



# Environmental Restricted Sites & How to Find Them

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- How many of you have heard of ERCs?
- How many of you have used maps on your phone?
- How many of you have used (or heard of) IDEM's **What's in My Neighborhood?**





# Overview

- Indiana Department of Environmental Management (IDEM) – Created 1986
- A Brief History of IDEM Cleanups
- IDEM Remediation Programs
- What's an Institutional Control?
  - ✓ Environmental Restrictive Covenants (ERCs)
- Informational Tools
  - ✓ What's In My Neighborhood
- Fun Interactive Demo!



# IDEM Programs Addressing Contamination

**Voluntary  
Remediation  
Program**

**State Cleanup**

**Brownfields**

*(Indiana Finance Authority)*

**Superfund**

**RCRA Hazardous  
Waste Corrective  
Action**

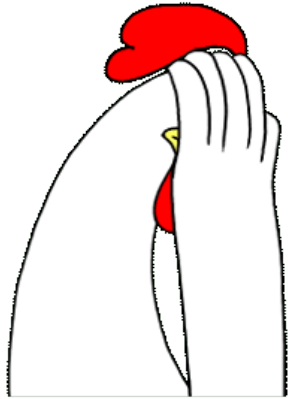
**Site  
Investigation/  
Immediate  
Removals**

**Leaking  
USTs/ELTF**

**Institutional  
Controls Group:  
*Restricted Sites***

# IDEM Cleanups - Brief History

- Cleanups levels were absolute and very conservative.
- Cleanups were ***expensive*** and ***difficult to achieve***.
- Sites were left open and unusable:
  - *Bad for property owners*
  - *Bad for communities*
  - *Bad for IDEM*





# House Enrolled Act 1162

Effective July 1, 2009, the law requires IDEM to consider risk-based remediation objectives for hazardous substances and petroleum that:

- A. Manages risk; and
- B. Controls completed or potential exposure pathways.

*“The department shall consider and give effect to environmental restrictive covenants (ERCs) and environmental restrictive ordinances (EROs) in evaluating risk-based remediation proposals.”*

# House Enrolled Act 1162

Faster, protective cleanups and closures:

- *Good for property owners*
- *Good for communities*
- *Good for IDEM*





# IC 13-11-2-193.5

## Environmental Restrictive Covenants

An Environmental Restrictive Covenant (ERC) executed after June 30, 2009:

- A. Limits the use of the land or the activities that may be performed on or at the land or requires the maintenance of any engineering control on the land designed to protect human health or the environment;
- B. By its terms is intended to run with the land and be binding on successors;
- C. Is recorded with the county recorder's office in the county in which the land is located;





## **IC 13-11-2-193.5**

### **Environmental Restrictive Covenants (Continued)**

- D. Explains how it can be modified or terminated;
- E. Grants the department access to the land;
- F. Requires notice to a transferee of:
  - i. the land; or
  - ii. an interest in the land; of the existence of the restrictive covenant; and
- G. Identifies the means by which the environmental files at the department that apply to the land can be located.



## In other words, an ERC is...

- A document attached to a deed stating that there is environmental contamination remaining on the property.
- Legally binding and enforced by IDEM.
- Provides conditional closure:
  - ✓ Sites are safe for reuse and redevelopment ***so long as*** land use restrictions are maintained to prevent exposure to environmental contamination left in place.



