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[Signature]
LA PORTE COUNTY AUDITOR

INDIANA DEPARTMENT OF ENVIRONMENTAL PROTECTION

Environmental Restrictive Covenant

THIS ENVIRONMENTAL RESTRICTIVE COVENANT is made this 27th day of April, 2018, by 12 East Business Center LLC ("Owner").

WHEREAS: Owner is the fee owner of certain real estate in the County of LaPorte, Indiana, which is located at 1508 US Highway 12 in Michigan City and more particularly described in the attached **Exhibit "A"** ("Real Estate") as Parcel "B" Revised and Parcel "C" on the Plat of Properties, which is hereby incorporated and made a part hereof. The Real Estate was acquired by deed on January 29, 2001, and recorded on February 7, 2001, as Deed Record 2001-02013, in the Office of the Recorder of LaPorte County, Indiana. The Real Estate consists of approximately 2.441 acres and is identified by the State by parcel identification numbers 46-01-28-201-011.000-022 (Parcel B), 46-01-28-201-002.000-022 (Parcel B), 46-01-28-201-012.000-022 (Parcel C). The Real Estate to which this Covenant applies is depicted on a map attached hereto as **Exhibit "B"**.

WHEREAS: A Site Status Letter, a copy of which is attached hereto as **Exhibit "C"**, was prepared and issued by the Indiana Department of Environmental Management ("the Department" or "IDEM") pursuant to the Indiana Brownfields Program's ("Program") recommendation at the request of the Owner to address the redevelopment potential of the Real Estate which is a brownfield site resulting from a release of hazardous substances relating to historical operations on or in the vicinity of the Real Estate, Program site number BFD #4980036.

WHEREAS: The Site Status Letter, as approved by the Department, provides that a certain contaminant of concern ("COC") remains in ground water on the Real Estate following remediation activities but will not pose an unacceptable risk to human health at the detected concentrations provided that the land use restrictions contained herein are implemented and maintained to ensure the protection of public health, safety, or welfare, and the environment. The COC is vinyl chloride in ground water.

WHEREAS: Soil and ground water on the Real Estate were sampled for some or all of the following: total petroleum hydrocarbons ("TPH") - gasoline range organics ("GRO"), TPH - diesel range organics ("DRO"), TPH - extended range organics ("ERO"), volatile organic compounds ("VOCs"), semi-volatile organic compounds ("SVOCs"), polychlorinated biphenyls ("PCBs"), and/or metals. Investigations detected a level of vinyl chloride in ground water above its residential tap ground water screening level ("Res TAP GWSL") and residential vapor exposure screening level ("Res VE GWSL") established by IDEM in the *Remediation Closure Guide* ("RCG") (March 22, 2012 and applicable revisions). The ground water analytical result above applicable RCG screening levels is summarized on Table 1, attached hereto as **Exhibit "D"**. A site map, attached hereto as **Exhibit "E"**, depicts the sample location on the Real Estate at which the COC was detected in ground water above applicable RCG screening levels.



WHEREAS: Notwithstanding the COC detection in ground water above applicable RCG screening levels, IDEM approved a conditional commercial/industrial closure of environmental conditions on the Real Estate under RCG since: (1) arsenic and lead concentrations detected in soil were below their respective RDCSLs or their calculated average concentrations were below their respective RDCSLs; (2) contaminated ground water has been treated and contaminants have degraded and concentrations have decreased over time; (3) the vinyl chloride concentration detected in ground water on-Site is below its Indus VE GWSL; (4) potable water to the Site is supplied by a municipal source; and, (5) ground water contamination does not extend off-site. Therefore, environmental conditions on the Real Estate meet applicable commercial/industrial cleanup criteria in the RCG so long as the land use restrictions required by this Covenant are maintained.

WHEREAS: Environmental reports and other documents related to the Real Estate are hereby incorporated by reference and may be examined at the Public File Room of the Department, which is located in the Indiana Government Center North at 100 N. Senate Avenue, 12th Floor East, Indianapolis, Indiana. The documents may also be viewed electronically by searching the Department's Virtual File Cabinet on the Web at: <http://www.in.gov/idem/4101.htm>.

NOW THEREFORE, 12 East Business Center LLC subjects the Real Estate to the following restrictions and provisions, which shall be binding on 12 East Business Center LLC and all future owners:

I. RESTRICTIONS

1. Restrictions. The Owner and all future owners:
 - (a) Shall not use or allow the use of the Real Estate for residential purposes, including, but not limited to, daily child care facilities or educational facilities for children (e.g., daycare centers or K-12 schools).
 - (b) Shall not use or allow the use or extraction of ground water at the Real Estate for any purpose, including, but not limited to, human or animal consumption, gardening, industrial processes, or agriculture, without prior Department approval, except that ground water may be extracted in conjunction with environmental investigation and/or remediation activities.

II. GENERAL PROVISIONS

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 ("Related Parties") 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 an interest in or occupancy of the Real Estate, any subsequent owner or Related Party agrees to comply with all of the restrictions set forth in paragraph 1 above and with all other terms of this Covenant.
4. 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 set forth in paragraph 1 above are being properly maintained (and operated, if applicable) in a manner that ensures the protection of public health, safety, or welfare and the environment. This right of entry includes the right to take samples, monitor compliance with the remediation work plan (if applicable), and inspect records.
5. Written Notice of the Presence of Contamination. 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 (with blanks to be filled in):

NOTICE: THE INTEREST CONVEYED HEREBY IS SUBJECT TO AN ENVIRONMENTAL RESTRICTIVE COVENANT, DATED 3-27 2018 RECORDED IN THE OFFICE OF THE RECORDER OF LAPORTE COUNTY ON 5-11, 2018, INSTRUMENT NUMBER (or other identifying reference) 2018R-05189 IN FAVOR OF AND ENFORCEABLE BY THE INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT.

6. Notice to Department of the Conveyance of Property. Owner agrees to provide notice to the Department of any conveyance (voluntary or involuntary) of any ownership interest in the Real Estate (excluding mortgages, liens, similar financing interests, and other non-possessory encumbrances). Owner must provide the Department with the notice within thirty (30) days of the conveyance and include (a) a certified copy of the instrument conveying any interest in any portion of the Real Estate, and (b) if the instrument has been recorded, its recording reference(s), and (c) the name and business address of the transferee.
7. Indiana Law. This Covenant shall be governed by, and shall be construed and enforced according to, the laws of the State of Indiana.

III. ENFORCEMENT

8. Enforcement. Pursuant to IC 13-14-2-6 and other applicable law, the Department

may proceed in court by appropriate action to enforce this Covenant. Damages alone are insufficient to compensate the Department if any owner of the Real Estate or its Related Parties breach this Covenant or otherwise default hereunder. As a result, if any owner of the Real Estate, or any owner's Related Parties, breach this Covenant or otherwise default hereunder, the Department shall have the right to request specific performance and/or immediate injunctive relief to enforce this Covenant in addition to any other remedies it may have at law or at equity. Owner agrees that the provisions of this Covenant are enforceable and agrees not to challenge the provisions or the appropriate court's jurisdiction.

IV. TERM, MODIFICATION AND TERMINATION

9. Term. The restrictions shall apply until the Department determines that contaminants of concern on the Real Estate no longer present an unacceptable risk to the public health, safety, or welfare, or to the environment.
10. Modification and Termination. This Covenant shall not be amended, modified, or terminated without the Department's prior written approval. Within thirty (30) days of executing an amendment, modification, or termination of the Covenant, Owner shall record such amendment, modification, or termination with the Office of the Recorder of LaPorte County and within thirty (30) days after recording, provide a true copy of the recorded amendment, modification, or termination to the Department.

V. MISCELLANEOUS

11. 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.
12. 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.
13. Change in Law, Policy or Regulation. In no event shall this Covenant be rendered unenforceable if Indiana's laws, regulations, guidelines, or remediation policies (including those concerning environmental restrictive covenants, or institutional or engineering controls) change as to form or content. All statutory references include any successor provisions.

14. **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:
12 East Business Center LLC
2 Cadence Park Plaza
Michigan City, IN 46260
ATTN: Clarence Hulse

To Department:
Indiana Brownfields Program
100 N. Senate Avenue, Rm. 1275
Indianapolis, Indiana 46204
ATTN: Tracy Concannon

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.

15. **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 or terms of this Covenant shall remain in full force and effect as if such portion found invalid had not been included herein.
16. **Authority to Execute and Record.** The undersigned person executing this Covenant represents that he or she is the current fee Owner of the Real Estate or is the authorized representative of the Owner, and further represents and certifies that he or she is duly authorized and fully empowered to execute and record, or have recorded, this Covenant.

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

IN WITNESS WHEREOF, 12 East Business Center LLC, the said Owner of the Real Estate described above has caused this Environmental Restrictive Covenant to be executed on this 27th day of April, 2018.

