



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

Eric J. Holcomb
Governor

Bruno L. Pigott
Commissioner

April 7, 2020

CERTIFIED MAIL 7017 2400 0753 1650

Recycling Services of Indiana, Inc.
c/o Gary L. Wade, Registered Agent
825 Fayetteville Williams Rd
Williams, IN 47470

CERTIFIED MAIL 7017 2400 0000 0753 1643

Recycling Services of Indiana, Inc.
c/o Gary L. Wade
1202 Breckenridge Rd
Bedford, IN 47421

CERTIFIED MAIL 7017 2400 0000 0753 1636

General Motors, LLC
c/o Corporation Service Company, Registered Agent
135 North Pennsylvania Street, Suite 1610
Indianapolis, IN 46204

Dear Messrs/Mmes:

Re: Notice of Liability and Information Request

Recycling Services of Indiana, Inc. Site
4635 Peerless Road, Bedford, Lawrence
Bedford, Lawrence County
Parcel #47-03-28-400-030.000-006
State Cleanup #7100221

This letter serves to notify you of the potential environmental liability that Recycling Services of Indiana, Inc. (RSI) and General Motors, LLC (GM) may have incurred with regard to the property located at 4635 Peerless Road in Bedford, Lawrence County, Indiana (Property), including all areas to which contamination has migrated (collectively referred to as the Site). The Property is depicted generally on the map included as **Attachment A**. The Indiana Department of Environmental Management (IDEM) has determined that a release or threatened release of a hazardous substance, as defined under IC 13-25-4 and pursuant to Section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) 42 U.S.C. 9601, has occurred at the Property.

IDEM has determined that the entities listed above are Potentially Responsible Persons (PRPs) as defined under Indiana Code (IC) 13-11-2-192. A Responsible Person is liable, pursuant to IC 13-25-4-8, as well as Section 107(a) of CERCLA at 42 U.S.C. 9607(a), and

pursuant to 329 IAC 10-4-4(b), for conducting all necessary Response Actions, defined under IC 13-11-2-189, and for all costs incurred as a result of releases or threatened releases into the environment. Costs incurred include those past and future costs associated with IDEM's investigation and oversight of Site-related releases.

IDEM's determination is based on an investigation conducted to identify current owners of the Property and current operators of the facility at the Property; to identify those persons who by contract, agreement, or otherwise arranged for disposal or treatment, or arranged with a transporter for transport for disposal or treatment of hazardous substances owned or possessed by such person, by any other party or entity at any facility owned or operated by another party or entity that contains such hazardous substances; and to identify those Responsible Persons under IC 13-25-4-8 who contributed to waste pursuant to IC 13-30-2-1 and 329 IAC 10-4-4 at the Open Dump, defined under IC 13-11-2-146, at the Property.

This Notice serves the following basic functions:

- 1) Provides general and Site-specific information to assist you in your consideration of your potential liability;
- 2) Serves as an official request for information;
- 3) Serves as a demand for the implementation of response actions; and
- 4) Serves as a formal demand for reimbursement of IDEM's costs incurred to date in investigating this Site and for reimbursement of costs that IDEM will incur in the oversight and administration of the Site.

BACKGROUND

1. A deed review conducted at the Recorder's Office of Lawrence County, Indiana identifies RSI as the current owner of the Property. RSI has owned the Property since August of 2015 and operated an aluminum processing plant there until it ceased operations on or around October 18, 2019. GM owns and operates an aluminum die casting facility at 105 GM Drive in Bedford, Lawrence County, Indiana that produces transmission casings, converter heads and small block engines.
2. RSI entered into agreements, known as "toll process agreements," with GM and with other similar entities. GM, and the other entities, would provide RSI with waste streams generated at its facility. RSI would then process each individual waste stream, using specialized equipment, into a product known as SOW or ingots for a fee (or toll).
3. The waste streams provided to RSI remain on the property of RSI and must be kept separate from all other generator's waste streams. This separation is necessary in order to assure that the end product meets each generators' specifications as the aluminum in each

generator's waste stream varies in its makeup. Therefore, the piles of waste belonging to each generator remains as inventory for that generator at the Property.

4. The toll process arrangement is an on-demand service. The waste streams shipped to RSI that were not immediately processed remain stored on RSI's site as inventory. The generator contacts RSI when it needs SOW or ingots made from its specific inventory at RSI. During operations, RSI provided GM with a monthly report showing the volume of GM inventory at RSI's facility.
5. RSI also generated a waste stream as a result of the processing of the waste streams to make the SOW or ingots. The process included adding sodium to the waste streams while in the furnace, to create a crust to keep the metal hot, and to bring impurities present in the molten aluminum to the surface. That crust was raked from the top of the molten aluminum while in the furnace and is referred to as "salt cake." (GM also generates such a waste that is referred to as dross and is one of the waste streams provided to RSI for processing). Additionally, a baghouse at the property collected the particulate created by the melting process. This resulted in a waste stream generated at RSI referred to as "baghouse dust."
6. Salt cake and baghouse dust were originally disposed of by RSI at Rumpke, a permitted solid waste landfill. RSI was able to keep up with the disposal of wastes generated at the Property until the waste streams generated by GM and provided to RSI began containing less aluminum (such as a sand waste stream having no aluminum) and less aluminum meeting GM specifications. This created a much higher percentage of waste to product for GM's waste streams at the Property.
7. A compliance inspection was conducted by IDEM's Office of Water Quality (OWQ) at RSI on June 5, 2019 (VFC #82803653). That inspection was performed in order to assess compliance with RSI's storm water permit, and with RSI's implementation of its Storm Water Pollution Prevention Plan (the Plan). Upon its implementation, the Plan is designed to result in minimizing concentrations of pollutants in storm water at the Site and should result in less pollutants in storm water discharge each year as the steps in the plan are implemented. Due to the increase in GM waste pile inventory at the Property, the pollutants in the storm water increased each year. During a follow-up inspection on January 8, 2020 (VFC #82893582) leachate from the piles of GM waste inventory was observed moving through gullies and ditches on the Property created by erosion, and discharging into Gullet Creek that runs alongside the Property border. Gullet Creek runs into Salt Creek downstream, not far from the Site.
8. An inspection was also conducted by IDEM's Office of Land Quality (OLQ) on October 16, 2019 (VFC #82854413) as a result of complaints from the local community regarding operations at the Property. IDEM learned at that time that processing operations at the RSI Property were shutting down.