# What's a Land Use Restriction?

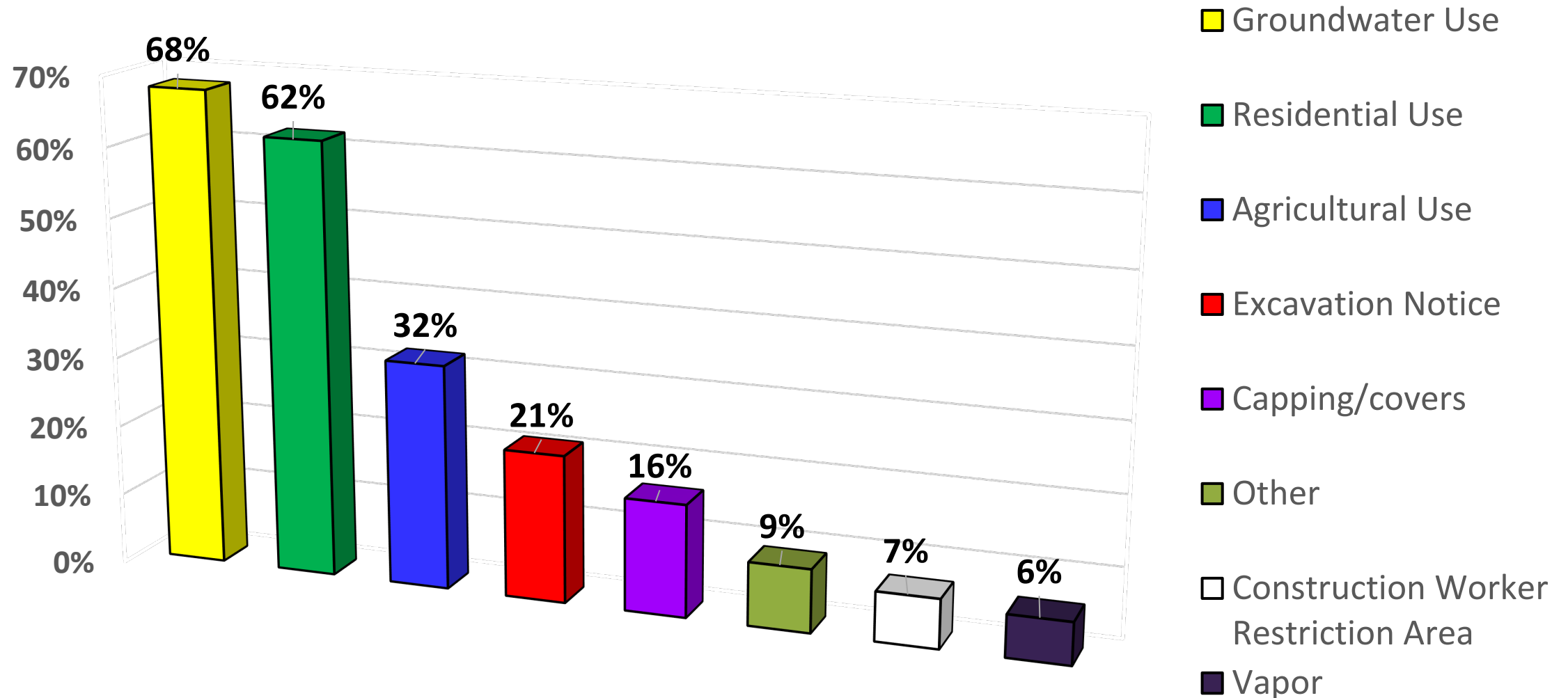
- Land use restrictions are designed to eliminate exposure pathways\* and protect human health from residual environmental contamination left in place by restricting certain activities.

