

JEFF HARTING, the duly elected, qualified and acting Recorder of Pike County, Indiana, do hereby certify the foregoing to be a full, true and complete copy of Covenant recorded in Pike Record No. 2019000 Page 1569 as the same now appears upon the record now on file in my office.

IN WITNESS WHEREOF, I hereunto set my hand and affix my official seal at my office in the City of Petersburg, Indiana 23 day of September, 2019

*[Signature]*  
Recorder of Pike County, Indiana

RECEIVED

SEP 26 2019

INDIANA FINANCE AUTHORITY  
ENVIRONMENTAL PROGRAMS

201900001564  
FILED FOR RECORD IN  
PIKE COUNTY CLERK

JEFF HARTING, RECORDER  
DATE RECORDED: 09/23/2019 04:44 PM

**Environmental Restrictive Covenant**

THIS ENVIRONMENTAL RESTRICTIVE COVENANT is made this 23rd day of September, 2019, by Richie's General Store, LLC ("Owner").

WHEREAS: Owner is the fee owner of certain real estate in the County of Pike, Indiana, which is located at 10020 East State Road 56 in Otwell and more particularly described in the attached **Exhibit "A"** ("Real Estate"), which is hereby incorporated and made a part hereof. The Real Estate was acquired by deed on May 12, 2015, and recorded on May 20, 2015, as Deed Record 201500003187, in the Office of the Recorder of Pike County, Indiana. The Real Estate consists of approximately 0.88 acre and is identified by the State by parcel identification number 63-08-16-200-001.000-002. The Real Estate to which this Covenant applies is depicted on a map attached hereto as **Exhibit "B"**.

WHEREAS: A No Further Action ("NFA") 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 to address the redevelopment potential of the Real Estate which is a brownfield site resulting from a release of petroleum products relating to historical operations on the Real Estate, Program site number BFD #4150605.

WHEREAS: The NFA Letter, as approved by the Department, provides that certain contaminants of concern ("COCs") remain in soil and 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 COCs are benzene, toluene, ethylbenzene, xylenes, methyl tertiary butyl ethyl ("MTBE"), lead, naphthalene, n-hexane, 1,2,4 - trimethylbenzene ("1,2,4-TMB"), 1,3,5 - trimethylbenzene ("1,3,5-TMB"), 1-methylnaphthalene, and/or 2-methylnaphthalene.

WHEREAS: Soil and ground water on the Real Estate were sampled for volatile organic compounds ("VOCs") and lead (filtered and unfiltered). Investigations detected levels of 1,2,4-TMB and n-hexane above their respective residential direct contact screening levels ("RDCSLs"), commercial/industrial direct contact screening levels ("IDCSLs"), and excavation worker direct contact screening levels ("EX DCSLs") established by IDEM in the *Remediation Closure Guide* (March 22, 2012 and applicable revisions). Levels of benzene, toluene, ethylbenzene, xylenes, MTBE, lead, naphthalene, 1,2,4-TMB, 1,3,5-TMB, 1-methylbenzene, and 2-methylnaphthalene in ground water were detected above their respective residential tap ground water screening levels ("Res TAP GWSLs"), residential vapor exposure ground water screening levels ("Res VE GWSLs"), and/or commercial/industrial vapor exposure ground water screening levels ("Indus GWSLs"). Soil and ground water analytical results above 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: Notwithstanding the detection of COCs in soil and ground water above applicable RCG screening levels, IDEM approved a conditional residential closure of environmental conditions at the Site under the RCG since: (1) all underground storage tanks ("USTs"), associated piping, and the majority of contaminated soil have been removed from the Real Estate; (2) contaminant levels in ground water remaining above applicable RCG screening levels do not appear to be migrating off-site; (3) ground water contaminant concentrations have decreased since the USTs and contaminated soil were removed and only seven monitoring wells currently have contaminant concentrations above applicable RCG screening levels; (4) potable drinking water is supplied to the Real Estate by a municipal source; and, (5) potential exposure to the remaining soil and ground water contamination addressed through land use restrictions. Therefore, environmental conditions on the Real Estate meet applicable residential cleanup criteria in 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, 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>.

NOW THEREFORE, Richie's General Store, LLC subjects the Real Estate to the following restrictions and provisions, which shall be binding on Richie's General Store, LLC and all future owners:

#### I. RESTRICTIONS

1. Restrictions. The Owner and all future owners:

- (a) Shall neither engage in nor allow drilling or excavation of soil on the Real Estate in the "Affected Area" identified via GPS coordinates and depicted on the attached **Exhibit "F"** 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 Affected Area on the Real Estate must be conducted in accordance with a Department-approved work plan, including all applicable requirements of IOSHA/OSHA.
- i. Soil near MW-5 on the Real Estate on which any structure 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 excavation and construction activities in the Affected Area 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 during any construction in the Affected Area on the Real Estate must be managed and disposed of in accordance with all applicable federal and state laws and regulations.
- (b) (i) Shall not occupy any human-occupied building constructed on the Real Estate after the effective date of this Covenant without first completing one of the following: Option 1) Evaluate and determine through a Program-approved sampling plan, the presence or absence of the intrusion of contaminated vapor into indoor air ("vapor intrusion") in any newly-constructed human occupied building(s) on the Real Estate; or, Option 2) Install, operate and maintain a vapor mitigation system (in accordance with *U.S. EPA Brownfield Technology Primer Vapor Intrusion Considerations for Redevelopment* (EPA 542-R-08-001) (March 2008) and *IDEM Draft Interim Guidance Document: Vapor Remedy Selection and Implementation* (February 2014)) within any building newly-constructed on the Real Estate, unless the Department concurs that a vapor mitigation system(s) is no longer necessary based upon achievement of the applicable IDEM RCG screening levels based upon then-current use of the Real Estate (residential and/or commercial/industrial) or site-specific action levels approved by the Department.
- (ii) If Option 2 is selected from (b)(i) above, a detailed work plan must be submitted and approved by the Program outlining activities to be completed to evaluate vapor intrusion risk and to determine the effectiveness of any operating vapor mitigation system(s) after occupancy. Following Program approval, operate the vapor mitigation system(s) for the purpose of mitigating the COC(s) potentially impacting indoor air in any building(s) newly constructed on the Real Estate that will be human occupied per the *IDEM Draft Interim Guidance Document: Vapor Remedy Selection and Implementation* (February 2014) until the Department a) concurs that a vapor mitigation system(s) is no longer necessary based upon demonstrated achievement under an Program-approved sampling work plan of applicable IDEM RCG calculated subslab soil gas screening levels and/or indoor air vapor exposure screening levels based upon residential and/or commercial/industrial use of the Real Estate or site-specific action levels approved by the Department; and, b) makes a determination regarding acceptable risk under Paragraph No. 9 of this Covenant. The Department's determination shall be based upon the applicable IDEM RCG calculated subslab soil gas screening levels and/or indoor air vapor exposure screening levels based upon residential and/or commercial/industrial use of the Real Estate or site-specific action levels approved by the Department. The

Department's determination in concert with Paragraph No. 9 shall not be unreasonably withheld. In the event that the vapor intrusion mitigation system(s) malfunction(s) or cease(s) operation, the Department shall afford the Owner a reasonable opportunity to repair or replace the vapor intrusion mitigation system(s) prior to the Department exercising whatever rights it may have under Paragraph No. 8.

