



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We Protect Hoosiers and Our Environment.

100 N. Senate Avenue • Indianapolis, IN 46204
(800) 451-6027 • (317) 232-8603 • www.idem.IN.gov

Eric J. Holcomb
Governor

Bruno L. Pigott
Commissioner

VIA ELECTRONIC MAIL:
RDistler@sjcinc.com

October 8, 2020

Mr. Roger Distler, Authorized Representative
SJC, Inc.
295 Harrison Ct.
Danville, IN 46122

Dear Mr. Distler:

Re: IDEM Approval of Request to Terminate
NPDES General Permit Coverage
ING080237
LUST # 200307510
Facility ID # 3023
Patton's Full Service Station
7 W. State St.
Kingman, IN
Fountain County

We have received a letter dated July 30, 2020, submitted by Ms. Mandy Hall of IWM Consulting Group, LLC on your behalf, requesting termination of NPDES general permit coverage for Patton's Full Service Station. The letter states that this request is being made pursuant to the IDEM Office of Land Quality's recommendation that the ground water remediation system be shut down. Ms. Hall states that the remediation system was in operation until August 2018 and quarterly groundwater sampling was discontinued on February 26, 2020. An Environmental Restrictive Covenant was submitted to IDEM on January 28, 2020 and is being amended at this time.

Following our recent discussions with staff of the IDEM Office of Land Quality (OLQ) and our review of correspondence between OLQ and Ms. Hall, we concur that it is appropriate to terminate the NPDES general permit coverage for this project. Therefore, National Pollutant Discharge Elimination System Permit # ING080237 is hereby **terminated, effective September 30, 2020.**

Please note that IDEM shall serve notice of its decision to terminate your facility's coverage under the general permit in accordance with the requirements of 327 IAC 5-3-14. It should also be noted that any appeal must be filed under procedures outlined in IC 13-15-6, IC 4-21.5, and the enclosed Public Notice. The appeal must be initiated by filing a petition for administrative review with the Office of Environmental Adjudication (OEA) within fifteen (15) days of the emailing of an electronic copy of this letter or within eighteen (18) days of the mailing of this letter. A copy must also be served upon IDEM.

Addresses are as follows:

Director
Office of Environmental Adjudication
Indiana Government Center North
Room 103
100 North Senate Ave.
Indianapolis, IN 46204

Commissioner
Indiana Department of Environmental Management
Indiana Government Center North
Room 1301
100 North Senate Ave.
Indianapolis, IN 46204

You are reminded that submission of monitoring data via NetDMR is required for all months up to the termination date of this general permit coverage. Also future discharge to waters of the state must be preceded by the submission of an NPDES application at least 180 days prior to the commencement of such discharge, unless a later date is allowed either by rule or by an applicable NPDES general permit.

Questions regarding this matter may be directed to Ms. C. Anne Burget of my staff at (317) 234-8745 or via email at cburget@idem.IN.gov.

Sincerely,

Catherine Hess

Catherine Hess, Chief
Permits Administration Section
Office of Water Quality

cc: Fountain County Health Dept.
Mr. Kyle Huntsman, IDEM OLQ (KHuntsma@idem.IN.gov)
Ms. Mandy Hall, IWM Consulting Group, LLC (Mhall@IWMConsult.com)

**STATE OF INDIANA
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**

PUBLIC NOTICE NO. 20201008 –ING080237 –GP

DATE OF NOTICE: October 8, 2020

The Office of Water Quality approves the following NPDES GENERAL PERMIT action:

TERMINATION

PATTON'S FULL-SERVICE General NPDES Permit No. ING080237, 7 W State St, Kingman, IN (FOUNTAIN COUNTY). This facility requested termination of general NPDES permit coverage under ING080000, which regulates discharges from groundwater petroleum remediation systems to surface waters of the state. There is no longer a discharge because the remediation project is completed. This general permit coverage is no longer needed. Therefore this termination of coverage is deemed effective on September 30, 2020. For more information regarding this termination of General NPDES Permit coverage please contact Ms. C. Anne Burget at (317) 234-8745 or via e-mail at cburget@idem.IN.gov.

Notice of Right to Administrative Review

If you wish to challenge this permit, you must file a Petition for Administrative Review with the Office of Environmental Adjudication (OEA), and serve a copy of the petition upon IDEM. The requirements for filing a Petition for Administrative Review are found in IC 4-21.5-3-7, IC 13-15-6-1 and 315 IAC 1-3-2. A summary of the requirements of these laws is provided below.