*\* Exposure pathways:*

- Ingestion
- Inhalation
- Dermal Exposure

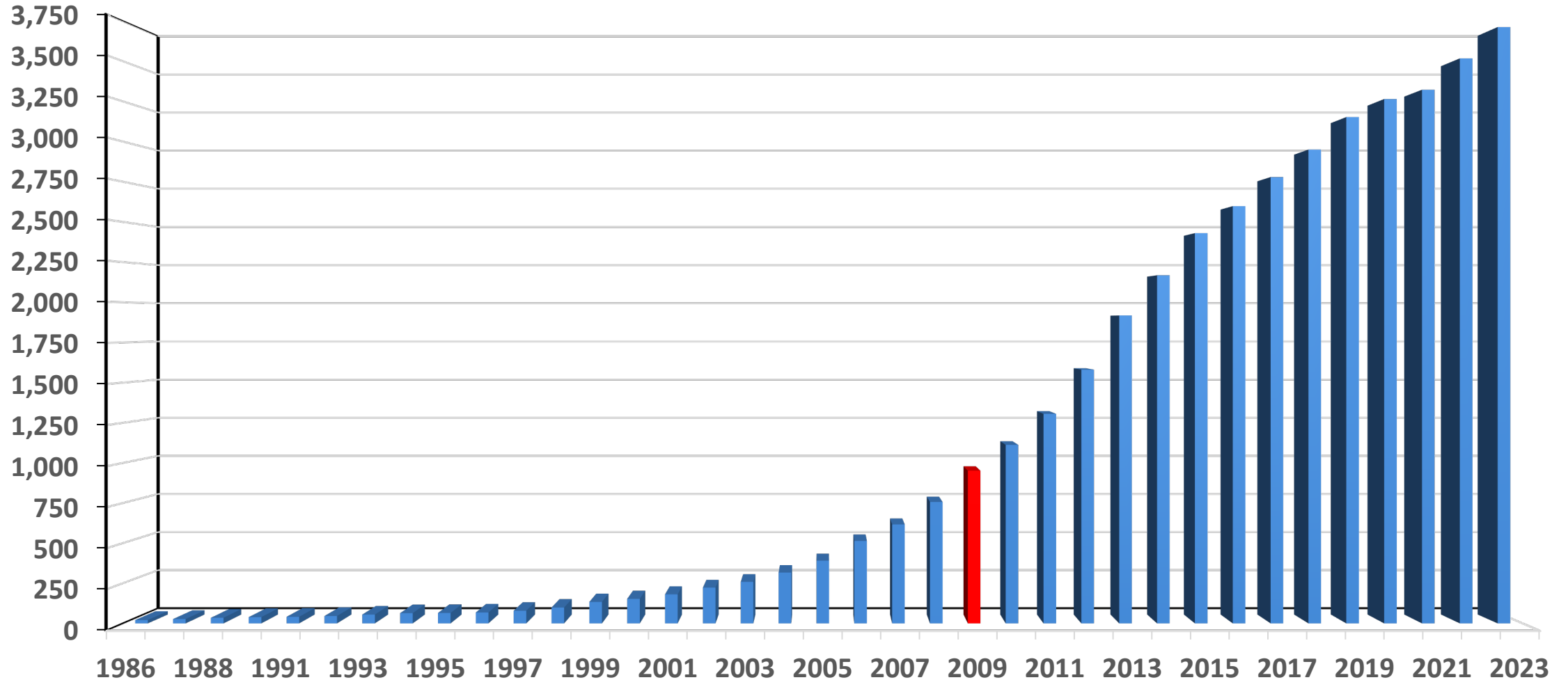


# Types of Land Use Restrictions





# How many ERCs are there?



Number of ERCs by Year



# How To Find Environmental Sites

IDEM's What's in  
My Neighborhood  
(WIMN) Viewer

[idem.IN.gov/resources/whats-in-my-neighborhood](https://idem.IN.gov/resources/whats-in-my-neighborhood)



# IDEM's What's in My Neighborhood Viewer

IN.GOV An official website of the Indiana State Government Accessibility Settings Language Translation Governor Eric J. Holcomb

MENU **Indiana Department of Environmental Management** Search IDEM

## What's in My Neighborhood

Home IDEM > Resources > What's in My Neighborhood

Since IDEM was formed in 1986, the agency has been aggressively searching for and cleaning up contaminated properties. The following links offer Hoosiers several ways to access a wide variety of environmental information about your community.

### Map-based Resources

- [IDEM Interactive Map](#): Interactive IDEM-regulated site viewer.
  - [Quick Start Guide \[PDF\]](#)
  - [Frequently Asked Questions \(FAQs\) \[PDF\]](#)
  - [Layer Guide Guidance Document \[PDF\]](#)
- [IndianaMap](#): Official Indiana state GIS atlas. IndianaMap is maintained for the Indiana GIS Community by the [Indiana Geographic Information Officer \(GIO\)](#) in partnership with [geoConvergence](#) and the [Indiana Geographic Information Council \(IGIC\)](#).
  - [Additional information about IndianaMap \[PDF\]](#)



# IDEM's What's in My Neighborhood Viewer

**IDEM Interactive Map** Indiana Department of Environmental Management

Welcome to IDEM Interactive Map application. This application is meant to provide information to the viewers for reference purposes only. This service, including its underlying data, is distributed "AS-IS" without warranties of any kind, either expressed or implied, including but not limited to warranties of suitability of a particular purpose or use.

I agree to the above terms and conditions

OK

**About**

**IDEM**  
INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT  
EST. 1986


Questions or Comments can be sent to IDEM at [info@idem.in.gov](mailto:info@idem.in.gov).

[IDEM Interactive Map Quick Start Guide](#)

[IDEM Interactive Map FAQ](#)

[IDEM Interactive Map Layer Guide](#)

**Getting Started:**

Click the Layer List button  at the top of the screen to add layers.





# IDEM's What's in My Neighborhood Viewer

Navigation Tools

Customization and Analysis Tools

Map Tools

Attribute Table





# IDEM's What's in My Neighborhood Viewer

The screenshot displays the IDEM Interactive Map interface. At the top, a green header contains the text "IDEM Interactive Map" and "Indiana Department of Environmental Management". A search bar on the left shows "100 NORTH SENATE AVE, I X" with a magnifying glass icon. Below the search bar are navigation controls including a home button, a refresh button, and a zoom control. The main map area shows a street grid of Indianapolis with several yellow-outlined polygons representing site layers. A red circle highlights the "Site Layers" icon in the top right navigation bar, which is a green square with a white stack of layers icon. An inset map in the bottom right corner shows the location of the main map area within the state of Indiana, with "Indianapolis" labeled. The text "Site Layers" is overlaid on the map in the top right area.



# IDEM's What's in My Neighborhood Viewer

Then, click on the circled items

The screenshot shows the IDEM Interactive Map interface. On the left is a map with navigation controls (zoom in/out, home, location, layers) and a search bar. On the right is a 'Layer List' panel with the following items:

- Brownfields Sites
- Brownfield Parcels
- Hazardous Waste Corrective Action
- Leaking Underground Storage Tanks
- Site Investigation
- Sites of Special Interest
- State Cleanup
- Superfund
- Voluntary Remediation Program
- County Parcels

A red circle highlights the bottom of the Layer List, indicating where to scroll down.

You may need to scroll down..