9. The GM waste stream inventory remains at the Property. The processing facility ceased operations is no longer processing the inventory. Therefore, GM's inventory is solid waste. The solid waste has been deposited directly on the ground and is uncovered. This deposition of solid waste at the Property has resulted in the disposal of waste at a site that is not a permitted solid waste disposal facility and has resulted in releases to the environment.
10. When the temperature of the dross/salt cake increases (through ambient temperature or by compression in piles), or when the dross/salt cake is mixed with liquid (such as storm water flowing through uncovered piles), an exothermic reaction can occur. Such a reaction releases heat, ammonia, hydrogen and sulfur gases. IDEM inspectors report hearing "crackling and popping" sounds coming from the dross/salt cake piles on the Property during inspections indicating the occurrence of a chemical reaction in the waste piles. In addition, concentrations of ammonia emanating from the dross/salt cake piles are high enough that it was irritating to the eyes, throat and nasal passages of the inspectors. IDEM has documented levels of ammonia exceeding water quality standards discharging to Gulleets Creek through storm water run-off.
11. During the inspection on January 13, 2020 (VFC #82904376) the inspectors observed bright blue leachate in puddles surrounding some of the waste piles indicating a chemical reaction taking place within the waste piles.

IDEM has established an administrative record of the documents and information that serve as the basis for IDEM's determination of liability for each PRP. IDEM will also include additional relevant information that it receives in the record. The record may be found on the Virtual File Cabinet (VFC) at <https://vfc.idem.in.gov/> under State Cleanup Program Site Number 7100221, Solid Waste Program ID # INX000032698 and IDEM Agency Interest # 12013.

INFORMATION REQUEST

This Notice is also an official request for information pursuant to IC 13-25-4-5(b). IDEM is seeking to obtain additional information concerning the generation, characterization and volume of each waste stream that was arranged to be transported, treated, processed and/or disposed of at RSI by GM and by RSI. The applicable time period for responses is from August of 2015 through October of 2019. IDEM is aware of other arrangers who provided by-products and waste streams under Toll Processing Agreements to RSI from time to time. RSI has indicated that no inventory remains on the RSI Property from other arrangers, and that only GM waste streams inventory and waste streams generated at RSI using GM inventory remain at the Site. If GM has information indicating otherwise, such information may be provided as part of GM's response to the information request.

To assist IDEM in determining the nature and extent of the contamination at the Site, **you are legally required**, under IC 13-25-4-5 to furnish IDEM with any information that you may have relating to the waste characterizations of all waste streams provided to RSI. **Failure to respond**

to this information request is a violation of Indiana environmental management laws and could subject you to civil penalties under IC 13-30-4.

The information requested must be provided to IDEM at the address below within 30 days. This time period commences three days after the date of this letter. If any of the required information cannot reasonably be provided within 30 days, you must submit a written request for an extension of time not to exceed 30 additional days. The request must be received by IDEM prior to the initial deadline and it must include an explanation regarding why you are unable to provide the information within the initial period. IDEM will not approve extensions that are not received in a timely manner. Verbal requests are not acceptable. Written requests may be e-mailed to the assigned Project Manager (PM) listed below.

DEMAND FOR RESPONSE ACTIONS

This Notice is an official demand for the PRPs to undertake response actions with respect to the release or threatened release of hazardous substances on the Property. Such response actions include: the cleanup and/or removal of released hazardous substances into the environment, actions for the disposal of the removed material, and any actions necessary to prevent, minimize or mitigate damage the public health or welfare and to the environment. **The PRPs shall undertake such response action in accordance with the provisions, including the scheduling provisions, of the Statement of Work (SOW) provided in Attachment C. PRPs shall submit work plans and reports for IDEM's approval according to the timelines provided in the SOW.**

FAILURE TO MEET DEADLINES

IDEM has a number of actions it may take if PRPs fail to submit the requested information or complete the response actions as outlined in the attached SOW. Those actions include, but are not limited to, the following:

- 1) Seek a Commissioner's Order pursuant to IC 13-25-4-9, and/or IC 13-14-2, compelling PRPs to undertake appropriate response actions;
- 2) Perform investigation(s) pursuant to IC 13-25-4-6 to determine the extent of contamination, and implement actions necessary to remediate the Site pursuant to IC 13-25-4-9(a). PRPs must reimburse IDEM for all response costs incurred by IDEM, pursuant to IC 13-25-4-8 and IC 13-25-4-10; and
- 3) Refer the Site to the U.S. EPA for performance of an emergency response action and possible listing as a Superfund site on the National Priorities List, pursuant to CERCLA § 105, 42 U.S.C. 9605.

DEMAND FOR REIMBURSEMENT

IDEM has spent public funds in conducting the investigation of this Site, and will continue to spend public funds in overseeing response actions at this Site. IDEM demands reimbursement of its costs incurred to date, and of its future costs to be incurred in the oversight and administration of response actions at this Site. IDEM oversight costs to be paid by PRPs will include costs associated with site specific review of environmental investigation, remediation, and closure documentation, including site visits, data collection, meetings, technical review, and legal review.

