



Independent Closure Process Office of Land Quality

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Introduction:

The Indiana Department of Environmental Management's (IDEM's) State Cleanup Program (State Cleanup) has created the Independent Closure Process (ICP) to act as its management tool to address closure of lower priority sites awaiting review by State Cleanup. The ICP is also offered to parties responsible for remediation of low priority sites as a management tool to achieve expedited closure of their remediation liabilities. The ICP applies only to State Cleanup sites that qualify as a low priority or a medium priority, as defined by Title 329, Article 7.1 of the Indiana Administrative Code (329 IAC 7.1). The only medium priority sites eligible for the ICP are those which are contaminated only with petroleum or petroleum related constituents. Sites with hazardous substances contamination are not eligible for the ICP. In addition, the ICP does not apply to sites being managed under the authority of a remediation program other than State Cleanup. The ICP creates a self certification system which allows sites to complete investigation, remediation and site closure without IDEM's direct oversight, provided they follow the guidelines provided by IDEM. The reduction of direct oversight by IDEM does not relieve the responsible parties (RPs) or consultants from the legal requirements of reporting releases, investigation and cleanup. State Cleanup will provide an ICP closure approval letter which will be an IDEM acknowledgement of the receipt of characterization and remediation documentation and certification by the party responsible for the cleanup that ICP closure guidance was followed and cleanup criteria were met.

Benefits and Risks of the Independent Closure Process:

The benefits of independent clean-ups are:

- The ICP provides a streamlined cleanup path for low priority sites;
- RPs can set their own schedule for investigation and cleanup; and,
- RPs can save money by not incurring IDEM oversight charges during the project.

The primary risk of the ICP is that if incomplete or inaccurate information is submitted to IDEM as part of the independent closure, or if unacceptable risks remain at the site after remediation is complete, IDEM may revoke or may refuse to issue documentation that the Independent Closure Process was completed.

Priority Ranking and Site Eligibility:

All sites are assigned a priority by State Cleanup at the time of site referral to the State Cleanup Program. Site priority is based upon the criteria outlined in the Priority Ranking System, 329 IAC 7.1, using information submitted to IDEM Emergency Response and State Cleanup during release reporting and in response to the Prioritization Information Request letter. The majority of low priority sites will be eligible to proceed through the ICP. In addition, medium priority sites will be eligible for the ICP on a case-by-case basis. The main eligibility criterion for a medium priority is type of contamination. Only petroleum contaminated medium priority sites will be eligible for the ICP. Medium priority sites with hazardous substance contamination will not be eligible. In addition, high priority sites will not be eligible for the ICP. If IDEM determines that a site is ICP eligible, the RP will be issued the Independent Closure Process Information and Remediation Request letter. Investigation and remediation may begin upon receipt of the above-mentioned letter. Low priority sites must submit the required closure documentation within one (1) year of reporting the release. IDEM must be notified immediately if additional information becomes available demonstrating that the site poses an increased threat to human health or the environment or if the site may qualify as a higher priority under the Priority Ranking System (i.e., it no longer qualifies as a low priority site).

Site Closure and Document Submittal:

Sites that are eligible to participate in the ICP must complete investigation of the nature and extent of contamination and develop an accurate conceptual site model. Characterization of contamination extent must be completed to the contaminant-specific IDEM Remediation Closure Guide (RCG) residential screening levels and must use the site characterization and conceptual site model development processes contained in the IDEM RCG. In addition, ground water must also be sampled during the investigation process to confirm that the site priority remains a low priority site.

Closure may be requested once remediation activities have been concluded and documentation is ready to be submitted to IDEM. Documentation submitted, including the Independent Closure Process – Site Closure Form (State Form 54166, available online at http://www.in.gov/idem/5157.htm#olq_state_cleanup), must demonstrate that contaminant concentrations meet the land-use appropriate IDEM RCG screening levels (i.e., industrial direct contact screening levels for industrial and commercial sites and residential screening levels for residential sites). IDEM does not maintain a screening level for industrial ground water contact scenario. However, for the purposes of the ICP closure, IDEM requires that ground water contamination on industrial or commercial use sites achieve ten times (10x) the residential ground water screening level. Any site that does not achieve residential default closure levels must also have an Environmental Restrictive Covenant (ERC) recorded on it; this ERC must meet the requirements of Indiana Code IC 13-11-2-193.5 and IC 13-14-2-6, and contain appropriate restrictions on residential use and use of ground water for potable purposes. Closure requests must include all pertinent investigation and remediation documents (e.g., Site Investigation Reports, Remediation Work Plans and Remediation Completion Reports, Environmental Restrictive Covenants, etc.) and must be accompanied by a completed and signed Independent Closure Process - Site Closure Form (State Form 54166). IDEM will require RPs and their consultants to sign the Independent Closure Process – Site Closure Form; thereby attesting to the validity, completeness and quality of the data collected and providing a statement of certification to IDEM that site conditions meet IDEM closure objectives and do not present a human health or ecological threat at the time of closure. IDEM will also require that consultants acting as primary project managers hold an active professional licensure or certification with the State of Indiana as a Licensed Professional Geologist, Professional Engineer or Certified Hazardous Materials Manager.

Non-Default Closure:

Because non-default, site-specific closure levels require careful evaluation by IDEM staff, they are not appropriate for the Independent Closure Process. Accordingly, closure to site-specific closure levels using a non-default closure approach will not be accepted by IDEM State Cleanup within the ICP. Non-default closure approaches for ICP eligible sites can be pursued by applying to IDEM's Voluntary Remediation Program (VRP).

ICP Quality Assurance Monitoring:

To ensure that the quality of investigations and remediation conducted under the ICP meet IDEM's standards, guidance and completion timeline, periodic monitoring of site progress will be conducted. Please note that closure status may be withheld or revoked if IDEM discovers that investigation or remediation of the site is insufficient, if documentation submitted is inaccurate or incomplete, or the terms of an ERC are not being met by a property owner.

Additional Information:

- For additional information on the Independent Closure Process, please visit IDEM's State Cleanup website at www.in.gov/idem/4179.htm.
- For additional information regarding IDEM's Remediation Closure Guide, please visit www.in.gov/idem/6799.htm.
- For more information on IDEM's Voluntary Remediation Program please visit www.in.gov/idem/4127.htm.