

BARNES & THORNBURG

E. Sean Griggs
(317) 231-7793
Email: sean.griggs@btlaw.com

11 South Meridian Street
Indianapolis, Indiana 46204-3535 U.S.A.
(317) 236-1313
Fax (317) 231-7433

www.btlaw.com

March 12, 2004

Gabriele Hauer
Chief, Brownfields Program
Indiana Department of Environmental Management
Office of Land Quality
100 North Senate Avenue
Post Office Box 6015
Indianapolis, Indiana 46206-6015

RE: Former Mitsubishi Chemical Facility
1200 South Madison Avenue, Indianapolis, Marion County, Indiana
Site #4000001

Dear Gabriele:

In accordance with the requirements of the Brownfields Site Status Letter issued by your office on December 18, 2003, please find enclosed a certified copy of the Memorandum as recorded in the Marion County Recorder's Office.

Thank you very much for your assistance in this matter.

Very truly yours,



David R. Gillay

DRG:dpk
Enclosure

cc: Ms. Andrea Robertson (w/encl.)
Bruce A. Bodner (w/encl.)
E. Sean Griggs, Esq. (w/encl.)

RECEIVED

MAR 15 2004

DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT
OFFICE OF LAND QUALITY

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MEMORANDUM REGARDING DECEMBER 18, 2003 SITE STATUS LETTER

RE: Former Mitsubishi Chemical Facility
1200 South Madison Avenue, Indianapolis, Marion County, Indiana

Bruce A. Bodner Company, Inc. ("Bodner") is recording this memorandum pursuant to the requirements set forth in the Site Status Letter issued by the Indiana Department of Environmental Management ("IDEM") on December 18, 2003, a copy of which is attached. In further fulfillment of those requirements Bodner states that the property is intended to be redeveloped and used for nonresidential purposes and that any such redevelopment will be performed in compliance with applicable environmental laws.

The Legal description of the subject property is as follows:

Part of the Northwest Quarter of the Northwest Quarter of Section 13, Township 15 North, Range 3 East, of the Second Principal Meridian in Marion County, Indiana, more particularly described as follows:

BEGINNING at a point on the West property line of Madison Avenue, in the City of Indianapolis, at its intersection with the South property line of Morris Street, said point being 33 feet West of the East line of said Quarter Section running thence South 89 degrees 16 minutes 00 seconds West, along the South property line of Morris Street 423.42 feet to the East right-of-way line of the P.C.C. & ST. L. RAILROAD; thence South 02 degrees 30 minutes 17 seconds East along said railroad right-of-way 480.74 feet (480.31 feet measured) to the North property line of Orange Street; thence North 89 degrees 15 minutes 00 seconds East 402.43 feet along the North line to the West property line of Madison Avenue; thence North 00 degrees 00 minutes 00 seconds East on the West property line of Madison Avenue 480 feet to the POINT OF BEGINNING, (said description includes all of Block A of Pitman Moore Subdivision, as recorded in Plat Book 28, Page 28, in the Office of the Recorder of Marion County, Indiana, and additional property)

Bruce A. Bodner, Owner
Bruce A. Bodner Company, Inc.

Inst # 2004-0035575

02/06/04 02:18PM WANDA MARTIN MARION CTY RECORDER LHM 17.00 PAGES: 5

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

Before me, a Notary Public in and for said County and State, personally appeared Bruce A. Bodner and acknowledged the execution of the above and foregoing document.

Witness my hand and Notarial Seal this 5th day of February, 2004.



Sandra A. Klapper
Notary Public - Signature

SANDRA A. KLAPPER
Notary Public - Printed

My County of Residence:

Marion

My Commission Expires:

July 22, 2009

PREPARED BY: E. Sean Griggs, Esq., Barnes & Thornburg, 11 So. Meridian St., Indianapolis, IN 46204.





INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We make Indiana a cleaner, healthier place to live.

Joseph E. Kernan
Governor

Lori F. Kaplan
Commissioner

100 North Senate Avenue
P.O. Box 6015
Indianapolis, Indiana 46206-6015
(317) 232-8603
(800) 451-6027
www.in.gov/idem

December 18, 2003

Bruce A. Bodner
Bruce A. Bodner Company, Inc.
1 North Meridian Street # 300
Indianapolis, Indiana 46204

Dear Mr. Bodner:

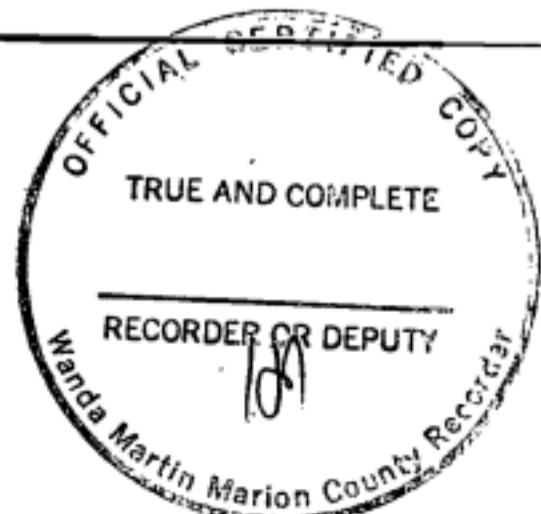
Re: Site Status Letter
Former Mitsubishi Chemical
1200 South Madison Avenue
Indianapolis, Marion County
Site #4000001

In response to the request by Bruce A. Bodner Company, Inc. for assistance concerning the Former Mitsubishi Chemical (Site), the Indiana Department of Environmental Management (IDEM) has agreed to provide this brownfield Site Status Letter to clarify IDEM's position on 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 should be a barrier to redevelopment or transfer.

