

INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We Protect Hoosiers and Our Environment.

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(800) 451-6027 • (317) 232-8603 • www.idem.IN.gov

Eric J. Holcomb
Governor

Bruno L. Pigott
Commissioner

STATE OF INDIANA )
)
COUNTY OF MARION )
SS: BEFORE THE INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

COMMISSIONER OF THE DEPARTMENT OF ENVIRONMENTAL MANAGEMENT )

Complainant, )

v. )

IDEM Site No. 0153

BOYLE RACING HEADQUARTERS FOUNDATION CORP. )
GENT AVENUE, LLC, GUGGMAN HAUS INV., LLC, )
CARRIER CORPORATION, )
COMPONENT MACHINE, INC., )
CRESCENT REALTY CORP., )
CRESCENT ELECTRIC SUPPLY CO., )
HITTLE MACHINE AND TOOL COMPANY, INC., )
INDIANA UNIVERSITY, )
INDIANA UNIVERSITY FOUNDATION, )
INDUSTRIAL PROPERTIES, INC., )
PARTS LANDLORD, LLC, )
16 TECH COMMUNITY CORPORATION, )
SFS (USA) HOLDING, INC., STERLING FLUID )
SYSTEMS (USA) LLC DBA PEERLES PUMP CO., and )
STALEY SIGNS, INC. )

Respondents. )

AGREED ORDER OF THE INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

The Indiana Department of Environmental Management ("IDEM"), by its Commissioner, and the Respondents in Signature Groups A and B, and desire to settle and compromise IDEM's claims related to the Site 0153 Groundwater Investigation, and herein enter into this administrative Agreed Order. The Parties desire and agree to settle and compromise this matter without hearing or adjudication of any issue of fact or law, and consent to the entry of the following Findings of Fact and Order.

Purpose

1. The purpose of this Agreed Order include is to (1) resolve Respondents' potential liability for the Known Conditions on Respondents' properties that might pose a threat to the drinking water aquifers beneath their properties; (2) provide Respondents contribution protection as afforded by law for the Known Conditions on Respondents' properties that might pose a threat to the drinking water aquifers beneath their properties, and (3) create the "Site 0153 Monitoring and Future Response Fund" dedicated to funding Future Response Actions within Site 0153, if and as necessary over the next ten years.

## FINDINGS OF FACT

### **VOCs found in the Raw Water**

2. To provide water to the City of Indianapolis, as of 2013 there were 19 production wells in the Riverside and White River Wellfields located north and east of where Fall Creek flows into the White River in Indianapolis. Citizens Water began operating these wells in 2013 after it purchased the water utility from the City of Indianapolis. Groundwater pumped from the Riverside and White River Wellfields is mixed with surface water, treated, and supplied to over 17,000 customers in Indianapolis. Citizens Water routinely tests and treats all raw water prior to distribution to consumers. On February 20, 2013, Citizens Water notified IDEM that elevated levels of chlorinated solvents had been detected in some of the wells. In particular, Citizens Water was concerned that the level of vinyl chloride in Well RS 29 was approaching the Maximum Contaminant Level (MCL) allowed for finished water under the Safe Drinking Water Act.

3. On May 20 and 21, 2014, IDEM took water samples from the 19 production wells at locations prior to entry into the treatment facility and analyzed them for volatile organic compounds. The results showed the presence of vinyl chloride, cis-1,2-DCE, trichloroethylene (TCE), and 1,1,1 trichloroethane in some of the raw water, all of which were at levels below the Maximum Contamination Level allowed under the Safe Drinking Water Act.

4. The VOCs detected are man-made chemicals. Over time, TCE breaks down into cis-1,2-Dichloroethene, trans-1,2 Dichloroethene, and then into vinyl chloride. Accordingly, the Contaminants of Concern are tetrachloroethylene, trichloroethylene, 1,1,1-trichloroethane, cis-1,2-dichloroethylene, and vinyl chloride.

5. Based upon current or historic use of the real estate in the vicinity of the wells, IDEM subsequently identified at least 89 potential source areas of VOC contamination within the Riverside and White River Wellfields five year time of travel of groundwater. At least 15 of these potential source areas were in one of IDEM's remediation programs, and have either addressed the potential ongoing source areas at their Facility or are on track to do so.

### **NPL Listing and Deferral**

6. IDEM staff prepared a Hazard Ranking System documentation record and submitted it to EPA, which EPA designated as Site 0153.

7. Based upon the HRS score, on August 13, 2015, IDEM Commissioner Thomas Easterly requested inclusion of the Wellfields on EPA's National Priorities List of sites to be addressed under the Comprehensive Environmental Response, Compensation and Liability Act.

8. On April 7, 2016, EPA published a notice in the Federal Register in which EPA proposed to add the Wellfields to the National Priorities List. The public comment period was open until at least September 5, 2016.

9. In public comments to the proposed listing, the Mayor of Indianapolis and several citizens and business interests asked that EPA allow IDEM to manage the investigation of the Wellfields.

10. In response to public comments, on August 18, 2016, IDEM Commissioner Carol Comer issued a letter withdrawing support for including the Wellfields on the EPA's National Priorities List.

11. In October 2016, EPA Region 5 began discussions outlining certain criteria that IDEM would need to satisfy in order for EPA to consider allowing IDEM to manage the investigation and remedy for the Wellfields in lieu of EPA. The parties began referring to the Wellfields as Site 0153.

12. On June 8, 2017, IDEM and EPA entered into a Memorandum of Agreement in which EPA defers to IDEM to manage the investigation and remedy for Site 0153 in lieu of EPA. Recognizing that IDEM has the ability to address Site 0153 sooner than EPA would likely respond, IDEM and EPA agreed to the following:

- IDEM will take the lead to investigate and pursue a CERCLA protective cleanup of Site 0153;
- IDEM will involve the public with the use of a community involvement plan;
- IDEM will notify and coordinate with the Natural Resource Trustees.
- IDEM will provide annual reports to EPA.
- IDEM will not utilize Superfund trust money to address the Site 0153.

13. During the first two years, IDEM assigned five project managers and an attorney to the investigation of Site 0153. As of December 2020 IDEM has:

- Created a project website with an interactive map. [www.idem.IN.gov/Site0153](http://www.idem.IN.gov/Site0153). The website and interactive map are updated with ongoing information about the investigation and cleanup.
- Mailed 13,400 letters and fact sheets (in English and Spanish) to residents and businesses located within Site 0153.
- Issued notice of liability letters for 25 Facilities and over 140 information request letters.
- Reviewed data and begun evaluations of most of the initial 89 Facilities, and completed investigations of many Facilities.
- Completed the Community Involvement Plan, and continue to meet with environmental groups and residents regarding improvements to communication.
- Held several public information meetings in various neighborhoods within Site 0153.
- Scheduled bi-monthly stakeholder meetings with the city of Indianapolis, Citizens Water, and the Marion County Public Health Department to coordinate complete responses to public concerns.
- Solicited and awarded a Technical Assistance Grant to a coalition formed by several neighborhood organizations.

