

Appendix C Glossary

“Agreed order (AO)” - (1) A written negotiated settlement, to which Indiana Department of Environmental Management (IDEM) is a party, that resolves an enforcement action issued by Indiana Department of Environmental Management (IDEM). (2) The formal legal agreement between the agency and the respondent that contains steps the respondent must take to comply with the law. In most cases, this agreement includes a civil penalty for past violations and stipulated penalties for failure to complete future compliance steps. Where appropriate, the agreement will include, as part of the civil penalty, an addition of economic benefit realized by the respondent for noncompliance. (3) The formal legal agreement between the agency and the owner and operator of a hazardous or solid waste facility. The AO specifies the actions that must be taken by the owner and operator to comply with the law.

“Applicable or relevant and appropriate requirements (ARARs)” - ARARs are defined by the National Oil and Hazardous Substances Contingency Plan (NCP) at 40 CFR 300.5 as “...those clean-up standards, standards of control, and other substantive requirements, criteria or limitations promulgated under federal environmental or state environmental or facility citing laws that specifically address a hazardous substance, pollutant, contaminant, remedial action, location or other circumstance found at a CERCLA site.” ARARs are identified during the RI/FS to help screen potential remedial actions at a Superfund site.

“Applicant” - The individual, agency, political subdivision, corporation, limited liability company, partnership, association or other entity that applies to the Indiana Department of Environmental Management for a decision, a permit or other approval to conduct a proposed activity.

“Branch chief (BC)” - A second-level agency supervisor responsible for managing section chiefs and nonsupervisory agency staff.

“Brownfield” - A parcel of real estate that is abandoned or inactive; or may not be operated at its appropriate use; and on which expansion or redevelopment is complicated because of the presence or potential presence of a hazardous substance, a contaminant, petroleum, or a petroleum product that poses a risk to human health and the environment (*IC 13-11-2-19.3*).

“Brownfields no further action (NFA) letter” - A letter issued to a party that demonstrates current levels of petroleum contaminants of concern at the brownfield site substantially meet current cleanup criteria as established by the Indiana Department of Environmental Management (IDEM) under the *Remediation Closure Guide*. The potential liability of the party requesting the letter is not addressed. The NFA states that based on a technical analysis of information submitted to IDEM pertaining to site conditions, IDEM concludes that current conditions do not present a threat to human health or the environment and that IDEM does not plan to take a response action at the brownfield site.

“Closure” - IDEM’s written recognition that a party has demonstrated attainment of remediation objectives in a particular area. The written instrument for this decision varies by remediation program. Under the Resource Conservation and Recovery Act, closure refers to a series of formal procedures required to end the operation of a permitted treatment, storage, or disposal unit.

“Code of federal regulations (CFR)” - A codification of the general and permanent rules published in the Federal Register by the executive departments and agencies of the federal government.

“Combined sewer overflows (CSO)” - (1) Overflows from sewers designed and constructed to transport both storm water and raw sewage. (2) A system that is a combination of sanitary and storm water. Also refers to an event which occurs when excess flow occurs within a combined sewer system, thus releasing untreated wastewater directly into a body of water. CSOs require a discharge permit. (3) A combined sewer overflow is the combination of sanitary sewage and storm water in the same conduit (*sewer pipe*).

“Comfort letter (CL)” - A liability clarification letter issued to a party that qualifies for an applicable exemption to liability found in Indiana law or the Indiana Department of Environmental Management (IDEM) policy, but is not a legal release from liability.

“Comment letter” - A letter issued to applicants identifying issues or deficiencies in environmental investigations/remediations that need to be addressed and next steps to achieve closure of the site.

“Comment period” – The time allowed from the date a notice is published within which criticisms on and/or suggestions regarding an agency action or decision may be received.

“Commissioner’s order” - The document described by IC 13-30-3-4, issued by the Commissioner when a case is not settled through an agreed order.

“Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)” – Legislation that established the federal Superfund for response to uncontrolled releases of hazardous substances to the environment.

“Comprehensive Environmental Response Compensation and Liability Information System (CERCLIS)” – The U.S. Environmental Protection Agency’s (U.S. EPA’s) inventory and tracking system for potential hazardous waste sites.

“Conceptual site model” – A comprehensive description of a site and the processes by which contamination may move from source(s) to receptor(s).

