



August 16, 1988

Mr. Robert J. Cappiello
Project Manager
State Clean-Up Section
Indiana Department of Environmental Management
5500 West Bradbury
Indianapolis, IN 46241

Dear Mr. Cappiello:

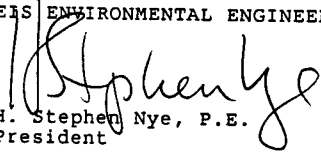
Enclosed find one set of the original documents and exhibits prepared under IDEM Contract No. 87622404.

The work involved a PRP search for drums of waste material located at the former site of the Avanti Motor Corporation and New Avanti Motor Corporation, 765 South Lafayette, South Bend, Indiana.

Please call me if you have any questions.

Sincerely,

EIS ENVIRONMENTAL ENGINEERS, INC.


H. Stephen Nye, P.E.
President

HSN/jmd

Encl.

(Handwritten note: 10/13/88, 10/13/88, 10/13/88, 10/13/88)

PRP SEARCH FOR
INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
OFFICE OF SOLID AND HAZARDOUS WASTES
CONTRACT NO. #87622404 RFP #A350-728

JULY 1988

EIS Environmental Engineers, Inc.
1701 North Ironwood Drive
South Bend, Indiana 46635

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1.0 INTRODUCTION

EIS Environmental Engineers, Inc. was retained by the Indiana Department of Environmental Management, Office of Solid and Hazardous Wastes (IDEM) to conduct a search for potentially responsible parties (Search) in the matter of approximately 245 drums of unknown materials remaining on the former site of the Avanti Motor Corporation and New Avanti Motor Corporation, 765 South Lafayette, South Bend, Indiana. Work was performed under contract agreement No. 87622404 RFP #A350-728.

2.0 METHODS

The objective of the Search was twofold: 1) to identify potentially responsible parties (PRP's) such as past and present property owners, past and present owners and officers of the business which had been located on the site, and other possible generators of hazardous materials used in the manufacturing process which occurred on the site and; 2) to obtain any information available on the drums themselves, particularly any records or witness reports which might establish the drums' presence or absence under different owners or operators. To accomplish this twofold objective, a search of available records was made and former employees of all corporations that had occupied the site since 1964 were interviewed.

2.1 Records Search

A variety of agencies, organizations and reference materials were consulted in the search process. Public documents were reviewed and agency officials were consulted. Tables 2.1 and 2.2 list the agencies and organizations consulted, the person consulted (where relevant) and whether information existed in the records. Table 2.3 lists reference materials consulted and whether information existed in the reference.

TABLE 2.1

LOCAL AGENCIES AND ORGANIZATIONS

<u>AGENCY/ORGANIZATION</u>	<u>CONTACT</u>	<u>INFO</u>
Portage Township Accessors Office	Mr. Vitali (219) 284-9557	YES
South Bend Chamber of Commerce		NO
South Bend City Engineers Office	Mr. Mel Humphrey	YES
South Bend Code Enforcement Office	Mr. Pat DeClerg (219) 284-9486	NO
South Bend Fire Department	Assistant Chief Prawat (219) 284-9487	YES
South Bend Police Department		NO
South Bend Public Library		YES
South Bend Redevelopment Commission	Mr. Casey Pocius (219) 284-9371	NO
St. Joseph County Area Plan Commission		YES
St. Joseph County Auditor's Office	Mr. Shane Sult (219) 284-9549	YES
St. Joseph County Health Department	Mr. Paul Trost	YES
St. Joseph County Private Industry Council, Inc.	Ms. Kate Hyatt (219) 282-2636	YES
St. Joseph County Clerk		YES
St. Joseph County Clerk of the Circuit Court		YES
St. Joseph County Records Office		YES
Roy F. Weston, Inc.	Mr. James Burton (312) 295-6020	YES

TABLE 2.2
STATE AND FEDERAL AGENCIES

<u>AGENCY/ORGANIZATION</u>	<u>CONTACT</u>	<u>INFO</u>
Indiana Department of Environmental Management Office of Solid and Hazardous Waste	Mr. Bob Cappiello (317) 243-5090	YES
Indiana Secretary of State, Corporations Division		YES
Indiana State Employment and Training Dept., South Bend	Mr. Wesley Johnson	NO
U.S. Environmental Protection Agency, Region V	Mr. Robert Hartion, FOIA (312) 886-6686	YES

TABLE 2.3
REFERENCE MATERIALS

<u>AGENCY/ORGANIZATION</u>	<u>INFO</u>
Dun & Bradstreet	NO
Moody's Industrial Manual	NO
Standard and Poor's Corporative Description	NO
Thomas Register of American Manufacturers	NO
Library Clipping Files	YES

2.2 Review of Available Aerial Photography

Among the records searched were a variety of aerial photographs of the site. Photography available from several agencies and in several forms was reviewed as a special information source. Where possible, blow-ups were obtained of particularly interesting photography. These blow-ups were obtained from the contractor who still possessed the negatives. In most cases it was not possible or not necessary to obtain photo-quality imagery or blow-ups.

The photography was examined for evidence of the presence of drums or other debris on the site. The results of that review are summarized in Appendix H. Also included with this report are any prints or blow-ups obtained (Exhibits A, B, and C).

