

May 29, 2019

Ms. Andrea Robertson Habeck  
Indiana Brownfields Program  
Indiana Finance Authority  
One North Capitol, Suite 900  
Indianapolis, IN 46204

RE: **Comfort Letter Request**

[REDACTED]

Ms. Robertson Habeck,

Please find below and enclosed relevant information regarding a Brownfields *Comfort Letter* sought by my client, [REDACTED], for the property located at [REDACTED]. The basis in statute or enforcement discretion policy for this Comfort Letter Request is that [REDACTED] is exempt from liability or eligible for a defense to liability as a bona fide prospective purchaser (BFPP), contiguous property owner (CPO) or innocent landowner (ILO) 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).

- **Project Contact Information**

**Client:**  
*Mailing Address:*  
*City, State, ZIP:*  
*Contact Person:*  
*Contact Phone:*

[REDACTED]

**Technical Contact:**  
*Mailing Address:*  
*City, State, ZIP:*  
*Contact Person:*  
*Contact Phone:*  
*Email:*

[REDACTED]

**Property Owner:**  
*Mailing Address:*  
*City, State, ZIP:*

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

- The parcel(s) comprising the site and the corresponding State 18-digit parcel number(s).

State Parcel Number: [REDACTED]

- A legible copy of the recorded deed(s) or a surveyed legal description(s) for the parcel(s) comprising the site.

A copy of the recorded deed for the property is attached.

- The date of property acquisition (or proposed property transfer/closing date)

Anticipated Property Closing Date: 7/5/2019

- Has a purchase agreement been finalized?

Yes

- Black & White Site Map (no aerial photos) depicting property boundaries, parcel(s) & parcel numbers(s)

Site map depicting property boundaries, parcel(s) & parcel number(s) attached.

- Description of redevelopment project including a site redevelopment/design plan (if available)

The site building is intended to be utilized as general office space with construction activities during redevelopment limited to repairs to the Site building and parking lot, and the buildout of the building interior for office use.

- Building size(s) (square feet), ceiling height(s), slab thickness, and HVAC air exchange rate(s) (if known VOC contamination & existing on-Site building(s) will continue to be used or are planned to be renovated)

Building Size: 4,073 square feet

Ceiling Heights: 9 to 18 feet

Slab Thickness: Ground Level: 6-inches

HVAC Exchange Rate: Unknown

- Map(s) depicting all utility corridors to and from the parcel(s) comprising the Site (if known VOC contamination).

Map depicting all utility corridors to and from the property is attached.

- Applicable timeframes (application deadline) if this is an SBA Loan financed project

Not Applicable

- Relevant investigation/remediation reports from other IDEM Programs (noting assigned IDEM site # and IDEM Virtual File Cabinet (VFC) Document #s)

A Phase I Environmental Site Assessments for the property is enclosed. Site investigations and remediation are currently being managed by the IDEM's State Cleanup Program (Site Number: 2006-02-060. A list of relevant investigation/remediation reports for the property are attached.

As always, please do not hesitate to contact me with any questions or concerns. I can be reached at my direct phone number of [REDACTED], or by email at [REDACTED]

Sincerely,

[REDACTED]

[REDACTED]



**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		Organization / Community	
Address (number and street, city, state and ZIP code)			
Telephone Number	Cell Number	Fax Number	E-mail Address

### Environmental Consultant Representing the Letter Recipient

Name(s) [REDACTED]		Firm [REDACTED]	
Address (number and street, city, state and ZIP code) [REDACTED]			
Telephone Number [REDACTED]	Cell Number [REDACTED]	Fax Number	E-mail Address [REDACTED]

### Attorney Representing the Letter Recipient

Name(s)		Firm	
Address (number and street, city, state and ZIP code)			
Telephone Number	Cell Number	Fax Number	E-mail Address

