



applicable RCG screening levels are summarized on Tables 1 and 2, attached hereto as **Exhibit "D"**. A site map, attached hereto as **Exhibit "E"**, depicts sample locations on the Real Estate at which the COCs were detected in soil and ground water above applicable RCG screening levels.

WHEREAS: The Department has not approved closure of environmental conditions on the Real Estate under the RCG. However, the Department has determined that the land use restrictions contained in this Covenant will enable the Real Estate to be used safely for residential or commercial/industrial use.

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, 12<sup>th</sup> 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> using BFD #4170409.

NOW THEREFORE, GOMX Indiana Realty, LLC subjects the Real Estate to the following restrictions and provisions, which shall be binding on GOMX Indiana Realty, LLC and all future owners:

#### I. RESTRICTIONS

1. Restrictions. The Owner and all future owners:
  - (a) 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.
  - (b) Shall neither engage in nor allow drilling or excavation of soil on the Real Estate during any residential construction without first submitting a work plan for approval by the Department at least sixty (60) days prior to beginning work. Any removal, excavation or disturbance of soil from the Real Estate during any residential construction must be conducted in accordance with a Department-approved work plan, including all applicable requirements of IOSHA/OSHA.
    - i. Soil in any area on the Real Estate on which standalone single-family or duplex residential housing will be constructed must be sampled down to 10 feet below ground surface ("bgs"). Any soil determined through such sampling to be contaminated above applicable RCG residential screening levels must be excavated, leaving only soil that meets RCG RDCSLs in place.
    - ii. Shall restore soil disturbed as a result of any excavation and construction activities on the Real Estate in such a manner that any remaining

contaminant concentrations do not present a threat to human health or the environment (as determined under the RCG using residential screening levels).

- iii. Any soil that is removed, excavated or disturbed on the Real Estate must be managed and disposed of in accordance with all applicable federal and state laws and regulations.

(c) Shall maintain the integrity of the existing asphalt pavement, sidewalks, and/or building, which is depicted on **Exhibit "E"** via GPS coordinates ("Affected Area"), which serve as a protective barrier to prevent direct contact with the underlying soils and eliminate infiltration of precipitation through the contaminated unsaturated soil column and into ground water and which must not be excavated, removed, disturbed, demolished, or allowed to fall into disrepair without replacement by a barrier that will provide equal or better protection.

## 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 restriction 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 restriction 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 September 6, 2013, RECORDED IN THE OFFICE OF THE RECORDER OF FAYETTE COUNTY ON \_\_\_\_\_, 20\_\_\_\_, INSTRUMENT NUMBER (or other identifying reference) \_\_\_\_\_ 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 Fayette 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:  
 GOMX Indiana Realty, LLC  
 205 Clark Road  
 Duryea, PA 18642  
 ATTN: Butch Gaudet

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

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.



**EXHIBIT A**

**Warranty Deed for the Real Estate**

DUTY ENTERED FOR  
TAXATION  
Subject to Final Assessment for Transfer

DEC 20 2017

*C. S. Edwards*  
Notary, Fayette County

201700003546  
Filed for Record in  
FAYETTE COUNTY, IN  
SOUTH WEST RECORDS  
12-20-2017 at 02:27 PM  
WARRANTY D 75.00  
OF Book 117 Page 54 of 65  
Instrument: Book Page  
201700003546 9R 117 54

Instrument: Book Page  
201700003546 9R 117 54

**WARRANTY DEED**

THIS INDENTURE WITNESSETH, that KENLEY FACILITY, LLC, an Indiana Limited Liability Company, of Fayette County, Indiana (GRANTOR), CONVEYS AND WARRANTS to GOMX INDIANA REALTY, LLC, (GRANTEE), for the sum of One Dollar (\$1.00) and other consideration, the receipt of which is hereby acknowledged, the following real estate situated in the City of Connersville, Township of Connersville, County of Fayette State of Indiana, being more particularly described as follows, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

The Fayette County, Indiana Parcel Numbers are 21-05-24-111-007.000-002 and 21-05-24-111-008.000-003.

The property is commonly known as 1311 Illinois Avenue, Connersville, Indiana 47331

The Tax Mailing address is: 205 CLARK RD, DUBLIN, PA 18842

Possession of the above-described real estate shall be given on or before sixty (60) days following the execution hereof.

This conveyance is made subject to the taxes thereon due and payable in May 2018, and thereafter, which taxes the Grantee herein assumes and agrees to pay.

This conveyance is made subject to Zoning Ordinances of Fayette County, Indiana, all land use regulations, all visible easements, restrictions, other easements, rights of way and stipulations of record affecting said real estate.

The undersigned person executing this Warranty Deed on behalf of Grantor, represents and certifies that he is the sole member of Grantor and has been fully empowered by the Grantor to execute and deliver this deed; that the undersigned has full authority and capacity to convey the real estate described herein; and that all necessary action for the making of such conveyance has been taken and done.

IN WITNESS WHEREOF, the Grantor herein has executed this Warranty Deed this 19 day of December, 2017.

*Gary R. Keener, Sr.*  
GARY R. KEENER, SR., Sole Member  
*Member*

STATE OF INDIANA, COUNTY OF FAYETTE, SS:

Before me, a Notary Public in and for said County and State, personally Kenley Facility, LLC, by Gary R. Keener, Sr., it's Sole Member, and acknowledged the execution of the foregoing Warranty Deed, and who, after being duly sworn, stated that any representations therein contained are true.

WITNESS my hand and Notarial Seal this 19 day of December, 2017.

My Commission Expires  
*C. S. Edwards*  
Commission Number: 657236  
Residing in Union Co., IN  
My Comm. Exp. 2-27-2025

*C. S. Edwards*  
Notary Public  
Residing in \_\_\_\_\_ County, Indiana

Note: No opinion of title has been requested of or provided by the attorney preparing this document.

