



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

Michael R. Pence
Governor

Carol S. Comer
Commissioner

August 18, 2016

Mr. Robert Kaplan
Acting Regional Administrator
U.S. Environmental Protection Agency
Region 5
77 West Jackson Boulevard
Mail Code: R-19J
Chicago, Illinois 60604-3507

Re: Proposed Riverside National Priorities List
Site EPA-HQ-OLEM-2016-0153

Dear Mr. Kaplan:

By this letter, the Indiana Department of Environmental Management (IDEM) withdraws and rescinds the August 13, 2015, letter from IDEM's former Commissioner requesting inclusion of the Riverside Ground Water Contamination site (identified by the U.S. Environmental Protection Agency as Site 0153) on the National Priorities List (NPL) of hazardous waste sites, a copy of which is attached as Exhibit A. IDEM respectfully requests that U.S. EPA not include Site 0153 on the NPL and proposes an alternative approach to protecting public health and the environment by addressing the presence of Chlorinated Volatile Organic Compounds (CVOCs) at Site 0153. IDEM worked with Citizen's Energy Group (Citizens), the City of Indianapolis (the City) and the Marion County Public Health Department (MCPHD) to develop a proposed alternative plan (the Plan) to address Site 0153. Exhibit B outlines the current version of that Plan, which was jointly drafted by IDEM, Citizens, the City and MCPHD.

Background

Site 0153 is located on the northwest side of downtown Indianapolis. While Site 0153 is not yet delineated, it is generally comprised of two multi-well wellfields known as the Riverside and White River wellfields. These wellfields, owned and operated by Citizens, provide drinking water to a portion of the City of Indianapolis. Marion County officials indicate that seven private drinking water wells may exist within Site 0153.

Though low levels of CVOCs are present in the raw water drawn from some of the wells in the wellfields, the drinking water provided to Citizens' customers does not contain, and has never contained, CVOCs. The drinking water provided to Citizens' customers is completely safe to drink.

Basis for Withdrawal

Information available to IDEM at the time of the August 13, 2015, letter indicated that certain wells in the wellfields were impacted by CVOCs at levels that caused concern for public health. There was also a concern that the CVOCs could migrate to other wells in the wellfields, and that concentrations could increase, creating the potential for harm to public health. Based on the data provided at that time, IDEM sought inclusion of Site 0153 on the NPL. However, that data reflected only a snapshot in time and is now outdated.

In April of 2016, Citizens provided IDEM additional technical information that had not previously been shared with the agency. That data led IDEM to re-evaluate its initial request for listing Site 0153 on the NPL. Exhibit B contains illustrations of this data, which span the time period from 2006 to 2016 and indicate that the levels of CVOCs in both wellfields are decreasing. In addition, with the exception of one well (WR3), all CVOCs in the raw water supply are below U.S. EPA's Maximum Contaminant Levels (MCLs) for drinking water.

Fifteen sites that may have contributed to the CVOC contamination are currently in one of IDEM's remediation programs. Many of those sites have already addressed their contamination sources, while others are on track to do so. IDEM believes these efforts have contributed, at least in part, to the declining levels of CVOCs in the groundwater.

In light of the new information and greater understanding of activities in the area, IDEM no longer believes Site 0153 is an NPL caliber site that should be addressed by the Superfund program. Had all of these data and factors been known in August of 2015, IDEM would not have proposed Site 0153 for the Superfund program. For these reasons, IDEM respectfully requests that U.S. EPA not include Site 0153 on the NPL.

Alternative Plan

Withdrawing Site 0153 from inclusion on the NPL does not eliminate the need to address the CVOC contamination at Site 0153. Steps must still be taken to protect public health and the environment from the contamination. The proposed Plan is designed for that purpose. Exhibit B is a draft document, and the Plan may evolve over time in response to new information or additional comments from the public, U.S. EPA, and others. As you review the proposed Plan, please consider the following:

