/a	<b>Class</b>	Agri Other agricultural use		2866 S State Rd 66
<b>Property Address</b>	EAST GOODMAN RIDGE ROAD MARENGO	<b>Acreage</b>	3.66		Marengo, IN 47140
<b>District</b>	006 LIBERTY TOWNSHIP				
<b>Brief Tax Description</b>	Pt Sw Nw 13-2-1e 3.66a				
	(Note: Not to be used on legal documents)				

Date created: 6/5/2024  
 Last Data Uploaded: 6/5/2024 7:20:50 AM

**Attachment C**

*Figures*



SPECIALTY EARTH SCIENCES, LLC  
1050 Summit Drive, Carmel Indiana 46032

East Goodman Ridge Road, Marengo, Indiana







Site Location Map

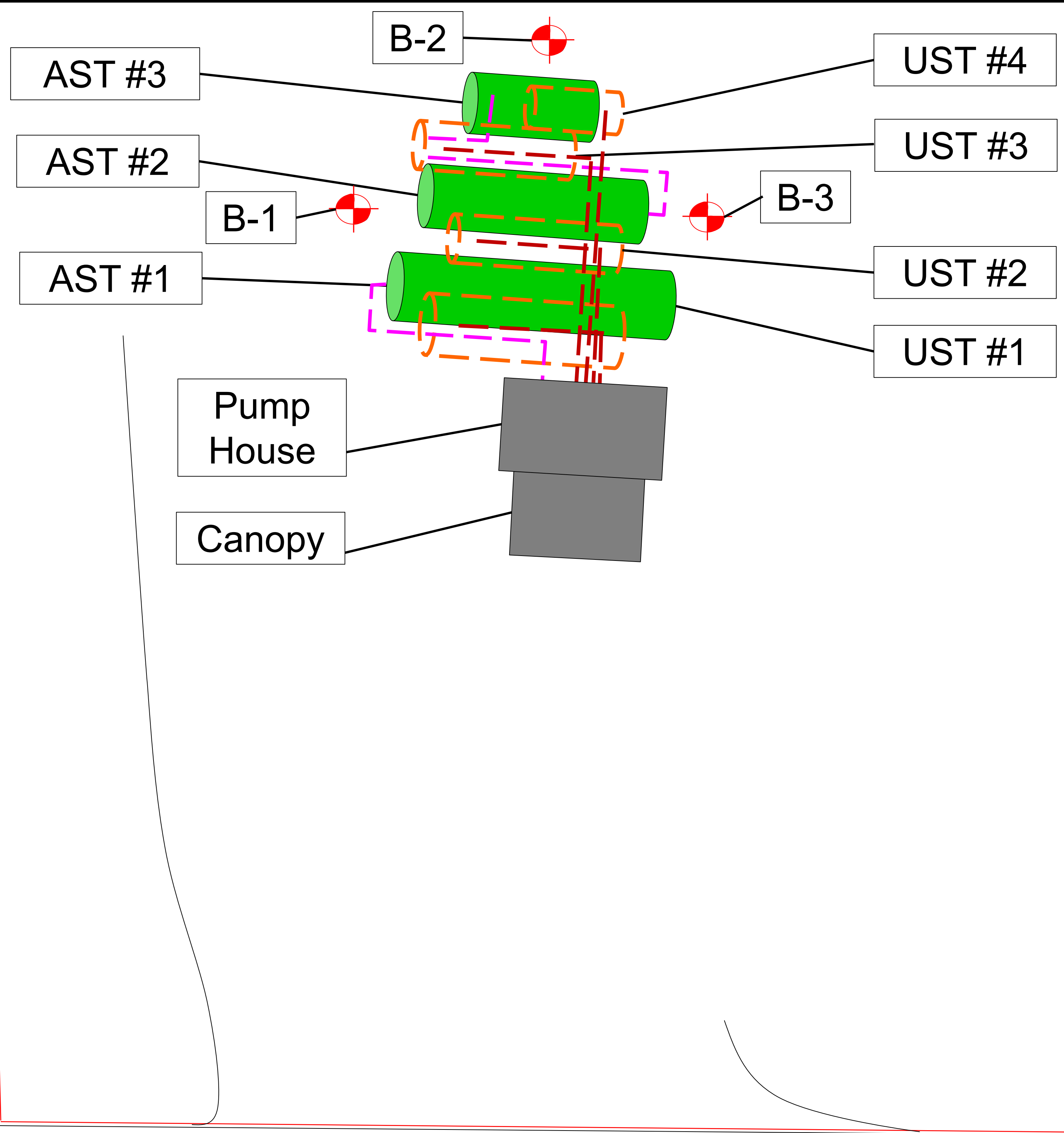
DATE 7/1/2024  
SCALE As Shown  
JOB NO.: 10475-24-481

FIGURE 1

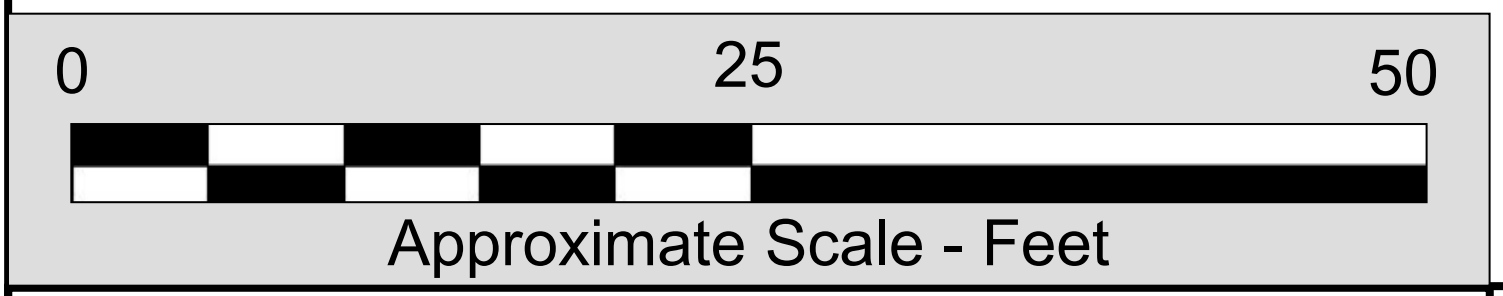


**LEGEND**

-  AST
-  UST (Approximate)
-  Property Boundary (Approximate)
-  AST Fill Pipe
-  UST Fill Pipe (Approximate)
-  B-1 Proposed Boring Location



Goodman Ridge Rd



REFERENCE:  
AERIAL PHOTOGRAPH:  
GOOGLE EARTH PRO (04,2013),  
Accessed 6/26/2024



SPECIALTY EARTH SCIENCES, LLC  
1050 Summit Drive, Carmel Indiana 46032

East Goodman Ridge Road, Marengo, Indiana

AST and UST Location Map

DATE 7/1/2024  
SCALE As Shown  
JOB NO.: 10475-24-481

FIGURE **2**