



Remediation Services Branch “Go Fast” Initiative

A Note from the Branch Chief

With the start of the new year, IDEM's Office of Land Quality is reflecting on our 2023 successes and creating pathways for future achievements.

This year, we celebrated the presentation of the 2023 Governor's Public Service Achievement Award to Fran Metcalfe in the Science Services Branch. Fran worked tirelessly around the clock for months on the high-profile East Palestine train derailment landfill soil sampling project. Fran's work ethic is just one example of the dedicated and professional staff throughout IDEM.

We are also excited to help roll out our new “Go Fast” initiative. Through site stakeholder partnerships and increased communication, we will work to accelerate project timelines while continuing to ensure effective environmental cleanups and closures.

Please join us in making 2024 even better!

-Kevin Davis

In 2022, IDEM evaluated the timeline for site review, remediation, and closure. A rough estimate showed State Cleanup sites average 14.75 years and VRP sites average around 11.7 years to achieve closure. Based on this evaluation, IDEM developed the “Go Fast” initiative to accelerate the project timeline. Components of “Go Fast” include a push toward paperless (*i.e.*, document portals), an increase in internal collaboration, and overall process efficiency. IDEM also identified three main directives: staff training, communication, and checklist/report templates.

Staff Training

- IDEM determined regular and continuous staff training would ensure consistency in project decision making with a similar training foundation throughout the Office of Land Quality. All IDEM staff, including new hires and veteran staff, will learn the same material, in the same way. This will ensure a more cohesive approach to project management because everyone is working from the same knowledge base. This approach will also reduce decision variability from project managers across the same program.

Communication

- A review of our processes showed that communication with potentially responsible parties (PRPs) plays a key role in project success. IDEM determined that staff should communicate expectations and timelines with PRPs on a regular basis. Similarly, PRPs should be given the opportunity to discuss with IDEM staff project concerns, issues, and progress on a regular schedule. This ensures that issues are addressed early in the process before those issues have time to become big problems. IDEM developed five new meeting forms that include *Initial Meeting*, *Sampling Observation*, *Remedy Closure Strategy*, *General Communication* and *General Site Visit*. Although still in draft, IDEM intends to begin implementing the forms for all Remediation Services Branch (RSB) projects in the coming year.

Checklists and Templates

- IDEM plans on developing standardized report templates and checklists. These documents will not only keep reports succinct and focused on the necessary report parameters, but IDEM staff using checklists will ensure a consistent approach to document review. In addition, checklists and templates will both ensure alignment with R2.

Selected members of the consulting community met with IDEM in August 2023. The result was a group that share a common interest of protection of human health and the environment, while at the same time, working toward a complete site investigation, an evaluation of risk, and ensuring properties are put safely back into productive use. IDEM will also begin tracking project phases and measuring project duration metrics to gauge the effectiveness of the “Go Fast” approach once implemented.

Updates to Environmental Restrictive Covenant

The Institutional Controls (IC) Group has updated the Environmental Restrictive Covenant (ERC) template. IDEM recommends use of the most current template, [available online](#), to streamline the review process and ensure the most up to date guidance is being followed. Updates include minor corrections, improved clarity, and increased emphasis on areas where input is needed. Significant changes include the following additions:

- **A “WHEREAS” paragraph for federal programs;**
“WHEREAS: Response Action was implemented pursuant to Section 105 of the Comprehensive Environmental Response, Compensation and Liability Act (“CERCLA”), 42 U.S.C § 9605, at the _____ Superfund Site, located at _____, which the U.S. Environmental Protection Agency (“EPA”) placed on the National Priorities List in _____, set forth at 40 C.F.R. Part 300, Appendix B. The EPA identification number is # _____, and the incident number assigned by the Indiana Department of Environmental Management (“Department” or “IDEM”) for the release is # _____.”
- **A reference to conflicting easements; and**
“WHEREAS: The Real Estate is encumbered by an easement, more particularly described in the attached Exhibit __, and which was recorded on _____ as Deed Record _____ in the office of the Recorder of _____ County, Indiana (the “Easement”). Because the activities allowed by the Easement directly conflict with the Restrictions in this Covenant, which are required to protect human health and the environment, the holder of the Easement has executed a _____, which is attached hereto as Exhibit ____.”
- **A reference to Maintenance Plan for passive controls.**
“... this type of passive engineered control serves as an engineered barrier to prevent direct contact with the underlying soils and must not be excavated, removed, disturbed, demolished, or allowed to fall into disrepair in accordance with the _____ described in VFC # _____ and all subsequent IDEM approved revisions.”
For questions regarding ERC updates, please email InstitutionalControls@idem.IN.gov.

DID YOU KNOW?

Senate Enrolled Act 246 – A Few Items of Note *Aboveground Storage Tanks (AST)*

[Senate Enrolled Act 246](#) amended several provisions in Indiana Code Title 13 effective July 1, 2023, including reimbursement from the Excess Liability Trust Fund (ELTF) for costs related to petroleum releases from registered ASTs.

Per new IC 13-11-2-0.4, an AST is defined as a tank or combination of tanks:

1. Used to store a regulated substance.
2. The volume of which, including aboveground piping, has not more than 10% below the surface of the ground.
3. With a capacity of over 1,500 gallons but not more than 20,000 gallons.
4. Which is used at:
 - a. A bulk plant or facility for bulk storage and distribution of motor fuel to retailers; or
 - b. An airport, including both primary and nonprimary airports.

The definition of “Eligible release” for purposes of the ELTF has been amended

to include ASTs and to clarify certain other elements. The definition of “Eligible release” can be found at IC 13-11-2-62.7. Pursuant to the definition of “Eligible release”, ASTs must be registered with IDEM to be eligible for ELTF reimbursement. ELTF rules and rates will apply to AST releases.

Additionally, IC 13-23-12-1 regarding annual registration fees has been amended to include ASTs.

Underground Storage Tank (UST) Decommissioning and Replacement Reimbursement

Another statutory revision allows for reimbursement from the ELTF of 50% of eligible costs related to qualified UST decommissioning or UST replacement projects. While USTs will be considered on a case-by-case basis, certain characteristics may make a UST more likely to qualify for the program, including lined steel USTs, First Generation Fiberglass Reinforced Plastic (FRP) USTs, USTs over 30 years old, or USTs which have caused or are likely to cause catastrophic release and

HELLOS and GOODBYES

Please help us welcome Crystal Haulter as the new Technical Environmental Specialist for the Remediation Services Branch. She earned degrees in chemistry and biology from Indiana University (IU)-Southeast and master’s degrees in environmental science and public affairs from IU-Bloomington. Crystal worked in the service industry and volunteered at wildlife rehabilitation centers, animal shelters, and Habitat for Humanity before joining IDEM in 2017.

which cannot be repaired or maintained to avoid such release. IDEM began collecting eligibility applications for this program on July 1, 2023.

Contractor Certification Program

Effective July 1, 2023, responsibility shifted from the Office of the State Fire Marshal (OSFM) to IDEM for managing the certification program for persons who supervise, manage, or direct UST:

1. Installation or retrofitting;
2. Testing;
3. Cathodic protection procedures; or
4. Decommissioning.

These statutory revisions also newly extend certification requirements to ASTs, which have not previously been subject to such certification.

If you have questions regarding these topics, please email:

AST@idem.IN.gov
ELTFQuestions@idem.IN.gov
ContractorCertification@idem.IN.gov