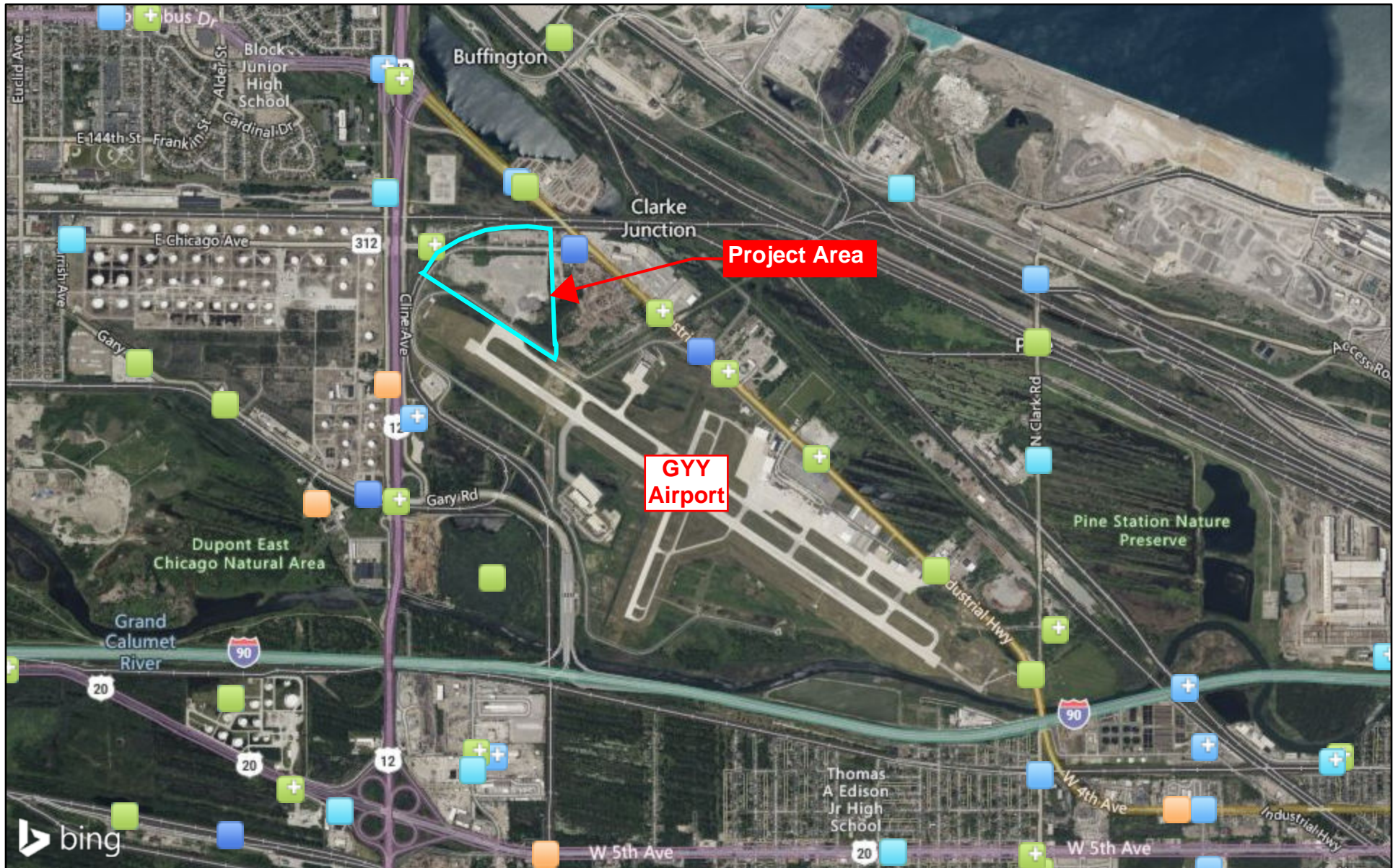


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## Appendix F – Hazardous Materials

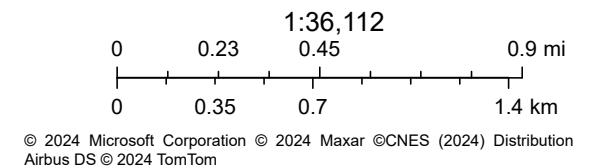
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# NEPAssist Map EPA Facilities



September 16, 2024







- |  |                            |  |                            |  |                           |
|--|----------------------------|--|----------------------------|--|---------------------------|
|  | Toxic Releases (TRI)       |  | Hazardous Waste (RCRAInfo) |  | Brownfields (ACRES)       |
|  | Toxic Releases (TRI)       |  | Air Pollution (ICIS-AIR)   |  | Water Dischargers (NPDES) |
|  | Hazardous Waste (RCRAInfo) |  | Air Pollution (ICIS-AIR)   |  | Water Dischargers (NPDES) |

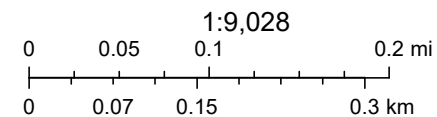


# NEPAssist Map EPA Facilities (Zoomed)



September 20, 2024

- |   |  |   |
|---|--|---|
|  Water Dischargers (NPDES) |  Toxic Releases (TRI)       |  Hazardous Waste (RCRAInfo) |
|  Brownfields (ACRES)       |  Hazardous Waste (RCRAInfo) |  Air Pollution (ICIS-AIR)   |



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Airbus DS © 2024 TomTom



# Detailed Facility Report

## Facility Summary

GARY CITY

7360 W CHICAGO AVE, GARY, IN 46406

FRS (Facility Registry Service) ID: 110003075831

EPA Region: 05

Latitude: 41.62874

Longitude: -87.42661

Locational Data Source: FRS

Industries: Crop Production

Indian Country: N

## Enforcement and Compliance Summary

Statute	RCRA
Compliance Monitoring Activities (5 years)	--
Date of Last Compliance Monitoring Activity	11/30/2006
Compliance Status	No Violation Identified
Qtrs in Noncompliance (of 12)	0
Qtrs with Significant Violation	0
Informal Enforcement Actions (5 years)	--
Formal Enforcement Actions (5 years)	--
Penalties from Formal Enforcement Actions (5 years)	--
EPA Cases (5 years)	--
Penalties from EPA Cases (5 years)	--

## Regulatory Information

Clean Air Act (CAA): No Information

Clean Water Act (CWA): No Information

Resource Conservation and Recovery Act (RCRA): Inactive Other, (IND016336232)

Safe Drinking Water Act (SDWA): No Information

Go To Enforcement/Compliance Details

Known Data Problems <<https://epa.gov/resources/echo-data/known-data-problems>>

## Other Regulatory Reports

Air Emissions Inventory (EIS): No Information

Greenhouse Gas Emissions (eGGRT): No Information

Toxic Releases (TRI): No Information

Compliance and Emissions Data Reporting Interface (CEDRI): No Information

## Facility/System Characteristics

### Facility/System Characteristics

System	Statute	Identifier	Universe	Status	Areas	Permit Expiration Date	Indian Country	Latitude	Longitude
FRS		110003075831					N	41.62874	-87.42661
RCRAInfo	RCRA	IND016336232	Other	Inactive ( )			N	41.62872	-87.426805

Facility Address

System	Statute	Identifier	Facility Name	Facility Address	Facility County
FRS		110003075831	GARY CITY	7360 W CHICAGO AVE, GARY, IN 46406	Lake County
RCRAInfo	RCRA	IND016336232	GARY CITY	7360 W CHICAGO AVE, GARY, IN 46406	Lake County

Facility SIC (Standard Industrial Classification) Codes

System	Identifier	SIC Code	SIC Description
--------	------------	----------	-----------------

No data records returned

Facility NAICS (North American Industry Classification System) Codes

System	Identifier	NAICS Code	NAICS Description
RCRAInfo	IND016336232	11111	Soybean Farming

Facility Tribe Information

Reservation Name	Tribe Name	EPA Tribal ID	Distance to Tribe (miles)
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No data records returned

Enforcement and Compliance

Compliance Monitoring History

Last 5 Years

Statute	Source ID	System	Activity Type	Compliance Monitoring Type	Lead Agency	Date	Finding (if applicable)
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No data records returned

Entries in italics are not included in ECHO's Compliance Monitoring Activity counts because they are not compliance monitoring strategy  
<<https://www.epa.gov/compliance/compliance-monitoring-programs>> activities or because they are not counted as inspections within EPA's Annual Results  
<<https://www.epa.gov/enforcement/enforcement-data-and-results>>.

Compliance Summary Data

Statute	Source ID	Current SNC (Significant Noncompliance)/HPV (High Priority Violation)	Current As Of	Qtrs with NC (Noncompliance) (of 12)	Data Last Refreshed
RCRA	IND016336232	No	08/24/2024	0	08/23/2024

Three-Year Compliance History by Quarter

Statute	Program/Pollutant/Violation Type	QTR 1	QTR 2	QTR 3	QTR 4	QTR 5	QTR 6	QTR 7	QTR 8	QTR 9	QTR 10	QTR 11
RCRA	(Source ID: IND016336232)	10/01-12/31/21	01/01-03/31/22	04/01-06/30/22	07/01-09/30/22	10/01-12/31/22	01/01-03/31/23	04/01-06/30/23	07/01-09/30/23	10/01-12/31/23	01/01-03/31/24	04/01-06/30/24
	Facility-Level Status	No Violation Identified	No Violation Identified	No Violation Identified	No Violation Identified	No Violation Identified	No Violation Identified	No Violation Identified	No Violation Identified	No Violation Identified	No Violation Identified	No Violation Identified
	Violation	Agency										

Informal Enforcement Actions

Last 5 Years

Statute	System	Source ID	Type of Action	Lead Agency	Date
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No data records returned

Entries in italics are not counted as "informal enforcement actions" in EPA policies pertaining to enforcement response tools.

Formal Enforcement Actions

Last 5 Years

Statute	System	Law/Section	Source ID	Type of Action	Case No.	Lead Agency	Case Name	Issued/ Filed Date	Settlements/ Actions	Settlement/ Action Date	Federal Penalty Assessed	State/ Local Penalty Assessed	Penalty Amount Collected	SEP Value	Comp Action Cost
---------	--------	-------------	-----------	----------------	----------	-------------	-----------	--------------------	----------------------	-------------------------	--------------------------	-------------------------------	--------------------------	-----------	------------------

No data records returned

Environmental Conditions

Watersheds

12-Digit WBD (Watershed Boundary Dataset) HUC (RAD (Reach Address Database))	WBD (Watershed Boundary Dataset) Subwatershed Name (RAD (Reach Address Database))	State Water Body Name (ICIS (Integrated Compliance Information System))	Beach Closures Within Last Year	Beach Closures Within Last Two Years	Pollutants Potentially Related to Impairment	Watershed with ESA (Endangered Species Act)-listed Aquatic Species?
--	---	---	---------------------------------	--------------------------------------	--	---

No data records returned

Assessed Waters From Latest State Submission (ATTAINS)

State	Report Cycle	Assessment Unit ID	Assessment Unit Name	Water Condition	Cause Groups Impaired	Drinking Water Use	Ecological Use	Fish Consumption Use	Recreation Use	Other Use
-------	--------------	--------------------	----------------------	-----------------	-----------------------	--------------------	----------------	----------------------	----------------	-----------

No data records returned

Air Quality Nonattainment Areas

Pollutant	Within Nonattainment Status Area?	Nonattainment Status Applicable Standard(s)	Within Maintenance Status Area?	Maintenance Status Applicable Standard(s)
Ozone	Yes	1-Hour Ozone (1979); 8-Hour Ozone (2015)	Yes	8-Hour Ozone (2008)
Lead	No	--	No	--
Particulate Matter	No	--	Yes	PM-2.5 (1997); PM-10 (1987)
Carbon Monoxide	No	--	No	--
Sulfur Dioxide	No	--	No	--

Pollutants

Toxics Release Inventory History of Reported Chemicals Released or Transferred in Pounds per Year at Site

TRI Facility ID	Year	Air Emissions	Surface Water Discharges	Off-Site Transfers to POTWs (Publicly Owned Treatment Works)	Underground Injections	Disposal to Land	Total On-Site Releases	Total Off-Site Transfers
-----------------	------	---------------	--------------------------	--	------------------------	------------------	------------------------	--------------------------

No data records returned

Toxics Release Inventory Total Releases and Transfers in Pounds by Chemical and Year

Chemical Name
---------------

No data records returned

Community

Environmental Justice

This section shows indexes from EJScreen, EPA's screening tool for environmental justice (EJ) concerns. EPA uses these indexes to identify geographic areas that may warrant further consideration or analysis for potential EJ concerns. Use of these indexes does not designate an area as an "EJ community" or "EJ facility." EJScreen provides screening level indicators, not a determination of the existence or absence of EJ concerns. For more information, see the EJScreen home page.

Potential Environmental Justice Concerns

Supplemental/EJ index percentiles >= 90 (Census block group)

Supplemental/EJ index percentiles >= 90 (1-mile average)

EJScreen Indexes Shown

Index Type

Supplemental (default)

Related Reports

EJScreen Community Report

Download Data

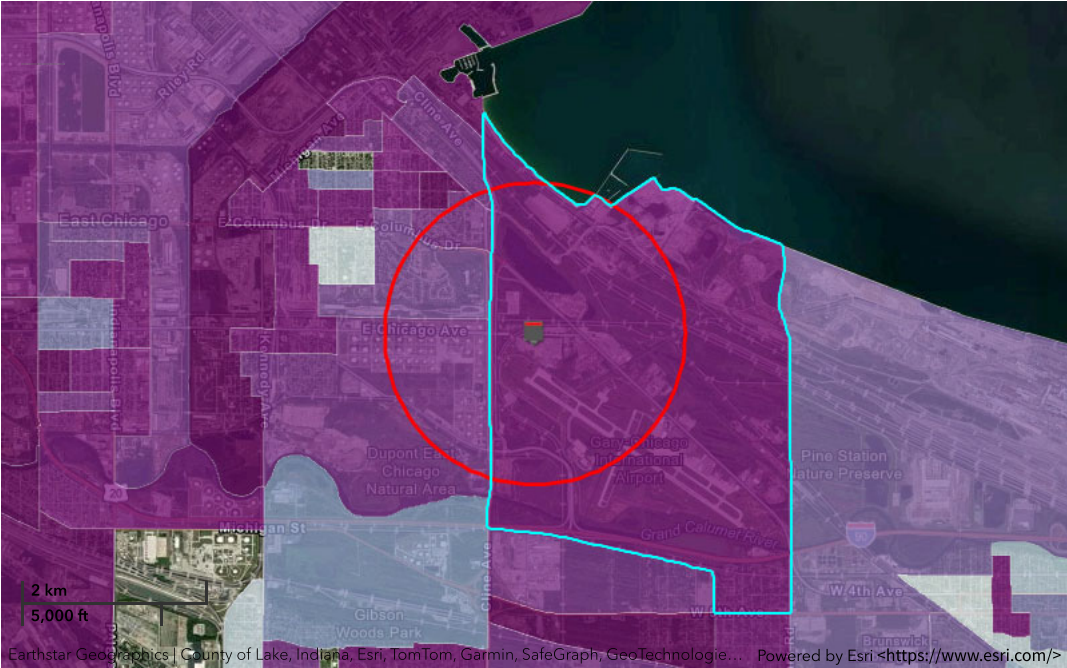
Census Block Group ID: 180890103044	US (Percentile)			State (Percentile)		
Supplemental Indexes	Facility Census Block Group	1-mile Avg	1-mile Max	Facility Census Block Group	1-mile Avg	1-mile Max
Count of Indexes At or Above 90th Percentile	6	7	10	7	7	11
Particulate Matter 2.5	92	91	96	90	91	95
Ozone	90	89	95	95	94	98
Diesel Particulate Matter	89	88	94	89	87	94
Air Toxics Cancer Risk	44	43	48	0	0	--
Air Toxics Respiratory Hazard Index	69	68	77	87	85	93
Toxic Releases to Air	94	93	97	93	92	97
Traffic Proximity	87	83	94	90	87	97
Lead Paint	93	90	93	92	87	92
Risk Management Plan (RMP) Facility Proximity	86	92	97	82	93	98
Hazardous Waste Proximity	84	90	96	86	91	97
Superfund Proximity	94	93	97	93	91	97
Underground Storage Tanks (UST)	81	89	97	76	89	98
Wastewater Discharge	94	93	97	94	93	98

Map Display Based on: ☒ US ☐ State

Display Map Layer 

Summary - Number of Indexes

☐ Facility 1-mile Radius ☐ Facility Census Block Group



Demographic Profile of Surrounding Area (1-Mile Radius)

This section provides demographic information regarding the community surrounding the facility. ECHO compliance data alone are not sufficient to determine whether violations at a particular facility had negative impacts on public health or the environment. Statistics are based upon the 2010 U.S. Census and 2017 - 2021 American Community Survey (ACS) 5-year Summary and are accurate to the extent that the facility latitude and longitude listed below are correct. Census boundaries and demographic data for U.S. Territories are based on the "2020 Island Areas Demographic Profiles" from the U.S. Census Bureau. EPA's spatial processing methodology considers the overlap between the selected radii and the census blocks (for U.S. Census demographics) and census block groups (for ACS demographics) in determining the demographics surrounding the facility. For more detail about this methodology, see the DFR Data Dictionary <<https://epa.gov/help/reports/df-data-dictionary#demographic>>.

General Statistics (U.S. Census)		Age Breakdown (U.S. Census) - Persons (%)	
Total Persons	1,109	Children 5 years and younger	59 (5%)
Population Density	366/sq.mi.	Minors 17 years and younger	202 (18%)
Housing Units in Area	469	Adults 18 years and older	906 (82%)
General Statistics (ACS (American Community Survey))		Seniors 65 years and older	273 (25%)
Total Persons	2,343	Race Breakdown (U.S. Census) - Persons (%)	
Percent People of Color	93%	White	343 (31%)
Households in Area	933	African-American	585 (53%)
Households on Public Assistance	25	Hispanic-Origin	488 (44%)
Persons With Low Income	925	Asian/Pacific Islander	0 (0%)
Percent With Low Income	40%	American Indian	6 (1%)
Geography		Other/Multiracial	174 (16%)
Radius of Selected Area	1 mi.	Education Level (Persons 25 & older) (ACS (American Community Survey)) - Persons (%)	
Center Latitude	41.62874	Less than 9th Grade	243 (14.93%)
Center Longitude	-87.42661	9th through 12th Grade	201 (12.35%)
Land Area	100%	High School Diploma	607 (37.29%)
Water Area	0%	Some College/2-year	292 (17.94%)
Income Breakdown (ACS (American Community Survey)) - Households (%)		B.S./B.A. (Bachelor of Science/Bachelor of Arts) or More	212 (13.02%)
Less than \$15,000	91 (9.76%)		
\$15,000 - \$25,000	94 (10.09%)		

Income Breakdown (ACS (American Community Survey)) - Households (%)	
\$25,000 - \$50,000	240 (25.75%)
\$50,000 - \$75,000	118 (12.66%)
Greater than \$75,000	389 (41.74%)

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# Detailed Facility Report

Facility Summary

**SOLAR ENVIRONMENTAL, INC.**

**6980 CHICAGO AVE, GARY, IN 46406**

**FRS (Facility Registry Service) ID:** 110003109546

**EPA Region:** 05

**Latitude:** 41.6287

**Longitude:** -87.42318

**Locational Data Source:** FRS

**Industries:** Crop Production

**Indian Country:** N

## Enforcement and Compliance Summary

Statute	RCRA
Compliance Monitoring Activities (5 years)	--
Date of Last Compliance Monitoring Activity	06/08/2007
Compliance Status	No Violation Identified
Qtrs in Noncompliance (of 12)	0
Qtrs with Significant Violation	0
Informal Enforcement Actions (5 years)	--
Formal Enforcement Actions (5 years)	--
Penalties from Formal Enforcement Actions (5 years)	--
EPA Cases (5 years)	--
Penalties from EPA Cases (5 years)	--

## Regulatory Information

**Clean Air Act (CAA):** No Information

**Clean Water Act (CWA):** No Information

**Resource Conservation and Recovery Act (RCRA):** Inactive Other, (IND984899740)

**Safe Drinking Water Act (SDWA):** No Information

Go To Enforcement/Compliance Details

Known Data Problems <<https://epa.gov/resources/echo-data/known-data-problems>>

## Other Regulatory Reports

**Air Emissions Inventory (EIS):** No Information

**Greenhouse Gas Emissions (eGGRT):** No Information

**Toxic Releases (TRI):** No Information

**Compliance and Emissions Data Reporting Interface (CEDRI):** No Information

### Facility/System Characteristics

## Facility/System Characteristics

System	Statute	Identifier	Universe	Status	Areas	Permit Expiration Date	Indian Country	Latitude	Longitude
FRS		110003109546					N	41.6287	-87.42318
RCRAInfo	RCRA	IND984899740	Other	Inactive ( )			N	41.628744	-87.42318

Facility Address

System	Statute	Identifier	Facility Name	Facility Address	Facility County
FRS		110003109546	SOLAR ENVIRONMENTAL, INC.	6980 CHICAGO AVE, GARY, IN 46406	Lake County
RCRAInfo	RCRA	IND984899740	OSI ENVIRONMENTAL INCORPORATED	6980 CHICAGO AVE, GARY, IN 46406	Lake County

Facility SIC (Standard Industrial Classification) Codes

System	Identifier	SIC Code	SIC Description
--------	------------	----------	-----------------

No data records returned

Facility NAICS (North American Industry Classification System) Codes

System	Identifier	NAICS Code	NAICS Description
RCRAInfo	IND984899740	11111	Soybean Farming

Facility Tribe Information

Reservation Name	Tribe Name	EPA Tribal ID	Distance to Tribe (miles)
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No data records returned

Enforcement and Compliance

Compliance Monitoring History

Last 5 Years

Statute	Source ID	System	Activity Type	Compliance Monitoring Type	Lead Agency	Date	Finding (if applicable)
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No data records returned

Entries in italics are not included in ECHO's Compliance Monitoring Activity counts because they are not compliance monitoring strategy  
<<https://www.epa.gov/compliance/compliance-monitoring-programs>> activities or because they are not counted as inspections within EPA's Annual Results  
<<https://www.epa.gov/enforcement/enforcement-data-and-results>>.

Compliance Summary Data

Statute	Source ID	Current SNC (Significant Noncompliance)/HPV (High Priority Violation)	Current As Of	Qtrs with NC (Noncompliance) (of 12)	Data Last Refreshed
RCRA	IND984899740	No	08/24/2024	0	08/23/2024

Three-Year Compliance History by Quarter

Statute	Program/Pollutant/Violation Type	QTR 1	QTR 2	QTR 3	QTR 4	QTR 5	QTR 6	QTR 7	QTR 8	QTR 9	QTR 10	QTR 11
RCRA (Source ID: IND984899740)		10/01-12/31/21	01/01-03/31/22	04/01-06/30/22	07/01-09/30/22	10/01-12/31/22	01/01-03/31/23	04/01-06/30/23	07/01-09/30/23	10/01-12/31/23	01/01-03/31/24	04/01-06/30/24
	Facility-Level Status	No Violation Identified	No Violation Identified	No Violation Identified	No Violation Identified	No Violation Identified	No Violation Identified	No Violation Identified	No Violation Identified	No Violation Identified	No Violation Identified	No Violation Identified
	Violation	Agency										

Informal Enforcement Actions

Last 5 Years

Statute	System	Source ID	Type of Action	Lead Agency	Date
---------	--------	-----------	----------------	-------------	------

No data records returned

Entries in italics are not counted as "informal enforcement actions" in EPA policies pertaining to enforcement response tools.

Formal Enforcement Actions

Last 5 Years

Statute	System	Law/ Section	Source ID	Type of Action	Case No.	Lead Agency	Case Name	Issued/ Filed Date	Settlements/ Actions	Settlement/ Action Date	Federal Penalty Assessed	State/ Local Penalty Assessed	Penalty Amount Collected	SEP Value	Comp Action Cost
---------	--------	--------------	-----------	----------------	----------	-------------	-----------	--------------------	----------------------	-------------------------	--------------------------	-------------------------------	--------------------------	-----------	------------------

No data records returned

Environmental Conditions

Watersheds

12-Digit WBD (Watershed Boundary Dataset) HUC (RAD (Reach Address Database))	WBD (Watershed Boundary Dataset) Subwatershed Name (RAD (Reach Address Database))	State Water Body Name (ICIS (Integrated Compliance Information System))	Beach Closures Within Last Year	Beach Closures Within Last Two Years	Pollutants Potentially Related to Impairment	Watershed with ESA (Endangered Species Act)-listed Aquatic Species?
--	---	---	---------------------------------	--------------------------------------	--	---

No data records returned

Assessed Waters From Latest State Submission (ATTAINS)

State	Report Cycle	Assessment Unit ID	Assessment Unit Name	Water Condition	Cause Groups Impaired	Drinking Water Use	Ecological Use	Fish Consumption Use	Recreation Use	Other Use
-------	--------------	--------------------	----------------------	-----------------	-----------------------	--------------------	----------------	----------------------	----------------	-----------

No data records returned

Air Quality Nonattainment Areas

Pollutant	Within Nonattainment Status Area?	Nonattainment Status Applicable Standard(s)	Within Maintenance Status Area?	Maintenance Status Applicable Standard(s)
Ozone	Yes	1-Hour Ozone (1979); 8-Hour Ozone (2015)	Yes	8-Hour Ozone (2008)
Lead	No	--	No	--
Particulate Matter	No	--	Yes	PM-2.5 (1997); PM-10 (1987)
Carbon Monoxide	No	--	No	--
Sulfur Dioxide	No	--	No	--

Pollutants

Toxics Release Inventory History of Reported Chemicals Released or Transferred in Pounds per Year at Site

TRI Facility ID	Year	Air Emissions	Surface Water Discharges	Off-Site Transfers to POTWs (Publicly Owned Treatment Works)	Underground Injections	Disposal to Land	Total On-Site Releases	Total Off-Site Transfers
-----------------	------	---------------	--------------------------	--	------------------------	------------------	------------------------	--------------------------

No data records returned

Toxics Release Inventory Total Releases and Transfers in Pounds by Chemical and Year

Chemical Name
---------------

No data records returned

Community

Environmental Justice

This section shows indexes from EJScreen, EPA's screening tool for environmental justice (EJ) concerns. EPA uses these indexes to identify geographic areas that may warrant further consideration or analysis for potential EJ concerns. Use of these indexes does not designate an area as an "EJ community" or "EJ facility." EJScreen provides screening level indicators, not a determination of the existence or absence of EJ concerns. For more information, see the EJScreen home page.