[Signature]
12 East Business Center LLC
Clarence Hulse

STATE OF Indiana)
) SS:
COUNTY OF LaPorte)

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared Clarence Hulse, the owner of the Owner, 12 East Business Center LLC, who acknowledged the execution of the foregoing instrument for and on behalf of said entity.

Witness my hand and Notarial Seal this 27th day of April, 2018.



[Signature]
James W. Kaminski, Notary Public
Residing in LaPorte County, Indiana

My Commission Expires:
October 28, 2022

This instrument prepared by: James W. Kaminski, Newby, Lewis, Kaminski & Jones, LLP, 916 Lincolnway, La Porte, Indiana 46350

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.

James W. Kaminski (Printed Name of Declarant)

EXHIBIT A

**Corporate Quit-Claim Deed for the Real Estate
and
Plat of Properties**

TICOR TITLE INSURANCE CO.

89

82001-0098 \$28.00 chg.
Auditor \$3.00 chg.
exempt disclosure

LAPORTE COUNTY RECORDER

2001 FEB -7 AM 10:29

2001-02013

BARBARA A. DEAN

Tax bills should be sent to:

100 E. Michigan Blvd.
Michigan City, In 46360
Attn: M. C. E. D. C.

CORPORATE QUIT-CLAIM DEED

THIS INDENTURE WITNESSETH, That **NORTHERN INDIANA CENTER FOR LAND REUSE, INC.**, an Indiana Not-For-Profit Corporation, **RELEASES** and **QUIT-CLAIMS** to **12 EAST BUSINESS CENTER, L.L.C.**, an Indiana Limited Liability Company, for and in consideration of One (\$1.00) Dollar and other valuable consideration, the receipt whereof is hereby acknowledged, the following described **REAL ESTATE** in **LAPORTE COUNTY**, in the **STATE OF INDIANA**, to-wit:

DUTY ENTERED FOR TAXATION
SUBJECT TO FINAL ACCOUNTS FOR TRANSFER

PLEASE SEE ATTACHED LEGAL DESCRIPTION,
MARKED EXHIBIT "A",
AND BY THIS REFERENCE INCORPORATED HEREIN.

FEB 7 2001

GRANTOR REPRESENTS THAT THERE IS NO INDIANA GROSS INCOME TAX DUE. *[Signature]*
LAPORTE COUNTY AUDITOR

The undersigned person executing this deed on behalf of Grantor represents and certifies that she is the duly elected President of Grantor and has been wholly empowered by proper resolution of the Board of Directors of Grantor to execute and deliver this deed; that Grantor has full corporate capacity to convey the real estate described herein, and that all necessary corporate action for the making of such conveyance has been taken and done.

IN WITNESS WHEREOF, the Grantor has hereunto set its hand and seal, this 21st day of January, 2001.

- 42-01-21-463-001
- 42-01-21-478-001/002/003
- 42-01-21-480-001
- 42-01-28-127-001 thru 006
- 42-01-28-128-001
- 42-01-28-129-001 thru 005
- 42-01-28-201-001 thru 003
- 42-01-28-201-007/008

NORTHERN INDIANA CENTER FOR LAND REUSE, INC.
an Indiana Not-For-Profit Corporation

By: Donna Ducharme, President
Donna Ducharme, President

STATE OF INDIANA)

)SS:

COUNTY OF COUNTY)

Before me, the undersigned, a Notary Public in and for said County and State, this 29th day of January, 2001, came NORTHERN INDIANA CENTER FOR LAND REUSE, INC., an Indiana Not-For-Profit Corporation, by Donna Ducharme, its President, and acknowledged the execution of the foregoing instrument for and on behalf of said corporation, having full power and authority to do so.

WITNESS my hand and official seal.

Sammie J. Phillips

Notary Public

SAMMIE J. PHILLIPS

(Printed Name)

My Commission Expires:

11-5-01

County of Residence: LaPorte



THIS INSTRUMENT PREPARED BY:

BARRY F. McDONNELL

Attorney At Law

601 Franklin Street - Suite 200

Michigan City, Indiana 46360

EXHIBIT "A"

DESCRIPTION:

Lots One hundred Forty-four (144), One hundred Forty-five (145) and One hundred Forty-six (146) in Bayview Addition to Michigan City, LaPorte County, Indiana, as recorded in Plat Book 4 page 9 in the office of the Recorder of LaPorte County, Indiana.

Lots One hundred Forty-seven (147), One hundred Forty-eight (148), One hundred Forty-nine (149), One hundred Fifty (150) and One hundred Fifty-one (151) of Bayview Addition to the City of Michigan City, in LaPorte County, Indiana, as recorded in Plat Book 4 page 9.

Lots One hundred Fifty-seven (157) and One hundred Fifty-eight (158) in Bayview Addition to the City of Michigan City, Indiana, as recorded in Plat Book 4 page 9.

That part of the Northeast Quarter (NE 1/4) of the Northwest Quarter (NW 1/4) and that part of the Northwest Quarter (NW 1/4) of the Northeast Quarter (NE 1/4) of Section Twenty-eight (28), Township Thirty-eight (38) North, Range Four (4) West of the Second Principal Meridian (2nd P.M.), in the City of Michigan City, in the County of LaPorte, in the State of Indiana, more particularly described as follows:
Commencing at a concrete monument at the Southwest corner of Lot One (1), Block One (1) in Ashtons Addition to Michigan City, Indiana; thence West on the North line of North Street a distance of one hundred (100) feet to an iron pipe at the Southwest corner of Lot One hundred Fifty-two (152) in Bayview Addition to Michigan City, Indiana; thence North on the West line of Lot One hundred Fifty-two (152), a distance of one hundred seven and forty hundredths (107.40) feet to the intersection of said line and the South line of the New York Central Railroad Company property, being the place of beginning; thence continuing North on the same course a distance of seventy-seven and thirty hundredths (77.30) feet to a point distant eight and fifty hundredths (8.50) feet South of the center line of a switch track of the New York Central Railroad Company; thence Northeasterly parallel with the center line of said switch track and distant eight and fifty hundredths (8.50) feet South thereof and on a curve, the long chord of which lies North eighty degrees thirty-seven minutes East ($N 80^{\circ} 37' E$) a distance of nine hundred twenty one and nineteen hundredths (921.19) feet; thence South zero degrees fifty minutes East ($S 0^{\circ} 50' E$), a distance of seventy-seven and four hundredths (77.04) feet to a point on the said South property line of the New York Central Railroad Company; thence Southwesterly on the said south property line which is a curve the long chord of which lies South eighty degrees thirty-seven minutes West ($S 80^{\circ} 37' W$), a

distance of nine hundred twenty-two and thirty-four hundredths (922.34) feet to the place of beginning, containing an area of One and Six hundred Thirty-three thousandths (1.633) acres.

That part of the Northeast Quarter (NE 1/4) of the Northwest Quarter (NW 1/4) of Section Twenty-eight (28), Township Thirty-eight (38) North, Range Four (4) West of the Second Principal Meridian (2nd P.M.) in the City of Michigan City, in the County of LaPorte, in the State of Indiana, more particularly described as follows:
Commencing at a concrete monument at the Southwest corner of Lot One (1), Block One (1) in Ashton's Addition to Michigan City, Indiana; thence West on the North line of North Street a distance of one hundred (100) feet to an iron pipe at the Southwest corner of Lot One hundred Fifty-two (152) in Bayview Addition to Michigan City, Indiana; thence North on the West line of said Lot One hundred Fifty-two (152), a distance of one hundred seven and forty hundredths (107.40) feet to the intersection of said line and the South line of The New York Central Railroad Company property, being the place of beginning of this description; said place of beginning is also the Southwest corner of the property conveyed by The Michigan Central Railroad Company and the New York Central Railroad Company to Josam Real Estate Investments, Inc., by quit claim deed dated Sept. 30, 1963, and recorded in the Office of the Recorder of LaPorte County, Indiana, on October 15, 1963, in Book 324, at page 23-26, Document #16505; thence Westerly along the said South property line of the New York Central Railroad Company a distance of six hundred two (602) feet, more or less, to the Northwest corner of Lot One hundred Forty-four (144) of Bayview Addition; thence Northerly on a line parallel with the West line of said Lot One hundred Fifty-two (152) Bayview Addition, extended a distance of seventy seven and thirty hundredths (77.30) feet, more or less, to a point eight and five tenths (8.5) feet Southerly by rectangular measurement from the center line of the present switch track of the Grantor, thence Easterly parallel and concentric with the center line of said track a distance of five hundred ninety-six (596) feet, more or less, to the Northwest corner of the property conveyed to said Josam Real Estate Investments, Inc. by quit claim deed Sept. 30, 1963; thence Southerly along the Westerly line of said conveyance a distance of seventy-seven and thirty hundredths (77.30) feet to the place of beginning, containing an area of One and Six hundredths (1.06) acres, more or less.