1. IDEM fully supports the Plan and will dedicate four project managers and one attorney to this project to ensure its full and complete implementation under the auspices of IDEM's State Cleanup Program.
2. IDEM will also:
 - a. determine whether any private drinking water wells exist within the five year time of travel of groundwater and if so, test those wells for CVOC contamination. If shown to be contaminated, IDEM will devise a plan to ensure an alternate water source is provided.
 - b. conduct a comprehensive search for potentially responsible parties through all reasonably available records, and pursue all identifiable responsible parties to obtain their cooperation in remediating Site 0153, including contributing to the cost of remediation.
 - c. review and scrutinize all sites in reasonable proximity of Site 0153 that are currently being addressed in our State Cleanup Program and Voluntary Remediation Program (VRP) for their possible roles as Responsible Parties.
 - d. collect soil, vapor and groundwater samples through the agency's push-probe drilling equipment (Geoprobe) where no RPs can be found, but sources are suspected.
 - e. identify any completed exposure pathways (including human consumption of groundwater and vapor intrusion) and devise plans to eliminate those pathways.
 - f. delineate groundwater impacts, to the extent feasible.
 - g. address the sources of contamination as necessary and as practical through mechanisms such as, but not limited to, physical removal, institutional controls and monitoring.
 - h. report regularly to U.S. EPA on the progress of implementing the Plan and enter into a Memorandum of Understanding with U.S. EPA to memorialize IDEM's obligations under the Plan.
 - i. ensure that Citizens discharges all of its responsibilities under the Plan, including:
 - i. conducting more frequent sampling in the wellfields,
 - ii. removing WR3 from service and installing aeration equipment to reduce CVOCs before the well is put back in service, and

- iii. removing any other production wells from service that exceed a drinking water MCL, and installing aeration equipment to reduce CVOC concentrations before the well is put back in service.
3. The Indiana Governor's Office has committed to funding the Plan.
4. IDEM has engaged local neighborhood residents and stakeholders and found that many have expressed concerns with the proposal to list Site 0153 on the NPL, and have expressed support for the alternative Plan.
5. The City of Indianapolis supports the Plan. Mayor Hogsett and his Administration have been actively engaged in the Plan's development and prefer the Plan to listing Site 0153 on the NPL.
6. The Marion County Public Health Department supports the Plan and prefers the Plan to listing Site 0153 on the NPL.
7. The Plan is locally driven, which will facilitate its implementation and allow for a quick response to challenges that arise during its implementation.
8. IDEM is confident that the Plan can be completed in less time and with fewer resources than a traditional Superfund investigation and cleanup.
9. IDEM commits to continuing to keep residents and stakeholders informed and up-to-date. IDEM engaged local community members as the Plan was developed to ensure that all stakeholders understood the nature of the Plan as well as to address community members' concerns. IDEM will hold regularly scheduled public meetings, prepare and disseminate materials tracking the Plan's progress, and maintain a dedicated web page to provide the local community with easy access to the materials, the public meeting schedule, and other information related to the implementation of the Plan. IDEM has already established the website and published information at: www.idem.in.gov/Site0153.
10. If IDEM's request is approved, the agency commits to changing the name of the Site from Riverside to Site 0153, pursuant to the concerns and request of the local community.

With regard to a timeline for implementing the Plan, although we are confident that this project can be handled more quickly under the Plan we have proposed than under the Superfund program, IDEM estimates that it will take at least six years to complete, given the magnitude of the work.

As you can see, the Plan has broad, bipartisan support among local stakeholders. IDEM commends Citizens, the City of Indianapolis, the Marion County Public Health Department and the members of the public who have participated in this process for helping develop a proposal that protects the health of Hoosiers in the Riverside community by addressing the CVOC contamination in a cost-effective manner. They have all been partners in the effort to solve this problem, and we welcome their continued dedication to our community and to protecting public health and the environment.

Should you or your staff have additional questions or need further information, my staff and I would be happy to meet with you in person or by teleconference. My administrative assistant, Mary Fields at 317-232-8611, would be happy to coordinate schedules.

Thank you for your consideration. We look forward to working with you on this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Carol S. Comer".

Carol S. Comer
Commissioner
Indiana Department of Environmental Management

cc: Joe Hogsett, Mayor, Indianapolis
Joseph Sutherland, Citizen's Energy Group



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

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Michael R. Pence
Governor

Thomas W. Easterly
Commissioner

August 13, 2015

Ms. Susan Hedman
Regional Administrator
U.S. EPA, Region V, R-19J
77 West Jackson Boulevard
Chicago, Illinois 60604-3507

Dear Ms. Hedman:

Re: Proposed Inclusion of the Riverside
Ground Water Contamination Site
Indianapolis, Marion County, Indiana
on the National Priorities List of
Hazardous Waste Sites

The Indiana Department of Environmental Management (IDEM) is providing this letter to convey its support to the United States Environmental Protection Agency (U.S. EPA) regarding inclusion of the Riverside Ground Water Contamination site on the National Priorities List (NPL) of hazardous waste sites. The Riverside Ground Water Contamination site is a contaminated ground water plume that encompasses an area of approximately 62 acres and affects two wellfields.