A Petition for Administrative Review must be filed with the Office of Environmental Adjudication (OEA) within fifteen (15) days of the issuance of this notice (eighteen (18) days if you received this notice by U.S. Mail), and a copy must be served upon IDEM. Addresses are:

Director
Office of Environmental Adjudication
Indiana Government Center North
Room N103
100 North Senate Avenue
Indianapolis, Indiana 46204

Commissioner
Indiana Department of Environmental Management
Indiana Government Center North
Room 1301
100 North Senate Avenue
Indianapolis, Indiana 46204

The petition must contain the following information:

1. The name, address and telephone number of each petitioner.
2. A description of each petitioner's interest in the permit.
3. A statement of facts demonstrating that each petitioner is:
 - a. a person to whom the order is directed;
 - b. aggrieved or adversely affected by the permit; or
 - c. entitled to administrative review under any law.
4. The reasons for the request for administrative review.
5. The particular legal issues proposed for review.
6. The alleged environmental concerns or technical deficiencies of the permit.
7. The permit terms and conditions that the petitioner believes would be appropriate and would comply with the law.
8. The identity of any persons represented by the petitioner.
9. The identity of the person against whom administrative review is sought.
10. A copy of the permit that is the basis of the petition.
11. A statement identifying petitioner's attorney or other representative, if any.

Failure to meet the requirements of the law with respect to a Petition for Administrative Review may result in a waiver of your right to seek administrative review of the permit. Examples are:

1. Failure to file a Petition by the applicable deadline;
2. Failure to serve a copy of the Petition upon IDEM when it is filed; or
3. Failure to include the information required by law.

If you seek to have a permit stayed during the administrative review, you may need to file a Petition for a Stay of Effectiveness. The specific requirements for such a Petition can be found in 315 IAC 1-3-2 and 315 IAC 1-3-2.1.

Pursuant to IC 4-21.5-3-17, OEA will provide all parties with notice of any pre-hearing conferences, preliminary hearings, hearings, stays, or orders disposing of the review of this action. If you are entitled to notice under IC 4-21.5-3-5(b) and would like to obtain notices of any pre-hearing conferences, preliminary hearings, hearings, stays, or orders disposing of the review of this action without intervening in the proceeding you must submit a written request to OEA at the address above.

If you have procedural or scheduling questions regarding your Petition for Administrative Review please refer to OEA's website at <http://www.in.gov/oea>.



7428 Rockville Road, Indianapolis, IN 46214

July 30, 2020

Ms. Catherine Anne Burget
Indiana Department of Environmental Management
NPDES General Permits
100 North Senate Avenue
P.O. Box 6015
Indianapolis, Indiana 46206-6015

Re: Request for Termination of NPDES Permit
Patton's Full Service Station
7 West State Street
Kingman, Fountain County, Indiana
IDEM Incident No. 200307510
IDEM FID No. 3023
NPDES Permit No. ING080237

Dear Ms. Burget

IWM Consulting Group, LLC requests the termination of the NPDES Permit Number ING080237 for the Patton's Full Service Station located at 7 West State Street, Kingman, Indiana (site) on behalf of Stanley J. Clark, Inc. (SJC). The remediation system was active onsite from March 2006 through August 2018. A No Further Action (NFA) Request was submitted to the Indiana Department of Environmental Management (IDEM) on January 21, 2020. At the request of IDEM, a draft Environmental Restrictive Covenant (ERC) was submitted to IDEM for approval on January 28, 2020. IDEM emailed comments concerning the draft ERC on July 24, 2020 and requested that the ERC be filed once the comments have been addressed. A copy of the IDEM email is included in **Attachment A**. IDEM approved the discontinuation of quarterly groundwater sampling onsite on February 26, 2020; therefore, no further activities have been completed onsite for the Leaking Underground Storage Tank (LUST) incident 200307510 since the first quarter of 2020.

If you have any questions or comments, please contact the undersigned at (317) 565-1618 or by email at mhall@iwmconsult.com.

Sincerely,

IWM CONSULTING GROUP, LLC

A handwritten signature in blue ink that reads "Mandy Hall".

Mandy L. Hall, CHMM #13989
Project Manager

A handwritten signature in blue ink that reads "Roger Distler".

Roger Distler
Representative for SJC, Inc.

