



# 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

October 8, 2020

Mr. Michael Sebert, President  
Sebert Oil Company, Inc.  
501 S. Broadway St.  
Butler, IN 46721

Dear Mr. Sebert:

Re: IDEM Approval of Request to Terminate  
NPDES General Permit Coverage  
# ING080314  
VRP #6130201  
Facility ID # 14640  
Former Saint Joe Service Station  
315 Washington St.  
Saint Joe, IN - DeKalb County

This Office has received a letter dated August 18, 2020, submitted by Mr. Adam Lenz of Creek Run LLC Environmental Engineering, on your behalf. This letter requests termination of NPDES general permit coverage under ING080000 for the Former Saint Joe Service Station. The letter states that this request is being made pursuant to the IDEM Office of Land Quality's recommendation that the remediation system be shut down. Mr. Lenz further states that the remediation system was deactivated on March 18, 2019 and that no discharge has been completed since. IDEM has determined that the site may be eligible for closure utilizing an environmental restrictive covenant (ERC). A copy of the draft ERC was submitted to IDEM on June 25, 2020 and will be finalized and recorded for submittal with the Remediation Completion Report.

Following recent discussions which we had with the staff in IDEM Office of Land Quality (OLQ) and our review of correspondence between OLQ and Creek Run LLC, we agree that it is appropriate to terminate the NPDES general permit coverage for this project. Therefore, National Pollutant Discharge Elimination System Permit # ING080314 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.

Mr. Michael Sebert, President  
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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](mailto:cburget@idem.IN.gov).

Sincerely,

*Catherine Hess*

Catherine Hess, Chief  
Permits Administration Section  
Office of Water Quality

cc: DeKalb County Health Dept.  
Ms. Jill Berry, IDEM OLQ (JBerry@idem.IN.gov)  
Mr. Adam Lenz, Creek Run, LLC (ALenz@CreekRun.com)

**STATE OF INDIANA  
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**

**PUBLIC NOTICE NO. 20201008 –ING080314 –F**

**DATE OF NOTICE: October 8, 2020**

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

**TERMINATION**

**Former Saint Joe Service Station**, General NPDES Permit No. ING080314, 315 Washington St, Saint Joe, IN (DEKALB COUNTY). Representatives for 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 General NPDES Permit action please contact Ms. C. Anne Burget at (317) 234-8745 or via e-mail at [cburget@idem.IN.gov](mailto: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>.



- PO Box 114, Montpelier, IN 47359
- 5775 Park Plaza Ct, Indianapolis, IN 46220
- 2328 N. US Hwy 35, Unit A, Laporte, IN 46350

August 18, 2020

Indiana Department of Environmental Management  
Office of Water Quality  
Permitting Branch  
100 North Senate Avenue  
IGCN 1255  
Indianapolis, Indiana 46204-2251

Re: NPDES Permit Notice of Termination  
Permit #ING080314  
Former St. Joe Service Station  
315 Washington Street  
Saint Joe, Indiana  
FID #14640  
VRP #6130201

Dear Permitting Branch:

On behalf of Sebert Oil Company, Inc. (Sebert Oil), Creek Run L.L.C. Environmental Engineering (Creek Run) is providing this *NPDES Permit Notice of Termination* for Permit #ING080314 associated with a groundwater remediation system at the Former St. Joe Service Station facility located at 315 Washington Street in Saint Joe, Indiana. Per IDEM request the remediation system operation was ceased on March 18, 2019 and no discharge has been completed since, quarterly groundwater monitoring was completed through First Quarter 2020, and as stated in the attached IDEM letter dated March 15, 2019, IDEM has determined that the site may be eligible for closure utilizing an environmental restrictive covenant (ERC). A copy of the draft ERC was submitted to IDEM on June 25, 2020 and will be finalized and recorded for submittal with the Remediation Completion Report.

Creek Run respectfully requests termination of NPDES permit #ING080314 associated with the remediation system location at the Former St. Joe Service Station in Saint Joe, Indiana. Should your office have any questions regarding this correspondence or require any additional information, feel free to contact the undersigned.

Sincerely,

Adam Lenz, WWO #021282  
Senior Project Manager / Operations VP

Luke Libby, CHMM #16566  
Senior Project Manager

## Attachment A



February 13, 2017

Creek Run L.L.C. Environmental Engineering  
1 Creek Run Drive  
P.O. Box 114  
Montpelier, Indiana 47359

To Whom It May Concern:

We authorize Senior Staff Members, Assistant Directors, and Directors of Creek Run L.L.C. Environmental Engineering to act as the agent of Sebert Oil Company, Inc. and to further sign, on our behalf, Discharge Monitoring Reports (DMRs) and Monthly Monitoring Reports (MMRs) as required by the Indiana Department of Environmental Management relating to the discharge of treated groundwater.

Sincerely,



Michael Sebert  
President  
Sebert Oil Company, Inc.