Commencing at the North Quarter (N 1/4) corner of Section Twenty-eight (28), Township Thirty-eight (38) North, Range Four (4) West; thence Southerly on the North and South center line of Section Twenty-eight (28), Township Thirty-eight (38) North, Range Four (4), a distance of three hundred eight (308) feet to a point on the South property line of the New York Central (formerly Michigan Central) Railroad; thence Northerly on the South property line of the New York Central Rail-

road, a distance of five hundred ninety-six and ninety hundredths (596.90) feet for the place of beginning for the following description: thence South one degree twenty-eight minutes East (S 1° 28' E), a distance of ninety-seven and ninety hundredths (97.90) feet to a point on the North property line of U. S. Highway 12; thence Northeasterly on the Northerly property line of U. S. Highway No. 12 to the East line of the Southeast Quarter (SE 1/4) of Section Twenty-one (21), Township Thirty-eight (38) North, Range Four (4); thence North on the East line of said Southeast Quarter (SE 1/4) to a point on the Southerly property line of the New York Central Railroad; thence Southwesterly along the Southerly property line of the New York Central Railroad to the place of beginning, EXCEPTING therefrom the right of way of Liberty Trail.

Included in the above description are Lots Sixty-one (61) thru Sixty-six (66), inclusive, as they lie between the Northerly right of way line of U. S. Highway No. 12 and the Southerly right of way line of the New York Central Railroad.

That part of the Northwest Quarter (NW 1/4) of the Northeast Quarter (NE 1/4) of Section Twenty-eight (28), Township Thirty-eight (38) North, Range Four (4) West of the Second Principal Meridian (2nd P.M.) in the City of Michigan City, in the County of LaPorte, in the State of Indiana, more particularly described as follows:
Commencing at the North One Quarter (N 1/4) corner of Section Twenty-eight (28), Township Thirty-eight (38) North, Range Four (4) West, thence Southerly on the North and South center line of Section Twenty-eight (28), Township Thirty-eight (38) North, Range Four (4) West, a distance of three hundred eight (308) feet, to a point on the South property line of the New York Central (formerly Michigan Central) Railroad, thence Northeasterly on the South property line of the New York Central Railroad, a distance of three hundred forty-six and ninety-hundredths (346.90) feet to the intersection of the South property line of the New York Central Railroad and the Easterly line of the Josam Real Estate Investments, Inc., property and the place of beginning for the following description; thence Easterly along the South property line of the New York Central Railroad Company a distance of two hundred fifty (250) feet to a point; thence Northerly parallel with the Easterly line of said conveyance to Josam Real Estate Investments, Inc., a distance of seventy-one and fifty-seven hundredths (71.57) feet to a point eight and fifty hundredths (8.50) feet Southerly by radial measurement from the center line of a switch track of the New York Central Railroad Company; thence Westerly concentric with and eight and fifty hundredths (8.50) feet Southerly by radial measurement from the center line of said track a distance of two hundred fifty (250) feet, more or less, to the Northeasterly corner of the property conveyed to said Josam Real Estate Investments, Inc., by said quit claim deed dated Sept. 30, 1963; thence Southerly along the East line of said conveyance a distance of seventy-seven and four hundredths (77.04) feet to the.

Central Railroad, EXCEPTING two hundred fifty (250.00) feet off the East end, being all of a triangular piece or parcel of land heretofore conveyed by the prior Grantors to the Consumers Service Company. Said land intended to be conveyed hereby containing one and twenty hundredths (1.20) acres, more or less.

A parcel of land in the Northwest Quarter (NW $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of Section Twenty eight (28), Township Thirty eight (38) North, Range Four (4) West, between the Corymbo Road and the Crosby Road, more particularly described as follows:
Beginning at the point of intersection of the North line of a public highway known as the Corymbo Road and the North and South centerline of said Section Twenty eight (28), said point being four hundred ninety nine and seven tenths (499.7) feet South of the Northwest corner of the Northeast Quarter (NE $\frac{1}{4}$) of said Section Twenty eight (28); thence Northeasterly along the North line of said Corymbo Road, a distance of six hundred sixty and five tenths (660.5) feet to a point on the South right-of-way line of the Michigan Central Railroad; thence South parallel to the North and South centerline of said Section Twenty eight (28), a distance of ninety seven and ninety hundredths (97.90) feet, more or less, to a point on the North line of a public highway known as the Crosby Road; thence Southwesterly along the North line of said Crosby Road, a distance of two hundred sixty four and fifty eight hundredths (264.58) feet, more or less, to an iron pipe placed for corner for the place of beginning of the land to be described; thence continuing Southwesterly along the North line of the said Crosby Road, a distance of one hundred eleven and fifty five hundredths (111.55) feet, more or less, to a point in the South line of the Corymbo Road marked with an iron pipe; thence Northeasterly along the South line of said Corymbo Road, a distance of one hundred sixteen and eighty five hundredths (116.85) feet, more or less, to an iron pipe placed for corner; thence South parallel with the North and South centerline of said Section Twenty eight (28), a distance of twelve and fifty six hundredths (12.56) feet, more or less, to the place of beginning of the land described, containing fifteen thousandths (0.015) of an acre, more or less.

The East half (E $\frac{1}{2}$) of vacated Corymbo Street lying North of vacated North Street in Michigan City, and the vacated portion of Corymbo Road that extends Easterly from the East line of vacated Corymbo Street to the Easterly line of both of the above described parcels 7 and 8, as extended South and North, respectively.

Lots One (1), Two (2), Three (3), Four (4), Five (5), Six (6), Seven (7), Eight (8) and Nine (9) in Block One (1) in Ashton's Addition to the City of Michigan City, Indiana, as recorded in Plat Book 1, page 269, being the North half (N $\frac{1}{2}$) of the Northwest Quarter (NW $\frac{1}{4}$) of Section Twenty eight (28), Township Thirty eight (38) North, Range Four (4) West, LaPorte County, Indiana.

That portion of the vacated alley lying along the entire Northerly side of Block One (1) in Ashton's Addition to the City of Michigan City, Indiana, and extending from the Easterly line of vacated Peru Street to the Westerly line of vacated Corymbo Street.

The Westerly half (W $\frac{1}{2}$) of that portion of vacated Corymbo Street, lying North of vacated North Street and along the entire Easterly side of Lot Nine (9), Block One (1) in Ashton's Addition to the City of Michigan City.

Lot One hundred fifty two (152) in Bayview Addition to the City of Michigan City, Indiana, as recorded in Plat Book 4, page 9.

That portion of vacated Peru Street lying between Lot One hundred fifty two (152) in Bayview Addition, and Lot One (1) in Block One (1) in Ashton's Addition to the City of Michigan City, extending from the North line of North Street to the North line of Lot One hundred fifty two (152) in Bayview Addition as extended Easterly to the West line of Lot One (1), Block One (1) in Ashton's Addition as extended Northerly.

That portion of Lots One (1), Two (2), Three (3) and Four (4) in Block Two (2) in Ashton's Addition to the City of Michigan City, Indiana, as recorded in Plat Book 1, page 269, lying North of U. S. Highway No. 12, together with that portion of vacated North Street on the North side of Block Two (2) in Ashton's Addition, from the East line of Peru Street Easterly to the Northwesterly line of U. S. Highway No. 12.

All that triangular piece of parcel of land situats in the Northwest Quarter (NW $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of Section Twenty eight (28), Township Thirty eight (38) North, Range Four (4) West, bounded on the South by a public highway known as the Corymbo Road, the same being an extension or prolongation of North Street in Michigan City, on the West by the North and South centerline of said Section Twenty eight (28), and on the North by the lands and yards of the Michigan

point of beginning, containing an area of Eighteen thousand Five hundred Seventy-seven (18,577) square feet, more or less.