- In November, 2020, completed a Remedial Investigation Report, a Human Health and Ecological Risk Assessment, and a Feasibility Study.
- Provided a public comment period and on November 18, 2020, held a virtual public meeting for public discussion of the RI, HHERA and FS.

14. As a result of IDEM's efforts, 77 of the initial 89 potential source areas are being addressed (to some extent) in one of IDEM's remediation programs.

15. Under the Safe Drinking Water Act, the Citizens Water Company routinely tests its production wells for the presence of regulated substances, including the Contaminants of Concern. Citizens Water reports that the Contaminants of Concern (if any) in the 14 production wells within Site 0153 are below the Maximum Contaminant Level allowed under the Safe Drinking Water Act. For purposes of this Agreed Order, Known Conditions include all sampling and analysis of the 14 production wells through 2019.

16. IDEM has provided notice to the Indiana Natural Resource Trustees with a copy of this Agreed Order.

17. Each Respondent in Settlement Groups A and B has disclosed its Known Conditions on its respective signature page.

18. Since 2017, IDEM has incurred substantial response costs investigating releases and threatened releases within Site 0153.

### **CONCLUSIONS OF LAW**

Based on the Findings of Fact set forth above and other information available and relied upon at execution of this Order, IDEM has determined that:

19. Each of the Respondents own, owned, operate or operated a "Facility," as defined by IC 13-11-2-77(f) and the Comprehensive Environmental Response Compensation and Liability Act ("CERCLA") § 101(9), 42 U.S.C. § 9601(9), within the area identified as Site 0153. The term includes any area where a hazardous substance has been deposited, stored, disposed of, or placed, or otherwise come to be located.

20. The Contaminants of Concern found in a release or threat of a release from any Respondent's Facility are "hazardous substances" as defined by IC 13-11-2-98 and by CERCLA § 101(14), 42 U.S.C. § 9601(14).

21. The past, present or potential threat of migration of Contaminants of Concern located at and emanating from any Respondent's Facility constitutes a "Release" or a threatened "Release" as defined in IC 13-11-2-184(d) and CERCLA §101(22), 42 USC 9601(22).

22. The Commissioner alleges that each of the Respondents is a "Responsible Person" under IC 13-11-2-192(b), IC 13-25-4-9, and CERCLA § 107(a), 42 USC 9607(a), as the owner or operator of a Facility, and/or as a person who at the time of disposal of any

Contaminants of Concern owned or operated any Facility at which Contaminants of Concern were disposed of.

23. Pursuant to IC 13-25-4-9(b), the Commissioner of the Indiana Department of Environmental Management has authority to issue an administrative order to compel Responsible Persons to undertake a Removal or Remedial Action with respect to a Release or threatened Release of a Hazardous Substance from a Facility in Indiana. This includes actions necessary to prevent, minimize or mitigate damage to the public health or welfare and the environment according to IC 13-11-2-187.

24. The Respondents in Signature Group B assert that they are bona fide prospective purchasers who are not liable under IC 13-11-2-192(b), IC 13-25-4-9, and CERCLA § 107(a), 42 USC 9607(a). The Commissioner contends that, by law, a bona fide prospective purchaser must nevertheless take reasonable steps to (1) stop any continuing release, (2) prevent any threatened future release, and (3) prevent or limit any human or environmental exposure to previously released hazardous substances. 42 USC 101(40).

25. Pursuant to IC 13-25-4-23, the Commissioner of the Indiana Department of Environmental Management may enter into an agreement with responsible persons concerning removal or remedial actions with respect to a Release or threatened Release of a Hazardous Substance from a Facility in Indiana, including the reimbursement of oversight costs incurred by the Department.

26. Pursuant to Ind. Code 13-14-2-4, the department "... may accept and receive, on behalf of the state, any gifts or other money made available to the state from any source for purposes of (1) this title; or (2) other environmental protection activities, surveys, or programs.

27. In the absence of participation by the state Natural Resource Trustees and their federal counterpart, IDEM has no authority to settle natural resource damage claims under either CERCLA or Indiana Code Title 14.

## **AGREED ORDER**

### **Definitions**

28. Unless designated otherwise, the terms used in this Agreed Order shall have the same meaning as those same terms that are defined and used in Title 13 and in CERCLA, 42 USC 9601, et seq.

**Contaminants of Concern** are tetrachloroethylene, trichloroethylene, 1,1,1-trichloroethane, cis-1,2-dichloroethylene, and vinyl chloride.

**Known Conditions** are found in documents on the IDEM Virtual File Cabinet (VFC) as of the Effective Date of this Agreed Order, and all such VFC documents and numbers are identified and recited in each Respondent's signature page. See IDEM's VFC at <https://www.in.gov/idem/legal/2363.htm> for internet access to these documents.

**New Evidence** is soil or groundwater monitoring, sampling, testing or analysis not found in the Known Conditions, and which demonstrates that a release from any Respondent's Facility has impacted or now threatens to impact any of the production wells within Site 0153.

**Production Wells** are the drinking water production wells currently in use within Site 0153 as of the Effective Date, and any new wells installed and actually used by Citizens Water thereafter to provide water to the public. The location of these wells is protected from public disclosure by Ind. Code 5-14-3-4(19)(H).

**Site 0153** is within the area bounded by 35<sup>th</sup> Street to the north, Holt Road to the west, Washington Street to the south, and Central Avenue to the east.

### **Respondents Full Disclosure**

29. Each Respondent represents that it has fully and completely responded to IDEM's requests for information about its Facility, that it has made full disclosure of all available information about the Contaminants of Concern on or migrating from each Respondent's Facility, and that all such available information is now identified in the Known Conditions.

### **Settlement Payments**

30. The Respondents in **Signature Group A** acquired or held their properties within Site 0153 prior to January 11, 2002. See 42 U.S.C. § 9601(40).

- |   |   |
|---|---|
| (1) Carrier Corporation                   | (4) Industrial Properties, Inc.                           |
| (2) Component Machine, Inc.               | (5) SFS (USA) Holding, Inc., and                          |
| (3) Hittle Machine and Tool Company, Inc. | Sterling Fluid Systems (USA) LLC<br>DBA Peerless Pump Co. |

31. Within 60 days after the Effective Date, each Respondent in Signature Group A shall make a payment of \$50,000 to IDEM.

32. The following Respondents in **Signature Group B** assert a bona fide prospective purchaser defense. See 42 U.S.C.S. § 9601(40).