2.3 Interviews of Former Employees

Several former employees of the corporations that have occupied the premises were interviewed. The initial list of former employees was obtained from the St. Joseph County Private Industry Council, Re-employment Program. The list was taken from Re-employment Program records and was provided at the request of IDEM. Not all former employees would have appeared on this list since it included only those who had enrolled in the Re-employment Program. However, several of those listed were able to suggest others who should be

contacted. Because this initial list was not received until June 29, 1988, one day before all field activities were to cease, not all of the listed former employees, nor those whose names were later suggested, were interviewed.

Twelve (12) former Avanti employees were contacted for interviews. Eight (8) of those contacted were available on or before June 30, the date at which all field work ceased. Most of those interviewed were interviewed by telephone. A standard form was completed during the interview by the interviewer. At the close of the interview, the interviewer's notes were re-read to the person interviewed to confirm the accuracy of the notes.

Several of the former employees interviewed had no knowledge of drums on the property. Some were able to suggest the names of other former employees who might be knowledgeable. A few had very specific, first-hand knowledge of the drums. Copies of the correspondence relating to obtaining the initial list, the list provided by the St. Joseph County Private Industry Council, and complete transcriptions of all interviewers notes are included in Appendix A of this report.

3.0 RESULTS

The following results of the Search are reported in this section: 1) a list of PRP's; 2) a summary of information from available aerial photography; 3) a summary of information obtained in interviews of former employees.

3.1 General History

The Avanti Motor Corp. was founded by Nathan Altman and Leo Newman shortly after the Studebaker Corp. closed its South Bend plant in 1964.¹ They had purchased the right to manufacture Studebaker's Avanti sports car and, together with Frederick Baer, they purchased an old Studebaker property at 765 S. Lafayette.^{1,2,3} In July 1965, the Avanti Motor Corp. began production of the Avanti II, a custom-built, limited-production sports car at the S. Lafayette address.¹

Production continued under Altman/Newman and their heirs until October 1982 when Stephen Blake purchased the company.¹² Mr. Blake did not purchase the property or plant at 765 S. Lafayette, but leased it. Frederick Baer, Leo Newman's heirs, and Nathan Altman's heirs still hold title to that property.^{2,3,5}

Stephen Blake continued to produce the Avanti at 765 S. Lafayette until February 1986.^{1,6} Production modifications instituted under Mr. Blake resulted in major warranty and credibility problems. In particular, a new paint bonding system or paint, resulted in major cracking and peeling of paint on the automobiles. In late (October or November) 1984, Mr. Blake filed suit against the paint supplier and manufacturer for 2.2 million dollars in damages due to loss of

production time and capability, cost of repairs to cars, loss of sales, etc.^{1,8} In January 1985, 1st Source Bank of South Bend, as the principal secured creditor, obtained a court order to seize Avanti assets.^{1,7} The bank relented within 24 hours, negotiating an interim agreement and returning Avanti's property. On June 27, 1985, the Avanti Motor Corp. filed for Chapter 11, bankruptcy, and on February 7, 1986, Stephen Blake resigned as chief executive of the company. All production ceased at that time. On April 30, 1986, 1st Source Bank sold the assets of the bankrupt Avanti Motor Corp. to Michael E. and Lory J. Kelly.¹

Operating as The New Avanti Motor Corp., Mr. Kelly began producing Avantis by August 1986.^{1,9,10} Production continued under Mr. Kelly at 765 S. Lafayette until September 1987, when all production in South Bend ceased.^{1,6,11} The New Avanti Motor Corp. now continues to produce Avantis in Youngstown, Ohio.

3.2 History of Drums on the Property

It is apparent from aerial photographs, interviews, and other records consulted that, at various time, drums have been present at two (2) distinct locations on the property. These

locations are: 1) an area on the north side of the building in the southwest corner of a courtyard-like area, and 2) an area on the west end of the building, both next to the building and in a grassy area.

3.2.1 North Location

Drums may have been present on the north side of the building as early as 1956.¹¹ Former employees interviewed stated that they believed that all or most of the drums on the North side of the building were materials which had originally belonged to Studebaker.^{12, 13} One long-tenured employee attributed this information to former Studebaker employees.¹³ None of those interviewed could recall if additional drums accumulated on the North side after the purchase from Studebaker.

As early as 1980, 150 or so drums of material described variously as solidified paint, glazing, undercoating or waste paint left by Studebaker had come to the attention of the U.S. EPA and the Indiana State Board of Health.^{14,15,16} Most of these early records and subsequent correspondence¹⁴ are not specific about the location of the drums in question. However, it is

clear that the same group of drums are discussed over a period of three to four years. At the time the discussion was initiated, Avanti Motor Corp. is addressed as the responsible party.^{14,15,16,19,29} After the sale of the corporation to Stephen Blake, the discussion continues with the ABN Motor Corp., which is identified in U.S. EPA documents as being "formerly Avanti Motor Corp."^{17, 18}

By 1984, IDEM records indicate that approval had been granted to the ABN Motor Corp. to dispose of 150 cubic yards of paint sludge as a special waste.¹⁴ This would be the equivalent volume for more than 550, 55-gallon drums.