# Remediation Site Layers

**Voluntary  
Remediation  
Program**

**State Cleanup**

**Brownfields**

*(Indiana Finance Authority)*

**Superfund**

**RCRA Hazardous  
Waste Corrective  
Action**

**Site Investigation/  
Immediate  
Removals**

**Leaking USTs/ELTF**

**Institutional  
Controls Group:  
*Restricted Sites***

**U.S. EPA Cleanups**

***Sites of Special  
Interest***

***Dry Cleaners &  
Laundry***

# IDEM's What's in My Neighborhood Viewer

Then, click on the circled items

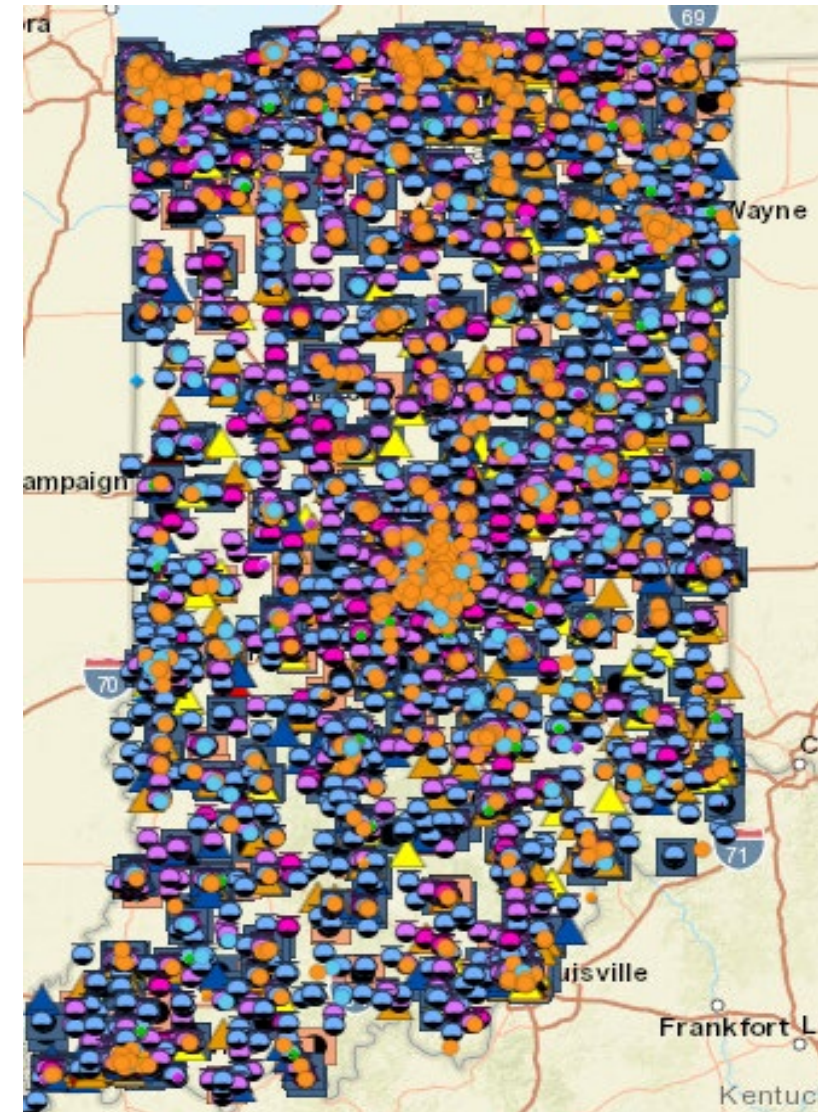
The screenshot displays the IDEM Interactive Map interface. The main map area shows a satellite view of a rural landscape with fields and roads. A search bar at the top left contains the text "Add Address Here". To the right of the search bar is a magnifying glass icon. Below the search bar are several icons: a home icon, a location pin icon, a map icon, and a refresh icon. The Layer List panel is open on the right side of the screen, listing various map layers. The layers listed are: Leaking Underground Storage Tanks, Site Investigation, Sites of Special Interest, State Cleanup, Superfund, Voluntary Remediation Program, County Parcels, Dry Cleaner Laundry, Restricted Sites, Aerial Imagery, and Counties. The "Restricted Sites" and "Aerial Imagery" layers are checked and circled in red. The "Aerial Imagery" layer is also highlighted in blue. The bottom of the screen shows a Windows taskbar with various application icons and a system tray displaying "64°F Sunny".