- (1) Boyle Racing Headquarters Foundation Corp., Gent Avenue, LLC and Guggman Haus Investments, LLC
- (2) Crescent Realty Corp, and Crescent Electric Supply Co.
- (3) Indiana University
- (4) Indiana University Foundation
- (5) Parts Landlord, LLC
- (6) Staley Signs, Inc.
- (7) 16 Tech Community Corporation.

33. Within 60 days after the Effective Date, each Respondents in Signature Group B shall make a payment of \$25,000 to IDEM.

34. Checks will be made payable to the "Indiana Department of Environmental Management" noting as payment for "Site 0153 Agreed Order" and mailed to:

Indiana Department of Environmental Management  
Accounts Receivable  
IGCN, Room 1340  
100 North Senate Street  
Indianapolis, IN 46204

In lieu of a check, upon request arrangements can be made for the timely electronic transfer of funds.

35. The parties agree that the entry into this Agreed Order, and the making of any payment, is not an admission of liability for any Respondent, and is not an admission of the merit or lack of merit of any defense to potential liability.

36. Any Respondent that fails to timely pay shall be liable for interest and damages. However, the failure of any Respondent to timely make payment shall not change the effectiveness of this Agreed Order as to any Respondent that has timely made payment, and any Respondent that has timely paid shall not be liable for the late payment or non-payment by any other Respondent.

#### **Site 0153 Monitoring and Future Response Fund**

37. All Settlement Payments collected by IDEM shall be placed in the Site 0153 Monitoring and Future Response Fund, ("Site 0153 MAFR Fund"), as further described below.

38. IDEM shall create the Site 0153 Monitoring and Future Response Fund, a non-reverting sub-account of the Hazardous Substances Response Trust Fund dedicated to funding Future Response Actions within Site 0153, if and as necessary, including:

- a. Monitoring of ground water wells related to protecting production wells from Contaminants of Concern;
- b. Collecting New Evidence to determine whether the Contaminants of Concern released from any Respondent's Facility threaten or impact any production wells in use within Site 0153 at levels above MCLs;
- c. Funding or installing suitable water treatment equipment to remove any Contaminant of Concern from water extracted from production wells; or
- d. If both remediation and treatment is not cost effective, funding the relocation any production wells as necessary to maintain the use of the well field.

Future Response Actions do not include reimbursement of IDEM response costs incurred prior to 2021.

39. So long as IDEM has no pending claims against any Respondent under Paragraph 49, beginning on January 1, 2026, and for each year thereafter, IDEM may remove from the Site 0153 MAFR Fund up to \$60,000 per calendar year, to be transferred into the Hazardous Substances Response Trust Fund as unrestricted funds. At the time of removal and transfer of any money from the sub-

account, IDEM shall select an equal value of any unreimbursed response cost invoices (past or Future Response Action costs) incurred within Site 0153 and write off the invoices as satisfied by the transfer from the Site 0153 MAFR Fund. Satisfied invoices may no longer be used by IDEM for purposes of cost recovery.

40. Within a year after any funds are transferred from the MAFR Fund into the HSRT Fund, groups located within Site 0153 (such as the Indianapolis Environmental Equity Council, Inc.), may work with the Indiana Finance Authority to develop proposed grant opportunities for community environmental initiatives within Site 0153. Upon approval, the Commissioner may order the further transfer of some or all of the funds from the HSRT Fund into the Indiana brownfields fund established by IC 5-1.2-12-3, to fund the proposed grant opportunities for community environmental initiatives within Site 0153.

### **Covenants Not to Sue**

41. In consideration of the payments that will be made by the Respondents, and except as provided in the Reservation of Rights, IDEM covenants not to sue or take administrative action against any of the Respondents under Ind. Code 13-25-4, et seq., and IC 13-30-9-1, et seq., Section 107(a) of CERCLA, 42 USC 9607(a), and Section 7002 of RCRA, found at 42 USC 9672, with regard to past, current or future response costs or actions taken in response to the Contaminants of Concern identified in the Known Conditions on or from Respondents' Facilities. As to each Respondent, this covenant not to sue is contingent upon and shall take effect upon IDEM's receipt of that Respondent's Settlement Payment.

42. Respondents covenant not to sue and agree not to assert any claims against IDEM arising out of response actions at or in connection with the Contaminants of Concern identified in the Known Conditions on or from Respondents' properties, including but not limited to any claim for reimbursement from the Indiana Hazardous Substances Response Trust Fund based on Ind. Code 13-25-4-1(6) and 13-25-4-23(b), or any claim based upon Known Conditions at Respondents' properties.

43. The Respondents waive any right to administrative or judicial review of this Agreed Order under Ind. Code Chapters 4-21.5-3 and Ind. Code Chapter 4-21.5-5.

44. IDEM and Respondents mutually release and forego any and all statutory or common law liens that they may be able to assert based on the Contaminants of Concern identified in the Known Conditions on Respondents' Facilities. In addition, each Respondent releases and covenants not to sue each other Respondent pursuant to Ind. Code 13-25, CERCLA Sections 107 and 113, or under any other federal, state or common law, for claims arising from the releases or threatened releases of Contaminants of Concern identified in the Known Conditions on or from each Respondent's Facility.



**Contribution Protection for  
Matters Addressed**

45. To the extent as provided by law at Ind. Code 13-25-4-27(b) and CERCLA Section 113(f)(2), at 42 USC § 9613(f)(2), or any other applicable federal or state statute or common law, each Respondent is entitled to protection from contribution actions by others for “matters addressed” in this Agreed Order. The Matters Addressed in this Agreed Order are the release of Contaminants of Concern identified in the Known Conditions on or from each Respondent’s Facility. The Matters Addressed to not include the ongoing duty to take appropriate care of any hazardous substances at an owned Facility (Par. 48) and do not include any discovery of New Evidence which indicates that any Respondent’s Facility has impacted or threatens to impact a production well (Par. 49).

**IDEM’s Reservation of Rights**

46. Pursuant to Title 13, IDEM regulates many activities not within the scope of Matters Addressed by this Agreed Order, including activities which might require water permits, air permits, the regulation of underground storage tanks, etc. IDEM reserves, and this Agreed Order is without prejudice to, all rights against Respondents with respect to all matters not expressly included in the Matters Addressed by this Agreed Order.

47. IDEM enters into this Agreed Order based upon the Known Conditions resulting from historic releases as identified on or at each Respondent’s Facility, and each Respondent’s full disclosure as of the date of that Respondent’s signature. IDEM’s Covenant Not to Sue does not include any activities by a Respondent or at a Facility after January 1, 2020 that causes or exacerbates the release of Contaminants of Concern on or from that Facility.

48. To the extent it owns a Facility, each Respondent acknowledges that it has an ongoing duty to take appropriate care of any hazardous substances at its Facility by taking reasonable steps to: (1) Stop any continuing release, (2) Prevent any threatened future release, and (3) Prevent or limit any human or environmental exposure to previously released hazardous substance. See 42 U.S.C.S. § 9601(40)(D). Though no such steps are identified by IDEM as necessary at this time, IDEM reserves the right to require a current or future owner of any Respondent’s Facility to take such reasonable steps, if and as necessary.

