

US EPA ARCHIVE DOCUMENT



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

MEMORANDUM

AUG 26 2014

REPLY TO THE ATTENTION OF

**SUBJECT:** Draft No Further Action Memo for former Garvin site

**FROM:** Joseph Kelly, Project Manager  
Corrective Action Section 1 *JK 5/2/14*

**THRU:** Greg Rudloff, Acting Chief  
Corrective Action Section 1

**TO:** Jose G. Cisneros, Chief  
Remediation and Reuse Branch

Attached is a draft No Further Action Memo for the former Garvin site. This site is subject to Corrective Action as a result of an illegal drum storage operation. The site was not permitted, and the area was addressed by closure through the State. There was conflicting information about the site location because there was no actual street address for the illegal storage site, but the inspection information was used to confirm the location and current address. No contamination was reportedly detected above laboratory detection limits, so there are no site restrictions. All of the information for this site was obtained from IDEM's virtual records. I reviewed inspection records and follow up inspections, copies of the Agreed Order, and approval letters from IDEM. There was no PA/VSI completed as this was not a priority site. State inspections did not report any other areas of concern that were required to be addressed under RCRA, and the illegal storage area represented only a small part of the larger Garvin redevelopment. I completed an inspection of the site in 2011, and it had been redeveloped by Altstadt Office City at that time. The closure report and associated data prepared by the owner was unavailable from IDEM, although the closure certification was provided. A draft Statement of Basis was provided to Vic Windle and Mike Sickels of IDEM in May, who indicated in June that they would have no comments if a response wasn't returned. The SB was revised to a NFA after the template was developed, and ORC provided electronic sign-off of the new version, as they had agreed with the SB. Please let me know if you have any questions or comments.

**Determination of No Further Action**

**Former Specialized Recycling/Garvin Industrial Park/Union Stockyards  
Southwest Corner of Baker Avenue and West Morgan Avenue  
(1550 Baker Avenue)  
Evansville, Indiana**

**IN0 000 342 097**

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

August 2014

Former Specialized Recycling/Garvin Industrial Park/Union Stockyards Property  
(Currently Altstadt Office City)  
Southwest Corner of Baker Avenue and West Morgan Avenue (1550 Baker Ave)  
Evansville, Indiana  
IN0 000 342 097

## **INTRODUCTION**

This document for a portion of the former Specialized Recycling/Garvin Industrial Park/Union Stockyards Property (Garvin/Union) property (currently Altstadt Office City), located at 1550 West Baker Road, Evansville, Indiana (Site), explains the basis for the determination by the United States Environmental Protection Agency (EPA) that No Further Action is required for this Site.

This document summarizes information that can be found in greater detail in the August 29, 1994, *IDEM Office Memorandum - Hazardous Waste EDI Inspection*; the November 16, 1994, *IDEM Office Memorandum - Hazardous Waste EDI Inspection*; the September 19, 1995, *Adoption of Partial Agreed Order in Cause No. H-12049*; the September 11, 1996, *Adoption of Partial Agreed Order in Cause No. H-12049*; the June 10, 1997, *Closure Plan Approval*; the November 22, 1994, *IDEM RCRA-TSD Inspection Report*; the April 29, 1998, *IDEM Closure Certification Approval*; the May 27, 1998, *Resolution of Cause No. H-12049*; the March 22, 1999, *IDEM Office Memorandum Trip Report*; the May 25, 1999, *Phase I Environmental Site Assessment*; and the March 6, 2001, *Hazardous Waste Management Unit Site Closure Report Update*, subsequent revisions of these documents, and other documents in the Administrative Record for the former Garvin/Union Site.

## **DETERMINATION**

EPA has made a determination that No Further Action by the federal RCRA Corrective Action program is required at the former Garvin/Union Site at this time.

## **FACILITY BACKGROUND**

### **Location**

The former Garvin/Union property encompasses an estimated 840,000 square feet in western Evansville, in an area bounded by Baker Avenue, Morgan Avenue, Louisiana Street, and Read Street, in Pigeon Township, Vanderburgh County, Evansville, Indiana. The Site is located in a mixed residential-industrial area, with residential areas surrounding the southern portion of the

Site to the south, west and east, and industrial properties surrounding the northern portion of the Site to the north, west and east. A large industrial property previously owned by Whirlpool and currently occupied by Dons Cleaners, Inc. (INR000009449), Ameriqua Packaging (INR000019513), and Integrated Energy Technologies, Inc. (IND081005795), is located to the north of the Site beyond Morgan Avenue.

