



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We Protect Hoosiers and Our Environment.

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Eric J. Holcomb
Governor

Bruno L. Pigott
Commissioner

Closing of Public Comment Period: Agreed Order remains effective as of March 11, 2021

On March 11, 2021, sixteen current or former property owners within Site 0153 entered into an Agreed Order with IDEM to (1) resolve their potential liability for the Known Conditions on their properties that might pose a threat to the drinking water aquifers beneath their properties; (2) provide them contribution protection as afforded by law for the Known Conditions on their properties that might pose a threat to the drinking water aquifers beneath their properties, and (3) create the “Site 0153 Monitoring and Future Response Fund” dedicated to funding Future Response Actions within Site 0153, if and as necessary over the next ten years.

On March 16, IDEM posted a copy of the Agreed Order on-line,¹ provided public notice both online and by email to 1,046 persons who have asked to be notified about events concerning Site 0153, and invited the public to submit written comments on or before April 15, 2021. IDEM did not receive any comments.

Pursuant to Paragraph 43, each of the sixteen parties signing the Agreed Order waived any right to administrative or judicial review under Ind. Code Chapters 4-21.5-3 and Ind. Code Chapter 4-21.5-5. Under Indiana law, anyone else who received notice of the Agreed Order would have 15 days to seek administrative review. See Ind. Code 4-21.5-3-7(a)(3)(A); *City of Indianapolis*, 2017 OEA 29 (motion to dismiss denied because petition filed within 15 days after discovery of the NFA Letter was timely). To date, no one has requested administrative or judicial review of the Agreed Order.

Pursuant to Paragraph 54 to 56, IDEM reserved the right to withdraw from the Agreed Order if the comments regarding the Agreed Order disclosed facts or considerations indicating that the Agreed Order is inappropriate, improper, or inadequate. No such facts or considerations were received or raised during the public comment period. The conditions of Paragraphs 54 to 56 have thus been satisfied and IDEM does not elect to withdraw from the Agreed Order. The Agreed Order remains in effect for all Respondents as of March 11, 2021.

Date: April 19, 2021

¹ See <https://www.in.gov/idem/cleanups/sites-of-special-interest/site-0153-ground-water-contamination-site/>