



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

October 8, 2020

Mr. Tom Navarre, President
Family Express Corporation
213 S State Road 49
Valparaiso, IN 46383
tnavarre@familyexpress.com

Dear Mr. Navarre:

Re: IDEM Approval of Request to Terminate
NPDES General Permit Coverage
ING080316
Family Express #11
Incident #200911123
3201 South Franklin Street
Michigan City, IN - LaPorte County

We have received a letter dated August 21, 2020, submitted by Mr. Adam Lenz of Creek Run LLC on your behalf, requesting termination of permit coverage for the groundwater remediation system located at the Family Express #11 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 states that the remediation system was shut down on March 21, 2018 and no discharge has been completed since. Quarterly groundwater monitoring is ongoing at the facility. Based on current groundwater conditions and correspondence with IDEM regarding the site conditions, it appears unlikely that IDEM will request re-starting and continuing operation of the remediation system in the future.

Following our recent discussions with staff of the IDEM Office of Land Quality (OLQ) and our review of correspondence between OLQ staff and Creek Run LLC, we concur that it is appropriate to terminate the NPDES general permit coverage for this project. Therefore, National Pollutant Discharge Elimination System Permit # ING080316 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. Tom Navarre, 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 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: LaPorte County Health Dept.
Ms. Robyn Raftis, IDEM OLQ (RRaftis@idem.IN.gov)
Mr. Adam Lenz, Creek Run, LLC (ALenz@CreekRun.com)

**STATE OF INDIANA
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**

PUBLIC NOTICE NO. 20201008 –ING080316 –F

DATE OF NOTICE: October 8, 2020

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

TERMINATION

Family Express #11, General NPDES Permit No. ING080316, 3201 S Franklin St, Michigan City, IN (LAPORTE COUNTY). Representatives for this facility requested termination of NPDES general 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>.



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

August 20, 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 #ING080316
Family Express #11
3201 South Franklin Street
Michigan City, Indiana
Incident #200911123

Dear Permitting Branch:

On behalf of Family Express Corporation (Family Express) Creek Run L.L.C. Environmental Engineering (Creek Run) is providing this *NPDES Permit Notice of Termination* for Permit #ING080316 associated with a groundwater remediation system at the facility located at 3201 South Franklin Street in Michigan City, Indiana. As requested in the (attached) February 26, 2018 IDEM letter entitled *IDEM Request for Shut Down of Remedial System and Well Installation Approval*. The remediation system was subsequently shutdown on March 21, 2018 and no discharge has been completed since. Quarterly groundwater monitoring is on-going at the facility; based on current groundwater conditions and correspondence with IDEM regarding the site conditions it appears unlikely that IDEM will request re-starting and continuing operation of the remediation system in the future, therefore Creek Run respectfully requests termination of NPDES permit #ING080316.

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

Attachment A





INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

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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

February 26, 2018

VIA ELECTRONIC MAIL

Mr. Tom Navarre
Family Express Corporation
213 South State Road 49
Valparaiso, Indiana 46383
tnavarre@familyexpress.com

Mr. Navarre:

Re: **IDEM Request for Shut Down of
Remedial System and Well
Installation Approval**
Family Express #11
3201 South Franklin Street
Michigan City, LaPorte County
FID #6442
LUST Incident #200911123

IDEM staff reviewed the file pertaining to a release of petroleum product for the Family Express #11 located at 3201 South Franklin Street in Michigan City, Indiana. The following documents were reviewed:

- Remediation System Evaluation, prepared by Creek Run Environmental and dated September 29, 2017.
- Quarterly Monitoring Report (QMR), prepared by Creek Run Environmental and dated October 30, 2017.
- QMR, prepared by Creek Run Environmental and dated January 26, 2018.

IDEM technical staff had the following comments and concerns regarding the above documents;

Comments

1. The table on Page 7 shows benzene increased in off-site MW-9 from non-detect in June 2014 to 14.8 µg/L in June 2017. However, Table 3 shows a decreasing trend for the most recent eight quarters from over 80 µg/L in September 2015. In addition, the June 2014 benzene concentrations are not the maximum values recorded from some wells. The table is simplistic, and readers of the document should view the percent changes in benzene concentrations as qualitative, not quantitative.

