

NATURAL RESOURCE DAMAGE ASSESSMENT SETTLEMENT

FINAL RESTORATION PLAN

ENVIROCHEM, NORTHSIDE SANITARY LANDFILL, AND
GREAT LAKES ASPHALT SITES
BOONE COUNTY, INDIANA

July 1997

*Department of the Interior, U.S. Fish and Wildlife Service
Indiana Department of Natural Resources
Indiana Department of Environmental Management*

Introduction

This restoration project is proposed by Region 3 of the U.S. Fish and Wildlife Service (FWS) and the State of Indiana to compensate for similar natural resources injured (lost) prior to remedial response actions at the Envirochem, Northside Sanitary Landfill (NSL), and Great Lakes Asphalt (GLA) sites in Boone County, Indiana. Because the sites are related and in close proximity to one another, a single plan has been developed to restore the natural resources impaired by the sites. Implementation of this plan will be conducted by natural resource trustees under the authority of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) and Executive Order 12580. Natural resource trustees cooperating to implement this restoration plan include the Department of the Interior (DOI)-FWS, Indiana Department of Natural Resources (IDNR), and Indiana Department of Environmental Management (IDEM).

Project Background and History of the Landfill Site

Envirochem, NSL, and GLA sites, all located in Boone County, Indiana, are within the Finley Creek watershed, which is part of the Eagle Creek Reservoir watershed (Figures 1 and 2). Eagle Creek Reservoir serves as a public water supply for the City of Indianapolis. An unnamed ditch, which runs north and south between the Envirochem and NSL sites, and runs along the western boundary of the NSL, discharges to Finley Creek. Envirochem and NSL, which are adjoining properties, were placed on the National Priorities List (NPL) in 1983 and 1984, respectively. Both Envirochem and NSL accepted solid and hazardous wastes. During 1989, synthetic fuels from the Envirochem site that were stored at the GLA site were released to the environment. The following is a brief history for each site.

ENVIROCHEM

The Envirochem site was proposed for listing on the NPL in December 1982 and placed on the NPL in September 1983. The 6.5 acre site was used as a solvent processing and reclamation facility from 1977 to 1982. Wastes such as resins, paint sludges, waste oils, and flammable solvents were received and stored on the site in drums and bulk tanks. On-site accumulation, unauthorized discharge of contaminated stormwater, poor management of drum inventory, unapproved burning of chlorinated hydrocarbons and other solvents, and spills prompted a site investigation conducted by the State and the U.S. Environmental Protection Agency (USEPA). Although the State prohibited additional