The Citizens Energy Group operates the drinking water utility for the city of Indianapolis. Raw water sample results obtained by IDEM from five (5) municipal wells confirmed detections of vinyl chloride (VC) and trichloroethylene (TCE). The VC and TCE levels in two of the wells exceed U.S. EPA Superfund Chemical Data Matrix benchmarks. The impacted wells provide drinking water to more than 10,000 people in Indianapolis. IDEM has identified over 100 potential sources of contamination to the well fields, including sites in the Voluntary Remediation Program, RCRA Corrective Action Program, Brownfields Program, and the State Cleanup Program, but a definitive source of the contamination has not been identified.

This site qualifies for inclusion on the NPL because:

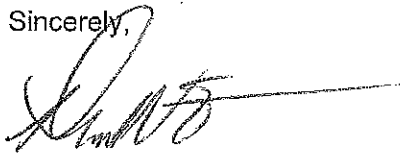
- 1) The site meets the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) criteria for listing on the NPL, scoring sufficiently high pursuant to the Hazard Ranking System (HRS).
- 2) The site requires a long-term response action.

Ms. Susan Hedman
Regional Administrator
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An NPL listing would allow for proper and timely investigation of the nature and extent of the contamination of the potential sources and enable the U.S. EPA to determine cleanup alternatives for the impacted areas, thereby protecting human health and the environment. The NPL listing appears to be the most viable alternative for addressing the existing environmental problems.

As the Commissioner of IDEM, I am authorized by Indiana Governor Michael R. Pence to act in these matters on his behalf. I have considered my staff's recommendations and I fully support the designation of the Riverside Ground Water Contamination site for inclusion on the NPL. I request that the U.S. EPA assign a Remedial Project Manager and/or On-Scene Coordinator to implement the process. If you require any additional information or have any questions, please contact Mark Jaworski of the Site Investigation Program at 317/233-2407 or via e-mail at mjaworsk@idem.in.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'T. Easterly', with a long horizontal line extending to the right.

Thomas W. Easterly
Commissioner

cc: Denise Boone, U.S. EPA
Nuria Muniz, U.S. EPA
Mark Jaworski, IDEM
Rex Osborn, IDEM

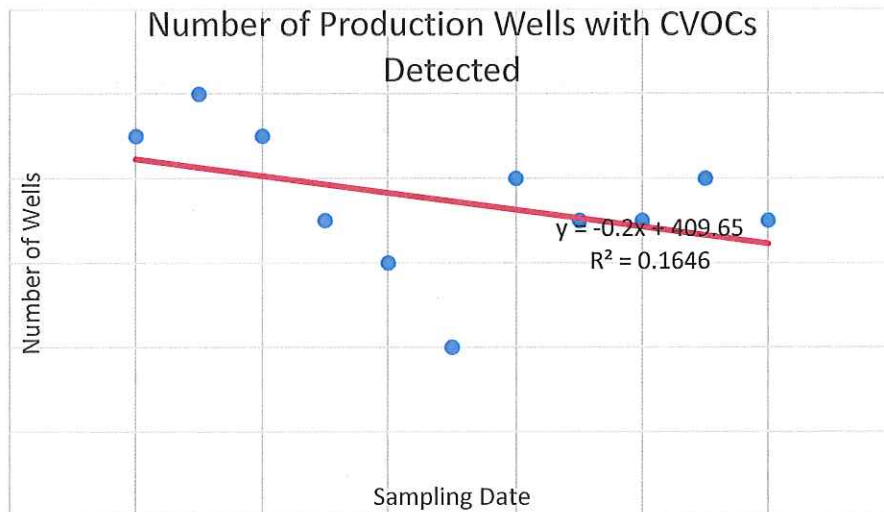
Exhibit B

Proposed Alternative to U.S. EPA Proposed Rule
“Riverside Groundwater Contamination Site”

