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November 14, 2024

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Submitted via E-Mail

Mr. Connor Boyle
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100 N. Senate Avenue, 13th Floor
Indianapolis, IN 46204
CBoyle@idem.IN.gov

Mr. Kyle Burns
Office of Legal Counsel
Indiana Department of Environmental Management
100 N. Senate Avenue, 13th Floor
Indianapolis, IN 46204
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**RE: Keystone Cooperative, Inc.'s Response to IDEM's Request for Information
for site located at 221 West 100 South, Monroe, Adams County, Indiana
State Cleanup Site No. 0001257; Facility ID No. 50099**

IDEM
November 14, 2024
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Dear Mr. Boyle and Mr. Burns:

Our firm represents Keystone Cooperative, Inc. and its predecessors, including but not limited to Co-Alliance Cooperative, Inc., Harvest Land Co-op, Inc., and Adams County Farm Bureau Cooperative Association, Inc. also known as Adams County Cooperative Association, Inc. (collectively, "Keystone"). This letter serves as Keystone's response to IDEM's Notice of Liability and Information Request regarding the property located at 221 West 100 South, Monroe, Adams County, Indiana (the "Property").

Keystone's responses to IDEM's information requests are enclosed herein. In addition, Keystone will provide available information and documentation responsive to IDEM's requests for the Property, including historical ownership and transfer documents, historical photographs of the Property, and known operational documents. Keystone will continue to search for responsive information and will provide supplemental responses should additional information become available.

Keystone has put its historical and present insurance carriers on notice of IDEM's Notice of Liability and Information Request. Enclosed are copies of the insurance policies available in Keystone's files, which will be supplemented with any additional copies of policies that are received from the insurers. Please utilize the following link to download the policies: <https://liquidfiles.psr.com/link/6ly4HrjB7cKNr86d7m8A4f>. These documents will be available for you to download for 30 days. Please let me know if you have any issues accessing these documents.

Once you have had an opportunity to review the enclosed information do not hesitate to contact me to discuss this matter further.

Very truly yours,

/s/ Christopher J. Braun

Enclosures

cc: Ms. Elizabeth South, Esq. (w/encls)
Mr. Shawn Lambert (w/encls)
Ms. Julie Lamberson (w/encls)
Mr. Jonathan Emehiser, Esq. (w/encls)

Keystone's Responses to IDEM's Information Request

1. Identify the Potentially Responsible Party (PRP) for which you are answering and provide their contact information including mailing address, phone number, and email address.

Response: These answers are submitted on behalf of Keystone Cooperative, Inc., formerly known as Co-Alliance Cooperative, Inc., and its predecessors, including but not limited to Harvest Land Co-op, Inc., and Adams County Farm Bureau Cooperative Association, Inc. also known as Adams County Cooperative Association, Inc. (collectively, "Keystone"). Keystone can be contacted through its counsel:

Elizabeth South, Vice President and General Counsel
Shawn Lambert, Assistant Vice-President Safety and Risk
Keystone Cooperative, Inc.
770 N. High School Rd.
Indianapolis, IN 46214
Elizabeth.South@keystonecoop.com
Shawn.Lambert@keystonecoop.com

Christopher J. Braun
Plews Shadley Racher & Braun LLP
1346 N. Delaware Street
Indianapolis, IN 46202
Phone: (317) 637-0700
cbraun@psrb.com

2. Please identify any person(s) other than the PRP that are authorized to receive IDEM correspondence and/or invoices on behalf of the PRP, and provide their contact information including mailing address, phone number, and email address.

Response: Keystone authorizes its environmental consultant, American Environmental Corporation ("AEC"), to receive IDEM correspondence and/or invoices on behalf of Keystone. The best contact information for AEC is as follows:

Chris White
Senior Project Manager
American Environmental Corporation
8500 Georgetown Road
Indianapolis, IN 46268
Phone: (317) 871-4090
cwhite@aecindy.com

3. IDEM's cover letter to you identifies some of what IDEM knows about the Property located at 221 West 100 South, Monroe, Adams County, Indiana and the person or entity you represent.
 - a. Is IDEM's information about you current, complete and correct? If not, please identify the facts that would make IDEM's information current, complete and correct.