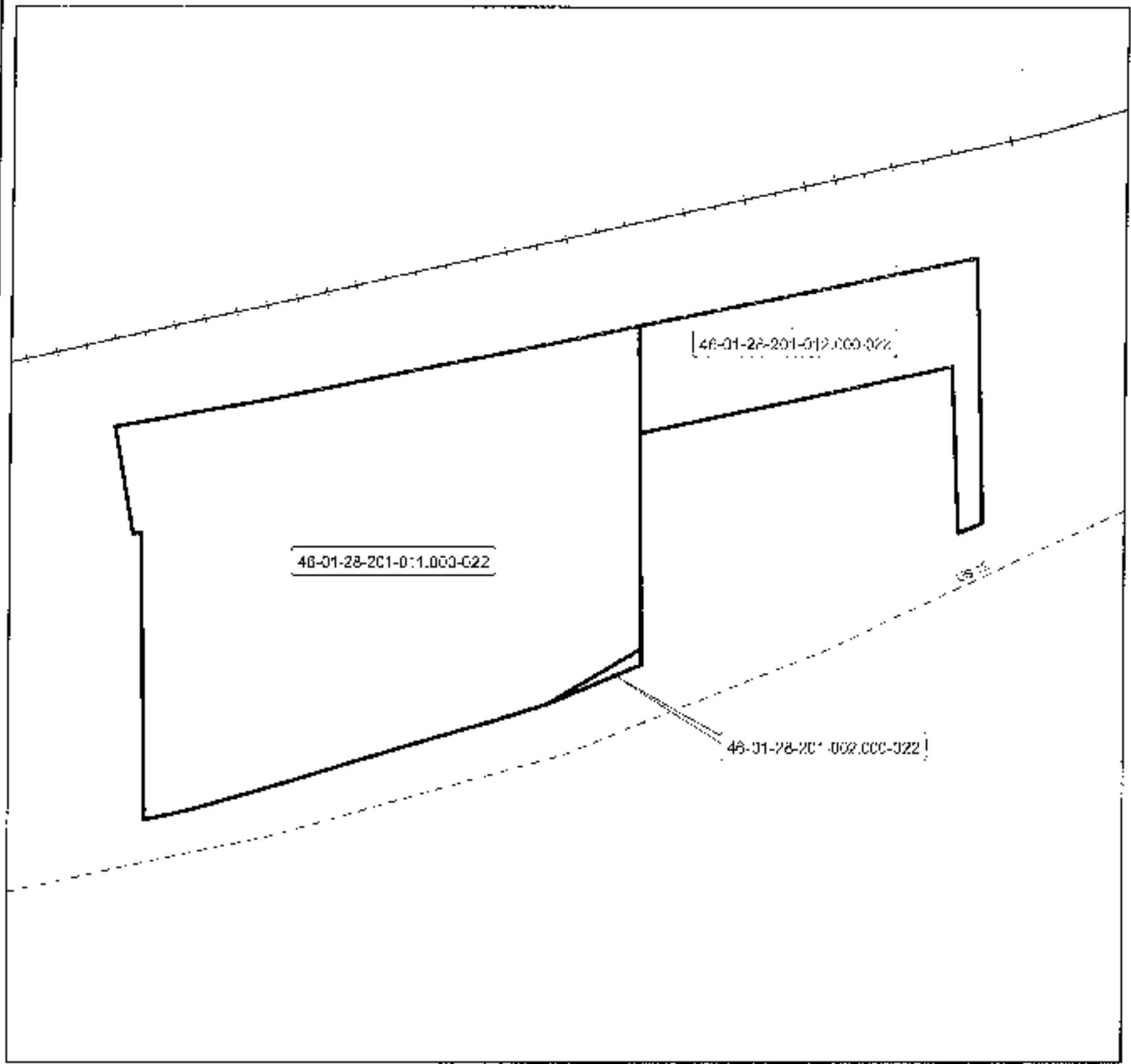
Commencing at the North One Quarter (N 1/4) corner of Section Twenty-eight (28), Township Thirty-eight (38) North, Range Four (4) West; thence Southerly on the North and South centerline of Section Twenty-eight (28), Township Thirty-eight (38) North, Range Four (4) West, a distance of three hundred eighty (308) feet, to a point on the South property line of the New York Central (formerly Michigan Central) Railroad; thence Northeasterly on the South property line of the New York Central Railroad a distance of five hundred seventy-six and fifty-two hundredths (576.52) feet for the place of beginning for the following description; thence continue same course a distance of twenty and thirty-eight hundredths (20.38) feet; thence South one degree twenty-eight minutes East (S 1° 28' E), a distance of ninety-seven and ninety hundredths (97.90) feet to a point on the North property line of U. S. Highway No. 12; thence South sixty-six degrees forty-one minutes West (S 66° 41' W) on the North property line of U. S. Highway No. 12, a distance of twenty-one and fifty-four hundredths (21.54) feet; thence North one degree twenty-eight minutes West (N 1° 28' W), a distance of one hundred two and seven hundredths (102.07) feet to the place of beginning.

EXHIBIT B
PROPERTY SURVEY

EXHIBIT B

Map of the Real Estate

BFD 4980036 - Real Estate



Mapped By: Mike Hill, IDEM, Office of Land Quality Enhance Services, Engineering & GIS Services, November 6, 2017

Legal Description Info:
 Approved Plat of Property by John Cray & Associates, Inc.
 Issued July 22, 2004 (revised June 04, 2017). Description - Parcel 'B' (Revised)
 and Description - Parcel 'C' (New) for IM-EDC

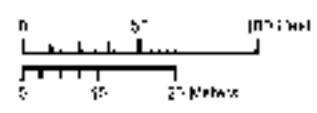
Parcel IDs:
 46-01-28-201-002.000-022
 46-01-28-201-011.000-022
 46-01-28-201-012.000-022

PLSS Info:
 Section 26, T38N, R4W
 Michigan Township
 La Porte County, IN

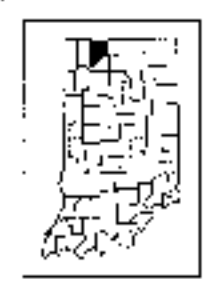
Property Info:
 1302 US Highway 12 (1538 US Highway 12), Michigan City, IN

Disclaimer:
 This map is intended to serve as an electronic representation only.
 The information is not warranted for accuracy or other purposes.

	Res. Estate
	Clear
	US Road



La Porte County



Project Area



EXHIBIT C

Copy of Site Status Letter



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

Eric J. Holcomb
Governor

Bruce L. Pigott
Commissioner

March 14, 2018

Clarence Hulse
12 East Business Center LLC
2 Cadence Park Plaza
Michigan City, IN 46260

Re: **Site Status Letter**
Josam Foundry – Eastern Parcel
1302 US Highway 12 (1508 US
Highway 12)
Michigan City, LaPorte County
VRP #6030402
Brownfield #4980036

Dear Mr. Hulse:

In response to the request by Environmental Incorporated (EI) on behalf of 12 East Business Center LLC (12 EBC or Owner) to the Indiana Brownfields Program (Program) for assistance concerning the property located at 1508 US Highway 12, Michigan City, the Eastern Parcel of the Former Josam Foundry (Site), the Indiana Department of Environmental Management (IDEM) has agreed to provide this Site Status Letter to clarify IDEM's position on the necessity of an environmental response action at the Site. This letter is not a legal release from liability. It will, however, help to establish whether environmental conditions at the Site might be a barrier to redevelopment or property transfer.

As part of the request for assistance in determining any existing environmental contamination and potential liability to undertake response activities at the Site, Program staff have reviewed the following documents. These documents may also be viewed electronically by searching online by the applicable document numbers in IDEM's Virtual File Cabinet (VFC) accessible through IDEM's website.

- *Phase I Environmental Site Assessment (Former Josam Foundry – Eastern Parcel)*, dated July 22, 2009, prepared by EI (Document #50071326)
- *Phase II Environmental Site Assessment (Former Josam Foundry – Eastern Parcel)*, dated May 18, 2010, prepared by EI (Document #55671025)
- *Additional Delineation Environmental Site Assessment (Former Josam Foundry – Eastern Parcel)*, dated January 24, 2011, prepared by EI (Document #60503538)
- *Remediation Work Plan (Former Josam Foundry – Eastern Parcel)*, dated February 18, 2011, prepared by EI (Document #61046823)



- *Quarterly Groundwater Corrective Action Progress Reports (Former Josam Foundry – Eastern Parcel)*, dated October 28, 2011 through April 1, 2016, prepared by EI (Document #63980590, 64814841, 65829466, 66636011, 67003933, 69332370, 67253991, 70461573, 80010447, 80096687, 80265515)
- *Remediation Completion Report (Knoll Brothers Petroleum)*, dated October 21, 2016, prepared by Creek Run L.L.C. (Creek Run) (Document #80368659)
- *Remediation Completion Report (Former Josam Foundry – Eastern Parcel)*, dated November 18, 2016, prepared by EI (Document #80382935)

Site Description and History

The 2.441-acre Site, which is the Eastern Parcel of a formerly larger property, is comprised of three parcels identified by the State by parcel numbers 46-01-28-201-011.000-022, 46-01-28-201-002.000-022, 46-01-28-201-012.000-022 and was originally developed in the early 1900s as a foundry for sand mold and casting operations. The Josam Foundry Corporation also manufactured various types of iron and brass plumbing products. The types of manufacturing and related operations formerly conducted at the Site included a brass foundry, a brass cleaning room and brass polishing area, a disamatic foundry and grey iron foundry, molding areas, a tapping and paint line area, a sheet metal shop, machine shop, a raw materials yard, a pattern storage building and testing laboratory. The facility also included a finished goods warehouse/shipping area, management offices and parking area.

In 2000, the LaPorte County Board of Commissions conveyed and transferred the entire former foundry property to the Northern Indiana Center for Land Re-use (NICLR), simultaneously eliminating all delinquent real estate tax payments. Subsequently, NICLR and the Michigan City Economic Development Corporation signed a memorandum of understanding creating 12 EBC, a for-profit consortium of private and public interest groups, to conduct all brownfield redevelopment activities at the Site and the larger former foundry property.