Actual disposal and hauling invoices establish that 80 to 100 cubic yards (300 to 400 drums) of paint solids and other solids were disposed of in Fort Wayne, IN and Dearborne, MI at ABN Motor Corp's expense.²¹ There is little doubt that the materials removed included the drums which had been present on the North side of the building. Former employees recall removal of all materials from that area sometime shortly before or after the business was sold to Stephen Blake.^{12,22,23} One particularly vivid account described watching as the drums were speared by a forklift and then scraped off into large dumpsters.²³ Aerial photography also

confirms that materials stored on the north side of the building in 1982 were no longer present in 1985.^{24,25,26}

Some former employees suggested that Mr. "Skip" (Edward)? Tuberski might have some first-hand knowledge of the removal and clean-up on the North side of the building.^{13, 23} Mr. Tuberski was not interviewed due to time constraints.

3.2.2 West Location

The presence of drums at the west end of the building is not as well documented as the presence of drums on the north side. Possibly 10 to 30 drums or other materials were stored on the grassy area as early as 1956.¹¹ Forty (40) to eighty (80) drums may have been present next to the west wall in 1966.²⁴ On May 2, 1982 approximately 100 drums, most of them similar, were arranged in a very orderly manner at the southern end of the grassy area, none were present against the wall.²⁵ By 1985, approximately 100 to 175 possible drums were present in the grassy area and were much less orderly in arrangement or similar in appearance.²⁶ In April 1987, approximately 75 to 150 drums were present. Most were at the southern half of the grassy area, but some 15 to 25 possible drums were arranged next to the building wall near the loading

dock. None appeared to be next to the fence.²⁷ Mr. Larry Szybowicz, who was first employed by the Avanti Motor Corp. (under Altman/Newman) in December of 1978, believed that there had always been some drums on the west end of the building both prior to and after Mr. Blake's purchase (October 1982).²³ Mr. Szybowicz was able to furnish specific, first-hand information concerning drums which were added to those on the west side of the building during Mr. Blake's ownership. Several months prior to being laid off in April 1985, Mr. Szybowicz was transferred to shipping and receiving. One of his responsibilities was to label drums of spent material that was generated in the new paint-bonding process initiated under Mr. Blake.

The drums, all of them painted black, were labeled with labels identifying them as Hazardous Waste containing Dichloro-Methane. The drums were stored outside, against the west wall, until three (3) had accumulated. At that time, Mr. Szybowicz would inform the front office that three drums had accumulated. The office would then arrange for the drums to be picked up. The drums were picked up only once or twice after

Mr. Szybowicz was assigned this duty. When they were picked up, the drums were manifested as Hazardous Wastes. Thereafter, the drums simply accumulated in the area west of the building. Mr. Szybowicz continued to label the drums and to prompt the office to arrange for pick-up. At one point he joined his supervisor, Mr. Ed Peterson, in voicing their concern to Mr. Bob Smith, then the plant manager. Mr. Szybowicz estimated that approximately 25 labeled drums had accumulated by the time he was laid-off (April 30, 1985).

Mr. Szybowicz²³ also recounted hearing loud banging noises from the area of the drums in cold weather. He was later able to identify the source of the sounds when he happened to witness the implosion of one of the labeled drums.

South Bend Fire Department records contain a few references to drums on the property. The references are often cryptic and difficult to read. A few handwritten notes appear to the earliest records in the file. These notes mention a large quantity of hazardous materials on the north side of the building in 1980, they mention the removal of approximately 100, 55-gallon drums from the west side of the

building in 1983, and they mention a large quantity of hazardous materials on the west side of the building on February 24, 1985.²⁸ One violation letter, addressed to Stephen Blake and dated July 3, 1985 exists which notes 20 barrels, containing waste oil, located at the west building exit.³² The only other Fire Department records which mention drums are recent Notices of Violation issued in December 1987 and January 1988 when the matter of the abandoned drums came to public attention.

It is apparent that drums of some sort or another have been present at the west end of the building for many years. Drums have been present during all three corporations' tenancy on the property. A single cryptic note²⁸ in the Fire Department files suggests that approximately 100 drums were removed from the area in 1983, some time before ANB Motor Corp. completed removal of a very large volume of material from the north side of the building (June 1984). The only specific account of drums being placed in the area is Mr. Szybowicz's first-hand report.²³ His account is supported by Mr. Paul Locsi's⁶ account (summarized below) of waste generator and disposal practices of all three corporations (Altman/Newman, Blake, Kelly). The New Avanti Motor Corp. has taken a

strong position, maintaining that it generated none of the materials in the abandoned drums.³³ This assertion is also supported by Mr. Locsi's account.

3.3 Mr. Paul Locsi's Account

Mr. Paul Locsi was purchasing agent for the various Avanti corporations from the spring of 1979 until the South Bend plant was closed. He was employed continuously during that time, even during the shut-down period between Mr. Blake's departure and Mr. Kelly's purchase. The following paragraphs summarize Mr. Locsi's account of the waste handling and disposal practices of each of his respective employers.

Under Altman/Newman ownership, the principal wastes generated were waste thinners, drain oil from the service department, and spent blasting sands. Until 1980 or 1981, waste thinners were donated to the fire department, which burned such waste for practice fires. Later, the thinner manufacturer accepted the spent thinners for recycling. Drain oil was commonly sold to people for oiling roads, a practice which ceased about the time Altman/Newman sold out. Spent blasting sand was accumulated in drums and eventually spilled or dumped on the ground and leveled out.

