



## 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](http://www.idem.IN.gov)

Eric J. Holcomb  
Governor

Bruno L. Pigott  
Commissioner

July 13, 2018

KDL Investments, LLC  
c/o Carrie Lawrence, Registered Agent  
1800 Churchman Avenue  
Indianapolis, IN 46203

Arvin Exhaust Manufacturing, LLC  
One Noblitt Plaza, Box 3000  
Columbus, IN 47202

Arvin Industries Inc.  
c/o Ronald R. Snyder, Registered Agent  
One Noblitt Plaza, Box 3000  
Columbus, IN 47202

Meritor, Inc.  
c/o CT Corporation System, Registered Agent  
150 West Market Street, Suite 800  
Indianapolis, IN, 46204

Dear Sirs and Mesdames:

### **Re: Request for Information**

Arvin Industries  
1001 Hurricane Street  
Franklin, Johnson County  
State Cleanup Site #0000783

The Indiana Department of Environmental Management (IDEM) is investigating a potential release of hazardous substances at the facility located at 1001 Hurricane Road, Franklin, Indiana (Property).

IDEM is seeking to identify activities, materials, and parties that may have contributed to or may be contributing to the contamination on the Property, as well as all areas to which contamination has migrated (collectively referred to as the Site). Based on a records review, IDEM has identified KDL Investments, LLC as the current owner of the Property. Arvin Exhaust Manufacturing, LLC is a former owner and/or operator of the Property. Arvin Industries Inc. is likewise a former owner and/or operator of the Property. In July 2000, Arvin Industries Inc. merged into the surviving entity Arvinmeritor, Inc., which changed its name to Meritor, Inc. in March 2011. IDEM believes that these entities possess information that can assist IDEM in its investigation. As part of IDEM's investigation we are, by this letter, requesting you to furnish information relating to the past or present use of chlorinated solvents or products containing

chlorinated solvents at the Property, whether the use is or was by you or by other owners or operators at the Property of which you may have knowledge. The specific information requested is listed in detail in Attachment A: Information Request, attached to this letter.

IDEM has the authority to request information including documents relating to releases or potential releases of hazardous substances for the purpose of determining the need for removal or remedial action under Indiana Code (IC) 13-25-4-5. While IDEM seeks your cooperation in this investigation, failure to comply is a violation of law and may result in civil penalties. Please respond fully to the Information Request and send the response to 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 extension request must be received by IDEM prior to the initial deadline and it must include an explanation 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 extension requests may be e-mailed to the assigned Project Manager listed below. Your response to the attached Information Request should be mailed to:

Indiana Department of Environmental Management  
Office of Land Quality  
State Cleanup Section, ATTN: Tim Johnson  
100 North Senate Avenue, Room N1101  
Indianapolis, Indiana 46206-6015

You are welcome to view the current administrative record pertaining to the Site in its entirety at IDEM's virtual file cabinet (VFC) located online at <http://vfc.idem.in.gov/> under Site #0000783. Any legal questions concerning this Information Request or the process should be directed to Stephen Thill, IDEM Office of Legal Counsel, at (317) 233-1206 or [sthill@idem.in.gov](mailto:sthill@idem.in.gov). Any technical questions about your responses or the history of the Site, the nature of the environmental conditions regarding the plume at the Site, or the status of the cleanup activities should be directed to Project Manager Tim Johnson at (317) 234-3931 or [tjohnson@idem.in.gov](mailto:tjohnson@idem.in.gov).

If you have information about other parties (such as former owners or operators) who may have information that may assist IDEM in its investigation of the Site or may be responsible for the contamination at the Site, that information must be submitted to IDEM within the timeframe noted above.

An investigation is necessary in order to characterize the nature and extent of the contamination at the Site. Guidance on how to characterize the nature and extent of the contamination can be found in IDEM's *Remediation Closure Guide* (RCG), *Remediation Program Guide* (RPG) and other technical documents which are available on IDEM's website at <http://www.in.gov/idem/landquality/2340.htm>

Please note that the legal authorities 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,

A handwritten signature in black ink that reads "Timothy R. Johnson". The signature is fluid and cursive, with a long horizontal stroke at the end.