- (c) 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 9-23 2019, RECORDED IN THE OFFICE OF THE RECORDER OF PIKE COUNTY ON 9-23, 2019, INSTRUMENT NUMBER (or other identifying reference) 20190001564 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 Pike 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:  
Richie's General Store, LLC  
10643 East State Road 56  
Otwell, Indiana 47564  
ATTN: Richard A. Schwenk

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**

**Quitclaim Deed to the Real Estate**

20150113187  
FILED FOR RECORD IN  
PIKE COUNTY IN  
JUDY HEWERS REGISTRAR  
17:30-30:00 On 11:11 AM  
QUIT CLAIM  
Book 241 Page 355 - 355


QUITCLAIM DEED

THIS INSTRUMENT WITNESSETH That Richard A. Schwenk ("Grantor"), hereby CONVEYS AND QUITCLAIMS to Richie's General Store, LLC, an Indiana limited liability company ("Grantee"), for no consideration, all of Grantor's right, title and interest in, and to real estate located in Pike County, Indiana, more commonly known as 10020 E. State Road 56, Otwell, Indiana 47564, and being more particularly described in attached Exhibit "A" which is made a part hereof (the "Real Estate")

The conveyance is made subject to the next installment of real estate taxes and assessments for the year 2014, which are due and payable in May, 2015, and all subsequent taxes and other assessments, all of which Grantee herein assumes and agrees to pay.

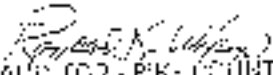
This conveyance is hereby made expressly subject to all existing and/or recorded restrictions, exceptions, easements, reservations, rights-of-way, conditions, and covenants of whatever nature, if any, and is expressly subject to all municipal, city, county, and state zoning laws and other ordinances, regulations, and restrictions, including statutes and other laws of municipal, county, or other governmental authorities applicable to and enforceable against the Real Estate.

IN WITNESS WHEREOF, Grantor has executed this Quitclaim Deed, as of the 12<sup>th</sup> day of May, 2015.

  
Richard A. Schwenk

REAL ESTATE TRANSFER  
DULY ENTERED FOR TAXATION

MAY 25 2015

  
400 107 - PIKE COUNTY

FEE \$5.00

STATE OF INDIANA )  
COUNTY OF DUBOIS ) SS:

BEFORE ME, a Notary Public in and for said County and State, personally appeared Richard A. Schwend, who acknowledged the execution of the foregoing instrument and who, having been duly sworn, stated that any representations therein contained are true.

WITNESS My hand and Notarial Seal this 12<sup>th</sup> day of July, 2015.

My Commission Expires  
12:25:2015

[Signature]  
Signature of Notary Public

My County of Residence is  
DUBOIS County, Indiana

[Printed Name]  
Printed Name of Notary

THIS INSTRUMENT was prepared by Ashley R. Hollan, Attorney at Law, KAHN, DEES, DONOVAN & KAHN, LLP, 501 Main Street, Suite 305, Post Office Box 3646, Evansville, Indiana 47733-3646, at the specific request of the parties, based solely on information supplied by one or more of the parties to this conveyance, and without examination of survey, title or abstract. The drafter assumes no liability for any errors, inaccuracy, or omissions in this instrument resulting from the information provided; the parties hereby signify their assent to this disclaimer by the execution and the acceptance of this instrument.

I affirm, under the penalties for perjury, that I have taken reasonable steps to redact each Social Security number in this document, unless required by law. [Signature]

ADDRESS OF GRANTEE: 10543 E. STATE ROAD 59, OTWELL, INDIANA 47564  
TAX STATEMENT ADDRESS: 10543 E. STATE ROAD 59, OTWELL, INDIANA 47564  
ADDRESS OF PROPERTY: 10026 E. STATE ROAD 59, OTWELL, INDIANA 47564

RETURN TO: Ashley R. Hollan, Attorney at Law, Kahn, Dees, Donovan & Kahn, LLP, 501 Main Street, Suite 305, Post Office Box 3646, Evansville, Indiana 47733-3646.

EXHIBIT "A"  
TO QUITCLAIM DEED

Part of the northwest quarter of the northwest quarter of Section 16, township 1 south,  
range 9 west, more particularly described as follows.

Beginning at the southwest corner of said quarter-quarter section and running thence east  
14 rods; thence south 10 rods; thence west 14 rods, thence north 10 rods to the place of  
the beginning located in Pike County, Indiana

**EXHIBIT B**

**Map of the Real Estate**

# Indiana Brownfields Program # 4150605 - Real Estate

65-08-16-200-001.000-002

SF 247

SF 58

**Mapped By:** Mark Canale, IDEM, Office of Land Quality, Science Services Branch, Engineering & GIS Services, August 2, 2019

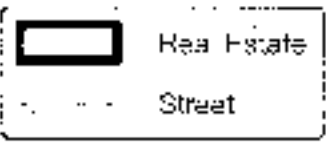
**Deed Info:** Instrument # 201500003157 Dated 5/20/2016  
Quitclaim Deed





**Parcel ID:** 65-08-16-200-001.000-002

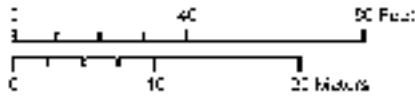
**PLSS Info:** Section 16, T18 R39W  
Jefferson Township  
Pike County, Indiana

**Property Info:** 10221 East State Road 65  
Owens, 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.


  
**Real Estate**  
**Street**



**EXHIBIT C**

**Copy of No Further Action Determination 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](http://www.idem.in.gov)

Eric J. Holcomb  
Governor

Bruno L. Piggott  
Commissioner

September 12, 2019

Richard A. Schwenk  
Richie's General Store, LLC  
10643 East State Road 56  
Otwell, Indiana 47564

Re: **No Further Action Determination  
Pursuant to  
Remediation Closure Guide  
LUST POSI**  
Tobacco Road #222  
10020 East State Road 56  
Otwell, Pike County  
UST FID #10797  
Brownfield #4150605

Dear Mr. Schwenk :

Indiana Department of Environmental Management (IDEM) Brownfields staff have reviewed the following reports, prepared by American Environmental Corporation (American) unless otherwise noted, documenting environmental activities conducted at the property located at 10020 East State Road 56 in Otwell, Pike County (Site), which were funded by the Indiana Brownfields Program (Program) through its Petroleum Orphan Site Initiative (POSI) to facilitate redevelopment of the Site. These documents may be viewed electronically by searching online by the noted document number referenced below in IDEM's Virtual File Cabinet (VFC) accessible through IDEM's website.

