

United States Department of the Interior Fish and Wildlife Service



Bloomington Field Office (ES)
620 South Walker Street
Bloomington, IN 47403-2121
Phone: (812) 334-4261 Fax: (812) 334-4273

MEMORANDUM

September 3, 2004

Regional Director, U.S. Fish & Wildlife Service, Fort Snelling, MN (ES)
Attention: Frank Horvath

From: Supervisor, U.S. Fish & Wildlife Service, BFO, Bloomington, IN
(ES)

Subject: Addendum to the Enviro-Chem, Northside Sanitary Landfill and
Great Lakes Asphalt Restoration Plan (to add Third Site), Boone
County, Indiana and Request for Release of funds from the
Natural Resource Damage Assessment and Restoration Fund
(NRDARF)

Attached please find a copy of Addendum to the Natural Resource Damage Assessment Settlement Final Restoration Plan for Enviro-Chem, Northside Sanitary Landfill and Great Lakes Asphalt, Boone County, Indiana which has been signed by the trustees and/or their designated representatives. Attached for your review and signature is a transmittal memorandum requesting DOI to release funds as described in the Addendum from the Natural Resource Damage Assessment and Restoration Fund (NRDARF). These funds will be used to implement restoration project(s) associated with the Third Site soil contamination in partnership with the Indiana Department of Environmental Management, Indiana Department of Natural Resources, and the Limberlost State Historic Site.

We respectfully request that these funds be made available as soon as possible. Should you have any questions, please contact Mike Tosick at (812) 334-4261, extension 218.

Attachments (2)

**Third Site Natural Resource Damage Assessment Settlement
Boone County, Indiana**

An Addendum to the

**Natural Resource Damage Assessment Settlement
Final Restoration Plan For**

**Enviro-Chem, Northside Sanitary
Landfill and Great Lakes Asphalt,**

Boone County, Indiana

July 1997

Introduction

The purpose of this addendum is to add Third Site to the Enviro-Chem, Northside Sanitary Landfill, and Great Lakes Asphalt Final Restoration Plan. Third Site is related both spatially and characteristically to these previously documented sites. It is the goal to incorporate the Third Site NRDA settlement restoration effort to the ongoing Enviro-Chem, Northside Landfill, and Great Lakes Asphalt restoration efforts. Relevant and acceptable restoration activities for all sites will be virtually identical in nature and scope and, therefore, able to be managed under the same, existing restoration plan.

Site Background

Third Site is a vacant, two acre tract of land owned by Patricia Bankert, Boone Properties, and the Jonathan Bankert estate. The property is located approximately 150 feet east of highway US 421 and approximately 300 feet south of the Enviro-Chem Superfund Site in Boone County, Indiana. The Northside Sanitary Landfill (NSL) Superfund Site is located approximately 350 feet to the east and northeast. Third Site is located along Finley Creek and includes a manmade recreational pond used by nearby residents for fishing and swimming. Finley Creek flows west from Third Site and flows into Eagle Creek one-half mile from the site. Eagle Creek flows south from its confluence with Finley Creek before draining into Eagle Creek Reservoir, which supplies approximately six percent of Indianapolis' drinking water.

Historical aerial photographs of Third Site (1950-1986) indicate that the site was used primarily for tank and drum storage, as well as truck parking. Testimony from former Enviro-Chem employees and waste haulers indicate that waste handling and disposal at Third Site was a direct result of operations at the Enviro-Chem site. Furthermore, wastes disposed at Third Site appear to be of the same type and origin (from the same commercial facilities) as the wastes disposed of at Enviro-Chem. Finally, Third Site is owned by the same individuals (Bankert family) and corporate entities as Enviro-Chem.

Injury Background

In 1987 and 1992, a consultant working for the PRPs performed individual collections and analysis of soil, groundwater, seepage soil, and seepage water from the Third Site. These inquiries confirmed volatile organic and semi-volatile organic contamination of soil at the location.