### Site Information

Site or Project Name(s) [REDACTED]			
Address (number and street, city, state and ZIP code) [REDACTED]			
IDEM Site Number [REDACTED]	US EPA Site Number [REDACTED]	Size in acres [REDACTED]	
Current Owner [REDACTED]	Address (number and street, city, state and ZIP code) [REDACTED]		
Telephone Number [REDACTED]	Cell Number	E-mail Address	

### 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) \_\_\_\_\_ Reports for neighboring Former Gas Station  
*\*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) 7 / 5 / 2019

Letter Requested by:  
Date by which would ideally like to receive letter 7 / 1 / 2019

### Signature

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

Signature of Letter Recipient or Authorized Representative

Date (month, day, year)



## Brownfields Program Letter/Site Status Letter Request Submittal Checklist

Please complete this checklist and submit it with your request along with all supporting documentation to ensure your request is complete; an incomplete submittal will delay staff review of your request. Thank you.

Please indicate, as applicable, if the following items are identified and/or included with your request:	Yes	Location in Request (page #)	No	N/A
Type of letter requested	X	Letter; Page 1		
Names, affiliations, contact information for all project stakeholders	X	Letter; Page 1		
The basis in statute or applicable enforcement discretion policy for a Comfort Letter request	X	Letter; Page 1		
Supplemental Information Request Form & all requested attachments	X	Letter; Page 1-3		
Reliance letter to use another's Phase I report (for a BFPP CL)				X
List and/or map of the parcel(s) comprising the site and the corresponding 18-digit parcel identification number(s)	X	Letter; Page 2		
A legible copy of the recorded deed(s) or a surveyed legal description(s) for the parcel(s) comprising the site*	X	Letter; Attachment		
The date of property acquisition (or proposed property transfer/closing date)	X	Letter; Page 2		
Indication of whether or not a purchase agreement has been finalized	X	Letter; Page 2		
Description of redevelopment project including a site redevelopment/design plan	X	Letter; Page 2		
A black & white site map (no aerial photos) depicting property boundaries, parcel(s) & parcel number(s)	X	Letter; attachment		
Building size(s), square footage, ceiling height(s), slab thickness, and HVAC air exchange rate(s) (if known VOC contamination & existing building(s) will continue to be used or are planned to be renovated)	X	Letter; Pages 2-3		
Map(s) depicting utility corridors to/from the parcel(s) comprising the Site (if known VOC contamination, for preferential pathway analysis)	X	Letter; Attachment		
Timeframes (application deadline) for SBA Loan-financed project				X
Paper copy and CD with Phase I report(s) (and/or Phase I Update)	X	Attached		
Paper copy and CD with Phase II report(s)	X	Attached		

If "No", then explain why below:

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\*Note: if you are a prospective purchaser, and an environmental restrictive covenant is required to be recorded on the deed(s) for the site, your new deed(s) will be utilized at the time of recording.

## Indiana Brownfields Program

### Comfort/Site Status Letter Request Submittal Checklist (continued)

Please provide the following information regarding specific components of the Phase I Environmental Site Assessment report that will facilitate our timely evaluation of your BFPP Comfort Letter request:

Not applicable

Report Topic	Location in Phase I Report (Page #/Section/Appendix)
Interviews of Past and Present Owners and/or Operators	Pages 9-10
Recorded Environmental Cleanup Liens/Activity and Use Limitations Search	Page 9
Government Records Review/Database Search	Pages 10-15 ; Appendix D
Site Reconnaissance of the Subject Property	Pages 16-20
Environmental Professional Statement and Signature	Page 22
User Questionnaire	Appendix C
Vapor Migration Analysis	Appendix C ; Phase I Report

Prepared By SMA

Form completed by:

[Redacted]

Date completed:

[Redacted]

Printed

[Redacted]

Signature

[Redacted]

Affiliation



## Indiana Brownfields Program BFPP (Bona Fide Prospective Purchaser) Comfort Letter Request Checklist

Date of Phase I report: 5/31/19

Entity for which the Phase I report/Phase I Update was prepared (User): [REDACTED]