IDEM oversight costs will be billed on a monthly basis at a rate of \$75 per hour. PRPs shall pay IDEM project oversight costs to the Hazardous Substances Response Trust Fund as provided in IC 13-25-4-2, and shall pay in full before receiving No Further Action status from IDEM for this Site. Failure to pay these costs within 90 calendar days from the initial due date shown on the invoice may result in IDEM pursuing legal action through the Office of the Indiana Attorney General to compel payment of outstanding project oversight costs. The oversight cost hourly rate may change. IDEM will provide PRPs with 60 days advance notice of any change in the oversight cost hourly rate.

In the event that you declare bankruptcy after you receive this Notice, you must include IDEM as a creditor and provide notice of the bankruptcy to IDEM, because IDEM has a potential claim against you. IDEM reserves the right to file a proof of claim or an application for administrative expenses in any bankruptcy proceedings.

If you own the Property, you must notify IDEM of any transfer (voluntary or involuntary) of ownership in the Property (excluding mortgages or liens). You must notify IDEM within 30 days of the transfer and include: (a) a copy of the instrument conveying any interest in any portion of the Property (e.g. deed); and, (b) the name and business address of the transferee. If you are a business entity (e.g. a corporation or LLC), you must notify IDEM of any transfer of ownership in the business entity. You must notify IDEM within 30 days of the transfer and include a description of the nature of the transfer and the name and business address of the new or additional owners of the business entity.

Some or all of the costs associated with this Notice may be covered by current or past insurance policies that were in effect at the time of ownership of the Site or during the period of operation of the facility by the PRP or its predecessor companies. Most insurance companies require notice to the carrier of a claim in a timely manner based upon receipt of this Notice. To evaluate whether you have coverage, you may want to review current and past policies. Coverage depends on many factors such as the language of the policy and which state's laws will apply. **Not having insurance or not having coverage under a policy does not prevent you from being a PRP responsible for all response actions. Furthermore, IDEM will not excuse delays associated with third parties, such as delays caused by negotiations between a PRP and its insurance carriers.**

DEFENSES/EXCEPTIONS TO LIABILITY

A PRP who believes it has a valid defense under IC 13-25-4-8(a) and CERCLA § 107(a), 42 U.S.C. 9607(a), or that it meets exceptions to liability under IC 13-25-4-8, and/or CERCLA § 107, 42 U.S.C. 9607, and/or meets the definition of a Bona Fide Prospective Purchaser (BFPP) pursuant to CERCLA § 101(40), 42 U.S.C. 9601(40), must submit a written briefing regarding the defenses and exceptions that the PRP is claiming, along with all supporting documentation, to the IDEM attorney listed below within 60 days after the date of this Notice. If IDEM determines that no legitimate defense or exception has been demonstrated, IDEM may issue a Commissioner's Order to compel the PRP to undertake response action with respect to the Site pursuant to IC 13-25-4-9, and IC 13-14-2.

NO FURTHER ACTION LETTER

A person who implements or completes an approved hazardous substance response action may not be held liable for claims or for contribution from third parties concerning matters addressed in the hazardous substance response action, pursuant to IC 13-25-4-27. This statutory immunity from liability will be provided to you in a No Further Action letter upon approved completion of the remediation.

IDEM CONTACTS

IDEM State Cleanup Project Manager Contact

Responses to Information Requests and general technical documents are to be submitted to the PM's mailing address below. Any technical questions, clarifications and requests for meetings to discuss technical issues (please indicate whether an attorney will be present) should be directed to the PM at:

Indiana Department of Environmental Management
Office of Land Quality
State Cleanup Section, Attn: Kenneth C. McDaniel
100 North Senate Avenue, IGCN, Room 1101
Indianapolis, Indiana 46204-2251
317-691-6370
kmcdanie@idem.in.gov

IDEM Office of Legal Counsel Contact

Written briefing regarding defenses and exceptions to liability that the PRP is claiming, other legal documents and general legal questions shall be directed to the Office of Legal Counsel attorney assigned to this matter at:

Indiana Department of Environmental Management
Office of Legal Counsel
Attn: Lisa McCoy
100 N. Senate Avenue, 13th Floor
Indianapolis, IN 46204
317-233-2355
lmccoy@idem.in.gov

or

Indiana Department of Environmental Management
Office of Legal Counsel
Attn: Sarah Sharpe
100 N. Senate Avenue, 13th Floor
Indianapolis, IN 46204
317-234-2223
ssharpe@idem.in.gov

Please note that the options, legal authorities, and remedies identified in this letter are not exclusive, and IDEM reserves the right to take any action it deems necessary to protect human health and the environment. Any of the IDEM personnel identified in this letter may be reached toll-free by calling (800) 451-6027, pressing 0, and asking for that person.

Sincerely,



Ryan L. Groves, Chief
State Cleanup Section
Office of Land Quality

RLG/KM/sb

ATTACHMENTS:

