



**INDIANA BROWNFIELDS PROGRAM**  
**COMFORT / SITE STATUS LETTER REQUEST**  
 State Form 51493 (R3 / 5-14)  
 Indiana Finance Authority

Return this form to:  
**INDIANA BROWNFIELDS PROGRAM**  
 100 N. Senate Avenue, Room 1275  
 Indianapolis, IN 46204  
 For questions: 317-234-4293  
 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(d), 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 13-23-13-15, IC 13-24-1-10, IC 13-24-1-11, 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 a nonprofit corporation exempt from liability under IC 13-25-4-8(h), IC 13-11-2-150(e), or IC 13-11-2-151(f);
- ✓ 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), IC 13-11-2-150(f), IC 13-11-2-150(g), IC 13-11-2-151(g), or IC 13-11-2-151(h); 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 meet current cleanup criteria as established by IDEM under the Remediation Closure Guide. 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 Indiana Brownfields Program 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 Downtown Development LLC		Organization / Community City of Elkhart	
Address (number and street, city, state and ZIP code) 53149 Discovery Drive, Elkhart, IN 46514			
Telephone Number (574) 904-2735	Cell Number same	Fax Number N/A	E-mail Address gcreddy@shahproperties.net

**Environmental Consultant Representing the Letter Recipient**

Name(s) Joshua Klosinski		Firm Jones Petrie Rafinski	
Address (number and street, city, state and ZIP code) 325 S. Lafayette Blvd., South Bend, IN 46601			
Telephone Number (574) 232-4388	Cell Number	Fax Number	E-mail Address jklosinski@jpr1source.com

**Attorney Representing the Letter Recipient**

Name(s) Dan Cory		Firm Plews Shadley Racher & Braun LLP	
Address (number and street, city, state and ZIP code) 1017 E. Jefferson Blvd., South Bend, IN 46617			
Telephone Number (574) 273-1010	Cell Number (574) 309-8538	Fax Number (574) 271-2050	E-mail Address dcory@psrb.com

**Site Information**

Site or Project Name(s) Star Martial Arts		
Address (number and street, city, state and ZIP code) 123 N. Elkhart Avenue, Elkhart, IN 46516		
IDEM Site Number N/A	US EPA Site Number N/A	Size in acres 1.32
Current Owner SMA Real Estate LLC	Address (number and street, city, state and ZIP code) 123 N. Elkhart Ave., Elkhart, IN 46516	
Telephone Number unknown	Cell Number unknown	E-mail Address unknown

**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) \_\_\_\_\_  Undecided

Potential or intended reuse of property: (Check all that apply.)  
 Commercial  Industrial  Residential  Mixed Use  Park  Green Space  Other (please specify) \_\_\_\_\_  Undecided

Property Acquisition:  
 Date of property acquisition (or proposed date) 2 / 7 / 25

Letter Requested by:  
 Date by which would ideally like to receive letter 1 / 31 / 25

**Signature**

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

Signature of Letter Recipient or Authorized Representative

Date (month, day, year)

*Dan P Cory Counsel*

11/1/2024