- *Phase I Environmental Site Assessment (2015 Phase I ESA)*, dated September 28, 2015 (Document #80141245)
- *Geophysical Survey*, dated September 28, 2015, prepared by American Locating Services, Inc. (Document #80141235)
- *Underground Storage Tank (UST) Closure Report (2015 UST Closure Report)*, dated December 2, 2015, (Document #80189777)
- *Well Installation Report*, dated April 26, 2016 (Document #80327360 (report), 80190031, 80190029, 80190026, 80190027 (labs))
- *Monitoring Well Installation Report*, dated January 9, 2017 (Document #80414490 (report), #80414491, #80414480, #80414492 (labs))
- *Quarterly Report - Second Quarter 2017*, dated April 24, 2017 (Document #80459816)
- *Soil Excavation/Monitoring Well Installation/Quarterly Monitoring Report*, dated September 11, 2017 (Document #80535012)
- *Quarterly Report - First Quarter 2018*, dated March 13, 2018 (Document #80633998)

- *Post Injection Progress Report*, dated April 24, 2018 (Document #82532436)
- *Quarterly Report - Third Quarter 2018*, dated September 11, 2018 (Document #82622139)
- *Quarterly Report - Fourth Quarter 2018*, dated January 10, 2019 (Document #82678006)
- *Off-Site Groundwater Investigation Report*, dated April 24, 2019 (Document #82764606)

### Site Description and History

The 0.88-acre Site is located at the southeast corner of State Roads 56 and 257 near Otwell and is one parcel identified by the State by parcel number 63-08-16-200-001.000-002. The Site is unoccupied with a concrete building foundation near the center of the property and is surrounded by gravel and concrete lots. A wooden perimeter fence is present along all four property lines. Access drives are located near the northeast corner of the Site to State Road 56, with a gate located near the northwest corner of the Site to State Road 257.

In April 1986, three underground storage tanks (USTs) including two 8,000 gallon USTs and one 4,000-gallon UST were registered with IDEM under facility identification (FID) #10797. The three gasoline USTs were located near the northeastern portion of the Site. Between 1986 and approximately 2002, County Line Convenience Store operated at the Site. From approximately 2003 until circa 2007, Kiel Brothers (Lessee) operated at the Site as Tobacco Road #222. According to IDEM – UST inspection records, one kerosene aboveground storage tank (AST) was also located at the Site. As of August 2008, the Site was unoccupied. According to Pike County property records, the main building was demolished in 2014 and a cold storage building and the station canopy were demolished in 2015.

The Site is located in a primarily agricultural area and is bordered by the following: to the north, by State Road 56 and agricultural fields beyond; to the south, by agricultural fields; to the northwest across the highways, is mixed commercial properties; to the west, across State Road 257 with agricultural fields beyond; and, to the east, by agricultural fields. Redevelopment plans are not yet known.

### Environmental Conditions

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 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 (Res TAP GWSLs)

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

#### *Phase I ESA & Geophysical Survey – September 2015*

The 2015 Phase I ESA identified the following recognized environmental conditions (RECs) associated with the Site:

- The presence of three gasoline USTs (including two 8,000 gallon and one 4,000-gallon) on-Site.
- A waste oil or kerosene AST was historically located near the northwest corner of the Site.
- Documented soil and ground water contamination as discussed in a partial February 2015 Phase II investigation prepared by Environmental Management Consultants, Inc. (Document #80141245 pages 149-198)

A geophysical survey was conducted on-Site to identify the presence of any additional USTs or piping. Based on the findings of the survey, only the three known USTs were identified at the Site.

#### *UST Closure Report – December 2015*

In October 2015, two 8,000-gallon steel USTs and one 4,000-gallon steel gasoline UST, associated dispensers, and piping were removed from the Site. A total of 2,441.86 tons of contaminated soil were removed from the UST area (northeast of the former building) and dispenser area (north-central portion of the Site). Confirmatory soil samples and a tank pit water sample were collected for volatile organic compounds (VOCs) and lead.

A total of 22 confirmatory soil samples (1 through 16, Tank 1 E, Tank 1 W, Tank 2 E, Tank 2 W, Tank 3 E, and Tank 3 W) were collected from the base and sidewalls of the common UST excavation and 17 soil samples were collected from soil stockpile (SP-1 through SP-14, SP-16, SP-17, and SP-17). No constituents analyzed in soil were detected at levels above applicable RCG screening levels. A tank pit water sample collected from the base of the excavation detected naphthalene and lead above their respective Res TAP GWSLs. No other constituent analyzed in the tank pit water were detected at levels above applicable RCG screening levels.

#### *Well Installation Report – April 2016*

In March 2016, eight monitoring wells (MW-1 through MW-8) were installed to a maximum depth of 25 feet bgs to delineate the aerial extent of soil and ground water contamination across the Site. Seventeen soil samples (including one duplicate) were collected from the eight locations and analyzed for VOCs and lead. Soil results detected 1,2,4 trimethylbenzene (1,2,4 -TMB) and n-hexane in MW-5 (8 to 10 feet bgs) above their respective RDCSLs, IDCSLs, and EX DCSLs. No other constituents analyzed in

soil were detected above applicable RCG screening levels. Refer to Table 1, below, for soil concentrations detected above applicable RCG screening levels.

**TABLE 1**  
**March 2016 Soil Concentrations Exceeding**  
**Applicable IDEM RCG Screening Levels**

Sample Location	Depth bgs (feet)	Detected Constituent and Result <i>(in parts per million (ppm))</i>	
		1,2,4-Trimethylbenzene	n-Hexane
MW-5	8-10	<b><u>364</u></b>	<b><u>223</u></b>
RDCSL		220	140
IDCSL			
EX DCSL			

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

Ground water results from the eight monitoring wells detected benzene, toluene, ethylbenzene, xylenes (BTEX), methyl tertiary butyl ethyl (MTBE), 1,2,4-TMB, 1,3,5-trimethylbenzene (1,3,5-TMB), 1-methylnaphthalene, 2-methylnaphthalene, and naphthalene at concentrations above their respective Res TAP GWSLs, with detected benzene, 1,2,4-TMB, and naphthalene levels also 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 across the Site indicated a radial flow from mounded ground water identified near the central portion of the excavation and away from the mound in all directions.

