

**Objection to the Denial of Excess Liability Trust Fund Claim ELTF No. 200401501-3,  
Crystal Flash #28, Crystal Flash Petroleum, LLC,  
Indianapolis, Marion County, Indiana  
2009 OEA 80, (07-F-J-3884)**

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**OFFICIAL SHORT CITATION NAME:** When referring to 2009 OEA 80, cite this case as  
*Crystal Flash #28, 2009 OEA 80.*

**TOPICS:**

underground storage tank  
free product  
excavation  
reimbursement  
costs  
corrective action  
initial site characterization  
corrective action plan  
tank removal  
328 IAC 1-3-5(d)(14)  
field screening  
monitored natural attenuation (MNA)

**PRESIDING ENVIRONMENTAL LAW JUDGE:**

Catherine Gibbs

**PARTY REPRESENTATIVES:**

IDEM: April Lashbrook, Esq.  
Petitioner: Thomas Baker, Esq., David Hatchett, Esq.; Hatchett & Hauck LLP

**ORDER ISSUED:**

June 30, 2009

**INDEX CATEGORY:**

Land

**PREVIOUS CASE ACTIVITY:**

Non-final order preceding this final order:

[\*Crystal Flash #28, 2009 OEA 80nf\*](#) in .doc format

[\*Crystal Flash #28, 2009 OEA 80nf\*](#) in .pdf format

**FURTHER CASE ACTIVITY:**

[none]

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3. The Joint Stipulations of Fact Concerning OEA's February 2, 2009 Findings of Fact, Conclusions of Law and Order are adopted and incorporated into this Final Order.

**FINAL ORDER**

**AND THE COURT**, being duly advised, hereby **ORDERS, ADJUDGES AND DECREES** that the IDEM, in accordance with the Joint Stipulations of Fact Concerning OEA's February 2, 2009 Findings of Fact, Conclusions of Law and Order shall reimburse the Petitioner in the amount of \$9,132.09 within thirty (30) days of the effective date of this Order.

You are hereby further notified that pursuant to provisions of I.C. § 4-21.5-7.5, the Office of Environmental Adjudication serves as the Ultimate Authority in the administrative review of decisions of the Commissioner of the Indiana Department of Environmental Management. This is a Final Order subject to Judicial Review consistent with applicable provisions of I.C. § 4-21.5. Pursuant to I.C. § 4-21.5-5-5, a Petition for Judicial Review of this Final Order is timely only if it is filed with a civil court of competent jurisdiction within thirty (30) days after the date this notice is served.

**IT IS SO ORDERED this 30th day of June, 2009 in Indianapolis, IN.**

Hon. Catherine Gibbs  
Environmental Law Judge