



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We Protect Hoosiers and Our Environment.

Mitchell E. Daniels, Jr.
Governor

Thomas W. Easterly
Commissioner

100 North Senate Avenue
Indianapolis, Indiana 46204
(317) 232-8603
Toll Free (800) 451-6027
www.idem.IN.gov

Date

CERTIFIED MAIL

Mr./Ms. RP
RP Address
RP City, State, ZIP

Re: **Independent Closure Process
Information and Remediation Request**
Site Name
Site City, Site County
State Cleanup Site # XXXX-XX-XXX

Dear Mr./Ms. RP:

A release of petroleum and/or hazardous substances at [Site Name] located at [Address] in [City], Indiana (Site) was reported to the Indiana Department of Environmental Management (IDEM) by [Reporter] of [Reporter Company] on [Date]. In accordance with Indiana Code (IC) 13-24-1-6, and/or IC 13-25-4, as the current or previous owner and/or operator of the Site, you are a potentially responsible party and must provide IDEM with information about the nature and extent of the release. In addition, a responsible party may be ordered by the State to conduct removal or remediation actions (IC 13-24-1-1 and/or 13-25-4-9).

Pursuant to these statutes, a site investigation must be conducted to determine the nature and extent of contamination at the above-referenced Site. In addition, appropriate remedial measures must be conducted to mitigate any identified adverse impacts to human health and the environment. Guidance on how to characterize the nature and extent of the contamination can be found in IDEM's *Risk Integrated System of Closure (RISC) Technical Resource Guidance Document*, February 2001. The RISC Guidance Documents are available online at: www.in.gov/idem/4153.htm.

The information provided to IDEM to date indicates that your Site may be considered a low priority. In accordance with the Priority Ranking System (PRS) (329 Indiana Administrative Code [IAC] 7.1), a low priority site may not have ground water contamination at any concentration, or a direct soil contact exposure pathway. Detailed guidelines established by the PRS can be found online at www.in.gov/legislative/iac/T03290/A00071.PDF.

Since your Site appears to be a low priority, you are eligible to participate in IDEM's Independent Closure Process (ICP). The ICP is available to petroleum or hazardous substance sites that are low priority. Participation in the ICP allows responsible parties to conduct self-directed environmental site investigations and remedial action, and allows IDEM to concentrate its efforts on sites that present a greater risk to human health and the environment. IDEM does not provide direct oversight for sites participating in the ICP. However, you are still required to conduct an investigation and complete any necessary remediation pursuant to IC 13-25-4 and/or IC 13-24-1-6.

The site investigation, remedial action, and closure activities conducted in the ICP must follow the requirements set forth in the *RISC Technical Resource Guidance Document* and the State Cleanup Program

ICP Guidance Document found online at www.in.gov/idem/4179.htm. The ICP Guidance Document includes a discussion of document submittal requirements and closure objectives, and a web link to the ICP Closure Form, State Form 54166. A completed copy of the ICP Closure Form must be signed by you and your environmental consultant, and included with your closure documentation in order to certify to IDEM that the investigation and remediation is adequate to protect human health and the environment. The ICP Closure Form must be signed by an environmental consultant who is an actively licensed professional engineer, geologist or certified hazardous materials manager and a business manager, partner or principle owner of the environmental consulting company. IDEM's closure determination is based solely upon certification by you and your consultant that the information contained in the closure documentation and ICP Closure Form is complete and valid.

Quality assurance monitoring will be conducted on sites participating in the ICP to verify that sites are progressing toward closure and adhering to the implementation schedule outlined below. IDEM reserves the right to withhold closure approval if closure goals are not met, if the investigation and remedial action does not follow IDEM RISC guidance, if implementation timelines are not followed, if information and data submitted for closure is incomplete or false, or if the Site is still determined to present a threat to human health and the environment.

To successfully complete the ICP, low priority sites must complete the site investigation, remediation and submit closure documentation within one (1) year of reporting the release to IDEM. Remediation of delineated contamination must be completed to the IDEM RISC default closure objectives ("default closure approach"). IDEM will not accept non-default or risk based closure approach in the ICP. However, if you require the implementation of a non-default closure approach you will be allowed to pursue non-default closure within the IDEM Voluntary Remediation Program (VRP).

If the requested closure documentation is submitted to IDEM within the one year submittal timeframe, a Completion of ICP letter will be issued by IDEM. The Completion of ICP letter will state that additional remedial action at the Site is not required by IDEM at the time of issuance and that IDEM's closure determination will be based upon the RP and environmental consultant's certification that information submitted is accurate and the site does not pose a continued threat to human health and the environment. IDEM will not issue the Completion of ICP letter if the requested documents are not submitted in the designated timeframes.

IDEM must be notified immediately, if at any time during the investigation, additional information becomes available indicating that the priority status of the Site should be elevated per the criteria outlined in the PRS rule. Conditions that would elevate the priority status of the Site include discovery of hazardous substances, as defined by IC 13-11-2-96, or petroleum in ground water at any concentration, a potentially complete direct soil contact exposure pathway, elevated vapor concentrations in a dwelling or business, free product, a threat to a drinking water source, or a detrimental effect to an ecologically or geologically sensitive area.

ICP Closure documentation should be submitted to IDEM electronically to the State Cleanup email address, scp@idem.in.gov. If your closure documentation exceeds a total of 15 megabytes (mb) in size documents should be submitted as follows to the address provided below. The following guidelines only apply to the ICP:

- 1 paper copy of all closure documentation (comprehensive paper copy including full quality assurance/quality control (QA/QC) documentation for lab data);
- 1 CD of complete report (including QA/QC, if applicable). CD should be labeled with program name, site name, site number, document title and date;
- Document electronic file names must not include any symbols, e.g. "#" or "&;
- Do not use color paper to separate sections;

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- No electronic document files should be larger than 25 mb.

MC 66-30
Indiana Department of Environmental Management
Office of Land Quality
State Cleanup Section, Attn: Independent Closure Process Reports
100 N. Senate Ave., IGCN, Room 1101
Indianapolis, IN 46204-2251

Failure to conduct the Site Investigation or take appropriate remedial action may subject you to civil penalties, pursuant to IC 13-30-4-1.

As an alternative to completing investigation and remediation under the Independent Closure Process in the State Cleanup Program, you may apply to the IDEM Voluntary Remediation Program (VRP). If you are not accepted into the program, or are removed from the program due to lack of progress, you are still legally responsible for conducting the necessary investigation and completing the necessary remedial action.

If you have any questions or comments concerning this matter, please contact me at (317) 234-0347. If you would like to provide feedback on our job performance, please go to www.in.gov/idem/5681.htm and complete our "Remediation Program Customer Satisfaction Survey". Your responses are anonymous and we appreciate the feedback on what we are doing well, and what we need to improve.

Sincerely,

Harry E. Atkinson, Chief
State Cleanup Section
Office of Land Quality

HEA:sb

cc: State Cleanup File # **XXXX-XX-XXX**
Consultant, Consultant Company, via electronic mail