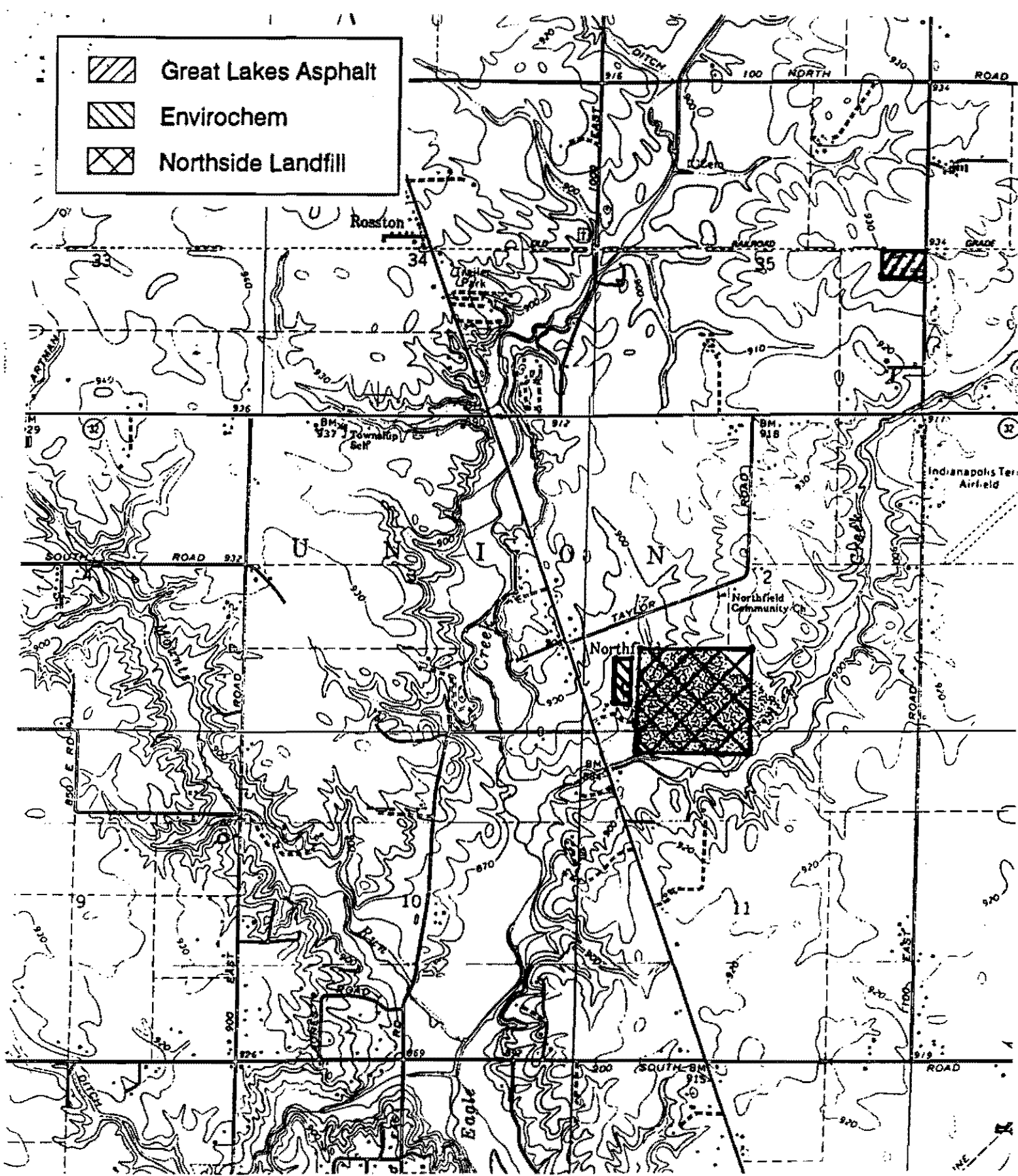


Figure 2. Location of the Envirochem, Northside Landfill, and Great Lakes Asphalt sites in the Eagle Creek watershed in Boone County, Indiana.

undertook removal actions pursuant to §104 of CERCLA 42 U.S.C. §9604. Response and removal actions consisted of installment of containment devices, deployment of absorbent booms in waterways, excavation and staging of soil, decontamination of Eagle Creek, flushing drainage tiles, solidifying tank contents, securing staged soil, sampling tanks, facility restoration, and removal and disposal of all hazardous wastes at the site.

Trust Resources

A Preliminary Natural Resources Survey that addressed both the Envirochem and NSL sites was conducted by the FWS in 1988. Trust resources at the site(s) were described as follows:

"We have identified palustrine wetlands and riverine habitats near and downstream of the sites. Migratory birds that utilize these habitats will be exposed to elevated concentrations of contaminants. These species include (but are not limited to): mallards (*Anas platyrhynchos*), spotted sandpipers (*Actitis macularia*), American coots (*Fulica americana*), green-backed herons (*Butorides striatus*), northern orioles (*Icterus galbula*) and tree swallows (*Tachycineta bicolor*). The Eagle Creek reservoir is known to have nesting Canada geese (*Branta canadensis*) and is used by migratory waterfowl and osprey (*Pandion haliaetus*). Numerous fish species are known to inhabit Eagle Creek and nearby streams. Therefore, any adverse impact to these resident fish species would have a concomitant effect on fish-eating migratory birds. ...the off-site movement of contaminants could affect habitats in the range of the Federally endangered Indiana bat (*Myotis sodalis*) and bald eagle (*Haliaeetus leucocephalus*) which are also DOI trust resources."