Potential Environmental Justice Concerns

Supplemental/EJ index percentiles >= 90 (Census block group)

Supplemental/EJ index percentiles >= 90 (1-mile average)

EJScreen Indexes Shown

Index Type

Supplemental (default)

Related Reports

EJScreen Community Report

Download Data

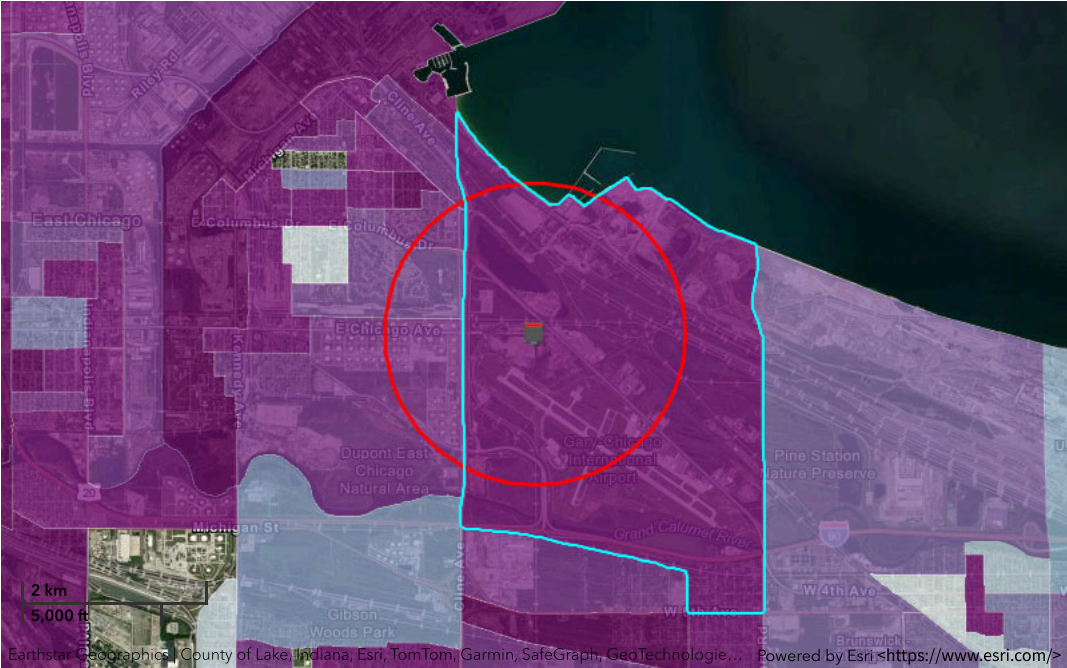
Census Block Group ID: 180890103044	US (Percentile)			State (Percentile)		
Supplemental Indexes	Facility Census Block Group	1-mile Avg	1-mile Max	Facility Census Block Group	1-mile Avg	1-mile Max
Count of Indexes At or Above 90th Percentile	6	7	10	7	7	11
Particulate Matter 2.5	92	92	96	90	91	95
Ozone	90	89	95	95	95	98
Diesel Particulate Matter	89	89	94	89	88	94
Air Toxics Cancer Risk	44	44	48	0	0	--
Air Toxics Respiratory Hazard Index	69	68	77	87	86	93
Toxic Releases to Air	94	93	97	93	92	97
Traffic Proximity	87	83	94	90	87	97
Lead Paint	93	90	93	92	87	92
Risk Management Plan (RMP) Facility Proximity	86	92	97	82	93	98
Hazardous Waste Proximity	84	90	96	86	92	97
Superfund Proximity	94	93	97	93	91	97
Underground Storage Tanks (UST)	81	89	97	76	89	98
Wastewater Discharge	94	94	97	94	93	98

Map Display Based on: ☒ US ☐ State

Display Map Layer

Summary - Number of Indexes

☐ Facility 1-mile Radius ☐ Facility Census Block Group



Demographic Profile of Surrounding Area (1-Mile Radius)

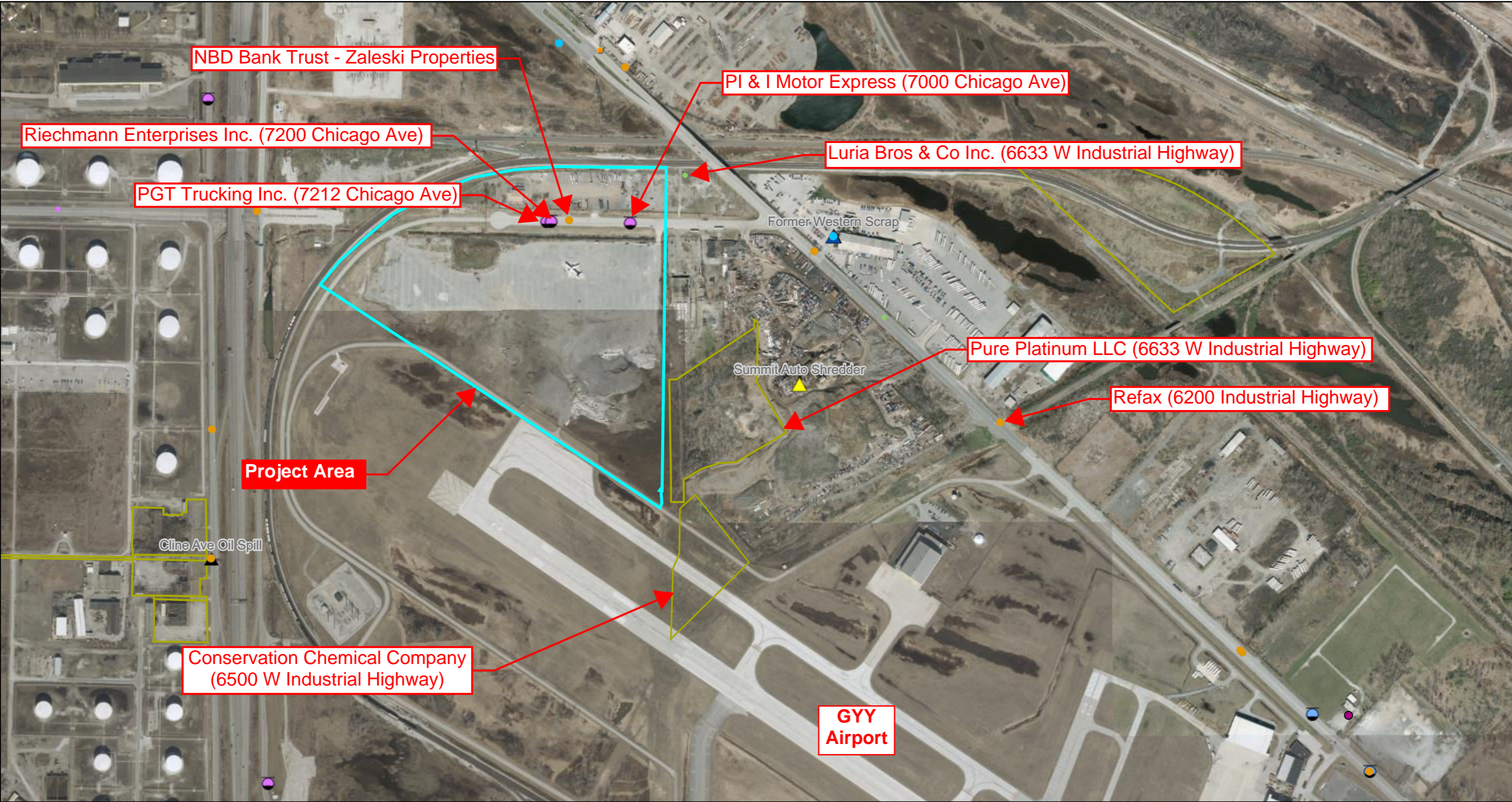
This section provides demographic information regarding the community surrounding the facility. ECHO compliance data alone are not sufficient to determine whether violations at a particular facility had negative impacts on public health or the environment. Statistics are based upon the 2010 U.S. Census and 2017 - 2021 American Community Survey (ACS) 5-year Summary and are accurate to the extent that the facility latitude and longitude listed below are correct. Census boundaries and demographic data for U.S. Territories are based on the "2020 Island Areas Demographic Profiles" from the U.S. Census Bureau. EPA's spatial processing methodology considers the overlap between the selected radii and the census blocks (for U.S. Census demographics) and census block groups (for ACS demographics) in determining the demographics surrounding the facility. For more detail about this methodology, see the DFR Data Dictionary <<https://epa.gov/help/reports/df-data-dictionary#demographic>>.

General Statistics (U.S. Census)		Age Breakdown (U.S. Census) - Persons (%)	
Total Persons	537	Children 5 years and younger	27 (5%)
Population Density	176/sq.mi.	Minors 17 years and younger	83 (15%)
Housing Units in Area	218	Adults 18 years and older	454 (85%)
General Statistics (ACS (American Community Survey))		Seniors 65 years and older	138 (26%)
Total Persons	1,604	Race Breakdown (U.S. Census) - Persons (%)	
Percent People of Color	93%	White	161 (30%)
Households in Area	633	African-American	280 (52%)
Households on Public Assistance	20	Hispanic-Origin	252 (47%)
Persons With Low Income	620	Asian/Pacific Islander	0 (0%)
Percent With Low Income	39%	American Indian	3 (1%)
Geography		Other/Multiracial	93 (17%)
Radius of Selected Area	1 mi.	Education Level (Persons 25 & older) (ACS (American Community Survey)) - Persons (%)	
Center Latitude	41.6287	Less than 9th Grade	180 (15.99%)
Center Longitude	-87.42318	9th through 12th Grade	141 (12.52%)
Land Area	100%	High School Diploma	415 (36.86%)
Water Area	0%	Some College/2-year	200 (17.76%)
Income Breakdown (ACS (American Community Survey)) - Households (%)		B.S./B.A. (Bachelor of Science/Bachelor of Arts) or More	138 (12.26%)
Less than \$15,000	51 (8.06%)		
\$15,000 - \$25,000	66 (10.43%)		

Income Breakdown (ACS (American Community Survey)) - Households (%)	
\$25,000 - \$50,000	167 (26.38%)
\$50,000 - \$75,000	86 (13.59%)
Greater than \$75,000	263 (41.55%)

---

IDEM Interactive Map  
Environmental Sites



Brownfields Sites

- Active
- Inactive

Hazardous Waste Correction Action

- Corrective Action Complete

- Corrective Action On Going/Required

Leaking Underground Storage Tanks

- Medium
- Low
- Site Investigation

State Cleanup

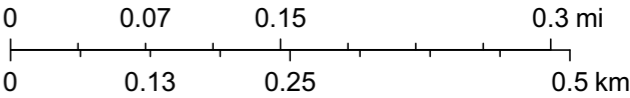
- Active
- Delisted
- Inactive
- Superfund

Restricted Sites - IC Approved

Aerial Imagery

- Red: Band\_1
- Green: Band\_2
- Blue: Band\_3

1:9,028



County of Lake, Indiana, Esri, HERE, Garmin, INCREMENT P, Intermap, NGA, USGS, Indiana Geographic Information Office (IGIO)



## INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

*We Protect Hoosiers and Our Environment.*

100 N. Senate Avenue • Indianapolis, IN 46204  
(800) 451-6027 • (317) 232-8603 • [www.idem.IN.gov](http://www.idem.IN.gov)

Eric J. Holcomb  
Governor

Brian C. Rockensuess  
Commissioner

July 17, 2024

Mr. Flynn Van Ewijk  
4900 Hopyard Road, Ste 220  
Pleasanton, CA 94588

Re: Expiration of Permit  
Fulcrum Centerpoint, LLC  
Permit No. F089-44042-00660  
Gary, IN, Lake County

All:

The Indiana Department of Environmental Management (IDEM) Office of Air Quality (OAQ) has evaluated the status of construction approval, permit number Permit No. F089-44042-00660, and determined this approval is no longer valid.

IDEM OAQ issued Fulcrum Centerpoint, LLC (“Fulcrum”) an approval to construct and Federally Enforceable State Operating Permit (“FESOP”) and operating permit on August 16, 2022.

Pursuant to B.2 of the permit and 326 IAC 2-1.1-9(5), the Commissioner may revoke the permit if construction is not commenced within 18 months of issuance. IDEM is unaware of any construction activities that have taken place at the Site. Fulcrum previously requested additional time to commence construction during a pending administrative appeal of the FESOP. IDEM did not explicitly grant an extension of time to commence construction, but rather communicated that it would not revoke the permit at that time.

The Office of Environmental Adjudication (“OEA”) issued a Final Order upholding the FESOP on April 18, 2024. The petitioners in that cause have sought judicial review of OEA’s decision. In an effort to determine how to proceed, IDEM OAQ requested that Fulcrum provide information regarding the facility’s plans and if Fulcrum intends to move forward with the project, but has not received any response from either Fulcrum or its counsel. Additionally, Fulcrum failed to appear at scheduled prehearing and status conferences with the court reviewing OEA’s decision upholding its permit.

Given that Fulcrum has not commenced construction at the site, has not participated in or appeared at judicial proceedings related to the validity of its construction approval, and has not responded to IDEM OAQ’s inquiries about how it intends to proceed, IDEM OAQ has determined it is appropriate to revoke Permit No. F089-44042-00660 to avoid unnecessary expenditure of agency and judicial resources.



Visit [on.IN.gov/survey](https://on.IN.gov/survey) or scan the QR code to provide feedback.

*We appreciate your input!*



A new permit to construct and operate must be obtained if Fulcurn intends to conduct any additional construction activities subject to air permitting requirements. If you would like to meet with IDEM to discuss the submittal of a new application, we would be happy to schedule a meeting with OAQ's Permit Branch.

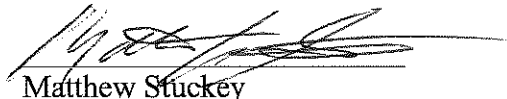
If you wish to challenge this decision, IC 4-21.5-3 requires that you file a petition for administrative review. This petition may include a request for stay of effectiveness and must be submitted to the Indiana Office of Administrative Law Proceedings (OALP), 100 North Senate Avenue, Government Center North, Room N802, Indianapolis, IN 46204, within eighteen (18) calendar days of the mailing of this notice. The filing of a petition for administrative review is complete on the earliest of the following dates that apply to the filing:

- (1) the date the document is delivered to the OALP;
- (2) the date of the postmark on the envelope containing the document, if the document is mailed to OEA by U.S. mail; or
- (3) The date on which the document is deposited with a private carrier, as shown by receipt issued by the carrier, if the document is sent to the OALP by private carrier.

The petition must include facts demonstrating that you are either the applicant, a person aggrieved or adversely affected by the decision or otherwise entitled to review by law. Please identify the permit, decision, or other order for which you seek review by permit number, name of the applicant, location, date of this notice and all of the following:

- (1) the name and address of the person making the request;
- (2) the interest of the person making the request;
- (3) identification of any persons represented by the person making the request;
- (4) the reasons, with particularity, for the request;
- (5) the issues, with particularity, proposed for considerations at any hearing; and
- (6) identification of the terms and conditions which, in the judgment of the person making the request, would be appropriate in the case in question to satisfy the requirements of the law governing documents of the type issued by the Commissioner.

Sincerely,



Matthew Stuckey  
Assistant Commissioner  
Office of Air Quality

cc: File - Lake County  
Lake County Health Department  
Compliance and Enforcement Branch  
IDEM Northwest Regional Office



## INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

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100 N. Senate Avenue • Indianapolis, IN 46204

(800) 451-6027 • (317) 232-8603 • [www.idem.IN.gov](http://www.idem.IN.gov)

Eric J. Holcomb  
Governor

Bruno L. Pigott  
Commissioner

January 12, 2017

Mike Kellogg  
Connell Limited Partnership  
One International Place  
31<sup>st</sup> Floor  
Boston, MA 02110

Dear Mr. Kellogg:

Re: Notice of Corrective Action Complete  
With Controls  
Luria Brothers  
6633 West Industrial Highway  
Gary, Indiana  
Lake County  
EPA ID No. IND095526818

The Indiana Department of Environmental Management (IDEM) public noticed a RCRA Corrective Action Program Statement of Basis on November 29, 2016, and no public comments were received. This letter serves as IDEM's Final Decision that Luria Brothers has fulfilled its obligations under Indiana's RCRA Corrective Action Program, and is hereby issued this Notice of Corrective Action Complete With Controls. This Decision may be revoked if any information this Decision is based upon is found to be false or incomplete, or if any evidence discovered in the future contradicts the findings presented in the Statement of Basis or this Final Decision.

Thank you for your cooperation in this matter. If you have any questions, please call Doug Griffin at (317) 233-2710 or [dgriffin@idem.IN.gov](mailto:dgriffin@idem.IN.gov).

Sincerely,

Craig Schroer, Chief  
Hazardous Waste Permit Section  
Permits Branch  
Office of Land Quality

cc: Lake County Health Department

**INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT  
RCRA CORRECTIVE ACTION PROGRAM**

**FINAL DECISION**

**Luria Brothers**

**Gary, Indiana  
IND 095264818**

**I. INTRODUCTION**

This Final Decision is issued by the Indiana Department of Environmental Management (IDEM), under the Resource Conservation and Recovery Act (RCRA) Corrective Action Program. IDEM public noticed the Statement of Basis for Luria Brothers, 6633 West Industrial Highway, Gary, Indiana in the Northwest Indiana Times on November 29, 2016, requesting comments on the proposed final remedy for this facility. The public comment period ran from November 29, 2016 to December 29, 2016. No comments were received.

The Statement of Basis for Luria Brothers discussed the investigation and remediation activities approved by IDEM for the site and IDEM's determination.

**II. SUMMARY OF THE PROPOSED REMEDY**

The former Luria Brothers site was investigated by the current owner who demonstrated that no unacceptable exposures exist at the facility for commercial/industrial use (VFC#80306270). The investigation recommended an Environmental Restrictive Covenant (VFC#80373020) limiting the land use to commercial/industrial. IDEM approved the recommendation, and provided justification in the Statement of Basis for issuing a Corrective Action Complete With Controls determination. "With Controls", implies that land use restrictions (institutional controls) will be required.

**III. FACILITY BACKGROUND**

Luria Brothers is an 8.8 acre parcel north of the Gary Airport surrounded by industrial facilities, including Summit (Western) Scrap and the former locations of Conservation Chemical and Berrey Oil. The facility operated from 1978 to 1981 using a rotary kiln to de-oil approximately 1,350 tons per day of mill scale from Bethlehem Steel. In July of 1981, 659 tons of hazardous wastewater treatment plant sludges were dewatered in the kiln

and returned to Bethlehem Steel. The facility has not been used since it closed in 1981 and the site is currently covered with concrete building remnants, used tires, and automobile shredder fluff. The only known operation at the location before Luria Brothers was Young & Greenwalt, which may have made culverts.

The facility filed a Notification of Hazardous Waste Activity in May of 1981 and was granted Interim Status. Luria stopped operations in December 1981. On November 30, 1988, the facility submitted a closure plan. Following comments on the plan from IDEM, they submitted a Closure Plan Addendum and Closure Certification July 3, 1989. IDEM approved the final plan on February 22, 1990.

#### IV. FINAL DECISION

Based on the administrative record, the Statement of Basis as proposed is hereby adopted as the final remedy. After careful consideration, IDEM has determined that Luria Brothers has fulfilled its obligations under Indiana's RCRA Corrective Action Program. This Decision may be revoked if any information this Decision is based upon is found to be false or incomplete, or if any evidence discovered in the future contradicts the findings presented in the Statement of Basis or this Final Decision.

#### V. REFERENCES

Document	VFC #
July 1984 RCRA Inspection	70304234
1986 RCRA Inspection Site Photo	70304198
1987 E&E Site Investigation	43515456
1988 RCRA Inspection Report – photos	33071685
1988 Closure Plan and Investigation Report	70304053
1989 Closure Plan Addendum and Closure Certification	70303456
1990 IDEM Closure Approval	28941393
2014 Site Visit photos	70309236
August 2014 RCRA Facility Assessment (RFA)	70392023
June 2016 Site Investigation and Request for No Further Action	80306270
Environmental Restrictive Covenant	80373020
November 2016 Statement of Basis	80381289



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Michael R. Pence  
Governor

Thomas W. Easterly  
Commissioner

June 26, 2015

Virginia Marcks  
Federal Aviation Administration  
2300 East Devon Avenue  
Des Plaines, IL 60018

Re: **Comment Letter**  
Runway 12/30 FAA Localizer  
Shelter/DME Area, & Localizer  
Antennae Array Area  
a/k/a Gary Airport Former NBD  
Trust Parcel – NAVAID Areas  
6001 Airport Road  
Gary, Lake County  
Brownfield Site #4071005

Dear Ms. Marcks:

In response to your June 17, 2015 request on behalf of the Federal Aviation Administration (FAA/Prospective Tenant) to the Indiana Brownfields Program (Program) for a letter addressing the Prospective Tenant's satisfaction of the pre-lease requirements to qualify as a bona fide prospective purchaser (BFPP) tenant of the Localizer/ Distance Measuring Equipment (DME) Shelter Area and Localizer Antenna Foundation Area of the expanded Gary/Chicago International Airport (Gary Airport) and former NBD Trust and Tony Zaleski, Jr. properties located at 6001 Airport Road, Gary, Lake County (Site), the Program is providing this Comment Letter. This Comment Letter can be coupled with the United States Environmental Protection Agency's (U.S. EPA) June 24, 2015 Comfort Letter (attached) referencing the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 U.S.C. §§ 9601 *et. seq.*, to address liability concerns related to contamination existing on the Site. As discussed below, the Program has reviewed the requisite documentation provided to the Program by the Prospective Tenant and concluded that the Prospective Tenant has satisfied the pre-lease "all appropriate inquiry" required to qualify for relief from potential liability related to hazardous substances contamination under the BFPP exemption under Indiana Code (IC) § 13-25-4-8(b) (incorporating section 101(40) of CERCLA and 42 U.S.C. § 9607(r)) and potential liability for petroleum contamination under the BFPP exemption under IC § 13-23-13 and IC § 13-24-1.

### Background

The approximately 0.2-acre Site consists of two sub-parcels of a larger 26.93-acre parcel identified by the county by parcel #45-03-26-351-002.000-004. The Site is part of a re-parceled property formerly owned by NBD Trust (former parcel identification #25-40-



145-0020) & Tony Zaleski, Jr. (former parcel identification #25-40-145-0024). The Site is comprised of two sub-parcels upon which an approximately 62' x 66' Localizer Equipment & DME shelter and approximately 126' x 30' Localizer Antenna Array are located. See attached "Plat of Survey" for a map and legal survey of the Site location. The Site is generally bordered to the east by the Gary Airport main runway; railroad tracks followed by Cline Avenue and a Citgo Services tank farm to the west; Gary Airport vacant land to the north followed by Chicago Avenue; and vacant Gary Airport land to the south. Prior to the airport expansion, the Site was undeveloped dune and swale wetlands.

As part of this request, the Prospective Tenant provided the program with a *Phase I Environmental Due Diligence Audit (EDDA) for Lease Acquisition of New Runway 12/30 Localizer Antenna Array and Equipment Shelter & Distance Measuring Equipment (LOC & DME)* (Phase I) dated June 17, 2015 prepared by Michael Baker, International on behalf of the FAA. The Phase I was conducted utilizing the American Society for Testing and Materials (ASTM) Practice E1527-05, Standard Practice for Environmental Site Assessment, which satisfies the federal "All Appropriate Inquiries" (AAI) rule set forth in 40 CFR Part 312. As a party seeking to qualify as a BFPP, the Prospective Tenant provided the user information referenced in the *User Questionnaire* to Michael Baker, International which was included with the Phase I in compliance with the ASTM standard.

The Phase I identified the following recognized environmental conditions (RECs) in connection with the Site:

- Citgo Service Tank Farm - adjacent contaminated facility
- NBD Property – adjacent contaminated facility
- LOC Onsite Groundwater contamination
- Other surrounding properties with historic contamination including Former Conservation Chemical, Western Scrap, former EJ&E Rail line and former PI&I trucking

The Phase I also identified the following de minimis condition in connection with the Site:

- Potential ACM and lead paint from demolition of former buildings and presence of construction debris

### **Environmental Conditions at the Site**

In an EnviroForensics environmental investigation report dated February 4, 2006 furnished to IDEM, it was documented that two soil samples (DP-1 & DP-2) had been collected at three feet in depth below ground surface (bgs) in the general area of the Site

on August 25, 2005. The samples were analyzed for volatile organic compounds (VOCs), petroleum aromatic hydrocarbons (PAHs), arsenic, and lead. The analytical results of the soil samples showed only a detection of arsenic in DP-1 at 2 parts per million (ppm) and lead at 3 ppm. Comparison of the results to their respective IDEM Remediation Closure Guide (RCG) (March 22, 2012 and applicable revisions) residential direct contact screening levels (RDCSLs), showed the arsenic result to be below its RDCSL of 9.4 ppm and lead was below its RDCSL of 400 ppm. Ground water samples collected from six feet bgs at both locations showed a detection 10 parts per billion (ppb) of lead in DP-2 only, which is below its IDEM RCG residential tap ground water screening level (Res TAP GWSL) of 15 ppb.

In Attachment J of the Phase I, an *FAA NAVAID Sampling Report*, dated March 7, 2013, prepared by Industrial & Environmental Service, LLC, was included that outlined analytical results for sampling undertaken at the proposed LOC & DME facility areas. The report findings indicated levels of semi-volatile organic compounds (SVOCs), dioxins/furans, and various metals in soil were detected above RDCSLs; however, only benzo(a)pyrene (2.9 ppm) in sub-surface sample 1.5B was above its respective RCG industrial/commercial direct contact screening level (IDCSL).

The Phase I summary also reported that five quarterly ground water sampling events have been undertaken at the three wells located at each of the LOC & DME areas. Ground water samples were analyzed for VOCs, SVOCs, total metals, polychlorinated biphenyls (PCBs), and dioxins/furans. The first quarterly sampling (January 2014) detected manganese, thallium and benzo(b)fluoranthene at levels above their respective IDEM Res TAP GWSLs. The second quarter sampling (June 2014) detected arsenic, cobalt, manganese, and thallium, at levels above their respective Res TAP GWSLs. The third quarter sampling (September 2014) detected cobalt, manganese, thallium, and tetrachloroethene (PCE) at levels above their respective Res TAP GWSLs. The fourth quarter sampling (December 2014) detected cobalt, manganese, thallium and PCE above their respective Res TAP GWSLs. Lastly, the first quarter sampling (April 2015) detected cobalt, manganese, thallium and PCE at levels above their respective Res TAP GWSLs. While only the data from the last two quarterly ground water sampling events was included in the Phase I, refer to the *April 2015 Quarterly Groundwater Monitoring Report - FAA Navigational Aid Locations*, dated June 3, 2015 and prepared by AECOM, for the data from all five quarterly ground water sampling events.

The Phase I report also discusses that soils were removed during the construction of the LOC & DME down to ground water depth and replaced with compacted gravel; however, no excavation confirmation samples were reportedly collected.

## Conclusion

Based upon the Program's review of documentation included with the Prospective Tenant's request, the Program has determined that the Prospective Tenant's Phase I satisfies the AAI standard for State BFPP liability protections. The June 24, 2015 U.S.

EPA CERCLA Comfort Letter, enclosed, outlines the reasonable steps that the U.S. EPA recommends the Prospective Tenant undertake to prevent or limit human, environmental, and/or natural resource exposure to previously released hazardous substances and/or petroleum found at the Site and discusses the statutory continuing obligations that must be met in order to maintain BFPP status.