This document prepared by GARY E. SMITH, Attorney at Law,  
Smith Harvey Law Office, 324 Central Avenue, Connersville, Indiana 47331  
Phone: 765-825-8541 Fax: 765-825-8884

I affirm, under the penalties for perjury, that I have taken reasonable care to reflect each Social Security number in this document, unless required by law. (Gary E. Smith)

Exhibit A

PARCEL I

Situated in the West Half of Section 24, Township 14 North, Range 12 East, City of Cornersville, Cornersville Township, Fayette County, Indiana, being all of tracts as described in Official Record Book 94, Page 506, as recorded in the Fayette County Recorder's Office, being more particularly described as follows: Commencing at an iron rod set at the intersection of the west line of Illinois Avenue and the north line of Mount Street; thence North 02 degrees 44 minutes 00 seconds West 294.94 feet along the west line of Illinois Avenue, to a cross cut in concrete at the POINT OF BEGINNING for the tract herein described; thence South 88 degrees 27 minutes 37 seconds West 288.13 feet along the south line of Parcel IV of Official Record Book 94, Page 506, to an iron rod set (all iron rods set are 5/8" rebar with plastic cap stamped "SEALS-MOORE RLS 20400025"); thence North 90 degrees 14 minutes 40 seconds East 218.62 feet along the west line of said Parcel IV and the west line of Parcel I; to an iron rod set on the north line of a vacated alley (Civil Order Book 86, Page 572) thence South 88 degrees 15 minutes 32 seconds East 180.00 feet along the south line of said alley, to a steel post found at the southwest corner of Parcel II; thence North 00 degrees 44 minutes 28 seconds East 136.53 feet along the west line of Parcel II, to an iron pipe found on the south line of 18th Street; thence South 88 degrees 15 minutes 01 seconds East 208.70 feet along the south line of 18th Street, to an iron rod found on the west line of Illinois Avenue; thence South 15 degrees 18 minutes 06 seconds West 361.85 feet along the west line of Illinois Avenue, to an angle point; thence South 02 degrees 44 minutes 00 seconds East 6.70 feet along said west line, to the point of beginning, containing 2.047 acres, more or less, and being subject to all legal encumbrances of record.

PARCEL II

Situated in the West half, Section 24, Township 14 North, Range 12 East, City of Cornersville, Cornersville township, Fayette County, Indiana, being all of a tract as described in Instrument 200020005394, as recorded in the Fayette County recorder's Office, being more particularly described as follows: Beginning at an iron rod set at the intersection of the west line of Illinois Avenue and the north line of Mount Street; thence North 88 degrees 50 minutes 34 seconds West 284.32 feet along the north line of Mount Street, to an iron stake found; thence North 00 degrees 14 minutes 40 seconds East 285.80 feet, to an iron rod set at the southwest corner of a tract, as described in Official Record Book 94, Page 506 (all iron rods set are 5/8 inch rebar with plastic cap stamped "SEALS-MOORE RLS 20400025"); thence North 88 degrees 27 minutes 37 seconds East 289.13 feet along the south line of said tract, to a cross cut in concrete on the west line of Illinois Avenue; thence South 02 degrees 44 minutes 00 seconds East 294.94 feet along said west line, to the point of beginning, containing 1.848 acres, more or less; and being subject to all legal encumbrances of record.

**EXHIBIT B**

**Map of the Real Estate**

# Indiana Brownfields Program # 4180103 - Real Estate



**Mapped By:** Mike Hill, IDEM, Office of Land Quality, Science Services Branch, Engineering & GIS Services, July 2, 2016

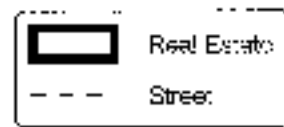
**Deed Info:** Instrument # 20170000540 Recorded 12/20/2017  
Warranty Deed



**Parcel IDs:** 21-05-24-111-007.000-003  
21-05-24-111-008.000-003

**PLSS Info:** Section 24, T14N, R12E  
Cornersville Township, Fayette County, IN



**Property:** 1321 North Illinois Avenue, Cornersville, IA


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



**Fayette County** **Project Area**



**EXHIBIT C**

**Copy of BFPP Comfort Letter**



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currently occupied by the Kenley Facility, LLC, a metal punching, cutting, and pressing facility. The Site is developed with one 41,097 square foot light industrial building located near the center of the Site with a paved parking lot to the north, a gravel lot to the south, and a maintained grass area along the southern property border. The Site is located within a mixed residential/commercial/industrial area. The Owner acquired the Site on December 19, 2017.

Available historical records dating as far back as 1892 depict an industrial building (including storage, offices, and varnishing) on the south-central portion of the Site, with residential dwellings on the southern portion of the Site and the northern portion of the Site along Illinois Avenue. Historically, rail lines running east/west were located near the south central portion of the Site and were associated with the main industrial building and several smaller warehouse buildings. Records from 1896 depict an addition to the building labeled as up-fitting, rubbing, and finishing. In 1913, Connersville Furniture Company occupied the southern portion of the Site after which McQuay Norris, Inc. (manufacturer of pistons and piston rings) occupied several warehouses on the south-central portion of the Site from 1929 to 1961. By 1948, the majority of the current on-Site building was constructed on the north-central portion and was identified as Ready Machine Tool & Die Co. (Ready Machine) which operated at the Site until 2003. Aerial photographs indicate that the industrial building on the southern portion of the Site was razed by 1979. An addition to the current Site building was noted to the south in 1992. In June 2006, Crown Equipment took ownership of the Site.

According to the Environmental Data Resource, Inc. (EDR) Radius Map Report with Geocheck®, Ready Machine was listed as an United States Environmental Protection Agency (US EPA) Conditional Exempt Small Quantity Generator (CESQG) as of June 20, 2007. Hazardous wastes generated by Read Machine included: D001 (ignitable), D007 (chromium), D008 (lead), D0035 (methyl ethyl ketone), D040 (trichloroethylene), F001 (spent halogenated solvents), F003 (spent non-halogenated solvents), and F005 (spent non-halogenated solvents). The EDR report lists Crown Equipment as a Conditionally Exempt Generator (CEG) in June 2007 with similar hazardous waste codes generated by Ready Machine and utilizing the same US EPA hazardous waste number previously utilized by Ready Machine.

Surrounding properties on the Sanborn® Fire Insurance Maps from 1892 to 2014 were primarily commercial and industrial, with residential properties located north of the Site. Surrounding properties of environmental significance included Connersville Furniture Manufacturing Co. to the east in 1892 (which expanded on-Site by 1913), and Indiana French Mirror Co. to the west in 1896, with two crude oil underground storage tanks (USTs) approximately 100 feet to the west of the Site. In addition, a machine shop was depicted adjoining the Site to the west in 1913 when People's Oil Service (manufactured gas plant) appeared to the north. Connersville Steel Products was depicted to the west in 1929; however, the machine shop was no longer apparent. The

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crude oil USTs were no longer depicted in the 1948 Sanborn Map when People's Oil expanded south towards the Site with fuel oil tanks and gasometers immediately adjoining the Site to the north. The oil tanks were no longer depicted by 1961. The surrounding area was similar to current configuration in 1998. City directories also identified Roots-Connersville Blower Division of Dresser Industries, Inc., McQuay Norris Manufacturing Co. to the south, with Public Service Co. of Indiana (power station), and Connersville Department of Streets adjoining to the east of the Site between 1964 and 2013.