Which of the following describes the User? (check the applicable box):

- Prospective Purchaser (has not purchased) Proposed date of purchase: 7/5/2019
- Prospective Tenant (has not executed lease) Proposed date of lease execution: \_\_\_\_\_
- Current Owner (seller or already purchased) Date purchased/acquired: \_\_\_\_\_
- Current Tenant (seeking liability protection under existing lease or intending to buy)  
Date lease executed: \_\_\_\_\_

Buying on land contract?  Yes  No Date land contract executed: \_\_\_\_\_

Is the User the stakeholder requesting the Comfort Letter?  Yes  No

Who answered the User-specific questions in the Phase I/Phase I Update? [REDACTED]

- Were the questions answered on behalf of the BFPP seeking comfort?  Yes  No

If the User identified above is not the BFPP, has the BFPP obtained a Phase I Update in its name and/or a reliance letter to utilize the Phase I report (or is the BFPP identified as an eligible user in the reliance section of the report (if yes, on what page \_\_\_)?  Yes  No

- If yes: Date of the Phase I Update or reliance letter obtained for the BFPP?     /    /
- If yes: Did the BFPP complete a User-questionnaire for itself when obtaining the Phase I Update or reliance letter?  Yes  No

Phase I report completed within 180 days of (prior to) acquisition (clock on 180 days and one-year shelf life of Phase I report begins ticking from the date on which the earliest report information is collected, NOT the date of the report)?<sup>1</sup>  Yes  No

- If no: Has the User/BFPP obtained a Phase I Update?  Yes  No
- If yes: Date of the Phase I Update:     /    /

	Date Conducted	Expiration Date
(i) interviews with owners, operators, and occupants;	<u>5/20-21/2019</u>	<u>11/16/19</u>
(ii) searches for recorded environmental cleanup liens;	<u>5/23/2019</u>	<u>11/19/19</u>
(iii) reviews of federal, tribal, state, and local government records;	<u>5/23/2019</u>	<u>11/19/19</u>
(iv) visual inspections of the <i>property</i> and of <i>adjoining properties</i> ; and,	<u>5/20/2019</u>	<u>11/16/19</u>
(v) declaration by the environmental professional	<u>5/30/2019</u>	<u>11/26/19</u>

Report Viability Date (based on earliest expiration date from above-listed items): 11/16/19

<sup>1</sup> The "continuing viability" component of the ASTM standard requires updates after 180 days from the earliest date of collection of interviews with owners, operators & occupants; environmental lien search; government database search; visual inspections/site reconnaissance; and, the Environmental Professional declaration. In any case, if a different User relies on the report, the new User must satisfy the User Responsibilities.



# Indiana Brownfields Program BFPP (Bona Fide Prospective Purchaser) Comfort Letter Request Checklist (continued)

Do the Phase I User name and the name of the purchasing entity (to be) listed on the deed match exactly?

Yes  No (If no, need to obtain a reliance letter or a Phase I Update and a complete a new User Questionnaire on behalf of the correct entity)

Phase I/Phase I Update completed in accordance with ASTM E1527-13 or 40 CFR Part 312?  Yes  No

Phase I signed by qualified Environmental Professional with the required certification statement?  Yes  No

Is the BFPP "affiliated with" another party who is potentially liable at the site?  Yes  No

1. Direct or indirect familial relationship?
2. Any contractual, corporate, or financial relationship (other than property transfer instrument)?
3. Reorganization of a business entity that was potentially liable?

For sites already acquired, has the BFPP satisfied continuing obligations since acquisition?