Layer List

- Leaking Underground Storage Tanks
- Site Investigation
- Sites of Special Interest
- State Cleanup
- Superfund
- Voluntary Remediation Program
- County Parcels
- Dry Cleaner Laundry
- Restricted Sites
- Aerial Imagery
- Counties

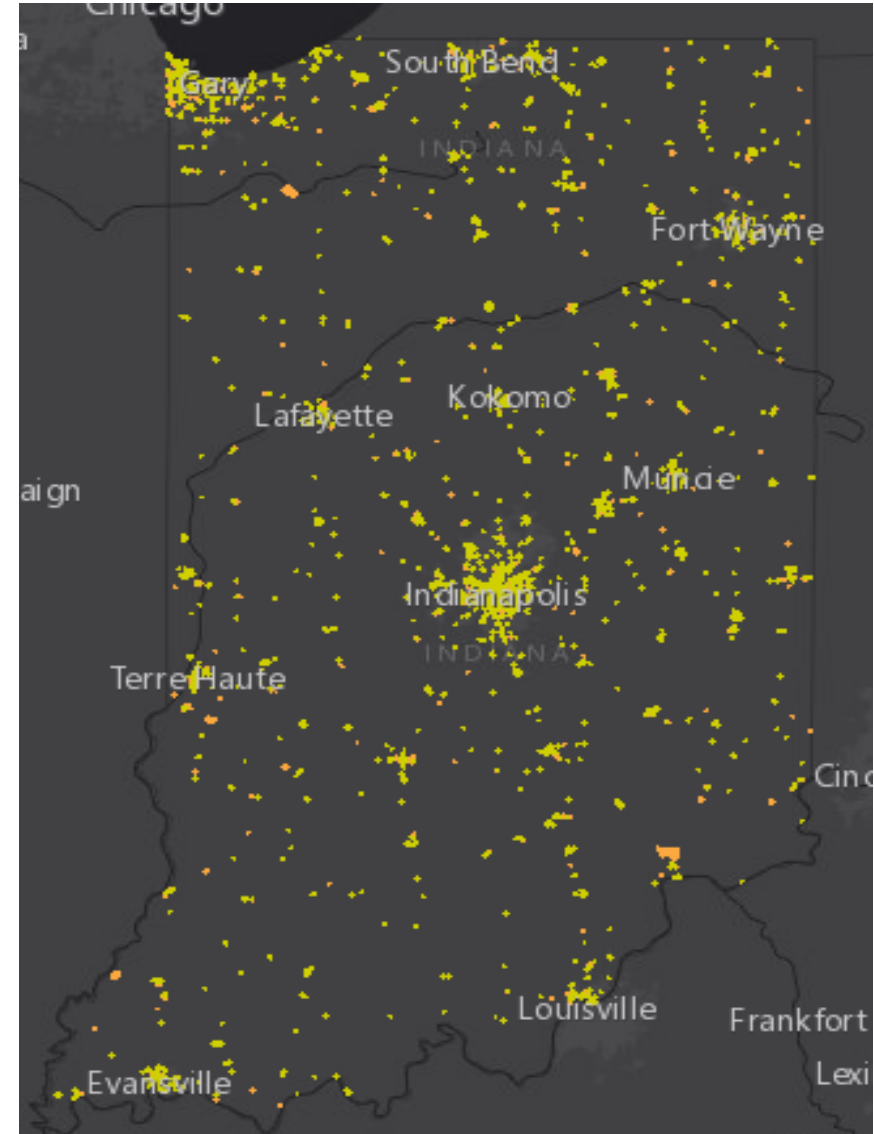
# IDEM's What's in My Neighborhood Viewer