Attachment A - Property Map

Attachment B - Information Request

Attachment C - Response Actions Statement of Work

ec: IDEM Site # 7100221

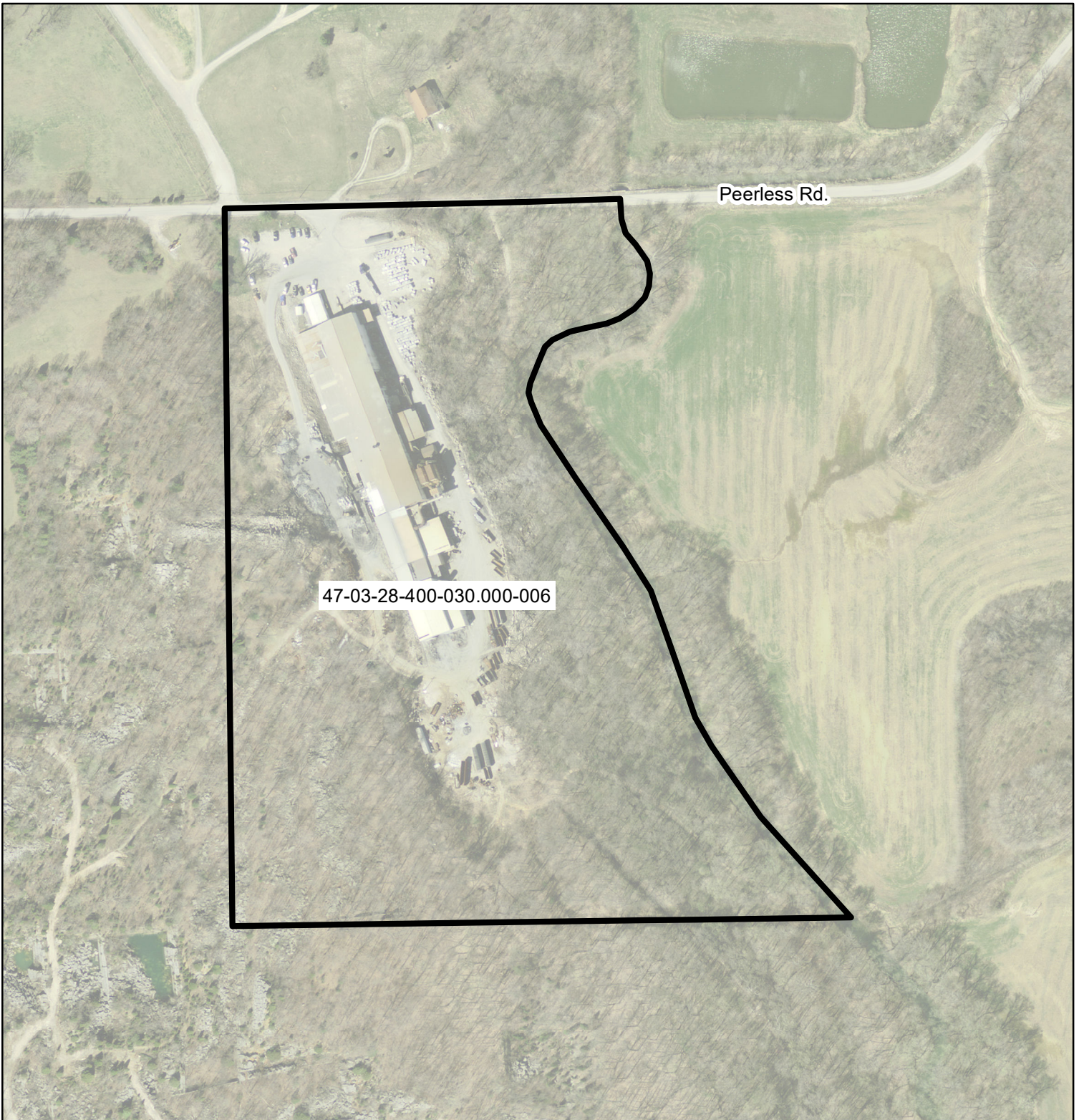
Kenneth C. McDaniel, IDEM State Cleanup Section

Lisa McCoy, IDEM Office of Legal Counsel

Sarah Sharpe, IDEM Office of Legal Counsel

Lawrence County Health Department, 2419 Mitchell Road, Bedford, Indiana 47421

**Attachment A - Property Map (IDEM State Cleanup Site # 7100221)
4635 Peerless Rd, Bedford, IN (Recycling Services of Indiana Inc.)**



Mapped By: Shane Moore, IDEM, Office of Land Quality, Science Services Branch, Engineering and GIS Services, April 6, 2020

Parcel IDs: 47-03-28-400-030.000-006

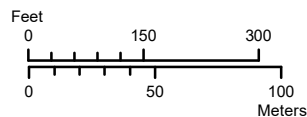
Source Info: 2011-2013 Statewide Orthophotography Program

Parcel Data obtained via IDHS
Data verified via
<https://lawrencein.elevatemaps.io>

PLSS Info: Section 28, T6N, R1W
Marshall Township

Properties: 4635 Peerless Rd
Bedford, IN

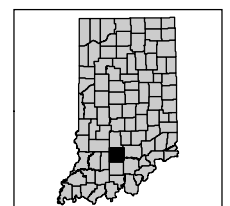
Disclaimer: This map is intended to serve as an aid in graphic representation only. This information is not warranted for accuracy or other purposes.



Project Area



Lawrence County



ATTACHMENT B
INFORMATION REQUEST

Arranger/Generator

TIMEFRAME INVOLVED FOR RESPONSE TO QUESTIONS

The time frame for responding to the questions is from August 2015 through October 18, 2019.

DEFINITIONS

The following definitions shall apply to the following terms as they appear in the information request:

“Agreement” - means every separate contract, transaction, or invoice, whether written or oral.

“And” and *“or”* - shall be construed either disjunctively or conjunctively, as necessary, to bring within the scope of this request any information which might otherwise be construed to be outside its scope.

“CERCLA” - shall mean the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. §§ 9601-9675 and IC 13-25-4 et seq.

“CWA” - shall mean the Clean Water Act (the Federal Water Pollution Control Act), 33 U.S.C. §§ 1251 et seq.

“Disposal” - shall mean the discharge, deposit, injection, dumping, spilling, leaking, or placing of any hazardous substance into or on any land or into any state water so that such hazardous substance or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters.

“Documents” - includes any written, recorded, computer-generated, or visually or orally reproduced material of any kind in any medium in Respondent’s possession, custody, or control, or known by Respondent to exist, including originals, all prior drafts, and all non-identical copies.