1. Provided all legally required notices with respect to discovery/release of hazardous substances<sup>2</sup>  Yes  No  Not Applicable
2. Taken reasonable steps to stop continuing releases, prevent any threatened future releases, prevent or limit exposure to any previously released hazardous substances  Yes  No  Not Applicable
3. Provided full cooperation, assistance and access to persons conducting response actions  Yes  No  Not Applicable
4. In compliance with any land use restrictions already established and not impeding the effectiveness or integrity of any institutional control employed at the site in connection with a response action  Yes  No  Not Applicable
5. Complied with any request for information or administrative subpoena issued by the U. S. EPA  Yes  No  Not Applicable

Provide a written explanation and associated documentation to support satisfaction of continuing obligations since acquisition (below and/or attached):

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<sup>2</sup> If applying for comfort based on BFPP status for a petroleum-contaminated site, evaluate these criteria for petroleum releases rather than/in addition to hazardous substances.

# PROPERTY DEED

③  
25.00  
Meridian Title Corp

2018006612 DEED \$25.00  
07/25/2018 12:16:48P 3 PGS  
Nicole K. (Nikki) Baldwin  
Boone County Recorder IN  
Recorded as Presented



Tax ID No.  
[REDACTED]

**WARRANTY DEED**

**THIS INDENTURE WITNESSETH THAT**

[REDACTED]

**CONVEY(S) AND WARRANT(S) TO**

[REDACTED] for Ten Dollars and other valuable consideration the receipt whereof is hereby acknowledged, the following described REAL ESTATE in Boone County, in the State of Indiana, to wit:

**SEE ATTACHED EXHIBIT "A"**

Subject to Real Estate taxes now due and payable and thereafter.

Subject to covenants, restrictions and easements of record.

IN WITNESS WHEREOF, the Grantor has executed this Deed this 23rd day of July, 2018.

[REDACTED]

**DULY ENTERED FOR TAXATION**

7-25-2018

*Heather Meyer*

**SUBJECT TO FINAL ACCEPTANCE  
AUDITOR, BOONE COUNTY**

State of Indiana, County of Boone ss:

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named [REDACTED] who acknowledged the execution of the foregoing Deed and who, having been duly sworn, stated that the representations therein contained are true.

WITNESS, my hand and Seal this 23rd day of July, 2018.

My Commission Expires: \_\_\_\_\_

  
\_\_\_\_\_  
Signature of Notary Public

\_\_\_\_\_  
Printed Name of Notary Public



\_\_\_\_\_  
Notary Public County and State of Residence

This instrument was prepared by:  
[REDACTED]

Property Address:  
[REDACTED]