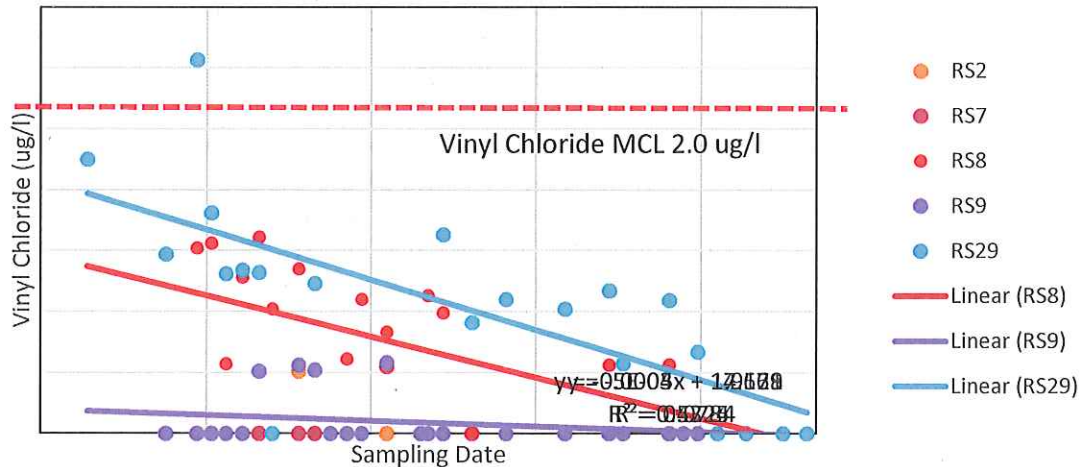
August 18, 2016

Trace levels of certain chlorinated solvents (also called “chlorinated volatile organic compounds” or “CVOCs”) have been detected in some of the groundwater production wells in the Riverside and White River Groundwater Production Well Fields owned and operated by Citizens Water in Indianapolis (collectively, the “Well Fields”). These detections have led the U.S. Environmental Protection Agency (U.S. EPA) to propose to list the “Riverside Groundwater Contamination Site” as a federal Superfund Site.

Sampling data initially provided to the Indiana Department of Environmental Management (IDEM) by Citizens Water, and forwarded to EPA as part of the Superfund scoring process, is outdated. Citizens has recently provided additional sampling information to IDEM, and with the exception of one production well, “White River 3” (WR-3), trace detections of CVOCs in these wells are currently below U.S. EPA’s drinking water standards that apply to finished drinking water. In addition, as the following graphs demonstrate, overall concentrations of CVOCs in the Well Fields are declining:



Citizens Riverside and White River Well Field Vinyl Chloride Detections



Notwithstanding these detections, no CVOCs have ever been detected in the drinking water supplied to Citizens Waters’ customers. In addition, five Citizens’ production wells and a geothermal well in the Riverside Well Field are planned to be removed and relocated as part of a planned redevelopment project in the area called “16 Tech.” The closure and abandonment of these wells will alter groundwater flow and CVOC distribution and concentrations in the Well Fields.

Various state and local stakeholders have developed a proposed alternative to a Superfund listing to address CVOCs detected in area groundwater and to ensure human health and the environment are protected. The elements of this alternative proposal are described below.

Citizens Water Plan to Ensure Continued Safety of Public Water and to Assist in Source Assessment & Mitigation

Despite the current safety of the drinking water supplied to customers and the declining CVOC trend, Citizens Water would be willing to take the following measures as an alternative to a Superfund listing to ensure the continued safety of its drinking water and to assist State and local governmental agencies with assessing and mitigating potential contaminant source areas in the vicinity of the Well Fields:

1. Citizens would take production well WR-3 out of service, install an aeration treatment system to reduce CVOC levels, and then test the water post-treatment to ensure levels are below EPA’s drinking water standards. Upon receipt of satisfactory test results, Citizens would return WR-3 to service. At that point, all “raw water” being produced by Citizens’

production wells would be below EPA's finished water standards before it is mixed with surface water and treated in Citizens' treatment process.

