



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

JUN 12 2017

REPLY TO THE ATTENTION OF S-6J

Peggy Dorsey
Assistant Commissioner
Indiana Department of Environmental Management
Office of Land Quality
IGCN 11th Floor
100 N. Senate Avenue
Indianapolis, Indiana 46204

Re: Riverside Ground Water Contamination Site added to the Superfund State
Deferral Program

Dear Ms. Dorsey:

In accordance with the U.S. Environmental Protection Agency's "Guidance on Deferral of NPL Listing Determinations While States Oversee Response Actions" (OSWER Directive 9375.6-11) (May 1995) (Deferral Guidance), and the "Memorandum of Agreement between United States Environmental Protection Agency, Region 5 and Indiana Department of Environmental Management for the 0153/ Riverside Ground Water Contamination Site, Indianapolis, Indiana" (June 8, 2017) (MOA), EPA acknowledges agreement to defer final listing of the proposed Riverside Ground Water Contamination Site (Site) on the National Priorities List (NPL) while Indiana Department of Environmental Management (IDEM) oversees the remaining response actions at the Site. EPA agrees that IDEM has met the deferral criteria outlined in the Deferral Guidance and that Site deferral is appropriate at this time. The Site was added to the Superfund State Deferral Program effective the date of the signed MOA, June 8, 2017.

The MOA specifies the plans and expectations of each agency at the Site and memorializes agreements necessary to ensure that the response actions undertaken at the Site are substantially similar to actions otherwise taken under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) and the National Contingency Plan (NCP). Once the Site response actions are successfully completed it is expected that the EPA will have no further interest in considering the Site for final listing on the NPL and the Site will be de-proposed from the NPL.

As described in detail in the MOA, IDEM has responsibility, with minimal EPA involvement, to provide for a timely CERCLA-protective cleanup under state authority and to support the public's right of participation in the decision-making process. EPA and IDEM agree that a deferral should address the Site sooner than, and at least as quickly as, EPA would expect to respond. The EPA's role will generally be limited to review of IDEM's semiannual and annual reports and consultation on the proposed remedy. However, the EPA may request reports, data or

other documentation related to the remedial activities at the Site, as it deems appropriate, or arrange for IDEM to provide certain draft documents for EPA review as they are prepared. The Superfund Program will not provide financial assistance for site activities to the IDEM or the community during the deferral. In the event that community members request that the EPA reconsider deferral of the Site or request the EPA's intervention in response actions, the EPA agrees to meet with IDEM to discuss the community concerns and to review the response actions in light of the EPA's Deferral Guidance, and make a decision regarding whether terminating the deferral is warranted.

Once IDEM considers the response action at the Site to be complete, it will certify to EPA, any affected Tribal Governments with which it has MOAs, and the affected community that the remedy has been successfully completed and intended cleanup levels achieved. As part of the certification, IDEM will submit for EPA review response action completion documentation substantially similar to that described in the OSWER Directive "Remedial Action Report; Documentation for Operable Unit Completion" (OSWER Directive 9355.0-39FS) (June 1992). EPA will review the certification and supporting information, and may choose to initiate a deferral completion inquiry to confirm the certification. If the response at the Site is confirmed as complete, the Site will not be further evaluated for NPL listing, unless EPA receives information of a release or potential release at the site which poses a significant threat to human health or the environment. Upon completion of response actions and confirmation by EPA, the Site will be archived in SEMS.

Please use the EPA contact information listed in the MOA to submit appropriate documents, including technical documents, semi-annual and annual progress reports, and proposed amendments to the MOA. If you have any questions or concerns about this letter or the MOA, please contact US EPA attorney, Nola Hicks at Hicks.Nola@epa.gov and at (312) 886-7949.

Sincerely,



Margaret M. Guerriero
Acting Director
Superfund Division