Under Mr. Blake's ownership, the principal wastes generated were much the same as those generated under Altman/Newman, except that much more thinner-type waste was generated after a new paint-bonding system was installed. The new bonding system was polyurethane based and the waste was generated in cleaning the application system. Mr. Locsi suggested that wastes generated from this process would probably contain the polyurethane compounds. Initially a program was not in place for recycling the wastes, but eventually, a recycling agreement was made with the supplier. Later financial troubles with the supplier led to a refusal to pick up the wastes.

The plant was shut down between February 1987 and April 1987. No wastes were generated. No materials, wastes or products were moved or hauled off the property. A security company patrolled the property during the shut-down. Any drums on the property in February were still on the property when Mr. Kelly purchased the business.

Under Mr. Kelly's ownership, most of the waste generated was spent thinner which was hauled away by the supplier, Paint & Solvents. The polyurethane bonding machine was not operative when Mr. Kelly purchased the business and was not used before it was dismantled and transported to Youngstown. At the building closing, any remaining wastes generated under Mr.

Kelly's ownership were hauled out. All wastes were manifested. Mr. Locsi did note that the South Bend Fire Department noted drums at the back (West) door as a potential fire hazard. The drums were therefore moved, by Mr. Kelly's employees, to the fence.

Mr. Locsi indicated that he maintained personal records of business contacts from which he could retrieve the name and phone number of any supplier or service that he dealt with during his employment. His strong opinion was that most of the drums in the grassy area might be empty trash barrels which might have collected water, or spent, blasting sand. He felt that any other wastes remaining on the property were generated under Mr. Blake's ownership.

3.4 Summary and Conclusion

- o The results of this search confirm that some of the drums at the west end of the former Avanti plant contain hazardous wastes generated while Mr. Stephen Blake owned the Avanti Motor Corp. However there is little doubt that there were drums of unknown contents in the area long before Mr. Blake purchased the business.

- o There is also evidence that the owners of the original Avanti Motor Corp. (i.e. the Altman/Newman heirs) eventually removed a large quantity of wastes from the north side of the building, completing the task after the sale to Mr. Blake and using the corporate name ANB Motor Corp. The quantity of material hauled suggests that the drums in this area were indeed removed from the property and disposed of. There is some possibility that materials were also removed from the west side of the building prior to the final clean-up on the north side.

- o The New Avanti Motor Corp., owned by Michael and Lory Kelly, and later by John Cafaro as well, has stated strongly that it did not generate any wastes which remained on the property. There is no contrary and some supporting evidence for this assertion. However, there is virtually no doubt that the drums abandoned by Mr. Blake's operation were present at the time the Kelly's purchased the assets of the bankrupt Avanti Motor Corp. It is beyond the scope of this search to determine whether The New Avanti Motor Corp. took possession of the drums as assets.

- o There is virtually no doubt that the drums abandoned by Mr. Blake's operation as well as drums that predated his operation were present at the time 1st Source Bank of South Bend siezed and later sold the assets of the bankrupt

Avanti Motor Corp. It is beyond the scope of this search to determine whether the bank took possession of the drums as well.

- o Leo Newman, Nathan Altman, Frederick Baer and their heirs have owned the property where the suspect drums are located from 1964 to date. It is beyond the scope of this search to determine the degree of responsibility of the property owners.

4.0 LIST OF POTENTIALLY RESPONSIBLE PARTIES

The following list was compiled from information available in the resources listed in Table 2.1, 2.2 and 2.3. Copies of some supporting documents are included as appendices.

LIST OF POTENTIALLY RESPONSIBLE PARTIES

1st Source Bank, South Bend, Indiana

Principal secured creditor of the bankrupt Avanti Motor Corporation (as owned and operated by Stephen Blake). Seized assets of Avanti Motor Corporation in January 1985 (St. Joseph Circuit Court, Cause #R94) but quickly relented, arriving at an agreement with Avanti within 24 hours.¹

Moved to sell the assets of Avanti Motor Corp. February 21, 1986, under the terms of an agreement reached with Avanti on October 23, 1985.¹

AMOCO

Name appears on some drum labels.³⁴

Altman, Sylva (Trust)

40% Property Owner, 7-24-64 to date.³

Ashland Chemical

Name appears on some drum labels.³⁴

Baer, Fredrick K.

20% Property Owner, 7-24-64 to date.^{3, 5}

Blake, Stephen H., possible residence - Washington, D.C.

President and major shareholder (80%) in the closely held Avanti Motor Corp. (a.k.a. AMW, Inc.), purchased in October 1982, bankruptcy filed in June 1985, resigned as president in February 1986.¹

Cafaro, John J., Youngstown, Ohio

Major Stockholder (47.6%) in the New Avanti Motor Corporation.
Acquisition announced 4-30-87.¹

CHEMSOLV, South Bend, Indiana

Name appears on some drum labels.³⁴

Dupont

Name appears on some drum labels.³⁴

Freeman, Port. Washington, Wisconsin

Name appears on some drum labels.³⁴

GLS, Chicago, IL

Name appears on some drum labels.³⁴

German, Diane J.

10% Property Owner, 10-9-84 to date.³⁵

Kelly, Michael E.

With wife, Lory, purchased the assets of the bankrupt Avanti Motor Corp. from 1st Source Bank, April 30, 1986.