*Monitoring Well Installation Report – January 2017*

In November 2016, seven additional monitoring wells (MW-9 through MW-15) were installed to a maximum depth of 20 feet bgs to further delineate the aerial extent of soil and ground water contamination across the Site and off-Site to the north. Nine soil samples (including one duplicate) were collected from MW-9 through MW-15 and analyzed for VOCs and lead (filtered and unfiltered). No constituents analyzed in soil were detected at levels above applicable RCG screening level. Ground water results from all 15 monitoring wells detected BTEX, MTBE, 1,2,4-TMB, n-hexane, 2-methylnaphthalene, lead (filtered and unfiltered), and naphthalene at concentrations above their respective Res TAP GWSLs, with detected levels of benzene, 1,2,4-TMB, and naphthalene also above their respective Res VE GWSLs and/or Indus VE GWSL. No other constituents analyzed in ground water were detected at levels above their applicable RCG screening levels. Ground water flow across the Site trended from an east to west direction.

*Quarterly Report Second Quarter 2017 – April 2017*

In April 2017, monitoring wells MW-1 through MW-15 were gauged and ground water samples were collected for VOC analyses. Results of the ground water sampling detected BTEX, MTBE, 1,2,4-TMB, 1,3,5-TMB, 1-methylnaphthalene, 2-methylnaphthalene, and naphthalene at concentrations above their respective Res TAP GWSLs, with detected levels of benzene, 1,2,4-TMB, and naphthalene also 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 across the Site trended from an east to west direction.

*Soil Excavation/Monitoring Well Installation/Quarterly Monitoring – September 2017*

In April 2017, a work plan was submitted to excavate an additional 1,300 tons of petroleum hydrocarbon-contaminated soil from the Site. In preparation of the additional excavation, monitoring wells MW-4 and MW-12 were properly abandoned in June 2017 per Indiana Department of Natural Resource requirements. During the June 2017 soil excavation activities, an orphan 3,000-gallon UST full of liquid was encountered near the northwestern corner of the Site. The orphan UST was cleaned and disposed of off-Site. A total of 1,491.08 tons of petroleum hydrocarbon-contaminated soil was excavated and removed from an area west of the previous excavation in the north central and northwestern portions of the Site. Following excavation, confirmatory soil samples were collected from the sidewalls and bottom of the excavation and analyzed for VOCs and lead.

A total of 13 confirmatory soil samples (17 through 26, Bottom 6, Bottom 7, and orphan Bottom) were collected from the base and sidewalls of the excavation. Soil results detected ethylbenzene (Bottom 6 and duplicate), xylene (18, 19, Bottom 6 and duplicate), naphthalene (Bottom 6 and duplicate), 1, 2, 4-TMB (19) and n-hexane (19) above their respective RDCSLs, IDCSLs, and/or Ex DC SLs. No other constituents analyzed in soil were detected at levels above applicable RCG screening levels. A tank pit water sample was collected from the base of the excavation detected naphthalene and lead above their respective Res TAP GWSLs. No other constituent analyzed in the tank pit water were detected at levels above applicable RCG screening levels.

In July 2017, monitoring wells MW-16 through MW-19 were installed to a maximum depth of 15 feet bgs to further delineate the aerial extent of soil and ground water contamination north of State Road 56 and on-Site along the northwestern corner of the excavations. Ten soil samples (including one duplicate) were collected from MW-16 through MW-19 and analyzed for VOCs and lead. No constituents analyzed in soil were detected at levels above their applicable RCG screening levels.

Ground water results from the existing monitoring network (MW-1 through MW-19, except MW-4 and MW-12 which were abandoned in June 2019) detected BTEX, 1,2,4-TMB, 1,3,5-TMB, 1-methylnaphthalene, 2-methylnaphthalene, lead (filtered), and naphthalene at concentrations above applicable Res TAP GWSLs, with detected levels of benzene, 1,2,4-TMB, and naphthalene also above their respective Res VE GWSLs

and/or Indus VE GWSLs. No other constituents analyzed in ground water were detected at levels above their respective RCG screening levels. Ground water flow across the Site indicated a radial flow from two mounds of ground water. One mound identified near the central portion of the excavation and one mound identified near MW-11 in the right-of-way of State Road 56 with a general trend flow from the east toward a west and northwest direction.

#### *Quarterly Report First Quarter 2018 – March 2018*

In January 2018, monitoring wells MW-1 through MW-19 (except MW-4 and MW-12 which were properly abandoned) were gauged and ground water samples were collected for VOC and lead (filtered and unfiltered) analyses. Results of the ground water sampling detected BTEX, MTBE, 1,2,4-TMB, 1,3,5-TMB, 1-methylnaphthalene, 2-methylnaphthalene, and naphthalene at concentrations above their respective Res TAP GWSLs. Benzene, 1,2,4-TMB, and naphthalene were also 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. Ground water flow across the Site trended from the east to northwest.

#### *Post Injection Progress Report – April 2018*

Prior to scheduled remedial activities in February 2018, two evacuation wells (EW-1 and EW-2) were installed on-Site at the locations where MW-4 and MW-12 had been installed. These wells were emplaced for use during remedial activities conducted by ORIN Technologies, LLC (ORIN). On February 12, 2018, ORIN began in-situ chemical oxidation (ISCO) activities which included the injection of 150 gallons of a solution of 6.8 % Bioavailable Absorbent Media (BAM) at 56 injection points in the source area. Due to issues encountered during initial injections, concentrations of the solution were raised to 10.2 % and then to 13.6 % until injections issues were resolved. In order to assist in the consistent distribution of BAM solution into the formation, simultaneous injection and extraction of the ground water were conducted from wells EW-1 and EW-2 by a vacuum truck. A total of 4,760 gallons of treatment solution was injected into the subsurface. A total of 1,195 gallons of fluids, which included a mixture of ground water and BAM generated during extraction, were collected and transported off-Site for disposal.

On March 13, 2018, monitoring wells MW-1 through MW-19 (including MW-4R (EW-2) and MW-12R (EW-1)) were gauged and ground water samples were collected for VOC and lead (unfiltered and filtered) analyses. Results of the ground water sampling detected benzene, toluene, ethylbenzene, 1,2,4-TMB, 1,3,5-TMB, 1-methylnaphthalene, 2-methylnaphthalene, lead (filtered), and naphthalene at concentrations above their respective Res TAP GWSLs, with detected levels of benzene, 1,2,4-TMB, and naphthalene also 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 level. Although similar chemicals of concern (COCs) were detected in the Site's ground water, overall concentrations of the COCs were greatly reduced from concentrations detected prior to the ISCO remedial activities.