Acting as a trustee for natural resources under CERCLA §107, and based on the results of the Preliminary Natural Resources Survey and the documented release of hazardous substances to the environment at the Envirochem and NSL sites, DOI recommended against granting a release from claims for damages for injury to natural resources under trusteeship.

Relevant Settlements

In 1990, a consent decree was lodged in the U.S. District Court, Southern District of Indiana, in consolidated action United States v. American Waste processing, Ltd., et al. and United States v. United Technologies Automotive, Inc., et al. (IP88-806C and IP90-080C), in connection with the Envirochem site. This Envirochem "de minimus" consent decree required the defendants to pay DOI \$10,000 for natural resource damages resulting from the release of hazardous substance related to the Envirochem site.

A covenant not to sue for natural resource damages was subsequently recommended by the Department of the Interior in exchange for \$45,000 as compensation for injuries to natural resources at the Envirochem and NSL sites. The estimate of damages necessary to compensate for the injury to natural resources is described in a June 1, 1989 Memorandum from David Hudak, Field Supervisor of the FWS's Bloomington, Indiana Field Office to Jean Sutton of the Field Solicitor's Office. The covenants not to sue were memorialized in 2 Consent Decrees lodged by DOJ in the United States District Court for the Southern District of Indiana, IP83-1419 (Envirochem) and IP91-591C (NSL). These consent decrees also included natural resource damages of \$5,250 and \$30,000, respectively, for the State of Indiana.

5) A key component to the NRDA implementation strategy is to integrate this program as a tool to achieve the broader mission of the FWS, IDNR, and IDEM. Habitat restorations enabled by the NRDA process but conducted through existing institutional arrangements would be a prime demonstration of the utility of NRDA. This strategy is consistent with an ecosystem approach and a commitment to using existing programs in the best way to achieve the restoration goals.

This restoration project will further the purpose(s) of the Act because the project will:

- 1) protect, enhance, and restore "an appropriate distribution and diversity of wetland ecosystems and other habitats for migratory birds and other fish and wildlife in North America";
- 2) should aid in maintaining and/or enhancing migratory bird populations; and,
- 3) will be consistent with the NAWMP.

The proposed restoration strategy is consistent with the NAWMP's principal objective to "increase populations of waterfowl and other wetland-dependent wildlife by protecting, restoring, creating and enhancing wetland and associated upland habitats" through acquisition of and easements on public and private lands in the Upper Mississippi River and Great Lakes region.

Both the Act and NAWMP represent an existing FWS framework which has a long-standing and proven successful record of effective wetland restoration in Region 3, especially in Indiana. This framework is widely recognized by internal and external FWS partners and constituencies as an exemplary model of fish and wildlife conservation. Additionally, both the Act and NAWMP represent strategies compatible with IDNR's December 1, 1995 non-rule policy on wetland conservation which supports the development of comprehensive wetland conservation plans. Integration of NRDA restoration efforts with existing FWS and IDNR programs is an important step in our efforts to maintain consistency throughout agency programs.

Restoration Project Site

Because direct restoration of site-impacted areas is not possible due to the presence of residual contamination, this project will occur in a geographically proximate and similar area with restorable habitat similar to that lost at the landfill site. The project will consist of restoration and enhancement of riverine and/or palustrine wetland(s), habitat types very similar to the habitats lost at the Envirochem, NSL, and GLA sites. This project will occur in the vicinity of Boone County, Indiana (Figure 1). If possible, the restoration site(s) will be selected in proximity to rivers and streams, enhancing and protecting the riparian areas, and will enhance the structure and function of the stream systems. The restoration site(s) will be protected and enhanced so that, over time, they will provide full analogous ecological function. This approach will benefit fish and wildlife by restoring habitats similar to those impacted by the Envirochem, NSL, and GLA sites.