Response: To the best of Keystone's knowledge, IDEM's information as to Keystone's predecessors and operators is accurate. Keystone's predecessor, Adams County Farm Bureau Cooperative Association, Inc., purchased the Property from Terra Environmental on November 24, 1987. Adjoining property and right of way was acquired from U.S. Railroad Vest Corporation on August 7, 1996, and deeded to Adams County Cooperative Association, Inc. See the corresponding deeds provided at **Exhibit 1**.

Adams County Farm Bureau Cooperative Association, Inc. was first incorporated on March 6, 1928. In 1995, Adams County Farm Bureau Cooperative Association, Inc. filed a Certificate of Assumed Business Name ("Certificate") with the Indiana Secretary of State to conduct operations as Adams County Cooperative Association, Inc. (hereinafter "Adams County Co-op"). The Certificate is unavailable from the Indiana Secretary of State's website however evidence of this filing is provided at **Exhibit 2**. The name assumption is further confirmed by the Adams County Auditor's records, see **Exhibit 3**.

On January 31, 2001, Adams County Co-op merged with and into Harvest Land Co-op, Inc., the surviving entity. On January 29, 2021, Harvest Land Co-op, Inc. merged into Co-Alliance Cooperative, Inc.

On March 1, 2024, Co-Alliance Cooperative, Inc. filed its Certificate of Amendment with the Indiana Secretary of State to change the name of the entity to Keystone Cooperative, Inc.

Throughout the history of Keystone's ownership and operations on the Property through the various agricultural cooperatives, the actual operations and people on the Property running the operations remained substantially the same.

- b. Is there any other person or entity that owns(ed) or operates(ed) the Property with you? If so, please identify the persons and entities.

Response: Keystone is not aware of any other person or entity that jointly owned or operated the Property.

- c. Who is your officer or individual responsible for compliance with environmental laws?

Response: Elizabeth South, Vice President and General Counsel
Keystone Cooperative, Inc.

- d. Is there any other person or entity responsible for your environmental compliance at the Property?

Response: Shawn Lambert, Assistant Vice-President Safety and Risk
Julie Lamberson, Director Safety and Risk
Keystone Cooperative, Inc.

4. Do you have personal knowledge of the information you are providing? If not, please identify all persons from whom you gained such information along with their contact information. If you have relied upon documents to obtain the information, please provide copies of such documents. If you intend to claim any information or document as privileged, please identify each document and any the legal privileges against disclosure of each document.

Response: Keystone does not have any personal knowledge of the facts stated herein. The information obtained herein was derived by counsel from various interviews with prior and current employees of Keystone, publicly available information, a detailed search of Keystone's, and its predecessor's, historical company records, as well as additional information provided by AEC that was utilized in the Initial Site Investigation Report submitted to IDEM on behalf of Keystone on October 1, 2024 (which report is also available via IDEM's Virtual File Cabinet ("VFC") as Document #[83710922](#)).

5. Describe the businesses that were or are being conducted on the Property:

- a. during your ownership or use of the Property, and
b. before your ownership or use of the Property.

Response: Keystone's operations at the Property currently involve the storage and distribution of kerosene, gasoline, and diesel. In 2005, Keystone installed seven above-ground storage tanks ("AST") contained on a concrete dike. These tanks include three 20,000 gallon gasoline tanks, two 20,000 gallon diesel tanks, and two 30,000 gallon diesel tanks. The Property also has a seed warehouse for storage and distribution as well as an oil storage building. Prior to 2001, the Property stored pesticides, herbicides, liquid and dry fertilizers, and anhydrous ammonia. In 2001, all of this product was moved to a different location and the Property continued to store and distribute kerosene, gasoline, and diesel as referenced above.

For specific locations of the ASTs and a site diagram, please see **Figure 1** to AEC's Initial Site Investigation Report submitted to IDEM on October 1, 2024 (VFC #83710922). By letter dated March 27, 2024, IDEM assigned Facility ID No. 50099 to this Property (VFC #83617058) and acknowledged receipt of Keystone's Initial Registration for the ASTs submitted to IDEM on December 19, 2023 (VFC #83600563).