49. If, in the future, any water production well owned or operated by Citizens Water (or any successor) within Site 0153 is impacted by a Contaminant of Concern above an MCL, and if any New Evidence indicates that any Respondent’s Facility has impacted or threatens to impact any such production well, IDEM reserves the right to bring suit against identified Respondents under any applicable law, including Ind. Code 13-25-4, et seq., and IC 13-30-9-1, et seq., Section 107(a) of CERCLA, 42 USC § 9607(a), and Section 7002 of RCRA, found at 42 USC § 9672,. IDEM’s right to do so is conditioned on the following:

- a) If at any time when IDEM may choose to bring suit against identified Respondent(s), the IDEM must demonstrate that IDEM has either (1) expended the balance of the Site 0153 MAFR Fund on Future Response Actions within Site 0153, or (2) the

- Commissioner pledges to spend (and thereafter actually spends) the balance remaining in the Site 0153 MAFR Fund on Future Response Actions within Site 0153;
- b) Before bringing suit, IDEM must give notice in writing to each Respondent as to the New Evidence upon which IDEM contends that the Respondent's Facility has impacted or threatens to impact a production well; and
  - c) Unless an emergency exists, IDEM must provide at least 30 days for a response from the identified Respondent(s) before bringing suit against any Respondent.

50. IDEM reserves all rights against Respondents with respect to liability and damages for injury to, destruction of, or loss of natural resources, and for the cost of any natural resource damage assessments.

51. IDEM relies on each Respondent's Full Disclosure of available information about the Contaminants of Concern on or from each Respondent's Facility, and that all such information is now identified in the Known Conditions. If any Respondent has failed to produce known and available information about the Contaminants of Concern on or from that Respondent's Facility, and as to that Respondent only, IDEM reserves the right to pursue subsequent enforcement remedies available under Title 13. In any such subsequent enforcement action, that Respondent may present evidence as to its compliance with the Full Disclosure required by this Agreed Order.

#### **Facility Access**

52. To the extent the Facility, or any other property where access is needed to implement this Agreed Order, is owned and controlled by any Respondent, or is otherwise controlled by any Respondent, that Respondent shall provide IDEM and its representatives, including contractors, with access at all reasonable times to the Facility, or other such property, for the purpose of conducting any activity related to this Order.

#### **Notice**

53. Whenever under the terms of this Order, notice is required to be given to IDEM, it shall be directed to the individual at the address below, unless otherwise directed. Written notice as specified herein shall constitute complete satisfaction of any written notice requirement of the Order with respect to the Respondents. Notices and submissions may be sent by electronic transmission, First Class U.S. Mail, hand delivery, overnight mail, or courier service to the address set forth below. Respondents shall provide any written response transmitted electronically as a paper copy upon request.

Ryan Groves  
IDEM State Cleanup Program  
Office of Land Quality  
100 North Senate Avenue, IGCN 1101  
Indianapolis, IN 46204-6015  
(317) 234-3493  
Fax (317) 234-0428  
rgroves@idem.in.gov

### **Public Comment**

54. IDEM will provide public notice and accept written comments on this Agreed Order. IDEM reserves the right to withdraw from this Agreed Order as to one or more Respondents if the comments regarding the Agreed Order disclose facts or considerations indicating that the Agreed Order is inappropriate, improper, or inadequate.

55. IDEM will respond to comments from the public and, as appropriate, indicate whether IDEM will either abide by or withdraw from this Agreed Order. If IDEM withdraws from the Agreed Order, the Agreed Order is void and neither IDEM nor the Respondent(s) has any obligations to perform under this Agreed Order.

56. After public comment, if IDEM elects to withdraw from the Agreed Order IDEM shall refund all Settlement Payments to the affected Respondent within 30 days.

### **Other Terms**

57. This Agreed Order shall inure to the benefit of IDEM and the Respondents; there is no intention to create rights or benefits for non-parties to this Agreed Order. IDEM has an ongoing regulatory role, both on-site and off-site, and nothing in this Agreed Order shall prohibit IDEM from asserting claims or bringing suit against any Person (other than a Respondent) regarding Known Conditions.

58. This Agreed Order neither constitutes a finding as to the risks or lack thereof to human health and the environment that may be posed by Hazardous Substances at or in connection with the Facility, nor constitutes any representation that the Facility is fit for any particular purpose.


59. Entry into the terms of this Agreed Order does not constitute an admission of any violation, liability or defense. Respondent's entry into this Agreed Order shall not constitute an admission of liability or waiver of any defense, legal or equitable, which Respondent may have in any future administrative or judicial proceeding, except a proceeding to enforce this order.

60. Upon IDEM's request, Respondents shall participate in the preparation of information for distribution to the public and participate in public meetings that may be held or sponsored by IDEM to explain activities relating to the Facility, including presentations at public meetings at the request of IDEM.

**Effective Date**

61. This Agreed Order takes effect when signed by the Commissioner, as per the date below, including the covenants not to sue and contribution protection for matters addressed. The effectiveness is subject to the Public Comment period described above, and IDEM's subsequent decision to either continue to abide by or withdraw from this Agreed Order.

As agreed to on this Effective Date of March 11, 2021.

By:   
Bruno L. Pigott  
Commissioner

**Settlement Group A  
Known Conditions for Carrier Corporation**

1. From the 1950s to approximately 1985, Respondent **Carrier Corporation** owned and manufactured heating systems in buildings located in the vicinity of 1100 West 21<sup>st</sup> Street, 1139 W. 23<sup>rd</sup> Street and 1133 Burdsal Parkway, in Indianapolis. As of 2014, releases of TCE and PCE in soils and groundwater above default closure levels were confirmed in the northern portion of the former Carrier facility. (VFC Doc. 80229461)

2. Carrier Corporation responded to IDEM's notice of liability and information request. (VFC Doc. 82556369, 82651563, 80645456)

3. IDEM requested that Carrier perform a subsurface investigation, and on November 12, 2018, Carrier submitted a work plan for performing this response action. (VFC Doc. 82651559, 82654485)

4. Carrier represents that it made full disclosure of its known use of contaminants of concern on the properties, and the investigation of contaminants of concern on its properties. IDEM relies on Carrier's full disclosure as the basis for entering into this Agreed Order.

5. Known Conditions include all the above specified documents, any documents or information referred to in or attached to them, and any other documents or information currently contained in IDEM's VFC related to the former Carrier-Bryant site identified above.