Named as President of The New Avanti Motor Corporation in Articles of Incorporation filed May 5, 1986 with State of Indiana, Office of the Secretary of State. Principal stockholder of that closely held corporation.

Also named as sole member of the Board of Directors.⁹

Kelly, Lory J.

With husband, Michael, purchased the assets of the bankrupt Avanti Motor Corp. from 1st Source Bank, April 30, 1986.¹

Named as Vice President, Secretary/Treasurer of the New Avanti Motor Corporation in Articles of Incorporation filed May 5, 1986 with State of Indiana, Office of the Secretary of State.⁹

Kendall

Name appears on some drum labels.³⁴

Newman, Geoffrey

10% Property Owner, 10-9-64 to date.^{3, 5}

Named as Vice President of ABN Motor Corporation in EPA RCRA Notification of Hazardous Waste Activity dated April 3, 1984.³⁵

Named as person contacted at Avanti Motor Corp. in letter to Rich Shandross, U.S. EPA from Tom Fitch, Indiana State Board of Health dated April 20, 1981. Letter concerned approximately 150 drums of material which the Avanti Motor Corporation had failed to test or dispose of at that time.¹⁹

Newman, Lee

10% Property Owner, 10-9-64 to date.^{3, 5}

Newman, Lynn

10% Property Owner, 10-9-64 to date. ^{3, 5}

Northern Indiana Paint Supply, Inc., Warsaw, Indiana

Supplied paint to Avanti in 1984 and possibly late 1983. Paint supplied was the product of PPG Industries of Pittsburgh, PA. Northern Indiana filed suit in St. Joseph County Circuit Court in late (October or November) 1984, claiming Avanti failed to pay \$18,041.00 for supplies and services (Cause No. P8292). Avanti countersued against Northern Indiana and PPG.¹

PPG Industries, Pittsburgh, PA

Manufacturer of paint supplied to Avanti by Northern Indiana Paint Supply, Inc. Named in suit filed by Avanti in late 1984.¹

Quaker State

Name appears on some drum labels.³⁴

Renco

Name appears on some drum labels.³⁴

Sherwin Williams

Name appears on some drum labels.³⁴

REFERENCES

- 1 Clipping files. (Available from South Bend Public Library).
- 2 Warranty deed, St. Joseph County transfer number 4987, July 24, 1964. (Appendix B).
- 3 Portage Township Assessor property records. (Appendix B).
- 4 Certificate of Assumed Name, October 21, 1982. (Appendix D).
- 5 Petition for Authority to Make Partial Distribution in the matter of the estate of Leo A. Newman. St. Joseph Co, transfer number 5585, October 9, 1984. (Appendix B).
- 6 Paul Locsi, telephone interview, June 30, 1988. (Appendix A).
- 7 St. Joseph Circuit Court, Cause #R94.
- 8 St. Joseph Circuit Court, Cause #P8292.
- 9 Certificate of admission of the New Avanti Motor Corp, May 5, 1986. (Appendix D)
- 10 Fronia Jo Cook, telephone interview, June 30, 1988. (Appendix A).
- 11 Aerial photography flown April 5, 1956. (Appendix H).
- 12 Joyce Stump, telephone interview, June 30, 1988. (Appendix A).
- 13 Fronia Jo Cook, telephone interview, June 30, 1988.
- 14 Letter from James Hunt, IDEM to Mr. Paul Trost, St. Joseph Co. Health Department dated February 1, 1988. (Available IDEM files).
- 15 Memorandum to Geoffrey Newman, Avanti Company from Richard Shandross, U.S. EPA dated January 7, 1980. (Appendix E).
- 16 Memorandum to Bill Messenger U.S. EPA from Rich Shandross, U.S. EPA dated April 29, 1981. (Appendix E).
- 17 Notification of Hazardous Waste Activity dated March 29, 1984. (Appendix E).
- 18 Notification of Hazardous Waste Activity dated March 15, 1984. (Appendix E).

- 19 Letter to Rich Shandross, U.S. EPA from Tom Fitch, Indiana State Board of Health dated April 20, 1981. (Appendix E).
- 20 Letter to Rich Shandross, U.S. EPA from Guinn Doyle, Indiana State Board of Health dated April 20, 1981. (Appendix E).
- 21 Letter to Paul Trost, St. Joseph County Health Department from Geoffrey Newman, N.A.B. Building Co. dated February 15, 1988 (Appendix F).
- 22 Joyce Turner, telephone interview, June 30, 1988. (Appendix A).
- 23 Larry Szybowicz, personal interview, June 30, 1988. (Appendix A).
- 24 Aerial photography flown May 26, 1966. (Appendix H).
- 25 Aerial photography flown May 2, 1982. (Appendix H and Exhibit A).
- 26 Aerial photography flown November 8, 1985. (Appendix H and Exhibit B).
- 27 Aerial photography flown April 1987. (Appendix H and Exhibit C).
- 28 Hand written notes from South Bend Fire Department files. (Appendix G).
- 29 Notice of Violation and Order, South Bend Fire Department dated January 13, 1988. (Appendix G).
- 30 Notice of Violation and Order, South Bend Fire Department dated January 6, 1988. (Appendix G).
- 31 Notice of Violation and Order, South Bend Fire Department dated December 3, 1988. (Appendix G).
- 32 Letter to Stephen Blake, Avanti Corp. from George Gzori, South Bend Fire Department, dated July 3, 1985. (Appendix G).
- 33 Letter to James Hunt, IDEM from William J. Day, The New Avanti Motor Corp. dated March 31, 1988. (Available in IDEM files).
- 34 Letter to Robert Cappiello, IDEM from James Burton, Roy F. Weston, Inc. dated June 3, 1988. (Appendix C).
- 35 Notification of Hazardous Waste Activity dated April 3, 1984. (Appendix E).