At this time, IDEM concurs with U.S. EPA's reasonable steps recommendations. IDEM, in conjunction with ongoing discussions with the Site owner related to environmental conditions on the Site, may, in the future, have additional recommendations related to protection of human health and the environment at the Site and may request that an environmental restrictive Covenant (ERC) be recorded by the Site owner on the deed for the Site. Should an ERC be recorded on the deed for the Site in the future, the Prospective Tenant can expect to have to comply with any such restrictions in order to maintain BFPP status. In the absence of any such ERC, the Prospective Tenant should comply with the reasonable steps related to land use outlined by U.S. EPA in its June 24, 2015 letter.

Should you have any questions or comments about this correspondence, please contact John Morris at 317/234-8099 or toll free from within Indiana at 800/451-6027, ext. 4-8099. John can also be reached via email at: [jomorris1@ifa.in.gov](mailto:jomorris1@ifa.in.gov).

Sincerely,



Kevin D. Davis  
Technical Review Coordinator  
Indiana Brownfields Program

#### Attachments

cc: Jan Pels, U.S. EPA Region 5 (*electronic copy*)  
Peggy Dorsey, IDEM Office of Land Quality (*electronic copy*)  
Bruce Oertel, IDEM Remediation Branch (*electronic copy*)  
Lisa McCoy, IDEM Office of Legal Council (*electronic copy*)  
Mike Sickels, IDEM RCRA Section (*electronic copy*)  
Ryan Groves, IDEM State Cleanup Section (*electronic copy*)  
Meredith Gramelspacher, Indiana Brownfields Program (*electronic copy*)  
John Morris, Indiana Brownfields Program (*electronic copy*)



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

JUN 24 2015

REPLY TO THE ATTENTION OF:

SE-5J

Lemuel Thomas  
FAA Attorney  
FAA Southwest Regional Office  
2601 Meacham Blvd.  
Fort Worth, TX 761378

Re: Gary/ Chicago International Airport Runway 12/30 Localizer Antennae Array, and Localizer Shelter (LOC) collocated with the Distance Measuring Equipment (DME), Gary, Indiana.

Dear Mr. Thomas:

I am writing in response to your request for information and clarification concerning the property referenced above which is part of the Runway Safety Area and Runway Extension project at Gary/ Chicago International Airport (GYI) in Gary, Indiana. The property consists of two parcels, (1) a Localizer Antennae Array (LOC) on a parcel approximately 126' x 30'; and (2) a pre-fabricated Localizer Shelter (LOC shelter) collocated with a Distance Measuring Equipment (DME) on a parcel approximately 62' x 66'. A survey map of the parcels is enclosed.

Soil and groundwater investigation have been done at the parcels and surrounding areas in connection with the 2004 Environmental Impact Statement (EIS) and 2005 Record of Decision (ROD) by the FAA Great Lakes Region, that required all the areas that will be serviced by FAA personnel be cleaned to the Indiana Department of Environmental Management (IDEM) residential standards. As part of the acquisition of the property, since November 2012 GYI has conducted surface and subsurface sampling for a soil and groundwater investigation and removed all the soils with contaminants above IDEM residential standards at these two parcels. After all the soils above IDEM residential standards were removed, six groundwater monitoring wells were advanced at the LOC --- three around the LOC shelter and DME, and three around the LOC array. Quarterly groundwater samples have been collected at the LOC and DME parcels in January 2014, June 2014, September 2014, December 2014 and April 2015. Groundwater data collected from the quarterly sampling events show elevated levels of tetrachloroethene (PCE) and metals (cobalt, thallium and manganese) above IDEM residential standards.

Soils and groundwater in the vicinity of the property remain contaminated with metals, polychlorinated biphenyl (PCBs), volatile organic compounds (VOCs), semi-volatile organic compounds (SVOCs) and light non-aqueous phase liquids (LNAPL). Quarterly groundwater sampling will continue after the real estate transaction until the FAA is satisfied it has confirmed that there are no or limited environmental and worker safety risks associated with the site.

The Superfund bona fide prospective purchaser provision states that a person meeting the criteria of Section 107(r) of CERCLA, 42 U.S.C. §§ 9601 et seq., is protected from CERCLA liability for the contamination situation existing on the property at the time of the purchase.

To qualify as a bona fide prospective purchaser, a person must (among other requirements) take “reasonable steps” with respect to stopping continuing releases, preventing threatened future releases, and preventing or limiting human, environmental, or natural resources exposure to earlier releases as described under CERCLA Section 101(40), 42 U.S.C. § 9601(40).

You have asked if the proposed use of the property in connection with operation of an existing runway at the Gary-Chicago International Airport is compatible with known contamination and with EPA’s cleanup activities at properties nearby. You have also asked what actions you must take, as the prospective owner of the property, to satisfy the “reasonable steps” criterion of the bona fide prospective purchaser provision. As noted above, soil at the parcels has been cleaned to meet residential standards. EPA sampling and sampling conducted by the Gary Chicago International Airport indicates that soil and groundwater contamination remains present in the vicinity so that it may continue to migrate toward the property.

You propose to operate at the LOC and DME parcels of approximately 126’ x30’ and 62’ x 66’ consisting of an antenna array and housing equipment providing an azimuth or horizontal exact alignment of an aircraft on approach to a runway and a DME providing an azimuth or horizontal exact alignment of an aircraft on approach to a runway. FAA and associated personnel may typically be present at the LOC building for approximately 4 hours a month. Those personnel may maintain electronic equipment, antennas, towers, lights and electrical systems; inspect and maintain roads, grounds and buildings; and use the building for temporary shelter during flight inspections and ground and phasing checks.

You also propose to operate a LOC antennae array system which works with the LOC shelter to providing an azimuth or horizontal exact alignment of an aircraft on approach to a runway and consists of antennae’s and electronic equipment. FAA and associated personnel may typically be present at the LOC array equipment for approximately 8 hours a month. Those personnel may maintain electronic equipment, antennae’s, lights, sensors and electrical systems; and inspect and maintain roads, grounds and buildings.

There are two handholes located by the LOC array parcel and two other handholes located by the LOC shelter and DME parcel. At the LOC shelter, there is a HVAC unit that provides heating and cooling and ventilation. There is also an exhaust fan that is activated if the air conditioner fails so electronic equipment does not overheat and cause loss of service. The LOC shelter is designed to rest on concrete supports that elevate the floor to approximately one foot above nominal grade. The floor does not contact the ground and the one-foot space between the floor and ground is open on all sides to allow outside air exchange and minimize the potential for vapor intrusion through the elevated floor, after passing through the open air space beneath it.

EPA believes that this proposed use is compatible with the existing cleanup and with future cleanup activities. Before you utilize the property for other developmental uses, EPA recommends that you contact the EPA On-Scene Coordinator and the Indiana Brownfields Program project manager assigned to the Site for further compatibility approval.

While contamination at the property has been addressed through previous cleanup actions, groundwater contamination remains at and near the property. Based on the information EPA has

evaluated to date, EPA believes that, for an owner of the property, the following would entail some of the appropriate reasonable steps necessary to prevent or mitigate a release of hazardous substance at the property:

- Avoid any activities that may result in the exposure of individuals and ecosystems to the contaminated soils and groundwater, including the installation or use of any drinking wells or any residential use of the property.
- Refrain from any activities that would involve the penetration of the water table;
- Refrain from interfering with any future inspection or investigation activities at the property as conducted by EPA and IDEM.
- Coordinate with EPA and IDEM to promptly complete and record a restrictive covenant under Indiana Code 13-11-2-193.5 to implement the use restrictions described above and to assure ongoing access to EPA and IDEM to monitor conditions and conduct necessary actions at the Site.

This letter does not provide a release from CERCLA liability, but only provides information with respect to certain reasonable steps to be taken based on the information EPA has available to it. This letter is based on the nature and extent of contamination known to EPA at this time. If additional information regarding the nature and extent of hazardous substance contamination at the Site becomes available, additional actions may be necessary to satisfy the reasonable steps criterion. In particular, if new areas of contamination are identified or if new uses for the property are contemplated or if unacceptable environmental and worker safety risks are identified, you must notify EPA and you should ensure that reasonable steps are undertaken regarding such new areas and/or new uses or risks, as applicable. As the property owner, you should ensure that you are aware of the condition of your property so that you are able to take reasonable steps with respect to any hazardous substance contamination at or on the property.

Please note that, in order to qualify as a bona fide prospective purchaser, you must meet certain conditions in addition to those requiring the property owner to take reasonable steps to address contamination. Taking reasonable steps and many of the other conditions are continuing obligations of the bona fide prospective purchaser that must be undertaken throughout your ownership of the property. You will need to assess whether your actions satisfy each of the statutory conditions for the bona fide prospective purchaser provision and continue to meet the applicable conditions in order to retain the status of bona fide prospective purchaser.

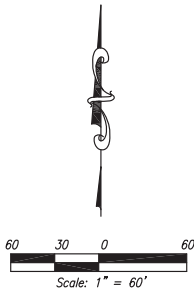
EPA hopes this information is useful to you. If you have any questions, or wish to discuss this letter, please feel free to contact Michael Beslow, On-Scene Coordinator, at (312) 353-8678, or myself at (312) 353-7645. You may also contact the State Project Manager, John Morris, at (317) 234-8099.

Sincerely,

A handwritten signature in black ink, appearing to read "Sam Borries", followed by the word "for" in a cursive script.

Sam Borries, Chief  
Emergency Response Branch #2  
Superfund Division

Enclosure



Legend

- Monument Found
- 5/8" Rebar with DLZ Cap Set

Legal Description

**Parcel 3**  
Part of the Southwest Quarter of Section 26, Township 37 North, Range 9 of West the Second Principal Meridian, in the City of Gary, Lake County, Indiana, more particularly described as follows:

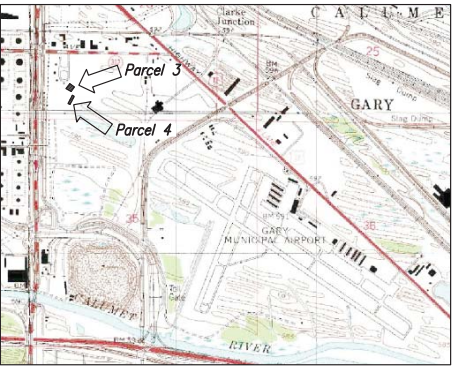
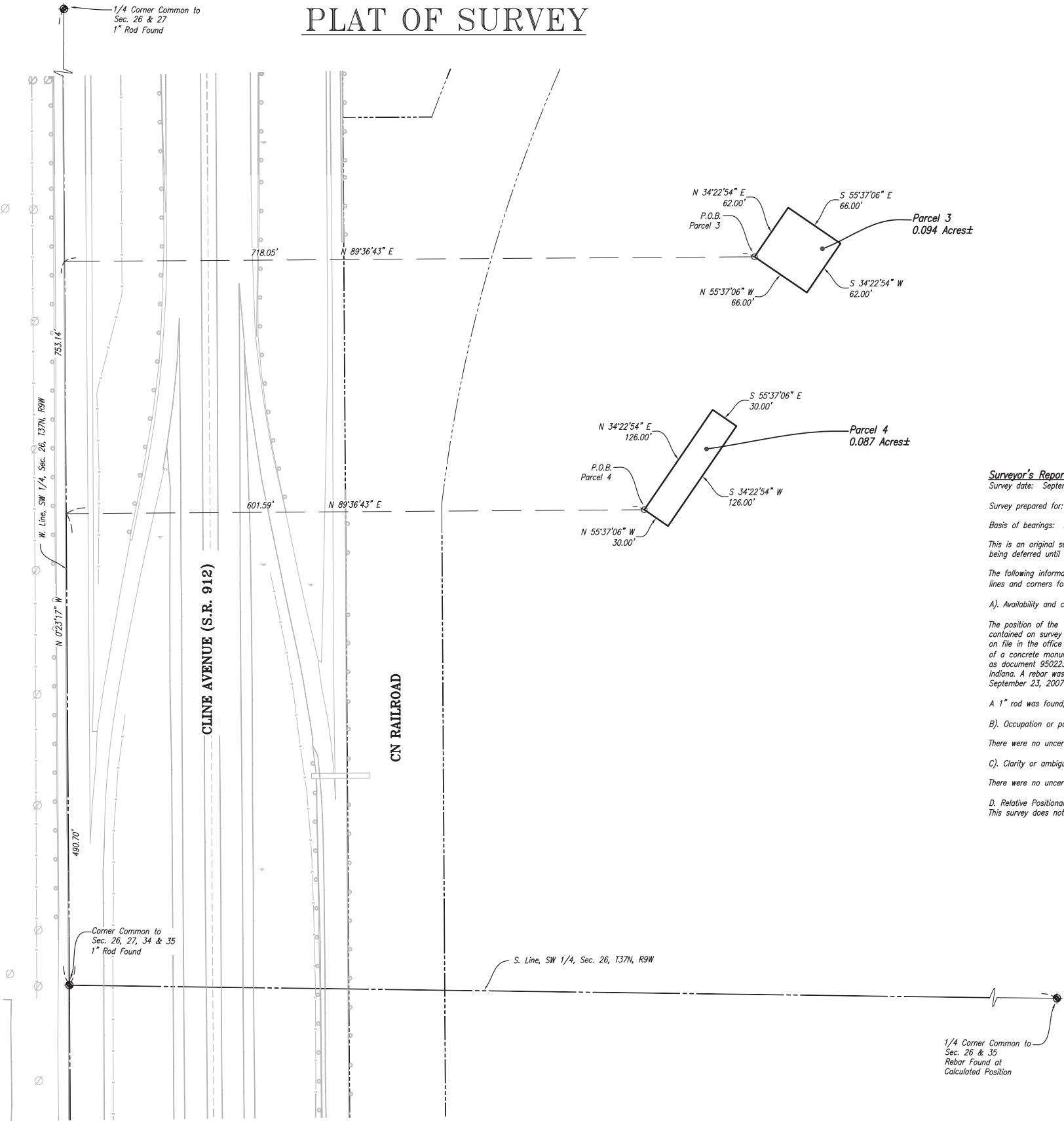
Commencing at the Southwest corner of said Section 26, thence North 00°23'17" West (this and all subsequent bearings based on the Indiana Coordinate System of 1983, West zone), 753.14 feet along the west line of said Southwest Quarter; thence North 89°36'43" East, 718.05 feet to the Point of Beginning;

thence North 34°22'54" East, 62.00 feet; thence South 55°37'06" East, 66.00 feet; thence South 34°22'54" West, 62.00 feet; thence North 55°37'06" West, 66.00 feet to the Point of Beginning, containing 0.094 acres, more or less.

**Parcel 4**  
Part of the Southwest Quarter of Section 26, Township 37 North, Range 9 of West the Second Principal Meridian, in the City of Gary, Lake County, Indiana, more particularly described as follows:

Commencing at the Southwest corner of said Section 26, thence North 00°23'17" West (this and all subsequent bearings based on the Indiana Coordinate System of 1983, West zone), 490.70 feet along the west line of said Southwest Quarter; thence North 89°36'43" East, 601.59 feet to the Point of Beginning;

thence North 34°22'54" East, 126.00 feet; thence South 55°37'06" East, 30.00 feet; thence South 34°22'54" West, 126.00 feet; thence North 55°37'06" West, 30.00 feet to the Point of Beginning, containing 0.087 acres, more or less.



Surveyor's Report

Survey date: September 18, 2013

Survey prepared for: Gary/Chicago International Airport

Basis of bearings: Indiana Coordinate System of 1983, West zone

This is an original survey performed as part of the airport expansion project. The setting of monuments is being deferred until construction activities are complete.

The following information and opinions are submitted regarding the cause and amount of uncertainty in the lines and corners found and/or established by this survey because of the following:

A). Availability and condition of reference monuments:

The position of the 1/4 corner common to Sections 26 & 35 was calculated based on information contained on survey prepared by DLZ for the Gary-Chicago Airport, as project number 0650-8131-90, and on file in the office of DLZ at the address shown hereon. This calculated position is based on the location of a concrete monument as shown on a survey prepared by Cole Associates, dated 5/9/94, and recorded as document 95022330 in Survey Record Book 3, page 14, in the Office of the Recorder of Lake County, Indiana. A rebar was found at this location which was set by a survey performed by ARE Surveying, dated September 23, 2007 as drawing No. 07011-1.

A 1" rod was found, 1" below the pavement surface, at the corner common to Sections 26, 27, 34, & 35.

B). Occupation or possession lines:

There were no uncertainties due to lines of possession.

C). Clarity or ambiguity of record descriptions:

There were no uncertainties due to the record descriptions.

D. Relative Positional Accuracy (Due to random errors in measurements):

This survey does not exceed the relative positional accuracy for an Urban class survey.

**Surveyor's Certificate**  
I, Steven A Jones, being a Registered Land Surveyor in the State of Indiana, do hereby attest that I have supervised the survey of and have assembled The plat of the hereon shown and described Parcel and to the best of my knowledge and belief, said plat is a correct representation of said survey. This survey has been performed in accordance with IAC-865-Rule 12.

*Steven A. Jones* 9/18/13  
Steven A Jones  
Indiana Registered Land Surveyor No. LS20200010



**DLZ**  
DLZ INDUSTRIAL, LLC

316 TECH DRIVE, BURNS HARBOR, INDIANA 46304  
TELEPHONE (219) 764-4700 FAX (219) 764-4156

GARY INDIANA  
GARY/CHICAGO INTERNATIONAL AIRPORT AUTHORITY

PLAT OF SURVEY  
PART OF SEC. 36, T37N, & SEC. 1, T36N, R9W

DRAWN:	CHK'D. RHK	NO.	REVISION	BY	DATE
DESIGNED:	APPRV'D: SAJ				
DATE: 7/19/13					
SCALE: 1" =					
PROJECT NUMBER					
1050-8067-70					

SHEET 3  
OF 3  
DRAWING NUMBER  
8067PL21



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT  
*We make Indiana a cleaner, healthier place to live.*

---

*Mitchell E. Daniels, Jr.*  
Governor

*Thomas W. Easterly*  
Commissioner

100 North Senate Avenue  
Indianapolis, Indiana 46204

(317) 232-8603  
(800) 451-6027  
[www.IN.gov/idem](http://www.IN.gov/idem)

February 29, 2008

Mr. J. Scott Phipps PE, PLS  
Gary/Chicago International  
Airport Authority  
6001 Industrial Highway  
Gary, Indiana 46406

Re: Comfort Letter  
Former Conservation Chemical  
Company of Illinois Facility  
6500 Industrial Highway  
Gary, Lake County  
BFD #4070901

Dear Mr. Phipps:

In response to the request to the Indiana Brownfields Program (Program) by the Gary/Chicago International Airport Authority (GCIAA) for assistance concerning the Former Conservation Chemical Company of Illinois (CCCI) Facility (Site), the Indiana Department of Environmental Management (IDEM) has agreed to provide this Comfort Letter to clarify IDEM's position on the potential liability of the GCIAA and the necessity of an environmental response action at the Site. Though not a legal release from liability, this letter will help to establish whether environmental conditions at the Site might be a barrier to redevelopment or transfer.

The 4.1-acre CCCI Site was used as a conversion facility for industrial waste and to manufacture iron salt coagulants. The Site is currently vacant, with concrete pads from former above ground storage tanks (ASTs) and a groundwater pump and treatment system consisting of a steel frame maintenance shed, a 5,000-gallon AST used to store recovered waste oil, a 1,000-gallon AST located within the system shed, an oil-water separator and an extraction well pump. This system was installed in April 2003 and operated by the U.S. Environmental Protection



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Agency Region 5 (EPA) until October 2007, at which time EPA decommissioned and ceased operating the system. A gravel parking lot is located adjacent to the maintenance building. The property is currently owned by the GCIAA which plans to use the Site as part of a safety upgrade and a runway expansion.

### **PAST USES AND OWNERS**

Historical records indicate the Site was originally developed in the late 1800's for industrial use. From around 1907 to 1934, the Site was owned at various times by the Gary Land Company, the United States Steel Corporation, and the United States Department of Defense. Historical records available for this time frame were vague and did not yield any information with regards to the type of operations that occurred. No information was available for the time period between 1934 and 1952. From 1952 to 1959, the Johnson Oil Supply Company Refinery and Service Station operated the Berry Asphalt Company, an asphalt manufacturer and oil company. Asphalt operations ceased in 1962. Johnson Oil Refinery operated a petroleum refining facility under the name of Berry Oil Company Petroleum Refinery until 1966. CCCI purchased the Site in 1967 and operated an industrial waste recycling facility, storing and treating spent acids, oils, solvents and scrap metals into acceptable forms for disposal or reuse. In addition, CCCI produced ferric chloride. CCCI conducted these operations from 1967 to 1975 and from 1980 to 1985. From 1975 to 1980, CCCI operated a hazardous waste terminal and treatment facility. CCCI ceased operations and abandoned the Site in December 1985. The Site has remained vacant since that time. The Lake County Sheriff took ownership of the Site through the failure of CCCI to pay property taxes and simultaneously issued a Quit Claim Deed to the GCIAA on April 3, 2001.

### **ENVIRONMENTAL CONDITIONS AT THE SITE**

As part of your request for assistance in determining the existing environmental impacts and potential liability at the subject property, Program Staff reviewed the following documents:

- *"Phase I Environmental Site Assessment"* Quality Environmental Professionals, Inc., July 24, 2007 (Phase I Report)
- *"Record of Decision for Proposed Master Plan Development Including Runway Safety Area Enhancement/Extension of Runway 12-30, and Other Improvements at Gary/Chicago International Airport, Gary, Indiana"* Department of Transportation, Federal Aviation Administration, Great Lakes Region, Chicago, Illinois, March 2005 (ROD)
- *"Final Report"* Krikau, Pyles, Rysiewicz and Associates, Inc., June 2002 (Final Report)

### **Environmental Assessment, Remediation and Removal History**

Assessment, removal and remediation activities performed at the Site confirmed historical operations impacted soil, groundwater and surface water on the Site. The soil was impacted with acids, polychlorinated biphenyls (PCBs), chemical spills associated with ferric chloride manufacturing activities, and leakage or spills from tanks and drums storing hazardous

material or waste oils from refinery operations. Groundwater sampling indicated the presence of hazardous acid compounds, base neutral compounds, volatile organic compounds (VOCs), solvents, metals, PCBs and petroleum constituents. Offsite monitoring wells indicated groundwater was impacted with chlorinated organics, cyanide, phenols, and heavy metals. Additionally, surface water samples and surface sediment samples were collected with each exhibiting high chemical concentrations of metals and VOCs.

Past operations at the Site utilized three lagoons identified in the Final Report as the "pie basin" lagoon, "acid" lagoon, and "off-site" lagoon. The entire "off-site" lagoon and portions of the other two lagoons were located off of the Site. These lagoons were filled with chromium impacted sludge from CCCI operations.

Below are the significant remedial actions completed by EPA on the Site from 1987 to early 2000:

- Removed and disposed 45 to 60 ASTs and miscellaneous tanks in various stages of deterioration associated with the refinery and chemical operations.
- Removed cyanide solids and liquids, PCB-impacted solids and liquids, acid solids and liquids, caustic solids and liquids, waste oils, lead and chromium impacted solids and liquids, ferric chloride, chlorinated hydrocarbons and hazardous sludge stored in the ASTs and tanks.
- Removed and disposed impacted soils immediately surrounding ASTs.
- Cleaned two concrete-lined, and one unlined, metal pits containing acid liquids, acid solids, PCB-impacted oils, PCB/lime neutralized solids, fuel oils and waste oils. All three pits were backfilled with imported aggregate material and leveled to grade.
- Stabilized chromium impacted sludge from the "pie basin" lagoon, "acid" lagoon, and "off-site" lagoon to non-hazardous levels. This stabilized sludge from the "off-site" lagoon and portions of the "acid" and "pie-shaped" lagoons that were not located on the Site, but were part of CCCI operations, were removed and placed on areas of the Site deemed acceptable by EPA. These areas were then capped with two feet of clay and three inches of top soil and seeded for erosion control (Capped Areas).
- Removed and disposed of over 300 drums containing cyanide and acid solids.
- Identified and abated asbestos containing material in the form of pipe/equipment insulation, building materials and tank coatings.
- Excavated buried drums for disposal in an approved landfill.

- Installed a drainage pipe for free product recovery in a ditch at the north end of the runway located on the Gary/Chicago Airport property to control off-Site petroleum migration.
- Installed and operated an oil recovery remediation system that pumped and treated free-phase petroleum product, caustic solids, waste oils, ferric chloride, chlorinated hydrocarbons, and hazardous sludge from the groundwater aquifer (April 2003). EPA ceased operations and decommissioned the oil recovery remediation system due to budgetary issues in October 2007.
- From 1987 until 2007, an estimated 1.4 million gallons, 3,600 tons and 134 cubic yards of hazardous waste in the form of liquids and solids and non-hazardous waste debris from the Site were treated and/or disposed.

#### **Site Conditions Based on Last Sampling Event**

In July, October and November 1999, EPA completed an investigation of the Site. The scope of this investigation determined the amount of impacted surface and subsurface soil. Soil was removed in two areas. The first area was over the eastern one-third of the Site. Samples in this area were analyzed for PCBs, total cyanide, Toxic Characteristic Leaching Procedure (TCLP) metals, TCLP VOCs, and TCLP semi-volatile organic compounds (SVOCs). EPA determined that the sample results indicated hazardous concentrations of trichloroethene at TP-12 and TP-14, and lead at TP-5. Lead in TP-5 was re-sampled and determined not to be at a hazardous level. EPA excavated and disposed of the impacted soil in an approved landfill from the areas of test pit TP-12 and TP-14.

The second area was in the vicinity of the former wooden cooling tower on the Site. Samples in this area were analyzed for total chromium, TCLP chromium and hexavalent chromium. EPA determined that the results indicated the existing levels of hexavalent and total chromium were not hazardous and did not pose an immediate risk. Therefore, no soil was excavated in this area.

The sludge from the "pie-shaped", "acid", and "off-site" lagoons was tested for hexavalent chromium, total chromium, TCLP chromium and PCBs. Lime kiln dust was used to stabilize the sludge. Hazardous sludge identified in the "pie-shaped" lagoon was stabilized with fly ash and ferric chloride to levels deemed non-hazardous by EPA. Stabilized chromium-impacted sludge from these three lagoons was disposed in an area on the Site deemed acceptable by EPA and capped with two feet of clay and three inches of top soil and seeded for erosion control.

The Program compared the 1999 sampling results from both of these areas to the January 2006 version of the IDEM Risk Integrated System of Closure (RISC) Residential Default Closure Levels (RDCLs) and Industrial Default Closure Levels (IDCLs). Cyanide, PCB-1242, PCB-1254, total chromium and hexavalent chromium exceed their respective RDCLs and/or IDCLs as indicated in Table 1. All other samples were below their respective RDCLs.