“Environment” - shall have the same definition as that contained in Section 101(8) of CERCLA, and includes (A) the navigable waters, the waters of the contiguous zone, and the ocean waters of

which the natural resources are under the exclusive management authority of the United States under the Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C.A §§ 1801 et seq., and (B) any other surface water, ground water, drinking water supply, land surface or subsurface strata, or ambient air within the United States or under the jurisdiction of the United States.

“Hazardous Substance” or *“Hazardous Substances”* - shall have the same definition as that contained in Section 101(14) of CERCLA and in IC 13-11-2-98, and includes any mixtures of such hazardous substances with any other substances, including mixtures of hazardous substances with petroleum products or other nonhazardous substances.

“IDEM” - means the Indiana Department of Environmental Management.

“Identify” - means:

- a. With respect to a natural person, state: (a) the person's full name; (b) present or last known business and home addresses, telephone numbers, and email addresses; and (c) present or last known employer (include full name and address) with title, position or business.
- b. With respect to a corporation, partnership, or other business entity (including a sole proprietorship), the term “identify” means to provide its full name, address, and affiliation with the individual and/or company to whom/which this request is addressed.

“Out of Spec Materials” - means by-products or waste streams of any kind generated at Respondent’s Facility that were transported or ended up at the Site and that contains aluminum that does not meet GM specifications.

“Person” - shall have the same definition as that contained in Section 101(21) of CERCLA and includes an individual, firm, corporation, association, partnership, consortium, joint venture, United States Government, State, municipality, commission, political subdivision of a State, or any interstate body.

“Product” - means the SOW or aluminum ingots produced by RSI by processing of GM’s Wastes.

“Release” - shall have the same definition as that contained in Section 101(22) of CERCLA and in IC 13-11-2-184(d), and includes any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including but not limited to the abandonment or discharging of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant.

“Respondent” - shall mean General Motors Corporation, LLC’s Bedford Casting Operations, d/b/a GM Powertrain and located at 105 GM Drive, in Bedford, Lawrence County, Indiana. .

“Respondent’s Facility” - shall mean the aluminum die casting plant located at 105 GM Drive in Bedford, Lawrence County, Indiana producing transmission casings, converter housings, heads and small engine blocks.

“Respondent’s Specifications” - shall mean the acceptable standards and requirements that GM required of its end product and of the end product made by RSI for GM.

“RSI” - shall mean Recycling Services of Indiana, Inc., an Indiana corporation that owned and operated an aluminum processing plant located at 635 Peerless Road in Bedford, Lawrence County, Indiana.

“Site” - shall mean the real property located at 4635 Peerless Road in Bedford, Lawrence County, Indiana, as shown on Attachment A of the Notice of Liability letter, and shall have the same definition as “Facility” contained in Section 101(9) of CERCLA, and in IC 13-11-2-2(f) and includes (A) any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, or aircraft, or (B) any site or area where a hazardous substance has been deposited, stored, disposed of, or placed, or otherwise come to be located; but does not include any consumer product in consumer use or any vessel.

“Transporters” - shall mean persons who picked up Material and Waste streams from Respondent’s Facility and transported it to the Site.

“Treatment” and *“Processing”* - shall mean any method or technique designed to change the physical, chemical, or biological character or composition of any material and/or hazardous substance or separation of some wastes generated from others so as to render such material and/or hazardous substance nonhazardous, safer for transport, amenable for recovery, amenable for storage, or reduced in volume.

“Wastes” or *“Waste Streams”* - shall mean the by-products and/or waste streams of any nature generated at the Respondents’ Facility that were transported to the Site, including all waste streams put into categories that 1) contained aluminum; 2) that did not contain aluminum sufficient to be processed; 3) that contained aluminum that did not meet GM specifications; 4) that contained sufficient aluminum meeting GM specifications for processing.

RESPONDENT'S OPERATIONS

1. Provide a schematic diagram or flow chart that fully describes and/or illustrates the Respondent's operations and processes at its Bedford, Indiana facility that generated waste streams that ended up at the Site.
2. Provide a brief description of the nature of Respondent's operations at the Bedford, Indiana plant or facility that generated the materials that ended up at the Site and the raw materials used in such operations.
3. When did Respondent begin to conduct business with RSI? When did it cease transporting or having waste streams transported to RSI?
4. Provide copies of all contracts, agreements, waste logs, journals, notes, e-mails or any other written material related to your transactions with RSI regarding each of the waste streams identified in your responses to questions 5 and 6.

RESPONDENT'S MATERIAL HANDLING, STORAGE AND TRANSPORTATION OF WASTE STREAMS INVOLVED

5. For each waste stream generated at Respondents' facility that was transported to the Site, provide the following information:
 - a. Reference Name;
 - b. Waste Characterization;
 - c. MSDS; and
 - d. Approximate monthly and annual volumes of each Material transported to the Site.
6. Describe how Respondents manage, store, or dispose of the Waste Streams or Wastes that ended up at the Site prior to leaving Respondent's Facility.
 - Describe how the Wastes were managed and stored after generation;
 - Describe the length of time the Waste were stored at Respondent's facility;
 - Identify the individual(s), and his/her position, responsible for managing, storing and preparing the Wastes for transport to the Site.
 - Describe the containers used for transporting the Wastes to the Site and any placards necessary for such transportation.
7. Were the Waste Streams or Waste physically or chemically subject to any processing prior to transport from the GM facility to the Site? Was anything separated from the Waste or Waste Stream generated at Respondent's facility prior to transport to the RSI Site? If

Waste Streams were processed in any way prior to transport, explain the processing that was done to the Waste Stream and the purpose for such processing.

