

IDEM

Indiana Department of Environmental Management

Certificate of Completion

Voluntary Remediation Program

Former C&O Rail Yard
Peru, Indiana

VRP Project #6980403



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We Protect Hoosiers and Our Environment.

Mitchell E. Daniels, Jr.
Governor

Thomas W. Easterly
Commissioner

100 North Senate Avenue
Indianapolis, Indiana 46204
(317) 232-8603
Toll Free (800) 451-6027
www.idem.IN.gov

December 21, 2010

Mr. Paul Kurzanski
CSX Transportation, Inc.
500 Water Street, J-275
Jacksonville, FL 32202

Re: Certificate of Completion
Former C&O Rail Yard
600 West Canal Street
Peru, Indiana
VRP #6980403

Dear Mr. Kurzanski:

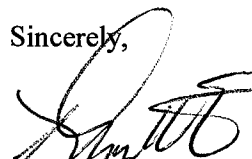
The Indiana Department of Environmental Management (IDEM) is pleased to issue the enclosed Certificate of Completion to CSX Transportation, Inc. for the successful conclusion of the voluntary remediation conducted at the Former C&O Rail Yard located in Peru, Indiana. The issuance of the Certificate of Completion under IC 13-25-5-16 is the final agency action for purposes of IC 4-21.5.

Please note that as required by IC 13-25-5-16, CSX Transportation, Inc. must record a copy of the Certificate of Completion and its Exhibits in the Recorder's Miscellaneous Book in the county in which the property is located. This must be cross-referenced to the recorded deed that concerns the property on which the remediation took place. To show compliance with this section, a copy of the recorded Certificate and its Exhibits showing the book and page number or the instrument number must be returned to the Voluntary Remediation Program project manager along with the completed and notarized affidavit.

When IDEM receives confirmation that the Certificate and its Exhibits have been properly recorded, IDEM will begin working on the Covenant Not To Sue for the Former C&O Rail Yard that will be signed by the Governor's office. The information contained in the enclosed packet defines the contaminants and environmental media that will be included in the Covenant Not To Sue.

The IDEM appreciates your participation in the Voluntary Remediation Program. The Certificate of Completion and the Covenant Not To Sue provide both the applicant and future landowners with an assurance that a voluntary cleanup has been performed and approved by the State of Indiana. Please contact your project manager, Erin Brittain, at (317) 233-2991, (800) 451-6027, or at ebrittai@idem.in.gov, if you have any questions.

Sincerely,



Thomas W. Easterly
Commissioner

Enclosure

CERTIFICATE OF COMPLETION

INSTRUCTIONS

YOU ARE NOT DONE YET:

In order to get your Covenant Not To Sue you **must** do the following:

1. Take all of these original documents to the County Records Office in the county where the VRP site is located.
2. Have the County Recorder record a copy of the Certificate **and** its exhibits onto the deed of the VRP subject property. This includes the Certificate of Completion; Exhibit 1, Project Summary; Exhibit 2, Table of Contaminants; Exhibit 3, Site Map and Legal Description of the Project Area. See paragraph 2 of the enclosed cover letter for a more detailed explanation. If possible, the County Recorder's stamp should appear on copies of the recorded documents.
3. Complete the COC Affidavit and have it notarized (included in this packet).
4. Mail the original COC Affidavit and copies of the recorded documents back to your VRP Project Manager as proof the Certificate of Completion and its Affidavit have been properly recorded. (The copy must have the Recorder's information stamped on them.)

NOTE: Your Covenant Not To Sue will **not** be processed until these steps are completed.

AFFIDAVIT

I, the undersigned, being duly sworn upon my oath, have personal knowledge of the facts stated herein;

- the enclosed copy of the Certificate of Completion and its Exhibits were recorded in the _____ County Recorder's Miscellaneous Book and were cross-referenced to the recorded deed that concerns the property on which the remediation took place;
- the enclosed copy represents the Certificate and its Exhibits in their entirety as received from the Indiana Department of Environmental Management.

County Recorder's Book and Page or Instrument Number: _____

Number of Pages Recorded: _____

I swear or affirm under the penalties for perjury that the foregoing representations are true and accurate to the best of my knowledge and belief.