Ground water flow across the Site trended from the east to west/northwest. Refer to Table 2, attached, for ground water concentrations detected above applicable RCG screening levels post injections.

#### *Quarterly Ground Water Monitoring Reports – September 2018 to January 2019*

The monitoring well network was sampled and analyzed for VOCs and lead (filtered and unfiltered). In the last two quarterly sampling events, BTEX, toluene, ethylbenzene, xylenes, MTBE, 1,2,4-TMB, 1,3,5-TMB, lead, 1-methylnaphthalene, 2-methylnaphthalene, and/or naphthalene were detected at concentrations above their respective Res TAP GWSLs. Benzene and naphthalene were also detected above their respective Res VE GWSLs and/or Indus VE GWSLs in monitoring wells MW-3, MW-5, MW-6, MW-7, MW-10, MW-18, and MW-19. No other constituents analyzed in ground water were detected above applicable RCG screening levels. Depth to ground water in the wells with documented petroleum contamination ranged from 2.16 feet bgs (MW-8) to 6.27 feet bgs (MW-15). Refer to Table 2, attached, for a summary of ground water analytical data above applicable RCG screening levels post injections.

#### *Off-Site Ground Water Investigation Report – April 2019*

In order to delineate petroleum hydrocarbon contamination off-Site, four temporary monitoring wells were installed off-Site to a maximum depth of 20 feet bgs in March 2019. Three of the temporary monitoring wells were installed across State Road 257 to the west and one temporary monitoring well was installed across State Road 257 and State Road 56 to the northwest of the Site in down-gradient locations. Ground water samples were analyzed for VOCs, and lead (filtered and unfiltered). No constituents analyzed in off-Site ground water were detected at levels above applicable RCG screening levels. Therefore, the on-Site petroleum hydrocarbon contamination has been determined to be contained to the Site.

#### **Technical Conclusion**

Notwithstanding contaminants in on Site soil and ground water having been detected at levels above RCG residential screening levels, IDEM can approve a conditional residential closure of environmental conditions at the Site under the RCG since: (1) all USTs, associated piping, and the majority of contaminated soil have been removed from the Site; (2) remaining contaminant levels in ground water detected above applicable RCG screening levels do not appear to be migrating off-Site; (3) ground water contaminant concentrations have decreased since the USTs and contaminated soil were removed and only seven monitoring wells currently have contaminant concentrations above applicable RCG screening levels; (4) potable drinking water is supplied to the Site by a municipal source; and, (5) potential exposure to the remaining soil and ground water contamination can be controlled with an institutional control.

Since levels of contaminants remaining in soil and ground water underlying the Site remain above applicable RCG residential, commercial and/or industrial 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 No Further Action (NFA) Letter, IDEM is requiring land use restrictions via the enclosed ERC with the following provisions, summarized below:

- Not allow development on the "Affected Area" of the Site, including standalone single-family and/or duplex residential use near MW-5, without first submitting a work plan to IDEM 60 days prior to beginning work. Determine if the contaminant concentrations in soil from 0 to 10 feet bgs are below RCG RDCSLs. Restore any soil disturbed on the Site as a result of excavation and construction activities on the Affected Area of the Site in such a manner that any remaining contaminant concentrations do not present a threat to human health or the environment (as determined under IDEM's RCG using residential screening levels).
- Not occupy any newly constructed residential and/or commercial/industrial building(s) on the Site after the effective date of the ERC without first completing one of the following: Option 1) Evaluate and determine through a Program-approved sampling plan, the presence or absence of the intrusion of contaminated vapor into indoor air (vapor intrusion) in any newly-constructed residential and/or commercial/industrial building(s) on the Site; or, Option 2) Install, operate and maintain a vapor mitigation system (in accordance with *U.S. EPA Brownfield Technology Primer Vapor Intrusion Considerations for Redevelopment* (EPA 542-R-08-001) (March 2008) and *IDEM Draft Interim Guidance Document: Vapor Remedy Selection and Implementation* (February 2014)) within any newly-constructed residential and/or commercial/industrial building(s) on the Site, unless the Department concurs that a vapor mitigation system(s) is no longer necessary based upon achievement of the applicable IDEM RCG residential subslab soil gas screening levels (Res SGss SLs) or commercial/industrial subslab soil gas screening levels (Indus SGss SLs) and/or residential indoor air vapor exposure screening levels (Res IA VESLs) or commercial industrial indoor air vapor exposure screening levels (Indus IA VESLs), based upon then-current use of the Site or site-specific action levels approved by the Department.
- 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.

Based on the information of 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

Tobacco Road #222, Otwell – No Further Action Letter  
BFD #4150605  
September 12, 2019  
Page 9 of 9

letter and pursue any responsible parties. Additionally, this determination does not apply to any contamination that is not described in this NFA 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.

In order for IDEM to consider this letter effective, the enclosed ERC, which include a copy of the No Further Action Letter, must be recorded on the deed for the Site in the Pike County Recorder's Office. Please return a certified copy of the filed documents to the address listed below:

Indiana Brownfields Program  
100 North Senate Avenue, Room 1275  
Indianapolis, Indiana 46204  
ATTN: Ken Coad

IDEM is pleased to provide this No Further Action determination. Should you have any questions or comments, please contact Ken Coad of the Indiana Brownfields Program at 317-233-8409 or by email at [kcoad@ifa.in.gov](mailto:kcoad@ifa.in.gov).

Sincerely,



Andrea Robertson Habeck  
Technical Staff Coordinator  
Indiana Brownfields Program

Attachment and Enclosure

cc: Patricia Polston, U.S. EPA Region 5 (*electronic copy*)  
Meredith Gramelspacher, Indiana Brownfields Program (*electronic copy*)  
Ken Coad, Indiana Brownfields Program (*electronic copy*)  
Tim Veatch, LUST Section (*electronic copy*)  
Chris White, American Environmental Company (*electronic copy*)  
[agladish@pikeco.org](mailto:agladish@pikeco.org), Pike County Health Department (*electronic copy*)

**TABLE 2**  
**Tobacco Road #222, Otwell -- BFD #4150605**  
**March through November 2018 Ground Water Concentrations**  
**Exceeding Applicable IDEM RCG Screening Levels**

