



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

October 11, 2012

Kevin Davis
Ogre Holdings, LLC
610 Maple Street
Tipton, IN 4607

Re: VRP Project Termination
Acraline Products, Inc.
641 Cleveland Street
Tipton, Indiana
VRP# 6020116

Mr. Davis:

IDEM entered into a Voluntary Remediation Agreement (VRA) for the remediation of the Acraline Products site on February 13, 2002. Per the terms of the VRA, a Remediation Work Plan was submitted on December 9, 2009 and subsequently approved by this office on April 13, 2010. A primary component of the work plan entailed the excavation of approximately 1,650 tons of contaminated source area soil from the areas of a former TCE degreaser and TCE tank vault. Agency approval of the work plan was based on good faith that this proposed action would be completed as proposed in order to mitigate risk to the City of Tipton municipal drinking water well located directly downgradient from the site. Although this site has been enrolled in the VRP for over a decade, and a remediation work plan was approved 2 ½-years ago with the understanding that a source area excavation would take place upon approval of the RWP, this excavation has not been initiated to date, and free-product level contamination remains a threat to the adjacent city well field despite numerous attempts by this agency to initiate the work and to remain flexible and cooperative in regard to difficulties and delays associated with project funding from insurance carriers.

Paragraph 60 of the VRA states:

60. Pursuant to IC 13-25-5, IDEM may withdraw its approval of the Remediation Work Plan at any time during the implementation of the Remediation Work Plan if:

- (a) IDEM determines that the Applicant has failed to substantially comply with the terms and conditions of this Agreement or the Remediation Work Plan;*
- (b) the Applicant declines to implement the Remediation Work Plan after being notified of its approval by IDEM; or*
- (c) IDEM determines that a hazardous substance or petroleum has become an imminent or substantial threat to human health or the environment.*

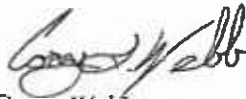
Upon withdrawal of its approval, this Agreement shall be terminated and IDEM reserves the right to bring any action to enforce any statute or regulation under Title 13 of the Indiana Code, including an action regarding the violations or releases that were the subject of this Agreement.

Accordingly, this correspondence provides official notification that the Voluntary Remediation Program (VRP) project referenced above is being terminated effective today. In addition, the Accounting Department will conduct a final audit of your billing account. Any balances due or refunds due will be calculated in order to close out the project. Please note, as part of the cost recovery process outlined in the Voluntary Remediation Agreement (VRA), the Applicant agrees to reimburse IDEM for all of its administrative costs reasonably incurred to the time of termination. IDEM agrees to reimburse Applicant any unused portion of the application fee in accordance with IC 13-25-5-8 (b) (2).

If this site was referred to VRP from another program, VRP will transfer this site back to that program. If your site was not previously in another program, it will be referred to the Emergency Response Section to be recorded as a spill, and an incident number will be assigned.

If you have any questions, please contact me at (317) 234-0966 or cwebb@idem.in.gov.

Sincerely,



Corey Webb,
Section Chief
Voluntary Remediation Program
Office of Land Quality

cc: IDEM Accounting and Billing
IDEM Office of Legal Counsel
IDEM State Cleanup Program

Frank J. Deveau; Taft Stettinius & Hollister LLP, One Indiana Square, Suite 3500, Indpls. IN 46204-2023