The Site is bordered across 15<sup>th</sup> Street to the north by single family residential homes; across North Illinois Avenue to northeast by the City of Connersville Street Department and a Duke Energy substation; to the east by Pattern Mills (Brownfields #4141009 - multi-tenant apartment building); to the east/southeast by the Community Education Coalition building; to the south across Mount Street by a city ball park and to the south/southeast by Roots-Dresser Inc./Dresser Industries/Dresser Incorporated; and, to the west and northwest by the Stant Corporation manufacturing facility.

### Due Diligence

As part of this request, the Owner provided the Program with a *Phase I Environmental Site Assessment Report* dated December 13, 2017 (December 2017 Phase I ESA) prepared for Power Rail by August Mack (IDEM Virtual File Cabinet (VFC) Document #80604052, beginning on page 27). Reliance language in Section 2.7 of the December 2017 Phase I ESA identified GOMX Indiana Realty, LLC as an entity that can rely on the findings of the report. The December 2017 Phase I ESA was conducted utilizing the American Society for Testing and Materials (ASTM) Practice E1527-13, Standard Practice for Environmental Site Assessment, which satisfies the federal "All Appropriate Inquiries" (AAI) rule set forth in 40 CFR Part 312. In an effort for the Owner to qualify as a BFPP, Butch Gaudet with GOMX Indiana Realty, LLC, provided answers to the user-specific questions to ensure its satisfaction of the federal AAI rule.

The December 2017 Phase I ESA identified the following recognized environmental conditions (RECs) associated with the Site:

- The long-term use of the Site for various industrial purposes with documented benzo(a)pyrene and trichloroethene (TCE) soil contamination. No ground water sampling has occurred at the Site to determine if ground water has been contaminated by past Site use.
- The lack of information pertaining to the historical on-Site diesel UST and lack of confirmatory sampling for volatile organic compounds (VOCs) and semi-volatile organic compounds (SVOCs) during tank removal.

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- The long-term use and upgradient location of the north-adjointing People's Gas Service property as a manufactured gas plant (MGP) and the historical presence of fuel oil tanks.

In addition to the RECs identified above, IDEM would consider the following area on the Site as a REC:

- The October 11, 2006 Phase II Investigation report prepared by August Mack (discussed below) identified the presence of "Heavy Staining Throughout" the Chemical Storage Area. Based on historical use of TCE at the Site, the heavy staining in this area indicates the potential for solvents to migrate to the soil and ground water underlying this area.

IDEM would identify the following Site conditions as Non-Scope issues:

- Based on the age of the on-Site buildings, the potential exists for the presence of asbestos containing materials (ACM), lead-based paints (LBP), polychlorinated biphenyls (PCBs) in lighting ballasts and/or transformers, and/or mercury in fluorescent light bulbs.

Pursuant to ASTM E1527-13, Standard Practice for Environmental Site Assessment and ASTM E2600-15 Standard Guide for Vapor Encroachment Screening on Property Involved in Real Estate Transactions, August Mack conducted a Tier 1 evaluation to assess the presence or likely presence of vapor-phase chemicals of concern in soil at the Site that might result from contaminated soil and/or ground water either on or near the Site. Review of the database report, historical sources, and regulatory files identified releases of VOCs, SVOCs, and/or petroleum products on/or adjoining the Site. The releases were specifically associated with the long-term historical industrial use of the Site and/or surrounding properties from at least the 1890s. Because soil samples collected on-Site in 2006 identified contamination by total petroleum hydrocarbons (TPH), benzo(a)pyrene, and TCE reportedly above currently applicable commercial/industrial direct contact and/or residential migration to ground water screening levels (Res MTG SLs), this represents a VEC.

In addition to the VEC identified in the December 2017 Phase I ESA, IDEM has identified the following known environmental condition in the vicinity of the Site that may present a potential VEC at the Site:

- Stant Corporation (adjoining property to the west of the Site) received a *Covenant Not to Sue* (CNTS) from the State of Indiana dated August 13, 2001 as part of the completion of remediation activities conducted under the direction of the IDEM – Voluntary Remediation Program (VRP) Site #6981003. The CNTS addressed contaminated surface and subsurface soil associated with the Plating Room which was located near the southeastern portion of that facility

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and along the western property line of the Site. Since neither ground water nor vapor intrusion issues were part of the work for which a CNTS was obtained, the potential for the vapor intrusion exposure pathway to be complete represents a potential VEC.

- Although the upgradient location of the north-adjointing People's Gas Service property utilized as a MGP was identified as a REC, MGP facilities are known to have generated petroleum hydrocarbons and hazardous materials (including numerous VOCs and SVOCs). Because of its proximity of this former facility and its historical activities conducted at this facility, the former MGP also represents a potential VEC.

### Environmental Conditions

As part of the request for assistance in determining any existing environmental contamination and potential liability at the Site, Program staff also reviewed the following documents prepared by August Mack. These documents can be viewed electronically on IDEM's website in the VFC by the applicable document (Document #).

- *Executive Summary/Appendices - Phase II Environmental Site Assessment* (October 2006 Executive Summary/Appendices - Phase II ESA) Ready Tool and Die Corporation, prepared for Crown Equipment, dated October 11, 2006. (Documents #80604052 (pages 72-73) and #82547659)
- *Phase II Subsurface Investigation* (December 2017 Phase II), dated December 13, 2017. (Document #8060452 page 896)

For purposes of this letter, 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); soil samples collected at depths greater than 10 feet bgs but above the water table were compared to the residential migration to ground water screening levels (Res MTG SLs); 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 residential tap ground water screening levels (Res TAP GWSLs) and residential vapor exposure ground water screening levels (Res VE GWSLs), as well as commercial/industrial vapor exposure ground water screening levels (Indus VE GWSLs).

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*Executive Summary/Appendices - Phase II ESA - October 2006*

In August 2006, 21 soil borings (AME-1 through AME-21) were advanced at the Site to depths ranging from 16 to 20 feet bgs. Ground water was not encountered during drilling activities. Twenty-three soil samples were collected from the subsurface and tested for VOCs, SVOCs, TPH, benzene, toluene, ethylbenzene, and total xylenes (BTEX) and methyl tertiary-butyl ether (MTBE), PCBs, Resource Conservation and Recovery Act (RCRA) metals, polynuclear aromatic hydrocarbons (PAHs) and/or naphthalene. In addition, two wipe samples were collected from the roof top on the north end of the building within the suspected historical transformer staging area and analyzed for PCBs.