Attachment

cc: Roger Distler, SJC, Inc,
Krista Cox, PSRB

ATTACHMENT A

From: Huntsman, Kyle M <KHuntsma@idem.IN.gov>
Sent: Friday, July 24, 2020 1:53 PM
To: Mandy Hall <mhall@iwmconsult.com>
Subject: RE: FID 3023 SJC Kingman

Mandy,

I apologize for the delay in getting back to you regarding this ERC. The ERC has been reviewed and IDEM has the following comments/requested changes.

1. Due to the age of the release, location of contaminated soils (in the vicinity of the tank pit, and the volatile nature of the COCs the residential restriction is unnecessary. If brought to the surface the contaminants in the soil would immediately volatilize and would not result in prolonged exposure.
 - a. However, if the owner chooses to leave the residential restriction in the ERC, the 3rd Whereas Statement should read, "...COCs) remain in the soil and groundwater..."
2. The VI future use/new construction restriction is needed, due to the consistent benzene detections above the RCG Com/Industrial VIGWSL.
3. If the owner prefers, only the legal description from the deed is required in the recorded ERC. The full deed is only needed for ownership verification.
4. Effective July 1, 2020 senate enrolled act No. 340, changed wording in the law that affects recording requirements in Indiana. Please find details and the updated *ERC Template for Petroleum Remediation Section Sites* at: <https://www.in.gov/idem/cleanups/2358.htm>

Once the changes have been made, the ERC can be signed and recorded. In addition to recording the ERC a Right-of-way notification must be sent to the appropriate state and/or local authorities. As usual, once a copy of the recorded ERC and ROW notification letter has been received by IDEM, the NFA Approval will be drafted and sent for management review.

Let me know if you have any questions or concerns.

Thanks,



Kyle Huntsman

Project Manager | Petroleum Remediation Section
Petroleum Branch | Office of Land Quality
Indiana Department of Environmental Management

(317) 234-0982 | khuntsma@idem.in.gov



COVID-19 Resources:

- **Indiana State Dept. of Health (ISDH) COVID-19 Call Center:** Call 877-826-0011 (available 8:00 am-5:00 pm daily).
- **Anthem NurseLine:** Call 800-337-4770 or visit the [Anthem NurseLine](#) online for a FREE symptom screening. Available to anyone with an Anthem health plan (this includes State of IN employees)
- **Anthem Employee Assistance Program (EAP):** Available to full-time state employees and their household members regardless of health plan participation. Call 800-223-7723 or visit anthemeap.com (enter State of Indiana) for crisis counseling, help finding child/elder care, legal/financial consultation and much more.

From: Huntsman, Kyle M
Sent: Wednesday, February 26, 2020 13:48
To: Mandy Hall <mhall@iwmconsult.com>
Subject: RE: FID 3023 SJC Kingman

Mandy,

I think it is appropriate to cease quarterly sampling. I need to finish reviewing the NFA Request but I don't see why we would need more data. After a preliminary review, to answer your question, it looks like we will be able to proceed with closure after the ERC is recorded. Unfortunately, our ERC reviewer, Roxann, is out of the office, as you know and I am waiting on her review. Once I receive that I'll let you know if there are any suggested changes and have you record the ERC. As always, let me know if there are any transactions pending or if a rush is needed and I will see what I can do.

Thanks,



Kyle Huntsman

Project Manager | Petroleum Remediation Section
Petroleum Branch | Office of Land Quality
Indiana Department of Environmental Management

(317) 234-0982 | khuntsma@idem.IN.gov



From: Mandy Hall [<mailto:mhall@iwmconsult.com>]
Sent: Thursday, February 20, 2020 2:40 PM
To: Huntsman, Kyle M <KHuntsma@idem.IN.gov>
Subject: FID 3023 SJC Kingman

**** This is an EXTERNAL email. Exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email. ****

Hi Kyle,

I submitted an NFA Request and Draft ERC for this site with Level IV QA/QC on the 4th quarter water samples. Is there a need to continue quarterly sampling this site?

Mandy Hall, CHMM

Project Manager

IWM Consulting Group, LLC

7428 Rockville Road

Indianapolis, IN 46214

Office: (317) 565-1618

Mobile: (317) 441-7839

Fax: (317) 347-9326

PLEASE NOTE THAT I HAVE A NEW EMAIL ADDRESS MHALL@IWMCONSULT.COM