As to business that was conducted on the Property prior to Keystone's ownership or use of the Property, Keystone is not aware of the prior owner and/or operator's prior businesses. Terra International, Inc. ("Terra") and Sohigro Service Companies ("Sohigro") both owned and operated this Property prior to Keystone. Terra owned the Property from March 1, 1985, through Keystone's date of ownership, November 24, 1987. Keystone is aware that Sohigro owned and operated the site prior to Terra's ownership. See Terra's letter to IDEM at **Exhibit 4** (VFC #32984658). To the best of Keystone's knowledge, Terra and Sohigro operated agronomy-like businesses.

Keystone is continuing to search its records and will supplement this response if additional information becomes available.

6. Who operated each business? If the operator was someone other than you, please provide all relevant information you may have that pertains to the operator. If you are aware of a contact person for that operator please provide all contact information.

Response: See Keystone's Responses to IDEM Request No. 3.

7. At the time you acquired or operated the Property, did you know or have reason to know that any hazardous substance, industrial chemical or petroleum product had been disposed of on or at the Property? Describe all investigations of the Property you undertook prior to acquiring the Property and all of the facts on which you base the answer to the preceding question. Do you know of any Phase I or Phase II investigation of the Property? Please provide a copy, or if not available, identify who has the documents.

Response: Keystone was not aware of any hazardous substance, industrial chemical, or petroleum product that had been disposed of on or at the Property at the time it acquired or operated the Property.

A Phase II subsurface investigation was performed by AEC on behalf of Keystone at the Property in July 2024. Keystone will supplement this response when such report becomes available.

8. What do you know about the past or current uses of hazardous substances, industrial chemicals, or petroleum products on the Property?
 - a. What hazardous substances, industrial chemicals, or petroleum products have been used on the Property?

- b. Who was responsible for the use on the Property?

Response: See Response to Request No. 5. Keystone is continuing to search for additional information related to this Property. Should additional information become available, Keystone will supplement its response.

9. Is there any portion of the Property where hazardous substances, industrial chemicals, or petroleum products have been released onto or into the ground or groundwater on the Property?

Response: See Keystone's Response to Request No. 12. Notwithstanding the foregoing, Keystone is not aware of any incidents at this Property where hazardous substances, industrial chemicals, or petroleum products have been released onto or into the ground or groundwater on the Property.

10. Provide a list of any hazardous substances used or produced in any manufacturing processes employed on the Property or in any sludges, liquids, or other production wastes or materials resulting from the manufacturing process. Summarize in a short narrative the equipment or process used to dispose of or treat such waste materials.

Response: Keystone has not conducted any manufacturing at this Property. To the best of Keystone's knowledge none of its predecessor entities ever conducted any manufacturing at this Property.

Your Regulated Use of the Property

11. On the Property, did you ever use, purchase, generate, store, treat, dispose, or otherwise handle any bulk hazardous substances, industrial chemicals or petroleum products? If so, please identify:

- a. In general terms, the nature and quantity of the hazardous substances, industrial chemicals or petroleum products transported, used, purchased, generated, stored, treated, disposed, or otherwise handled.
- b. Identify when each such hazardous substance, industrial chemical, or petroleum product was used, purchased, generated, stored, treated, transported, disposed, or otherwise handled.
- c. If you have any reason to believe that there may be persons able to provide a more detailed or complete response to any sub-question contained herein or who may be able to provide additional responsive documents, identify such persons and the additional information that they may have.

Response: See Keystone's Response to Request No. 5.

12. On the Property, please identify all leaks, spills, or releases into the environment of any hazardous substances, industrial chemicals or petroleum products that have occurred at or from the Property. Please identify:
- What was released and approximately how much;
 - When such releases occurred;
 - Where the release occurred on the Property;
 - Any and all investigations of the circumstances, nature, extent or location of each release or threatened release including, the results of any soil, water (ground and surface), or air testing undertaken; and,
 - All persons with information relating to these releases.

Response: In 1989 there was a fertilizer release at the Property near the location where petroleum is now stored. Keystone is unsure of the exact amount, but it was less than 500 gallons. IDEM was notified of the release and it was cleaned to IDEM's satisfaction.