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Eric J. Holcomb  
Governor

Bruno L. Pigott  
Commissioner

March 15, 2019

## VIA ELECTRONIC MAIL

Mr. Michael Sebert  
President  
Sebert Oil Company, Inc.  
501 South Broadway Street  
Butler, IN 46721

Dear Mr. Sebert:

### **Notice: Reasonableness and Cost Effectiveness, ELTF Reimbursement**

Former St. Joe Service Station  
315 Washington Street  
St. Joe, DeKalb County, IN 46785  
FID# 14640  
LUST# 199904158  
VRP# 6130201

The Underground Storage Tank (UST) Branch staff reviewed the file for LUST# 199904158 (“Incident”) which is being managed by the IDEM Voluntary Remediation Program as VRP# 6130201 associated with the former St. Joe Service Station located at 315 Washington Street, St. Joe, DeKalb County, Indiana (Site). Based on review of these documents and other information as discussed below, **UST Branch staff have determined that additional corrective actions at the Site are not cost effective per 328 IAC 1-3-1.3.**

### **Current Site Conditions**

From the Quarterly Monitoring Report – Fourth Quarter 2018 dated January 22, 2019, groundwater contaminants above the Remediation Closure Guide (RCG) Residential Groundwater Tap (RGT) screening levels (SLs) were detected in monitoring well MW-6 with benzene at 14.6 micrograms per liter (µg/l) which has a SL of 5 µg/l, ethylbenzene at 897 µg/l with a SL of 700 µg/l, naphthalene at 11.1 µg/l with a SL of 1.4 µg/l and 1,2,4-Trimethylbenzene (TMB) at 870 µg/l with a SL of 15 µg/l. Additionally, benzene was detected at 665 µg/l and 1,2,4-TMB at a concentration of 44.4 µg/l was detected in recovery well RW-2. The benzene at RW-2 is also above the commercial/industrial groundwater vapor exposure SL of 120 µg/l.

The report states, “Established cleanup goals for the site include condensing the contaminant plume such that COC concentrations in off-site groundwater are reduced

below RCG Residential Groundwater Tap (RGT) screening levels and to below RCG Commercial/Industrial Groundwater Vapor Exposure (C/IGVE) screening levels on-site with the use of institutional controls, or the elimination of exposure pathways.” MW-6 is located off site in the right-of-way for Fourth Street and RW-2 is located in the southeastern quadrant of the property. RW-2 is a recovery well that pulls contaminants to its location and is likely not representative of groundwater conditions.

**Comments on Site Conditions and Claim Costs:**

1. The remediation system in the last six quarters has removed 3.249 pounds of contaminants. Of that total, over half of that mass was removed during first quarter 2018 during heavy rain events and flooding when the system treated over half a million gallons of groundwater in a three month period.
2. The claims submitted to the Excess Liability Trust Fund (ELTF) for the operation and maintenance (O & M) of the remediation system on site average approximately \$20,000 per quarter.
3. Approximately \$120,000 in O & M costs has been incurred in order to remove the 3.249 pounds of contaminants.
4. The use of an Environmental Restrictive Covenant (ERC) that would eliminate groundwater exposure by restricting the extraction of groundwater at the site is an acceptable remedy.
5. An additional ERC restriction to require confirmation of no unacceptable risk prior to construction of new structures would mitigate potential exposure to vapors.
6. A Notice of Contamination of the Right of Way to the Town of St. Joe and to the Indiana Department of Transportation would mitigate the risk of direct contact with the groundwater during any future road work.
7. Under the ELTF Rule, 328 IAC, cost effectiveness is based on clean up objectives that are sufficient, but no more stringent than necessary, for the current land use. IC 13-25-5-8.5(d)(3) states that remediation objectives can be based on a site specific risk assessment that takes into account the use of ERCs. A review of current site conditions indicates this is the most cost effective remedial objective for this incident, not the use of SLs as stated in the 4<sup>th</sup> Quarter 2018 report.
8. Reasonable as defined by 328 IAC means that corrective action are both appropriate and are performed only as necessary to meet cleanup objectives.
9. This review has found that the operation of the remediation system at the site is not cost effective nor reasonable to achieve site closure. As such, ELTF will not reimburse for the operation and maintenance of the system beyond the date of this letter.
10. This determination regarding cost effectiveness and reasonable costs, and any future ELTF decisions, do not alter your responsibility to complete your obligations as identified in the Voluntary Remediation Agreement between you and IDEM.

**Any further corrective action conducted for this Incident after March 15, 2019, unless further specified, is considered voluntary and unnecessary to meet closure. Additional quarterly monitoring is not necessary with the exception listed below. Any work related to remediation performed in relation to the**

**Incident beyond the specified tasks below will not be reimbursable from the ELTF.**

The following are tasks the ELTF will consider for reimbursement:

- Once VRP has approved shutdown of the system, four quarters of sampling to monitor for rebound,
- Decommissioning of the remediation system,
- Abandonment of monitoring wells,
- Letters regarding the remaining contamination in the right of way sent to the Town of St. Joe and the Indiana Department of Transportation (INDOT) if requested by VRP.
- Costs associated with obtaining and recording an Environmental Restrictive Covenant.

Please complete a Scope of Work State Form 51955(R4/6-18) for the tasks listed above and submit to ELTF per the instructions for that form.

If there are other tasks that you anticipate which you believe should be reimbursable by the ELTF, you must contact me at the email listed below to state why those tasks are necessary, reasonable and how you will ensure that the tasks are cost effective. You may include those tasks and associated costs on the above requested SOW on as separate SOW (itemized) tab by listing them as a second remediation alternative in Section 5 of the form.

If you have any questions, you can contact me at (317) 234-0981 or by email at [jberry@idem.in.gov](mailto:jberry@idem.in.gov).

Sincerely,

A handwritten signature in blue ink that reads "Jill Berry". The signature is written in a cursive, flowing style.

Jill Berry  
Senior Environmental Manager  
Underground Storage Tank Branch  
Office of Land Quality  
[jberry@idem.in.gov](mailto:jberry@idem.in.gov)

cc: IDEM File  
Mr. Luke Libby, Creek Run LLC  
Mr. Derek J. Simon, Creek Run LLC  
Mr. Mark Nance, VRP  
ELTF