**Carrier Corporation**



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Lori Butler

Vice President, Environmental, Health & Safety

Date: January 15, 2021

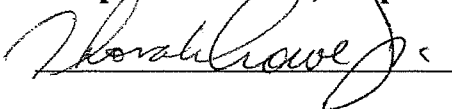
**Settlement Group A,  
Known Conditions for Component Machine Inc.**

1. For over 50 years the Respondent **Component Machine Inc.** has rebuilt automobile motors at 1630 North Gent Street in Indianapolis.
2. On December 17, 2004, IDEM requested that Component Machine investigate and remediate a release of hazardous substances from the Component Machine site. (VFC 80427329) Component Machine performed site investigation (VFC 49119264, 49314771, 890200755, 80200756, 82578104) and subsequently confirmed releases of TCE and PCE on its Facility. (VFC 61144045, 62764461, 62764460, 80065914)
3. Component Machine has since installed an operated a soil vapor extraction systems (VFC 49120306), performed remediation and submitted progress and annual reports to IDEM. (VFC 69976929, 82594379, 82695809, 80065916, 80618324) Along the way, IDEM provided comments to which Component Machine was responsive. (VFC 80014261, 80642557, 82604419)
4. Component Machine responded to IDEM's notice of liability and information request, and Component Machine represents that it made full disclosure of its known use of contaminants of concern at the Facility, and the investigation of contaminants of concern on its property. IDEM relies on Component Machine's full disclosure as the basis for entering into this Agreed Order.

**Site Closure**

5. In response to IDEM's letter dated May 29, 2020 (VFC 82978778), the parties thereafter met on September 2, 2020, and agreed upon a further work plan to bring this site to closure. On December 3, 2020, Component Machine submitted a Closure Workplan. (VFC 83080585)
6. This Agreed Order is contingent upon Component Machine completing the Closure Workplan to IDEM's satisfaction, and the issuance of a No Further Action Letter.
7. Upon completion to IDEM's satisfaction, Component Machine must submit a comprehensive Closure Request Report for IDEM's review and approval.
8. IDEM will review the closure request, and when appropriate, issue a No Further Action Letter for the site.
9. If Component Machine refuses to complete site closure, IDEM may declare this Agreed Order revoked as to Component Machine.

**Component Machine, Corp.**



Date:

1-12-2021

**Settlement Group A,  
Known Conditions for Hittle Machine and Tool Company Inc.**

1. From 1977 to 2012, **Hittle Machine and Tool Company Inc.** owned the Facility at 2122 Dr. Martin L. King Jr. Street in Indianapolis, where Hittle manufactured precision dies for appliance and automotive industries. Hittle used TCE and generated hazardous wastes containing TCE.
2. On December 21, 2017, IDEM requested information from Hittle, and Hittle submitted a response on January 19, 2018. (VFC 80576959, 80619615, 80596564)
3. On July 18, 2018, IDEM notified Hittle of its liability for the release of contaminants of concern and requested a site investigation. (VFC 82582308)
4. On December 21, 2018, an initial site characterization was submitted, in response to which IDEM requested vapor investigation and additional monitoring. (VFC 82666396)
5. Additional monitoring has been performed, as directed by IDEM. (VFC 82756596, 82782112, 82801808, 82806710)
6. Hittle represents that it made full disclosure of its known use of contaminants of concern at the Facility, and the investigation of contaminants of concern on its property. IDEM relies on Hittle's full disclosure as the basis for entering into this Agreed Order.

**Site Closure**

7. As per IDEM's letter dated January 30, 2020, Marshall Holdings LLC conducted at least one additional round of vapor intrusion sampling, and submit a closure request. (VFC 82903837) This Agreed Order is contingent upon completion of the further site investigation to IDEM's satisfaction, and the issuance of a No Further Action Letter.
8. Marshall Holdings LLC has performed the requested work and submitted a comprehensive Closure Request Report for IDEM's review and approval.
9. IDEM will review the closure request, and when appropriate, issue a No Further Action Letter for the site.
10. If site closure is not completed, IDEM may declare this Agreed Order revoked as to Hittle Machine.

**Hittle Machine and Tool Company Inc.**

*Robert Reimer*

Date:

12/23/20

**Settlement Group A,  
Known Conditions for Industrial Properties, Inc. f/k/a Industrial Heat Treating &  
Metallurgical Co., Inc. (“Industrial Properties”)  
State Cleanup Site # 0000623**

1. From the 1930s to date, predecessors of Respondent **Industrial Properties** owned and operated an industrial heat treating and metallurgical services in buildings located at 500 W. 21<sup>st</sup> Street in Indianapolis (the “facility”). As of 2018, releases of TCE in soils and groundwater above default closure levels were confirmed. (VFC Doc. 82571614)

2. Industrial Properties responded to IDEM’s notice of liability and information request, and Industrial Properties represents that it made full disclosure of its known use of the facility. (VFC Doc. 80497782, 80496855, 80514417, 80516420)

3. IDEM requested that Industrial Properties perform an Initial Site Investigation Work Plan, and on September 5, 2017, Industrial Properties submitted a work plan for performing this response action. (VFC Doc. 80516428)

4. Industrial Properties represents that it made full disclosure of its known use of contaminants of concern at the facility, and the investigation of contaminants of concern on its property. IDEM relies on Industrial Properties’ full disclosure as the basis for entering into this Agreed Order.

5. This Agreed Order resolves IDEM’s claim that a release of Contaminants of Concern from the Industrial Properties’ facility have impacted or threaten to impact the drinking water aquifer. This Agreed Order does not resolve other ongoing hazardous waste cleanup activities at the Industrial Properties’ facility.

**Ongoing RCRA Regulation and Hazardous Waste Cleanup**

6. Industrial Properties performed additional work required in the Further Site Investigation Report of December 18, 2019, and IDEM’s comments in response. (VFC 82881435, 82897694) The work included:

- Installation of an additional monitoring well;
- Groundwater sampling;
- Installation of a sub-slab depressurization system at Building #1 and summer worst case vapor intrusion sampling to assess the effectiveness of the system;

7. IDEM may also require a remedy for on-site soil contamination, additional paired indoor air and sub slab soil gas sampling under winter worst case conditions, and a baseline ecological environmental assessment.

8. This ongoing RCRA Regulation and Hazardous Waste Cleanup work is required for the hazardous waste cleanup activities at the Industrial Properties’ facility, and is not required for the investigation of whether Contaminants of Concern from the facility are a threat to the groundwater. The Covenant Not to Sue (Par. 41) and Contribution Protection (Par. 45) of the Agreed Order do not apply to RCRA work related to metals or vapor intrusion.



**Industrial Properties, Inc.**

William R. Jenkins

Date: 1/27/21

**Settlement Group A,  
Known Conditions for SFS (USA) Holding Inc.**

1. Respondent **SFS (USA) Holding Inc.** ("SFS"), now owns the land at 2005 Dr. Martin Luther King Jr. Street where commercial pumps continue to be manufactured. **Sterling Fluid Systems (USA) LLC DBA Peerless Pump Company** is the operating entity at the Site. Each of these entities are within the same corporate ownership.