Schedule and Budget

This project may be completed during FY 1997. This restoration will be implemented cooperatively by DOI-FWS, IDNR, and IDEM. A total of \$140,980, which includes DOI-FWS and State of Indiana funds, is available for restoration implementation. DOI -FWS funds will be distributed as follows:

\$80,730 - land purchase, easement purchase, and/or wetland restorations; \$5,000 - administrative costs by Bloomington, Indiana Field Office.

State of Indiana funds will be distributed as follows:

\$50,250 - land purchase, easement purchase, and/or wetland restorations; \$5,000 - administrative costs by the Indiana Department of Natural Resources.

Final Report

At the completion of the project, a final report documenting the restoration will be prepared. Pictures of the site(s), before and after restoration, and key documents (e.g., - lease agreements; deeds; etc.) will be included.

Project Contact(s)

Scott Sobiech
Bloomington, Indiana Ecological Services Field Office
620 South Walker Street
Bloomington, Indiana 47403
Telephone: (812) 334-4261.218

Laurie Rounds
Indiana Department of Natural Resources
402 West Washington, Room 273
Indianapolis, Indiana 46204
(317) 232-4097

COMMENT: It is stated in the proposed draft copy under Wetland Restoration that "previously drained wetlands are restored by either plugging ditches or subsurface tiles". At this time I would like to state that I am strongly opposed to any county legal ditches or drains being plugged. This action would have a detrimental effect on the proper drainage flow within the area of Boone County where these sites were located (Kenneth Hedge, Boone County Surveyor).

RESPONSE: Please see response to the previous comment. In addition, riparian corridors and wetlands aid in flood control and water retention. Therefore, we believe that these types of activities would have a beneficial impact on watershed drainage.

COMMENT: As four wheel drive enthusiasts, we would like to see your plan include access for off highway vehicles. **NOTE:** Several form letters similar to this were received during the public comment period (Iron Horse 4X4's, Inc.).

RESPONSE: Although the specific restoration locations have not been selected, the areas restored would not likely be large enough to support multiple recreational uses. Additionally, restoration may occur on private property with conservation easements or deed restrictions, based on willing landowner participation. Finally, the trustees believe that use of any restored areas by off-highway vehicles would not be consistent with the intent of this restoration plan to provide suitable resting, nesting, and/or feeding habitat for trust species. We believe off-highway vehicles would be disruptive to wildlife using the restored area(s).

COMMENT: As four wheel drive enthusiasts, we would be glad to help clean up, maintain and/or manage any sites close to our area **NOTE:** Several form letters that were received during the public comment period included this comment (Iron Horse 4X4's, Inc.).

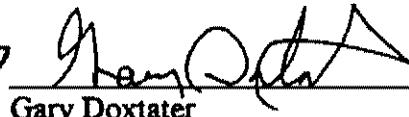
RESPONSE: The trustees welcome any assistance to help maintain areas restored under this plan.

**NATURAL RESOURCE DAMAGE ASSESSMENT SETTLEMENT
FINAL RESTORATION PLAN**

**Co-Trustee concurrence on the Final Restoration Plan for:
ENVIROCHEM, NORTHSIDE SANITARY LANDFILL, AND
GREAT LAKES ASPHALT SITES
BOONE COUNTY, INDIANA**

 18 August 1997

David C. Hudak
U.S. Fish and Wildlife Service



Gary Doxtater
Indiana Department of Natural Resources



John M. Rose
Indiana Department of Environmental
Management



IN REPLY REFER TO:

United States Department of the Interior

FISH AND WILDLIFE SERVICE
BLOOMINGTON FIELD OFFICE (ES)

620 South Walker Street
Bloomington, Indiana 47403-2121
(812) 334-4261 FAX 334-4273

June 26, 2000

Mr. Chuck Beard
Park Manager
Eagle Creek Park
7840 W. 56th Street
Indianapolis, IN 46254

Dear Mr. Beard:

This regards your proposal for restoration work within the Eagle Creek watershed that was submitted to the natural resource trustee representatives of the Department of the Interior, U.S. Fish and Wildlife Service, the Indiana Department of Natural Resources and the Indiana Department of Environmental Management.