8. Was anything added to a Waste after it was generated at the Respondent's facility before being transported to the Site? If so, explain.
9. Who was responsible at GM for arranging the transportation of Waste to the Site? Who was the Transporter?
10. Were manifests used to document the transport of any of the Wastes to the Site? If so, provide the manifests. If not, explain why manifests were not necessary. How was the volume of the Waste determined and what measurement(s) were used prior to or upon receipt at the RSI Site? Were any special accommodations required due to reactivity of any of the Waste Streams? If so, describe the accommodations required. Were placards required for the transporter? If so, what placards were used?

TRANSACTIONAL DOCUMENTS

11. For each Waste Stream generated by GM and transported to the Site, provide all agreements, instructions, directions, contracts, correspondence or other documentation regarding arrangements made for the storage, processing, and disposal of Respondent's Waste Streams prior to any processing of the Waste Stream at RSI. Provide the same documentation for any waste streams generated at RSI using GM's Waste Streams.
12. Explain the process for determining the amount of the fee paid by GM to RSI for the processing of its waste streams and the criteria used for determining such amount. Explain how the cost of disposal for waste generated at RSI when processing GM Waste factored into the amount of the fee paid. Please provide any records demonstrating fees paid, negotiations regarding the same and contracts that resulted from such agreements. Provide any documentation memorializing the costs and payment for each Waste stream provided to RSI. This may be submitted as Confidential Business Information if it meets such requirements.
13. Did Respondents provide documentation of the characteristics of its waste for storage and disposal purposes? If so, please provide any documentation provided to RSI regarding the makeup and characterizations of GM's Wastes that were stored, processed and disposed of at the Site.
14. Did RSI provide Respondent with monthly reports regarding the volume of GM Waste Inventory at the Site? If so, what did GM use to determine the amount of inventory needed at RSI. What was GM's plan for utilizing the inventory of waste at RSI?
15. Please provide the following: All tests, analyses, analytical results and manifests concerning the makeup of the Waste Streams involved in each transaction. Include information regarding who conducted the test and how the test was conducted (batch sampling, representative sampling, splits, composite, etc.)

16. Did RSI ever communicate to or otherwise inform Respondent that the Wastes provided by GM could not be processed for making Product? If so, what were GM's instructions to RSI for managing its Waste Stream Inventory?
17. Provide any correspondence or other communications between Respondent and RSI regarding what Respondent and/or RSI planned to do with the Waste Inventory, such as the Sand, that could not be processed into Product.

OPERATIONS AT THE SITE

18. Identify and describe, and provide all documents that refer or relate to the following:
 - a. Respondents' knowledge of the storage, handling, processing and disposal of its waste stream inventory at RSI and waste streams generated at RSI by processing of GM waste streams.
 - b. Did Respondent conduct any inspections at the Site? If so, how many times and when did Respondent travel to the Site to inspect. Explain the details of the visit, who Respondent met with, and the nature of the visit.
 - c. What involvement (if any) did Respondent have in selecting the particular means and method of disposal of waste or Wastes at the Site?
19. What efforts, if any, did Respondent take to investigate the nature of the operations conducted at the Site and the environmental compliance of the Site prior to transferring, delivering, disposing of, or arranging for the treatment or processing of any of the Waste Streams.
20. Provide names, addresses, telephone numbers, and email addresses of any individuals, including former and current employees, who may be knowledgeable of Respondent's operations and practices concerning the handling, storage, processing and disposal of GM Waste Streams and Waste at the Site.

ATTACHMENT C

RESPONSE ACTIONS STATEMENT OF WORK

1. Potentially Responsible Parties (PRPs) shall designate a project manager responsible for overseeing the implementation of the work required by this Response Actions Statement of Work (SOW) and notify IDEM, in writing, of its decision within thirty (30) days of the date of the Notice Letter. PRPs shall also notify IDEM, in writing, of the name, title, and qualifications of all qualified persons and of any contractors to be used in carrying out the terms of this SOW. All Response Action (the “Work”) to be performed by PRPs pursuant to this SOW shall be performed under the direction and supervision of qualified person(s) with expertise in hazardous substance site investigation and remediation.
2. All Work performed and documents submitted shall be in accordance with all applicable laws, regulations and with IDEM’s Remediation Program Guide (RPG) and Remediation Closure Guide (RCG), found online at <https://www.in.gov/idem/cleanups/2329.htm>, and their respective subsequent versions. Any Work that varies from, or is inconsistent with the applicable guidance must be demonstrated by the PRPs to be consistent with the remediation objectives of IC 13-25-5-8.5.
3. All work plans and reports related to the practice of geology required by this SOW shall be designed and implemented under the direction and supervision of a Licensed Professional Geologist (LPG) licensed in Indiana with expertise in hazardous substance site investigation and remediation. If the Work requires a designed remediation system or engineered barrier, the work will be done under the direction and supervision of a Professional Engineer (PE) with expertise in hazardous substance site investigation and remediation.
4. PRPs shall use quality assurance, quality control, and chain of custody procedures for any environmental data field collection and laboratory analysis. The PRPs shall incorporate required elements of a Quality Assurance Project Plan (QAPP) into any required work plan or sample collection and analysis. QAPP elements to be incorporated in a work plan or sample collection activity shall be in accordance with the following:
 - a. The QAPP elements shall detail the standard operating procedures to be employed to collect and analyze data. The QAPP shall also document the systematic process that will be used to ensure and verify the quality of the data collected. At a minimum, the QAPP shall include the following:
 - b. A description of project management structure and key personnel.
 - c. A written Conceptual Site Model, including background and history of the Facility.
 - d. Specific procedures for collecting historical operational documents and records.
 - e. Goals and objectives for data collection and analysis.