In May 2018, August Mack provided the appendices of the October 2006 Phase II ESA report to IDEM that included: figures, tables, drilling logs, and applicable September 2006 laboratory reports. Text of the report including sampling methodology, field observations, and conclusions was not provided. Based on IDEM's review of the 2006 analytical results, arsenic was detected above its RDCSL in soil samples from AME-6, AME-8, AME-18, and AME-19. Although the arsenic concentration of 23.4 parts per million (ppm) was detected in AME-8 above its RDCSL of 9.5 ppm, since this soil sample was collected from a depth of 14 to 16 feet bgs where direct contact would not likely be a concern, the concentration was compared to its Res MTGSL of 5.9 ppm. Total chromium was detected in soil borings SB-9 through SB-11, SB-13, and SB-14 at concentrations ranging from 6 ppm to 21 ppm above the hexavalent chromium (chromium VI) RDCSL of 4.2 ppm, but below the chromium VI IDC SL of 63 ppm. Because the chromium was not speciated between trivalent chromium (chromium III) and the more toxic chromium VI and given the past RCRA waste generating activities at the Site included D007 (chromium), IDEM, in the most conservative approach, compared the analytical results to chromium VI. In addition, benzo(a)pyrene was detected in AME-1 and AME-19 above its RDCSL. TCE was detected in soil borings AME-12 and AME-14 with AME-12 above its then-applicable IDEM Risk Integrated System of Closure (RISC) closure level. However, detected TCE concentrations are below its currently applicable RDCSL. No other constituents analyzed in soil were detected at levels above applicable RCG screening levels. Refer to Table 1, attached, for a summary of soil analytical data above applicable RCG screening levels.

Soil boring AME-12 was advanced north and adjacent to the Chemical Storage Area, which at the time of investigation, contained: five 275-gallon totes and 13 55-gallon drums of unidentified chemicals. The Site Plan (Figure 2 of the August Mack October 2006 Report) identified heavy staining at various locations throughout the facility including the Chemical Storage Area. No other soil boring was placed in or adjacent to the Chemical Storage Area as part of this 2006 investigation.

To further evaluate the direct contact risk associated with arsenic, chromium, and benzo(a)pyrene detected in on-Site soil, all soil samples collected from depths less than

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10 feet bgs were tallied and a calculated average concentration was determined. The results are as follows:

- Calculated average arsenic concentration was 7.82 ppm, which is below its RDCSL of 9.5.
- Calculated average chromium concentration was 9.13 ppm, which is above the chromium VI RDCSL of 4.2
- Calculated average benzo(a)pyrene concentration was 7.82 ppm, which is above its RDCSL of 1.5.

#### *Phase II – December 2017*

In November 2017, seven soil borings (SB-1 through SB-7) were advanced to a maximum depth of 36 feet bgs and completed as temporary piezometers. A ground penetrating radar (GPR) and electromagnetic (EM) survey were conducted around each proposed drilling location. Based on the results of the GPR and EM surveys, an anomaly was observed near SB-4 consistent with a possible UST. Although no elevated photo-ionization detector (PID) soil screening measurements were observed, slight odors were noted in soil samples collected from SB-4 at 14 feet bgs and in SB-6 from 0 to 8 feet bgs advanced near the southeast corner of the building. Due to poor soil recovery in borings SB-2, SB-3 (from a depth of 12 feet bgs), SB-4 (from a depth of 24 feet bgs), and SB-5 (from a depth 16 feet bgs), these borings were blind drilled from those depths to a maximum depth of 36 feet bgs. A total of seven soil samples (all below 10 feet bgs) and seven ground water samples were collected from the seven boring locations for the analysis of VOCs and PAHs.

Soil sample results detected concentrations of tetrachloroethene (PCE) and TCE in SB-4 (12 to 14 feet bgs) at levels above applicable RCG Res MTGSLs. Refer to Table 1, attached, for a summary of soil analytical data above applicable RCG screening levels.

Ground water results detected concentrations of TCE in SB-6 above its RCG Res TAP GWSL but below its RCG Res 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**  
**November 2017 Ground Water Concentrations Exceeding**  
**Applicable IDEM RCG Screening Levels**

Sample ID	Contaminants and Concentrations in (parts per billion (ppb))
	Trichloroethene
<b>SB-6</b>	<b>5.1</b>
RCG Res TAP GWSL	5
RCG Res VE GWSL	9.1

Notes: **bold** = above RCG Residential Tap Ground Water Screening Level

**Technical Summary**

IDEM evaluated the direct contact risk associated with arsenic, chromium, and benzo(a)pyrene in shallow soil sample concentrations detected in on-Site soil by calculating an average concentration for each constituent detected. Based on this calculation, arsenic concentrations in on-Site soil present no threat to human health or the environment. However, the calculated average concentrations of chromium and benzo(a)pyrene were above applicable RDCSLs. TCE was detected at low levels (0.15 ppm and 0.077 ppm) in on-Site shallow soil samples collected from soil borings AME-12 and AME-14. TCE was also detected in ground water collected from SB-6 above its Res TAP GWSL but below its Res VE GWSL. In addition, Figure 2 in the 2006 Phase II report noted the presence of heavy staining of the concrete floor within the Chemical Storage Area. Since the Site has been identified as an EPA generator of RCRA wastes that contained TCE, the detection of TCE in soil and ground water on-Site indicates that there may be a source of TCE on-Site.

To evaluate the presence of TCE in the subsurface, additional investigation should be conducted within and/or around the previously identified Chemical Storage Area in the on-Site building. In addition, soil and ground water sampling may be considered in areas of the Site adjoining the former Stant Plating Room (off-Site to the west) to document that previous degreasing activities at that facility, identified in the November 2017 Phase I ESA as a potential VEC, have not negatively affected on-Site ground water and/or indoor air.

**Liability Clarification**

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

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- (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; and;
- (5) the Owner is eligible for an applicable exemption to liability, specifically the bona fide prospective purchaser (BFPF) exception to liability for hazardous substance contamination found in IC §13-25-4-8(b) and/or for petroleum contamination under IC §§ 13-23-13 and 13-24-1, provided the applicable statutory criteria are met.

As discussed below, the Owner has demonstrated to IDEM's satisfaction that it is eligible for the State BFPF exemption from liability for hazardous substance and/or petroleum contamination provided it takes the "reasonable steps" required by statute, recommendations for which are also discussed below.

