



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

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Eric J. Holcomb
Governor

Brian C. Rockensuess
Commissioner

June 20, 2024

Mr. Jeremiah Miller
August Mack Environmental, LLC
1302 North Meridian Street, Suite 300
Indianapolis, Indiana 46202
jeremiah.miller@augustmack.com

Via Electronic Mail

Re: Indiana University Health – South Support Building (SSB)
“Contained-in” Determination for Contaminated Soil – Final Time Extension
Non-notifier
Indianapolis, Marion County

Dear Mr. Miller:

This letter is in response to your May 29, 2024, request for a final extension to the deadline for managing contaminated soils using the Indiana Department of Environmental Management (IDEM) “Contained-in” Determination Policy.

A “contained-in” determination had been requested on June 22, 2023, and granted on June 26, 2023 (See VFC File #83494527). The previously extended expiration date for the June 26, 2023 “contained-in” determination approval was previously set at December 26, 2023, and was extended to June 26, 2024.

As part of the prior discussions on use of in-situ sampling and “live loading”, it was agreed that confirmatory soil samples of excavated soils shall be collected, as generated, at a rate of ten percent (10%) of the total number of loads of excavated soil. Since this second and final extension exceeds the timeframe of the original approval, additional confirmatory sampling is now required to show that contaminated soil conditions at the site have not changed since the original sampling was conducted. Therefore, as a condition of this FINAL extension approval for an additional six (6) months, IDEM requests that the percentage of laboratory analyzed confirmation samples from excavated soils generated be increased from ten percent (10%) to thirty percent (30%).

Should IDEM’s offer of the collection of additional confirmatory samples not be accepted, the following alternative options remain available to address the listed hazardous waste soils proposed to be excavated:



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

We appreciate your input!




- The IDEM “contained in” determination may be allowed to expire which would require all excavated contaminated soils to be disposed as potentially characteristically hazardous waste without the option of “live loading”, or
- Resampling the entirety of the locations to be excavated would be required prior to excavation and the use of “live loading”, and a new “contained-in” approval request would need to be acceptable and granted from IDEM.

IDEM is therefore granting a second (final) extension to the approval previously granted on June 26, 2023, and issued an extension on November 17, 2024. This final extension will extend the “contained-in” determination approval for an additional six (6) months, allowing for a total of two (2) years, and the approval will now expire on December 26, 2024. This extension does not increase the amount of contaminated soil to be managed under the approval but does increase the number of confirmatory samples required to thirty percent (30%) of the loads of contaminated soil offered for disposal using this approval.

If you have any questions, please contact John Naddy at 317-233-0404 or jnaddy@idem.in.gov.

Sincerely,



Brian Wolff
Assistant Commissioner
Office of Land Quality

cc: Jeff Kavanaugh, IDEM, OLQ, Voluntary Remediation Program
Ms. Lori Freeman, IDEM, OLQ, Compliance Branch
Mr. John Naddy, IDEM, OLQ, Compliance Branch