- f. The project sampling process design.
 - g. Specific methods and procedures that will be utilized for collecting environmental data.
 - h. Data quality objectives and measurement performance criteria.
 - i. The standard procedures for sample handling that will be used during the Work.
 - j. Analytical methodologies and laboratory quality control procedures.
 - k. Project specific quality assurance responsibilities and procedures.
 - l. Data management procedures.
5. PRPs shall provide IDEM's Project Manager a minimum of fourteen (14) days of notice prior to conducting sampling and analysis under this SOW, unless emergency conditions prohibit such notice or shorter notice is agreed to by IDEM in writing. To provide quality assurance and maintain quality control of field sample collection and laboratory analysis, the PRPs shall do the following:
 - a. Ensure that all sampling and analyses are performed according to U.S. EPA SW 846 methods, the QAPP elements included in specific IDEM approved work plans, or other methods deemed satisfactory by IDEM.
 - b. Ensure that any laboratories used by the PRP for analyses participate in a documented Quality Assurance/Quality Control program that complies with U.S. EPA guidance documents. As part of such a program, and upon request by IDEM, arrange for the laboratories to perform analyses of samples provided by IDEM to demonstrate the quality of analytical data for each such laboratory.
 - c. Ensure that data quality objectives, sample analysis methodologies and field screening methodologies allow sampling and analysis to achieve screening and investigation goals. This includes ensuring that laboratory detection limits are at least as stringent as the most current residential screening levels in Appendix A of the RCG, unless less stringent detection limits are approved by IDEM upon request of the PRP.
 - d. Ensure that all laboratory data submittal packages include the information necessary to meet IDEM's minimum data documentation requirements. These requirements can be found in Table 3-A of the RCG, found on-line at <https://www.in.gov/idem/cleanups/2329.htm>, and are incorporated by reference into this SOW.
 - e. Maintain and submit to IDEM detailed sample collection field sheets and field notes.
 - f. Upon IDEM's request, perform confirmatory sampling for specified contaminants.
6. Sampling results submitted shall include a digital copy, formatted in accordance with the Electronic Data File Submittal Requirements which can be found on-line at <http://www.in.gov/idem/landquality/2369.htm> and are incorporated by reference into this SOW. Sampling results shall also be submitted to olqdata@idem.in.gov.

7. IDEM may reject, require re-sampling, and/or require that the PRPs utilize a different laboratory if any data gathered is not consistent with the requirements listed in Paragraphs 4 through 6.
8. PRPs shall make the results of all sampling, including raw data, and/or tests or other data generated by PRPs, or on PRPs' behalf, available to IDEM. PRPs shall not make any claim of confidentiality or privilege with respect to analytical data generated.
9. Upon IDEM's request, PRPs shall provide to IDEM and/or its authorized representative the opportunity to split or duplicate any samples collected by the PRP pursuant to the implementation of this SOW.
10. PRPs shall submit the following plans and reports to IDEM:
 - a. Initial Site Investigation Report
 - b. Quarterly Progress Reports
 - c. Further Site Investigation (FSI) Proposed Work Plan
 - d. FSI Report
 - e. FSI Work Plan Addendum
 - f. FSI Report Addendum
 - g. Remediation Work Plan (RWP)
 - h. RWP Implementation/Completion Report
11. Reports and plans submitted to IDEM in accordance with Paragraph 10 of this SOW shall satisfy the following requirements:
 - a. Waste Removal Action Plan
 - i. The goal of the plan will be to evaluate and determine an appropriate procedure and timeline for the removal of all foundry sand, aluminum dross, baghouse dust and all other solid waste from the facility to an appropriate permitted waste facility
 - ii. The plan should determine a procedure for documenting waste disposal and confirmation sample collection necessary
 - b. Initial Site Investigation (ISI) Report
 - i. The goal of the ISI Report is to provide a screening level assessment of soil, ground water, surface water, sediment or soil gas contaminant sources, preferential pathways of contaminant migration, contaminant extent and exposure pathway evaluation.
 - ii. The ISI Report shall follow the outline included in Appendix A of the Risk Integrated System of Closure (RISC) User's Guide, IDEM Non-Rule Policy Waste-0046.
 - iii. The ISI Report shall include any previously collected or historically collected environmental data such as, but not limited to:

1. Phase I Environmental Site Assessments
 2. Phase II Environmental Site Assessments
 3. Data collected under an environmental permit
 4. Past release reports and data
 5. Data collected during disposal of a solid or hazardous waste
- c. Quarterly Progress Reports.
- i. At a minimum, with respect to the preceding quarterly period, these reports shall:
 1. Describe the actions that have been taken to comply with this SOW during the preceding period.
 2. Include all results of sampling, tests, and all other data collected or received by the PRP concerning the Site.
 3. Describe any work planned for the next reporting period.
 4. Describe all problems encountered, any anticipated problems or delays and the solutions developed to address the problems or delays.
- d. Further Site Investigation (FSI) Work Plan
- i. The goal of the FSI Work Plan shall be to determine the complete nature and location of contaminant releases and source areas, delineate the extent of contamination in soil, ground water, soil gas/indoor air, surface water and sediment to the IDEM RCG residential screening levels or other IDEM approved site specifically derived screening levels.
 - ii. At a minimum, the FSI Work Plan shall:
 - a. Specify the objectives for the investigation and delineation of the extent and migration of hazardous waste, hazardous substances or hazardous constituents, petroleum, petroleum substances or constituents.
 - b. Be based on background levels of contaminants that occur naturally at the Facility.
 - c. Include an assessment of risks posed by the hazardous substances of concern.
 - d. Take into consideration the expected future use of the Facility and measurable risks posed by the hazardous substances of concern and measurable risks to human health, natural resources and the environment, in accordance with IC 13-25-5-8.5.
 - e. Include the QAPP elements required in paragraph 4, above.
 - f. Include appropriate maps to document current or historic source areas, subsurface utilities or structures, proposed sample locations and any sensitive environments or receptors.
 - g. An updated Conceptual Site Model.

