



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We Protect Hoosiers and Our Environment.

Mitchell E. Daniels, Jr.
Governor

Thomas W. Easterly
Commissioner

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August 25, 2008

French Lick Redevelopment Authority
8587 West Main Street
French Lick, IN 47432
Attn: Mr. Donald L. Renner - President

Re: **No Further Action Determination
RISC and ERC Termination**
Former Marathon Unit #1535
SR 56 and Larry Bird Boulevard
French Lick, Indiana
LUST # 200609512
FID # 5372

Dear Mr. Renner:

The Indiana Department of Environmental Management (IDEM) staff reviewed documentation submitted to IDEM by Aegis Environmental, Incorporated on June 24, 2008 on behalf of Marathon Petroleum Company regarding additional investigation at the property located at SR 56 and Larry Bird Boulevard in French Lick, Indiana. In this report, Aegis requested that IDEM issue a "No Further Action" determination and approve the termination of the Environmental Restrictive Covenant (ERC) previously recorded on this property.

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

- Benzene was detected at .102 parts per million (ppm) in soil boring location PR-4 above the Risk Integrated System of Closure (RISC) residential default closure levels (RDCLs) during UST closure activities on December 6, 2006. After additional soil sampling at the location of PR-4 was conducted on May 27, 2008, laboratory results indicate that no chemical of concerns are present above RDCLs.
- Groundwater contamination found onsite was limited to MW-4. The highest historical detection of benzene in MW-4 occurred on April 6, 2007 and was 30 parts per billion (ppb). The groundwater sample collected on October 17, 2007 at this location indicated that no contaminate was present above laboratory detection limits.

Regarding the request for IDEM's approval to terminate the ERC executed with the Orange County Recorder's Office on May 27, 2007, enclosed is an approved Environmental Restrictive Covenant Termination that may be filed with the Orange County Recorder's Office. Upon the recording of this instrument, the restrictions placed on the property with the recording of the original ERC will terminate. Please note that you are obligated to provide IDEM with a file stamped copy of the recorded ERC termination within five (5) days of its recording pursuant to the

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terms of the ERC termination. If IDEM is not provided with the recorded document within the time, this letter will be considered revoked and the ERC termination will be considered disapproved by the agency.

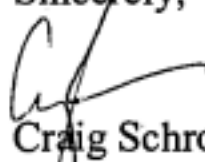
Based on the information provided to IDEM at the time, IDEM concludes that no further action is required at this time at the property. This determination is based upon the review of documentation presented to IDEM. If additional information is subsequently provided, IDEM reserves the right to modify or change the determination as the situation may warrant.

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

- Risk Integrated System of Closure (RISC), default, residential for subsurface soil
- Risk Integrated System of Closure (RISC), default, residential for ground water

If you have any questions, please contact Jill Fischer at 317/234-0981 or toll free from within Indiana at 800/451-6027. She can also be reached via email at: jfischer@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

Enclosure

cc: IDEM File Room
Orange County Health Department
Mr. Mark Erhman, Marathon Petroleum Co, 500 West 86th Street, Indianapolis, IN 46268
James Hoover, Aegis Environmental, Incorporated
Mr. David Umpleby, Umpleby & Umpleby, P.O. Box 166, Paoli, IN 47454

Termination of Environmental Restrictive Covenant

THIS COVENANT is made this _____ day of _____, 20____, by [Owner, Address] (together with his/her/its/their successors and assignees, collectively "Owner").

WHEREAS: Owner owns certain real estate in the County of Orange, Indiana, which is more particularly described in the attached Exhibit "A" and made a part hereof ("Real Estate"), which Real Estate was acquired by deed on December 18, 1997, and recorded on February 17, 1998, as Deed Record 98006288, in the Office of the Recorder of Orange County, Indiana.

WHEREAS: Corrective action was implemented in accordance with IC 13-23 and/or other applicable Indiana law as a result of a release of petroleum or regulated substances (collectively, "contaminants of concern") relating to the Former Marathon Station #1535/LUST Incident #199907532 & #200609512 which affected the Real Estate. Marathon Petroleum Company, LLC implemented certain response activities at the Real Estate, including removal of the underground storage tanks (UST), product lines and dispensers, removal of petroleum impacted soils and groundwater in the area of the former USTs and fuel islands, and groundwater monitoring.

WHEREAS: Owner previously recorded a restrictive covenant on the Real Estate on May 29, 2007, with the Office of the Recorder of Orange County, State of Indiana as Instrument Number 072071. The covenant was not recorded at the request or by requirement of the Indiana Department of Environmental Management ("Department"). Owner and Department agree that the covenant recorded on May 29, 2007 should be terminated upon the recordation of this covenant. The Department has consented in writing on [date] that the covenant recorded on May 29, 2007 as Instrument No. 072071 should be terminated, which document is contained at Exhibit A.

WHEREAS: The Department has determined that contaminants of concern do not remain at levels exceeding the RISC Residential Default Closure Levels. Accordingly, the purpose of this covenant is to remove restrictions on the Real Estate.

WHEREAS: Owner and Department desire that this covenant terminate the covenant recorded as Instrument # 072071 on May 29, 2007.

NOW THEREFORE, Owner hereby, in consideration for promises contained herein and other good and valuable consideration, and with the agreement of the Department, terminates the Environmental Restrictive Covenant recorded on the Real Estate on May 29, 2007 as Instrument No. 072071 in Orange County, Indiana.

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:

I affirm, under the penalties of perjury, that I have taken reasonable care to redact each Social
Security number in this document, unless required by law.

Signature

Date

This instrument prepared by:
[insert name and address]