- All Remediation Layers Active



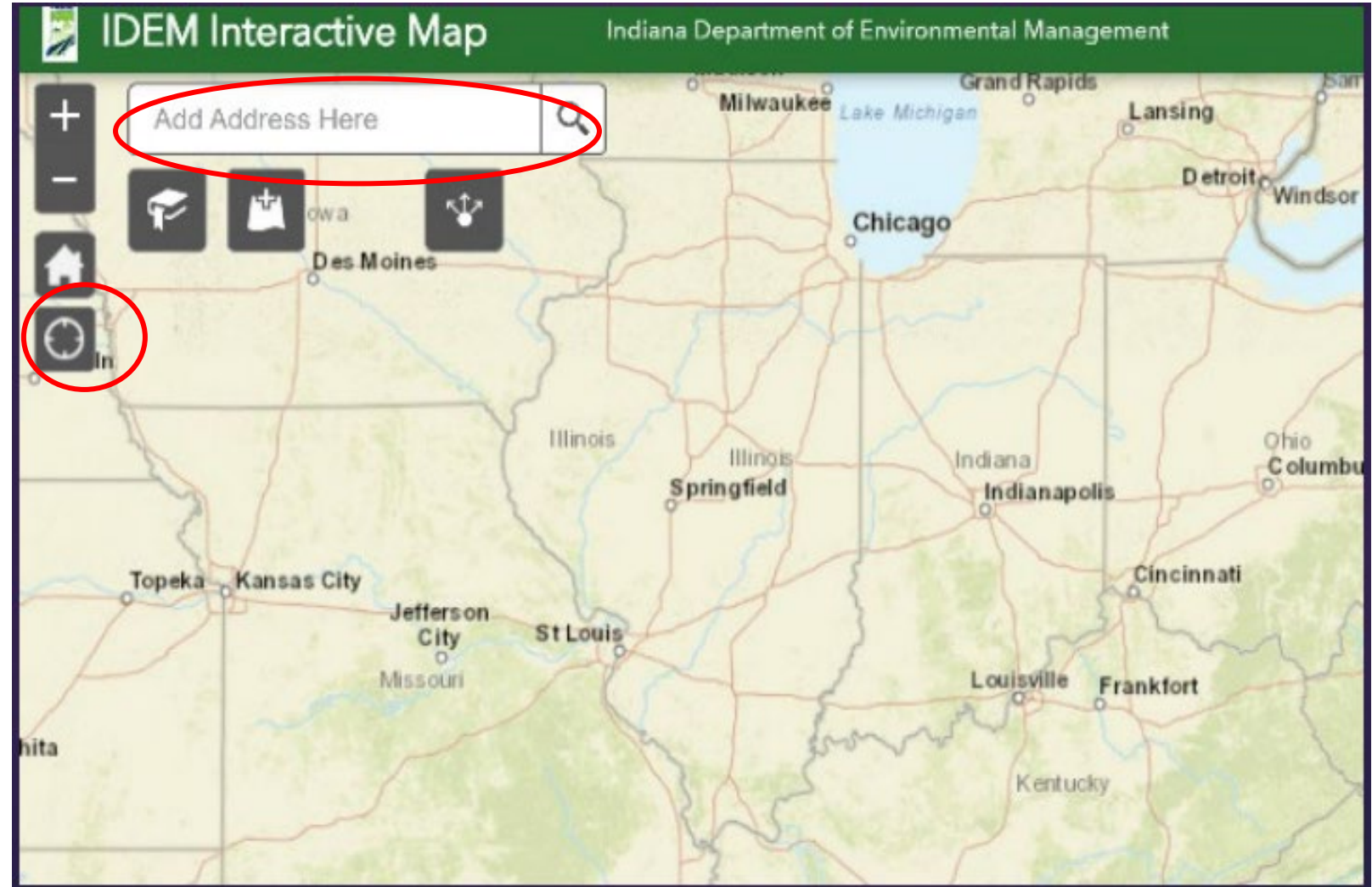
# IDEM's What's in My Neighborhood Viewer

- Restricted Sites Only



# IDEM's What's in My Neighborhood Viewer

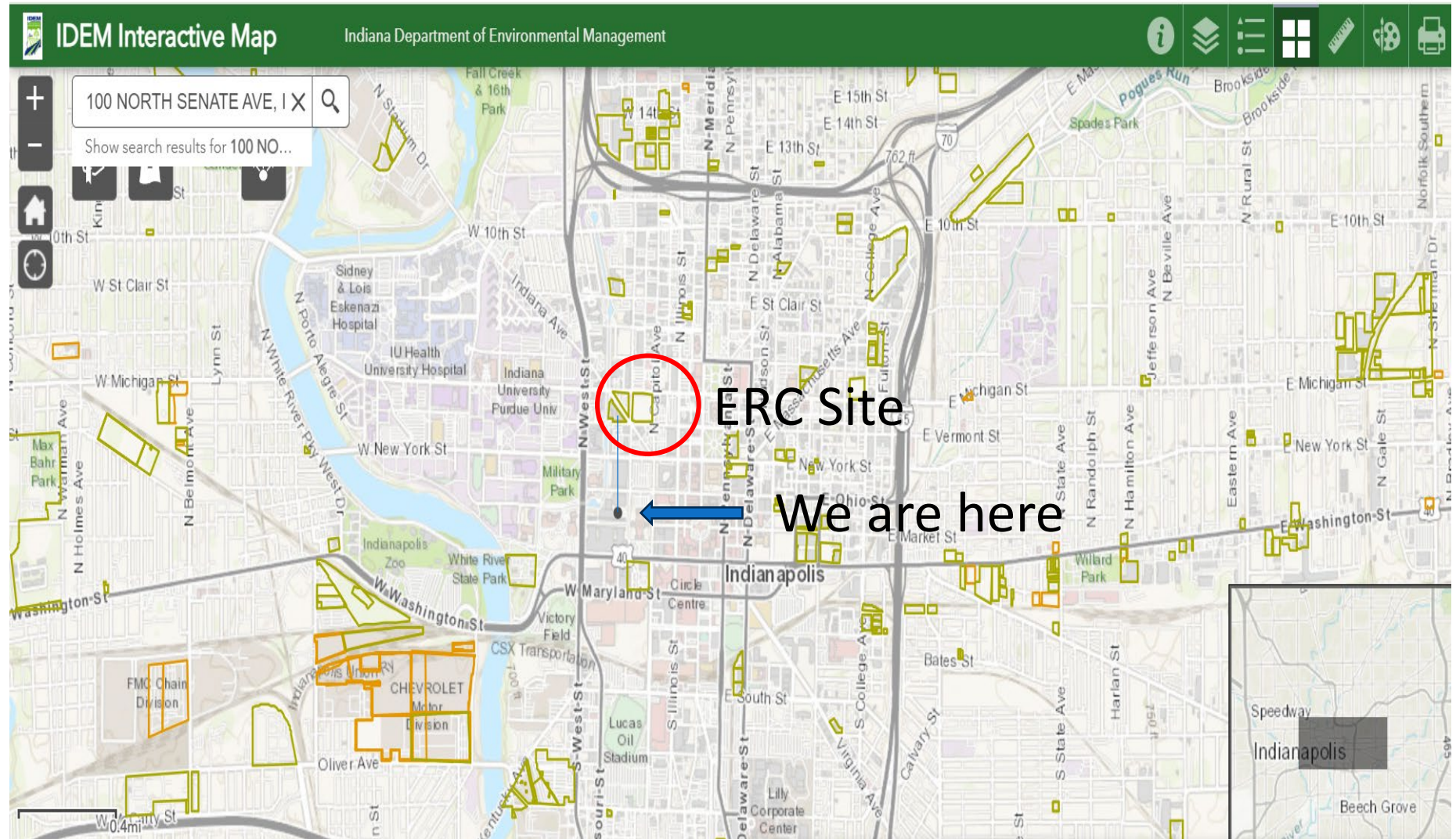
- Type the site address into the box and click on the magnifying glass to search.
- The “location button” will take you to your current location.