In January 2001, 12 EBC acquired the entire former Josam Foundry property (Eastern and Western Parcels). The larger property was eventually subdivided for redevelopment purposes. In 2003, approximately 60 percent of the former facility buildings were razed. The Western Parcel of the property was entered into IDEM's Voluntary Remediation Program (VRP) (site #6020117) and received a Certificate of Completion from IDEM on May 13, 2004 and a Covenant Not to Sue from the State of Indiana Governor's Office on August 2, 2004. The Western Parcel was purchased by Pioneer Lumber for use as a lumber facility. The Site, which is the Eastern Parcel, was also entered into the VRP (Site #6030402). However, on March 20, 2010, the Site was withdrawn from the VRP.

The Site, which is currently developed with an 8,800 square foot cinder block building formerly used to store patterns, has been largely vacant since the early 1980s when foundry operations ceased due to bankruptcy. The remainder of the Site is mainly covered with concrete, with the exception of the far northeastern corner and far eastern

boundary of the Site which is grass/gravel covered. The western portion of the Site is currently leased by Green Acres LLC and utilized by Pioneer Lumber Inc. for lumber storage and vehicle parking. The remainder of the Site, also currently leased by Green Acres LLC, is currently unutilized, with the exception that the eastern portion of the on-Site building is sub-leased by a construction contractor who stores construction materials/equipment in the building. A Knoll Brothers Bulk Petroleum facility (Knoll Brothers) (VRP site #6120202) is located south/southeast of the Site. Vacant land is located immediately to the east of the Site. Several sets of railroad tracks are located immediately north of the Site, with the Vitamins, Inc. facility (vitamin manufacturer) and the Weil-McLain Facility (boiler manufacturer), located further to the northeast and northwest of the Site, respectively. Pioneer Lumber Inc. (Former Josam Foundry - Western Parcel) adjoins the Site to the west, followed by Jack's Detail Shop, Triplex Plating Inc., and US Highway 12 followed by the Knoll Brothers offices are located south of the Site. The Site is presently being marketed by the Owner for future commercial/light industrial redevelopment.

Several phases of environmental investigations have been conducted at the Site and larger former foundry property since 1997. The City was awarded a Brownfields Site Assessment Grant (SAG) by the Indiana Development Finance Authority (now the Indiana Finance Authority (IFA)) in June 1998. The awarded funding was used for an environmental assessment that was completed in 1999. The Michigan City Urban Enterprise Association received an Enterprise Zone Brownfields Site Assessment Grant from the Indiana Department of Commerce in the spring of 2000. Michigan City also received a Community Development Block Grant (CDBG) Brownfields Pilot Grant from the Indiana Department of Commerce in December 2001. Michigan City also received a Brownfields Low-Interest Loan as part of the matching funds requirement of the CDBG grant. The CDBG grant and Brownfields loan were used for building demolition and soil and ground water remediation on the Western Parcel which were completed through IDEM's VRP. The City was awarded a Stipulated Assessment Grant by the IFA in February 2009 to complete subsurface investigations on the Eastern Parcel (Site).

Historical Environmental Conditions¹

For purposes of evaluating Site conditions for closure, sample analytical results were compared to IDEM's Remediation Closure Guide (RCG) (March 22, 2012 and applicable revisions) screening levels as follows: soil samples collected at depths between 0 and 10 feet below ground surface (bgs) were compared to RCG residential and commercial/industrial direct contact screening levels (RDCSLs and IDCSLs, respectively); soil samples collected between 0 and 18 feet bgs were compared to the excavation worker direct contact screening levels (EX DCSLs); and, soil samples collected at depths greater than 18 feet bgs were not evaluated for purposes of closure because of the unlikely risk of exposure to soil at that depth. Ground water samples were compared to both residential tap ground water screening levels (Rcs TAP

¹ The full reports associated with the investigations discussed under *Historical Environmental Conditions* were not available for review; only summaries, maps, and lab data included in the 2011 RWP (Document #61046823) were reviewed.

GWSLs), residential and commercial/industrial vapor exposure ground water screening levels (Res VE GWSLs and Indus VE GWSLs, respectively).

Limited Subsurface Soil Investigation

In September 1997, a limited subsurface soil investigation was conducted at the Site and consisted of the advancement of thirteen soil borings (SB-1 through SB-13). Soil samples were analyzed for total petroleum hydrocarbons (TPH) - gasoline range organics (GRO), TPH - diesel range organics (DRO), volatile organic compounds (VOCs), semi-volatile organic compounds (SVOCs), and/or polychlorinated biphenyls (PCBs). TPH-GRO² and TPH-DRO were detected in the soil samples collected from the boring (SB-10) which was advanced immediately north of the off-Site Knoll Brothers Bulk Petroleum facility. No constituents analyzed in soil were detected at levels above applicable RCG screening levels.

Initial Site Assessment

During 1998 and 1999, an initial Site assessment was conducted and consisted of the advancement of six soil borings (SB-9 through SB-12, SB-23 and SB-24) and the installation of three ground water monitoring wells (MW-1, MW-2, and MW-5) on the Site. Soil and ground water samples were analyzed for VOCs, SVOCs, and/or metals. No constituents analyzed in soil were detected at levels above applicable RCG screening levels. Benzene, tetrachloroethene (PCE), arsenic, and/or lead were detected at concentrations in ground water above their respective Res TAP GWSLs. Benzene was detected at a level above its Res VE GWSL and Indus VE GWSL in ground water from MW-1 and PCE was detected at a level above its Res VE GWSL, but below its Indus VE GWSL, in ground water from MW-5. No other constituents analyzed in ground water were detected at levels above applicable RCG screening levels.

In March 2001, three additional ground water monitoring wells (MW-9, MW-10, and MW-12) were installed as part of this investigation. MW-9 and MW-10 were installed off-Site to the north and MW-12 was installed on-Site. In April 2001, ground water samples from all six monitoring wells (MW-1, MW-2, MW-5, MW-9, MW-10, and MW-12) were collected and analyzed for VOCs and arsenic. Benzene, toluene, ethylbenzene, arsenic, PCE, and trichloroethene (TCE) were detected at levels in ground water above their respective Res TAP GWSLs. Benzene, PCE, and TCE were also detected at levels in ground water above their respective Res VE GWSLs and/or Indus VE GWSLs. No other constituents analyzed in ground water were detected at levels above applicable RCG screening levels. Based on the results of the monitoring event, ground water flow direction was determined to be to the southwest.

² As of June 2010 (for ground water) and March 2012 (for soil), IDEM no longer evaluates TPH contamination in soil and ground water when determining RISC or RCG closure. Therefore, the levels of TPH detected in soil and/or ground water are not relevant for purposes of evaluating environmental conditions on the Site and are presented for informational purposes only.

UST Removal

On July 12, 2001, a previously closed-in-place 1,000-gallon gasoline underground storage tank (UST) and former fuel dispenser were removed from the southwest corner of the Site. Following removal of the UST, six confirmatory soil samples (four sidewall samples/two excavation bottom samples) were collected and analyzed for TPH-GRO, TPH-DRO, benzene, toluene, ethylbenzene and total xylenes (BTEX)/methyl-tertiary-butyl ether (MTBE). No constituents analyzed in soil were detected at levels above applicable RCG screening levels.

Additional Assessment Activities

Between December 2002 and March 2003, in order to determine the concentrations and extent of VOC contaminants in ground water at the Site (location of the PCE and benzene ground water plumes), a total of fifteen ground water screening samples (GW-1 through GW-10, GW-14, and GW-15) were collected on-Site and down-gradient off-Site (GW-11 through GW-13) from the water table (9.5 to 10 feet bgs) and/or from the bottom of the water table aquifer in order to determine the potential downward (vertical) migration of VOC contaminants within the Site aquifer. The bottom of the aquifer ground water sample was collected immediately above the clay aquitard at 57 feet bgs. Ground water samples were analyzed for VOCs. PCE, TCE, benzene, naphthalene, ethylbenzene, and 1,2,4-trimethylbenzene (1,2,4-TMB) were detected in ground water at levels above their respective Res IAP GWSLs. PCE, TCE, benzene, and naphthalene were also detected at levels in ground water above their respective Res VE GWSLs and/or Indus VE GWSLs. No other constituents analyzed in ground water were detected at levels above applicable RCG screening levels. Based on the analytical results from this and previous ground water investigations conducted at the Site, the benzene ground water contaminant plume, identified in the center of the Site, appears to be attributable to the past and/or present operations of the off-Site adjacent and abutting Knoll Brothers property located immediately south/southeast of the Site.

In January and February 2003, in order to define the extent of the VOC ground water plume in the northwestern portion of the Site, five additional ground water monitoring wells (MW-15, MW-16, MW-22, MW-23, and MW-24) were installed and sampled to define the plume and augment the current plume monitoring network. Five additional ground water monitoring wells (MW-17 through MW-21) were also installed on-Site along the property boundary bordering the Knoll Brothers facility to define the extent of the benzene ground water contaminant plume. Ground water samples were collected from monitoring wells from on-Site monitoring wells (MW-5, MW-12, MW-15, MW-16, MW-22, and MW-24) and off-Site monitoring wells (MW-9 and MW-23) and analyzed for VOCs. PCE, TCE, vinyl chloride were detected in ground water from MW-5 and/or MW-16 at concentrations in excess of their respective Res TAP GWSLs, Res VE GWSLs and/or Indus VE GWSLs. No other constituents analyzed in ground water were detected at levels above applicable RCG screening levels.