Tim Johnson  
State Cleanup Section  
Office of Land Quality

TRJ:sb

ec: IDEM Site #0000783

Stephen Thill, IDEM OLC Attorney  
Johnson County Health Department

Attachment A: Information Request

**ATTACHMENT A**  
**INFORMATION REQUEST**

**Owner and Operation Information**

1. Identify the Potential Responsible Person (PRP) for which you are answering, identify the person responding to this Information Request, provide his/her contact information and describe the relationship that the person has (or had) with the PRP to which this information request is directed.
2. Please state whether you have personal knowledge of the information being provided. If not, please identify all persons contacted to gain such information along with their contact information. If you have relied upon documents to obtain the information, please provide copies of such documents.
3. Please confirm that the PRP owned or owns the property located at 1001 Hurricane Road, Franklin, Indiana ("the Property") and the dates of ownership.
4. If the PRP did not own the Property, please provide information regarding whether there is a successor-in-interest to the named PRP. Please describe.
5. If the current owner of the Property is a trust, please provide the contact information for the trustee.
6. Describe the business that was conducted at the site during the ownership of the Property by the PRP. Was manufacturing involved? If so, please describe that process.
7. Who operated that business? If the operator is a different entity than the PRP, please provide all relevant information you may have that pertains to the operator. If you are aware of a contact person for that entity please provide all contact information.
8. At the time you acquired or operated the Site, did you know or have reason to know that any hazardous substance was disposed of on, or at the Property? Describe all investigations of the Property you undertook prior to acquiring the Site and all of the facts on which you base the answer to the preceding question.
9. Did you ever use, purchase, generate, store, treat, dispose, or otherwise handle at the Property any hazardous substances or petroleum? If the answer to the preceding question is anything but an unqualified "no," identify:
  - a. In general terms, the nature and quantity of the non-hazardous substances and/or petroleum transported, used, purchased, generated, stored, treated, disposed, or otherwise handled.
  - b. The chemical composition, characteristics, physical state (e.g., solid, liquid) of each hazardous substance transported, used, purchased, generated, stored, treated, disposed, or otherwise handled.

- c. Identify the supplier(s) of the hazardous substances and provide any copies of material safety data sheets, contracts, service orders, shipping manifests, invoices, receipts, canceled checks and other documents pertaining to the supplying of the materials.
  - d. Describe how each such hazardous substance was used, purchased, generated, stored, treated, transported, disposed or otherwise handled. Describe briefly the purpose for which the material was used at the facility. If more than one use, describe each purpose and the time period of each use. State whether the substances were delivered to the facility in bulk or in closed containers and describe how the materials were transferred and where on the Property it was transferred to the storage containers or tank(s) including any equipment used and by whom. Also include a description of how the materials were transported from the on-site storage to the point where it was applied or used or handled and in what amounts, and whether this was done using containers, hoses, piping or other equipment.
  - e. Identify when each such hazardous substance was used, purchased, generated, stored, treated, transported, disposed or otherwise handled.
  - f. Identify where each such hazardous substance was used, purchased, generated, stored, treated, transported, disposed or otherwise handled. If stored in a tank, indicate the kind and size of containers or tank(s), the storage area, pad or enclosure, or site of any underground storage tanks, the approximate average volume stored at the Property, and if the storage practice changed during the period, state how and when.
  - g. Identify the quantity of each such hazardous substance used, purchased, generated, stored, treated, transported, disposed or otherwise handled. Include how frequently the material was delivered to the facility and in what volume on the average (estimate if exact frequency and volumes are not known).
  - h. Illustrate all hazardous material or petroleum storage, transfer and disposal areas on a site map.
  - i. If you have any reason to believe that there may be persons able to provide a more detailed or complete response to any sub-question contained herein or who may be able to provide additional responsive documents, identify such persons and the additional information that they may have.
10. Provide a list of any hazardous substances used or produced in any manufacturing processes employed onsite or in any sludges, liquids, or other production wastes or materials resulting from the manufacturing process. Summarize in a short narrative the equipment or process used to dispose of or treat such waste materials.
11. Provide a list of all local, state and federal environmental permits ever granted for the Site or any part thereof (e.g., Resource Conservation and Recovery Act [RCRA] permits, National Pollutant Discharge Elimination System [NPDES] permits, etc.).
12. Did the Property ever file a Hazardous Waste Activity Notification under the Resource Conservation and Recovery Act (RCRA)? If so, provide a copy of such notification.