A portion of the Garvin/Union Site contained an illegal hazardous waste storage area that was operated by Specialized Recycling. The hazardous waste storage area was previously located immediately southwest of the intersection of Baker Avenue and Morgan Avenue, on the concrete floor slab of the former 7,700 square foot Union Stockyard building. This area was redeveloped and is currently the location of an Altstadt Office City warehouse. The Altstadt Office City property contains a 5,000 square foot building located on approximately 10,000 square feet of land at 1550 Baker Avenue (*see* Figure 1).

### History

In early 1994, a business known as Specialized Recycling (also known as Specialty Recycling, Abbott Transportation, and/or Chris's Traveling Drums), operated by Chris Abbott, moved some 300 55-gallon drums of non-hazardous and hazardous waste into a building on the Garvin/Union Site that Specialized Recycling leased from the then property owner, Garvin Industrial Associates. Garvin Industrial did not authorize Specialized Recycling's activity and did not know about it until July 1994 when Garvin was contacted by local authorities and the Indiana Department of Environmental Protection (IDEM). At that time Garvin Industrial removed some of the leaking drums, subsequently removed the remaining drums, and then cleaned the area under a RCRA closure plan required by a Partial Agreed Order issued by IDEM in 1995 (*IDEM v. Garvin Industrial Associates, Cause No. H-12049*, September 1995). Chris Abbott was subsequently incarcerated in the Federal Penitentiary in Terra Haute, Indiana, for environmental crimes unrelated to the Garvin/Union matter. This portion of the Site was subsequently demolished, graded and redeveloped with the current Altstadt Office City building.

### Waste Generation and Management History

As noted, some 300 drums of various wastes were brought to a Site building in 1994 by a third party and illegally stored. Following the discovery of the illegal drum storage, Garvin Industrial identified the generators/owners of approximately 60 of the drums using Specialized Recycling's records. Garvin Industrial contacted the owners, and those drums were removed by the generators for proper off-site disposal. By February 1995, 239 drums remained at the Site. The remaining drums were characterized for disposal in April 1995 through the collection of 85 waste characterization samples, and it was determined that 210 of the drums contained tank bottoms from petroleum (gasoline, diesel, kerosene, and oil) tank removals and cleaning.

Based on inspections by IDEM on July 7, August 26, September 16, and November 22, 1994, and subsequent waste characterization performed by Garvin Industrial, the wastes identified below were stored at the Site.

Table 1: February 1995 Drum Inventory

<u>Number of Drums</u>	<u>Contents</u>	<u>Assigned Waste Code</u>
9	Trichloroethene	F001
9	Tire mold release solution	Not Assigned
7	Ink paste & adhesives	Not Assigned
1	Latex Paint	Not Assigned
1	Sodium Hydroxide	D002
1	Hydrogen Chloride	D002
1	Acetone/Chloroform	D001
210	Petroleum tank sludge	D018

These wastes were located in a hazardous waste storage area in a dilapidated building of the former Union Stockyards at the northeast corner of the Site (southwest of the intersection of Baker Avenue and Morgan Avenue). The hazardous waste storage area consisted of the concrete slab (pad) of the former brick and concrete block building. The floor reportedly consisted of approximately 6-foot by 8-foot sections of poured concrete, and the floor was reportedly in good repair at the time of inspections. This area comprises the RCRA Hazardous Waste Container Storage Area, which is identified as Solid Waste Management Unit (SWMU) 1.

Subsequent to the 1994 IDEM inspection, Garvin Industrial coordinated the removal and disposal of wastes in stages through September 1995. IDEM issued a Notice of Violation (NOV) cause No. H-12049 to Garvin Industrial on February 8, 1995, based on the July 7 and November 22, 1994, inspections. Reportedly, only five of the drums, all containing tank bottoms, showed any signs of leakage at the time of the scheduled drum removal. The drums were overpacked and Garvin Industrial transported the drums to permitted treatment, storage and disposal facilities. The drum removal activities were overseen by IDEM personnel. Following a December 8, 1995, inspection, IDEM confirmed that no hazardous wastes remained on site.

A September 1995 Partial Agreed Order required Garvin Industrial to conduct RCRA closure for the hazardous waste storage area, and a subsequent Partial Agreed Order dated September 1996 addressed civil penalties. Garvin Industrial submitted a closure plan to IDEM in March 1996, and an Amended Closure Plan in September 1996. On June 10, 1997, the Closure Plan was approved by IDEM. Garvin Industrial subsequently initiated closure of the hazardous waste storage area, which included investigation of the area where leakage from certain drums was observed during earlier IDEM inspections. Additional information regarding the investigation



and closure of the former hazardous waste storage area is provided below in the discussion of SWMU 1. Aside from the closure of the former hazardous waste storage area in 1998, no further RCRA Corrective Action has taken place at the Site.