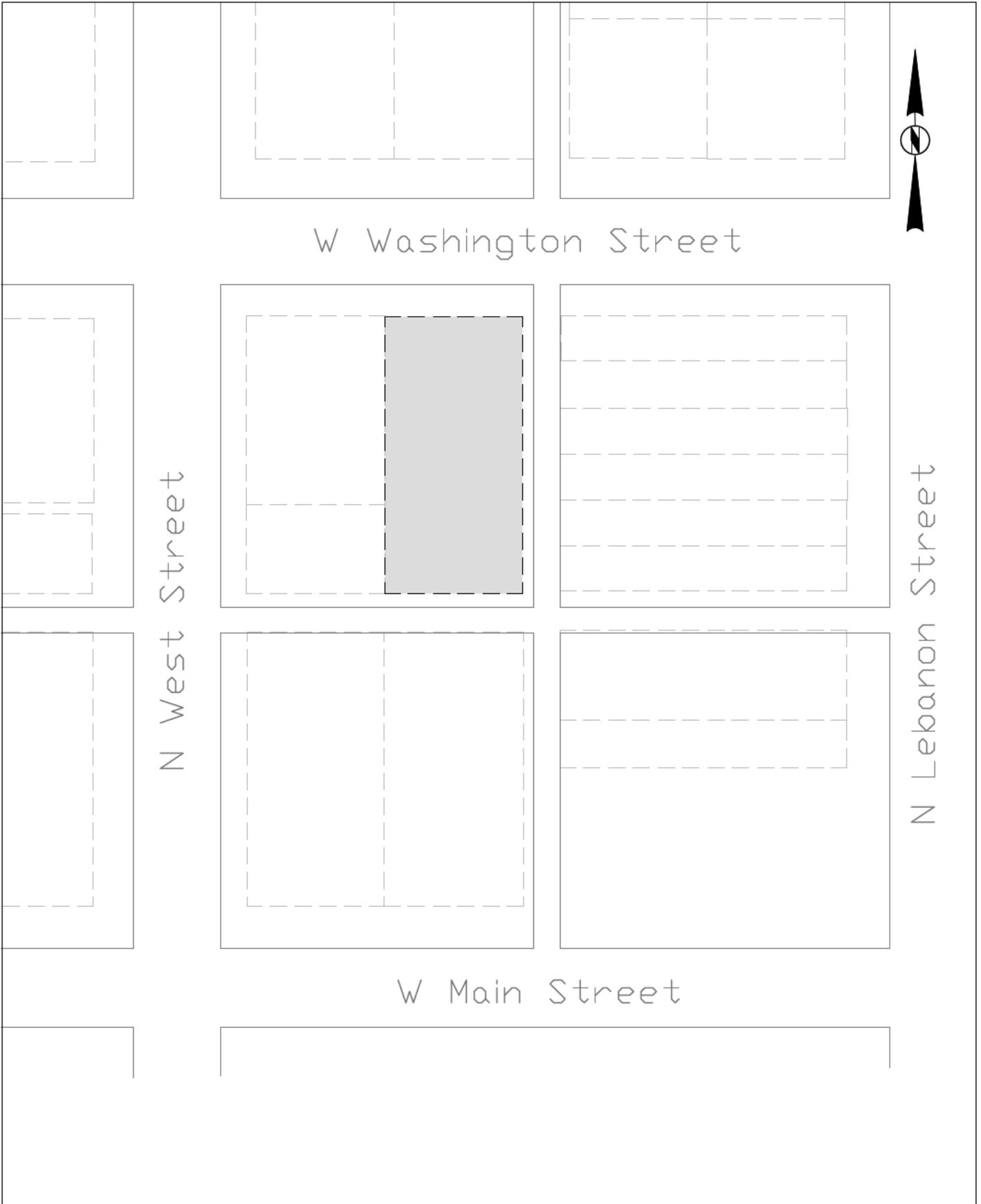
Grantee's Address and Mail Tax Statements To:  
[REDACTED]

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law. [REDACTED]

**EXHIBIT A**

Lot No. 2 in Block No. 13 in the Original Plat of [REDACTED]

