



**Indiana Brownfields Program**  
**Comfort/Site Status Letter Request**  
 State Form 51493 (R2/6-07)  
 Indiana Finance Authority

**Return this form to:**  
**INDIANA BROWNFIELDS PROGRAM**  
 100 N. Senate Avenue, Room 1275  
 Indianapolis, IN 46204  
 For questions: 317-234-1279  
 Submit form electronically to: [brownfields@ifa.in.gov](mailto:brownfields@ifa.in.gov)  
 FAX: 317-234-1338

Pursuant to the Indiana Department of Environmental Management (IDEM) Nonrule Policy Document W-0051, "Brownfields Program Comfort and Site Status Letters Policy" (April 18, 2003), the Indiana Brownfields Program may issue a Comfort or Site Status Letter to stakeholders at brownfields sites that satisfy the eligibility criteria and conditions of the policy.

**Brownfield Site Definition**

A brownfield site is defined as a parcel of real estate that is abandoned or inactive; or may not be operated at its appropriate use; and on which expansion or redevelopment is complicated because of the presence or potential presence of a hazardous substance, a contaminant, petroleum, or a petroleum product that poses a risk to human health and the environment. IC 13-11-2-19.3

**Comfort Letter**

A Comfort Letter is issued to a party that qualifies for an applicable exemption to liability found in Indiana law or IDEM policy, but is not a legal release from liability. The Comfort Letter explains the applicable liability exemption or IDEM's exercise of enforcement discretion under an applicable IDEM policy. Potentially applicable liability exemptions or IDEM policies include:

- ✓ the Stakeholder is a government entity exempt from liability under IC 13-25-4-8(e), IC 13-11-2-150(c), or IC 13-11-2-151(b);
- ✓ the Stakeholder is a creditor, lender, or fiduciary exempt from liability under IC 13-23-13-14, IC 13-24-1-10, or IC 13-25-4-8(c);
- ✓ the Stakeholder is not the statutory owner of an underground storage tank pursuant to IC 13-11-2-150(a) because the tanks were not used after November 8, 1984 and the Stakeholder was not the person who owned the tank immediately before the discontinuation of the tank's use;
- ✓ the Stakeholder is exempt from liability or eligible for a defense to liability as a bona fide prospective purchaser, contiguous property owner or innocent landowner pursuant to IC 13-25-4-8(b); and
- ✓ the Stakeholder satisfies the conditions of IDEM Nonrule Policy Document W-0047, "Property Containing Contaminated Aquifers" (20 IR 1674, January 30, 1997), or IDEM Nonrule Policy Document W-0038 "Property Containing Contaminated Aquifers/Underground Storage Tanks" (23 IR 2141, April 20, 2000).

**Site Status Letter**

A Site Status Letter is issued to a party that did not cause or contribute to or knowingly exacerbate the contamination and can demonstrate that current levels of contaminants of concern at the brownfield substantially meet current cleanup criteria as established by IDEM under the Risk Integrated System of Closure. The potential liability of the party requesting the letter is not addressed. The Site Status Letter states that based on a technical analysis of information submitted to IDEM pertaining to site conditions, IDEM concludes that current site conditions do not present a threat to human health or the environment and that IDEM does not plan to take or require a response action at the brownfield site.

**INSTRUCTIONS:** Please complete this form (type or print legibly) and return it to the Indiana Brownfields Program to begin the process of assessing eligibility to receive a letter. Each request will be reviewed by the Indiana Brownfields Program and IDEM staff. Determinations of eligibility are made based on facts and data provided with the request. A decision on whether or not to issue a Comfort or Site Status Letter will be made approximately 60 days from receipt of the request. The complexity of technical issues pertaining to site conditions may increase staff review time. Please attach any additional documentation required if space on the form does not allow for a complete response.

**Contact Information**

Letter Recipient Mr. Robert Stephenson, President/ Ms. Jennifer Jordan, Dir. of Dev.		Organization/Community Kokomo Community Development Corporation/City of Kokomo	
Address: (number and street, city, state and ZIP code) 107 West Mulberry Street, Kokomo, IN 46901/100 S Union St, Kokomo, IN 46901			
Telephone Number 765-456-7380	Cell Number	Fax Number 765-456-7009	E-mail Address <a href="mailto:jjordan@cityofkokomo.org">jjordan@cityofkokomo.org</a>

**Environmental Consultant Representing the Letter Recipient**

Name(s) Christopher G. Shaw, CHMM		Firm SME	
Address: (number and street, city, state and ZIP code) 5835 W. 74th Street Indianapolis, IN 46278-1757			
Telephone Number (317) 876-0200	Cell Number (317) 531-8556	Fax Number	E-mail Address chris.shaw@sme-usa.com

**Attorney Representing the Letter Recipient**

Name(s) David L. Guevara, Ph.D.		Firm Taft Stettinius & Hollister	
Address: (number and street, city, state and ZIP code) One Indiana Square, Suite 3500, Indianapolis, Indiana 46204-2023			
Telephone Number (317) 713-3500	Cell Number (317) 713-3453	Fax Number (317) 713-3699	E-mail Address DGuevara@taftlaw.com

**Site Information**

Site or Project Name(s) 225 and 227 South Union Street and 212 and 226 South Main Street, Kokomo, Indiana		
Address: (number and street, city, state and ZIP code) 209, 225, and 227 South Union Street; and 200, S, and 226 South Main Street; 121 and 123 E Superior St, Kokomo, Indiana		
IDEM Site Number 0000832	US EPA Site Number BF00E01545-0	Size in acres Approximately 1.2 acres
Current Owner City of Kokomo/Kokomo Cmty. Dev. Corp.	Address: (number and street, city, state and ZIP code) 100 S Union St Kokomo, IN 46901/ 107 W. Mulberry St Kokomo 46901	
Telephone Number (765) 456-7380	Cell Number	E-mail Address jjordan@cityofkokomo.org

**Property Status**

Current Status: (Check all that apply)

Private Owner  Public Owner  In Bankruptcy  Abandoned  Inactive  Underutilized  Tax delinquent  Other (please specify) \_\_\_\_\_

Environmental Documentation Submitted for Review: (Check all that apply)

Phase I Environmental Site Assessment-After 11/1/06 must comply with federal All Appropriate Inquiry Rule\*  Phase II Environmental Site Assessment

Sampling Results  Further Site Characterization  Other (please specify) \_\_\_\_\_

\*contact the Indiana Brownfields Program if you have questions

The Site will be:

Sold  Leased  Used by governmental entity  Gifted  Other (please specify) \_\_\_\_\_ Developed as a Hotel/Convention Center  Undecided

Potential or intended reuse of property: (Check all that apply)

Commercial  Industrial  Residential  Mixed Use  Park  Green Space  Other (please specify) \_\_\_\_\_  Undecided

Community Involvement/Public Participation: (Check all that apply)

Community notification by news media  Public Meeting(s)  Letter(s) of community support  Community work group

Community input was not sought

How did you hear about the Indiana Brownfields Program? (Check all that apply)

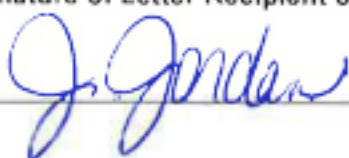
Indiana Brownfields Program staff, brochure, or web site  Other State Program/Agency  EPA  Consultant  Other (please specify) \_\_\_\_\_

**Signature**

I hereby request an Indiana Brownfields Program:  Comfort Letter  Site Status Letter

Signature of Letter Recipient or Authorized Representative

Date (month, day, year)



November 26, 2018