Sample Location & Collection Date		Contaminant Detected & Results (parts per billion (ppb))										
		Benzene	Toluene	Ethylbenzene	Xylenes	MTBE	Lead (filtered)	Naphthalene	1,2,4-TMB	1,3,5-TMB	1-Methyl-naphthalene	2-Methyl-naphthalene
MW-3	3/13/2018	<5	<5	<5	<10	<4	<10	<1.7	<5	<5	<5	<10
	7/30/2018	<b>39.3</b>	<5	<5	<10	<4	<5	<1.7	<5	<5	<5	<10
	11/8/2018	<b>380</b>	133	<b>1,080</b>	1,140	<4	<10	<b>20.3</b>	<b>272</b>	76	<10	<10
MW-4R	3/13/2018	<5	<5	<5	<10	<4	<10	<1.7	<5	<5	<5	<10
	7/30/2018	<5	<5	<5	<10	<4	<10	<1.7	<5	<5	<5	<10
	11/8/2018	<5	<5	<5	<10	<4	<10	2.5	<5	<5	<10	<10
MW-5	3/13/2018	<b>1,970</b>	<b>1,860</b>	<b>1,610</b>	7,090	<40	<10	<b>391</b>	<b>1,930</b>	<b>533</b>	<b>87.1</b>	<b>161</b>
	7/30/2018	<b>6,710</b>	<b>1,970</b>	<b>2,990</b>	<b>13,100</b>	<40	<5	<b>741</b>	<b>2,210</b>	<b>570</b>	<b>108</b>	<b>202</b>
	11/8/2018	<b>2,520</b>	<b>1,100</b>	<b>1,420</b>	6,380	<b>198</b>	<10	<b>466</b>	<b>1,520</b>	<b>433</b>	<100 <sup>^</sup>	<b>131</b>
MW-6	3/13/2018	<b>352</b>	<5	572	243	<4	<10	<b>12.6</b>	<b>343</b>	<b>88</b>	<5	<10
	7/30/2018	<b>734</b>	<5	<b>1,730</b>	682	<4	<5	<b>285</b>	<b>2,470</b>	<b>279</b>	<b>28.3</b>	<b>10</b>
	11/8/2018	<b>370</b>	<5	226	71.1	17.6	<10	<b>13.8</b>	130	20.4	<10	<10
MW-7	3/13/2018	<5	<5	<5	<10	<4	<10	<1.7	<5	<5	<10	<10
	7/30/2018	<5	<5	<5	<10	<4	<5	<1.7	<5	<5	<10	<10
	11/8/2018	<5	<5	<5	<10	<4	<10	2.1	<5	<5	<10	<10
MW-10*	3/13/2018	<b>4,840</b>	398	188	207	134	<10	<b>46.8</b>	190	<25	<25 <sup>^</sup>	<50 <sup>^</sup>
	7/30/2018	<b>1,160</b>	<25	129	<50	81.5	<10	<b>67</b>	<b>51.2</b>	<25	<25 <sup>^</sup>	<50 <sup>^</sup>
	11/8/2018	<b>3,540</b>	46	370	428	141	<10	<b>93.4</b>	179	<50	<b>34.9</b>	<50 <sup>^</sup>
MW-18	3/13/2018	<b>1,590</b>	441	<b>1,660</b>	4,790	<40	<b>158</b>	<b>777</b>	<b>2,920</b>	<b>510</b>	<b>148</b>	<b>279</b>
	Dup	<b>1,400</b>	457	<b>1,860</b>	4,900	<40	<b>163</b>	<b>856</b>	<b>2,970</b>	<b>546</b>	<b>170</b>	<b>341</b>
	7/30/2018	<b>689</b>	218	<b>1,260</b>	2,980	<40	<b>45.6</b>	<b>913</b>	<b>2,100</b>	<b>328</b>	<b>313</b>	<b>251</b>
	Dup	<b>704</b>	267	<b>1,810</b>	4,390	<40	<b>48.3</b>	<b>1,060</b>	<b>2,820</b>	<b>439</b>	<b>312</b>	<b>280</b>
	11/8/2018	<b>735</b>	263	<b>1,640</b>	3,560	<40	<b>92.5</b>	<b>909</b>	<b>3,350</b>	<b>537</b>	<b>171</b>	<b>365</b>
	Dup	<b>697</b>	241	<b>1,580</b>	3,460	<40	<b>74.6</b>	<b>994</b>	<b>3,510</b>	<b>554</b>	<b>195</b>	<b>401</b>
MW-19	3/13/2018	<b>141</b>	9.9	22.2	45.5	<4	<10	<b>5.3</b>	19.7	23.1	<5	<10
	7/30/2018	<b>33.7</b>	<5	69.5	11.9	<4	<5	<b>24</b>	14.1	10.4	<b>15.3</b>	<10
	11/8/2018	<b>28.2</b>	5.5	122	64	<4	<10	<b>51.5</b>	49.6	20.4	<b>19.5</b>	<b>16.3</b>
Res TAP GWSL	5	1,000	700	10,000	140	15	1.7	56	60	11	35	
Res VE GWSL	28	NE						110	NE		NE	
Indus VE GWSL	120	NE						460	NE		NE	

Notes: **bold** = above RCG Residential Tap Ground Water Screening Level  
*italics* = above RCG Residential Vapor Exposure Ground Water Screening Level  
underline = above RCG Commercial/Industrial Vapor Exposure Ground Water Screening Level  
 NE = not established Dup = field duplicate  
<sup>^</sup> = detection level above screening level; therefore, actual concentration is inconclusive.  
 MTBE = methyl tertiary butyl ether  
 1,2,4 TMB = 1,2,4 trimethylbenzene  
 1,3,5 TMB = 1,3,5 trimethylbenzene  
 \* = monitoring well located off-site

**EXHIBIT D**

**TABLE 1**

***Tobacco Road #222, Otwell – BFD #4150605***  
**March 2016 Soil Concentrations Exceeding**  
**Applicable IDEM RCG Screening Levels**

**TABLE 2**

***Tobacco Road #222, Otwell – BFD #4150605***  
**March through November 2018 Ground Water Concentrations**  
**Exceeding Applicable IDEM RCG Screening Levels**

TABLE 1  
 Tobacco Road #222, Otwell – BFD #4150605  
 March 2016 Soil Concentrations Exceeding  
 Applicable IDEM RCG Screening Levels

Sample Location	Depth bgs (feet)	Detected Constituent and Result (in parts per million (ppm))	
		1,2,4-Trimethylbenzene	n-Hexane
MW-5	8-10	<b>364</b>	<u>223</u>
RDCSL		220	140
IDCSL		220	140
EX DC SL		220	140

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

**TABLE 2**  
**Tobacco Road #222, Otwell – BFD #4150605**  
**March through November 2018 Ground Water Concentrations**  
**Exceeding Applicable IDEM RCG Screening Levels**