“Conditional Closure” – A closure that relies on a continuing activity and/or activity restriction to adequately address risk from a release.

“Contaminant” – For purposes of the *Remediation Closure Guide* and the *Remediation Program Guide*, a chemical present at a concentration that exceeds the chemical’s remediation objective.

“Contamination” – (1) The degradation of natural water quality as a result of human activities (See 312 IAC 13-1-10).

(2) The presence in ground water of at least one contaminant in a quantity or concentration that:

- A. Is injurious to human health, plant or animal life, or property;
- B. Interferes unreasonably with the enjoyment of life or property; or
- C. Otherwise violates:
 - a. Environmental management laws; or
 - b. Rules adopted under environmental management laws (IC 13-11-2-43).

“Covenant not to sue (CNTS)” - A document limiting liability issued by the governor as defined by IC 13-25-5-18.

“Defense-State Memorandum of Agreement (DSMOA)” – An agreement between a state and the U.S. Department of Defense (DoD) that establishes a partnership for environmental restoration fostering communication and cooperation on specified installations. The DSMOA provides for reimbursement to the state by DoD for costs of providing specified types of assistance (*eligible services*) for environmental restoration at specified DoD facilities.

“Emergency measures” - (328 IAC 1-1-5.1) Any work described under IC 13-23-8-4(b) (1). The term only includes the necessary work performed to directly abate the following conditions related to a release:

- (1) Petroleum or petroleum constituents are detected in indoor air in an inhabitable building greater than short term risk-based concentrations under IC 13-12-3-2 for the contaminants.
- (2) Petroleum or petroleum constituents, greater than 10 percent of the measured lower explosive limits, are detected anywhere in utility conduits, such as sewers.
- (3) Petroleum or petroleum constituents are detected as free product or sheen in utility conduits or surface water.
- (4) Petroleum or petroleum constituents are detected as free product off-site, not including easements or rights-of-way.
- (5) Petroleum or petroleum constituents are detected at or above the maximum contamination levels (MCLs) or RISC residential ground water cleanup objectives under IC 13-12-3-2(a):
 - (A) In a drinking water well, as measured at the point of compliance or at the tap; or
 - (B) Within one year time of travel from a public drinking water well, and the petroleum or petroleum constituents are in imminent danger of impacting drinking water.
- (6) Any other condition requiring direct abatement, as specified by the commissioner, based on the potential threat to human health or the environment.

“Emergency Response Section (ERS)” - The section of the Office of Land Quality, Compliance and Response Branch responsible for response to emergency environmental releases throughout Indiana. This section also is responsible for, but not limited to, clean-up activities relating to emergency releases.

“Engineering controls” – Physical barriers designed and maintained to prevent humans or other receptors from being exposed to contaminated environmental media.

“Environmental restrictive covenant (ERC)” – A legal and administrative measure to protect human health and the environment at sites where contamination is left in place. ERCs limit human exposure by restricting activity, use, and access to properties with contamination. Restrictive covenants can be enforced by the state against current and future property owners.

“Environmental restrictive ordinance (ERO)” - An ordinance adopted by a municipal corporation that limits, regulates, or prohibits withdrawal, human consumption, and any other use of ground water.

“Fact sheet” – An agency authorized document used to provide information to external stakeholders on a specific environmental topic or issue.

“FastTRACK” - A streamlined approach to LUST site characterization that reduces the amount of information submitted to IDEM during the iterative step-out phases of the site characterization and IDEM expedites review and comments. It is designed to complete site characterization within one year from the confirmed release date.

“Federal-lead sites” – Sites for which the U.S. Environmental Protection Agency has the lead enforcement role, responsible for directing the majority of work and requires the submission of reports on a semi-annual basis.

“Hazard ranking system (HRS)” – U.S. Environmental Protection Agency’s principal mechanism for placing sites on the NPL.

“Hazardous substance” - Set forth in Section 101 of CERCLA (*42 U.S.C. 9601*). Any substance that the solid waste management board determines to be hazardous under environmental management laws pursuant to IC 13-11-2-98. Refer to the list of hazardous substances found at www.epa.gov/oust/faqs/hazusts.htm.

“Health and safety plan” - A site safety plan as outline and required under 29 CFR 1910.120.

“Incident number” - A unique number generated by the Underground storage tank/ Leaking underground storage tank/ Community right to know/ Emergency response System (ULCERS) database and assigned to a spill notification call when the minimum required data fields are filled.