# PARCEL MAP



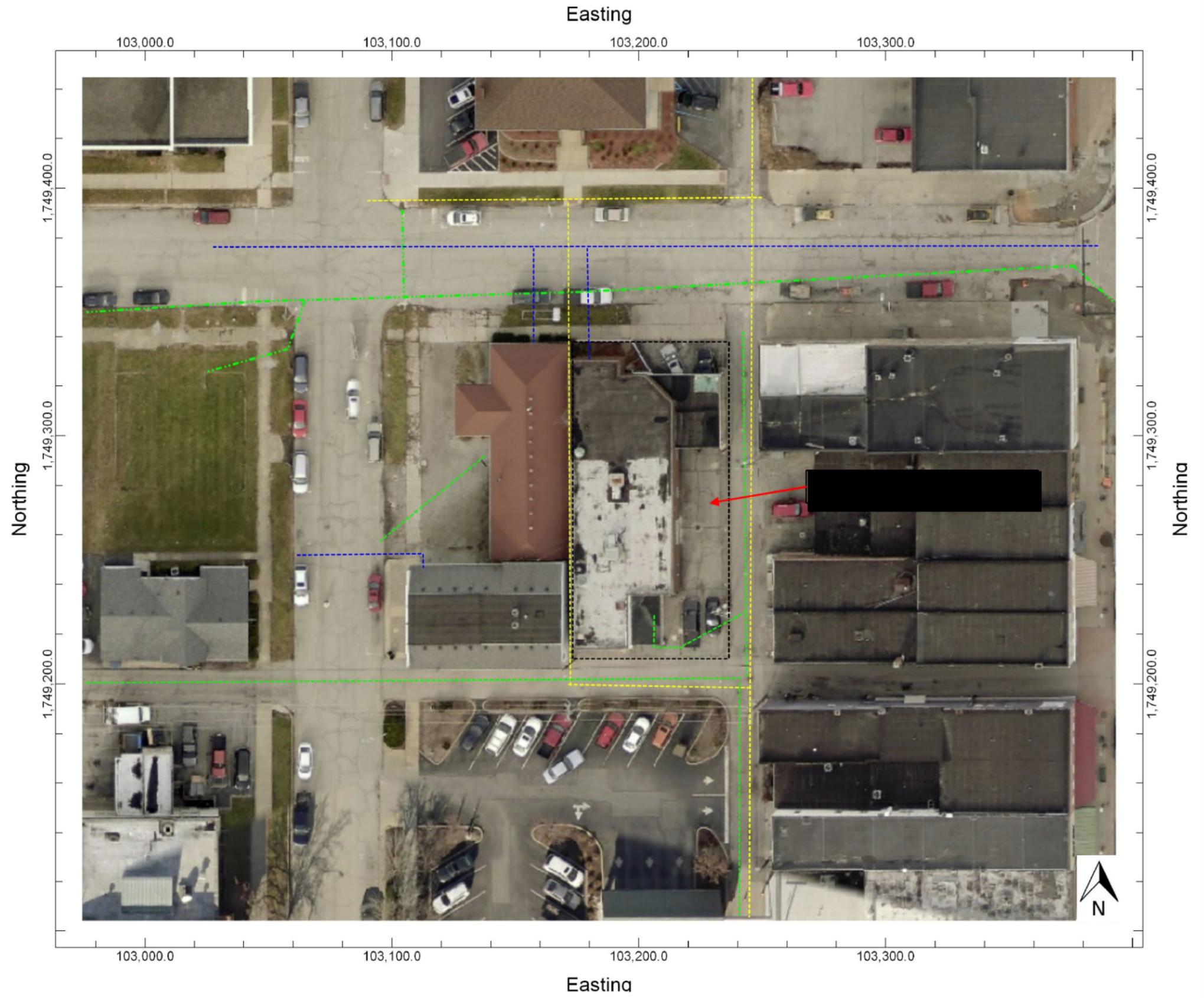
CHECK BY	PEB
DRAWN BY	SAH
DATE	5/30/2019
SCALE	
CAD NO.	B
PRJ NO.	HH197003.001



FIGURE

## SITE UTILITIES

- Utilities**
- ..... - Water
  - ..... - Sanitary Sewer
  - ..... - Storm Sewer
  - ..... - Gas
  - ..... - Property Boundary