2. Citizens would take the same measures at any production well in the future if verified sample results exceed drinking water standards, thus ensuring that water produced from Citizens' production wells – even before mixing and treatment – would continue to be below EPA's standards.
3. Citizens would increase the frequency of its voluntary sampling for VOCs from the production wells and monitoring wells in the Well Fields from semi-annual to quarterly, and would share those results with IDEM as they are received.
4. Citizens would develop and implement a Groundwater Quality Monitoring Plan required by the recently adopted Indianapolis/Marion County ordinance to track CVOC concentrations in the Well Fields, and would develop a plan to address those detections to ensure continued safety of drinking water. The results of this sampling program would be shared with U.S. EPA, IDEM, and the four local agencies identified in the ordinance to help determine if further measures are warranted.
5. Citizens would support State and local governmental agencies, including IDEM, the City of Indianapolis, and the Marion County Public Health Department (MCPHD), in their efforts to assess and, if necessary, mitigate impacts associated with potential CVOC source areas in the general area identified by EPA in its proposed listing rule. Citizens would support the MCPHD in connection with its review of any requests to install any new private groundwater wells in the area of concern, and support efforts to connect any existing, impacted private groundwater wells to water supplied by Citizens. Citizens would also review environmental remediation proposals submitted to or developed by IDEM for any source area located with the then-current Five-Year Time-of-Travel, and provide comments to IDEM and the Responsible Party(ies) regarding the effectiveness of the proposal to protect the Well Fields. Finally, Citizens would use the results of its on-going Groundwater Quality Monitoring Plan described above to help evaluate these proposals.

Citizens would be willing enter into an agreement with U.S. EPA and IDEM that includes these commitments.

State and Local Government Plans for Assessing and Mitigating Potential CVOC Source Areas

Various governmental agencies and other stakeholders have developed the following multi-pronged plan to identify and address potential CVOC source areas that could adversely impact area groundwater, the Well Fields, or other receptors (e.g., private wells, vapor intrusion issues) that they would be willing to implement in lieu of a Superfund listing:

1. IDEM, the City and MCPHD have substantial information about various potential source areas of CVOCs in and around the Well Fields, including soil and groundwater data, some of which are currently in IDEM programs such as the Voluntary Remediation Program, State

Clean-Up Program or Leaking Underground Storage Tank program. The City and MCPHD would provide information in their possession relating to these source areas to IDEM. IDEM would then review and assess all relevant information and data to identify those sites currently in IDEM programs that warrant additional investigation, given their potential contribution to CVOC impacts in the area of the Well Fields.

2. IDEM would review its existing soil and groundwater data, and any information from the City and MCPHD, to determine what data gaps exist in the area of the Well Fields, and to identify the existence of sites potentially impacting groundwater in that area that are not currently in one of IDEM's programs, and which might be a source of CVOCs.
3. To fill these data gaps and identify potential CVOC sources, property owners and/or other responsible parties would conduct investigations on properties under their ownership or control, at their own cost. As necessary and appropriate, IDEM would exercise its regulatory authority to require the performance of those investigations. Further, IDEM could also conduct its own investigations as needed utilizing funding sources such as monies from known responsible parties. All such investigations would be focused on those areas in which existing data and information indicates a reasonable likelihood of CVOCs. The purpose of these investigations would be to generate meaningful soil and groundwater data to identify potential source areas that would then be the subject of further investigation and/or IDEM enforcement.
4. The City and MCPHD would work collaboratively with IDEM to develop IDEM's priority list for further investigation, identify property owners, and obtain access agreements. To the extent necessary, Citizens Water would work alongside these entities to engage with the public with regard to this effort. The City would also direct Brownfield grant money to assist in performing environmental assessments for "orphan share" sites in the area of the Well Fields.
5. MCPHD would work with IDEM, Citizens Water, and the City to identify potential private wells in the area, to sample those wells for which access is granted, and to evaluate options to connect any impacted private wells to public water. MCPHD would also use its existing authority to evaluate requests to install new private drinking water wells within the area of concern, and to work with all interested stakeholders in connection with any such requests.
6. With information supplied by Citizens regarding current and future pumping scenarios, IDEM will determine the appropriate boundaries for the area to be evaluated.
7. In order to assist the local community's efforts to monitor the development and implementation of the Plan, IDEM, the City, and MCPHD will secure funding that will allow the local community to engage the services of its own consultant with the technical expertise to facilitate meaningful community involvement.