#### **Bona Fide Prospective Purchaser**

Under IC § 13-25-4-8(a), except as provided in IC § 13-25-4-8(b), (c), or (d), a person that is liable under § 107(a) of CERCLA is liable to the state in the same manner and to the same extent. IC § 13-25-4-8(b) references certain exceptions to liability imposed by IC § 13-25-4-8(a), including the exception in Section 107(r) of CERCLA, 42 U.S.C. § 9607(r), which states that a BFPF whose potential liability for a release or threatened release is based solely on the purchaser's being considered to be an owner or operator of a facility shall not be liable as long as the BFPF does not impede the performance of a response action or natural resource restoration. 42 U.S.C. § 9607(r). Thus a prospective purchaser that qualifies as a bona fide prospective purchaser and does not impede the performance of a response action or natural resource restoration would not be liable under IC § 13-25-4-8(a). Similarly, such a bona fide prospective purchaser would not be liable under IC §§ 13-23-13 and 13-24-1 for petroleum contamination existing on the Site.

Under Indiana law, if the Owner qualifies as a bona fide prospective purchaser and does not impede the performance of a response action or natural resource restoration, IDEM is prohibited from pursuing the Owner even if cleanup requirements change or if IDEM determines that a response action related to existing known hazardous substances or petroleum contamination from prior releases at the Site is necessary. Furthermore, IDEM is prohibited from pursuing such a Owner for response costs relating to the past release of hazardous substances or petroleum contamination at the Site. Therefore, IDEM will not require the Owner to respond to the past release of hazardous substances or petroleum contamination found at the Site beyond the scope of the statutorily-required reasonable steps outlined below, even if cleanup requirements change or if IDEM determines that a response action is necessary in the

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future. This decision, however, does not apply to past or present hazardous substance or petroleum contamination that is not described in this letter, future releases, or applicable federal requirements under CERCLA or the Resource Conservation and Recovery Act, 42 U.S.C. § 6901.

To meet the statutory criteria for liability protection as a BFPP under Indiana law, a landowner must meet certain threshold criteria and satisfy certain continuing obligations. IDEM notes that the Owner acquired the Site on December 19, 2017, after January 11, 2002 and June 30, 2009, and the disposal of hazardous substances and petroleum at the Site occurred prior to that date. See 42 U.S.C. § 9601(40)(A); IC 13-11-2-148(h); IC § 13-11-2-151(g); IC § 13-11-2-150(f). Based on information reviewed by IDEM, IDEM concludes that the Owner has conducted all appropriate inquiries into the previous ownership and uses of the Site. See 42 U.S.C. § 9601(40)(B)(i). Furthermore, the Owner has represented that it is not potentially liable or affiliated with any person that is potentially liable for contamination at the Site, and IDEM has no information to the contrary. See 42 U.S.C. § 9601(40)(H). Therefore, the Owner meets the threshold requirements of CERCLA §§ 9601(40) (A), (B) and (H) to qualify for the status of BFPP under 42 U.S.C. § 9601(40).

The continuing obligations the Owner must undertake to qualify as a BFPP under Indiana law and maintain such status are outlined in 42 U.S.C. §§ 9601(40)(C)-(G) and include exercising "appropriate care with respect to hazardous substances found at the facility by taking reasonable steps to – (i) stop any continuing release; (ii) prevent any threatened future release; and, (iii) prevent or limit human, environmental, or natural resource exposure to any previously released hazardous substance." 42 U.S.C. § 9601(40)(D). By extension, under IC §§ 13-11-2-148(h), 13-11-2-150(f), and 13-11-2-151(g), the continuing obligations the Owner must undertake to maintain BFPP status are outlined in 42 U.S.C. §§ 9601(40) (C)-(G) and include exercising appropriate care with respect to petroleum products found at the facility by taking reasonable steps to – (i) stop any continuing release; (ii) prevent any threatened future release; and, (iii) prevent or limit human, environmental, or natural resource exposure to any previously released petroleum product. Furthermore, the Owner recognizes that in order to maintain the status of BFPP, it will have to continue to provide the cooperation, assistance and access required by 42 U.S.C. § 9601(40) (E). In addition, the Owner will have to maintain compliance with land use restrictions established for the Site, and not impede the implementation or the effectiveness of any institutional control as required by 42 U.S.C. § 9601(40) (F). To maintain BFPP status, the Owner must also supply required notices and respond to requests for information or administrative subpoenas in accordance with 42 U.S.C. § 9601(40)(C) and 42 U.S.C. § 9601(40) (G), respectively.

## Recommendations

Based on the age of the existing building, prior to any renovation or demolition activities, the Owner should manage, abate and dispose of all confirmed and/or suspect

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ACM, LBP, PCBs in lighting ballasts and/or transformers, and mercury in fluorescent light bulbs if determined to be present on Site in accordance with all applicable Federal, State and local laws. In addition, since the CNTS issued for the adjoining Stant Plating Room only addressed surface and subsurface soil contaminated with chlorinated solvents, evaluation of on-Site ground water for TCE should be considered.

### **Reasonable Steps**

As of the date of issuance of this Comfort Letter, IDEM believes the following are appropriate reasonable steps for the Owner to undertake with respect to the hazardous substances contamination found at the Site in order to qualify as a BFPP, as well as to satisfy the eligibility requirements for issuance of this letter under the Comfort and Site Status Letter Policy:

- Implement and maintain the land use restrictions required by this letter.
- Further investigate the Chemical Storage Area identified by IDEM as an additional REC in the Due Diligence portion of this letter. TCE was detected in subsurface soil and ground water adjacent to or near this area and further evaluation of the area should be conducted to determine if there is an on-Site source of TCE.
- Further investigate all preferential pathways related to the potential VEC associated with the former People's Oil MGP located on the adjoining property to the north.
- Upon becoming aware of such information, communicate to IDEM any newly-obtained information about existing hazardous substance and/or petroleum contamination or any information about new (or previously unidentified) contamination.

Implementation of the above-mentioned reasonable steps in addition to ongoing satisfaction of the additional statutory conditions will, with respect to IDEM, satisfy the statutory conditions for State BFPP protection. Please be advised that any work performed at the subject property must be done in accordance with all applicable environmental laws in order to ensure no inadvertent exacerbation of existing contamination found on the Site which could give rise to liability.