As you know, the trustees have obtained monetary settlements for injuries to natural resources resulting from activities at four hazardous waste sites in Boone County. The trustees are required to restore, rehabilitate or replace those injured natural resources in accordance with the guidelines established in the Final Restoration Plan EnviroChem, Northside Sanitary Landfill, and Great Lakes Asphalt Sites, Boone County, Indiana (Plan).

The trustees have reviewed your proposal for restoration work within the Eagle Creek watershed, and have determined that these plans are consistent with the restoration goals set forth in the Plan. Therefore, the trustees offer to support the projects that you proposed as shown in the tables below.

Project 1: Reforestation of the 23 acre field on the eastern side of the reservoir (46th Street Meadow)

Funding Offer = \$12,225 (Requested \$16,100)

The trustees will provide funding for the acquisition of 1,050 (average of 50 trees per acre for 21 acres) 1 gallon container raised trees from Berg-Warner (or similar) Nursery, at a rate of \$7.50 per tree, or a total of \$7,875.00. The trustees will provide an additional \$3.00 per tree for planting and first years maintenance of the 1,050 trees noted above, for a total of \$3,150.00.

The trustees will also provide funding for the acquisition, planting and first years maintenance of a total of 2 acres of mixed DNR hardwood seedlings, at a rate of \$600.00 per acre, or \$1,200.00 total.

Project 2: Reforestation of the 12 acre field on the western side of the reservoir (Borrow Pit Bay Slope and Uplands)

Funding Offer = \$6,750.00 (Requested \$8,400)

The trustees will provide funding for the acquisition of 300 (average of 50 trees per acre for 6 acres) 1 gallon container raised trees from Berg-Warner (or similar) Nursery, at a rate of \$7.50 per tree, or a total of \$2,250.00. The trustees will provide an additional \$3.00 per tree for planting and first years maintenance for the 300 trees noted above, for a total of \$900.00.

The trustees will provide funding for the acquisition, planting and first years maintenance of a total of 6 acres of mixed DNR hardwood seedlings, at a cost of \$600.00 per acre, or \$3,600.00 total.

Project 3: Revegetating Fishback Creek / Eagle Creek Confluence Wetland
Funding Offer = \$6,000.00 (Requested \$7,000)

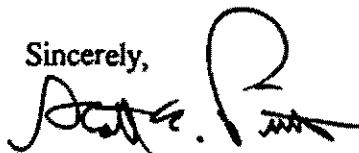
The trustees will provide funding for the acquisition of 500 (average of 50 trees per acre for 10 acres) 3 gallon container raised trees from Berg-Warner Nursery, at a rate of \$9.00 per tree, or a total of \$4,500.00. The trustees will provide an additional \$3.00 per tree for planting and first years maintenance for the 500 trees noted above, for a total of \$1,500.00.

In addition, the trustees are willing to work with Eagle Creek Park to cover additional costs of acquisition, planting and maintenance of trees, if the number of trees needed to complete this project exceeds the number provided for in this letter.

We propose to use our existing Cooperative Agreement (agreement #30181-0-J026) with Indianapolis Parks and Recreation Department as the funding payment mechanism for these activities. We would appreciate a confirmation from Indianapolis Parks and Recreation Department that this funding mechanism and these funding amounts are acceptable to you.

The natural resource trustees greatly appreciate your efforts to work towards the restoration of the Eagle Creek watershed. Please contact Dan Sparks or Jeff Kiefer of my staff at (812) 334-4261, extensions 219 or 212, respectively if you have any questions concerning this letter.

Sincerely,



Scott E. Pruitt
Supervisor

**cc: Wayne Faatz, IDNR, Indianapolis, IN
Betsy Nightingale, IDNR, Indianapolis, IN
Jim Smith, IDEM, Indianapolis, IN
Don Miller, Indianapolis Parks and Recreation Department, Indianapolis, IN**

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