Sample Location & Collection Date		Contaminant Detected & Results (parts per billion (ppb))										
		Benzene	Toluene	Ethylbenzene	Xylenes	MTBE	Lead (filtered)	Naphthalene	1,2,4-TMB	1,3,5-TMB	1-Methyl-naphthalene	2-Methyl-naphthalene
MW-3	3/13/2018	<5	<5	<5	<10	<4	<10	<1.7	<5	<5	<5	<10
	7/30/2018	<b>39.3</b>	<5	<5	<10	<4	<5	<1.7	<5	<5	<5	<10
	11/8/2018	<b>380</b>	133	<b>1,080</b>	1,140	<4	<10	<b>20.3</b>	<b>272</b>	<b>76</b>	<10	<10
MW-4R	3/13/2018	<5	<5	<5	<10	<4	<10	<1.7	<5	<5	<5	<10
	7/30/2018	<5	<5	<5	<10	<4	<10	<1.7	<5	<5	<5	<10
	11/8/2018	<5	<5	<5	<10	<4	<10	<b>2.5</b>	<5	<5	<10	<10
MW-5	3/13/2018	<b>1,970</b>	<b>1,860</b>	<b>1,610</b>	7,090	<40	<10	<b>391</b>	<b>1,930</b>	<b>533</b>	<b>87.1</b>	<b>161</b>
	7/30/2018	<b>6,710</b>	<b>1,970</b>	<b>2,990</b>	<b>13,100</b>	<40	<5	<b>741</b>	<b>2,210</b>	<b>570</b>	<b>108</b>	<b>202</b>
	11/8/2018	<b>2,520</b>	<b>1,100</b>	<b>1,420</b>	6,380	<b>198</b>	<10	<b>466</b>	<b>1,520</b>	<b>433</b>	<100 <sup>A</sup>	131
MW-6	3/13/2018	<b>352</b>	<5	572	243	<4	<10	<b>12.6</b>	<b>343</b>	<b>88</b>	<5	<10
	7/30/2018	<b>734</b>	<5	<b>1,730</b>	682	<4	<5	<b>285</b>	<b>2,470</b>	<b>279</b>	<b>28.3</b>	10
	11/8/2018	<b>370</b>	<5	226	71.1	17.6	<10	<b>13.8</b>	<b>130</b>	<b>20.4</b>	<10	<10
MW-7	3/13/2018	<5	<5	<5	<10	<4	<10	<1.7	<5	<5	<10	<10
	7/30/2018	<5	<5	<5	<10	<4	<5	<1.7	<5	<5	<10	<10
	11/8/2018	<5	<5	<5	<10	<4	<10	<b>2.1</b>	<5	<5	<10	<10
MW-18	3/13/2018	<b>1,590</b>	441	<b>1,660</b>	4,790	<40	<b>158</b>	<b>777</b>	<b>2,920</b>	<b>510</b>	<b>148</b>	<b>279</b>
	Dup	<b>1,400</b>	467	<b>1,860</b>	4,900	<40	<b>163</b>	<b>856</b>	<b>2,970</b>	<b>546</b>	<b>170</b>	<b>341</b>
	7/30/2018	<b>689</b>	218	<b>1,260</b>	2,980	<40	<b>45.6</b>	<b>913</b>	<b>2,100</b>	<b>328</b>	<b>313</b>	<b>251</b>
	Dup	<b>704</b>	267	<b>1,810</b>	4,390	<40	<b>48.3</b>	<b>1,060</b>	<b>2,820</b>	<b>439</b>	<b>312</b>	<b>280</b>
	11/8/2018	<b>735</b>	263	<b>1,640</b>	3,560	<40	<b>92.5</b>	<b>909</b>	<b>3,350</b>	<b>537</b>	<b>171</b>	<b>365</b>
Dup	<b>697</b>	241	<b>1,580</b>	3,460	<40	<b>74.6</b>	<b>994</b>	<b>3,510</b>	<b>554</b>	<b>195</b>	<b>401</b>	
MW-19	3/13/2018	<b>141</b>	9.9	22.2	45.5	<4	<10	<b>5.3</b>	19.7	23.1	<5	<10
	7/30/2018	<b>33.7</b>	<5	69.5	11.9	<4	<5	<b>24</b>	14.1	10.4	<b>15.3</b>	<10
	11/8/2018	<b>28.2</b>	5.5	122	64	<4	<10	<b>51.5</b>	49.6	20.4	<b>19.5</b>	16.3
Res IAP GWSL	5	1,000	700	10,000	140	15	1.7	56	60	11	36	
Res VE GWSL	28						110					
Indus VE GWSL	120				NE		460		NE		NE	

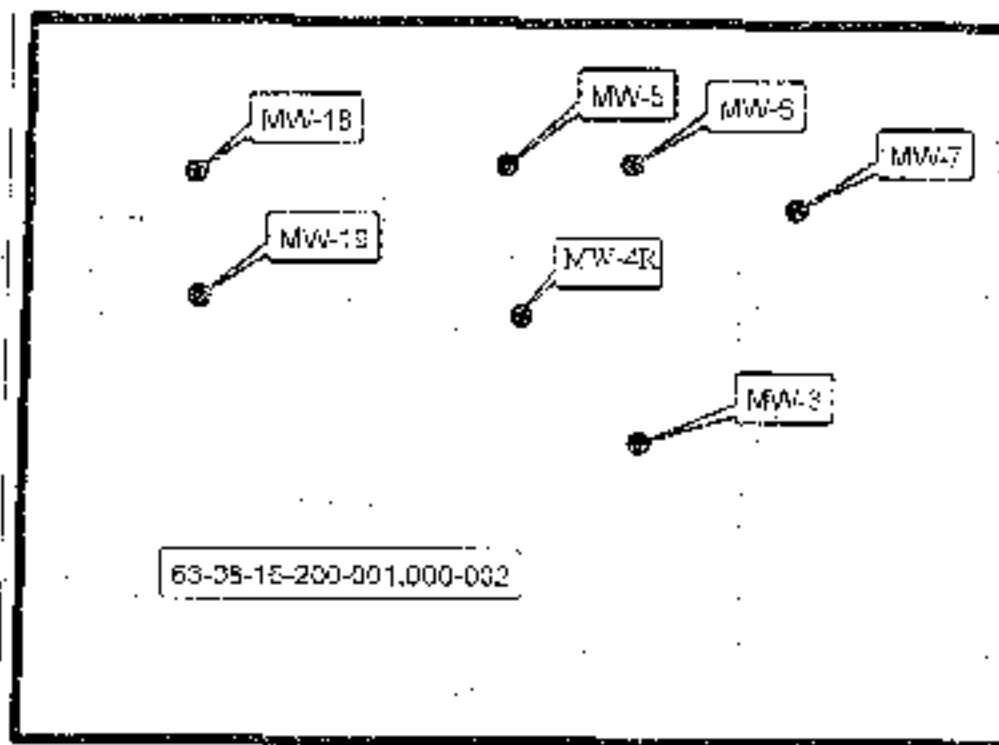
Notes: **bold** = above RCG Residential Tap Ground Water Screening Level  
*italics* = above RCG Residential Vapor Exposure Ground Water Screening Level  
underline = above RCG Commercial/Industrial Vapor Exposure Ground Water Screening Level  
 NF = not established Dup = field duplicate  
 ^ = detection level above screening level; therefore, actual concentration is inconclusive.  
 MTBE = methyl tertiary butyl ether 1,2,4 TMB = 1,2,4 trimethylbenzene  
 1,3,5 TMB = 1,3,5 trimethylbenzene