Applicant's Signature

Print or type name

Date

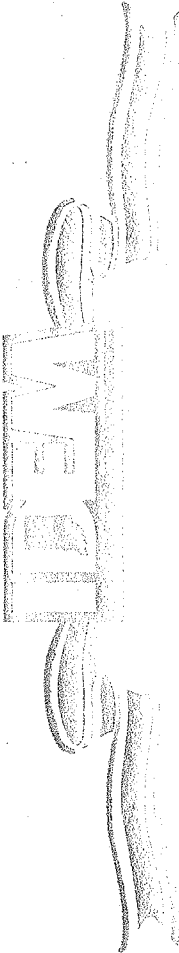
Position

Signed before me the _____ day of _____, 20____.

Notary Public

My Commission Expires:

County and State of Residence:



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT CERTIFICATE OF COMPLETION

ISSUED TO: CSX Transportation, Inc.

FOR: The successful completion of the Voluntary Remediation Work Plan for the Former C&O Rail Yard, IDEM #6980403 located at 600 West Canal Street, Peru, Miami County, Indiana, as more specifically described in the attached Exhibits 1-3, which are incorporated herein by reference. The issuance of a Certificate of Completion under IC 13-25-5 is a final agency action for purposes of IC 4-21.5.

GIVEN UNDER MY HAND IN THE CITY OF INDIANAPOLIS

THIS 20th DAY OF DECEMBER, 2010



Thomas W. Easterly, COMMISSIONER
Department of Environmental Management

Exhibit 1

Project Summary

Exhibit 1

**Project Summary
Certificate of Completion for the Voluntary Remediation Program
Indiana Department of Environmental Management
Former C&O Rail Yard
VRP Site #6980403**

VRP APPLICANTS: CSX Transportation, Inc.

ADDRESS: 500 Water Street, J-275, Jacksonville, FL 32202

PROJECT NAME: Former C&O Rail Yard

VRP PROJECT ADDRESS: 600 West Canal Street, Peru, Indiana

CITY, COUNTY: Peru, Miami County

DATE APPLICATION RECEIVED: April 23, 1998

DATE COMPLETION REPORT APPROVED: November 22, 2010

REMEDATION CLEANUP GOALS ACHIEVED: VRP 1996 Guidance Tier II Nonresidential Default Cleanup Goals; see Exhibit 2

MEDIA ADDRESSED: Surface Soil, Subsurface Soil, Groundwater

VRP PROJECT AREA: The project is for the entire facility, with the exception of the seep area, as explained further below. See Exhibit 3.

ENVIRONMENTAL RESTRICTIVE COVENANT (ERC) USE RESTRICTIONS:

The Owner shall:

- a) Prohibit any activity at the Real Estate that may interfere with the response activities, long-term monitoring, or measures necessary to assure the effectiveness and integrity of any response action, or component thereof, selected and/or undertaken at the Real Estate.
- b) Not use the Real Estate for residential purposes, including, but not limited to, daily care facilities (e.g. daycare centers, schools and senior citizen facilities).
- c) Not use the Real Estate for agricultural purposes.
- d) Neither engage in nor allow the installation or use of drinking water wells on the Real Estate. There shall be no consumptive, extractive or other use of the groundwater underlying the Real Estate that could cause exposure of humans or animals to the groundwater underlying the Real Estate, other than for site investigation and/or remediation purposes, without prior Department approval.
- e) Shall restore soil disturbed as a result of excavation and construction activities in such a manner that the remaining contaminant concentrations do not present a threat to human health or the environment. This determination shall be made using the Department's Risk Integrated System of Closure ("RISC") Technical Guidance Document. Upon the Department's request, the Owner shall provide the Department written evidence (including sampling data) showing the excavated and restored area, and any other area affected by the excavation, does not represent such a threat. Contaminated soils that are excavated must be managed in accordance with all applicable federal and state laws, and disposal of such soils must also be done in accordance with all applicable federal and state laws.

- f) Not construct a dwelling or work place on the Real Estate unless a vapor intrusion control system is utilized.
- g) Notify the Department if there is a change in the land use and/or any zoning changes that affect the Real Estate.

The land-use restrictions above are contained in an ERC recorded on the property. The ERC can be reviewed at the Miami County Recorder's Office (Document #I20100523916), or in IDEM's Virtual File Cabinet (VFC) as document #59591333 at the following internet web address: <http://12.186.81.89/Pages/Member/Search.aspx>. The ERC is hereby incorporated by reference into Exhibit 1 of this Certificate of Completion (COC).