A Phase II subsurface investigation was performed by AEC on behalf of Keystone at the Property in July 2024. Upon receipt of the laboratory analytical data, a historical release of fertilizer (nitrate) in the groundwater at the Property was reported to IDEM on July 30, 2024 by AEC on behalf of Keystone and was assigned Emergency Response Incident No. 113645. See IDEM's Emergency Response Incident Report dated July 30, 2024 (VFC #83678304). See also **Exhibit 7**. By letter dated September 12, 2024, IDEM assigned the Property State Cleanup Site No. 0001257 and required Keystone to provide IDEM with an Initial Site Investigation Report within 90 days of its letter (VFC #83703729). An Initial Site Investigation Report was submitted to IDEM by AEC on behalf of Keystone on October 1, 2024 (VFC #83710922).

13. Inside any building on the Property, has there ever been a spill, leak, release or discharge of hazardous substances, industrial chemicals or petroleum products into any subsurface disposal system or floor drain inside or under the building? If so, please identify:
- Where the disposal system or floor drains were located;
 - When the disposal system or floor drains were installed;
 - Whether the disposal system or floor drains were connected to pipes;
 - Where such pipes were located and emptied;
 - When such pipes were installed;
 - How and when such pipes were replaced, or repaired; and,
 - Whether such pipes ever leaked or in any way released hazardous substances into the environment.
 - The location of the spill, leak, release or discharge of hazardous substances into any subsurface disposal system or floor drain inside or under the building must also be documented on a Property map.

Response: Keystone is not aware of any spill, leak, release or discharge of hazardous substances, industrial chemicals or petroleum products into any subsurface disposal system or floor drain inside or under the buildings on this Property.

14. Has any contaminated soil ever been excavated or removed from the Property? If so, please identify:

- a. Amount of soil excavated;
- b. Location of excavation. The location of the excavation must also be documented on a Property map;
- c. Manner and place of disposal and/or storage of excavated soil;
- d. Dates of soil excavation;
- e. Identity of persons who excavated or removed the soil;
- f. Reason for soil excavation;
- g. Whether the excavation or removed soil contained hazardous substances and why the soil contained such substances;
- h. All analyses or tests and results of analyses of the soil that was removed from the Property;
- i. All persons, including contractors, with information about (a) through (h) of this request.

Response: In 1989 there was a fertilizer spill at the Property that was remediated via removal of contaminated soil, bringing in new soil, and land application of contaminated soil. Keystone is unsure how much soil was removed, the exact dates of removal, and who removed it. This spill was reported to IDEM.

15. Please provide copies of all reports, information or data related to soil, water (ground and surface), or air quality and geology/hydrogeology at and about the Property.

Response: Please see the Initial Site Investigation Report submitted to IDEM on October 1, 2024 (VFC #[83710922](#)). See also IDEM's Emergency Response Incident Report dated July 30, 2024 (VFC #[83678304](#)).

16. Please provide copies of any photographs that you may have regarding environmental conditions on the Property.

Response: Keystone does not have any photographs relating to the environmental conditions on the Property.

Your Affiliation with Other Owners, Operators or Tenants

17. Are you affiliated, either by marriage, family relationship or common business relationships, with any other owner, operator or tenant on the Property?

Response: Please see Keystone's Responses to Request No. 3.

18. Are you affiliated, either by marriage, family relationship or common business relationships, with any other persons named in the cover letter? If so, please explain the relationship in detail.

Response: Please see Keystone's Responses to Request No. 3.

19. Did you or any of the other persons named in the cover letter ever lease the Property to any person or entity? If so, please provide a list of lessees, type of business operations and time periods for each lease. Please provide contact information for the lessee if available.

Response: Keystone is not aware of any leases to any other person or entity as it relates to this Property.

20. Provide IDEM with the name(s) of any party or parties of which you are aware that are not named in the cover letter that may have information regarding the contamination or may have contributed to the contamination of the Property and any associated groundwater plume.

Response: Keystone is not aware of any other party with information regarding the contamination named in IDEM's cover letter nor any party who may have contributed to the contamination of the Property. Keystone is continuing to search for additional information related to this Property. Should additional responsive information become available, Keystone will supplement its response.

Insurance Information

21. Please list and provide copies of all casualty, liability and/or pollution insurance policies, and any other insurance contracts referencing you, the Property or facility (including, but not limited to, Environmental Impairment Liability, Pollution Legal Liability, Cleanup Cost Cap or Stop Loss Policies, Institutional Controls and Post Remediation Care Insurance). Include any and all policies providing you with liability insurance relating to the Property since you first owned and operated the Property.