2. The land was owned by the US Army until it was sold to the Peerless Pump Company in 1946. In 2007, Sterling Fluid Systems acquired and operated at the site.

3. On January 23, 2018, IDEM sent an information request to SFS, and a second request on September 6, 2019. (VFC 80596933)

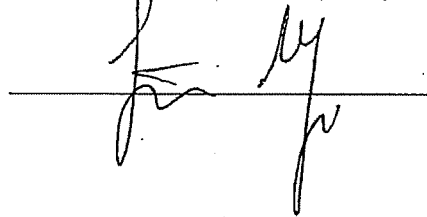
4. On October 11, 2019, SFS responded to IDEM's information requests, and then provided IDEM with supplemental information on December 3, 2019. (VFC 82863332, 82904521)

5. On August 25, 2020, SFS granted IDEM a right to access on its property for purposes of advancing soil borings and taking water samples along the western border along Dr. Martin Luther King Jr. Street. After sampling and analysis, IDEM did not find chlorinated volatile organic compounds in the soil and groundwater samples collected from the SFS property or in any samples taken directly adjacent on the down-gradient property. (VFC *pending*)

6. SFS and Sterling Fluid Systems (USA) LLC DBA Peerless Pump Company represent that they made full disclosure of their known use of contaminants of concern on the property, and the investigation of contaminants of concern on the property. IDEM relies on SFS's full disclosure as the basis for entering into this Agreed Order.

**SFS (USA) Holding Inc.**

**Sterling Fluid Systems (USA) LLC DBA Peerless Pump Company**



Date: 1/28/221

**Settlement Group B,  
Known Conditions for  
Boyle Racing Headquarters Foundation, Corp.  
State Cleanup Site # 0000744**

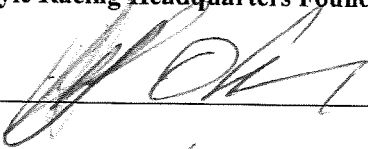
1. On February 3, 2016, the **Boyle Racing Headquarters Foundation, Corp.** ("**Boyle**") bought the property at 1701 Gent Street (the "**Property**").
2. On January 26, 2017, Boyle obtained a Phase I Environmental Assessment. (VFC 80452359) Recognized environmental conditions were identified.
3. On June 8, 2017, Boyle's lender obtained a Brownfields Comfort letter regarding the recognized environmental conditions identified for the Property. (VFC 80472217)
4. On June 12, 2017, IDEM mailed an information request to Boyle, to which Boyle responded on August 14, 2017. (VFC 80497224, 80506591).
5. IDEM issued a notice of liability to Boyle on February 9, 2018. (VFC 80608585)
6. Boyle conducted and then prepared and submitted to IDEM a Limited Subsurface Investigation Report dated March 13, 2019. (VFC 82721899)
7. At IDEM's request, Boyle conducted and then prepared and submitted to IDEM a Further Site Investigation Report dated October 14, 2019. (VFC 82822535, 82850931)
8. Boyle submitted to IDEM a Quarterly Groundwater Monitoring Report, dated April 17, 2020, which summarizes the results for the fourth quarter of 2019 and first quarter of 2020. (VFC 82951145)
9. On July 1, 2020, IDEM provided comments and listed additional tasks for further investigation. (VFC 82999295)
10. On July 30, 2020, Boyle submitted to IDEM a Quarterly Groundwater Monitoring Report, which summarized the results for the second quarter of 2020 and responded to IDEM's July 1, 2020 comments. (VFC 8301716)
11. On October 8, 2020, IDEM provided comments on the second Quarter Groundwater Monitoring Report. (VFC 83056508)
12. On October 31, 2020, Boyle submitted to IDEM a Request for Site Closure. (VFC 83069146)
13. On January 22, 2021, IDEM provided comments on the Request for Site Closure. (VFC 83098918)
14. The Property is in the process of being sold to Guggman Haus Investments, LLC dba Boyle Racing Project, LLC (GHI"). Gent Avenue LLC is providing financing to GHI. GHI and Gent Avenue LLC obtained a Phase I Environmental Site Assessment for the Property on November 22, 2020. (copy available on IDEM's VFC) "Respondent" with regard to this Known Conditions document and associated Agreed Order, specifically includes Gent Avenue, LLC, and GHI.

**Site Closure**

15. As per IDEM's letter dated January 22, 2021, IDEM identified the tasks for Boyle to complete site closure. This Agreed Order is contingent upon Boyle completing any further site closure requirements to IDEM's satisfaction, and the issuance of a No Further Action Letter.

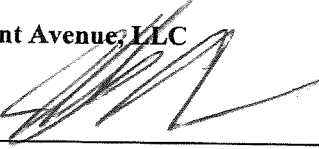
16. If Boyle refuses to complete site closure, IDEM may declare this Agreed Order revoked as to Boyle, Gent Avenue, LLC, and GHI.

**Boyle Racing Headquarters Foundation, Corp.**

  
\_\_\_\_\_

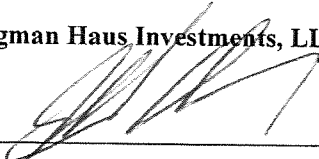
Date: 1-28-21

**Gent Avenue, LLC**

  
\_\_\_\_\_

Date: 1-28-21

**Guggman Haus Investments, LLC dba Boyle Racing Project, LLC**

  
\_\_\_\_\_

Date: 1-28-21

**Settlement Group B,  
Known Conditions for Crescent Entities.**

1. In 2003, **Crescent Realty Corp.** purchased a warehouse Facility at 1141 West 16<sup>th</sup> Street, and thereafter an affiliated company, **Crescent Electric Supply Co.**, has used the Facility for storage of inventory.

2. In 1947, Capitol Tool & Die began operating a machine shop at 1141 West 16<sup>th</sup> Street in Indianapolis, on land that had been in residential use.

3. Two underground storage tanks were located on the west side of the building. The tanks appeared to have been installed in the mid-1960s and taken out of service in the mid-1970s.

4. On February 18, 2000, a spill report to IDEM disclosed the presence of petroleum in the soils. Incident Report 0002029. Both tanks were removed.

5. Peerless Electric Supply, Inc., conducted a Phase I investigation. (VFC 82682324)

6. On April 18, 2000, Peerless Electric Supply Co., Inc., acquired the warehouse Facility at 1141 W. 16<sup>th</sup> Street.

7. On January 9, 2018, IDEM requested information from Crescent. (VFC 80595043)

8. On April 3, 2018, IDEM sent a final request for a response from Crescent. (VFC 82562275)

9. On August 7, 2018, IDEM served a Notice of Violation on Crescent resulting from the alleged failure to timely respond to the information requests.

