



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

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(800) 451-6027 • (317) 232-8603 • www.idem.IN.gov

Eric J. Holcomb
Governor

Brian C. Rockensuess
Commissioner

June 26, 2024

Jonathan Ruby, Attorney
Baceline Investments
c/o The Ruby Law Firm, P.C.
511 Broadway
Denver, Colorado 80203

****Transmitted via email****

Re: Revised Remediation Work Plan
Westlane Shopping Center
7125-7177 North Michigan Road
Indianapolis, Indiana 46268
VRP # 6190801

Dear Mr. Ruby:

The Indiana Department of Environmental Management (IDEM) has reviewed the Revised Remediation Work Plan (APEX, April 17, 2024) for the Westlane Shopping Center site located at 7125-7177 North Michigan Road in Indianapolis, Indiana.

The report was uploaded to the IDEM Virtual File Cabinet (VFC) as document # 83644988. Further site history can be found in the VFC located on the IDEM website www.idem.in.gov. This technical letter contains a brief background summary including comments generated during our review of the above-mentioned report.

Background

Westlane Shopping Center is a strip mall located at 7125-7177 North Michigan Road, Indianapolis, Indiana. The Site is currently developed with one, slab-on-grade, single-story, multitenant, retail shopping center, and a parking lot. The former drycleaner, Touchman Cleaners, was located within Westlane Shopping Center from 1979 to 1985. The Site is surrounded mainly by commercial/industrial properties and some residential properties to the east of the Site.

The closest surface water body to the Site is Crooked Creek located approximately 1,400 feet northeast of the Site, north of Westlane Road. The Site and immediate adjacent properties are provided public water from the Indianapolis Water Company. Groundwater flows east-northeast across the Site.

The Contaminants of Concern (COCs) are chlorinated volatile organic compounds (cVOCs) such as tetrachloroethene (PCE) and daughter compounds, trichloroethene (TCE), cis/trans-1,2-dichloroethene (cDCE), and vinyl chloride (VC). Possible migration pathways for the contaminants include soil vapor, soil gas, and groundwater. Closure levels for the Site are based on IDEM Risk Based Closure Guide (R2) published levels.

In January 2019, soil gas samples were collected from SV-1 through SV-4 for analysis. An additional SGss sample (SV-5) was collected north of the former drycleaner in September 2020. Concentrations of PCE within SGss was identified above the Residential Soil Gas Publish Level (RSGPL), but below the Commercial Soil Gas Published Level (CSGPL) and is limited to those samples in the immediate vicinity of the former drycleaner.



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

We appreciate your input!



In November 2018 three temporary groundwater monitoring wells were installed downgradient of the former drycleaning facility, Shell Gasoline Station, and former Amoco Service Station and sampled for COC analysis. Only temporary well GP-3 had VC concentrations above the Long-Term Residential Groundwater Published Level (RGWPL). In January 2019, temporary wells GP-4 through GP-8 were installed around the former drycleaning facility. Two of the eight groundwater samples collected had exceedances of cVOCs for their respective Long-Term RGWPLs.

In September 2020, five soil borings were advanced and converted into permeant monitoring wells (SB-101/MW-101 through SB-105/MW-105). Monitoring well MW-106 was installed on a neighboring property in January 2021. Only VC was identified in groundwater at a concentration exceeding the Long-Term RGWPL. In April 2023, IDEM requested a grab groundwater sample between on-site contaminated well MW-103 and off-site well MW-106 to confirm that release related chemicals have not migrated off-site and to determine whether an off-site remedy will be necessary. Apex completed this request in July 2023 by installing TW-1 at the site property boundary. TW-1 had concentrations of VC at 10.8 micrograms per liter ($\mu\text{g/L}$), exceeding the RGWPL.

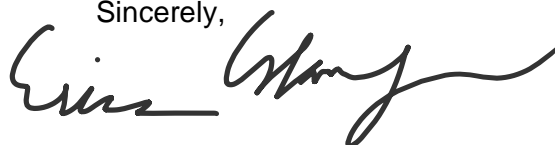
Due to the inability to access the adjacent property, and since TW-1 exceeded the RGWPL, IDEM proposed Apex install additional wells on-site to the north. In October 2023, Apex installed three temporary wells on the northeast portion of the site. All three wells were non-detect for all cVOCs. The site COCs are considered fully delineated. Most recently, IDEM requested APEX submit a revised RWP to include outdated or missing information. The comments below address the April 2024 revised RWP.

Comments

1. The RWP states that APEX initiated a public comment period in 2022. Per IDEM VRP statute, IC 13-25-5-11, an RWP must enter a public comment period prior to formal approval. A public comment period that occurred in 2022 would not be valid for this most recent RWP addendum. Further, APEX did not receive RWP approval from IDEM in 2022, and APEX did not communicate with IDEM regarding a public comment period. If a public comment period occurred in 2022, it was not under IDEM guidance. A new community relations plan must be submitted to IDEM, and implemented upon receipt of the RWP technical approval letter. A 0.5-mile radius for the notification to nearby properties is sufficient, rather than the previous 2-mile radius.
2. Although we cannot enforce when to abandon monitoring wells, IDEM does not recommend abandoning the monitoring wells until the Remediation Completion Report (RCR) approval letter is issued by IDEM. There is always a possibility that IDEM will ask for additional sampling prior to the RCR approval letter.

Please respond within 30 days from the receipt of this letter with an updated community relations plan and acknowledgement of comment #2. If you have any questions, please contact me at (317) 234-4434, (800) 451-6027, or at esadams@idem.in.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Erin Wang". The signature is fluid and cursive, with the first name "Erin" and last name "Wang" clearly distinguishable.

Erica Adams
Project Manager
Voluntary Remediation Program
Office of Land Quality

cc: Thomas Schroeder, Branch Manager, APEX; thomas.schroeder@apexcos.com

It is the goal of IDEM to enable remediation sites to move forward in a timely manner. If an impasse has been reached over technical issues, a Technical Review Panel of non OLO scientists is available to review and offer a non-binding opinion to help resolve technical disagreements with the VRP and State Cleanup Program project managers. The goal is to facilitate progress at your site. This review process is available immediately. If you would like to request a review by the Panel, please contact Kevin Davis, Remediation Branch Chief for Office of Land Quality, at KDavis2@idem.in.gov or (317) 232- 4535.

Any decision produced by the Technical Review Panel is not an agency action as defined in IC § 4-21.5-1-4 or an order as defined in IC §4-21.5-1-9. This decision is not subject to administrative review because it is not a determination of any legal rights, duties, privileges, immunities, or other legal interests, and because it is issued pursuant to an informal procedure for dispute resolution as allowed by IC 4-21.5-3-34 (a).