Response: See the insurance policy chart attached as **Exhibit 5**. Copies of the policies Keystone has available from the listed insurance policies may be downloaded from the following link: <https://liquidfiles.psr.com/link/6ly4HrjB7cKNr86d7m8A4f>. The policies will be available for download for 30 days from the date of this response.

22. To the extent not provided in response to the question above, please list and provide copies of all insurance policies that may potentially provide you or other owners, operators or tenants with insurance for bodily injury, property damage and/or environmental contamination in connection with the Property and/or business operations.

Response: See Keystone's Response to Request No. 21. Keystone is providing herewith copies of all responsive insurance policies in its possession and agrees to supplement its response with additional policies upon receipt from the insurance carriers.

23. Identify any person or organization that required you to produce evidence of your casualty, liability and/or pollution insurance coverage for the Property, including the nature of the insurance requirement and the years when the evidence was required.

Response: At this time Keystone is not aware of any such person or organization that required it to produce evidence of casualty liability and/or pollution insurance coverage for the Property other than IDEM in this request. Keystone is continuing to search its records for responsive information and will supplement this response should additional information become available.

24. If there are any such policies of which you are aware but neither possess copies, nor are able to obtain copies, identify each such policy to the best of your ability by identifying:
- a. The name and address of each insurer and of the insured;
 - b. The type of policy and policy numbers;
 - c. The per occurrence policy limits of each policy; and,
 - d. The effective dates for each policy.

Response: See Keystone's Response to Request No. 21. Keystone has copies of the majority of the insurance policies identified on the insurance policy chart provided. For those that Keystone does not have complete copies of the policies, Keystone has secondary evidence of the policies' existence. Should Keystone come into possession of additional responsive policies, Keystone will supplement its response.

25. Identify all insurance brokers or agents who placed insurance for you or other owners, operators or tenants of the Property, and identify the time period during which such broker or agent acted in this regard.

Response: Daseke Insurance Agency placed Commercial General Liability and Commercial Liability Umbrella policies for Keystone generally from 1980 to 2006. Daseke has been voluntarily dissolved since December 26, 2007. After 2006, Keystone obtained its Commercial General Liability and Commercial Liability Umbrella directly through the insurance carriers. Keystone obtained its pollution liability insurance policies through Agri Insurance Exchange and Risk Retention Group independently and through its own recourses as an agricultural cooperative. Keystone is searching for additional information related to its policies prior to 1980 and will supplement this response should responsive information become available.

26. Identify all previous settlements by you or other owners, operators or tenants of the Property with any insurer which relates in any way to environmental liabilities on the Property, including:
- a. The date of the settlement;
 - b. The scope of release provided under such settlement;
 - c. The amount of money paid by the insurer pursuant to such settlement.

Provide copies of all such settlement agreements.

Response: The response to this request contains confidential information which, pursuant to Indiana Code 5-14-3-4(a)(5), **may not be disclosed by IDEM**. Furthermore, Keystone requests that IDEM, pursuant to Indiana Code 5-14-3-6, separate such disclosable material in this response from the non-disclosable information attached hereto at **Exhibit 6** and marked as “**Confidential Financial Information.**”

Keystone has not settled with any other owner, operator or tenant of the Property or their insurers related to the environmental liability named in IDEM’s cover letter.

27. Identify all communications and provide copies of all documents that evidence, refer, or relate to claims made by you or on your behalf, or by any other owner, operator or tenant under any insurance policy which relates in any way to environmental liabilities on the Property. Include any responses from the insurer with respect to any claims.

Response: Keystone submitted a Notice of Claim (“Notice”) for this Property to the following insurance carriers on July 30, 2024: Travelers Insurance Company (“Travelers”), Berkley Insurance Company (“Berkley”), Chubb Group of Insurance Companies (“Chubb”), Agri Insurance Risk Exchange (“Agri”) and Grain Dealers National Mutual Fire Ins. Co. (“Grain Dealers”). On August 9, 2024, supplemental notice was provided to Chubb, Travelers, and Agri. See copies of these communications attached hereto as **Exhibit 7.**

Responses have not yet been received from any of the insurance carriers put on notice. Keystone will supplement this response as needed upon the receipt of responses from the carriers.