ENGINEERING CONTROL(S) TO BE MAINTAINED: None

SUMMARY OF PROJECT:

This site is a former fuel and locomotive/rail car maintenance/repair facility for the former C&O Railroad system. Four ASTs were utilized to store diesel fuel at the site. The ASTs storage capacities ranged from 250,000 to 1,000,000 gallons. Rail yard operations ceased in 1989 and facility buildings/ASTs were razed in the early 1990s. The property is currently vacant and overgrown with vegetation. The Covenant Not To Sue (CNTS) contaminants of concern (COCs) include BTEX and PAHs. The site is obtaining closure under a non-residential land use designation, utilizing the 1996 VRP Tier II Default Non-Residential Closure Levels.

The nature and extent of impacts at the site have been delineated through the performance of multiple investigations that included over 100 soil sample points, the installation of 20 permanent monitoring wells, 35 temporary monitoring wells and laboratory analysis of numerous soil, sediment, surface water and groundwater samples for site COCs.

Based on the presence of free product and dissolved phase hydrocarbons, a liquid phase hydrocarbon (LPH)/groundwater recovery and treatment system was designed, installed and started operation prior to the site's enrollment into the VRP. The remediation system operated at the site from October 1993 to October 2005. During the remediation system's operational history, it recovered 423 gallons of free product while recovering, treating and discharging 28 million gallons of groundwater from the site. The free product has decreased to the extent practicable while dissolved phase concentrations are below non-residential closure levels.

On December 21, 2006, approximately 185 tons of contaminated soil were excavated and removed. Confirmation surface/subsurface soil split samples were collected on March 7, 2007. Analyses of these samples showed that BTEX and PAHs were below the residential default closure levels in all samples.

An intermittently appearing groundwater seep containing what appeared to be an oil sheen has been observed along the Wabash River at the southern site boundary. The seep area has been investigated in four separate events, which included the combined collection of seven bank/sediment soil samples, ten sediment samples and six river surface water samples. Based on the results of these investigations of the seep area, it is believed the sheen is caused by iron-producing bacteria, which are naturally occurring and present no unacceptable risk to human health or the environment. The seep area is not included within the project area covered by this Certificate of Completion and will be addressed separately.

An Environmental Restrictive Covenant (ERC) was placed on the property deed on October 19, 2010 (see restrictions above).

This Certificate of Completion is not meant to modify the terms or conditions of the completed Remediation Work Plan and Covenant Not to Sue. In the event this Certificate of Completion should be inconsistent with the Remediation Work Plan or the Covenant Not To Sue, the Remediation Work Plan shall control.

Exhibit 2

Table of Contaminants Addressed in Project

EXHIBIT 2
VOLATILE AND SEMIVOLATILE ORGANIC CONTAMINANTS - Nonresidential

Contaminant	Surface Soil Cleanup Goal (mg/kg)	Subsurface Soil Cleanup Goal (mg/kg)	Groundwater Cleanup Goal (mg/L)	Remediation Effort
Acenaphthene	10,000	10,000	6.13	soil removal, groundwater pump & treat
Acenaphthylene ^①	10,000	10,000	6.13	soil removal, groundwater pump & treat
Anthracene	10,000	10,000	30.66	soil removal, groundwater pump & treat
Benzene	16.63	4.77	0.0986	soil removal, groundwater pump & treat
Benzo(a)anthracene	79.45	103.88	0.01	soil removal, groundwater pump & treat
Benzo(a)pyrene	7.94	69.85	0.01	soil removal, groundwater pump & treat
Benzo(b)fluoranthene	79.45	354.98	0.01	soil removal, groundwater pump & treat
Benzo(g,h,i)perylene ^②	10,000	10,000	3.066	soil removal, groundwater pump & treat
Benzo(k)fluoranthene	794.52	3,759.12	0.039	soil removal, groundwater pump & treat
Chrysene	7,945.21	10,000	0.392	soil removal, groundwater pump & treat
Dibenzo(a,h)anthracene	7.95	69.86	0.01	soil removal, groundwater pump & treat
Ethylbenzene	1,000	1,000	10.22	soil removal, groundwater pump & treat
Fluoranthene	10,000	10,000	0.818	soil removal, groundwater pump & treat
Fluorene	10,000	10,000	4.088	soil removal, groundwater pump & treat
Indeno(1,2,3-cd)pyrene	79.45	629.17	0.01	soil removal, groundwater pump & treat
1-Methylnaphthalene ^③	10,000	10,000	4.088	soil removal, groundwater pump & treat
2-Methylnaphthalene ^③	10,000	10,000	4.088	soil removal, groundwater pump & treat
Naphthalene	10,000	10,000	4.088	soil removal, groundwater pump & treat
Phenanthrene ^④	9,400	9,400	2.60	soil removal, groundwater pump & treat
Pyrene	10,000	10,000	3.066	soil removal, groundwater pump & treat
Toluene	1,000	1,000	20.44	soil removal, groundwater pump & treat
Xylenes	1,000	1,000	204.4	soil removal, groundwater pump & treat