### **Institutional Control**

Since levels of chromium (when compared to chromium VI screening levels), benzo(a)pyrene, TCE, and PCE in soil and TCE in ground water were above applicable RCG screening levels, IDEM is requiring an ERC be recorded on the deed for the Site to ensure no exposure to on-Site contamination. As a condition of the issuance and effectiveness of this letter under the Comfort and Site Status Letter Policy, the Owner

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must abide by the land use restrictions in the enclosed ERC, which are summarized below:

- Maintain the existing impermeable protective cover in order to eliminate direct contact exposure to shallow soil and eliminate infiltration of precipitation through the contaminated soil column. The existing impermeable cover (including buildings, paved parking areas, and sidewalks) is suitable as long as it is properly maintained. Replacement of the existing buildings/paved parking surfaces and/or sidewalks is allowable as long as the existing footprint is covered by an impermeable cover and is properly maintained.
- Restore soil disturbed as a result of excavation and construction activities so that any remaining contaminant concentrations do not present a threat to human health or the environment (based on RCG residential screening levels). Any soil removed from the Site must be properly managed and disposed of in accordance with all applicable federal state laws and regulations.
- Prohibit the use of the Site for standalone single-family or duplex residential on-Site without first removing soil contaminated at levels above RCG RDCSLs to a maximum depth of 10 feet below ground surface.
- 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 Department approval, except that ground water may be extracted in conjunction with environmental investigation and/or remediation activities.

## Conclusion

IDEM supports the continued light industrial use of the Site. Should additional information gathered in conjunction with future Site investigations and/or remediation demonstrate that a particular restriction is no longer necessary to protect human health and the environment or that Site conditions are appropriate for unrestricted use, IDEM will, upon request, consider modification or termination of the ERC recorded on the deed for the Site pursuant to its terms and conditions. Conversely, it is also possible that new land use restrictions may be necessary in the future due to new information or changed circumstances at the Site.

Pursuant to the Comfort and Site Status Letter Policy, the determinations in this letter are based on the nature and extent of contamination known to IDEM as of the date of this letter, as a result of review of information submitted to or otherwise reviewed by IDEM. If additional information regarding the nature and extent of contamination at the Site later becomes available, additional measures may be necessary to satisfy the

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reasonable steps requirements of BFPP status. In particular, if new areas of contamination or new contaminants are identified, the Owner must communicate this information to IDEM upon becoming aware of it and should ensure that reasonable steps are undertaken with respect to such contamination in order to qualify as and maintain BFPP status.

This letter shall not be construed as limiting the Owner's ability to rely upon any other defenses and/or exemptions available to it under any common or environmental law, nor shall it limit any ongoing obligations of the Owner that are required to maintain the status of BFPP or Furthermore, the terms and conditions of this letter shall be limited in application to this letter recipient and this Site, and shall not be binding on IDEM at any other Site.

If at any time IDEM discovers that the above-mentioned reports, any representations made to IDEM, or any other information submitted to or reviewed by IDEM was inaccurate, which inaccuracy can be attributed to the Owner, then IDEM reserves the right to revoke this letter and pursue any responsible parties. Furthermore, if any activities undertaken by the Owner result in a new release or if Site conditions are later determined by IDEM to constitute an imminent and substantial threat to human health or the environment, 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 Comfort Letter, future releases, or applicable requirements under the Resource Conservation and Recovery Act, 42 U.S.C. § 6901 or CERCLA. In addition, if any acts or omission by the Owner exacerbates the contamination at the Site, or if the Owner does not implement and maintain the reasonable steps and other statutory requirements outlined in this letter, then the Owner would not be considered a BFPP and may be potentially liable under IC §§ 13-25-4-8(a), 13-23-13 and/or 13-24-1. Furthermore, activities conducted at the Site subsequent to purchase that result in a new release can give rise to full liability.

In order for IDEM to consider this letter effective, the enclosed ERC, which includes a copy of the Comfort Letter, must be recorded on the deed for the Site in the Fayette 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: Ken Coad

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IDEM is pleased to assist GOMX Indiana Realty, LLC with this commercial redevelopment project. Should you have any questions or comments, please contact Ken Coad at 317-234-8904. He can also be reached via email at [kcoad@ifa.in.gov](mailto:kcoad@ifa.in.gov).

Sincerely,



Peggy Dorsey  
Assistant Commissioner  
Office of Land Quality

Enclosure (ERC)

cc: Patricia Polson, U.S. EPA Region 5 (*electronic copy*)  
Meredith Gramelspacher, Indiana Brownfields Program (*electronic copy*)  
Ken Coad, Indiana Brownfields Program (*electronic copy*)  
Brian Wilson, August Mack (*electronic copy*)

**TABLE 1**  
**Crown Equipment Corporation, Connersville - BFD #4180103**  
**Soil Concentrations Exceeding Applicable IDEM RCG Screening Levels**

Sample Location	Depth (bgs)	Date	Contaminant Detected & Results (parts per million (ppm))					
			Arsenic	Chromium*	Benzo(a)pyrene	TCE	PCE	
AME-1	2-4	August 2006	NA	NA	<b>7.2</b>	NA	<0.005	
AME-5	2-4		5.9	<b>5.82</b>	<0.33	<0.005	<0.005	
AME-6	6-8		<b>9.78</b>	<b>13.2</b>	<0.33	<0.005	<0.005	
AME-7	6-8		6.28	<b>5.77</b>	<0.33	<0.005	<0.005	
AME-8	14-16		<u>23.4</u>	<u>4.59</u>	<0.33	<0.005	<0.005	
AME-9	16-18		4.82	<u>5.26</u>	<0.33	<0.005	<0.005	
AME-10	10-12		2.72	<u>4.18</u>	<0.33	0.012	0.005	
AME-11	6-8		5.72	<b>4.52</b>	<0.33	NA	<0.005	
AME-12	14-16		3.43	3.55	<0.33	<u>0.15</u>	<0.005	
AME-14	12-14		5.54	<u>11.3</u>	<0.33	<u>0.077</u>	<0.005	
AME-15	10-12		4	<u>4.52</u>	<0.33	0.0059	<0.005	
AME-16	6-8		4.21	<b>4.62</b>	<0.33	<0.005	<0.005	
AME-17	6-8		8.56	<b>14.3</b>	<0.33	0.0095	<0.005	
AME-18	2-4		<b>10.3</b>	<b>17.9</b>	<0.33	<0.005	<0.005	
AME-19	2-4		<b>11</b>	<b>17.6</b>	<b>7.4</b>	<0.005	<0.005	
SB-4	12-14		November 2017	NA	NA	<0.005	<u>0.346</u>	<u>0.303</u>
Calculated Average (Soil < 10 feet bgs)			7.82	<b>9.13*</b>	<b>1.71</b>	NA	NA	
RDCSL			9.5	4.1*	1.5	5.7	110	
IDCSL			30	63*	21	19	170	
Res MTG SL			5.9	0.14*	15	0.036	0.045	