A project manager from EPA's corrective action program visited the Site in September 2011 to meet with a representative of the new property owner, Altstadt Office City. The inspector observed that site conditions had changed significantly since the time of the prior closure of the former illegal hazardous storage area. The building that had contained the former illegal hazardous waste storage area was reportedly demolished in approximately 2000, and the area was redeveloped in 2006. A new 5,000 square foot Altstadt Office City warehouse is currently located on approximately 10,000 square feet of land at the location of the former hazardous waste storage area. Most of the Site is covered with a building, concrete, or asphalt, with the exception of a decorative grass parkway along the north and east property boundaries. Altstadt Office City currently owns the Site and operates as a warehouse for the packaging and shipping of office and janitorial supplies to clients. Altstadt Office City is not actively generating or storing hazardous waste under RCRA, and no disposal activities are performed at the Site, with the exception of the collection of general refuse.

#### Geologic and Hydrogeologic Setting

The majority of the ground surface at the Site is now paved or concrete-covered, with the exception of the small grass-covered parkways located at the northern and eastern boundaries of the Site. Native soils in the area of the site, based on boring logs from the north-adjacent property, consist of silts and clays, with lesser amounts of inter-bedded sand and gravel. Bedrock in this area is located within 60-130 feet of the surface, and is predominantly Pennsylvanian-age, Carbondale Group, which consists mostly of shales and sandstones with some coal and limestone.

Aquifers underlying Evansville consist mainly of unconsolidated silts and clays with interbedded sands and gravels, with an average saturated thickness of approximately 60-130 feet, above Pennsylvanian age shale and sandstone bedrock. The shallow water table in unconsolidated soils is typically found at 5-10 feet below the surface in the vicinity of the site. The direction of ground water flow is predominantly northwestward toward Pigeon Creek, the closest surface water body in the vicinity of the site, located approximately 1,000 feet to the north. Groundwater is generally not used in the vicinity of the site, although the well log for the closest well, located 4,000 feet northwest of the site, indicates water is obtained from sand at a depth of 95 feet.

## Ecological Setting

The majority of the Site is now covered by concrete or asphalt, with the exception of a small areas of grass-covered parkway to the north and east of the Altstadt Office City building. The ground surface at the Site is of poor quality. There is no high-quality habitat at the Site because on-site habitats have been heavily influenced by historical land use, and the surrounding habitats are of low ecological concern.

The only endangered species listed for the area by the U.S. Fish and Wildlife Service (FWS) are the Indiana Bat and the Sheepnose freshwater mussel (*Plethobasus cyphus*). According to the FWS, Sheepnose mussels live in larger rivers and streams where they are usually found in shallow areas with moderate to swift currents that flow over coarse sand and gravel. However, they have also been found in areas of mud, cobble and boulders, and in large rivers they may be found in deep runs. After hibernation, Indiana bats migrate to their summer habitat in wooded areas where they usually roost under loose tree bark on dead or dying trees. During summer, males roost alone or in small groups, while females roost in larger groups of up to 100 bats or more. Indiana bats also forage in or along the edges of forested areas.

Given the Site's physical setting, the lack of quality ecological habitat, both on- and off-site, and the results of the SWMU 1 closure investigation, the Site would not be expected to provide suitable habitat for these listed endangered species and the level of ecological risks from site contaminants has been determined to be negligible. Neither of the identified species are expected to be present at the site given that the habitats for these animals are not present.

## Investigation Results

### **SWMU 1 – Former Hazardous Waste Container Storage Area**

#### Description and Release History

This SWMU encompasses the former storage pad within the former building that was located at the southwest corner of Baker Avenue and West Morgan Avenue. The area was used for the storage of F001, D002, D002, D001, and, D018 hazardous wastes that were illegally stored at the facility by a third party.

#### Release Control, Response Actions, and Environmental Data

Garvin Industrial contracted with A & M United, Inc., to complete closure as outlined in IDEM's September 1995 Partial Agreed Order and September 1996 Partial Agreed Order. Drum removal activities were overseen by IDEM personnel beginning in 1994



and continuing through 1995. IDEM personnel also assisted Garvin Industrial in identifying areas of possible spillage for soil sampling to assess for possible releases to the ground below the concrete storage pad. The concrete floor of the storage area was located within a brick and concrete block building and reportedly consisted of approximately 6-foot by 8-foot sections of poured concrete that was reportedly in good repair at the time of drum removal. The floor surface was reportedly swept and the debris was containerized for off-site disposal, and the storage area was reportedly decontaminated under a closure plan required by a 1995 IDEM Agreed Order following IDEM's Concrete Pad Cleaning Procedure document. The building was later demolished and the floor surface was removed. Aerial imagery reviewed by EPA personnel shows that this portion of the site contained no structures, indicating that the pad had been removed by approximately 2000. A work plan prepared under the agreed order indicates that soil samples would be collected from six locations selected by IDEM, with two samples analyzed from each boring for volatile organic compounds (VOCs), lead and chromium based on waste information for the illegally-stored drums.