“Incident report” - An electronic form filled out by emergency response staff to record data regarding spills of hazardous materials, petroleum and objectionable substances.

“Indiana Code (IC)” - The codification of laws enacted by the Indiana General Assembly that is maintained by the Indiana Legislative Council.

“Indiana Department of Environmental Management (IDEM)” - An agency of Indiana State Government.

“Institutional Controls” – Administratively or legally enforceable measures that limit human exposure to contaminants that exceed residential remediation objectives.

“Maximum contaminant level (MCL)” – Maximum concentration of a chemical allowed in drinking water systems by the National Primary Drinking Water regulation (40 CFR 141.22 [*inorganic chemicals*] and 141.61 [*organic chemicals*]).

“Memorandum of agreement (MOA)” - A partnership agreement, in which the two parties have a common goal. Memorandums of Agreement are (*generally*) limited to state and federal agencies, whereby (*generally*) both parties have duties under the agreement, which involve financial obligations.

“Memorandum of understanding (MOU)” - A partnership agreement, in which the two parties have a common goal. Memorandums of Understanding are limited to: Agency to state agencies, agency to local government entities, agency to recognized state committees, agency to recognized state educational institutions and agency to federal agencies, whereby (*generally*) both parties have duties under the agreement, which do not (*generally*) involve payments.

“Monitoring well” - A well installed to obtain hydrogeological information or to monitor the quality or quantity of ground water (312 IAC 13-1-18).

“National Contingency Plan (NCP)” - Regulation that establishes roles, responsibilities and authorities for responding to hazardous substance releases. The NCP established the HRS as the principal mechanism for placing sites on the NPL.

“National Oil and Hazardous Substances Contingency Plan (NCP)” – The rules that implement CERCLA.

“National Priorities List (NPL)” - Under the Superfund Program, the list of releases and potential releases of hazardous substances pollutants, and contaminants that appear to pose the greatest threat to public health, welfare and the environment.

“No further remedial action planned (NFRAP)” – A site disposition decision that further response under the Federal Superfund Program is not necessary.

“Nonrule policy document (NPD)” - Indiana Department of Environmental Management (IDEM) agency statement or policy that is consistent with IC 13-14-1-11.5(a) that:

- A. Interprets, supplements or implements state environmental statutes or rules;
- B. Has not undergone the rulemaking process established in IC 4-22-2;
- C. Is not intended by the agency to have the effect of law; and
- D. Is not related solely to internal agency organization; but that has been made available for public inspection, comment and presented to the appropriate State Environmental Board(s) as required by IC 13-14-1-11.5(a).

“Notice” - Announcements to the public about pending and completed actions and/or decisions of the agency.

“Office of Land Quality (OLQ)” – The Office of Land Quality (OLQ) within the Indiana Department of Environmental Management (IDEM).

“Office of Legal Counsel (OLC)” - The Office of Legal Counsel (OLC) within the Indiana Department of Environmental Management (IDEM).

“Party” – Any responsible party/person, potentially responsible party/person, participant, applicant or owner/ operator who interacts with IDEM in regard to a site that is or may be contaminated.

“Permit” - Any written authorization, license or equivalent document to regulate the discharge of pollutant(s), the construction of wastewater treatment facilities or land application of sludge or waste products.

“Permit manager” - Nonsupervisory agency staff responsible for overseeing the permit process in their respective program area (*for example, approvals, denials, correspondence, applications, review, etc.*).

“Person” - An individual, a corporation, a limited liability company, a partnership, an unincorporated association or a governmental entity.

“Petroleum” Petroleum and crude oil or any part of petroleum or crude oil that is liquid at standard conditions of temperature and pressure (*60 degrees Fahrenheit and 14.7 pounds per square inch absolute*) pursuant to IC 13-11-2-160. For purposes of the UST rule, petroleum USTs means an UST system that contains petroleum or a mixture of petroleum with *de minimis* quantities of other regulated substances. Such systems include those containing any of the following: motor fuels, jet fuels, distillate fuel oils, residual fuel oils, lubricants, petroleum solvents, or used oils pursuant to 329 IAC 9-1-36.

“Plan” - A document describing how a task is to be performed or implemented for example, sampling plan.

“Pre-CERCLIS screening (PCS)” - A review of information on potential Superfund sites to determine whether the site should be entered into the CERCLIS database.