**Table 1**  
**Soil Sampling**  
**Analytical Results**  
**July, October and November 1999**  
**(parts per million)**

Contaminant	Location	Depth (feet)	Sample result	RISC RDCL	RISC IDCL
Cyanide	TP-9	7	84	0.94	9.6
	TP-14	3-4	203		
	TP-14	7	816		
Total Chromium	CT-S-2-2 <sup>1</sup>	-	12,000	10,000 <sup>2</sup>	10,000 <sup>2</sup>
	1-1	lagoon	14,000		
	2-1	lagoon	17,000		
	3-1	lagoon	10,000		
	4-1	lagoon	10,000		
Hexavalent chromium	14-4	lagoon	123	39	120
	14-4D	lagoon	118		
PCB-1242	TP-12	3-4	19.4	1.8 <sup>3</sup>	5.3 <sup>3</sup>
	TP-14	3-4	2.06		
PCB-1254	TP-12	3-4	8.89	1.8 <sup>3</sup>	5.3 <sup>3</sup>

<sup>1</sup> Former Cooling Tower area composite sample

<sup>2</sup> RDCL and IDCL for Trivalent Chromium

<sup>3</sup> RDCL and IDCL for total PCBs

Past investigations have found that on-Site and off-Site soil and groundwater have been impacted with chlorinated organics, cyanide, phenols and heavy metals by past operations on the Site. From April 2003 until September 2007, during which time EPA operated the oil recovery remediation system, free-phase liquid oil product was found on the groundwater aquifer.

**In summary:**

- (1) Historical uses of the Site have impacted the soil and groundwater at the Site. The most recent known levels of contaminants exceed RISC RDCLs and IDCLs in soil and free-phase liquid oil product has been found on the groundwater.
- (2) Impacted sludge material is stored and capped on the Site.
- (3) Buried abandoned piping, potentially containing product, exists on the Site.
- (4) The EPA ceased operation of the oil recovery remediation system in October 2007.
- (5) GCIAA acquired title by transfer from another political subdivision.

### **Liability and Enforcement Discretion**

IDEM's "Brownfields Program Comfort and Site Status Letters" Nonrule Policy Document, W-0051 (April 18, 2003) (Comfort and Site Status Letter Policy), provides that IDEM may issue a letter under the policy to a stakeholder involved in redevelopment of a brownfield if the stakeholder satisfies certain eligibility criteria reviewed below. IDEM concludes, in part based on information provided by the GCIAA, that:

- (1) no federal grant requires an enforcement action at the brownfield;
- (2) no condition on the brownfield constitutes an imminent and substantial threat to human health or the environment as long as the oil absorbing booms on the airport property are properly maintained, including replacement as necessary, and the EPA-installed oil recovery remediation system is operating;
- (3) neither the GCIAA nor an agent or employee of the GCIAA caused, contributed to, or knowingly exacerbated the release or threat of release of any hazardous substance or petroleum at the brownfield, and;
- (4) the GCIAA is eligible for an applicable exemption to liability, specifically, the GCIAA qualifies as a political subdivision that is exempt from liability under IC 13-25-4-8(e)(8), IC 13-11-2-150(c)(8), or IC 13-11-2-151(b)(8), having acquired title to the Site from Lake County.

### **Environmental Steps**

The March 2005 ROD provides the final Federal Aviation Administration (FAA) determinations and approvals for those actions the federal government will require GCIAA to implement to comply with current FAA development standards. In addition, the ROD identifies the *Proposed Actions* needed to address the GCIAA improvements of both the airfield and terminal area facilities. These actions are primarily designed to enhance airport safety and enhance facilities for airport users. A secondary element of the *Proposed Actions* is the opportunity to "allow enhancements of the human environment in and around the Airport." A Final Environmental Impact Statement (FEIS) developed as part of the ROD identifies the range of known contamination, likely areas of additional contamination, and subsequent steps that the GCIAA will be required by the FAA to take in implementing the *Proposed Action*.

IDEM agrees that the subsequent steps outlined in the FEIS are necessary for the GCIAA to effectively address the hazardous substance and petroleum contamination found at the Site. For the GCIAA to satisfy the ROD, as a condition of the effectiveness of this Comfort Letter, the following actions are deemed necessary by IDEM to make the Site safe for its intended use:

- (1) Maintain, and replace as necessary, the oil-absorbing booms on the airport property located in the ditch between the Site and airport property;
- (2) Maintain and operate the EPA-installed oil recovery remediation system until such a time as a new, more effective system is installed and operational;
- (3) Determine the effectiveness of the existing EPA oil recovery remediation system;

- (4) Define the nature and extent of contamination in surface soils, subsurface soils and groundwater;
- (5) Prepare a Remediation Action Plan (RAP) for all soil and groundwater cleanup activities and submit the RAP to the EPA and IDEM for approval;
- (6) Implement the EPA- and IDEM-approved RAP;
- (7) Implement and maintain all land use restrictions described below in this letter or otherwise determined to be appropriate following implementation of the RAP; and,
- (8) Communicate new information about any new (or previously unidentified) contamination to IDEM upon becoming aware of such.

### **Institutional Controls**

As a condition of the effectiveness of this Comfort Letter, IDEM is requiring the GCIAA to record this letter and an environmental restrictive covenant (ERC) on the deed for the Site. The ERC, which is attached hereto, must include, but is not limited to, the following restrictions:

- neither engage in nor allow installation of any water wells on the Site or allow the use of any existing water wells on the Site, except for investigative, monitoring or remedial purposes
- neither engage in nor allow the excavation of any surface or subsurface soils, including the Capped Areas, on the Site without prior approval from the EPA and IDEM
- neither engage in nor allow the use of the Site for residential purposes
- neither engage in nor allow the use of the Site for agricultural purposes

The above restrictions must stay in place until such time that the soil and groundwater contamination on the Site and adjoining properties has been mitigated and IDEM determines the restrictions can be removed. Should new information or confirmation sampling conducted in conjunction with construction or remedial work at the Site in the future conclude that the Site is appropriate for unrestricted use or a particular restriction is no longer necessary to protect human health and the environment, IDEM will, upon request, consider recommending removal of the relevant land use restriction pursuant to the terms and conditions of the ERC. Conversely, it is also possible that additional restrictions may be necessary in the future due to new information or changed circumstances at the Site, making additional measures necessary to satisfy conditions of this letter.


This letter is based on the nature and extent of contamination known to IDEM as of the date of this letter. If IDEM later discovers that the aforementioned investigations or other information submitted to or otherwise reviewed by IDEM was inaccurate or incomplete, or acts or omissions by the GCIAA exacerbate the contamination at the Site, the determinations made in this letter may change, the letter may be revoked, and/or IDEM may pursue any responsible party.

In order for this letter to be given effect by IDEM, the GCIAA must record this letter and the ERC in the Lake County Recorder's Office. Please return certified copies of the filed documents to:

Kevin Davis, Technical Review Coordinator  
Indiana Brownfields Program  
100 North Senate Avenue  
Room N1275  
Indianapolis, IN, 46204  
ATTN: Kyle Hendrix

IDEM encourages the commercial/industrial redevelopment of this Site. Please be advised that any work performed at the subject property must be done in accordance with all applicable environmental laws. Furthermore, redevelopment of this Site in a manner consistent with the land use restrictions outlined above will lessen the possibility that environmental conditions at the property could deteriorate in the future. IDEM and the Indiana Brownfields Program are pleased to assist GCIAA with the reuse of this Site. Should you have any questions or comments, please contact Kyle Hendrix of the Indiana Brownfields Program at (800) 451-6027, ext. 2-4402 or (317) 232-4402.

Sincerely,



Peggy Dorsey  
Deputy Assistant Commissioner  
Office of Land Quality

**Attachments**

cc: File  
Jan Pels, U.S. EPA Region 5  
Nivas Vijay, Qepi  
Meredith Gramelspacher, Indiana Brownfields Program  
Kyle Hendrix, Indiana Brownfields Program

## **Environmental Restrictive Covenant**

THIS COVENANT is made this \_\_\_\_\_ day of \_\_\_\_\_, 200\_, by Gary-Chicago Airport Authority concerning the Former Conservation Chemical Company of Illinois Facility located at 6500 Industrial Highway, Gary, Indiana (together with its successors and assignees, collectively "Owner").

WHEREAS: Owner owns certain real estate in the County of Lake, Indiana, which is more particularly described and depicted in the attached Exhibit "A" and made a part hereof ("Real Estate"), which Real Estate was acquired by deed on April 2, 2001, and recorded on April 3, 2001, as Deed Record \_\_\_\_\_, in the Office of the Recorder of Lake County, Indiana. The Real Estate, to which the restrictions outlined in this Covenant apply, is depicted on several diagrams attached hereto as Exhibit "B."

WHEREAS: A Comfort Letter was prepared and issued by the Indiana Department of Environmental Management ("the Department") pursuant to the Indiana Brownfields Program's recommendation at the request of Gary/Chicago International Airport Authority to address the redevelopment potential of the Former Conservation Chemical Company of Illinois Facility project ("the Site"), site number BFD#4070901, a brownfield site impacted by a release of hazardous waste, petroleum free product, waste oil, regulated substances, or hazardous substances (collectively, "contaminants of concern").

WHEREAS: The Comfort Letter, as approved by the Department, provides that contaminants of concern, specifically cyanide, polychlorinated biphenyls ("PCBs"), chromium, waste oil, and petroleum free product will remain beneath the surface of the Real Estate and outlines land use restrictions that must be maintained to ensure the protection of public health, safety or welfare, and the environment in conjunction with the planned commercial/industrial use of the Real Estate.

WHEREAS: Soil sampling results from July, October and November 1999 indicate that levels of contaminants are above the industrial default closure levels ("IDCLs") and residential default closure levels ("RDCLs") established by IDEM in the January 2006, Risk Integrated System of Closure ("RISC") Technical Guidance.

Sludge from three lagoons, identified by the United States Environmental Protection Agency ("EPA") as the "pie basin" lagoon, "acid" lagoon, and "off-site" lagoon, contain chromium impacted sludge. Portions of the sludge in the "pie-shaped" lagoon were deemed hazardous by the EPA in 1999. Hazardous sludge was stabilized to non-hazardous levels. The stabilized sludge material was staged on the Real Estate in the vicinity of former Tank No. 56 and on portions of the "pie" shaped and "acid" lagoons and then placed on areas of the Site deemed acceptable by EPA. These areas were then capped with two feet of clay and three inches of top soil and seeded for erosion control (Capped Areas).

Impacted surface and subsurface soils were excavated from the eastern one-third of the Real Estate and in the vicinity of the former wooden cooling tower. Samples in this area were analyzed for PCBs, total cyanide, Toxic Characteristic Leaching Procedure ("TCLP") metals,

TCLP volatile organic compounds ("VOCs"), and TCLP semi-volatile organic compounds ("SVOCs").

Groundwater underlying the Real Estate is impacted by the presence of free phase oil product.

Contaminant concentration levels/detected parameters remaining on the Real Estate and known to exceed RISC RDCLs and/or IDCLs are set forth in Table 1, attached hereto. See Exhibit "B" for diagrams depicting the locations of historical operations, including former lagoon areas, the sample locations, and the Capped Areas.

WHEREAS: The following documents, which were reviewed for issuance of the Comfort Letter, and other documents related to Brownfield Site # 4070901 are incorporated herein by reference and may be examined by searching IDEM's Virtual File Cabinet on the Web at <http://www.in.gov/idem/resources/records> using the Real Estate address:

- *"Phase I Environmental Site Assessment"* July 24, 2007 prepared by Quality Environmental Professionals, Inc. (2007 Phase I)
- *"Record of Decision for Proposed Master Plan Development Including Runway Safety Area Enhancement/Extension of Runway 12-30, and Other Improvements at Gary/Chicago International Airport, Gary, Indiana"* Department of Transportation, Federal Aviation Administration, Great Lakes Region, Chicago, Illinois, March 2005 (ROD)
- *"Final Report"* June 2002, (Final Report) Krikau, Pyles, Rysiewicz and Associates, Inc. (Final Report)

WHEREAS: IDEM has not approved closure of the Site under RISC. However, the land use restrictions contained in this Covenant will ensure that the planned commercial/industrial use of the Real Estate will be protective of human health and the environment.

NOW THEREFORE, Owner, hereby, in consideration for the promises contained herein and other good and valuable consideration imposes restrictions on the Real Estate and covenants and agrees that:

#### 1. GENERAL PROVISIONS

1. Property Conveyance- Continuance of Provisions. Any conveyance of title, easement, or other interest in the Real Estate shall be subject to compliance with restrictions described in paragraph 8, below.
2. Restrictions to Run with the Land. The restrictions and other requirements described in this Covenant shall run with the land and be binding upon, and inure to the benefit of the Owner of the Real Estate and the Owner's successors, assignees, heirs and lessees or their authorized agents, employees, contractors, representatives, agents, lessees, licensees, invitees, guests, or persons acting under their direction or control and shall continue as a

servitude running in perpetuity with the Real Estate. No transfer, mortgage, lease, license, easement, or other conveyance of any interest in all or any part of the Real Estate by any person shall limit the restrictions set forth herein. This Covenant is imposed upon the entire Real Estate unless expressly stated as applicable only to a specific portion thereof.

3. Binding upon Future Owners. By taking title to the Real Estate, any subsequent owner agrees to comply with these restrictions and the terms of this Covenant.
4. Recordation. Unless this Covenant is terminated under paragraph 11, the Owner shall re-record this Covenant including any subsequent modifications and amendments forty-nine (49) years from the date of first recording, or any subsequent recordings, to ensure its continued applicability under the Marketable Title for Real Property Act found in IC 32-20.
5. Access for Department. The Owner shall grant to the Department and its designated representatives the right to enter upon the Real Estate at reasonable times for the purpose of determining whether the land use restrictions described in paragraph 8 are being maintained (and operated as applicable) in a manner that ensures the protection of public health, safety, or welfare and the environment; this includes the right to take samples, monitor compliance with the corrective action plan, and inspect records.
6. Written Notice of the Presence of Hazardous Substances. Owner agrees to include in any instrument conveying any interest in any portion of the Real Estate, including but not limited to deeds, leases and subleases (excluding mortgages, liens, similar financing interests, and other non-possessory encumbrances) the following notice provision:

**NOTICE: THE INTEREST CONVEYED HEREBY IS SUBJECT TO AN ENVIRONMENTAL RESTRICTIVE COVENANT, DATED \_\_\_\_\_ 200\_\_, RECORDED IN THE OFFICE OF THE RECORDER OF LAKE COUNTY ON \_\_\_\_\_, 200\_\_, INSTRUMENT NUMBER (or other identifying reference) \_\_\_\_\_ IN FAVOR OF AND ENFORCEABLE BY THE INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT.**

7. Notice to Department of the Conveyance of Property. Owner agrees to provide notice to the Department no later than thirty (30) days after any conveyance of any ownership interest in the Real Estate (excluding mortgages, liens, similar financing interests, and other non-possessory encumbrances). Owner must provide Department with a certified copy of the instrument conveying any interest in any portion of the Real Estate and, if it has been recorded, its recording reference. Such notice shall also include the name and business address of the transferee.

## **II. RESTRICTIONS AND OBLIGATIONS**

8. The Owner shall:

- a) Prohibit any activity on the Real Estate that may interfere with any response activities, long-term monitoring, or measures necessary to assure the effectiveness and integrity of any response action, or component thereof, selected and/or undertaken at the Real Estate.
- b) Not use the Real Estate for residential purposes, including, but not limited to, daily care facilities (e.g., daycare centers, schools and senior citizen facilities).
- c) Not use the Real Estate for agricultural purposes.
- d) Neither engage in nor allow the installation or use of any water wells on the Real Estate. There shall be no consumptive, extractive or other use of the groundwater underlying the Real Estate that could cause exposure of humans or animals to the groundwater or disrupt the movement of groundwater underlying the Real Estate, other than for site investigation and/or remediation purposes, without prior Department approval.
- e) Neither engage in nor allow the excavation of any surface or subsurface soils, including the Capped Areas, on the Site without prior approval from the EPA and the Department.
- f) Maintain, and replace as necessary, the oil-absorbing booms on the airport property located in the ditch between the Real Estate and the airport property.
- g) Maintain and operate the EPA-installed oil recovery remediation system until such a time as a new, more effective system is installed and operational;
- h) Notify the Department if there is a change in the land use and/or any zoning changes that affect the commercial/industrial use of the Real Estate.

### III. ENFORCEMENT

- 9. **Enforcement.** Pursuant to IND. CODE § 13-14-2-6(5), the Department may proceed in court, by appropriate action to enforce this Covenant. Owner agrees that the restrictions are enforceable, and agrees not to challenge the appropriate court's jurisdiction.

### IV. TERM, MODIFICATION AND TERMINATION

- 10. **Term.** The restrictions shall apply until the Department determines that the contaminants of concern no longer present an unacceptable risk to the public health, safety, or welfare, or to the environment.
- 11. **Modification and Termination.** This Covenant shall not be amended, modified, or terminated except by written instrument executed between the Department and the owner of the Real Estate at the time of the proposed amendment, modification, or termination. Within five (5) days of executing an amendment, modification, or termination of the Covenant, such amendment, modification, or termination shall be recorded with the Office of the Recorder of Lake County and within five (5) days after recording, a true

copy of the recorded amendment, modification, or termination shall be presented to the Department.

#### V. MISCELLANEOUS

12. Waiver. No failure on the part of the Department at any time to require performance by any person of any term of this Covenant shall be taken or held to be a waiver of such term or in any way affect the Department's right to enforce such term, and no waiver on the part of the Department of any term hereof shall be taken or held to be a waiver of any other term hereof or the breach thereof.
13. Conflict of and Compliance with Laws. If any provision of this Covenant is also the subject of any law or regulation established by any federal, state, or local government, the strictest standard or requirement shall apply. Compliance with this Covenant does not relieve the Owner from complying with any other applicable laws.
14. Change in Law or Regulation. In the event that the Risk Integrated System of Closure ("RISC") is adopted by rule in Indiana, or in the event of any other change in applicable law or regulations, this Covenant shall be interpreted so as to ensure the continuing validity and enforceability of the restrictions listed in paragraph 8, above. In no event shall this Covenant be rendered unenforceable if Indiana's laws, regulations, RISC guidelines, or policies for environmental restrictive covenants or institutional or engineering controls change as to form or content. All statutory references include any successor provisions.
15. Notices. Any notice, demand, request, consent, approval or communication that either party desires or is required to give to the other pursuant to this Covenant shall be in writing and shall either be served personally or sent by first class mail, postage prepaid, addressed as follows:

To Owner:

Mr. J. Scott Phipps, Program Manager  
Gary/Chicago International  
Airport Authority  
6001 Industrial Highway  
Gary, Indiana 46406

To Department:

Indiana Brownfields Program  
IGCN-Suite 1275  
100 North Senate Avenue  
Indianapolis, Indiana 46204  
ATTN: Kyle Hendrix

Any party may change its address or the individual to whose attention a notice is to be sent by giving written notice in compliance with this paragraph.

16. **Severability.** If any portion of this Covenant or other term set forth herein is determined by a court of competent jurisdiction to be invalid for any reason, the surviving portions of this Covenant shall remain in full force and effect as if such portion found invalid had not been included herein.
17. **Liability.** An Owner's rights and obligations under this instrument terminate upon transfer of the Owner's interest in the Real Estate, except that liability for acts or omissions occurring prior to transfer shall survive transfer.
18. **Authority to Execute and Record.** The undersigned persons executing this Covenant on behalf of the Owner represent and certify that they are duly authorized and have been fully empowered to execute, record, and deliver this Covenant.

Owner hereby attests to the accuracy of the statements in this document and all attachments.

IN WITNESS WHEREOF, the said Owner of the Real Estate described above has caused this Environmental Restrictive Covenant to be executed on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Owner

STATE OF \_\_\_\_\_ )  
 ) SS:  
COUNTY OF \_\_\_\_\_ )

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared \_\_\_\_\_, the \_\_\_\_\_ of the Owner, \_\_\_\_\_, who acknowledged the execution of the foregoing instrument for and on behalf of said entity.

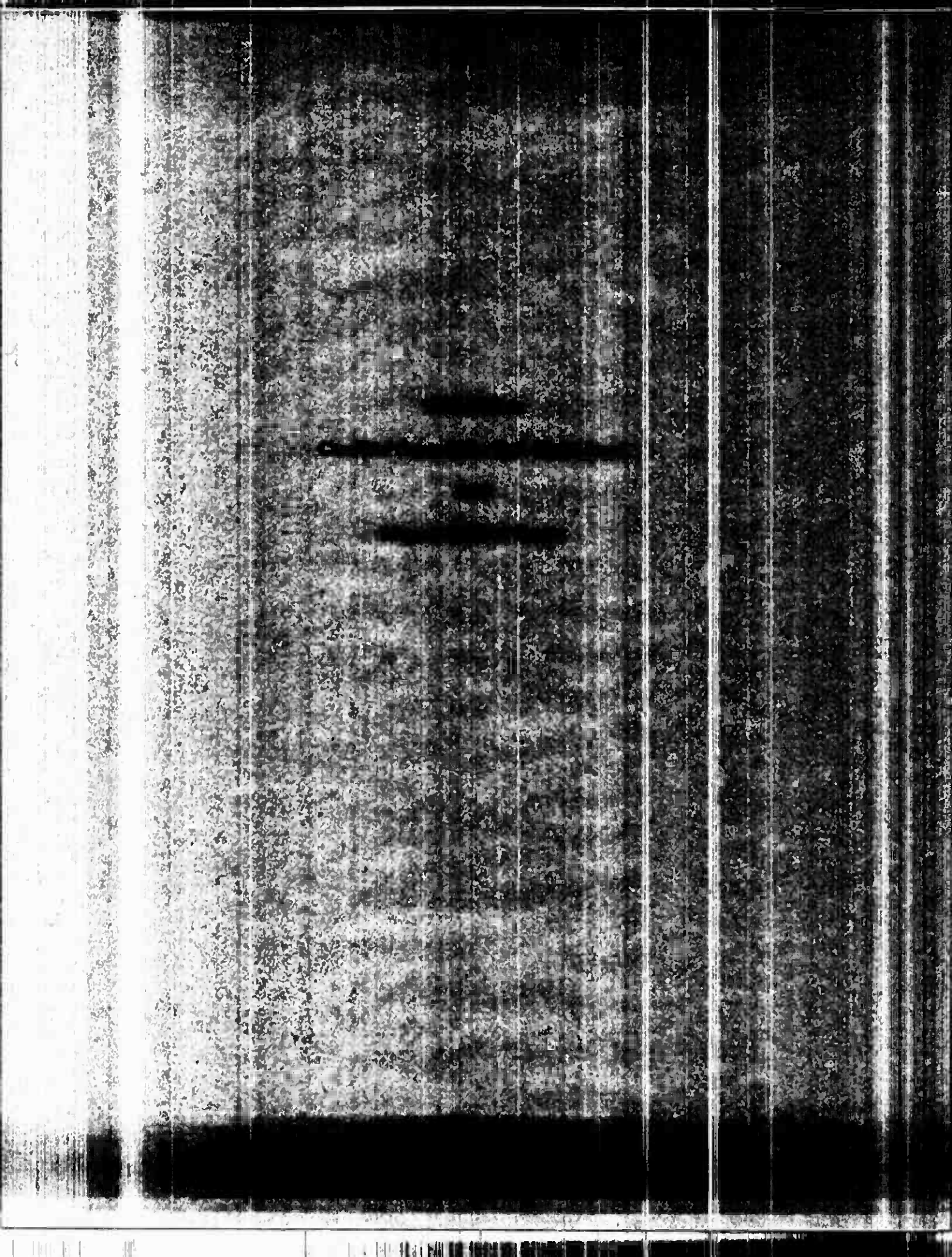
Witness my hand and Notarial Seal this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
\_\_\_\_\_, Notary Public

Residing in \_\_\_\_\_ County, \_\_\_\_\_

My Commission Expires:

This instrument prepared by:



2001 92555

## COMMISSIONERS QUIT CLAIM DEED

THIS INDENTURE WITNESSETH THAT, the Board of Commissioners of Lake County, State of Indiana, RELEASE, QUIT CLAIM, AND CONVEY to

GARY - CHICAGO AIRPORT AUTHORITY  
6901 INDUSTRIAL HIGHWAY  
GARY, IN 46404

for and in consideration of the sum of FIVE HUNDRED TWENTY FIVE AND 0/100 DOLLARS (\$525) the receipt of which is hereby acknowledged, the following described real estate in Lake County, State of Indiana:

PROPERTY ID: 25-40-0151-0008  
Common Address: 6500 INDUSTRIAL HIGHWAY  
GARY, IN 46406  
Legal Description:

BEGINNING AT A POINT IN THE WEST LINE OF THE NE 1/4 OF SAID SECTION 35, WHICH IS 404.33 FEET SOUTH OF THE NORTHWEST CORNER OF THE NE 1/4 OF SAID SECTION 35; THENCE SOUTH ALONG THE WEST LINE OF THE NE 1/4 OF SAID SECTION 35; 412.26 FEET MORE OR LESS, TO A POINT, IN THE NORTHWESTERLY PROPERTY LINE OF PROPERTY CONVEYED BY THE GARY LAND COMPANY, TO THE CHICAGO, LAKE SHORE EASTERN R.R. COMPANY, NOW ELGIN, JOLIET AND EASTERN R.R. COMPANY, BY DEED DATED APRIL 16, 1910 AND RECORDED WITH RECORDER OF DEEDS OF LAKE COUNTY, INDIANA, IN BOOK 179, PAGE 350, AS DOCUMENT #32585, SAID LINE NOW BEING THE NORTHERLY RIGHT OF WAY LINE OF THE ELGIN, JOLIET AND EASTERN R.R. COMPANY; THENCE NORTHEASTERLY ALONG THE NORTHWESTERLY RIGHT OF WAY LINE OF THE ELGIN, JOLIET AND EASTERN R.R. COMPANY, 660.40 FEET, MORE OR LESS, TO A POINT OF CURVE ON SAID R.R. RIGHT OF WAY; THENCE NORTH 40 DEGREES 20 FEET 45 INCHES WEST A DISTANCE OF 308.24 FEET TO A POINT ON A LINE WHICH IS 500 FEET FROM THE TANGENTIAL PORTION OF THE NORTHWESTERLY RIGHT OF WAY LINE OF SAID ELGIN, JOLIET AND EASTERN RAILROAD COMPANY, MEASURED IN RIGHT ANGLES THERETO, AND 1343.27 FEET SOUTHWESTERLY FROM THE SOUTHWESTERLY RIGHT OF WAY OF THE INDUSTRIAL HIGHWAY; THENCE SOUTH 44 DEGREES 59 FEET WEST 53.12 FEET MORE OR LESS, TO THE SOUTH LINE OF SAID SECTION 26; THENCE CONTINUE ALONG THE LAST DESCRIBED LINE PRODUCED 61.44 FEET, MORE OR LESS TO A POINT WHICH IS 46 FEET EAST OF THE WEST LINE OF SAID NE 1/4 OF SAID SECTION 35, SAID 46 FEET BEING MEASURED AT RIGHT ANGLES TO SAID QUARTER SECTION LINE; THENCE SOUTH ALONG A LINE PARALLEL TO AND 46 FEET DISTANT FROM SAID QUARTER SECTION LINE 259.73 FEET TO A POINT; THENCE SOUTHWESTERLY ALONG A LINE MAKING AN ANGLE OF 24 DEGREES 43 FEET TO THE RIGHT A DISTANCE OF 110 FEET, MORE OR LESS, TO THE POINT OF BEGINNING, IN THE CITY OF GARY, LAKE COUNTY, INDIANA.