Unless noted otherwise, closure criteria are from the July 1996 VRP Resource Guide

- ① No VRP cleanup goal established, therefore Acenaphthene cleanup goal used
- ② No VRP cleanup goal established, therefore Pyrene cleanup goal used
- ③ No VRP cleanup goal established, therefore Naphthalene cleanup goal used
- ④ No VRP cleanup goal established, therefore Ohio EPA VAP Cleanup Goal used

Exhibit 3

Site Map and Legal Description of Project Area

VRP # 6980403 Project Area (Former C&O Railyard)



Mapped By: Mike Hill, IOEM, Office of Land Quality, Science Services Branch, Engineering & GIS Services, August 2, 2010

Sources:

-Real estate description created by Coordinate Geometry (COGO) from proposed ERC, Exhibit A, Legal Description of Real Estate

-2005 Indiana Orthophotography
(IndianaMap Framework Data www.indianamap.org)

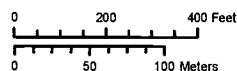
PLSS Info:

J.B. Richardville Jr.
Second Principal Meridian
Peru Township
Miami County

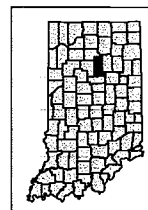
Property Address:

600 West Canal Street
Peru, IN

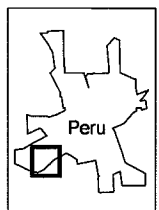
Disclaimer: This map is intended to serve as an aid in graphic representation only. This information is not warranted for accuracy or other purposes.



Miami County



Project Area



Property Line Boundary Descriptions Provided by CSXT

ALL THE CERTAIN TRACT OR PARCEL OF LAND LOCATED IN THE CITY OF PERU, MIAMI COUNTY, INDIANA AND FURTHER DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 27, PARK ADDITION TO THE CITY OF PERU, MIAMI COUNTY, INDIANA, RECORDED NOVEMBER 18, 1902 IN PLAT BOOK 3, PAGE 107, OF THE OFFICIAL RECORDS OF SAID MIAMI COUNTY,

THENCE NORTHWESTERLY, COINCIDENT WITH THE EAST RIGHT OF WAY LINE OF MAPLE STREET (VARIABLE WIDTH) OF SAID PARK ADDITION, A DISTANCE OF 1080 FEET TO THE NORTHWEST CORNER OF LOT 1 OF SAID PARK ADDITION,

THENCE ON THE NORTHWESTERLY PROJECTION OF THE EAST LINE OF SAID MAPLE STREET, A DISTANCE OF 110 FEET TO A POINT ON THE NORTHERN LINE OF THE LAKE ERIE & WESTERN RAILROAD (A.K.A. THE NEW YORK, CHICAGO, AND ST. LOUIS RAILROAD COMPANY), SAID NORTH LINE BEING COINCIDENT WITH THE SOUTH LINE OF THE 2.85 ACRE PARCEL OR TRACT DESCRIBED IN AN INSTRUMENT BETWEEN WELLINGTON L. McKINNEY AND HAZEL V. McKINNEY AND THE CHESAPEAKE AND OHIO RAILWAY COMPANY (C&O), SIGNED JUNE 14, 1948, RECORDED JUNE 14, 1948 IN DEED BOOK 122 AT PAGE 659, OF THE OFFICIAL RECORDS OF SAID MIAMI COUNTY,

THENCE SOUTHWESTERLY, COINCIDENT WITH THE SOUTH LINE OF THE SAID 2.85 ACRE C&O PARCEL AND THE SOUTH LINE OF THE 0.55 ACRE PARCEL OR TRACT DESCRIBED IN AN INSTRUMENT BETWEEN ADLAI WHITE AND GWENDOLYN WHITE AND THE CHESAPEAKE AND OHIO RAILWAY COMPANY, SIGNED AUGUST 23, 1948, RECORDED AUGUST 23, 1948 IN DEED BOOK 123 AT PAGE 145, OF THE OFFICIAL RECORDS OF SAID MIAMI COUNTY, A DISTANCE OF 380' TO THE CENTERLINE OF PARK STREET (60' WIDE),