“Preliminary assessment (PA)” - A limited-scope investigation performed by states and/or the U.S. Environmental Protection Agency (U.S. EPA) on every CERCLIS site. PA investigators collect readily available information and conduct a site and environs reconnaissance. The PA distinguishes between sites that pose little or no threat to human health and the environment and sites that require further investigation. The PA also identifies sites requiring assessment for possible emergency response actions.

“Product” - A regulated substance (*329 IAC 9-1-38.1*).

“Program Participant or Participant” - The individual, agency, political subdivision, corporation, limited liability company, partnership, association or other entity that voluntarily investigates or remediates a site under a program of the Indiana Department of Environmental Management.

“Project manager” – An employee or representative of the Indiana Department of Environmental Management who has been tasked with conducting/coordinating site related activities. This individual is seen as the director over the site activities and manager of other staff brought on-site to conduct specific portions of the site work.

“Public notice” – A notice published in a local newspaper, or other common source concerning a decision, meeting or hearing.

“Public hearing” - Formal official public meetings where a court reporter or tape recorder documents all questions and comments. A hearing officer presides over hearings. Following a hearing, the court reporter prepares a hearing transcript. The Indiana Department of Environmental Management (IDEM) makes the hearing transcript, with responses, available to the public when announcing the final decision on a proposed action. IDEM programs may hold an informal public meeting before or after a public hearing.

“Public meeting” - Informal meetings with the public during which agency staff present information and answer questions about a proposed action. A public meeting promotes dialogue and discussion, and permit staff try to respond directly to questions from the public. Oral questions and responses are informal at a public meeting. The agency does not document or provide written responses to questions and comments addressed during a meeting. However, the public may submit written comments during a meeting or at any point during a public notice period for a formal agency response.

“Quality assurance project plan (QAPP)” - A formal technical document describing detailed quality assurance/quality control, and other technical procedures to ensure that the quality of environmental data will satisfy stated performance criteria for the data collection activity.

“Quality assurance/quality control (QA/QC)” - An integrated system of management activities involving planning, implementation, documentation, assessment, reporting and quality improvement to ensure that a process, item or service is of the type and quality needed and expected by the client and the overall system of technical activities that measures the attributes and performance of a process, item or service against defined standards to verify that they meet the stated requirements established by the customer; operational techniques and activities that are used to fulfill requirements for quality.

“Record of decision (ROD)/ROD amendment (RODA)/interim ROD” - A public document that documents the remedial action plan for a site or operable unit. The ROD certifies the remedy selection process was carried out in accordance with CERCLA and the NCP, describes the technical parameters of the remedy as well as remediation goals, and provides the public with a consolidated source of information about the site and the chosen remedy, including the rationale behind the selection. It contains site history, site description, site characteristics, community participation, enforcement activities, past and present activities, contaminated media, the contaminants present, scope and role of response action and the remedy selected for cleanup.

“Regulated substance” - For purposes of USTs includes petroleum and hazardous substances but excludes any substance regulated as a hazardous waste under: Subtitle C of the federal Solid Waste Disposal Act, as amended (*42 U.S.C. 6921 through 6939[a]*) or IC 13-22-2-3 pursuant to IC 13-11-2-183.

“Release” - This term has program specific definitions under IC 13-11-2-184. For purposes of the UST system is any spilling, leaking, emitting, discharging, escaping, leaching, or disposing from an underground storage tank into ground water, surface water, subsurface soils or surface soils. In addition, a release for purposes of UST operation is any spilling or overfilling during the transfer of product to and from the UST system or during any upgrade or maintenance activities.

“Remediation objective” – An environmental condition such that exposure will not occur that results in unacceptable risk to receptors. Remediation objectives are based on levels of contamination that may include screening levels, site-specific levels, and background concentrations.

“Remediation Services Branch (RSB)” - A collection of sections in the OLQ responsible for oversight of various environmental remediation programs.

“Remediation Work Plan” - Document that provides a comprehensive summary of site conditions and the remedy proposed to remediate a site.

“Remedy” – One or more measures taken to reduce risks to human health and/or the environment arising from a contaminant release. Measures may include contaminant treatment, contaminant removal, institutional controls, or engineered controls, alone or in combination.

“Resource Conservation and Recovery Act (RCRA)” – Federal legislation that established cradle-to-grave accountability for hazardous wastes, from the point of generation to the point of disposal.