This deed is hereby confirmed as the true, voluntary and official act of the Lake County Commissioners.

IN WITNESS WHEREOF, the duly elected, qualified, sworn and acting Board of Commissioners of Lake County, Indiana, have hereunto set their hands and seals at the County Clerk's Office on this 3rd day of April, 2001.

APR - 3 2001

PAGE 1 OF 2

PETER BENJAMIN  
LAKE COUNTY AUDITOR

1 419

The Board of Commissioners Of:  
LAKE COUNTY, INDIANA, BY:

*Francis D. P. P.*  
Francis D. P. P., President

*Rudolph Clay*  
Rudolph Clay, Commissioner

*Gerry Schuch*  
Gerry Schuch, Commissioner

STATE OF INDIANA, LAKE COUNTY, SS

Before me, the undersigned, duly elected, qualified, sworn and acting Auditor in and for said County and State, empowered by law to acknowledge the deeds of the Lake County Commissioners, under L.C. 36-2-2-11, 36-2-2-7, 32-1-2-18, 32-1-2-23, and City of Gary v. Belovich, 1967, 504 N.E.2d 286, do now attest that on this April day of 2001, personally came the Lake County Commissioners, all of whom are personally known to me, and acknowledged the execution of the above and foregoing instrument as their true, voluntary and official act.

WITNESS MY HAND AND OFFICIAL SEAL

*Peter Benjamin*  
Peter Benjamin, Auditor of Lake County

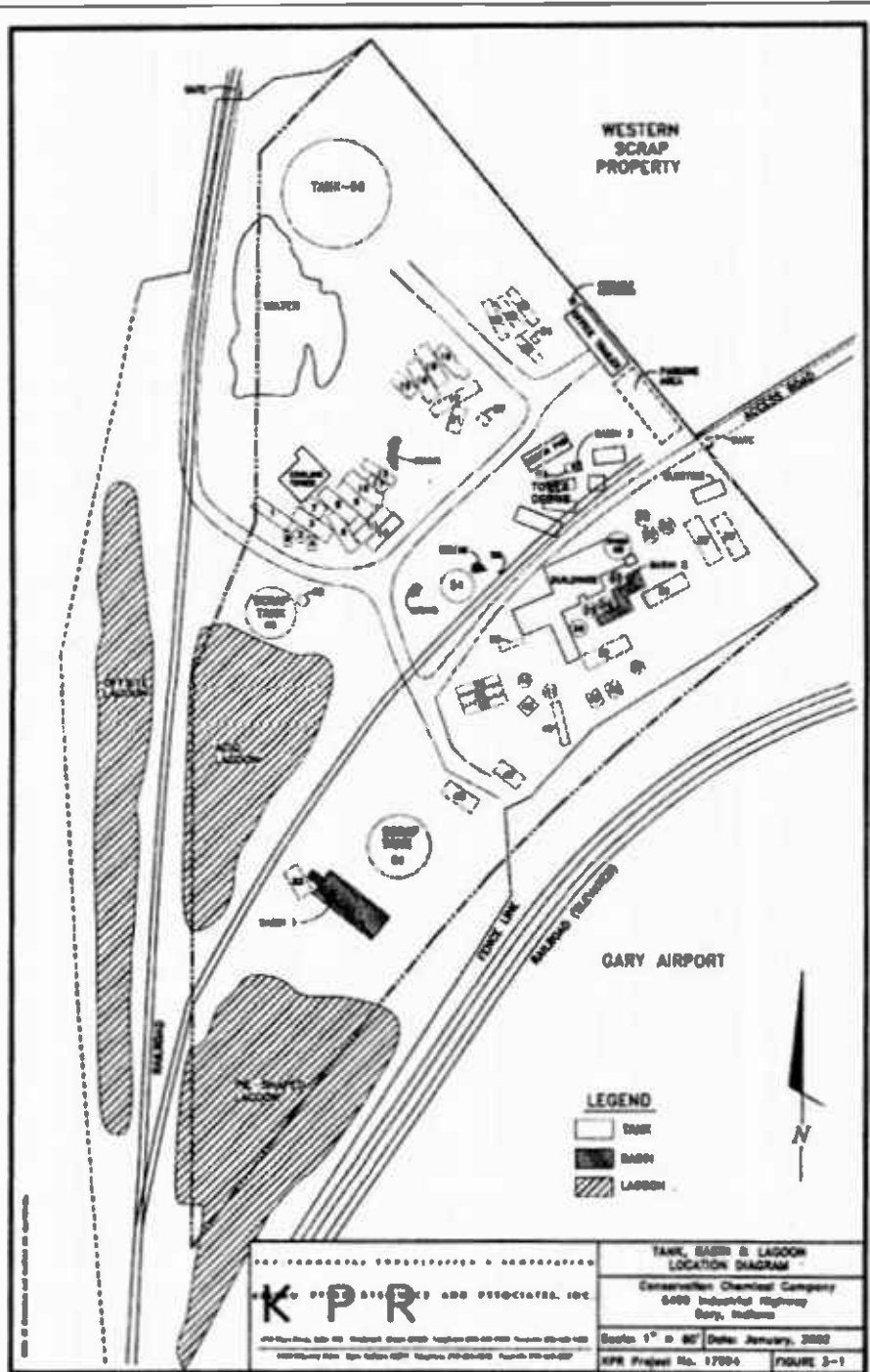
This instrument is prepared by: Lee J. Christakis, Attorney  
7870 Broadway, Suite G  
Merrillville, IN 46410

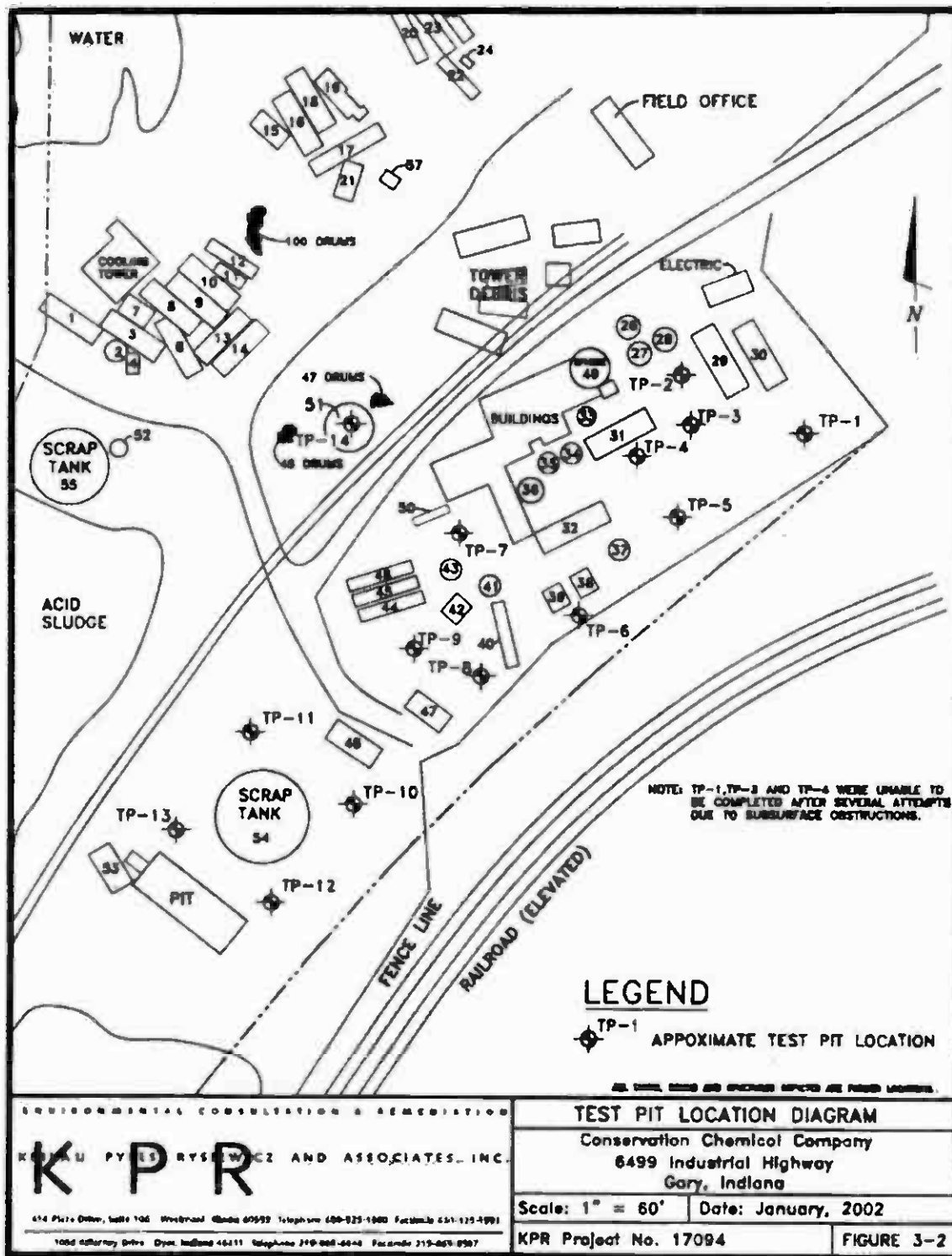


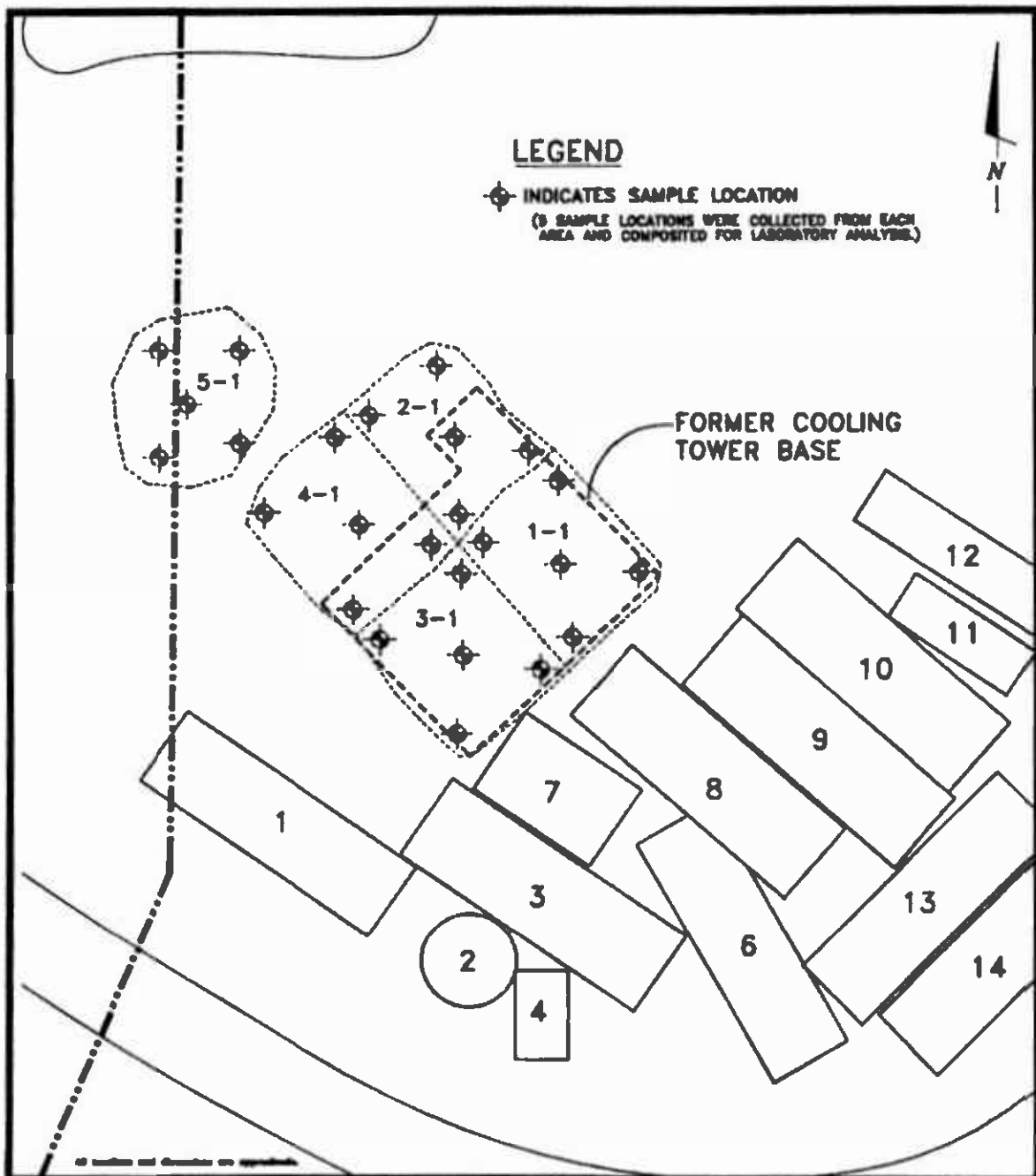
**Real Estate Map  
Former Conservation Chemical  
Company of Illinois Facility  
6500 Industrial Highway  
Gary, Lake County  
BFD #4070901**

Created By Kyle Hendrix  
Indiana Brownfields Program  
December 18, 2007









ENVIRONMENTAL CONSULTATION & REMEDIATION

**K P R**  
KIMAU PYLES RYSEWICZ AND ASSOCIATES, INC.

414 Plaza Drive, Suite 145 Westmont Illinois 60090 Telephone 815-825-1340 Fax/Facsimile 815-825-1988

1050 Ridgeway Drive Oyster, Indiana 46511 Telephone 317-845-6848 Facsimile 317-845-8887

**WOODEN COOLING TOWER  
SAMPLE LOCATION DIAGRAM**

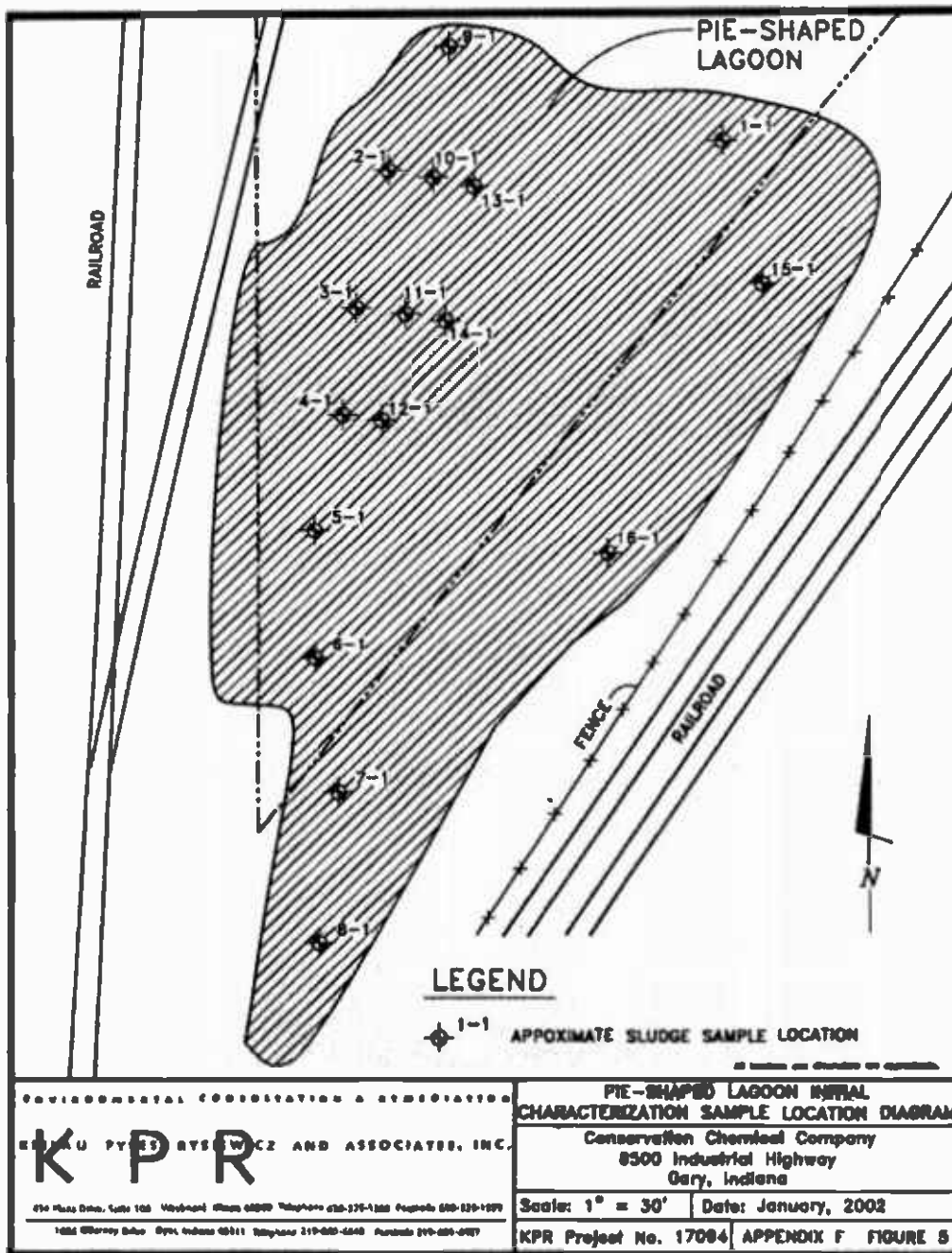
Conservation Chemical Company  
6499 Industrial Highway  
Gary, Indiana

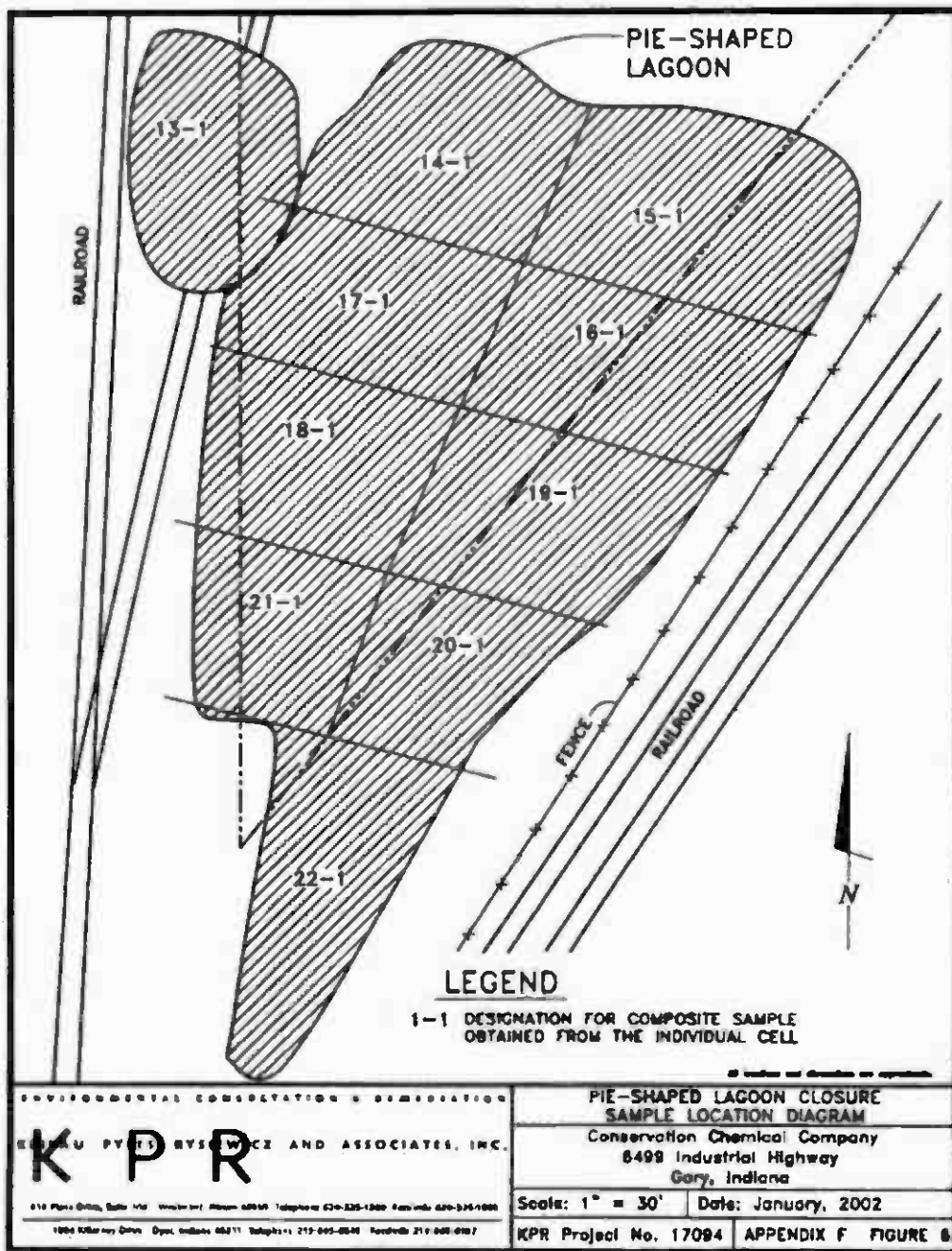
Scale: 1" = 10'

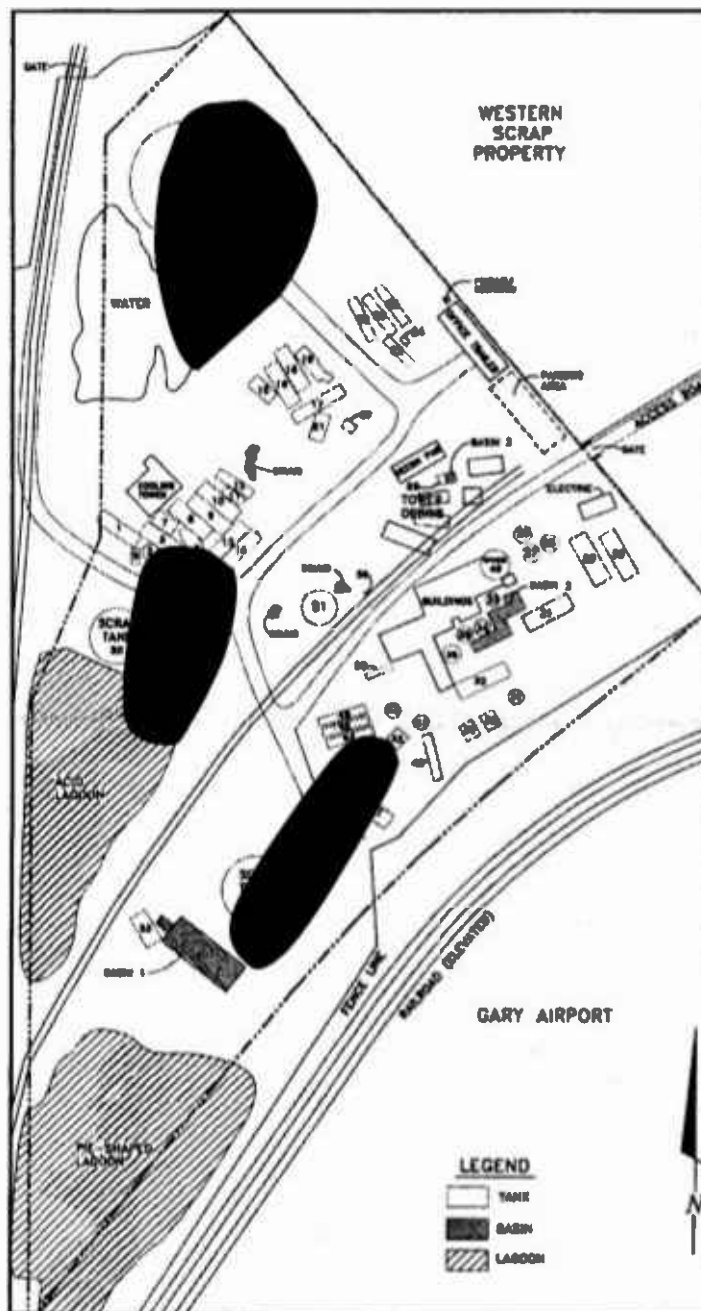
Date: January, 2002

KPR Project No. 17094

FIGURE 3-3







Approximate Locations of  
Capped Areas



**Table 1**  
**Soil Sampling**  
**Analytical Results**  
**July, October and November 1999**  
**(parts per million)**

<b>Contaminant</b>	<b>Location</b>	<b>Depth (feet)</b>	<b>Sample result</b>	<b>RISC RDCL</b>	<b>RISC IDCL</b>
<b>Cyanide</b>	TP-9	7	84	0.94	9.6
	TP-14	3-4	203		
	TP-14	7	816		
<b>Total Chromium</b>	CT-S-2-2 <sup>1</sup>	-	12,000	10,000 <sup>2</sup>	10,000 <sup>2</sup>
	1-1	lagoon	14,000		
	2-1	lagoon	17,000		
	3-1	lagoon	10,000		
	4-1	lagoon	10,000		
<b>Hexavalent chromium</b>	14-4	lagoon	123	39	120
	14-4D	lagoon	118		
<b>PCB-1242</b>	TP-12	3-4	19.4	1.8 <sup>3</sup>	5.3 <sup>3</sup>
	TP-14	3-4	2.06		
<b>PCB-1254</b>	TP-12	3-4	8.89	1.8 <sup>3</sup>	5.3 <sup>3</sup>

<sup>1</sup> Former Cooling Tower area composite sample

<sup>2</sup> RDCL and IDCL for Trivalent Chromium

<sup>3</sup> RDCL and IDCL for total PCBs



## BLACHLY, TABOR, BOZIK & HARTMAN, LLC

April 19, 2013

David L. Hollenbeck  
Randall J. Zromkoski  
Craig R. Van Schouwen  
Patrick Lyp  
Jeffrey S. Wrage

Ethan S. Lowe  
Scott R. Bozik  
Angelica C. Schultis  
Nathan D. Vis  
Colby A. Barnes

Kevin Davis  
Technical Review Coordinator  
Indiana Brownfields Program  
100 North Senate Avenue, Room N1275  
Indianapolis, Indiana 46204

Former Conservation Chemical Company of IL Facility  
6500 Industrial Highway, Gary, Indiana  
BFD #4070901

Dear Mr. Davis:

Duane W. Hartman  
Kingsley G. Regnier

Quentin A. Blachly  
(1934-1997)

James S. Bozik  
(1935-2012)

Glenn J. Tabor  
(Retired)

I represent the Gary/Chicago International Airport Authority with regard to a Comfort Letter issued from IDEM on February 29, 2008 with regard to the above described property. As required, the letter and Environmental Restrictive Covenant has been recorded in the office of the Lake County Recorder as Document Number 2013-020329.

As requested by IDEM, we are enclosing a certified copy of the recorded letter and Environmental Restrictive Covenant.

Please contact me in the event you have any questions regarding this correspondence.