Notes: **bold** = above RCG Residential Direct Contact Screening Level  
**italics** = above RCG Residential Direct Contact Screening Level  
underlined = above RCG Residential Migration to Ground Water Screening Level  
 bgs = below ground surface NA = not analyzed  
 \* = chromium was not speciated between trivalent chromium (chromium III) and the more toxic hexavalent chromium (chromium VI); IDEM, in the most conservative approach, compared the analytical results to hexavalent chromium.  
 PCE = tetrachloroethene  
 TCE = trichloroethene

**EXHIBIT D**

**TABLE 1**

***Crown Equipment Corporation, Connersville – BFD #4180103***  
**Soil Concentrations Exceeding Applicable IDEM RCG Screening Levels**

**TABLE 2**

***Crown Equipment Corporation, Connersville – BFD #4180103***  
**November 2017 Ground Water Concentrations Exceeding**  
**Applicable IDEM RCG Screening Levels**

**TABLE 1**  
**Crown Equipment Corporation, Connersville – BFD #4180103**  
**Soil Concentrations Exceeding Applicable IDEM RCG Screening Levels**

Sample Location	Depth (bgs)	Date	Contaminant Detected & Results (parts per million (ppm))			
			Chromium*	Benzo(a)pyrene	TCE	PCE
AME-1	2-4	August 2006	NA	<b>7.2</b>	NA	<0.005
AME-5	2-4		<b>5.82</b>	<0.33	<0.005	<0.005
AME-6	6-8		<b>13.2</b>	<0.33	<0.005	<0.005
AME-7	6-8		<b>5.77</b>	<0.33	<0.005	<0.005
AME-8	14-16		<u>4.59</u>	<0.33	<0.005	<0.005
AME-9	16-18		<u>5.26</u>	<0.33	<0.005	<0.005
AME-10	10-12		<u>4.18</u>	<0.33	0.012	0.005
AME-11	6-8		<b>4.52</b>	<0.33	NA	<0.005
AME-12	14-16		<u>3.55</u>	<0.33	<u>0.15</u>	<0.005
AME-14	12-14		<u>11.3</u>	<0.33	<u>0.077</u>	<0.005
AME-15	10-12		<u>4.52</u>	<0.33	0.0059	<0.005
AME-16	6-8		<b>4.62</b>	<0.33	<0.005	<0.005
AME-17	6-8		<b>14.3</b>	<0.33	0.0095	<0.005
AME-18	2-4		<b>17.9</b>	<0.33	<0.005	<0.005
AME-19	2-4	<b>17.6</b>	<b>7.4</b>	<0.005	<0.005	
SB-4	12-14	November 2017	NA	<0.005	<u>0.346</u>	<u>0.303</u>
Calculated Average (Soil < 10 feet bgs)			<b>9.13*</b>	<b>1.71</b>	NA	NA
RDCSL			4.1*	1.5	5.7	110
IDCSL			63*	21	19	170
Res MTG SL			0.14*	16	0.036	0.045

Notes: **bold** = above RCG Residential Direct Contact Screening Level  
*italics* = above RCG Residential Direct Contact Screening Level  
underlined = above RCG Residential Migration to Ground Water Screening Level  
 bgs = below ground surface NA = not analyzed  
 \* = chromium was not speciated between trivalent chromium (chromium III) and the more toxic hexavalent chromium (chromium VI), IDEM, in the most conservative approach compared the analytical results to hexavalent chromium.  
 PCE = tetrachloroethene  
 TCE = trichloroethene

**TABLE 2**  
**Crown Equipment Corporation, Connersville – BFD #4180103**  
**November 2017 Ground Water Concentrations Exceeding**  
**Applicable IDEM RCG Screening Levels**

Sample ID	Contaminants and Concentrations in (parts per billion (ppb))
	Trichloroethene
<b>SB-6</b>	<b>5.1</b>
RCG Res TAP GWSL	5
RCG Res VE GWSL	9.1

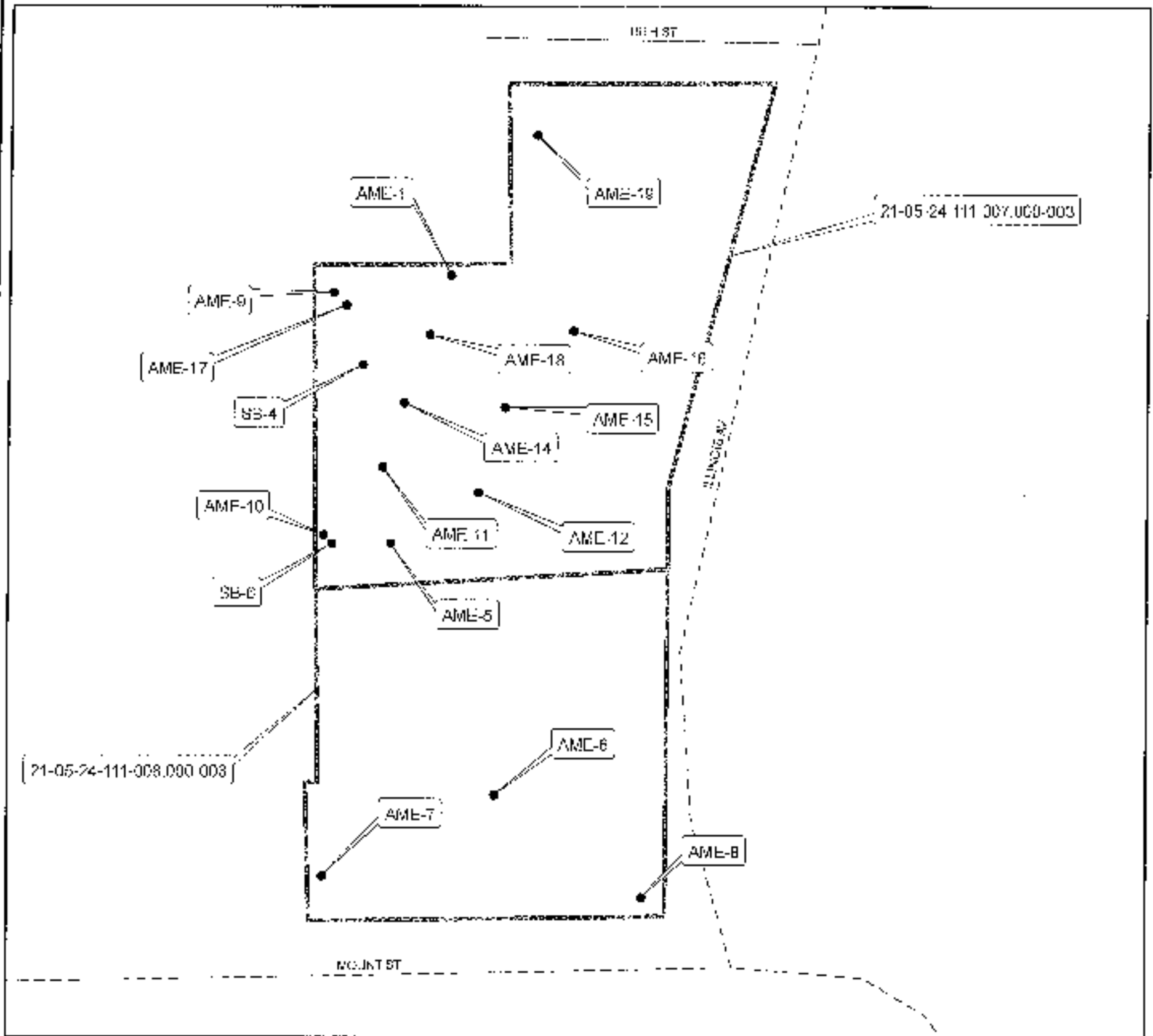
Notes: **bold** = above RCG Residential Tap Ground Water Screening Level