This Site is a former manufacturing facility located in an area that is a mix of industrial and residential properties. Seradyn, Inc., a medical diagnostic equipment manufacturer, last occupied the Site. Since its development in 1929 by the Pittman Moore Company, the Site has housed various manufacturers (Allied Laboratories; The Dow Chemical Company; Dow Instrument and Reagents; Seradyn, Inc. and Bodner 1200 Madison, LLC.). The Site is 3.7 acres with five buildings and seventeen above ground storage tanks (ASTs) within the Site boundaries. The Site also had two underground storage tanks (used for heating fuel) at one time; these tanks were removed in 1993.

As part of Bruce A. Bodner Company, Inc.'s request for assistance in determining the existing environmental impacts and potential liability at the Site, IDEM's Brownfields Program staff have reviewed data from the following investigations conducted, including soil and groundwater:

- Phase I Environmental Assessment; Alt & Witzig Engineering, Inc.; January 14, 2000
- Limited Phase II Subsurface Investigation; Sagamore Environmental Services, Inc.;



- November 5, 2001
- Phase II Subsurface Investigation Report; Sagamore Environmental Services, Inc.; April 12, 2002
 - Additional Investigation Report; Sagamore Environmental Services, Inc.; November 11, 2002
 - Limited Removal Action and Groundwater Sampling Work Plan; SeaBreeze Technologies, LLC; July 2, 2003
 - Remedial Action Report and Conceptual Site Model; SeaBreeze Technologies, LLC; September 29, 2003

These investigations reveal that current levels of volatile organic compounds (VOCs) and polyaromatic hydrocarbons (PAHs) in soil and groundwater were below Nonresidential levels and above residential levels established by IDEM in the Voluntary Remediation Program 1996 Resource Guide. Additionally, the investigations concluded that there are no potential exposure pathways and that the subsurface soil and groundwater contamination identified at the Site presents no current threat to human health or the environment.

IDEM concludes Bruce A. Bodner Company, Inc. has demonstrated to IDEM's satisfaction that:

- (1) no state or federal enforcement action at the Site is pending;
- (2) no federal grant requires an enforcement action at the Site;
- (3) no condition on the Site constitutes an imminent and substantial threat to human health or the environment;
- (4) current levels of contaminants at the Site meet cleanup criteria as established by IDEM; and
- (5) neither Bruce A. Bodner Company, Inc. nor an agent or employee of Bruce A. Bodner Company, Inc. caused, contributed to, or knowingly exacerbated the release or threat of release of any hazardous substance or petroleum at the Site.

Based on the information submitted to IDEM, current conditions do not warrant a response action at this time, and IDEM does not plan to take any action at the Site at this time, as long as the Site is not used for residential purposes.

If IDEM later discovers that the investigations or other information submitted to IDEM were inaccurate, or if any activities undertaken by an owner or operator of the Site exacerbate the Site contamination, then IDEM reserves the right to revoke this decision and pursue any responsible parties. Additionally, this decision does not apply to past or present contamination that is not described in this Site Status Letter, any future releases, or closure requirements under the Resource Conservation and Recovery Act, 42 U.S.C. § 6901.

IDEM encourages the Nonresidential redevelopment of this Site. Please be advised that any work performed at the Site must be done in accordance with all applicable environmental laws. Redevelopment of this Site in a manner consistent with these standards will lessen the possibility that environmental conditions at the Site could deteriorate in the future.



In order for this letter to be given effect by IDEM, Bruce A. Bodner Company, Inc. must record a memorandum describing the actions taken together with this letter in the Marion County Recorder's Office. Please return a certified copy of the filed notice to Gabriele Hauer, Chief, Brownfields Program, IDEM, Office of Land Quality, 100 North Senate Avenue, P.O. Box 6015, Indianapolis, IN, 46206-6015.

IDEM is pleased to assist Bruce A. Bodner Company, Inc. with the redevelopment of the Former Mitsubishi Chemical site. Should you have any questions or comments, please contact Andrea Robertson at 234-0968 or e-mail at aroberts@dem.state.in.us.

Sincerely,

Michele M. Oertel
for Gabriele Hauer, Chief
Brownfields Program
Office of Land Quality

cc: Jan Pels, U.S. EPA Region 5
David Gillay, Barnes & Thornburg
Steve Irvin, SeaBreeze Technologies, LLC