In order to define the source of the PCE ground water contaminant plume at the Site, a soil investigation was conducted in March 2003 consisting of the advancement of a seventeen soil borings (B-1 through B-17) in the northwest portion of the Site. Soil

samples were analyzed for VOCs, SVOCs, and/or metals. No constituents analyzed in soil were detected at levels above applicable RCG screening levels.

In order to evaluate contaminant concentration trends and begin to establish the stability of the VOC ground water plume located within the northwestern portion of the Site, six additional ground water monitoring events (April, July and October 2003; January and December 2004; and, March 2005). Ground water samples were collected from on-Site monitoring wells (MW-5, MW-12, MW-15, MW-16, and MW-22) and off-Site monitoring wells (MW-9 and MW-23) and analyzed for VOCs. PCE, TCE, and vinyl chloride were detected in ground water samples from MW-5 and/or MW-16 at concentrations in excess of their respective Res TAP GWSLs, Res VE GWSLs and/or Indus VE GWSLs. No other constituents analyzed in ground water were detected at levels above applicable RCG screening levels.

Phase I Environmental Site Assessment – July 2009

The 2009 Phase I ESA identified the following recognized environmental conditions (RECs):

- Historical use of the Site as a foundry.
- Documented petroleum contamination in ground water at the central portion of the Site from the adjacent, off-Site Knoll Brothers facility along with an undefined VOC contaminant ground water plume in the northwestern portion of the Site.
- Current industrial usage of adjoining and adjacent properties.
- Historical industrial usage of adjoining and adjacent properties.

Phase II Environmental Site Assessment – May 2010

In August 2009, twenty-eight soil borings (CB-1 to CB-28) were advanced across the Site to a maximum depth of 12 feet bgs. Shallow soil samples were collected from the upper 3 feet of soil from 24 of the borings, and deeper samples were collected from all of the borings. Petroleum odors were noted in borings CB-12 and CB-15, which were located near the Knoll Brothers facility. Soil samples were analyzed for VOCs, SVOCs, and metals. Arsenic and lead concentrations were detected in several soil samples from across the Site at concentrations above their respective RDCSLs, but below their respective IDCSLs with the exception of the lead concentration in CB-22-A which was also above its IDCSL and EX DCSL. However, by using analytical results from all soil samples collected across the Site during this investigation, the calculated average concentrations of arsenic and lead in Site soil were determined to be below their respective RDCSLs and, therefore, determined not to be contaminants of concern on the Site. No other constituents analyzed in soil were detected at levels above applicable RCG screening levels. Refer to Table 1, below, for a summary of soil analytical data above applicable RCG screening levels.

TABLE 1
August 2009 Soil Concentrations Exceeding Applicable IDEM RCG Screening Levels

Sample Location	Depth bgs	Contaminant Detected & Results (parts per million (ppm))	
		Arsenic	Lead
CB-3-A	0.5-2.6	14	152
CB-23-A	1.0-2.0	17	178
CB-16-A	0.5-2.5	7.3	405
CB-5-A	5.0-7.0	<3.0	474
CB-1-A	1.0-3.0	16	476
CB-22-A	1.0-3.0	14	<u>1,090</u>
Calculated Average Concentration		4.96	126.5
RDCSL		9.5	400
IDCSL		30	800
EX DCSL		920	1,000

Notes: **bold** = above RCG Residential Direct Contact Screening Level
italics = above RCG Commercial/Industrial Direct Contact Screening Level
underline = above RCG Excavation Worker Direct Contact Screening Level
 bgs = below ground surface

In October 2009, eight soil borings (B-29 to B-36) were advanced on the southwestern portion of the Site, where IDEM's VRP staff had previously recommended additional ground water investigation or delineation, to collect ground water screening samples. The sampling points were screened from 8 to 11 feet bgs. Ground water samples were analyzed for VOCs, SVOCs, and metals. PCE, TCE, vinyl chloride, and lead were detected in ground water at levels above their respective Res TAP GWSLs, with levels of TCE and vinyl chloride also above their respective Res VE GWSLs. No other constituents analyzed in ground water were detected at levels above applicable RCG screening levels.

In November 2009, three permanent monitoring wells (MW-12R, MW-15R, and MW-25) were installed at the Site. Monitoring wells MW-12R and MW-15R were intended to replace previous monitoring wells that had been destroyed. Monitoring well MW-25 was positioned on the northern Site boundary to determine if the previously identified plume of ground water contamination in that area extended off-Site. After installation, all on-Site monitoring wells were sampled and analyzed for VOCs, SVOCs, and metals. PCE, TCE, benzene, naphthalene, 1,2,4-TMB, 2-methylnaphthalene, and arsenic were detected in ground water from various wells at levels above their respective Res TAP GWSLs. According to the report, 0.5-inch of free petroleum product was found in monitoring well MW-18, which is located immediately west of the ASTs on

the off-Site, adjoining Knoll Brothers property. TCE, benzene, and naphthalene were also detected at levels above their respective Res VE GWSLs and/or Indus VE GWSLs. No other constituents analyzed in ground water were detected at levels above applicable RCG screening levels. Ground water flow direction was determined to be to the southwest across the Site.

Additional Delineation Environmental Site Assessment – January 2011

In November 2010, eight soil borings were advanced on the southwestern portion of the Site (B-39 through B-43) and off-Site (B-44 through B-46) and up-gradient to the east of the Site to a maximum depth of 12 feet bgs. Temporary wells were placed in each of the borings. Ground water samples were analyzed for VOCs. PCE and TCE were detected in ground water at levels above their respective Res TAP GWSLs. TCE was also detected at levels above its Res VE GWSL, but below its Indus VE GWSL.

In December 2010, five additional monitoring wells (MW-26 through MW-30) were installed on-Site along with one monitoring well (MW-31) installed off-Site to the east of the Site. Ground water samples were collected and analyzed for VOCs. In January 2011, to verify ground water sample results, ground water samples were collected from newly-installed monitoring well MW-27 and existing monitoring wells MW-5 through MW-7 and analyzed for VOCs. PCE, TCE, cis-1,2-dichloroethene (cis-1,2-DCE), naphthalene, 1,2,4-TMB, and vinyl chloride were detected in ground water at concentrations in excess of their respective Res TAP GWSLs, with concentrations of PCE, TCE, naphthalene, and vinyl chloride detected above their respective Res VE GWSLs and/or Indus VE GWSLs. No other constituents analyzed in ground water were detected at levels above applicable RCG screening levels.

Remediation Work Plan – February 2011 and Quarterly Groundwater Corrective Action Progress Reports – October 2011 through April 2016

In June 2011, a total of 22,440 pounds of 3-D Microemulsion[®] (3DMe) material was injected in 43 injection points via direct push technology in the vicinity of the chlorinated VOC plumes existing in the vicinity of monitoring wells MW-5, MW-21, MW-26 and KB-MW-5. The 3DMe material was mixed with approximately 1,474 gallons of potable water to form a 10:1 ratio of water to 3DMe to create an injectable slurry. The slurry was pressure injected using a pump through the rods of the Geoprobe[®] hydraulic direct push drilling rig. For each injection point, the sampling device was advanced to a maximum depth of 18 feet bgs and slowly withdrawn while injecting the 3DMe/water slurry until the top of the water table was reached. In the vicinity of monitoring wells MW-5, MW-21 and KB-MW-5, the 3DMe treatment grid for each treatment area consisted of nine injection points (placed on 12-foot centers) for the injection of approximately 2,970 pounds of the 3DMe material slurry. In the vicinity of monitoring well MW-26, the 3DMe treatment grid consisted of 16 injection points (placed between 12 and 20-foot centers) for the injection of approximately 13,530 pounds of 3DMe material slurry. Following the injection of the 3DMe material, performance ground water monitoring was conducted on a quarterly basis. The confirmatory ground water samples were analyzed for VOCs.

From May 7 through May 9, 2013, Bio-Dechlor Inoculum (BDI) Plus[®] was injected into the three chlorinated VOC contaminated ground water plumes in the vicinity of wells MW-5, MW-26/KB-MW-7 and KB-MW-5, along with a second injection of 3DMe[®] (hydrogen-release) material. BDI Plus (manufactured by Regenesis) is an enriched natural microbial consortium containing Dehalococcoides sp. BDI Plus was injected in liquid form directly into the contaminated ground water plumes. Once injected, this microbial consortium works to accelerate the rate of chlorinated hydrocarbon degradation. A total of 28 injection points were advanced to inject approximately 42 liters of BDI Plus and 4,400 pounds of 3DMe material slurry. For each injection point, the sampling device was advanced to a maximum depth of 18 feet bgs and slowly withdrawn while injecting the BDI Plus/3DMe/water slurry until the top of the water table was reached. In the vicinity of monitoring wells MW-5 and MW-26/KB-MW-7, the treatment grid for each treatment area consisted of eight injection points (placed on 15-foot centers). In the vicinity of monitoring well KB-MW-5, the treatment grid for this treatment area consisted of 12 injection points (placed on 15-foot centers). Following the injection of the BDI Plus/3DMe/water slurry, performance monitoring was to be conducted on a monthly basis for five consecutive events and on a nine-month basis for three additional consecutive events to confirm that the ground water screening levels had been achieved.