In 1988, a consultant to EPA collected additional soil, groundwater and surface water samples from Third Site and the surrounding area. Soil sample results revealed elevated levels of volatile organic compounds (tetrachloroethene, 1,1,1-trichloroethane, and trichloroethene). Surface water sample results also revealed elevated levels of VOCs in the water adjacent to and immediately downstream of Third Site. Further elevated levels of VOCs were also found in surface seep samples and groundwater samples.

In 1999 and 2000, another PRP-led sampling effort took place as part of an Engineering Evaluation/Cost Analysis (EE/CA) investigation. Samples of sediment, surface water, soil, and

groundwater were analyzed. The EE/CA investigation confirmed the presence of VOC contamination of surface water, sediment, soil and groundwater in the Third Site area and west of highway US 421. The EE/CA investigation also confirmed the presence of a concentrated area of DNAPL (dense non-aqueous phase liquid) contamination in soil and groundwater in the area of the berm, south of the manmade pond. The DNAPL area extended over an estimated 4500 square feet and to an estimated depth of 41 feet. Additionally, groundwater contamination was present at levels above MCLs in two other areas outside the DNAPL area. The EE/CA report concluded that levels of contamination in groundwater and the DNAPL area pose a threat to human health. Also, the levels of VOC contamination in soils along the southern edge of Bankert Pond pose an additional human health threat. The soil contamination, along with the contamination of the DNAPL area, also acts as a continuous source of contamination to the surrounding groundwater.

Natural Resource Damages

As a result of the above-mentioned contamination at Third Site, two acres of on-site wetlands were adversely impacted, as well as Finley Creek and Eagle Creek. In addition to the possible human health effects, there is further evidence of adverse wildlife and habitat degradation. Natural resources most in peril include migratory birds, fish, amphibians and mammals.

State of Indiana co-Trustees (Indiana Department of Natural Resources – IDNR, Indiana Department of Environmental Management – IDEM, and the Department of the Interior, represented by the United States Fish and Wildlife Service – FWS) used the Habitat Equivalency Analysis (HEA) model to determine the replacement wetland acreage necessary to compensate for the past lost use and loss in perpetuity of the four acres of on-site wetlands.


Based on this HEA model approach, 12.64 acres of wetlands are necessary to compensate for natural resources injured, or otherwise impacted, at Third Site. Total compensation for trust resources results in a figure of \$39,986 (\$2,750/acre for acquisition, \$3,000 for restoration planning and implementation, \$1,000 for past assessment costs, and \$1,226 for attorney costs).

According to the executed Administrative Order for Third Site (November 4, 1999; Docket No. V-W-'99-C-545), a payment in the amount of \$39,986 was to be paid to the Department of the Interior by the Respondents in this matter. This money was to be deposited in the Natural Resource Damage Assessment Restoration (NRDAR) fund to be used solely to address injuries to, destruction of, or loss of natural resources with respect to Third Site; including restoration, replacement, or acquisition of habitat and the payment of assessment and attorney fees.

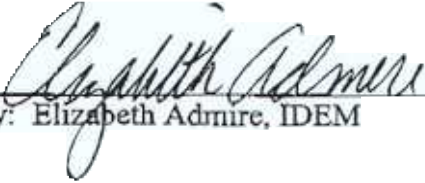
Restoration Plan

The money received from the Third Site settlement will be used to support restoration activities described in the previous NRDAR settlement restoration plan developed for Enviro-Chem, Northside Sanitary Landfill, and Great Lakes Asphalt. Proposed, ongoing, and future restoration projects will be funded with the combined settlement funds.

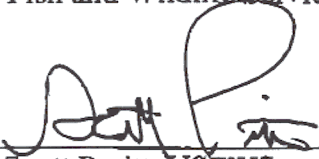
Indiana Department of Natural Resources


By: John Davis, IDNR

Indiana Department of Environmental Management


By: Elizabeth Admire, IDEM

**Department of Interior
U.S. Fish and Wildlife Service**


By: Scott Pruitt, USFWS