10. On January 24, 2019, Crescent supplied responses to the IDEM information requests. (VFC 82682324)

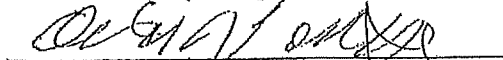
11. Crescent Realty Corp., provided a copy of a Phase I investigation and asserts its status as bona fide prospective purchasers under 42 USC 101(40).

12. Crescent Realty Corp., represents that it made full disclosure of its known use of contaminants of concern at the Facility, and the investigation of contaminants of concern on its property. IDEM relies on Crescent's full disclosure as the basis for entering into this Agreed Order.

13. Crescent Electric Supply Co., represents that it made full disclosure of its known use of contaminants of concern at the Facility, and the investigation of contaminants of concern on its property. IDEM relies on Crescent's full disclosure as the basis for entering into this Agreed Order.


14. Without admission of any liability, IDEM agrees that the completion of the Settlement Payments by the Crescent entities shall also fully resolve the Notice of Violation sent to Crescent on August 18, 2018.

**Crescent Realty Corporation**

  
\_\_\_\_\_  
Alice Vontalge, VP- Chief Strategy Officer

Date: 11/21/2021

**Crescent Electric Supply Co.**

  
\_\_\_\_\_  
Teresa Coffey, VP - Controller

Date: 11/22/2021

**Settlement Group B,  
Known Conditions for Indiana University.**

1. Indiana University owns several properties in the vicinity of Site 0153, which IU uses in support of its campus in Indianapolis.
2. On August 21, 2019, IDEM requested information from IU regarding several properties within Site 0153. (VFC 82934721)
3. IU provided a copy of a November 4, 2002, Phase II Subsurface Investigation report of the former Bredensteiner Printer Facility. (VFC 82612838)
4. IU provided a copy of a January 2005, Phase II Subsurface Investigation report of a 7-acre tract at 1200 North Stadium Drive. (VFC82612861)
5. With a report dated March 20, 2006, IU investigated soils a contractor had removed from 1345 West 16<sup>th</sup> Street. (VFC 82612876)
6. IU provided a copy of an April 21, 2011, Phase I Environmental Site Assessment report of 1311 Milburn Street in Indianapolis. (VFC 82612872)
7. IU provided a copy of a March 2, 2012, Phase I Environmental Site Assessment report of 1430 Indiana Avenue in Indianapolis, a March 5, 2012 Phase II investigation report, and a March 28, 2012 investigation of a pipe on that same property. (VFC 82612873, 82612874, 82612875)
8. IU conducted and provided a copy of a December 16, 2019, Site Investigation report regarding 1001 West 10<sup>th</sup> Street. (VFC 82900634)
9. IU conducted and provided a copy of a December 2, 2019, Site Investigation report regarding 1101 West 10<sup>th</sup> Street. (VFC 82900640)
10. IU conducted and provided a copy of a December 9, 2019, Site Investigation report regarding 1830 West 16<sup>th</sup> Street. (VFC 82900646, 82900653)
11. IU conducted and provided a copy of a February 11, 2020, Site Investigation report regarding 705 Riley Hospital Drive. (VFC 82919687)
12. On April 21, 2020, IDEM requested that IU conduct a further site investigation at several properties. (VFC 82953773)
13. IU responded with a response to comments dated July 15, 2020. (VFC 83076111)
14. On August 31, 2020, IDEM responded to IU's July 15<sup>th</sup> letter. (VFC 83036074)
15. On November 25, 2020, IU provided a Response to IDEM Comments, Further Site Investigation Request. (VFC 83076323)
16. IU represents that it made full disclosure of its known use of contaminants of concern at these Facilities, and the investigation of contaminants of concern on its property. IDEM relies on IU's full disclosure as the basis for entering into this Agreed Order.

**Site Closure**

17. IU is concluding a Further Site Investigation by imposing an ERC on the 1830 West 16<sup>th</sup> Street property. This Agreed Order is contingent upon IU recording the ERC and IDEM's issuance of a No Further Action Letter.
18. Upon successful completion, IU will submit a comprehensive Closure Request Report for IDEM's review and approval.
19. IDEM will review the closure request, and when appropriate, issue a No Further Action Letter for the site.
20. If IU refuses to complete site closure, IDEM may declare this Agreed Order revoked as to IU.

The Trustees of Indiana University by:

*Donald S. Lukes*

(JAS)

\_\_\_\_\_  
Donald S. Lukes, University Treasurer

Date: January 4, 2021

**Settlement Group B,  
Known Conditions for Indiana University Foundation.**

1. **Indiana University Foundation** owns several properties in the vicinity of Site 0153, used in support of the IU campus in Indianapolis.
2. IU Foundation provided a copy of a November 30, 2000, Phase I Environmental Assessment for 1301, 1345 and 1363 W 16<sup>th</sup> Street. (VFC 82612865)
3. IU Foundation provided a copy of a January 22, 2002, Phase I Environmental Site Assessment for 1302 Stadium Drive. (VFC 82612868, 82612870)
4. IU Foundation provided a copy of an October 22, 2002, Phase I Environmental Site Assessment for 1015, 1025 and 1033 Fayette Street. (VFC, 82612837)
5. IU Foundation provided a copy of a January 22, 2002, Phase II Subsurface Investigation Report of 1302 Stadium Drive. (VFC, 82612869)
6. IU Foundation provided a copy of a December 20, 2010, Phase I Environmental Site Assessment for 1000 and 1200 Waterway Boulevard. (VFC, 82612855)
7. IU Foundation provided a copy of a December 28, 2010, Phase II Environmental Site Investigation for 1000 and 1200 Waterway Boulevard. (VFC, 82612857, , 82612839)
8. IU Foundation provided a copy of a December 11, 2015, Phase I Environmental Site Assessment for 1011 Dr. Martin Luther King Jr. Street. (VFC, 82612858)
9. On April 21, 2020, IDEM requested a further site investigation. (VFC 82953773)
10. On August 12, 2020, IU Foundation responded to the IDEM April 21, 2020 letter. (VFC 83025436)
11. On October 7, 2020, IDEM issued a Further Site Investigation Request. (VFC 83056500)
12. On November 25, 2020, IU Foundation provided a Response to IDEM Comments, Further Site Investigation Report – included Site Investigation For 1011 MLK Jr. Dr. Jan. 21, 2020. (VFC 83076321)
13. IU Foundation represents that it made full disclosure of its known use of contaminants of concern at these Facilities, and the investigation of contaminants of concern on its property. IDEM relies on IU Foundation's full disclosure as the basis for entering into this Agreed Order.