In October 2016, three soil borings were advanced down-gradient and off-Site to the west on the former Josam Foundry - Western Parcel (B-1 and B-2) and to the south (B-3) across US Highway 12 to a maximum depth of 12 feet bgs to demonstrate that ground water contamination does not extend beyond Site boundaries. Ground water samples were collected from the borings and analyzed for VOCs. TCE was detected in ground water at a level above its Res TAP GWSL, but below its Res VF GWSL, at B-2. No other constituents analyzed in ground water were detected at levels above applicable RCG screening levels.

Remediation Completion Report (Knoll Brothers facility) - October 2016

In July 2007, SESCO Group advanced four soil borings (B-11 through B-14) on-Site as part of the off-Site VRP Knoll Brothers facility further site investigation. Light non-aqueous phase liquid (LNAPL) was discovered. Soil samples were analyzed for BTEX, MTBE, TPH-GRO, TPH-extended range organics (ERO), and/or PAHs. No constituents analyzed in soil were detected at levels above applicable RCG screening levels.

In December 2008 and January 2009, SESCO advanced three borings (B-15 through B-17), installed three permanent monitoring wells (MW-5 through MW-7), and installed one vapor extraction/LNAPL recovery well (RW-1) on-Site as part of the off-Site VRP Knoll Brothers facility investigation. In January 2008, a mobile vacuum enhanced recovery (MVER) event was conducted as a pilot study utilizing RW-1 to abate free product from the Site. Both LNAPL and petroleum-contaminated ground water was recovered from RW-1. Soil samples were analyzed for BTEX, MTBE, TPH-GRO, TPH-ERO, and/or PAHs. No constituents analyzed in soil were detected at levels above applicable RCG screening levels. Ground water samples were analyzed for

select VOCs and PAHs. PCE was detected at levels in ground water above its Res TAP GWSL, Res VE GWSL, and/or Indus VE GWSL. No other constituents analyzed in ground water were detected at levels above applicable RCG screening levels.

In October 2009, a MVER was conducted and recovered 9.9 pounds of LNAPL and 1,800 gallons of petroleum-contaminated ground water from both on-Site recovery well RW-1 and off-Site recovery well RW-2.

In January 2010, a MVER was conducted and recovered 0.55 pounds of LNAPL and 75 gallons of petroleum-contaminated ground water from both on-Site recovery well RW-1 and off-Site recovery well RW-2.

In January 2010, SESO advanced two soil borings (B-24 and B-25) and installed two permanent monitoring wells (MW-13 and MW-14) on-Site as part of the off-Site Knoll Brothers facility VRP investigation. An additional MVER event was also conducted and recovered both LNAPL and petroleum-contaminated ground water from RW-1. Soil samples were analyzed for BTEX, MTBE, TPH-GRO, TPH-ERO, and PAHs. No constituents analyzed in soil were detected at levels above applicable RCG screening levels. Ground water samples were analyzed for select VOCs and PAHs. PCE and TCE were detected in ground water at levels above their respective Res TAP GWSLs and/or Res VE GWSLs. No other constituents analyzed in ground water were detected at levels above applicable RCG screening levels.

Between April 2011 and October 2013, quarterly sampling of the monitoring well network on-Site was conducted as part of the off-Site VRP Knoll Brothers facility investigation. Benzene, PCE, TCE, and vinyl chloride were detected on-Site at concentrations in ground water above their respective Res TAP GWSLs, Res VE GWSLs, and/or Indus VE GWSLs during that time period. No other constituents analyzed in ground water were detected at levels above applicable RCG screening levels.

In February 2013, Creek Run advanced two soil borings (B-35 and B-36) and installed two permanent monitoring wells (MW-15 and MW-16) on-Site as part of the off-Site Knoll Brothers facility VRP investigation. Ground water samples were analyzed for select VOCs and PAHs. Benzene was detected at levels in ground water above its Res TAP GWSL, Res VE GWSL, and Indus VE GWSL. No other constituents analyzed in ground water were detected at levels above applicable RCG screening levels.

In December 2013, three dual phase extraction (DPE) wells (DPE-8 through DPE-10) were installed on-Site as part of the DPE/Air Sparge remediation system installation at the Knoll Brothers facility VRP remediation project.

Between January 2014 and April 2016, quarterly sampling of the monitoring well network on-Site was conducted as part of the off-Site Knoll Brothers facility VRP investigation. Benzene and vinyl chloride were detected on-Site at concentrations in ground water above their respective Res TAP GWSLs, Res VE GWSLs, and/or Indus

VE GWSLs. No other constituents analyzed in ground water were detected at levels above applicable RCG screening levels.

Remediation Completion Report (Former Josam Foundry – Eastern Parcel) – November 2016

In October 2016, sixteen on-Site monitoring wells (MW-1, MW-5, MW-9, MW-12R, MW-15R, MW-16, MW-22, MW-23, MW-25, MW-26, MW-30 and MW-47, KB-MW-5, KB-MW-6, and KB-MW-7) were sampled and analyzed for VOCs.

Vinyl chloride was detected in ground water collected from MW-26 at a level above its Res TAP GWSL and Res VE GWSL, but below its Indus VE GWSL. No other constituents analyzed in ground water were detected at levels above applicable RCG screening levels. Refer to Table 2, below, for a summary of ground water analytical data above applicable RCG screening levels.

TABLE 2
October 2016 Ground Water Concentrations Exceeding Applicable IDEM RCG Screening Levels

Contaminant Detected	Sample Location & Results (parts per billion (ppb))	Res TAP GWSL	Res VE GWSL	Indus VE GWSL
	MW-26			
Vinyl Chloride	6.52	2	2.1	35

Notes: **bold** = above RCG Residential Tap Ground water Screening Level
italics = above RCG Residential Vapor Exposure Ground water Screening Level

Technical Conclusion

Notwithstanding contaminants in soil and ground water having been detected at levels above RCG residential screening levels, IDEM can approve a conditional commercial/industrial closure of environmental conditions at the Site under the RCG since: (1) detected arsenic and lead concentrations in on-Site soil are either below their respective RDCSLs or their calculated average concentrations are below their respective RDCSLs; (2) on-Site contaminated ground water has been treated and contaminants have degraded and concentrations have decreased over time; (3) vinyl chloride concentrations last detected in ground water on-Site are below its Indus VE GWSL; (4) potable water to the Site is supplied by a municipal source; (5) ground water contamination does not extend off-Site; and, (6) potential exposure to the remaining ground water contamination can be controlled with an institutional control.

Recommendation

With on-Site remedial activities being concluded, the Owner should ensure that all on-Site monitoring wells are properly abandoned according to 312 Indiana Administrative Code 13-10-2 (Permanent Abandonment of Wells).

Conclusion

IDEM has determined based on available data that Site conditions currently present no threat to human health or the environment and that so long as the Site is maintained to uphold the land use restrictions discussed below, Site conditions satisfy the RCG for a conditional commercial/industrial closure.

IDEM concludes, in part based on information provided by the Owner 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) Neither the Owner, nor an agent or employee of the Owner caused, contributed to, or knowingly exacerbated the release or threat of release of any hazardous substance or petroleum at the Site through an act or omission;
- (5) Owner does not have any ownership interest in any entity that caused, contributed to, or knowingly exacerbated the release or threat of release;
- (6) There is no alternative basis for the Owner's liability for historical contamination at the Site (e.g., liability as a generator) or by reason of the existence of a new source of contaminants on the Site; and,
- (7) Detected levels of contaminants at the Site meet conditional commercial/industrial screening criteria established in IDEM's Remediation Closure Guide (March 22, 2012 and applicable revisions).

Based on the information on known contaminant levels submitted to or otherwise reviewed by IDEM, IDEM concludes that current Site conditions do not warrant a response action at this time and does not plan to take a response action at the Site at this time. If IDEM later discovers that above-referenced reports or other information submitted to IDEM was inaccurate, or if any activities undertaken by an owner or operator exacerbate the Site contamination, then IDEM reserves the right to revoke this letter and pursue any responsible parties. Additionally, this determination does not apply to any contamination that is not described in this Site Status Letter or any future releases at the Site. Furthermore, this letter does not constitute an assurance that the Site is safe or fit for any particular use. Please be advised that any work performed at the Site must be done in accordance with all applicable environmental laws.