## EXHIBIT E

***Crown Equipment Corporation, Connersville – BFD #4180103***  
**Site Map Depicting Sampling Location at Which**  
**COCs Were Detected Above Applicable RCG Screening Levels and**  
**“Affected Area”**

*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 4180103 - Site Map Depicting Sample Location Where COCs Were Detected Above Applicable IDEM RCG Screening Levels



**Mapped By:** Mike Hill, IDEM, Office of Land Quality, Science Services Branch, Engineering & C.S. Services, July 3, 2016

**Sample Info:** Sample locations based on "Site Plan", by August Mack, dated 5/5/2006.

**Parcel IDs:** 21-05-24-111-007-000-003  
21-05-24-111-008-000-003

**PLSS Info:** Section 24, T14N R12E, Connersville Township, Fayette County, IN

**Property:** 1021 North Illinois Avenue, Connersville, IN

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

- Sample Location
- Real Estate
- Street

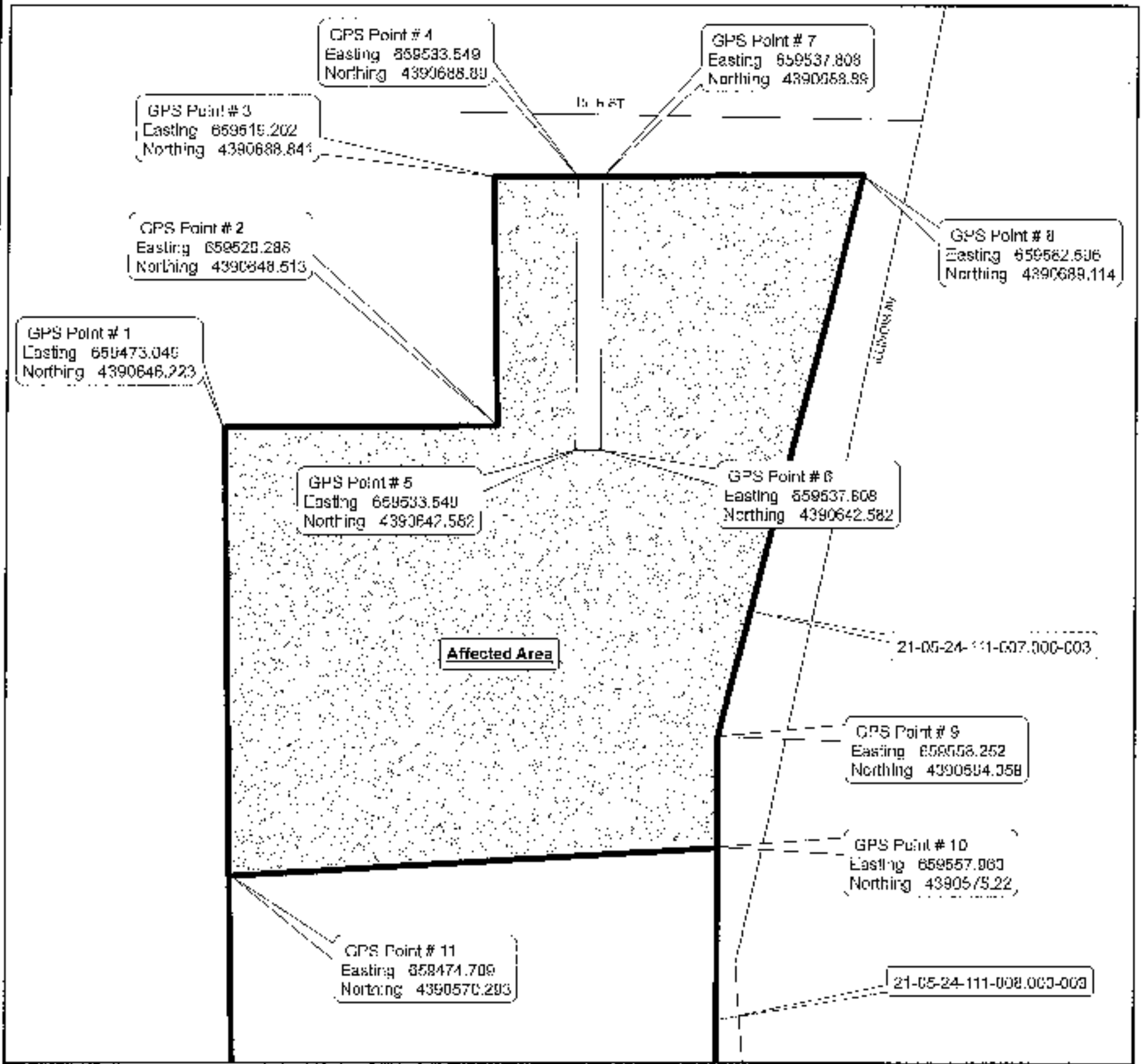
**IDEM**

0 50 100 Feet  
0 20 40 Meters

Fayette County

Project Area

## Indiana Brownfields Program # 4180103 - Affected Area



**Mapped By:** Mx: HIF, IDFM, Office of Land Quality, Science Services Branch, Engineering & GIS Services, July 3, 2018

**Affected Area Info:**  
Affected Area coordinate parameters:  
Projection: UTM, Zone 16N  
Datum: NAD83  
Units: meters

**Parcel ID:** 21-05-24-111-007-000-003 (Affected Area is a portion of the parcel)

**PLSS Info:** Section 24, T14N, R12E  
Connersville Township, Fayette County, IN

**Property:** 1321 North Illinois Avenue, Connersville, IN

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

	Affected Area
	Parcel Estate
	Street

Fayette County

Project Area