

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

Brian C. Rockensuess

Commissioner

June 27, 2024

60-02L Speedway LLC 500 Speedway Dr Enon, OH 45323

Re: Second Request for Owners to Perform ERC Self-Audit

Speedway #8039 15801 W Commerce Rd Daleville, Delaware County Site #/Facility ID#: 10540

Dear Property Owner:

On March 4, 2024, the Indiana Department of Environmental Management (IDEM) sent an Institutional Controls Self Audit Checklist, State Form 55715, to ensure compliance with the Environmental Restrictive Covenant (ERC) recorded on the property deed for the above referenced property. As of the date of this correspondence, IDEM has yet to receive a response to this request.

As a reminder, please find enclosed the State Form 55715 Self-Audit form. Please complete and return this document within the next fourteen (14) business days. Failure to respond to this request may result in a site inspection by IDEM to determine the owner's compliance with the terms and restrictions of the ERC. A copy of this letter is being included in the site file.

Please fill out the enclosed Self-Audit Checklist and return to IDEM within 14 days of the date of this letter, via email to lCselfaudits@idem.IN.gov. Alternatively, a blank copy of the Self-Audit Checklist is available on IDEM's Agency Forms website at https://www.in.gov/idem/forms/idem-agency-forms/, and can be submitted electronically.

If you do not have access to a computer with Internet access and have an email account, please mail your response to my attention at:

Institutional Controls Group 100 N. Senate Ave., IGCN N1101 Indianapolis, IN 46204

If the restrictions and obligations described in an ERC are not complied with, IDEM may seek enforcement by referring the matter to the Office of the Indiana Attorney General and





filing a civil action in court. If you have any questions regarding this letter, please contact me at 317-234-2485 or email nwheeler@idem.in.gov.

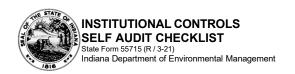
Sincerely,

Nicole Wheeler

Nicole Wheeler Program Director Institutional Controls Group Remediation Services Branch Office of Land Quality

Enclosure

ec: IDEM File for Site #/Facility ID# 10540



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

Office of Land Quality Remediation Services Branch ATTN: Institutional Controls Group 100 North Senate Avenue, Room 1101 Indianapolis, IN 46204-2251

INSTRUCTIONS: When completing this checklist refer to the Environmental Restrictive Covenant (ERC) for property and restriction information. Please include current Property Owner information, which may be different than the Property Owner listed in the ERC. The Property Owner (Auditor) completing this form may be the Property Owner or any individual authorized by the Property Owner to act as their delegate or agent. Please answer each question or indicate if it is not applicable.

SECTION I. PROPERTY INFORM	SECTION I. PROPERTY INFORMATION							
Site Name: Speedway #8039				County: Delaware				
Site Number/Facility ID: 10540				Agency Interest (AI) ID: 2575				
Property Address (number and street): 15801 W Commerce Rd								
City: Daleville			State: IN	Zip/Postal Code: 473	334			
Property Owner: Speedway LLC								
Owner Address (number and street): 500 Speedway Dr								
City: Enon			State: OH	Zip/Postal Code: 453	323			
Owner Phone Number:			Owner E-mail Add	ress:				
SECTION II. CURRENT PROPERTY DESCRIPTION								
Has the Property Owner changed since the ERC was recorded?								
				□Ye	s No N/A			
Is the Property being leased?	□Ye	s 🗆 No 🗆 N/A						
If yes, the lessee is:								
Since the ERC was recorded, has the Property, or portions of the Property, been used for day								
care, school or other uses where children are present on the Property for extended periods of time?					s No N/A			
Since the ERC was recorded, has any construction taken place on the Property?								
Yes No N/A								
If yes, describe any improvements	, includin	g new structures, n	nade to the Property	since the ERC was red	corded:			
Since the FRC was recorded are	there any	newly occupied by	uildings on the Prope	rtv?				
Since the ERC was recorded, are there any newly occupied buildings on the Property?								
SECTION III. ERC & LAND USE				VEO Novembra va 00040	T00			
Date ERC recorded (month, day	2013R16142		VFC Number: 69249	599				
41596				To view the ERC in its entirety, visit				
				DEM's Virtual File Cabinet at				
				https://vfc.idem.in.gov.				
Please review the restrictions and obligations that are outlined in the RESTRICTIONS section of the ERC and ensure that								
they match with the following restrictions that IDEM has on file: Ground Water Use Restriction; Residential Use								
Restriction; Soil Handling and Disposal.								
*Please specify any discrepancies and use the check boxes below to assist IDEM in updating our records.								
Land Har Brothistians (Observational Assertion								
Land Use Restrictions (Check all that apply):			Engineering Controls (Check all that apply):					
Residential Use	☐Groundwater Use		☐Soil/Vegetative	Cap □Paved/Co	☐ Paved/Concrete Cap			
☐Excavation Notice Required	∐Agricultural Use		│ ∐Impervious Cap	∐Liner Sys	∐Liner System			
☐Construction Restriction	□Vapor Contingency		☐Building Slab	□Vapor Mit	☐Vapor Mitigation System			

Other. Specify:	☐ Interceptor Well/Trench	Other. Specify:				
Is the ground water being used or extracted in conflict with the	restriction defined in the ERC?	☐Yes ☐No ☐N/A				
Is the property being used for non-residential purposes only?		□Yes □No □N/A				
Since the ERC was recorded, have unapproved construction of the property?	on □Yes □No □N/A					
If excavation has occurred, was notice provided to IDEM as re	□Yes □No □N/A					
Are agricultural crops being grown on the property?		□Yes □No □N/A				
Do active engineering controls appear to be operational (e.g., functioning, etc.)?	□Yes □No □N/A					
Are protective structures and covers free of cracks, erosion, or	□Yes □No □N/A					
Is there an Operations and Maintenance Plan (O&M) for the si	te?	□Yes □No □N/A				
If yes, is the O&M Plan being followed?		□Yes □No □N/A				
Does the O&M Plan require any sampling? Attach any sampling	ng results to this checklist.	□Yes □No □N/A				
Does the O&M Plan require any maintenance inspections? Att to this checklist.	ach any inspection documentat	ion ☐Yes ☐No ☐N/A				
After review of all documentation associated with the engineer retained its functional integrity?	ing control does it appear to ha	ve Yes No N/A				
Please use the space below (or attach additional pages) to inceengineering controls are being adequately maintained to preve conflicts.						
SECTION IV. AUDIT INFORMATION & CERTIFICATION Date of Audit (month, day, year):						
Name of Auditor (print or type):	Title of Auditor:					
Phone Number of Auditor:	E-mail Address of Auditor:					
I swear or affirm that I have the authority to complete and submit this audit checklist as the site owner or as a site representative authorized by the site owner. I swear or affirm, under penalty of perjury as specified by IC 35-44.1-2-1 and other penalties specified by IC 13-30-10, that the statements and representations in this audit checklist and any attachments are true, accurate, and complete.						
Signature:	Date (month, day, year):					