- e. FSI Report.
 - i. The FSI report, at a minimum, shall include the following:
 - a. A summary of historical operations, hazardous substance use and management, and potential source areas of the Facility.
 - b. An updated Conceptual Site Model, including a detailed discussion of the fate and transport of contaminants and migratory pathways of contaminants at the Facility.
 - c. An evaluation and description of subsurface geology.
 - d. An evaluation and description, including locations and depths, of subsurface utilities and drains.
 - e. Engineering survey of longitude, latitude and elevation of each soil boring, monitoring well and utility on the Facility.
 - f. A determination of ground water flow direction.
 - g. Appropriate figures depicting known or potential source areas, utilities, ground water flow direction, locations of buildings and structures, locations of all soil borings, locations of all monitoring wells, locations of any other sample locations and well construction diagrams.
 - h. Contaminant distribution maps
 - i. Geologic cross sectional maps with contaminant distribution and subsurface utilities.
 - j. 3-dimensional maps depicting vertical and horizontal contaminant distribution and fate and transport.
 - k. Sampling data summary tables.
 - l. Boring logs and ground water well construction reports
 - m. Field notes.
 - n. Laboratory analytical reports.
 - o. Historic environmental reports, Sanborn maps, city directory information, ownership records, Safety Data Sheets (SDS) sheets, hazardous substance disposal records and hazardous substance generation records.
 - p. Investigation and sampling for indoor air as indicated by sampling results in accordance with the IDEM's guidance in the applicable guidance.
 - ii. If a certain element is not applicable to complete the Work at the Facility, the completed report should indicate and provide an explanation of why that element was not included.
- f. FSI Work Plan Addendum.
 - i. If additional investigation and delineation of the nature and extent of the release of Hazardous Substances at or from the Facility is required an FSI Work Plan Addendum shall be prepared.

- ii. This work plan shall outline and detail the additional investigation that will be completed following IDEM's review and approval of the work plan.
 - iii. This document shall address the comments and concerns that IDEM indicates remain following the completion of the FSI.
 - iv. Shall incorporate all of the elements required in paragraph 11(e), above.
 - v. Shall incorporate all past results of environmental investigation.
- g. FSI Report Addendum.
- i. The FSI Addendum shall contain the results of any additional investigation and delineation completed at the Site in accordance with the IDEM approved FSI Work Plan Addendum.
 - ii. Based on the results of the FSI and/or the FSI Report Addendum, IDEM may require additional FSI Work Plan Addendums and FSI Report Addendums as necessary to complete the delineation of the nature and extent of contamination.
 - iii. All FSI Work Plans and FSI Reports submitted for the Facility are subject to IDEM's review and approval.
 - iv. Shall incorporate all of the elements required in paragraph 11(f), above.
 - v. Shall incorporate all past results of environmental investigation.
- h. RWP.
- i. The RWP shall describe and evaluate possible options to prevent, minimize or mitigate the release.
 - ii. The plan shall include the proposed response action(s) and a rationale for the proposed action(s).
 - iii. The proposed response action(s) must be protective of human health and be consistent with the remedial objectives set forth in IC 13-25-5-8.5.
 - iv. The RWP shall follow the outline included in the Remediation Work Plan Completeness Checklist, Indiana State Form 53413. This can be found on-line at http://www.in.gov/idem/5157.htm#olq_vrp, and is incorporated by reference into the SOW.
 - v. The RWP shall additionally include, at a minimum, the following:
 - 1. Any land use assumptions made by the Respondent.
 - 2. Evidence of how the Site is zoned (if applicable).
 - 3. A description of any engineering barriers or institutional controls that form the basis of the proposed response actions.
 - 4. If any institutional controls are proposed, the Proposed Response Plan must include an analysis of the durability, reliability and effectiveness of the proposed institutional controls, including a discussion of who will be responsible for monitoring and enforcing the controls.
 - 5. A detailed summary of long term Operation and Maintenance requirements for any part of the remedy.

6. If Operation and Maintenance is required an Operation and Maintenance plan must be submitted as part of this Plan.
7. Any cost estimates developed concerning implementation of the proposed response action(s).

- i. RWP Implementation/Completion Report.
 - i. The RWP Implementation/Completion Report shall include, at a minimum, the following:
 1. Documentation of the timeline and installation of the selected remedial option according to the IDEM-approved design specifications;
 2. Implementation of engineering or institutional controls;
 3. Remediation system start up; and
 4. Initial performance measurements.

12. Documents required to be submitted to IDEM and Work required by this SOW shall be completed in accordance with the following schedule:

Task	Schedule of Work
A. Waste Removal Action Plan	Within 60 days after the Date of the Notice Letter.
A. Initial Site Investigation Report	Within 90 days after the Date of the Notice Letter.
B. Quarterly Progress Reports	Beginning with the first full quarter following the Date of IDEM receipt of the ISI Report.
D. FSI Work Plan	Submitted to IDEM within 60 days after the Date of IDEM's written request for the FSI.
E. FSI Report	Submitted to IDEM within 90 days after receiving IDEM's written approval of the FSI Proposed Work Plan.
F. and G. FSI Addenda	FSI addenda will be required if data of a previous FSI Report indicate nature and extent delineation has not been completed to appropriate IDEM residential screening levels. The schedule for FSI addenda will follow the schedule outlined above for Tasks D and E.
H. RWP	Within 90 days after IDEM approves the FSI Report and approves completion of contaminant nature and extent delineation.

I. RWP Implementation/Completion Report	Within 60 days after the Remediation Work Plan has been fully implemented or completed.
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