Very truly yours,

BLACHLY, TABOR, BOZIK & HARTMAN, LLC

By:

Patrick Lyp  
[plyp@btbhlaw.com](mailto:plyp@btbhlaw.com)

56 South Washington, Suite 401 PL/lmb  
Valparaiso, IN 46383  
219.464.1041 phone  
219.464.0927 fax

Merrillville Office  
219.738.2824

Fort Wayne Office  
260.459.3288

Enclosure: as indicated

RECEIVED

APR 24 2013

INDIANA FINANCE AUTHORITY  
ENVIRONMENTAL PROGRAMS

***Recorder of Deeds***  
**Lake County Indiana**  
**2293 North Main Street**  
**Crown Point, In 46307**  
**219-755-3730**  
**fax: 219-648-6028**

State of Indiana )  
County of Lake ) SS

**ENVIRONMENTAL RESTRICTIVE COVENANT**  
**TOWN OF GARY**

Dated this 18th day of April, 2013

Michael B. Brown

Lake County Recorder- Michael B. Brown -2293 North Main Street- Crown Point, Indiana 46307 219-755-3730

29

# Environmental Restrictive Covenant

THIS COVENANT is made this 15 day of September, 2013 by Gary-Chicago Airport Authority concerning the Former Conservation Chemical Company of Illinois Facility located at 6500 Industrial Highway, Gary, Indiana (together with its successors and assignees, collectively "Owner").

WHEREAS: Owner owns certain real estate in the County of Lake, Indiana, which is more particularly described and depicted in the attached Exhibit "A" and made a part hereof ("Real Estate"), which Real Estate was acquired by deed on April 2, 2001, and recorded on April 3, 2001, as Deed Record 2001-026358, in the Office of the Recorder of Lake County, Indiana. The Real Estate, to which the restrictions outlined in this Covenant apply, is depicted on several diagrams attached hereto as Exhibit "B."

WHEREAS: A Comfort Letter was prepared and issued by the Indiana Department of Environmental Management ("the Department") pursuant to the Indiana Brownfields Program's recommendation at the request of Gary/Chicago International Airport Authority to address redevelopment potential of the Former Conservation Chemical Company of Illinois Facility project ("the Site"), site number BFD#4070901, a brownfield site impacted by a release of hazardous waste, petroleum free product, waste oil, regulated substances, or hazardous substances (collectively, "contaminants of concern").

WHEREAS: The Comfort Letter, as approved by the Department, provides that contaminants of concern, specifically cyanide, polychlorinated biphenyls ("PCBs"), chromium, waste oil, and petroleum free product will remain beneath the surface of the Real Estate and outlines land restrictions that must be maintained to ensure the protection of public health, safety of the environment in conjunction with the planned commercial/industrial use of the Real Estate.

WHEREAS: Soil sampling results from July, October and November 1999 indicate that levels of contaminants are above the industrial default closure levels ("IDCLs") and residential default closure levels ("RDCLs") established by IDEM in the January 2006, Risk Integrated System of Closure ("RISC") Technical Guidance.

Sludge from three lagoons, identified by the United States Environmental Protection Agency ("EPA") as the "pie basin" lagoon, "acid" lagoon, and "off-site" lagoon, contain chromium impacted sludge. Portions of the sludge in the "pie-shaped" lagoon were deemed hazardous by the EPA in 1999. Hazardous sludge was stabilized to non-hazardous levels. The stabilized sludge material was staged on the Real Estate in the vicinity of former Tank No. 56 and on portions of the "pie" shaped and "acid" lagoons and then placed on areas of the Site deemed acceptable by EPA. These areas were then capped with two feet of clay and three inches of top soil and seeded for erosion control (Capped Areas).

Impacted surface and subsurface soils were excavated from the eastern one-third of the Real Estate and in the vicinity of the former wooden cooling tower. Soils were analyzed for PCBs, total cyanide, Toxic Characteristic Leaching

2013 MAR 20 2013

STATE OF INDIANA  
LAKE COUNTY  
FILED FOR RECORD  
MAR 18 2013  
MICHAEL E. BROWN  
RECORDER

NON-TAXABLE

MAR 18 2013

PEGGY HOLINGA KATONA  
LAKE COUNTY AUDITOR

11357

70.00  
2 reg #15  
314725  
40  
now comp

TCLP volatile organic compounds ("VOCs"), and TCLP semi-volatile organic compounds ("SVOCs").

Groundwater underlying the Real Estate is impacted by the presence of free phase oil product.

Contaminant concentration levels/detected parameters remaining on the Real Estate and known to exceed RISC RDCLs and/or IDCLs are set forth in Table 1, attached hereto. See Exhibit "B" for diagrams depicting the locations of historical operations, including former lagoon areas, the sample locations, and the Capped Areas.

WHEREAS: The following documents, which were reviewed for issuance of the Comfort Letter, and other documents related to Brownfield Site # 4070901 are incorporated herein by reference and may be examined by searching IDEM's Virtual File Cabinet on the Web at <http://www.in.gov/idem/resources/records> using the Real Estate address:

- o "Phase I Environmental Site Assessment" July 24, 2007 prepared by Quality Environmental Professionals, Inc. (2007 Phase I)
- o "Record of Decision for Proposed Master Plan Development Including Runway Safety Area Enhancement/Extension of Runway 12-30, and Other Improvements at Gary/Chicago International Airport, Gary, Indiana" Department of Transportation, Federal Aviation Administration, Great Lakes Region, Chicago, Illinois, March 2005 (ROD)
- o "Final Report" June 2002, (Final Report) Krikau, Pyles, Rysiewicz and Associates, Inc. (Final Report)

WHEREAS: IDEM has not approved closure of the Site under RJSC. However, the land use restrictions contained in this Covenant will ensure that the planned commercial/industrial use of the Real Estate will be protective of human health and the environment.

NOW THEREFORE, Owner, hereby, in consideration for the promises contained herein and other good and valuable consideration imposes restrictions on the Real Estate and covenants and agrees that:

#### I. GENERAL PROVISIONS

1. Property Conveyance- Continuance of Provisions. Any conveyance of title, easement, or other interest in the Real Estate shall be subject to compliance with restrictions described in paragraph 8, below.
2. Restrictions to Run with the Land. The restrictions and other requirements described in this Covenant shall run with the land and be binding upon, and inure to the benefit of the Owner of the Real Estate and the Owner's successors, assignees, heirs and lessees or their authorized agents, employees, contractors, representatives, agents, lessees, licensees, invitees, guests, or persons acting under their direction or control and shall continue as a

servitude running in perpetuity with the Real Estate. No transfer, mortgage, lease, license, easement, or other conveyance of any interest in all or any part of the Real Estate by any person shall limit the restrictions set forth herein. This Covenant is imposed upon the entire Real Estate unless expressly stated as applicable only to a specific portion thereof.

3. Binding upon Future Owners. By taking title to the Real Estate, any subsequent owner agrees to comply with these restrictions and the terms of this Covenant.
4. Recordation. Unless this Covenant is terminated under paragraph 11, the Owner shall re-record this Covenant including any subsequent modifications and amendments forty-nine (49) years from the date of first recording, or any subsequent recordings, to ensure its continued applicability under the Marketable Title for Real Property Act found in IC 32-20.
5. Access for Department. The Owner shall grant to the Department and its designated representatives the right to enter upon the Real Estate at reasonable times for the purpose of determining whether the land use restrictions described in paragraph 8 are being maintained (and operated as applicable) in a manner that ensures the protection of public health, safety, or welfare and the environment; this includes the right to take samples, monitor compliance with the corrective action plan, and inspect records.
6. Written Notice of the Presence of Hazardous Substances. Owner agrees to include in any instrument conveying any interest in any portion of the Real Estate, including but not limited to deeds, leases and subleases (excluding mortgages, liens, similar financing interests, and other non-possessory encumbrances) the following notice provision:

NOTICE: THE INTEREST CONVEYED HEREBY IS SUBJECT TO AN ENVIRONMENTAL RESTRICTIVE COVENANT, DATED September 15 2002, RECORDED IN THE OFFICE OF THE RECORDER OF LAKE COUNTY ON March 18, 2003, INSTRUMENT NUMBER (or other identifying reference) 203-026329 IN FAVOR OF AND ENFORCEABLE BY THE INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT.

7. Notice to Department of the Conveyance of Property. Owner agrees to provide notice to the Department no later than thirty (30) days after any conveyance of any ownership interest in the Real Estate (excluding mortgages, liens, similar financing interests, and other non-possessory encumbrances). Owner must provide Department with a certified copy of the instrument conveying any interest in any portion of the Real Estate and, if it has been recorded, its recording reference. Such notice shall also include the name and business address of the transferee.

## II. RESTRICTIONS AND OBLIGATIONS

8. The Owner shall:

- a) Prohibit any activity on the Real Estate that may interfere with any response activities, long-term monitoring, or measures necessary to assure the effectiveness and integrity of any response action, or component thereof, selected and/or undertaken at the Real Estate.
- b) Not use the Real Estate for residential purposes, including, but not limited to, daily care facilities (e.g., daycare centers, schools and senior citizen facilities).
- c) Not use the Real Estate for agricultural purposes.
- d) Neither engage in nor allow the installation or use of any water wells on the Real Estate. There shall be no consumptive, extractive or other use of the groundwater underlying the Real Estate that could cause exposure of humans or animals to the groundwater or disrupt the movement of groundwater underlying the Real Estate, other than for site investigation and/or remediation purposes, without prior Department approval.
- e) Neither engage in nor allow the excavation of any surface or subsurface soils, including the Capped Areas, on the Site without prior approval from the EPA and the Department.
- f) Maintain, and replace as necessary, the oil-absorbing booms on the airport property located in the ditch between the Real Estate and the airport property.
- g) Maintain and operate the EPA-installed oil recovery remediation system until such a time as a new, more effective system is installed and operational;
- h) Notify the Department if there is a change in the land use and/or any zoning changes that affect the commercial/industrial use of the Real Estate.

### III. ENFORCEMENT

- 9. Enforcement. Pursuant to IND. CODE § 13-14-2-6(5), the Department may proceed in court, by appropriate action to enforce this Covenant. Owner agrees that the restrictions are enforceable, and agrees not to challenge the appropriate court's jurisdiction.

### IV. TERM, MODIFICATION AND TERMINATION

- 10. Term. The restrictions shall apply until the Department determines that the contaminants of concern no longer present an unacceptable risk to the public health, safety, or welfare, or to the environment.
- 11. Modification and Termination. This Covenant shall not be amended, modified, or terminated except by written instrument executed between the Department and the owner of the Real Estate at the time of the proposed amendment, modification, or termination. Within five (5) days of executing an amendment, modification, or termination of the Covenant, such amendment, modification, or termination shall be recorded with the Office of the Recorder of Lake County and within five (5) days after recording, a true

copy of the recorded amendment, modification, or termination shall be presented to the Department.

V. MISCELLANEOUS

12. Waiver. No failure on the part of the Department at any time to require performance by any person of any term of this Covenant shall be taken or held to be a waiver of such term or in any way affect the Department's right to enforce such term, and no waiver on the part of the Department of any term hereof shall be taken or held to be a waiver of any other term hereof or the breach thereof.
13. Conflict of and Compliance with Laws. If any provision of this Covenant is also the subject of any law or regulation established by any federal, state, or local government, the strictest standard or requirement shall apply. Compliance with this Covenant does not relieve the Owner from complying with any other applicable laws.
14. Change in Law or Regulation. In the event that the Risk Integrated System of Closure ("RISC") is adopted by rule in Indiana, or in the event of any other change in applicable law or regulations, this Covenant shall be interpreted so as to ensure the continuing validity and enforceability of the restrictions listed in paragraph 8, above. In no event shall this Covenant be rendered unenforceable if Indiana's laws, regulations, RISC guidelines, or policies for environmental restrictive covenants or institutional or engineering controls change as to form or content. All statutory references include any successor provisions.
15. Notices. Any notice, demand, request, consent, approval or communication that either party desires or is required to give to the other pursuant to this Covenant shall be in writing and shall either be served personally or sent by first class mail, postage prepaid, addressed as follows:

To Owner:

Scott Wheeler  
Gary/Chicago International  
Airport Authority  
6001 Industrial Highway  
Gary, Indiana 46406


To Department:

Indiana Brownfields Program  
IGCN-Suite 1275  
100 North Senate Avenue  
Indianapolis, Indiana 46204  
ATTN: Kyle Hendrix

Any party may change its address or the individual to whose attention a notice is to be sent by giving written notice in compliance with this paragraph.

16. Severability. If any portion of this Covenant or other term set forth herein is determined by a court of competent jurisdiction to be invalid for any reason, the surviving portions of this Covenant shall remain in full force and effect as if such portion found invalid had not been included herein.
17. Liability. An Owner's rights and obligations under this instrument terminate upon transfer of the Owner's interest in the Real Estate, except that liability for acts or omissions occurring prior to transfer shall survive transfer.
18. Authority to Execute and Record. The undersigned persons executing this Covenant on behalf of the Owner represent and certify that they are duly authorized and have been fully empowered to execute, record, and deliver this Covenant.

Owner hereby attests to the accuracy of the statements in this document and all attachments.

  
Owner

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared Nathaniel Williams the \_\_\_\_\_ of the Owner, \_\_\_\_\_, who acknowledged the execution of the foregoing instrument for and on behalf of said entity.

Patrick Lyp, Notary Public

This instrument prepared by: Patrick Lyp, 56 S. Washington Street, Valparaiso, IN

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law. *Simon Bram*

**EXHIBIT A**

**Certified Copy of the Quit Claim Deed**

**And**

**Map of the Real Estate**

2001 02000

### COMMISSIONERS QUIT CLAIM DEED

THIS INDENTURE WITNESSETH THAT, the Board of Commissioners of Lake County, State of Indiana, RELEASE, QUIT-CLAIM, AND CONVEY to

GARY - CHICAGO AIRPORT AUTHORITY  
620 INDUSTRIAL HIGHWAY  
GARY, IN 46404

for and in consideration of the sum of FIVE HUNDRED TWENTY FIVE AND 00/100 DOLLARS (DEED the receipt of which is hereby acknowledged, the following described real estate in Lake County, State of Indiana:

PROPERTY ID:	25-00-0151-0000
Common Address:	6200 INDUSTRIAL HIGHWAY GARY, IN 46404
Legal Description:	BEGINNING AT A POINT IN THE WEST LINE OF THE NE 1/4 OF SAID SECTION 35, WHICH IS 484.33 FEET SOUTH OF THE NORTHWEST CORNER OF THE NE 1/4 OF SAID SECTION 35; THENCE SOUTH ALONG THE WEST LINE OF THE NE 1/4 OF SAID SECTION 35, 412.36 FEET MORE OR LESS, TO A POINT, IN THE NORTHWESTERLY PROPERTY LINE OF PROPERTY CONVEYED BY THE GARY LAND COMPANY, TO THE CHICAGO LAKE SHORE EASTERN R.R. COMPANY, NOW ELGIN, JOLIET AND EASTERN R.R. COMPANY, BY DEED DATED APRIL 14, 1910 AND RECORDED WITH RECORDER OF DEEDS OF LAKE COUNTY, INDIANA, IN BOOK 178, PAGE 386, AS DOCUMENT 63286, SAID LINE NOW BEING THE NORTHERLY RIGHT OF WAY LINE OF THE ELGIN, JOLIET AND EASTERN R.R. COMPANY; THENCE NORTHWESTERLY ALONG THE NORTHWESTERLY RIGHT OF WAY LINE OF THE ELGIN, JOLIET AND EASTERN R.R. COMPANY, 606.49 FEET, MORE OR LESS, TO A POINT OF CURVE ON SAID R.R. RIGHT OF WAY; THENCE NORTH 46 DEGREES 20 FEET 45 INCHES WEST A DISTANCE OF 308.34 FEET TO A POINT ON A LINE WHICH IS 500 FEET FROM THE TANGENTIAL PORTION OF THE NORTHWESTERLY RIGHT OF WAY LINE OF SAID ELGIN, JOLIET AND EASTERN RAILROAD COMPANY, MEASURED IN RIGHT ANGLES THERE TO, AND 1543.27 FEET SOUTHWESTERLY FROM THE SOUTHWESTERLY RIGHT OF WAY OF THE INDUSTRIAL HIGHWAY; THENCE SOUTH 44 DEGREES 39 FEET WEST 23.12 FEET MORE OR LESS TO THE SOUTH LINE OF SAID SECTION 36; THENCE CONTINUE ALONG THE LAST DESCRIBED LINE PRODUCED 61.44 FEET, MORE OR LESS TO A POINT WHICH IS 46 FEET EAST OF THE WEST LINE OF SAID NE 1/4 OF SAID SECTION 35, SAID 46 FEET BEING MEASURED AT RIGHT ANGLES TO SAID QUARTER SECTION LINE; THENCE SOUTH ALONG A LINE PARALLEL TO AND 46 FEET DISTANT FROM SAID QUARTER SECTION LINE 200.30 FEET TO A POINT; THENCE SOUTHWESTERLY ALONG A LINE MAKING AN ANGLE OF 24 DEGREES 43 FEET TO THE RIGHT A DISTANCE OF 110 FEET, MORE OR LESS, TO THE POINT OF BEGINNING, IN THE CITY OF GARY, LAKE COUNTY, INDIANA.

This deed is hereby confirmed to the true, voluntary and official act of the Lake County Commissioners.

IN WITNESS WHEREOF, the duly elected, qualified, sworn and acting Board of Commissioners of Lake County, Indiana, have hereunto set their official seal and signature, this 3rd day of April, 2001.

APR - 3 2001

PAGE 1 OF 2

14789 DEJANNA  
LAKE COUNTY ALLOTCH

419

The Board of Commissioners Of  
LAKE COUNTY, INDIANA, BY:

*Francis D. Kelly*  
Francis D. Kelly, President

*Richard H. Clay*  
Richard H. Clay, Commissioner

*Geoffrey Schenk*  
Geoffrey Schenk, Commissioner

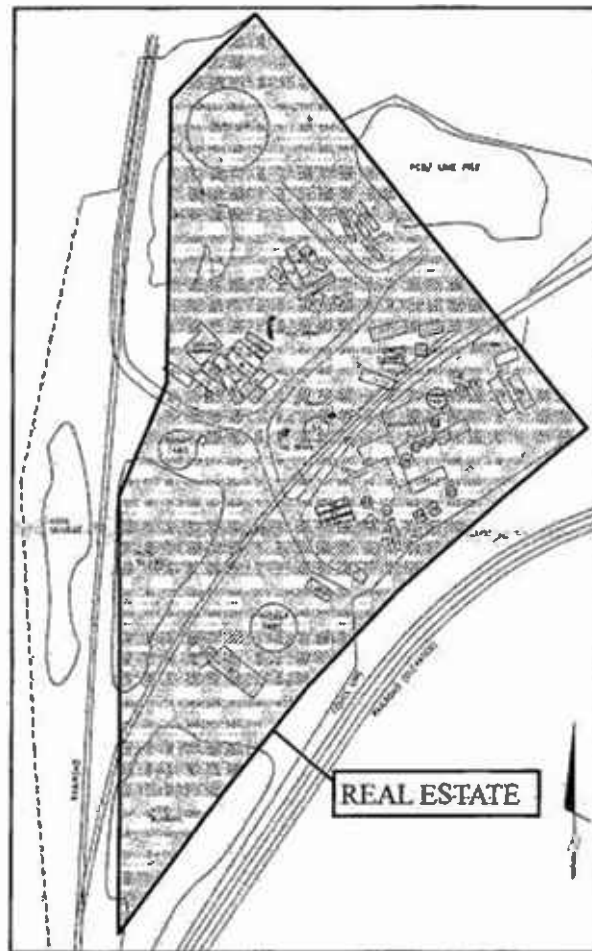
STATE OF INDIANA, LAKE COUNTY, SS

Before me, the undersigned, duly chosen, qualified, sworn and acting Auditor in and for said County and State,  
empowered by law to acknowledge the death of the Lake County Commissioners, under I.C. 36-3-3-11, 36-3-3-7,  
33-1-3-18, 33-1-3-21, and City of Gary v. Heinrich, 1997, 694 N.E.2d 296, do now attest that on this 1st day of  
April, 2020, personally came the Lake County Commissioners, all of whom are personally known to me,  
and acknowledged the execution of the above and foregoing instrument as their true, voluntary and official act.

WITNESS MY HAND AND OFFICIAL SEAL

*Peter Benjamin*  
Peter Benjamin, Auditor of Lake County

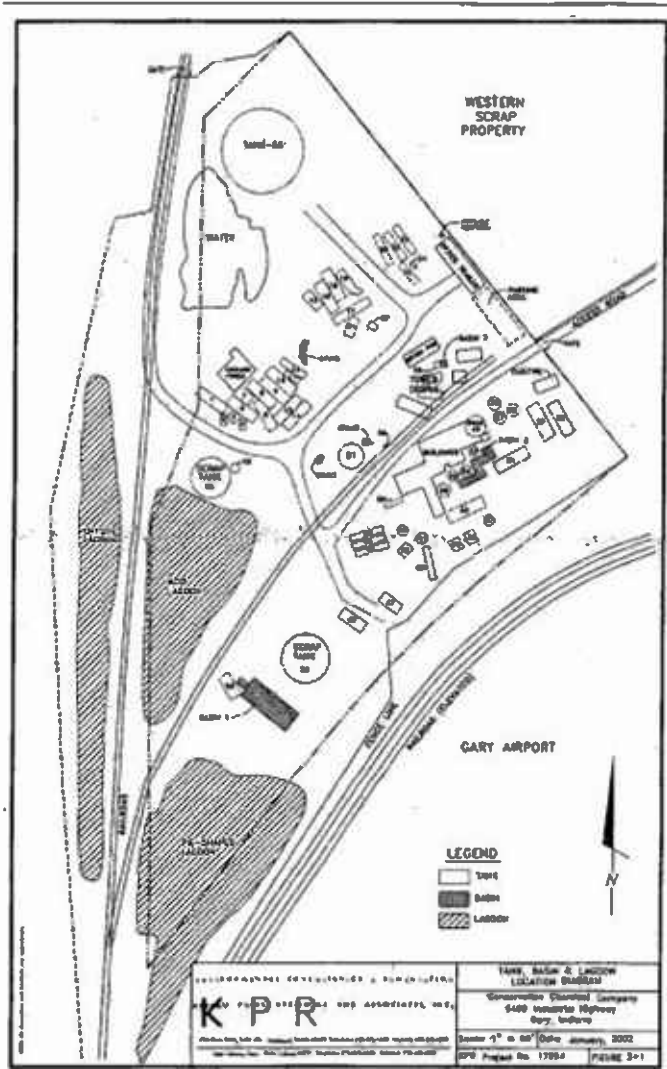
This instrument is prepared by: Lee A. Christakis, Attorney  
7870 Broadway, Suite G  
Merrillville, IN 46409

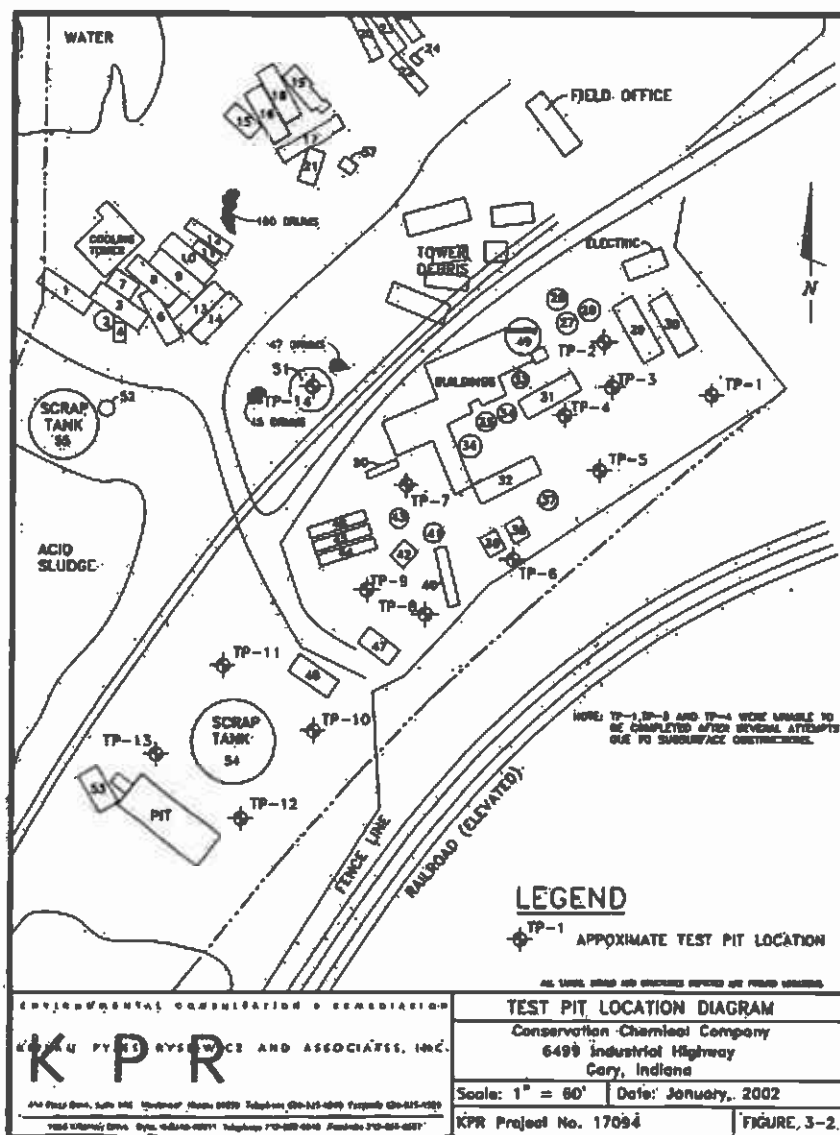


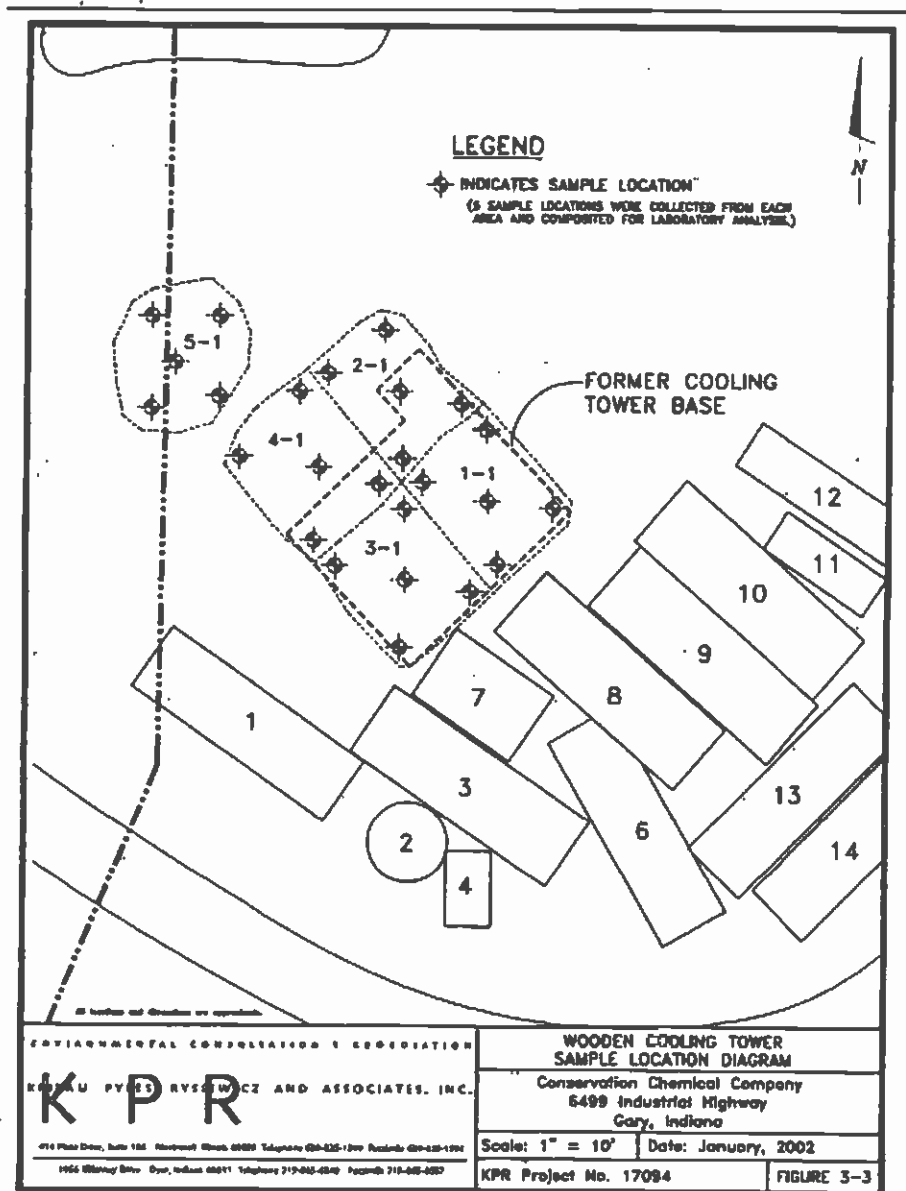
**Real Estate Map  
Former Conservation Chemical  
Company of Illinois Facility  
6500 Industrial Highway  
Gary, Lake County  
BFD #4070901**