13. Provide information about the Property, including but not limited to the following:
  - a. Property boundaries, including a written legal description;
  - b. Location of underground utilities (telephone, electrical, sewer, water main, etc.);
  - c. Surface structures (e.g., buildings, tanks, etc.);
  - d. Ground water supply wells and monitoring wells, including drilling logs;
  - e. Storm water drainage system, and sanitary sewer system, past and present, including floor drains, drainages tiles, septic tank(s), subsurface disposal field(s), sewer lines and other underground structures; and where, when and how such systems are emptied;
  - f. Any and all additions, demolitions or changes of any kind on, under or about the Property, its physical structures or to the property itself (e.g., excavation work); and any planned additions, demolitions or other changes to the Property; and
  - g. The above utilities, features or structures must also be documented on a site map.
14. Identify all leaks, spills, or releases into the environment of any hazardous substances, pollutants, or contaminants that have occurred at or from the Site. In addition, identify:
  - a. When such releases occurred;
  - b. How the releases occurred (e.g. when the substances were being stored, delivered by a vendor, transported or transferred (to or from any tanks, drums, barrels, or recovery units), and treated).
  - c. The amount of each hazardous substances, pollutants, or contaminants released;
  - d. Where such release(s) occurred. Location(s) must also be documented on a site map;
  - e. Any and all activities undertaken in response to each such release or threatened release, including the notification of any agencies or governmental units about the release.
  - f. Any and all investigations of the circumstances, nature, extent or location of each release or threatened release including, the results of any soil, water (ground and surface), or air testing undertaken; and,
  - g. All persons with information relating to these releases.
15. [Drains inside/under a building] Was there ever a spill, leak, release or discharge of hazardous substances into any subsurface disposal system or floor drain inside or under the building? If the answer to the preceding question is anything but an unqualified "no", identify:
  - a. Where the disposal system or floor drains were located;
  - b. When the disposal system or floor drains were installed;
  - c. Whether the disposal system or floor drains were connected to pipes;
  - d. Where such pipes were located and emptied;
  - e. When such pipes were installed;
  - f. How and when such pipes were replaced, or repaired; and,
  - g. Whether such pipes ever leaked or in any way released hazardous substances into the environment.
  - h. The location of the spill, leak, release or discharge of hazardous substances into any subsurface disposal system or floor drain inside or under the must also be documented on a site map.
16. Has any contaminated soil ever been excavated or removed from the Property? Unless the answer to the preceding question is anything besides an unequivocal "no", identify:

- a. Amount of soil excavated;
  - b. Location of excavation. The location of the excavation must also be documented on a site map;
  - c. Manner and place of disposal and/or storage of excavated soil;
  - d. Dates of soil excavation;
  - e. Identity of persons who excavated or removed the soil;
  - f. Reason for soil excavation;
  - g. Whether the excavation or removed soil contained hazardous substances and why the soil contained such substances;
  - h. All analyses or tests and results of analyses of the soil that was removed from the Property;
  - i. All persons, including contractors, with information about (a) through (h) of this request.
17. Provide all reports, information or data related to soil, water (ground and surface), or air quality and geology/hydrogeology at and about the Property. Provide copies of all documents containing such data and information, including both past and current aerial photographs as well as documents containing analysis or interpretation of such data.
18. Please provide any aerial photographs that you may have of the Property during the period of your ownership.
19. Identify the source of drinking water for the Property and for adjacent properties.
20. Identify any public water supply wells located less than 3,000 feet from the Property.
21. Identify any susceptible populations surrounding the Property, including but not limited to daily care facilities (e.g. childcare facilities, schools and senior citizen facilities).
22. List all names under which the PRP that you are involved with at this Property has been known or operated under. For each name, provide the following information:
  - a. Whether the company or business continues to exist, indicating the date and means by which it ceased operations (e.g. dissolution, bankruptcy, sale) if it is no longer in business. Please provide all documentation regarding the cessation of operations and/or any transfer of liability.
  - b. If the PRP was dissolved, please provide any information and documentation of the distribution of assets;
  - c. Names, addresses and telephone numbers of all registered agents, officers and operations management personnel; and
  - d. Names, addresses and telephone numbers of all subsidiaries, unincorporated divisions or operating units, affiliates and parent corporations, if any, of the PRP.
23. Was the PRP with which you were involved ever affiliated in any way with any of the other PRPs named in this Notice? If so, please explain the relationship in detail.

24. Did the PRP ever lease the premises to any person or entity during the time of ownership? If so, please provide a list of lessees, type of business operations and time periods for each lease. Please provide contact information for the lessee if available.
25. If the PRP is currently the owner of the Property(s), please provide a listing of all current lessees, the type of business they operate and their contact information.
26. Provide IDEM with the name(s) of any party or parties of which you are aware that are not named in this Notice that may have information regarding the contamination or may have contributed to the contamination of the Property and the associated groundwater plume.