2. The project schedule in the Corrective Action Plan dated July 19, 2013 proposed 2 and a half years of system operation. The air sparge/soil vapor extraction (AS/SVE) system has been operating for 3 and a half years and the pump and treat system has been operating for 2 and a half years. The consultant now anticipates at least one additional year of system operation, even though continued operation has not been justified.
3. Wells in the influence of the AS/SVE portion of the system show that naphthalene concentrations are not significantly affected, and remain well above the screening level.
4. System mass removal appears asymptotic for the last 7 quarters.
5. Given the age of the release, plume stability is plausible assuming a new release has not occurred.
6. Concerning the dentist's office, exterior soil gas results submitted within the CAP (dated 19-July-2013; VFC# 68580171) did not detect BTEX compounds exceeding screening levels. No subslab samples have been collected to-date. Indoor air detections of COCs have been limited to only 1,2,4-Trimethylbenzene above its commercial/Industrial Indoor Air Screening Level (C/I IASL), with multiple sampling events, including the most recent two, beneath the C/I IASL;

Conclusions

1. IDEM requests the shutdown of the system and monitoring the response.
2. The consultant proposes installation of three additional off-site monitoring wells (Figure 6) essentially mid-plume to fill in data gaps. This is approved.
3. Plume stability is the onsite closure objective. The onsite portion of the plume appeared stable before system operation. A plume stability assessment following system shutdown should be performed.
4. Benzene and naphthalene concentrations in commercial offsite wells do not show significant influence from the system and remain above vapor intrusion screening levels. An alternative closure strategy should be developed, including consideration of an Environmental Restrictive Covenant (ERC). For closure, ERCs would appear required for at least these four off-site properties as well as the on-site property.
5. IDEM requests paired (subslab and indoor air) sampling to be conducted after the system has been shutdown for at least 30 days.

6. To complete off-site evaluations for closure with an ERC, the vapor intrusion pathway for the two residences overlying the plume along Virginia Court (112 East Coolspring Avenue and 103 Beverly Court) needs to be investigated.

The requested information should be submitted following the OLQ Document Submittal Guidelines found at www.in.gov/idem/landquality/2368.htm. For more information regarding document and data submittal guidelines, sampling and analysis requirements or technical information, visit the LUST web page at www.in.gov/idem/landquality/2342.htm or contact the site project manager. Please submit all items to the following address:

Indiana Department of Environmental Management
Underground Storage Tank Branch
Leaking Underground Storage Tank Section
IGCN 1101
100 North Senate Avenue
Indianapolis, IN 46204-2251

[Insert this paragraph, if there are compliance issues.] Failure to submit the CAP within the specified timeframe may result in a referral to IDEM Enforcement. In addition, as long as you are not in compliance with these requirements, you are not eligible for reimbursement for claims from the Excess Liability Trust Fund (ELTF). If you anticipate seeking reimbursement for your remediation costs, please contact the ELTF Section at (317) 234-0990.

If you have any questions, please contact me at (317) 234-5063 or toll free from within Indiana at (800) 451-6027. I can also be reached at: jturley@idem.IN.gov.

Sincerely,



Jeffrey K. Turley
Senior Environmental Manager
Leaking Underground Storage Tank Section
Underground Storage Tank Branch
Office of Land Quality

ecopy: IDEM File
IDEM Northwest Regional Office
Creek Run Environmental – Attention: Mr. Adam Lenz (alenz@creekrun.com)



August 1, 2016

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

To Whom It May Concern:

We authorize Senior Staff Members, Assistant Directors, and Directors of the Technical Services and Operations Groups of Creek Run LLC Environmental Engineering to act as the agent of Family Express Corporation and to further sign, on our behalf, the Monthly Monitoring Reports (MMR) and Discharge Monitoring Reports (DMR) required for NPDES General Permit No. ING080316.

Sincerely,

FAMILY EXPRESS CORPORATION

A handwritten signature in black ink that reads "Thomas Navarre". The signature is fluid and cursive, with a long horizontal stroke at the end.

Thomas J. Navarre
Vice, President, Petroleum Marketing & Logistics