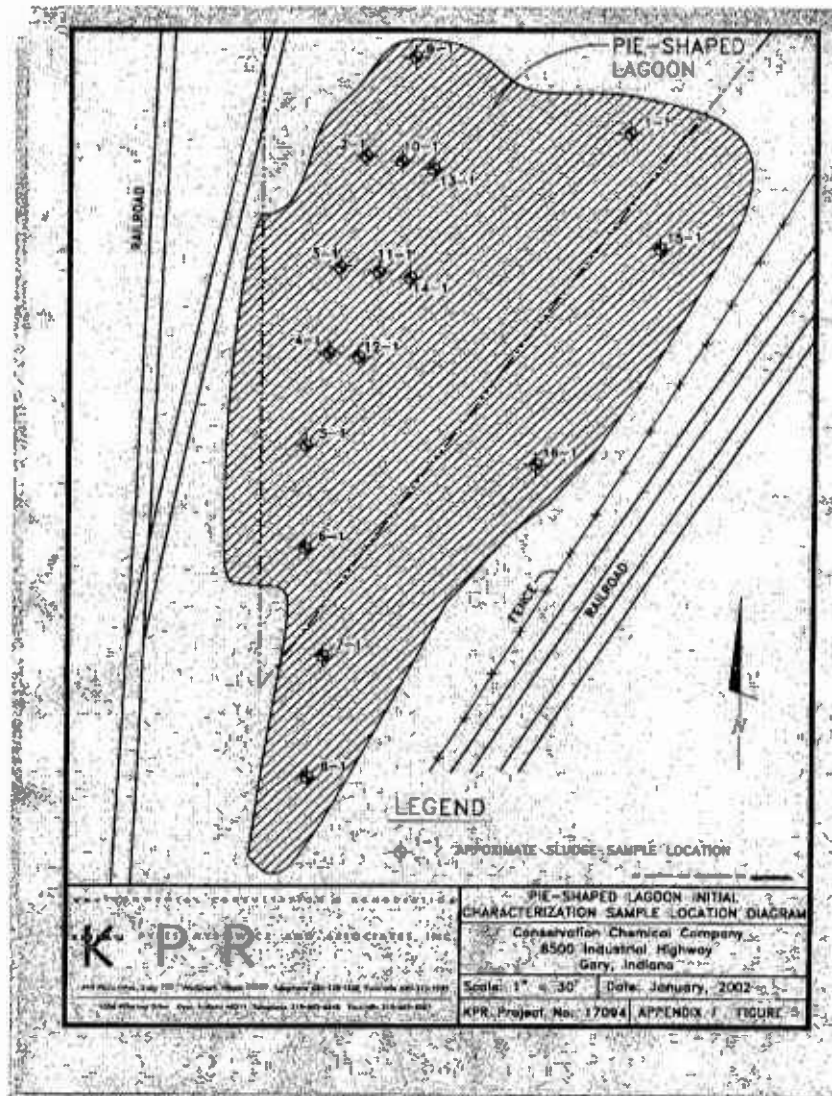
Created By Kyle Hendrix  
Indiana Brownfields Program  
December 18, 2007

**EXHIBIT B**  
**Historical Site Operations**  
**And**  
**Sample Locations Maps**

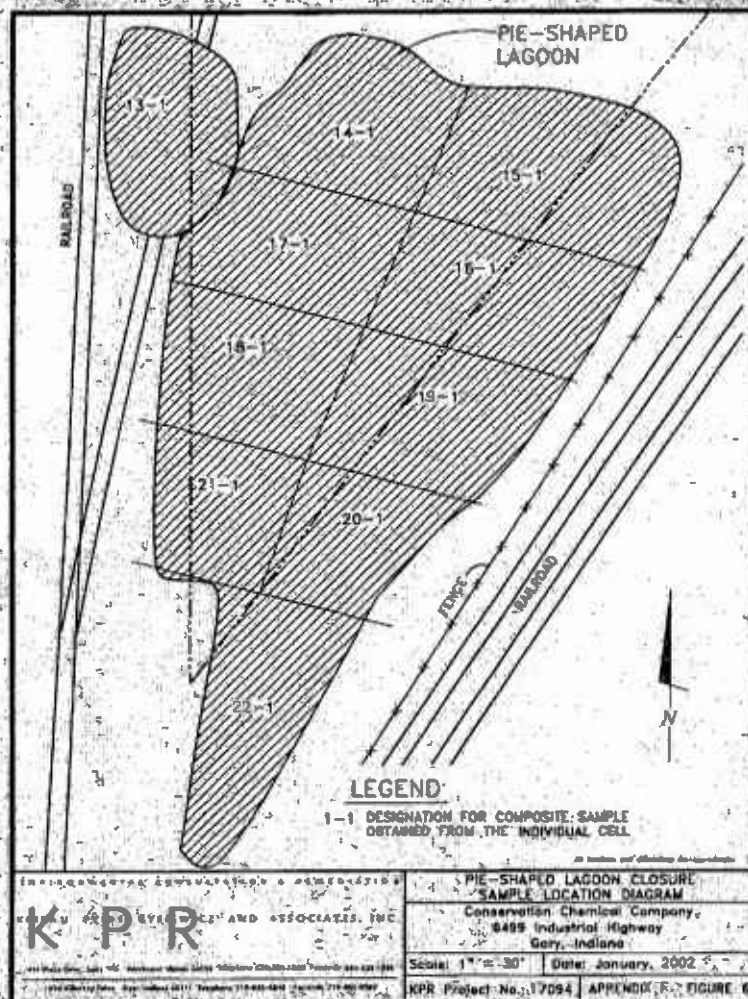


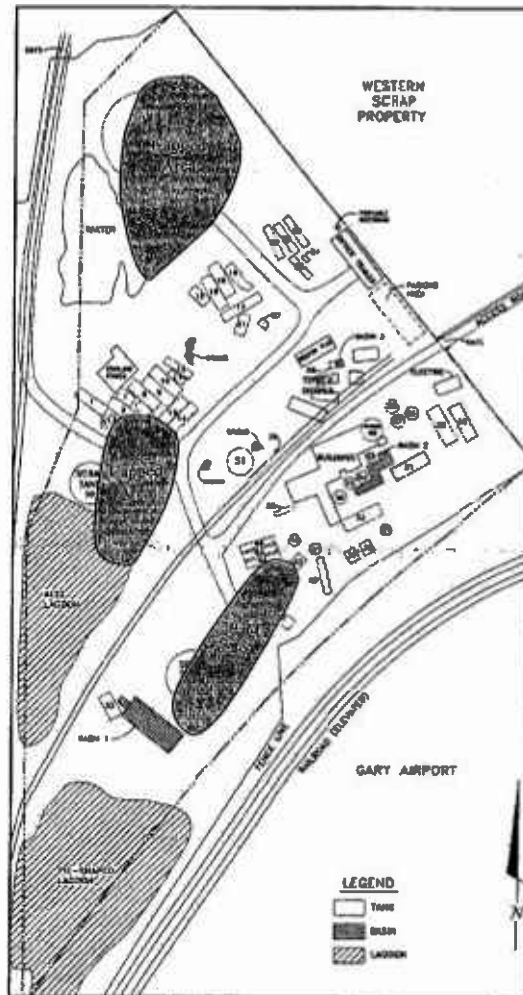






<p><b>K P R</b></p> <p>Conservation Chemical Company, Inc.</p> <p>1000 West 10th Street, Gary, Indiana 46708-1000</p> <p>Phone: (219) 931-1000 Fax: (219) 931-1001</p>	
<p><b>PIE-SHAPED LAGOON INITIAL CHARACTERIZATION SAMPLE LOCATION DIAGRAM</b></p> <p>Conservation Chemical Company 8500 Industrial Highway Gary, Indiana</p>	
Scale: 1" = 30'	Date: January, 2002
KPR, Project No. 17094 APPENDIX I FIGURE 5	





Approximate Locations of  
Capped Areas

**TABLE 1**  
**July, October and November 1999**  
**Soil Sampling Results**

**Table 1**  
**Soil Sampling**  
**Analytical Results**  
**July, October and November 1999**  
**(parts per million)**

Contaminant	Location	Depth (feet)	Sample result	RISC RDCL	RISC IDCL
Cyanide	TP-9	7	84	0.94	9.6
	TP-14	3-4	203		
	TP-14	7	816		
Total Chromium	CT-S-2-2 <sup>1</sup>	.	12,000	10,000 <sup>2</sup>	10,000 <sup>2</sup>
	1-1	lagoon	14,000		
	2-1	lagoon	17,000		
	3-1	lagoon	10,000		
	4-1	lagoon	10,000		
Hexavalent chromium	14-4	lagoon	123	39	120
	14-4D	lagoon	118		
PCB-1242	TP-12	3-4	19.4	1.8 <sup>3</sup>	5.3 <sup>3</sup>
	TP-14	3-4	2.06		
PCB-1254	TP-12	3-4	8.89	1.8 <sup>3</sup>	5.3 <sup>3</sup>

<sup>1</sup> Former Cooling Tower area composite sample

<sup>2</sup> RDCL and IDCL for Trivalent Chromium

<sup>3</sup> RDCL and IDCL for total PCBs

**COPY OF  
COMFORT LETTER**



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

*We make Indiana a cleaner, healthier place to live.*

Mitchell E. Daniels, Jr.  
Governor

Thomas W. Easterly  
Commissioner

100 North Senate Avenue  
Indianapolis, Indiana 46204

(317) 232-8603  
(800) 451-6027  
[www.IN.gov/idem](http://www.IN.gov/idem)

February 29, 2008

Mr. J. Scott Phipps PE, PLS  
Gary/Chicago International  
Airport Authority  
6001 Industrial Highway  
Gary, Indiana 46406

Re: Comfort Letter  
Former Conservation Chemical  
Company of Illinois Facility  
6500 Industrial Highway  
Gary, Lake County  
BFD #4070901

Dear Mr. Phipps:

In response to the request to the Indiana Brownfields Program (Program) by the Gary/Chicago International Airport Authority (GCIAA) for assistance concerning the Former Conservation Chemical Company of Illinois (CCCI) Facility (Site), the Indiana Department of Environmental Management (IDEM) has agreed to provide this Comfort Letter to clarify IDEM's position on the potential liability of the GCIAA and the necessity of an environmental response action at the Site. Though not a legal release from liability, this letter will help to establish whether environmental conditions at the Site might be a barrier to redevelopment or transfer.

The 4.1-acre CCCI Site was used as a conversion facility for industrial waste and to manufacture iron salt coagulants. The Site is currently vacant, with concrete pads from former above ground storage tanks (ASTs) and a groundwater pump and treatment system consisting of a steel frame maintenance shed, a 5,000-gallon AST used to store recovered waste oil, a 1,000-gallon AST located within the system shed, an oil-water separator and an extraction well pump. This system was installed in April 2003 and operated by the U.S. Environmental Protection

Agency Region 5 (EPA) until October 2007, at which time EPA decommissioned and ceased operating the system. A gravel parking lot is located adjacent to the maintenance building. The property is currently owned by the GCIAA which plans to use the Site as part of a safety upgrade and a runway expansion.

#### **PAST USES AND OWNERS**

Historical records indicate the Site was originally developed in the late 1800's for industrial use. From around 1907 to 1934, the Site was owned at various times by the Gary Land Company, the United States Steel Corporation, and the United States Department of Defense. Historical records available for this time frame were vague and did not yield any information with regards to the type of operations that occurred. No information was available for the time period between 1934 and 1952. From 1952 to 1959, the Johnson Oil Supply Company Refinery and Service Station operated the Berry Asphalt Company, an asphalt manufacturer and oil company. Asphalt operations ceased in 1962. Johnson Oil Refinery operated a petroleum refining facility under the name of Berry Oil Company Petroleum Refinery until 1966. CCCI purchased the Site in 1967 and operated an industrial waste recycling facility, storing and treating spent acids, oils, solvents and scrap metals into acceptable forms for disposal or reuse. In addition, CCCI produced ferric chloride. CCCI conducted these operations from 1967 to 1975 and from 1980 to 1985. From 1975 to 1980, CCCI operated a hazardous waste terminal and treatment facility. CCCI ceased operations and abandoned the Site in December 1985. The Site has remained vacant since that time. The Lake County Sheriff took ownership of the Site through the failure of CCCI to pay property taxes and simultaneously issued a Quit Claim Deed to the GCIAA on April 3, 2001.

#### **ENVIRONMENTAL CONDITIONS AT THE SITE**

As part of your request for assistance in determining the existing environmental impacts and potential liability at the subject property, Program Staff reviewed the following documents:

- "Phase I Environmental Site Assessment" Quality Environmental Professionals, Inc., July 24, 2007 (Phase I Report)
- "Record of Decision for Proposed Master Plan Development Including Runway Safety Area Enhancement/Extension of Runway 12-30, and Other Improvements at Gary/Chicago International Airport, Gary, Indiana" Department of Transportation, Federal Aviation Administration, Great Lakes Region, Chicago, Illinois, March 2005 (ROD)
- "Final Report" Krikau, Pyles, Rysiewicz and Associates, Inc., June 2002 (Final Report)

#### **Environmental Assessment, Remediation and Removal History**

Assessment, removal and remediation activities performed at the Site confirmed historical operations impacted soil, groundwater and surface water on the Site. The soil was impacted with acids, polychlorinated biphenyls (PCBs), chemical spills associated with ferric chloride manufacturing activities, and leakage or spills from tanks and drums storing hazardous

material or waste oils from refinery operations. Groundwater sampling indicated the presence of hazardous acid compounds, base neutral compounds, volatile organic compounds (VOCs), solvents, metals, PCBs and petroleum constituents. Offsite monitoring wells indicated groundwater was impacted with chlorinated organics, cyanide, phenols, and heavy metals. Additionally, surface water samples and surface sediment samples were collected with each exhibiting high chemical concentrations of metals and VOCs.

Past operations at the Site utilized three lagoons identified in the Final Report as the "pie basin" lagoon, "acid" lagoon, and "off-site" lagoon. The entire "off-site" lagoon and portions of the other two lagoons were located off of the Site. These lagoons were filled with chromium impacted sludge from CCCI operations.

Below are the significant remedial actions completed by EPA on the Site from 1987 to early 2000:

- Removed and disposed 45 to 60 ASTs and miscellaneous tanks in various stages of deterioration associated with the refinery and chemical operations.
- Removed cyanide solids and liquids, PCB-impacted solids and liquids, acid solids and liquids, caustic solids and liquids, waste oils, lead and chromium impacted solids and liquids, ferric chloride, chlorinated hydrocarbons and hazardous sludge stored in the ASTs and tanks.
- Removed and disposed impacted soils immediately surrounding ASTs.
- Cleaned two concrete-lined, and one unlined, metal pits containing acid liquids, acid solids, PCB-impacted oils, PCB/lime neutralized solids, fuel oils and waste oils. All three pits were backfilled with imported aggregate material and leveled to grade.
- Stabilized chromium impacted sludge from the "pie basin" lagoon, "acid" lagoon, and "off-site" lagoon to non-hazardous levels. This stabilized sludge from the "off-site" lagoon and portions of the "acid" and "pie-shaped" lagoons that were not located on the Site, but were part of CCCI operations, were removed and placed on areas of the Site deemed acceptable by EPA. These areas were then capped with two feet of clay and three inches of top soil and seeded for erosion control (Capped Areas).
- Removed and disposed of over 300 drums containing cyanide and acid solids.
- Identified and abated asbestos containing material in the form of pipe/equipment insulation, building materials and tank coatings.
- Excavated buried drums for disposal in an approved landfill.

- Installed a drainage pipe for free product recovery in a ditch at the north end of the runway located on the Gary/Chicago Airport property to control off-Site petroleum migration.
- Installed and operated an oil recovery remediation system that pumped and treated free-phase petroleum product, caustic solids, waste oils, ferric chloride, chlorinated hydrocarbons, and hazardous sludge from the groundwater aquifer (April 2003). EPA ceased operations and decommissioned the oil recovery remediation system due to budgetary issues in October 2007.
- From 1987 until 2007, an estimated 1.4 million gallons, 3,600 tons and 134 cubic yards of hazardous waste in the form of liquids and solids and non-hazardous waste debris from the Site were treated and/or disposed.

#### Site Conditions Based on Last Sampling Event

In July, October and November 1999, EPA completed an investigation of the Site. The scope of this investigation determined the amount of impacted surface and subsurface soil. Soil was removed in two areas. The first area was over the eastern one-third of the Site. Samples in this area were analyzed for PCBs, total cyanide, Toxic Characteristic Leaching Procedure (TCLP) metals, TCLP VOCs, and TCLP semi-volatile organic compounds (SVOCs). EPA determined that the sample results indicated hazardous concentrations of trichloroethene at TP-12 and TP-14, and lead at TP-5. Lead in TP-5 was re-sampled and determined not to be at a hazardous level. EPA excavated and disposed of the impacted soil in an approved landfill from the areas of test pit TP-12 and TP-14.

The second area was in the vicinity of the former wooden cooling tower on the Site. Samples in this area were analyzed for total chromium, TCLP chromium and hexavalent chromium. EPA determined that the results indicated the existing levels of hexavalent and total chromium were not hazardous and did not pose an immediate risk. Therefore, no soil was excavated in this area.

The sludge from the "pie-shaped", "acid", and "off-site" lagoons was tested for hexavalent chromium, total chromium, TCLP chromium and PCBs. Lime kiln dust was used to stabilize the sludge. Hazardous sludge identified in the "pie-shaped" lagoon was stabilized with fly ash and ferric chloride to levels deemed non-hazardous by EPA. Stabilized chromium-impacted sludge from these three lagoons was disposed in an area on the Site deemed acceptable by EPA and capped with two feet of clay and three inches of top soil and seeded for erosion control.

The Program compared the 1999 sampling results from both of these areas to the January 2006 version of the IDEM Risk Integrated System of Closure (RISC) Residential Default Closure Levels (RDCLs) and Industrial Default Closure Levels (IDCLs). Cyanide, PCB-1242, PCB-1254, total chromium and hexavalent chromium exceed their respective RDCLs and/or IDCLs as indicated in Table 1. All other samples were below their respective RDCLs.

**Table 1**  
**Soil Sampling**  
**Analytical Results**  
**July, October and November 1999**  
**(parts per million)**

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<sup>1</sup> Former Cooling Tower area composite sample

<sup>2</sup> RDCL and IDCL for Trivalent Chromium

<sup>3</sup> RDCL and IDCL for total PCBs

Past investigations have found that on-Site and off-Site soil and groundwater have been impacted with chlorinated organics, cyanide, phenols and heavy metals by past operations on the Site. From April 2003 until September 2007, during which time EPA operated the oil recovery remediation system, free-phase liquid oil product was found on the groundwater aquifer.

**In summary:**

- (1) Historical uses of the Site have impacted the soil and groundwater at the Site. The most recent known levels of contaminants exceed RISC RDCLs and IDCLs in soil and free-phase liquid oil product has been found on the groundwater.
- (2) Impacted sludge material is stored and capped on the Site.
- (3) Buried abandoned piping, potentially containing product, exists on the Site.
- (4) The EPA ceased operation of the oil recovery remediation system in October 2007.
- (5) GCIAA acquired title by transfer from another political subdivision.

#### Liability and Enforcement Discretion

IDEM's "Brownfields Program Comfort and Site Status Letters" Nonrule Policy Document, W-0051 (April 18, 2003) (Comfort and Site Status Letter Policy), provides that IDEM may issue a letter under the policy to a stakeholder involved in redevelopment of a brownfield if the stakeholder satisfies certain eligibility criteria reviewed below. IDEM concludes, in part based on information provided by the GCIAA, that:

- (1) no federal grant requires an enforcement action at the brownfield;
- (2) no condition on the brownfield constitutes an imminent and substantial threat to human health or the environment as long as the oil absorbing booms on the airport property are properly maintained, including replacement as necessary, and the EPA-installed oil recovery remediation system is operating;
- (3) neither the GCIAA nor an agent or employee of the GCIAA caused, contributed to, or knowingly exacerbated the release or threat of release of any hazardous substance or petroleum at the brownfield, and;
- (4) the GCIAA is eligible for an applicable exemption to liability, specifically, the GCIAA qualifies as a political subdivision that is exempt from liability under IC 13-25-4-8(e)(8), IC 13-11-2-150(c)(8), or IC 13-11-2-151(b)(8), having acquired title to the Site from Lake County.

#### Environmental Steps

The March 2005 ROD provides the final Federal Aviation Administration (FAA) determinations and approvals for those actions the federal government will require GCIAA to implement to comply with current FAA development standards. In addition, the ROD identifies the *Proposed Actions* needed to address the GCIAA improvements of both the airfield and terminal area facilities. These actions are primarily designed to enhance airport safety and enhance facilities for airport users. A secondary element of the *Proposed Actions* is the opportunity to "allow enhancements of the human environment in and around the Airport." A Final Environmental Impact Statement (FEIS) developed as part of the ROD identifies the range of known contamination, likely areas of additional contamination, and subsequent steps that the GCIAA will be required by the FAA to take in implementing the *Proposed Action*.

IDEM agrees that the subsequent steps outlined in the FEIS are necessary for the GCIAA to effectively address the hazardous substance and petroleum contamination found at the Site. For the GCIAA to satisfy the ROD, as a condition of the effectiveness of this Comfort Letter, the following actions are deemed necessary by IDEM to make the Site safe for its intended use:

- (1) Maintain, and replace as necessary, the oil-absorbing booms on the airport property located in the ditch between the Site and airport property;
- (2) Maintain and operate the EPA-installed oil recovery remediation system until such a time as a new, more effective system is installed and operational;
- (3) Determine the effectiveness of the existing EPA oil recovery remediation system;

- (4) Define the nature and extent of contamination in surface soils, subsurface soils and groundwater;
- (5) Prepare a Remediation Action Plan (RAP) for all soil and groundwater cleanup activities and submit the RAP to the EPA and IDEM for approval;
- (6) Implement the EPA- and IDEM-approved RAP;
- (7) Implement and maintain all land use restrictions described below in this letter or otherwise determined to be appropriate following implementation of the RAP; and,
- (8) Communicate new information about any new (or previously unidentified) contamination to IDEM upon becoming aware of such.

#### **Institutional Controls**

As a condition of the effectiveness of this Comfort Letter, IDEM is requiring the GCIAA to record this letter and an environmental restrictive covenant (ERC) on the deed for the Site. The ERC, which is attached hereto, must include, but is not limited to, the following restrictions:

- neither engage in nor allow installation of any water wells on the Site or allow the use of any existing water wells on the Site, except for investigative, monitoring or remedial purposes
- neither engage in nor allow the excavation of any surface or subsurface soils, including the Capped Areas, on the Site without prior approval from the EPA and IDEM
- neither engage in nor allow the use of the Site for residential purposes
- neither engage in nor allow the use of the Site for agricultural purposes

The above restrictions must stay in place until such time that the soil and groundwater contamination on the Site and adjoining properties has been mitigated and IDEM determines the restrictions can be removed. Should new information or confirmation sampling conducted in conjunction with construction or remedial work at the Site in the future conclude that the Site is appropriate for unrestricted use or a particular restriction is no longer necessary to protect human health and the environment, IDEM will, upon request, consider recommending removal of the relevant land use restriction pursuant to the terms and conditions of the ERC. Conversely, it is also possible that additional restrictions may be necessary in the future due to new information or changed circumstances at the Site, making additional measures necessary to satisfy conditions of this letter.

This letter is based on the nature and extent of contamination known to IDEM as of the date of this letter. If IDEM later discovers that the aforementioned investigations or other information submitted to or otherwise reviewed by IDEM was inaccurate or incomplete, or acts or omissions by the GCIAA exacerbate the contamination at the Site, the determinations made in this letter may change, the letter may be revoked, and/or IDEM may pursue any responsible party.

In order for this letter to be given effect by IDEM, the GCIAA must record this letter and the ERC in the Lake County Recorder's Office. Please return certified copies of the filed documents to:

Kevin Davis, Technical Review Coordinator  
Indiana Brownfields Program  
100 North Senate Avenue  
Room N1275  
Indianapolis, IN, 46204  
ATTN: Kyle Hendrix

IDEM encourages the commercial/industrial redevelopment of this Site. Please be advised that any work performed at the subject property must be done in accordance with all applicable environmental laws. Furthermore, redevelopment of this Site in a manner consistent with the land use restrictions outlined above will lessen the possibility that environmental conditions at the property could deteriorate in the future. IDEM and the Indiana Brownfields Program are pleased to assist GCIAA with the reuse of this Site. Should you have any questions or comments, please contact Kyle Hendrix of the Indiana Brownfields Program at (800) 451-6027, ext. 2-4402 or (317) 232-4402.