Institutional Control

Since levels of vinyl chloride remaining in ground water underlying the Site are above applicable RCG residential screening levels, an environmental restrictive covenant (ERC) is required to be recorded on the deed for the Site. As a condition of the effectiveness of this Site Status Letter, IDEM is requiring land use restrictions via the enclosed ERC with the following provisions, summarized below:

Josam Foundry, Michigan City - Site Status Letter
BFD #4980036
March 14, 2018
Page 13 of 13

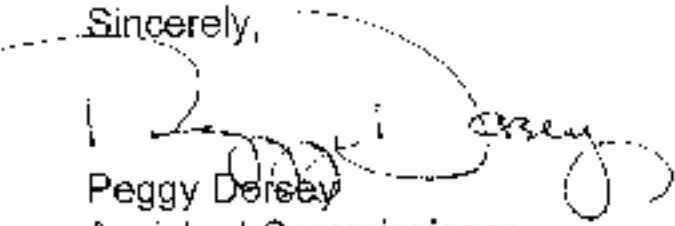
- Not use or allow the use of the Site for residential purposes, including, but not limited to, daily child care facilities or educational facilities for children (e.g., daycare centers or K-12 schools).
- Not use or allow the use or extraction of ground water at the Site for any purpose, including, but not limited to, human or animal consumption, gardening, industrial processes, or agriculture, without prior IDEM approval, except that ground water may be extracted in conjunction with environmental investigation and/or remediation activities.

In order for IDEM to consider this letter effective, the enclosed ERC, which includes a copy of the Site Status Letter, must be recorded on the deed for the Site in the LaPorte County Recorder's Office. Please return a certified copy of the filed document to the address listed below:

Indiana Brownfields Program
100 North Senate Avenue, Room 1275
Indianapolis, Indiana 46204
ATTN: Tracy Concannon

IDEM is pleased to assist 12 East Business Center LLC with this request. Should you have any questions or comments, please contact Tracy Concannon of the Indiana Brownfields Program at 317-233-2801 or by email at tconcann@ifa.in.gov.

Sincerely,



Peggy Dorsey
Assistant Commissioner
Office of Land Quality

Enclosure (ERC)

cc: Jan Pels, U.S. EPA Region 5 (*electronic copy*)
Meredith Gramelspacher, Indiana Brownfields Program (*electronic copy*)
Tracy Concannon, Indiana Brownfields Program (*electronic copy*)
Lori Bebinger, IDEM Voluntary Remediation Program (*electronic copy*)
Tom Stevenson, Environmental Incorporated (*electronic copy*)
James Kaminski, Newby, Lewis, Kaminski & Jones LLP (*electronic copy*)

EXHIBIT D

TABLE 1
Josam Foundry, Michigan City - BFD #4980036
October 2016 Ground Water Concentrations Exceeding Applicable IDEM RCG
Screening Levels

TABLE 1
Josam Foundry, Michigan City - BFD #4980036
October 2016 Ground Water Concentrations Exceeding Applicable IDEM
RCG Screening Levels

Contaminant Detected	Sample Location & Results (parts per billion (ppb))	Res TAP GWSL	Res VE GWSL	Indus VE GWSL
	MW-26			
Vinyl Chloride	6.52	2	2.1	35

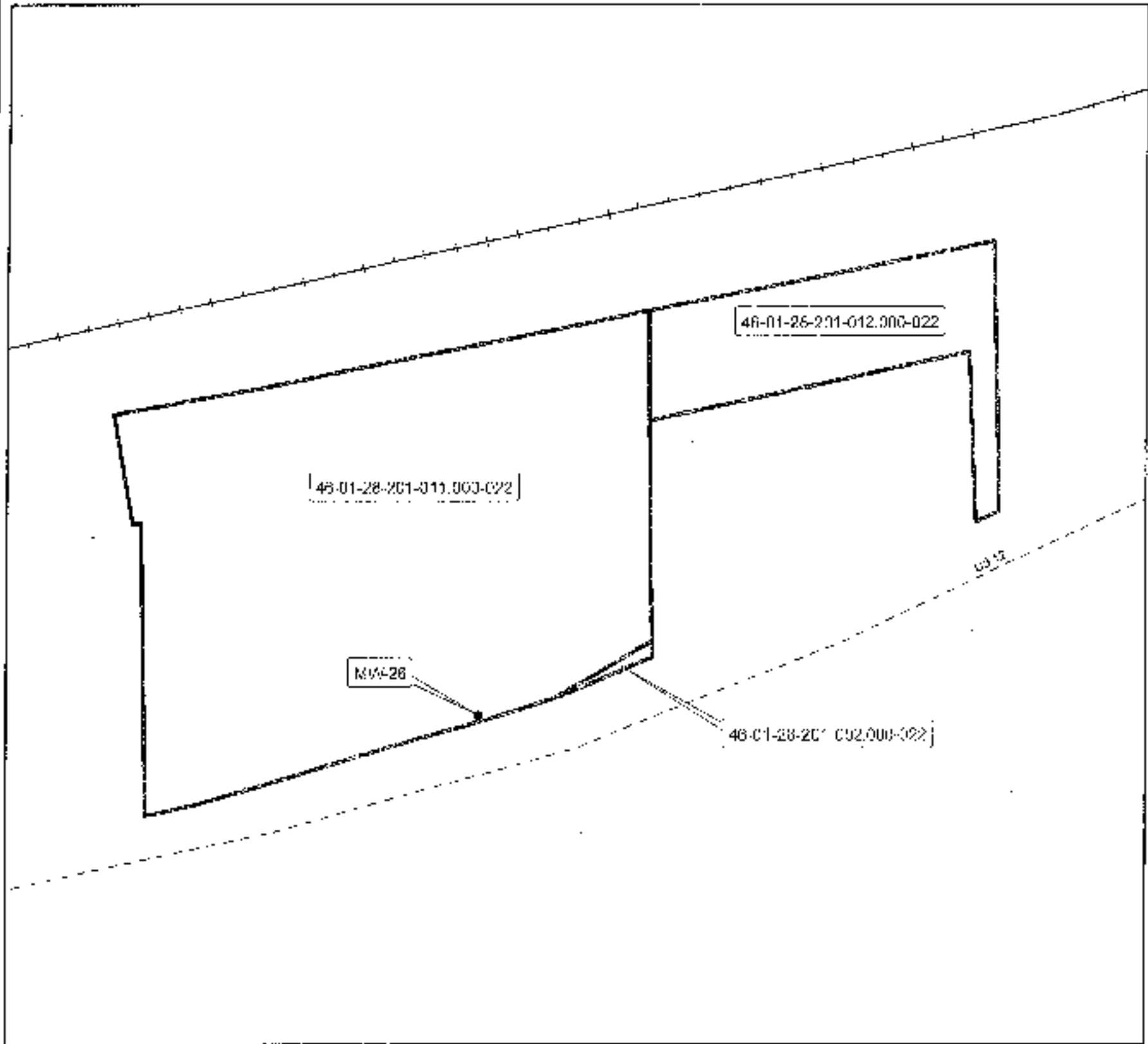
Notes: **bold** = above RCG Residential Tap Ground water Screening Level
italics = above RCG Residential Vapor Exposure Ground water Screening Level

EXHIBIT E

**Josam Foundry, Michigan City - BFD #4980036
Site Map Depicting Sampling Locations At Which
COCs Were Detected Above Applicable IDEM RCG Screening Levels**

DISCLAIMER: Information on this map is being provided to depict environmental conditions on the Real Estate that are the subject of the land use restrictions contained in the Covenant to which this map is attached and incorporated. The land use restrictions contained in the Covenant were deemed appropriate by the Department based on information provided to the Department by the Owner or another party investigating and/or remediating the environmental conditions on the Real Estate. This map cannot be relied upon as a depiction of all current environmental conditions on the Real Estate, nor can it be relied upon in the future as depicting environmental conditions on the Real Estate.

**BFD 4980036 - Site Map Depicting Sample Location Where COCs
Were Detected Above Applicable IDEM RCG Screening Levels**



Mapped By: M. Ko Hill IDEM, Office of Land and Quality, Science Services Branch, Engineering & GIS Services, November 8, 2017

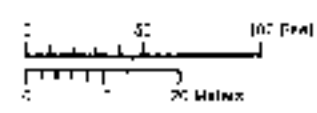
Sample Info: Sample location for MW-28 based on Figure 5, "Asphalt mats about of Groundwater Contaminant Pool Corrective Action - March 2018, Turner Joseph Foundry - Eastern Area", by Environmental Incorporated, dated 03/29/18.

PLSS Info: Section 26, T38N, R4W Michigan Township La Porte County, IN

Property Info: 1702 US Highway 12 (1500 US Highway 12), Michigan City, IN

Disclaimer: This map is intended to serve as an site to graphic representation only. This information is not warranted for accuracy or other purposes.

	Sample Location
	Real Estate
	Street
	Railroad



La Porte County



Project Area