APPENDIX A

- 1) Correspondence related to the List of Former Avanti Employees
- 2) List of former Avanti employees provided by the St. Joseph County Private Industry Council.
- 3) Transcription of interviewers notes



ST. JOSEPH
COUNTY
PRIVATE
INDUSTRY
COUNCIL, INC.

Private Industry Council

RE-EMPLOYMENT PROGRAM

2015 Western Ave., Suite 435 P.O. Box 1048 South Bend, IN 46629 219-282-2636

6-27-88

Ms. Baxter-Potter:

Per the request of the Indiana
Dept of Environmental Management,
I am sending a listing of
the former Acanti workers who
participated in our program.
The employment date indicates
their tenure at Acanti. The
enrollment date pertains to
involvement in our program.

Sincerely,

Kate Hyatt

SAINT JOSEPH COUNTY JOB TRAINING PROGRAM
 LISTING OF AVANTI MOTOR CORPORATION EMPLOYEES
 ENROLLED UNDER DISLOCATED WORKER PROGRAMS

NAME ADDRESS TELEPHONE	EMPLOYMENT FROM TO	ENROLLM DATE
AUSTIN, Darnada 9222 N. St Louis Blvd, South Bend, 46617 233-7038 - <i>Worked in Body Shop - Cleaning parts used Sander & OA</i>	Jun 12, 75 Jun 12, 84	Apr 15,
BINGHAM, Elouise 2414 Fredrickson, South Bend, 46628 287-1836 Disc.	Jul 14, 67 Jul 14, 85	Sep 30,
CIESIOLKA, David 21928 Silversprings, South Bend, 46628 277-0137 - <i>Worked on line in Body Assembly</i>	Jun 2, 87 Sep 25, 87	Oct 13,
<i>*</i> DILLON, Paul 19584 Sherwood, South Bend, 46637 272-7391 <i>Call Friday - After 10:00, Was in Assembly 2 1/2 Shipping, & Reserve Byrs</i>	Apr 7, 74 Dec 7, 84	Aug 8,
HADLEY, Thomas 434 Wenger, South Bend, 46618 233-2373	Aug 4, 82	Jun 16,
<i>Call Them At my No Answer</i> HOUGHTON, Glenda 1353 N. Olive St, South Bend, 46628 233-9810 <i>worked in electrical</i>	Jun 10, 79 Nov 1, 84	Oct 10,
KERNS, Terry 65777 Maple Rd, Lakeville, 46536 784-5832 <i>Not in Service</i>	Jan 20, 87	Oct 19,
KURSHAL, Robert 61500 Crunstown Tr, North Liberty, 46554 289-8619 <i>on Vacation - worked in body shop - fiberglass home Friday Night, July 1</i>	Dec 12, 86 Sep 25, 87	Oct 15,

6/20/88

SAINT JOSEPH COUNTY JOB TRAINING PROGRAM
 LISTING OF AVANTI MOTOR CORPORATION EMPLOYEES
 ENROLLED UNDER DISLOCATED WORKER PROGRAMS

NAME ADDRESS TELEPHONE	EMPLOYMENT FROM TO	ENROLLM DATE
LABEDZ, Victor 1205 N. Huey, South Bend, 46628 232-2514	Apr 1, 85 Sep 14, 86	Sep 15,
McLAUGHLIN, Brian 2112 Mishawaka Ave, South Bend, 46615 233-9457	Jul 8, 84 Dec 12, 84	Jul 8,
McMILLEN, Michael 2401 Michigan Rd, Lot 66, LaPaz, 46537 784-2066 <i>Not in Service</i>	Oct 19, 81	Dec 16,
<i>5:30 am</i> SZYBOWICZ, Larry <i>Thursdays</i> 25050 W. Edison, South Bend, 46628 <i>SWT</i> 232-3527 - <i>in parts</i> → <i>Shipping & Receiving</i> <i>*Pine</i> <i>2 1/2 miles</i>	Dec 1, 78 Mar 30, 85	Apr 11,
ROBEL, Daniel 521 S. Bendix Dr, South Bend, 46619 288-0669	Oct 15, 86 Sep 1, 87	Sep 28,

=====
 6/22/88



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
AVANTI PRP SEARCH

INTERVIEW FORM

NAME: Darnada Austin DATE: 6-29-88
ADDRESS: 9222 N. St. Louis Blvd. TIME: 2:00 pm
South Bend, IN 46617
219/233-7038

AFFILIATION OR RELATIONSHIP TO SITE: Worked in body shop cleaning parts. Used sander and "DA", both dry processes.

DATES OF AFFILIATION: FROM: 6-12-75 TO: 6-12-84

NOTES:

Does not recall drums on site.

Does not recall who might have handled them. "Different people" did those kind of things - interviewers interp: no specific job designation for that sort of task.