**EXHIBIT E**

**Tobacco Road #222, Otwell – BFD #4150605  
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.*

# Indiana Brownfields Program # 4150605 - Sample Locations



**Mapped By:** Matt Canale, IDEM, Office of Land Quality, Science Services Branch, Engineering & GIS Services, August 2, 2019

**Sample Info:** Sample locations based on "Site Plan Tobacco Road 222" provided by American Environmental dated 3/22/16



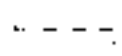
**Parcel ID:** 63-08-16-200-001,000-002

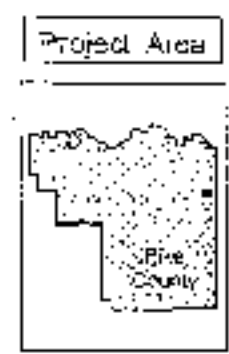
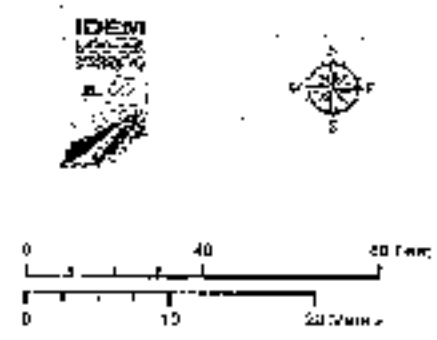
**PLSS Info:** Section 16, T13S R5W, Jefferson Township, Pike County, Indiana

**Property Info:** 10020 East State Road 55, Goswell, 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.

Modified By: Camryn Anderson, Indiana Brownfields Program, September 16, 2019

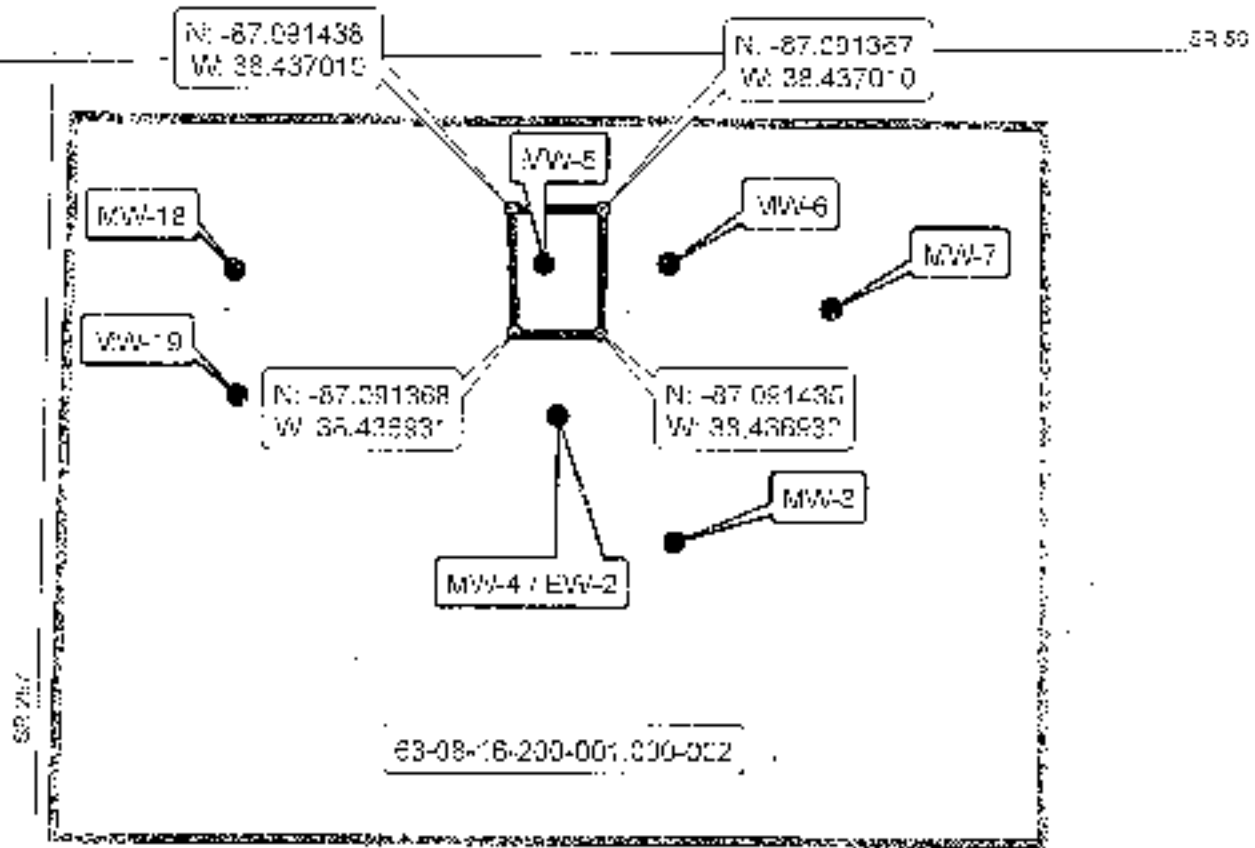
-  Sample Location
-  Real Estate
-  Street



**EXHIBIT F**

***Tobacco Road #222, Otwell -- BFD #4150605***  
**Site Map Depicting "Affected Area"**

# Indiana Brownfields Program # 4150605 - Affected Area and Sample Locations



**Mapped By:** Valt Gonska, IDEM, Office of Land Quality, Science Services Branch, Engineering & GIS Services, August 2, 2018

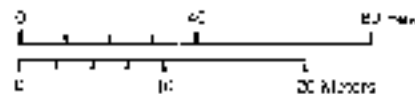
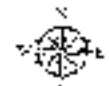
**Source Info:** Sample locations and Affected Area based on Site Plan, 10000 Road 222 provided by American Environmental dated 6/22/18

**Parcel ID:** 63-08-16-200-001.000-002

**PLSS Info:** Section 18, T18S, R6W  
Jefferson Township  
Pike County, Indiana

**Property Info:** 10000 East State Road 66  
Oswell, 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.



Pike County



Project Area