Sincerely,



Peggy Dorsey  
Deputy Assistant Commissioner  
Office of Land Quality

**Attachments**

cc: File  
Jan Pels, U.S. EPA Region 5  
Nivas Vijay, Qepi  
Meredith Gramelspacher, Indiana Brownfields Program  
Kyle Hendrix, Indiana Brownfields Program



# INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

*We Protect Hoosiers and Our Environment.*

*Mitchell E. Daniels, Jr.*

Governor

*Thomas W. Easterly*

Commissioner

100 North Senate Avenue  
Indianapolis, Indiana 46204  
(317) 232-8603  
Toll Free (800) 451-6027  
[www.idem.IN.gov](http://www.idem.IN.gov)

October 20, 2009

PGT Trucking, Inc.  
One PGT Way  
Monaca, Pennsylvania 15061

To Whom It May Concern:

Re: **No Further Action Determination**  
**Pursuant to 1994 UST Branch Guidance**  
Former PGT Trucking  
7212 Chicago Avenue  
Gary, Lake County  
FID #7935  
LUST #199205514

The Indiana Department of Environmental Management (IDEM) staff reviewed the Underground Storage Tank Closure Report by Petroleum Equipment, Inc., dated October 27, 1992, regarding the release of petroleum from two (2) 8,000-gallon diesel fuel underground storage tanks (USTs), a 2,000-gallon waste oil UST, and an 8,000-gallon new oil UST at your property located at 7212 Chicago Avenue, Gary, Indiana (the Site).

The following is a summary of the current conditions at the Site for the subject release:

- Based on our review, subsurface soil results following removal of the two (2) diesel fuel USTs identified total petroleum hydrocarbons (TPH) at less than 5 parts per million (ppm), and subsurface soil results following removal of the two (2) oil USTs identified TPH at concentrations ranging from 28 to 65 ppm. These concentrations are less than IDEM's 1994 Underground Storage Tank Branch Guidance Manual Closure Level of 100 ppm. Approximately 210 cubic yards of soil containing TPH at 1,410 ppm was removed from the diesel fuel UST excavation for *ex situ* bio-treatment. Although final sample results for the backfill material are not on file, the initial backfill sample is below the current RISC residential direct contact default closure level of 3,100 ppm.
- A tank pit water sample collected from the diesel fuel UST excavation was evaluated for volatile organic compounds (VOCs). The results were below laboratory detection limits for all volatile compounds.

Based on the technical reports reviewed by IDEM and current use of the site and surrounding properties, IDEM concludes that no further response actions are required. This NFA determination is based on information known to IDEM at the time of issuance of this letter. If additional information is subsequently obtained by IDEM indicating that the site poses a risk to human health or the environment, IDEM reserves the right to modify or revoke this NFA determination as the situation may warrant.

This NFA determination is based on the following non-rule policy document (NPD) guidelines and conditions:

- 1994 UST Branch Guidance Manual for subsurface soil

If you have any questions, please contact Scott Spesshardt at 317/233-6539 or toll free from within Indiana at 800/451-6027. He can also be reached via email at: [sspessha@idem.in.gov](mailto:sspessha@idem.in.gov). To notify IDEM of any additional information about the Site, please call 317/232-8900.

Sincerely,



Craig Schroer, Chief  
Leaking Underground Storage Tank Section  
Office of Land Quality

KMS/ss

cc: IDEM File  
Lake County Health Department (electronic copy)  
Northwest Regional Office (electronic copy)



# INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

*We Protect Hoosiers and Our Environment.*

Michael R. Pence  
Governor

Thomas W. Easterly  
Commissioner

100 North Senate Avenue  
Indianapolis, Indiana 46204  
(317) 232-8603  
Toll Free (800) 451-6027  
[www.idem.IN.gov](http://www.idem.IN.gov)

September 10, 2014

VIA CERTIFIED MAIL

9171900005271000355652

Ms. BR Lane  
Interim Director  
Gary/Chicago International Airport  
6001 W. Industrial Highway  
Gary, IN 46406  
(219) 949-4936

Dear Ms. Lane:

Re: **No Further Action Approval  
Determination Pursuant to  
2014 Remediation Closure Guide**  
Former PI & I Motor Express  
7000 West Chicago Avenue  
Gary, Lake County, IN 49406  
FID# 16032  
LUST# 1998-07-530

Indiana Department of Environmental Management (IDEM) staff received your No Further Action request for the Former PI & I Motor Express Facility located at 7000 West Chicago Avenue in Gary, Indiana for LUST# 199807530.

IDEM reviewed the following document<sup>1</sup>:

- "Further Site Investigation, Request for LUST NFA"<sup>2</sup> – Prepared by AECOM, and dated August 18, 2014

<sup>1</sup> Documents relating to this incident may be accessed, using the IDEM *Virtual File Cabinet* (VFC), at <http://108.59.49.89/Pages/Member/Search.aspx>. To search for available documents for the facility, select *FID* from the *Index* drop-down box, and type the FID# into the *Value* textbox. To search for a specific document, enter the *Document Number* (DN) into the textbox in the upper-right corner of page in the aforementioned link. The *Document Date* (generally the date the IDEM received the document) in the VFC may not match the date on the document (the date cited above for each document).

<sup>2</sup> See VFC document number **70354769**, located at <http://108.59.49.89/Pages/Member/View.aspx?DocId=70354769>.



Sample results were compared against the 2014 Screening Levels (SLs) in Table A-6<sup>3</sup>, Appendix A, of the Remediation Closure Guide (RCG)<sup>4</sup>. Ground water results were compared against values in the seventh column from the left, "Tap", and as appropriate, values in the fourth column from the right, "Residential (µg/L)". Soil results were compared against values in the third column from the left, "Residential (mg/kg)". Air (vapor) results were compared against values in the second column from the right, "Residential (µg/m3)".

The following is a summary of the current conditions at the Site for the subject release:

- Ground Water – Analytical data from 2011, indicate dissolved concentrations of potential petroleum contaminants (PPCs) exceeded their respective screening levels. This pathway will be evaluated further under the IDEM State Cleanup Program (SCP) or the United States Environmental Protection Agency (USEPA).
- Soil – Analytical data from the June 2011 sampling event<sup>5</sup> indicated locations where contamination exceeded screening levels. However, in 2012, approximately 7,202.19-tons of contaminated-soil were excavated from the source area.
- Vapor Intrusion (VI) - Analytical data from 2011, indicate dissolved concentrations of PPCs exceeded their respective screening levels. This pathway will be evaluated further under the IDEM SCP or the USEPA.

The following are additional lines of evidence regarding current conditions at the Site for the Subject Release:

- Most of the source contamination was removed during the underground storage tank (UST) closure and 2012 excavation.
- Residual contamination (TPH-DRO and TPH-GRO) in the soil above<sup>6</sup> screening levels was primarily limited to the areas around the former UST and aboveground storage tank (AST) areas (see **Figure 2** [page 11 of 198]).

<sup>3</sup> The IDEM Screening and Closure Level Tables are located at <http://www.in.gov/idem/6792.htm>.

<sup>4</sup> The RCG is located at <http://www.in.gov/idem/6683.htm>.

<sup>5</sup> Two soil samples from each location: MW-1 through MW-6, PZ-1 through PZ-5, and SB-1 through SB-5, for a total of 32. Collection depths ranged from surface soils (zero feet [ft] below ground surface [bgs]) to six ft bgs. Samples analyzed for volatile organic compounds (VOCs), polynuclear aromatic hydrocarbons (PAHs), total petroleum hydrocarbons (TPH) – gasoline range organics (TPH-GRO), TPH- diesel range organics (TPH-DRO), metals (Arsenic, Barium, Cadmium, Chromium [total], Lead, Mercury, Selenium, and Silver), and polychlorinated biphenyls (PCBs).

<sup>6</sup> Concentrations of TPH-DRO in MW-6 (at 4-6 ft bgs), SB-4 (at 2-4 ft bgs and 4-6 ft bgs), and SB-5 (at 2-4 ft bgs and 4-6 ft bgs), Chromium (conservatively assumed to be 100 percent hexavalent) in 23 of 32 samples, and Benzo(a)pyrene in PZ-2 (at 0-2 ft bgs), exceeded their respective residential direct contact screening level, 3100 milligrams per kilogram (mg/kg), 4.1 mg/kg, and 0.21 mg/kg, respectively.



- The property is undergoing redevelopment for non-residential use and is not expected to change in the next ten years.
- Several IDEM programs, in coordination with the USEPA, are actively investigating this and other nearby sites in the area.

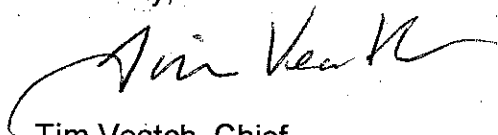
Based on the technical reports reviewed by IDEM and the additional lines of evidence, IDEM concludes that no further response actions are required for incident number 199807530, under the Leaking Underground Storage Tank (LUST) program, as long as the owner continues to comply with the IDEM State Cleanup section, and other investigative or regulatory organizations, at this site. If information is obtained by IDEM indicating that the Site poses a risk to human health or the environment, **IDEM reserves the right to modify or revoke this NFA determination** as the situation may warrant.

This NFA determination is based on the Remediation Closure Guide non-rule policy document (NPD) guidelines and conditions:

- Unconditional closure for soil exposure
- Unconditional closure for ground water exposure
- Unconditional closure for vapor intrusion exposure

Kevin McCarty may be reached by phone at (317) 234-8119 or toll free, from within Indiana, at (800) 451-6027, or by email at [kmccarty@idem.IN.gov](mailto:kmccarty@idem.IN.gov).

Sincerely,



Tim Veatch, Chief  
Leaking Underground Storage Tank Section  
Underground Storage Tank Branch  
Office of Land Quality  
(317) 232-0974  
[tveatch@idem.IN.gov](mailto:tveatch@idem.IN.gov)

ecopy:

IDEM File  
IDEM Northwest Regional Office  
Mike Sickels, Senior Technical Advisor – IDEM Remediation Branch  
Mike Beslow, On-Scene Coordinator – US EPA, Region 5  
Lake County Health Department  
William Elwell, Project Manager - AECOM





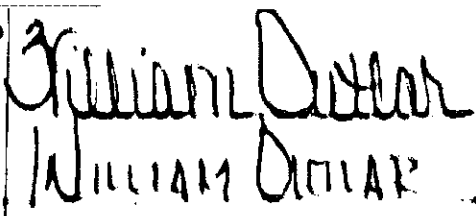
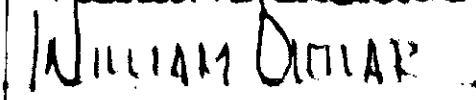


Date: September 26, 2014

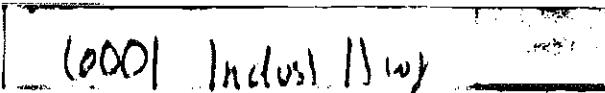
B Ellis:

The following is in response to your September 22, 2014 request for delivery information on your Certified Mail™ item number 9171900005271000355652. The delivery record shows that this item was delivered on September 19, 2014 at 10:51 am in GARY, IN 46406. The scanned image of the recipient information is provided below.

Signature of Recipient :

Signature of Recipient:   
Printed Name: 

Address of Recipient :

Address of Recipient: 

Thank you for selecting the Postal Service for your mailing needs.

If you require additional assistance, please contact your local Post Office or postal representative.

Sincerely,  
United States Postal Service



IDEM  
Bobbi Ellis  
100 NORTH SENATE AVE.  
INDIANAPOLIS IN 46204



91 7190 0005 2710 0035 5652

Ms BR Lane  
Gary/Chicago International Airport  
6001 Industrial Hwy  
Gary IN 464061024

FID 16032





## **REQUEST FORM** **Acknowledgment Letter & Petroleum Eligibility Determination for U.S. EPA Brownfields Multipurpose, Assessment, and Cleanup (MAC) Grant Proposals (FFY19)**

All Indiana applicants (other than state/tribal environmental authorities) to the U.S. Environmental Protection Agency (U.S. EPA) for brownfield grant funding must submit with every proposal a current letter from the “State or Tribal Environmental Authority,” which is the Indiana Department of Environmental Management (IDEM), acknowledging that the applicant plans to perform the proposed activities (e.g., assessment and cleanup) and to apply for FFY19 federal brownfields grant funds. Site-specific petroleum eligibility determinations must also be confirmed by IDEM for proposals that address solely petroleum contamination. This form can be used to request both an acknowledgment letter and petroleum eligibility determination.

Only one **Request Form** per applicant is necessary, even if an entity is applying for more than one U.S. EPA Brownfields grant. To obtain the required letter (and petroleum eligibility determination, if applicable) on IDEM letterhead, the information requested below must be submitted to the Indiana Brownfields Program (Program) **no later than January 11, 2019**.

*All proposals must be submitted electronically to U.S. EPA through [www.grants.gov](http://www.grants.gov) by 11:59 p.m. Eastern Time on **January 31, 2019**. Note the appropriate U.S. EPA Regional Brownfields Contact listed in the guidelines accordingly. Please email a courtesy copy of your final proposal(s) to the Indiana Brownfields Program for its records.*

***Note:** For this national competition, the Program recommends that applicants utilize services available through the Technical Assistance to Brownfields (TAB) program <http://www.ksutab.org> for consultation/review of draft proposals prior to submitting final grant proposals to U.S. EPA. To ensure adequate review time, please contact the TAB program early in your grant proposal writing process. The TAB program is funded by U.S. EPA and provides its services free of charge on a first-come, first-served basis. For more information, please contact Maggie Egbarts, KSU TAB Coordinator for U.S. EPA Regions 5 & 7, 785-532-0782, [maggiejessie@ksu.edu](mailto:maggiejessie@ksu.edu).*

### **Summary Information**

- Applicant (for Assessment Coalition proposal, please note Lead Applicant):
- County of applicant/site (if applicable):
- Type of Grant(s):
- Amount of Grant(s) (please note \$ breakdown of Hazardous Substances/Petroleum, if applicable):
- If site-specific, list site name(s) (list all known names):
- If site-specific, is/are the site(s) already entered into the Indiana Brownfields Program or IDEM program?
- If applicable/known, what is/are the site number(s)?
- How has the applicant participated in the Indiana Brownfields Program in the past?
- Has the applicant submitted a U.S. EPA Brownfields Grant Proposal in the past? If so, in what year(s)?
- Date of Request Form submission:

1. **Primary Contact** (for questions regarding this request)

Name: Mr. Joe van Dyk

Affiliation: Director, City of Gary, Department of Planning and Redevelopment

Email: [jvandyk@ci.gary.in.us](mailto:jvandyk@ci.gary.in.us)

Phone: (219) 886-1531

Fax: (219) 881-4383

2. **Acknowledgment Letter/Petroleum Eligibility Determination should be addressed to**  
(applicant for the U.S. EPA Grant(s))

Name (please include Title): Mr. Joe van Dyk

Job Title: Director

Affiliation: City of Gary, Department of Planning and Redevelopment

Address: 504 Broadway, Suite 200, Gary, IN 46402

Email: [jvandyk@ci.gary.in.us](mailto:jvandyk@ci.gary.in.us)

Phone: (219) 886-1531

Fax: (219) 881-4383

3. **Entity assembling and submitting the grant proposal(s) to U.S. EPA** (this individual and any others specified to be copied will receive by email, as well as by U.S. mail or fax if requested, the Acknowledgment Letter/Petroleum Eligibility Determination, which should be included with each grant proposal)

Name: Mr. Joe van Dyk

Title: Director

Affiliation: City of Gary, Department of Planning and Redevelopment

Address: 504 Broadway, Suite 200, Gary, IN 46402

Email: [jvandyk@ci.gary.in.us](mailto:jvandyk@ci.gary.in.us)

Phone: (219) 886-1531

Fax: (219) 881-4383

4. Indicate **type(s) of grant** applying for, **dollar amount(s)** requested (excluding any state, local, or private investment or cost-share in the project), and a detailed description of the planned **use(s) of grant funds**. Indicate type(s) of contamination to be addressed with grant funds (e.g., petroleum, hazardous substance, and/or petroleum co-mingled with hazardous substances).

Note: For sites with petroleum contamination only (not petroleum co-mingled with hazardous substances), item #9 below must also be completed.

The City of Gary is applying to the USEPA Brownfield Cleanup Grant Program for a single site. The City of Gary will request \$500,000 in federal funds and will commit \$100,000 in local match. The grant funds will be used for the cleanup of a single brownfield site with known hazardous substances and the potential for hazardous substances co-mingled with petroleum.

The site historically operated under private industrial firms involved in raw materials and cement production and went defunct in early 2000's. The Gary Redevelopment Commission currently owns the site with plans for industrial redevelopment. The site contains abandoned structures, silos

and stockpile materials. Brownfield cleanup activities would include remediation of contaminated stockpiled waste material and offsite disposal at an appropriate disposal facility.

5. Explain community **need** and redevelopment/end use **plans**.

The USEPA Brownfield Cleanup Grant will provide the City of Gary with federal funds to advance the environmental remediation of a 78-acre brownfield near Lake Michigan with clean industry reuse potential. Currently this site known as Parcel 5 and owned by the Gary Redevelopment Commission, makes no contribution to the City's tax base.

With the assistance of a brownfield cleanup grant, the City would attract private investment eager to access the site's proximity to the lakefront and multi-modal transportation networks for clean industrial uses that would significantly impact the property's assessed valuation and benefit the City's financial well-being.

As an environmental justice community, this grant project on an isolated site would help address and facilitate the general reduction of hazardous waste and petroleum exposure to sensitive populations within the city's jurisdiction and generate employment opportunities for those populations that are economically-impooverished or disproportionally affected by labor market conditions.

The City intends for this lakefront industrial area, north of the Gary/Chicago International Airport, to remain an industrially-zoned complex. The City and a private corporation are in discussions about the potential reuse of Parcel 5 for bioenergy generation from municipal waste. This redevelopment project would result in new private investment, job creation and quality of life enhancements for local businesses and residents alike.

6. Indicate **commitment** to participate in the Indiana Brownfields Program and/or IDEM Voluntary Remediation Program for oversight of grant-funded/related site activities.

The City of Gary Department of Redevelopment commits to participate in the Indiana Brownfields Program and/or IDEM Voluntary Remediation Program for oversight of the grant-funded/related site activities.

7. If submitting a *site-specific proposal* to U.S. EPA, identify site name(s), location(s), status (bankrupt, tax delinquent, abandoned, inactive, etc.), including brief operational history and current use(s), as applicable.

Site Name: Parcel 5

Location: 6200 Industrial Highway APPR, Gary, Indiana

Status: Inactive, City-Owned

Brief History: The site historically operated under private industrial firms involved in raw materials and cement production and went defunct in early 2000's. The Gary Redevelopment Commission currently owns the site with plans for industrial redevelopment upon brownfield cleanup.

8. If submitting a *site-specific proposal* to U.S. EPA, describe site ownership.
- Indicate whether the applicant or current owner caused or contributed to the existing contamination at the site(s).
  - **Multipurpose and Cleanup Grant applicants must own the site at the time the proposal is submitted to U.S. EPA.**

The Gary Redevelopment Commission owns the site and the City of Gary as applicant did not cause or contribute to the existing contamination of the site.

9. ***For site-specific proposals for petroleum-contaminated sites ONLY (not petroleum co-mingled with hazardous substances):*** In addition to the above information, and per U.S. EPA grant guidelines (*see* current proposal guidelines for more context on these questions), please provide the following information so that the state/IDEM can render the requisite petroleum site eligibility determination (*Please attach responses to this Request Form*):
- a. ***Current and Immediate Past Owners:*** Identify the current and immediate past owner(s) of the site. For purposes of petroleum eligibility determinations for U.S. EPA brownfield grant funding only, the current owner is the entity that will own the site at the time of proposal submission.
  - b. ***Acquisition of Site:*** Identify when (the date) and by what method the current owner acquired the property (e.g., purchase, tax foreclosure, donation, eminent domain).
  - c. ***No Responsible Party for the Site:*** Identify whether the current owner and immediate past owner (which includes, if applicable, the applicant):
    - 1) dispensed or disposed of petroleum or petroleum product contamination, or exacerbated the existing petroleum contamination at the site (describe any activities that resulted in a new release or creation of an exposure pathway to existing contamination);
    - 2) owned the site when any dispensing or disposal of petroleum (by others) took place; and
    - 3) took reasonable steps with regard to the contamination at the site (describe activities conducted by the current owner and immediate past owner on the site, including any activities conducted in response to known contamination).If petroleum contamination is only suspected, and not known because neither the owner nor immediate past owner has conducted/is aware of any site investigation completed on the site, then please indicate such.
  - d. ***Assessed by a Person Not Potentially Liable:*** Identify whether the grant applicant (as current site owner and/or as a result of operating on the site):
    - 1) dispensed or disposed of petroleum or petroleum product; or
    - 2) exacerbated the existing petroleum contamination at the site (describe any activities that resulted in a new release or creation of an exposure pathway to existing contamination); and
    - 3) took reasonable steps with regard to the contamination at the site (describe activities conducted by the applicant on the site, including any activities conducted in response to known contamination).
  - e. ***Judgments, Orders, or Third-Party Suits:*** Provide information that no responsible party (including the applicant) is identified for the site, through either:
    - 1) a judgment rendered in a court of law or an administrative order that would require any person to assess, investigate, or clean up the site; or
    - 2) an enforcement action by federal or state authorities against any party that would require any person to assess, investigate, or clean up the site; or
    - 3) a citizen suit, contribution action, or other third-party claim brought against the current or immediate past owner, that would, if successful, require the assessment, investigation, or cleanup of the site.

- f. *Subject to RCRA:* Identify whether the site is subject to any order under section 9003(h) of the Solid Waste Disposal Act.
- g. *Financial Viability of Responsible Parties:* For any current or immediate past owner(s) identified as responsible for the contamination at the site, provide information regarding whether the party has the financial capability to satisfy obligations under federal or state law to assess, investigate or clean up the site (e.g., is the party an ongoing business or company or is it defunct or insolvent? Is the party an individual?). Check resources (e.g., tax returns, bank statements, Secretary of State records, Dun & Bradstreet reports, Hoover's Business Information, etc.) for determining financial capability.

Note: If no responsible party is identified in (c) or (d) above, then the petroleum-contaminated site may be eligible for funding. If a responsible party is identified above, then U.S. EPA or the state must next determine whether that party is financially viable (for the activities identified in the grant proposal). If any such party is determined to be financially viable, then the petroleum-contaminated site may not be eligible for funding. For more information, see the *Information on Sites Eligible for Brownfields Funding under CERCLA § 104(k)*.

**If you are unable to provide information on any of the above questions for a petroleum eligibility determination, then you must include a brief explanation of why the information requested above is not available.**

---

**This Request Form should be completed and submitted (via email preferably, fax or U.S. mail) no later than January 11, 2019 to:**

Michele Oertel  
Federal Funding & Community Relations Coordinator  
Indiana Brownfields Program  
100 N. Senate Avenue  
Room 1275  
Indianapolis, Indiana 46204

Phone: (317) 234-0235

Fax: (317) 234-1338

Email: [moertel@ifa.in.gov](mailto:moertel@ifa.in.gov)

**Reminder:** The FFY19 U.S. EPA Solicitations for Brownfields Grants and Guidelines are posted at <https://www.epa.gov/brownfields/solicitations-brownfield-grants>. Final grant proposals, with attached IDEM Acknowledgment Letters/Petroleum Eligibility Determinations, must be submitted **electronically** to U.S. EPA through [www.grants.gov](http://www.grants.gov) by **January 31, 2019**.

***Please remember to email your final proposal(s) to the Indiana Brownfields Program.***



## INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

*We Protect Hoosiers and Our Environment.*

100 N. Senate Avenue • Indianapolis, IN 46204  
(800) 451-6027 • (317) 232-8603 • [www.idem.IN.gov](http://www.idem.IN.gov)

**Eric J. Holcomb**  
*Governor*

**Brian C. Rockensuess**  
*Commissioner*

July 5, 2023

### VIA MAIL

Mr. Daryn Riechmann  
Riechmann Transport, Inc.  
3328 West Chain of Rocks Road  
Granite City, Illinois, 62040

Re: **Information Request**  
Riechmann Transport, Inc.  
7200 Chicago Avenue  
Gary, Indiana, 46406  
Lake County  
Facility ID #8151  
Incident #199501549

Dear Mr. Riechmann:

IDEM staff recently reviewed the file pertaining to a release of petroleum from an underground storage tank (UST) at Riechmann Transport Inc., 7200 Chicago Avenue, Gary, Indiana. Owners and operators of USTs must comply with the requirements for investigating and cleaning up reported releases from USTs pursuant to Indiana Code (IC) 13-23 and 329 Indiana Administrative Code (IAC) 9. If you never owned or operated USTs, but own the property, you may be liable for the cleanup pursuant to IC 13-24-1.

The following documents were reviewed pertaining to this release:

- Violation letter - Indiana department of Environmental Management (IDEM), Dated June 23, 2009 (VFC#49339563)
- Site Activity Update – Indiana department of Environmental Management (IDEM), Dated July 1, 2005 (VFC#23575786)

As the owner/operator of the above facility you are responsible for submitting information to IDEM related to release reports, investigations, and corrective actions



Visit [on.IN.gov/survey](https://on.IN.gov/survey) or scan the QR code to provide feedback.

*We appreciate your input!*



planned or taken pursuant to 329 IAC 9-3-1. In addition, you are required to conduct the following actions:

- 329 IAC 9-5-5.1 and 6 - The owner and operator must assemble information regarding the nature and extent of contamination. All remediation performed should be submitted for review in order for IDEM to assess current site conditions.

IDEM is currently requesting Petroleum Remediation Section (PRS) correspondence, reports, and related documents under 15 MB be submitted electronically to: [LeakingUST@IDEM.in.gov](mailto:LeakingUST@IDEM.in.gov). Electronic submittal directly to the PRS email inbox will streamline the documents distribution and help facilitate quicker document review times. Paper copies and CDs are no longer necessary as previously required in OLQ Document Submittal Guidelines.

Please label the email and attached documents as directed below:

- Email Subject Line: REPORT NAME (ie. 1Q 2020 QMR, ISC, FSI, etc.)\_FID (insert number)\_LUST (insert number)\_DATE (yyyymmdd)
- Document/File Name: REPORT NAME (ie. 1Q 2020 QMR, ISC, FSI, etc.)\_FID (insert number)\_LUST (insert number)\_DATE (yyyymmdd)

For more information regarding document and data submittal guidelines, sampling and analysis requirements or technical information, visit the LUST Home page at [www.in.gov/idem/tanks/2333.htm](http://www.in.gov/idem/tanks/2333.htm) or contact the site project manager.

If you wish to review public information about the records IDEM has regarding your facility, please visit the IDEM Virtual File Cabinet at [www.in.gov/idem/legal/2363.htm](http://www.in.gov/idem/legal/2363.htm).

Failure to comply with these requirements may result in a formal enforcement action. In addition, as long as you are not in compliance with these requirements, you are not eligible for reimbursement for claims from the Excess Liability Trust Fund (ELTF). If you anticipate seeking reimbursement for your remediation costs, please contact the ELTF Section at (317) 234-0990.

In addition to environmental implications, having active release numbers attached to your property may decrease the value of your property and may create difficulties for you should you try to sell or further develop your property in the future. Additionally, contaminated property that is passed on through a will or trust may unintentionally further the financial burden, often associated with these facilities, to other parties.

If you have any questions, please contact me at (317) 233-0534 or toll free from within Indiana at (800) 451-6027. I may also be reached at: [cmcdonal@idem.IN.gov](mailto:cmcdonal@idem.IN.gov).

Sincerely,

A handwritten signature in black ink, appearing to read 'C. McDonald', with a long horizontal flourish extending to the right.

Curtis McDonald  
Environmental Project Manager  
Petroleum Remediation Section  
Petroleum Branch  
Office of Land Quality

ecopy:IDEM File