Investigation under the Agreed Orders was designed to identify whether or not hazardous constituents were released into the environment at the source area, and to determine whether corrective measures were necessary. The work-plan called for soil borings to be advanced at six locations selected by IDEM based on visual observations of leaks from the stored drums, with two samples analyzed from each boring for volatile organic compounds (VOCs), lead and chromium. These contaminants were targeted based on waste characterization data collected from the illegally-stored drums for purposes of disposal. No other concerns were identified during site inspections, and no contaminants were reportedly detected in soil samples collected during the IDEM-approved sampling. Garvin Industrial did not sample groundwater under the closure work-plan because no impacts had been detected in the soil.

In February 1998, Garvin Industrial submitted a closure certification report to IDEM, indicating that the area had been cleaned and that there was no residual soil contamination. Based on IDEM's review of Garvin Industrial's closure certification report, the State issued a Closure Certification Approval for the SWMU in April 1998, indicating that closure was complete. The April 28, 1998, approval letter from IDEM documents that no contamination was present in the soil samples, although the report was unavailable. A subsequent May 25, 1999, *Phase I Environmental Site Assessment (ESA)* completed for the Site identified only two recognized environmental conditions (RECs) - the former illegal storage operations and a closed leaking underground storage tank incident (#9311107, on an adjacent site) - both of which had been previously resolved.

## **SUMMARY OF FACILITY RISKS**

### **Human Health Risks**

Based on the available information set out above, the former hazardous waste container storage area at the Site was approved as closed by IDEM in 1998. No contaminants of concern were found in the closure soil samples collected during the site investigation. The Site is currently zoned for heavy manufacturing, and no current anticipated zoning changes are planned. However, as no contaminants of concern were found above default closure levels at the Site, there would be no restrictions to prevent land use changes to other use scenarios.

### **Ecological Risks**

Based on the available information cited above, there is adequate information to conclude that ecological risks are negligible at the Site. The entire Site is covered by concrete or asphalt, with the exception of a grass-covered parkway to the north and east of the Altstadt Office City building. The parkway was not found to be impacted by the SWMU 1 area, based upon the sampling conducted as part of closure activities.

## **SCOPE OF CORRECTIVE ACTION**

The intention of RCRA Corrective Measures is to eliminate the threat of exposures by meeting the following objectives:

- Remediating contamination which presents a risk to human health or the environment, or eliminating the pathways of exposure to such contaminants;
- Appropriately managing any residual wastes disposed on-site such that they do not present a risk to human health or the environment, and
- Protecting sensitive ecosystems.

### **Performance Standards for Corrective Measures**

Remedial alternatives must meet three performance standards, which are the main objectives of a Corrective Action program under the RCRA.

1. Protect human health and the environment;

2. Achieve media cleanup objectives, and
3. Remediate the sources of releases.

### CONCLUSION

Based upon the information presented in this document and in the Administrative Record regarding releases and remedial actions performed at the Site to address those releases, EPA has determined that no further action by the federal RCRA Corrective Action program is necessary at the Site at this time. Site conditions were assessed against the objectives for eliminating threats from a site named above, and EPA believes that the management of the Site has met those objectives. After review of the efforts undertaken at the site by Garvin Industrial, EPA believes that the cleanup of the Site was effective and met the three performance standards listed above.

Garvin Industrial completed remediation of the waste management area at the Site in 1998. The documentation from the 1994-1998 remediation work demonstrates that remediation work at the Site has achieved appropriate risk reduction, prevented the migration of contaminants, and eliminated the threat of exposure, based on the conditions established and confirmed by IDEM in 1998 during the closure of the Former Hazardous Waste Container Storage Area. The former SWMU does not present concern for human health and the environment under the current conditions. EPA believes the Site has achieved a CA070NO (no further investigation needed), CA400 (remedy decision), CA550-NR (remedy construction complete-no remedy), and CA 900 NL (No Controls are Necessary). EPA reserves the right to change, modify or otherwise rescind this determination based on new information or information not available to EPA at the time of this determination.

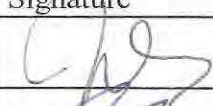


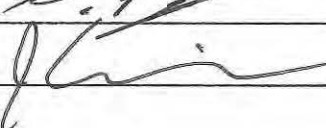
Name	Title	Signature	Date
Joseph Kelly	Project Manager		8/11/14
Reginald Pallesen	Regional Counsel		8/19/14
Greg Rudloff	Supervisor (Acting)		8/13/14
Jose Cisneros	Branch Chief		8/25/14



Figure 1