WBP
RE-READ PHONE NOTES

SIGNATURE OF PERSON INT

INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
AVANTI PRP SEARCH

INTERVIEW FORM

NAME: David Ciesiolka DATE: 6-29-88ADDRESS: 21928 Silversprings TIME: 5:00 pmSouth Bend, IN 46628219/277-0137AFFILIATION OR RELATIONSHIP TO SITE: Worked in body assembly.DATES OF AFFILIATION: FROM: 6-2-87 TO: 9-25-87

NOTES:

Only worked there a short time, doesn't recall anything about drums.

WBP

RE-READ PHONE NOTES

SIGNATURE OF PERSON INT

INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
AVANTI PRP SEARCH

INTERVIEW FORM

NAME: Fronia Jo Cook (Jo) DATE: 6-30-88
ADDRESS: 1734 East 4th St. TIME: 4:50 pm
Mishawaka, IN 46544
259-1147

AFFILIATION OR RELATIONSHIP TO SITE: Started as operator and
worked up to Supervisor of Trim Dept. under Altman and Blake, Part
time for Kelly.

DATES OF AFFILIATION: FROM: 2-76 TO: Bankruptcy (10-85)
Called Back 8-86 to 7-87

NOTES:

Barrels on north side when she started and she understood [from old Studebaker employees] they were from Studebaker. There were also other materials like frames, etc.

To create an area to park new cars for a few weeks, the metal parts were hauled out for scrap but the barrels stayed because she heard they split (common knowledge) when they tried to move them - When Ira Altman was President.

Drums [on north side] weren't ever moved or added to, to her knowledge.

Never was in area of west end - never knew of, or noticed if drums were present.

Maintenance Staff -

John McClelland

[Under] Newman/Altman - [was] Maintenance [then] promoted to Bodies. [Later, possibly under Blake, was] Plant Manager or Asst. Plant Manager. Fired by Blake. Kelly re-hired him as Asst. Plant Manager.

WBP
RE-READ PHONE NOTES

SIGNATURE OF PERSON INT

INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
AVANTI PRP SEARCH

PAGE 2 OF 2

INTERVIEW FORM - continued

NAME: Fronia Jo Cook DATE: 6-30-88

NOTES: Maintenance Staff - continued

"Skip" Tuberski (Edward ?)
Now owns "Auto Shed" on Wayne

Body Shop was at extreme west end [of building].

Paint shop was in NE corner under Newman/Altman.

Blake moved paint shop to just east of body prep area.

WBP
RE-READ PHONE NOTES

SIGNATURE OF PERSON INTERVIEWED

INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
AVANTI PRP SEARCH

INTERVIEW FORM

NAME: Paul Dillon DATE: 6-29-88ADDRESS: 19584 Sherwood TIME: 5:15 pmSouth Bend, IN 46628272-7391AFFILIATION OR RELATIONSHIP TO SITE: Worked in assembly 2 1/2
years and in shipping and receiving 8 years (according to wife)DATES OF AFFILIATION: FROM: 4-7-74 TO: 12-7-84NOTES: Call after 10:00 am Friday, July 1, 1988 to speak w/Mr.
Dillon.*

* No calls made after 6-30-88

WBP
RE-READ PHONE NOTES

SIGNATURE OF PERSON INT

INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
AVANTI PRP SEARCH

INTERVIEW FORM

NAME: Glenda Houghton DATE: 6-29-88/6-30-88
ADDRESS: 1353 N. Olive St. TIME: 3:00 pm/3:30 pm
South Bend, IN 46628

AFFILIATION OR RELATIONSHIP TO SITE: Worked in electrical

DATES OF AFFILIATION: FROM: 6-10-79 TO: 9-1-84

NOTES: Just leaving, please all back tomorrow, 6-29-88.

Child answered - please call back, 6-30-88.*

* No calls made after 6-30-88

WBP
RE-READ PHONE NOTES

SIGNATURE OF PERSON INT

INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
AVANTI PRP SEARCH

INTERVIEW FORM

NAME: Robert Kurshal DATE: 6-30-88ADDRESS: 61500 Crumstown Trail TIME: 4:00 pmNorth Liberty, IN 46554219/289-8619AFFILIATION OR RELATIONSHIP TO SITE: Worked in body shop in
fiberglassing (according to mother)DATES OF AFFILIATION: FROM: 12-12-86 TO: 9-25-87

NOTES: On vacation - call back Friday night, 7-1-88.*

* No calls made after 6-30-88

WBP
RE-READ PHONE NOTES

SIGNATURE OF PERSON INTERVIEWED

INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
AVANTI PRP SEARCH

INTERVIEW FORM

NAME: Paul Locsi DATE: 6-30-88ADDRESS: 159 Concord TIME: 8:45 pmSouth Bend, IN 46619219/287-0329AFFILIATION OR RELATIONSHIP TO SITE: Purchasing AgentDATES OF AFFILIATION: FROM: Spring 1979 TO: Youngstown

NOTES:

Most of the material out there was generated under Blake's ownership.

Consists of paint thinner and water, drain oil [from service dept.] and cleaning solution used for bonding machines - most volume generated [by bonding machines].

Has some records in his possession (phone lists).

Bonding material for which thinner was used was a polyurethane bonding material and was purchased from Essex Equipment - Jesco (MI).