“Responsible Party (RP)” - The individual, company, group, or other entity legally responsible for areas where contaminants are known to have been released, or legally responsible for compliance under state or federal environmental regulations.

“Sampling and analysis plan (SAP)” – A site-specific plan detailing sampling rationale, protocols, and analyses. The protocols provide for documentation of all field work.

“Screening level” – A contaminant-specific concentration level that IDEM has determined to be sufficiently protective at any site, provided it is applied under appropriate land use scenarios.

“Section chief (SC)” – A first-level agency supervisor responsible for managing nonsupervisory agency staff.

“Site” - The geographical area where environmental chemical of concern evaluation is desired. This may consist of an entire facility and surrounding property or a single area of concern within a facility or property, depending upon the applicable regulatory program. For the purposes of IC 13-25-5, site means a parcel of real property for which an application has been submitted under IC 13-25-5-2.

“Site investigations (SI)” - Section in the Office of Land Quality responsible for assessing potential hazardous waste sites and prioritizing them for cleanup.

“Site status letter (SSL)” - A letter issued to a party that demonstrates that current levels of contaminants at the brownfield substantially meet remediation objectives as established by the Indiana Department of Environmental Management (IDEM) under the *Remediation Closure Guide*. The potential liability of the party requesting the letter is not addressed. The SSL states that based on a technical analysis of information submitted to IDEM pertaining to site conditions, IDEM concludes that current conditions do not present a threat to human health or the environment and that IDEM does not plan to take a response action at the brownfield site.

“Solid waste”- A waste classification that includes garbage, refuse, sludge or other discarded material, including solid, liquid, semi-solid or contained gaseous material resulting from industrial, commercial, mining or agricultural operations or from community activities.

“Solid waste facility” - A facility that produces, transports, stores or disposes of solid waste as defined in 40 CFR 261 Subpart A.

“Solid waste management unit (SWMU)” - Any discernable unit, permitted or unpermitted, existing or historical, at which solid wastes have been placed at any time, irrespective of whether the unit was intended for the management of solid or hazardous waste. Such units include any area at which hazardous constituents have been routinely and systematically released.

“Spills” - Spills are defined in 327 IAC 2-6.1. In general a spill is any unauthorized release of a hazardous material, petroleum or any other substance that due to the volume released, the toxicity of the substance or the location of the release results in damage or potential damage to water, including ground water.

“Spill Line” - The 24 hour spill reporting telephone hotline established by 327 IAC 2-6.1. Parties responsible for spills covered by 327 IAC 2-6 are required to report the spills by dialing (888) 233-7745 or (317) 233-7745.

“State-lead sites” – Superfund sites for which Indiana Department of Environmental Management (IDEM) has the lead enforcement role and is responsible for directing the majority of work.

“Unconditional Closure” – A closure that adequately addresses risk from a release without relying on any continuing activity and/or activity restriction.

“Underground storage tank (UST)” - A tank or a combination of tanks, including underground pipes connected to the tank or combination of tanks that is used to contain an accumulation of regulated substances and the volume of which, including the volume of the underground connected pipes, is at least 10 percent beneath the surface of the ground.

“Underground Storage Tank (UST) Section” - The section within the Office of Land Quality, Compliance and Response Branch responsible for compliance of underground storage tank systems in Indiana.

“U.S. Environmental Protection Agency (U.S. EPA)” – An agency of the federal government charged with protecting human health and with safeguarding the natural environment: air, water and land.

“Virtual file cabinet (VFC)” - The agency’s electronic digital image document repository system, that stores, files, indexes, redacts, reassembles and securely accesses electronic documents of all types both received and created by the various program areas within the agency.

“Wellhead protection area (WHPA)” - The surface and subsurface area delineated by fixed radius, hydrogeological mapping, and analytical, semi-analytical or numerical flow/solute transport methods, which contributes water to a community public water supply system production well or well field and through which contaminants are likely to move through and reach the well within a specified period.

“Wetland” - Those areas classified as jurisdictional wetlands or jurisdictional waters of the U.S. by the U.S. Army Corps of Engineers under the authority from the Clean Water Act.

“Work plan” – A site-specific document that includes project description, project objective, site history, and rationale for sampling locations, chemical analysis request, quality assurance, quality control and may include the Health and Safety Plan.