# IDEM's What's in My Neighborhood Viewer

- Click anywhere within the polygon for additional information.





# IDEM's What's in My Neighborhood Viewer

Institutional Controls: Canal Overlook Associates (1 of 1)	
MASTER_AI_ID	116,062.00
PROGRAM_ID	4220707
FACILITY_NAME	Canal Overlook Associates
ADDRESS	430 Indiana Ave
CITY	Indianapolis
COUNTY	Marion County
REGULATORY_PROGRAM	Brownfields Program
CLOSURE_TYPE	Comfort Letter 12/14/2022
IC_TYPE	Environmental Restrictive Covenant
IC_ID	1
RM_IC_ID	
DATE_IC_RECORDED	3/6/2023, 7:00 PM
CONTROL_METHODS	Maintain Vapor Mitigation System; Ground Water Use Restriction; Other Restriction (Specify)
AFFECTED_MEDIA	Ground Water; Soil Gas (Vapor)
CONTAMINANTS_OF_CONCERN	VOCs - Volatile Organic Compounds
RESTRICTION_COVERAGE	Entire Property
ACRES	1.54
COMMENTS	49-11-02-101-002.000-101
IC_VFC_ID	
PROGRAM_DOCUMENTS_URL	<a href="#">More info</a>
IC_DATE_LAST_MODIFIED	
DATE_LAST_MODIFIED	4/10/2023, 8:00 PM
USER_CREATED	



# IDEM's What's in My Neighborhood Viewer

- The **land use restrictions** on the WIMN popup are right in the Environmental Restrictive Covenant that was filed in the Marion County Recorder's Office!

A202300017624

03/07/2023 11:34 AM  
FAITH KIMBROUGH  
MARION COUNTY IN RECORDER  
FEE: \$ 35.00  
PAGES: 46  
By: JH

## Environmental Restrictive Covenant

THIS ENVIRONMENTAL RESTRICTIVE COVENANT is made this 2<sup>nd</sup> day of March, 2023, by Justus at New Palestine, LLC and Justus in Fort Wayne, LLC ("collectively, Owner")

WHEREAS: Owner is the fee owner of certain real estate in the County of Marion, Indiana, which is located at 430 Indiana Avenue in Indianapolis and more particularly described in the attached Exhibit "A" ("Real Estate"), which is hereby incorporated and made a part hereof. The Real Estate was acquired by deed on March 16, 2022, and recorded on April 6, 2022, as Deed Record A202200040894, in the Office of the Recorder of Marion County, Indiana. The Real Estate consists of approximately 1.564 acres and is identified by the State by parcel identification number 49-11-02-101-002.000-101. The Real Estate to which this Covenant applies is depicted on a map attached hereto as Exhibit "B"

WHEREAS: A Comfort Letter, a copy of which is attached hereto as Exhibit "C", was prepared and issued by the Indiana Department of Environmental Management ("the Department" or "IDEM") pursuant to the Indiana Brownfields Program's ("Program") recommendation the Owner to address the redevelopment potential of the Real Estate which is a brownfield site resulting from a release of hazardous substances relating to historical operations on and in the vicinity of the Real Estate, Program site number BFD #4220707.

WHEREAS: The Comfort Letter, as approved by the Department, provides that certain contaminants of concern ("COCs") were detected in groundwater and soil gas on the Real Estate but will not pose an unacceptable risk to human health at the detected concentrations provided that the land use restrictions contained herein are implemented and maintained to ensure the protection of public health, safety, or welfare, and the environment. The COCs are tetrachloroethene ("PCE"), trichloroethene ("TCE"), and dichlorodifluoromethane in subslab soil gas and PCE in groundwater.