Scale in Feet

Drawn by: AD  
5/10/2019  
Scale as Shown

Subsurface Utilities

# ENVIRONMENTAL REPORTS

## Relevant Project Documents in VFC

<b>Doc #</b>	<b>Date</b>	<b>Program</b>	<b>Document Type</b>
<a href="#">82767260</a>	4/30/2019	State Cleanup	Remediation
<a href="#">82766905</a>	4/30/2019	State Cleanup	Monitoring
<a href="#">80462661</a>	5/15/2017	State Cleanup	Remediation
<a href="#">80405082</a>	1/12/2017	State Cleanup	Remediation
<a href="#">80396166</a>	12/5/2016	State Cleanup	Site Characterization
<a href="#">80367031</a>	10/19/2016	State Cleanup	Monitoring
<a href="#">80337202</a>	8/12/2016	State Cleanup	Monitoring
<a href="#">80314038</a>	6/23/2016	State Cleanup	Site Characterization
<a href="#">80270811</a>	4/13/2016	State Cleanup	Monitoring
<a href="#">80200084</a>	1/12/2016	State Cleanup	Monitoring
<a href="#">80177726</a>	11/24/2015	State Cleanup	Site Characterization
<a href="#">80150445</a>	10/19/2015	State Cleanup	Monitoring
<a href="#">80131924</a>	7/6/2015	State Cleanup	Site Characterization
<a href="#">80128365</a>	10/7/2014	State Cleanup	Site Characterization
<a href="#">80114514</a>	8/20/2015	State Cleanup	Monitoring
<a href="#">80070681</a>	6/29/2015	State Cleanup	Site Characterization
<a href="#">80029212</a>	2/12/2015	State Cleanup	Site Characterization
<a href="#">80020326</a>	2/12/2015	State Cleanup	Site Characterization
<a href="#">70505323</a>	10/7/2014	State Cleanup	Site Characterization
<a href="#">70447188</a>	9/29/2014	State Cleanup	Site Characterization
<a href="#">70276283</a>	8/1/2014	State Cleanup	Site Characterization
<a href="#">69863270</a>	1/29/2014	State Cleanup	Site Characterization
<a href="#">69291098</a>	12/9/2013	State Cleanup	Site Characterization
<a href="#">69109473</a>	6/20/2013	State Cleanup	Correspondence
<a href="#">69000144</a>	10/8/2013	State Cleanup	Site Characterization
<a href="#">68581913</a>	7/19/2013	State Cleanup	Enforcement
<a href="#">68580309</a>	7/23/2013	State Cleanup	Site Characterization
<a href="#">68413064</a>	6/10/2013	State Cleanup	Enforcement
<a href="#">64613804</a>	1/10/2012	State Cleanup	Correspondence
<a href="#">64613753</a>	12/8/2011	State Cleanup	Correspondence
<a href="#">64169090</a>	10/19/2011	State Cleanup	Correspondence
<a href="#">64169096</a>	8/11/2011	State Cleanup	Correspondence
<a href="#">63533283</a>	9/9/2011	State Cleanup	Site Characterization
<a href="#">63295488</a>	8/24/2011	State Cleanup	Correspondence
<a href="#">62558351</a>	5/20/2011	State Cleanup	Correspondence
<a href="#">61021024</a>	1/25/2011	State Cleanup	Site Characterization
<a href="#">60826881</a>	3/11/2010	State Cleanup	Correspondence
<a href="#">60826905</a>	1/25/2010	State Cleanup	Correspondence
<a href="#">60826908</a>	2/27/2010	State Cleanup	Correspondence

## Relevant Project Documents in VFC

<a href="#">60826869</a>	4/10/2007	State Cleanup	Correspondence
<a href="#">60826868</a>	2/18/2008	State Cleanup	Correspondence
<a href="#">60826854</a>	10/25/2010	State Cleanup	Correspondence
<a href="#">60826850</a>	4/26/2010	State Cleanup	Correspondence
<a href="#">60826906</a>	3/18/2010	State Cleanup	Correspondence
<a href="#">60826927</a>	6/9/2008	State Cleanup	Correspondence
<a href="#">60826907</a>	3/18/2010	State Cleanup	Correspondence
<a href="#">60445880</a>	1/25/2011	State Cleanup	Site Characterization
<a href="#">59543049</a>	11/9/2010	State Cleanup	Site Characterization
<a href="#">59543038</a>	11/9/2010	State Cleanup	Site Characterization
<a href="#">59044021</a>	1/22/2010	State Cleanup	Site Characterization
<a href="#">51382437</a>	4/9/2007	State Cleanup	Site Characterization
<a href="#">51340216</a>	3/29/2006	State Cleanup	Correspondence
<a href="#">51326808</a>	2/8/2006	State Cleanup	Emergency Response
<a href="#">50627872</a>	8/13/2009	State Cleanup	Site Characterization