



**INDIANA BROWNFIELDS PROGRAM  
COMFORT / SITE STATUS LETTER REQUEST**

State Form 51493 (R3 / 5-14)  
Indiana Finance Authority

**Return this form to:**  
**INDIANA BROWNFIELDS PROGRAM**  
 100 N. Senate Avenue, Room 1275  
 Indianapolis, IN 46204  
 For questions: 317-234-4293  
 Submit form electronically to: [brownfields@ifa.in.gov](mailto:brownfields@ifa.in.gov)  
 FAX: 317-234-1338

Pursuant to the Indiana Department of Environmental Management (IDEM) Nonrule Policy Document W-0051, "Brownfields Program Comfort and Site Status Letters Policy" (April 18, 2003), the Indiana Brownfields Program may issue a Comfort or Site Status Letter to stakeholders at brownfields sites that satisfy the eligibility criteria and conditions of the policy.

**Brownfield Site Definition**

A brownfield site is defined as a parcel of real estate that is abandoned or inactive; or may not be operated at its appropriate use; and on which expansion or redevelopment is complicated because of the presence or potential presence of a hazardous substance, a contaminant, petroleum, or a petroleum product that poses a risk to human health and the environment. IC 13-11-2-19.3

**Comfort Letter**

A Comfort Letter is issued to a party that qualifies for an applicable exemption to liability found in Indiana law or IDEM policy, but is not a legal release from liability. The Comfort Letter explains the applicable liability exemption or IDEM's exercise of enforcement discretion under an applicable IDEM policy. Potentially applicable liability exemptions or IDEM policies include:

- ✓ the Stakeholder is a government entity exempt from liability under IC 13-25-4-8(e), IC 13-11-2-150(d), or IC 13-11-2-151(b);
- ✓ the Stakeholder is a creditor, lender, or fiduciary exempt from liability under IC 13-23-13-14, IC 13-23-13-15, IC 13-24-1-10, IC 13-24-1-11, or IC 13-25-4-8(c);
- ✓ the Stakeholder is not the statutory owner of an underground storage tank pursuant to IC 13-11-2-150(a) because the tanks were not used after November 8, 1984 and the Stakeholder was not the person who owned the tank immediately before the discontinuation of the tank's use;
- ✓ the Stakeholder is a nonprofit corporation exempt from liability under IC 13-25-4-8(h), IC 13-11-2-150(e), or IC 13-11-2-151(f);
- ✓ the Stakeholder is exempt from liability or eligible for a defense to liability as a bona fide prospective purchaser, contiguous property owner or innocent landowner pursuant to IC 13-25-4-8(b), IC 13-11-2-150(f), IC 13-11-2-150(g), IC 13-11-2-151(g), or IC 13-11-2-151(h); and
- ✓ the Stakeholder satisfies the conditions of IDEM Nonrule Policy Document W-0047, "Property Containing Contaminated Aquifers" (20 IR 1674, January 30, 1997), or IDEM Nonrule Policy Document W-0038 "Property Containing Contaminated Aquifers/Underground Storage Tanks" (23 IR 2141, April 20, 2000).

**Site Status Letter**

A Site Status Letter is issued to a party that did not cause or contribute to or knowingly exacerbate the contamination and can demonstrate that current levels of contaminants of concern at the brownfield meet current cleanup criteria as established by IDEM under the Remediation Closure Guide. The potential liability of the party requesting the letter is not addressed. The Site Status Letter states that based on a technical analysis of information submitted to IDEM pertaining to site conditions, IDEM concludes that current site conditions do not present a threat to human health or the environment and that IDEM does not plan to take or require a response action at the brownfield site.

**INSTRUCTIONS:** Please complete this form (type or print legibly) and return it to the Indiana Brownfields Program to begin the process of assessing eligibility to receive a letter. Each request will be reviewed by Indiana Brownfields Program staff. Determinations of eligibility are made based on facts and data provided with the request. A decision on whether or not to issue a Comfort or Site Status Letter will be made approximately 60 days from receipt of the request. The complexity of technical issues pertaining to site conditions may increase staff review time. Please attach any additional documentation required if space on the form does not allow for a complete response.

**Contact Information**

Letter Recipient Clarence Hulse		Organization / Community 12 East Business Center LLC	
Address (number and street, city, state and ZIP code) 2 Cadence Park Plaza, Michigan City, Indiana 46360			
Telephone Number 219-873-1211	Cell Number	Fax Number 219-873-1595	E-mail Address chulse@edcmc.com

**Environmental Consultant Representing the Letter Recipient**

Name(s) Thomas Stevenson		Firm Environmental Incorporated	
Address (number and street, city, state and ZIP code) 2502 Inverness Drive, Valparaiso, Indiana 46383			
Telephone Number 219-462-7576	Cell Number 219-617-4211	Fax Number 219-462-8659	E-mail Address tbstevenson@comcast.net

**Attorney Representing the Letter Recipient**

Name(s) James Kaminski		Firm Newby, Lewis, Kaminski & Jones LLP	
Address (number and street, city, state and ZIP code) 916 Lincolnway LaPorte, Indiana 46350			
Telephone Number 219-362-1577	Cell Number	Fax Number 219-362-2106	E-mail Address jwkaminski@nlkj.com

**Site Information**

Site or Project Name(s) <b>Former Josam Foundry-Eastern Parcel</b>			
Address (number and street, city, state and ZIP code) 1508 East U.S. Highway 12, Michigan City, Indiana 46360			
IDEM Site Number 4980036	US EPA Site Number	Size in acres 2.426	
Current Owner 12 East Business Center LLC	Address (number and street, city, state and ZIP code) 2 Cadence Park Plaza, Michigan City, Indiana 46360		
Telephone Number 219-873-1211	Cell Number	E-mail Address chulse@edcmc.com	

**Property Status**

Current Status: (Check all that apply.)

Private Owner    Public Owner    In Bankruptcy    Abandoned    Inactive    Underutilized    Tax delinquent    Other (please specify) \_\_\_\_\_

Environmental Documentation Submitted for Review: (Check all that apply.)

Phase I Environmental Site Assessment-After 11/1/06 must comply with federal All Appropriate Inquiry Rule\*    Phase II Environmental Site Assessment

Sampling Results    Further Site Characterization    Other (please specify) Remediation Completion Report  
\*Contact the Indiana Brownfields Program if you have questions.

The Site will be:

Sold    Leased    Used by governmental entity    Gifted    Other (please specify) \_\_\_\_\_    Undecided

Potential or intended reuse of property: (Check all that apply.)

Commercial    Industrial    Residential    Mixed Use    Park    Green Space    Other (please specify) \_\_\_\_\_    Undecided

Property Acquisition:

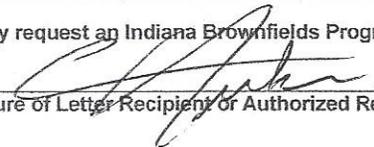
Date of property acquisition (or proposed date) 1/2/2017

Letter Requested by:

Date by which would ideally like to receive letter 1/1 ASAP

**Signature**

I hereby request an Indiana Brownfields Program:    Comfort Letter    Site Status Letter

Signature of Letter Recipient or Authorized Representative:    Date (month, day, year) 11/22/2016