THENCE NORTHWESTERLY, COINCIDENT WITH THE CENTERLINE OF SAID PARK STREET A DISTANCE OF 300' TO THE NORTHWEST CORNER OF THE SAID 2.85 ACRE C&O PARCEL,

THENCE NORTHEASTERLY, COINCIDENT WITH THE NORTH LINE OF THE SAID 2.85 ACRE C&O PARCEL A DISTANCE OF 774' TO THE CENTERLINE OF FOREST STREET (60' WIDE),

THENCE SOUTHEASTERLY, COINCIDENT WITH THE CENTERLINE OF SAID FOREST STREET A DISTANCE OF 100' TO THE SOUTHEAST CORNER OF THE SAID 2.85 ACRE C&O PARCEL,

THENCE NORTHEASTERLY A DISTANCE OF 30' TO THE SOUTHWEST CORNER OF LOT 259 OF THE BROWNELL'S ADDITION TO THE CITY OF PERU,

THENCE NORTHEASTERLY, COINCIDENT WITH THE SOUTH LINE OF LOTS 259, 260, 261 AND 262 A DISTANCE OF 200' TO THE SOUTHEAST CORNER OF SAID LOT 262 OF SAID BROWNELL'S ADDITION,

THENCE SOUTHEASTERLY 100 FEET TO A POINT ON THE SOUTHWESTERLY PROJECTION OF THE SOUTH RIGHT OF WAY LINE OF CANAL STREET(VARIABLE WIDTH),

THENCE NORTHEASTERLY, COINCIDENT WITH THE SOUTH RIGHT OF WAY LINE OF SAID CANAL STREET, A DISTANCE OF 1581 FEET TO A POINT ON THE SOUTHEASTERLY PROJECTION OF THE WEST RIGHT OF WAY LINE OF HOLMAN STREET (60' WIDE),

THENCE COINCIDENT WITH THE SOUTHEASTERLY PROJECTION OF THE WEST RIGHT OF WAY LINE OF SAID HOLMAN STREET, A DISTANCE OF 380 FEET TO A POINT ON THE CORPORATION LINE OF THE CITY OF PERU (ESTABLISHED 1975), SAID POINT SITUATE ON THE NORTH SIDE OF THE WABASH RIVER,

THENCE SOUTHWESTERLY, COINCIDENT WITH THE CORPORATION LINE OF THE CITY OF PERU (ESTABLISHED 1975), SAID LINE SITUATE ON THE NORTH SIDE OF THE WABASH RIVER, A DISTANCE OF 2335 FEET TO A POINT ON THE SOUTHEASTERLY PROJECTION OF THE EAST LINE OF THE 15' WIDE ALLEY ON THE EAST EDGE OF THE SAID PARK ADDITION,

THENCE NORTHWESTERLY, COINCIDENT WITH THE SAID PROJECTION OF THE EAST LINE OF THE 15' WIDE ALLEY TO THE SOUTHEAST CORNER OF SAID PARK ADDITION,

THENCE SOUTHWESTERLY ACROSS THE SAID 15' ALLEY, COINCIDENT WITH THE SOUTH LINE OF SAID PARK ADDITION TO THE SOUTHEAST CORNER OF SAID LOT 27,

THENCE SOUTHWESTERLY, COINCIDENT WITH THE SOUTH LINE OF SAID LOT 27, A DISTANCE OF 132' TO THE SOUTHWEST CORNER OF SAID LOT 27 AND THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT OR PARCEL CONTAINS 41.2 ACRES, MORE OR LESS.

LESS AND EXCEPT

ALL THAT CERTAIN EXCEPTED TRACT OR PARCEL (BEING 30' WIDE AND 160' LONG) DESCRIBED IN THE INSTRUMENT BETWEEN THE PERU IMPROVEMENT AND PARK ASSOCIATION AND THE CINCINNATI, RICHMOND AND MUNCIE RAILROAD, SIGNED JANUARY 14, 1903, RECORDED AUGUST 8, 1903 IN BOOK 61 AT PAGE 269, OF THE OFFICIAL RECORDS OF SAID MIAMI COUNTY.

ALSO

ALL THE CERTAIN TRACK OR PARCEL OF LAND DESCRIBED AS LOTS 263, 264, 265 AND 266 OF THE BROWNELL'S ADDITION TO THE CITY OF PERU, CONTAINING 0.44 ACRES, MORE OR LESS.