**Site Closure**

14. As per IDEM's letter dated October 7, 2020, IU Foundation is concluding a Further Site Investigation by imposing ERCs on specific properties. (VFC 83056500 ) This Agreed Order is contingent upon IU Foundation recording the ERCs, and IDEM's issuance of a No Further Action Letter.
15. Upon successful completion, IU Foundation will submit a comprehensive Closure Request Report for IDEM's review and approval.
16. IDEM will review the closure request, and when appropriate, issue a No Further Action Letter.
17. If IU Foundation refuses to complete site closure, IDEM may declare this Agreed Order revoked as to IU Foundation.

**Indiana University Foundation**

*Anastacia S. Knapp*

Date: 1/27/21



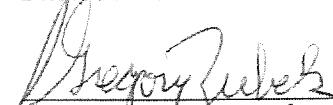
**Settlement Group B,  
Known Conditions for Parts Landlord LLC.**

1. Since the 1970s, an auto salvage yard has operated at 940 West 16<sup>th</sup> Street. In 2007, **Parts Landlord LLC** purchased property at 940 West 16<sup>th</sup> Street in Indianapolis, and Parts Landlord operated a vehicle salvage yard for five years. In 2012, Parts Landlord LLC leased the Facility to U-Pull-&-Pay, LLC, which now operates a vehicle salvage yard.
2. On September 25, 2018, IDEM requested information from Parts Landlord LLC and U-Pull-&-Pay LLC. (VFC 82621300) On November 26, 2018, U-Pull-&-Pay, LLC responded. (VFC 82671042) U-Pull-&-Pay, LLC provided results from a limited Phase II investigation that showed TCE in the groundwater.
3. On February 28, 2019, IDEM notified Parts Landlord, LLC, of its liability for the release of contaminants of concern and requested a site investigation. (VFC 82714063) Parts Landlord LLC responded on June 21, 2019. (VFC 82806663)
4. Both Parts Landlord LLC and U-Pull-&-Pay LLC have provided Phase I investigations and assert their status as bona fide prospective purchasers under 42 USC 101(40).
5. Parts Landlord LLC represent that it made full disclosure of its known use of contaminants of concern at the Facility, and the investigation of contaminants of concern on its property. IDEM relies on Parts Landlord LLC's full disclosure as the basis for entering into this Agreed Order.

**Site Closure**

6. As per IDEM's letter dated October 14, 2020, Parts Landlord LLC must install wells and complete four quarters of groundwater monitoring. (VFC 83058516) This Agreed Order is contingent upon Parts Landlord LLC completing the further site investigation to IDEM's satisfaction, and the issuance of a No Further Action Letter.
7. Upon completion to IDEM's satisfaction, Parts Landlord LLC must submit a comprehensive Closure Request Report for IDEM's review and approval.
8. IDEM will review the closure request, and when appropriate, issue a No Further Action Letter for the site.
9. If Parts Landlord LLC refuses to complete site closure, IDEM may declare this Agreed Order revoked as to Parts Landlord LLC.

**Parts Landlord LLC**

  
S. GREGORY ZUBEK  
ATTORNEY & AUTHORIZED  
REPRESENTATIVE.

Date: 1/15/21

**Settlement Group B,  
Known Conditions for Staley Signs, Inc.**

1. On March 1, 2001, **Staley Signs, Inc.** ("Staley Signs") acquired the property located at 1133 Burdsal Parkway in Indianapolis and has since that date operated its custom sign business in the building on that property.

2. On February 21, 2018, IDEM requested information from Staley Signs, and Staley Signs submitted a response on April 20, 2018. (VFC 80615245, 80645523)

3. Staley Signs submitted a November 9, 2000, Phase I Environmental Assessment. (VFC 80645523) Past uses of the land and building include use by the Carrier Corporation from 1961 through 1970, and from 1970 to 1995 by Admiral Awards, a trophy and plaque manufacturer.

4. Staley Signs provided a copy of a Phase I investigation and asserts its status as bona fide prospective purchaser under 42 USC 101(40).

5. Staley Signs provided a copy of a January 2001, Limited Phase II Subsurface Investigation Report. (VFC 80645523) The investigation found contaminants of concern in soils and groundwater below the industrial closure level.

6. Staley Signs represents that it made full disclosure of its known use of contaminants of concern at the Facility, and the investigation of contaminants of concern on its property. IDEM relies on Staley Signs' full disclosure as the basis for entering into this Agreed Order.

**Staley Signs, Inc.**


By:   
F. Douglas Staley, Sr., President

Date: 1/26/21

**Settlement Group B,  
Known Conditions for 16 Tech Community Corporation**

1. **16 Tech Community Corporation** is a planned innovation district which has acquired or will acquire certain adjacent lands within the boundaries of Indiana Avenue, Waterway Boulevard, 10<sup>th</sup> Street and 16<sup>th</sup> Street.
2. 16 Tech consists of the following real estate parcels all acquired after 2013. Parcels No: 1096685; 1094289; 1105559; 1100412; 1094289; 1105560; 1098518; 1094165; 1105979.
3. 16 Tech submitted a March 3, 2016, Phase I Environmental Assessment for the area around Waterway Boulevard and Indiana Avenue. (VFC 82981259) The Phase I investigated 104 acres consisting of several tracts of land.
4. 16 Tech submitted a July 7, 2016, Phase II focusing on identified environmental conditions at 1220 Waterway Boulevard, 1013 Indiana Avenue, 1200 Indiana Avenue, 1102-1108 Stadium Drive, 1302 Stadium Drive, 1323-1329 Stadium Drive, 1160 W. 16<sup>th</sup> Street, 1175 W. 16<sup>th</sup> Street, 1631 North Gent Avenue, and 1407 North Harding Street. (VFC 82981260)
5. 16 Tech submitted an October 30, 2018, Phase II focusing on identified environmental conditions at 1100 Waterway Boulevard. (VFC 82981268)
6. 16 Tech submitted an October 30, 2019, Phase I Environmental Assessment for a 19 acre tract at 1220 Waterway Boulevard. (VFC 82981261)
7. 16 Tech submitted a January 3, 2019, Phase I Environmental Assessment for 1250 Indiana Avenue. (VFC 82981262)
8. 16 Tech submitted a January 3, 2019, Phase I Environmental Assessment for 1500 Indiana Avenue. (VFC 82981265)
9. 16 Tech submitted a May 24, 2019, Phase I Environmental Assessment for 1430 Indiana Avenue. (VFC 82981264)
10. 16 Tech submitted an October 30, 2018, Phase I Environmental Assessment for a 19 acre tract at 1000, 1100 and 1220 Waterway Boulevard. (VFC 82981267)
11. 16 Tech provided a copy of these appropriate inquiries and asserts its status as bona fide prospective purchaser under 42 USC 101(40).
12. 16 Tech represents that it made full disclosure of its known use (if any) of contaminants of concern within the 16 Tech Footprint, and the investigation of contaminants of concern on its property. IDEM relies on 16 Tech's full disclosure as the basis for entering into this Agreed Order.

**16 Tech Community Corporation**

  
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Date: 1/25/2021