### **Insurance Policy Information**

1. Provide copies of all casualty, liability and/or pollution insurance policies, and any other insurance contracts referencing the site or facility (including, but not limited to, Environmental Impairment Liability, Pollution Legal Liability, Cleanup Cost Cap or Stop Loss Policies, Institutional Controls and Post Remediation Care Insurance). Include any and all policies providing the Respondent with liability insurance relating to the Site property since you first owned and operated the Site.
2. To the extent not provided in Question 1 above, provide copies of all insurance policies that may potentially provide you with insurance for bodily injury, property damage and/or environmental contamination in connection with the Site and/or business operations. Include, without limitation, all comprehensive general liability, primary, excess, and umbrella policies.
3. To the extent not identified in Questions 1 or 2 above, provide all other evidence of casualty, liability and/or pollution insurance issued to Respondent for the period being investigated as identified in Question 1.
4. If there are any such policies from Questions 1, 2, or 3 above of which you are aware but neither possess copies, nor are able to obtain copies, identify each such policy to the best of your ability by identifying:
  - a. The name and address of each insurer and of the insured;
  - b. The type of policy and policy numbers;
  - c. The per occurrence policy limits of each policy; and,
  - d. The effective dates for each policy.
5. Identify all insurance brokers or agents who placed insurance for the Respondent at any time during the period being investigated as identified in Question 1, and identify the time period during which such broker or agent acted in this regard. Identify by name and title, if known, individuals at the agency or brokerage most familiar with the property, pollution and/or liability insurance program of the Respondent and the current whereabouts of each individual, if known.



6. Identify all previous settlements by the Respondent (or predecessors) with any insurer which relates in any way to environmental liabilities and/or to the policies referenced in Questions 1-4 above, including:
  - a. The date of the settlement;
  - b. The scope of release provided under such settlement;
  - c. The amount of money paid by the insurer pursuant to such settlement.Provide copies of all such settlement agreements.
7. Identify all communications and provide all documents that evidence, refer, or relate to claims made by or on behalf of the Respondent under any insurance policy referenced in Questions 1-4 above. Include any responses from the insurer with respect to any claims.
8. Identify any and all insurance, accounts paid or accounting files that identify the Respondent's insurance policies.
9. List all named insured on property, pollution and/or casualty liability insurance providing coverage to the Respondent during the period being investigated as identified in Question 1, and the date such named insured appeared on the policies.
10. Identify any person or organization requiring evidence of Respondent's casualty, liability and/or pollution insurance during the period being investigated as identified in Question 1, including the nature of the insurance requirement and the years when the evidence was required.
11. Identify the Respondent's policy with respect to document retention.

### INSTRUCTIONS FOR INFORMATION REQUEST

1. Answer Every Question Completely: A separate response must be made to each of the questions set forth in this Information Request. For each question contained in this letter, if information responsive to this information request is not in your possession, custody or control, please identify the person(s) from whom such information may be obtained. If the question is deemed to be "Non-Applicable", please explain the basis for that decision.
2. Number Each Answer: Precede each answer with the corresponding number of the question and the subpart to which it responds.
3. Provide the Best Information Available: Provide responses to the best of the ability of the Potential Responsible Person ("PRP") even if the information sought was never put down in writing or if the written documents are no longer available. You should seek out responsive information from current and former employees or other agents or anyone who may have knowledge. Submission of cursory responses when other response information is available to the PRP will be considered non-compliance with this Information Request.
4. Identify the Sources of Each Answer: For each question, identify all the persons and documents that you rely on in producing your answer.
5. Continuing Obligation to Provide/Correct Information: If additional information or documents responsive to this Request become known or available to you after you respond to this Request, IDEM requests that you supplement your response to IDEM.
6. Objections to Questions: If you have objections to some or all the questions within the Information Request letter, you are still required to respond to each of the questions.

### Definitions

The following definitions shall apply to the following words as they appear in this Information Request:

1. The term "you" or "PRP" shall have the meaning assigned to it under Indiana Code ("IC") 13-11-2-192(b). Specifically, it means the entity to whom the Information Request and Special Notice Letter is addressed. The term also includes any officers, managers, employees, contractors, trustees, successors, predecessors, assigns, and agents of said entities.
2. The term "person" shall include an individual, a corporation, a limited liability company, a partnership, a trust, an estate, or an unincorporated association.
3. The term "Site[s]" shall mean the parcel of real property located at the address[es] listed on the Information Request and Special Notice Letters.

4. The term "Hazardous Substances" shall have the same definition as that contained in IC 13-11-2-98 and includes any mixtures of such hazardous substances with any other substances, products or other nonhazardous substances.
5. The term "identify" means, with respect to a natural person, to set forth: (a) the person's full name; (b) addresses and telephone numbers; (c) present or last known employer (include full name and address) with title, position or business.
6. The term "identify" means, with respect to a corporation, partnership, or other business entity (including a sole proprietorship), to provide its full name, address, and affiliation with the individual and/or company to whom/which this request is addressed.
7. The term "documents" includes any written, recorded, computer generated, or visually or aurally reproduced material in any medium in your possession, custody, or control or known by you to exist.
8. The term "Release" shall mean any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment including the abandonment or discharging of barrels, containers and other closed receptacles containing any hazardous substance or pollutant or contaminant as defined under IC 13-11-2-184(d).