WHEREAS: Soil, groundwater, soil gas, and/or indoor air on the Real Estate were sampled for volatile organic compounds ("VOCs"), polycyclic aromatic hydrocarbons ("PAHs"), and/or metals. Investigations detected levels of PCE and TCE above published levels established by IDEM in the *Risk-based Closure Guide ("R2")* (July 8, 2022). PCE, TCE, and dichlorodifluoromethane were detected in subslab soil gas at levels above their respective residential subslab published levels ("RSSPLs") and/or commercial subslab published levels ("CSSPLs"). PCE was detected in groundwater at levels above its groundwater published level ("GWSL"). Soil gas and groundwater results above applicable R2 published levels are summarized on Tables 1 and 2, attached hereto as Exhibit "D". A site map, attached hereto as "Exhibit E", depicts sample locations on the Real Estate at which the COCs were detected in subslab soil gas and groundwater above applicable R2 published levels.



# IDEM's What's in My Neighborhood Viewer

ERC Resources Remediation Service... Remediation Service... Homepage Office Google OLQ Service Reques... Online-Services Home - Institutional...

**IDEM Interactive Map** Indiana Department of Environmental Management

100 NORTH SENATE AVE, I X

Show search results for 100 NO...

**Institutional Controls: ... (1 of 2)**

Brownfields Sites Hazardous Waste Correction Action Leaking Underground Storage Tanks Site Investigation Sites of Special Interest State Cleanup Superfund Voluntary Remediation Program Dry Cleaner La

Options Filter by map extent Zoom to Clear selection Refresh

MASTER_AI_ID	BFD_NO	STATUS	SITE_NAMES	ADDRESS	CITY	COUNTY	STREET_VIEW	MASTER_AI_DOC	FINANCIAL_ASSI	OTHER_ASSISTAN	LONGITUDE	LATITUDE
116,062	4220707	Active	Canal Overlook Associates 4220707	430 Indiana Ave	Indianapolis	Marion	<a href="https://maps.google.com/maps?q=&amp;layer=c&amp;cbll=-86.155,39.777">https://maps.google.com/maps?q=&amp;layer=c&amp;cbll=-86.155,39.777</a>	<a href="https://ecm.idem.gov/IdcService=GET_S">https://ecm.idem.gov/IdcService=GET_S</a>			-86.16	39.77



Attribute Table...very cool & downloadable in CSV!

# FUN INTERACTIVE DEMO!

Indiana Department of Environmental Management

## “What’s in My Neighborhood”

For more information, Scan the QR code or follow this link: [on.in.gov/IF38J](http://on.in.gov/IF38J)

**SCAN ME!**



**FREE!** PROPERTY SEARCH TOOL

Search / Type Address Here



## “What’s in My Neighborhood”

- ☀️ Interactive website that provides environmental information on your community
- ☀️ Find out if environmental impacts exist near you
- ☀️ Free and easy to use



Indiana Department of Environmental Management  
Office of Land Quality  
[www.idem.in.gov](http://www.idem.in.gov)

**Institutional Controls Group**  
Remediation Services Branch  
(317) 233-7696

IDEM: Environmental Cleanups:  
Institutional Controls

# Fun Interactive Demo!

1. Using your cellphone, go to the “*Scan Me!*” QR code for “*What’s in My Neighborhood*” on your postcards
2. Go to “*IDEM Interactive Map*”
3. Tap “*OK*”, then tap the box for “*I agree*” then tap “*OK*” (“*X*” out of “*About*”)





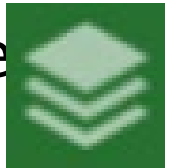
## Fun Interactive Demo!

4. In upper left corner, in the search bar type in, “***430 Indiana Avenue, Indianapolis, IN***” then click on the magnifying glass

OR tap on the little circle in the upper left to go to our current location.



5. Now, we’re going to click on most of the layers. Go to the three-line menu in upper right. Go to the Layer List “*stack of papers*” in upper right corner. \*NOT COUNTY PARCELS



6. “X” out of layer list







# Summary

- There are thousands of impacted sites in Indiana, many of which are in your county.
- Find these environmental sites using IDEM's new website "*What's in My Neighborhood*".
  - Desktop
  - Smartphone
- Shows sites in different IDEM remediation programs and *restricted sites* closed with contamination in place.



# MORE Good Reasons to know about ERC Restricted Sites

- Zoning & Variances
- Well permitting programs
  - 22 counties permit water wells
- Sensitive Redevelopments
  - Daycares
  - Schools
  - Parks, walking trails, etc.



# For More Information



***Victoria Zezula***

***Remediation Services Branch***

***Office of Land Quality***

***vzezula@idem.IN.gov***

***317-234-7886***

**[idem.IN.gov/resources/whats-in-my-neighborhood](http://idem.IN.gov/resources/whats-in-my-neighborhood)**