Disposal Methods - [Under Respective Owners]

Altman Ownership

Fire Department would take waste thinners out to airport and burn it for practice fires until 1980 or 1981 then thinner mfg. accepted it for recycling.

Drain oil was purchased by people oiling roads - [practice was] discontinued about time Altman sold out.

WBP

RE-READ PHONE NOTES

SIGNATURE OF PERSON INT

INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
AVANTI PRP SEARCH

INTERVIEW FORM - continued

NAME: Paul Locsi DATE: 6-30-88

NOTES: Disposal Methods - [Under Respective Owners] continued

Blake's Ownership

Much more waste was generated when bonding equipment was put in place - polyurethane bonding system.

A program was not initially in place for recycling but finally arranged to have material recycled by the supplier. Financial problems w/suppliers lead to refusal to pick-up.

Shut Down (Blake Left) to Kelly's start-up (Feb 87 - April 87)

Nothing generated
Nothing moved or/hailed out
Security service

Kelly's Ownership

Barrels still there when he [Kelly] purchased [business].

Fire department noted barrels @ back door and they were moved to fence.

Next fire inspection - did not note barrels.

Most waste generated was spent thinner which was hauled away by thinner supplier - Paints & Solvents.

Bonding machine was not functional when Kelly purchased and was disassembled and hauled to Youngstown.

At building closing, remaining barrels [of waste generated under Kelly] were hauled out - manifests signed.

Not certain how much drain oil was generated or how it might have been disposed of.

Can supply names and phone numbers of material suppliers etc. [for all owners] from personal files.

No stock was [ever] stored outside.

WBPRE-READ PHONE NOTESSIGNATURE OF PERSON INT

INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
AVANTI PRP SEARCH

INTERVIEW FORM - continued

NAME: Paul Locsi DATE: 6-30-88

NOTES:

Might have drums of spent blasting sand which eventually spilled or
was dumped out and graded.

Most barrels in grass would be old trash barrels.

WBP

RE-READ PHONE NOTES

SIGNATURE OF PERSON INTERVIEWED

FORM 000007



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
AVANTI PRP SEARCH

INTERVIEW FORM

NAME: Brian McLaughlin DATE: 6-30-88

ADDRESS: 2112 Mishawaka Ave. TIME: 3:20 pm

South Bend, IN 46615

219/233-9457

AFFILIATION OR RELATIONSHIP TO SITE: _____

DATES OF AFFILIATION: FROM: 7-8-84 TO: 12-12-84

NOTES: Answering machine - left name and phone number (6-30-88)

RE-READ PHONE NOTES _____

SIGNATURE OF PERSON INTERVIEWED _____

INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
AVANTI PRP SEARCH

INTERVIEW FORM

NAME: Joyce Stump DATE: 6-30-88
ADDRESS: 313 North Oakland Ave. TIME: 4:30 pm
Mishawaka, IN 46544
219/255-4279

AFFILIATION OR RELATIONSHIP TO SITE: Sewed seat covers and interior parts

DATES OF AFFILIATION: FROM: 1-83 TO: Youngstown Move

NOTES: Worked in area overlooking north side court yard (east wing).

Knew drums were there on north side. She was told they were from Studebaker.

Drums were on west side of horse-shoe [north court yard] - (inside horse-shoe).

[Drums were] Different colors - "quite a few" - looked old and weathered.

"Got rid" of a lot of them while Mr. Blake was there, i.e. shortly after he bought it (the business). Doesn't know who got rid of them.

Suggests I call:

"Jo" Cook - 259-1147 - was supervisor under Blake and a long tenured employee.

Under Kelly, Ms. Stump moved in closer to middle of building and could no longer see the area [north side].

John McClelland - maintenance under Kelly went to Youngstown.

WBP

RE-READ PHONE NOTES

SIGNATURE OF PERSON INTV

INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
AVANTI PRP SEARCH

INTERVIEW FORM

NAME: Larry Szybowicz DATE: 6-30-88
ADDRESS: 25050 West Edison TIME: 6:30 pm
South Bend, IN 46628

AFFILIATION OR RELATIONSHIP TO SITE: First in parts, then in shipping and receiving. [Worked on dock overlooking area at West end of building.]

DATES OF AFFILIATION: FROM: 12-1-78 TO: 4-30-85

NOTES: Called 6-29-88, to set up appointment for personal interview 6-30-88.

Recalls drums west of building on grassy area. Was told they had been there for years.

Doesn't recall older barrels being disposed of except those in north court yard.

[Drums labeled as containing] Dichloro-Methane from bonding process initiated under Blake were labeled as Hazardous Waste and manifested out for a few months after Mr. S. was given the job of labeling the drums and informing the office when three had accumulated. After the first 2 or so pick-ups, the drums just accumulated on the west side of the building - about 25 when [Mr. S.] he left.

At some point both Mr. Szybowicz and Ed Peterson (Supervisor) talked to Bob Smith (Plant Manager) about the drums [,voicing their concern over failure to pick-up].

John Pullin: started as Maintenance and advanced to Body Out-assembly Supervisor. Good man to talk to.

Steve Snyder - Body Shop, Albert Street, SB

Jim Huff - was labeling drums before Mr. S. took over job.

RE-READ PHONE NOTES

Larry E. Szybowicz
SIGNATURE OF PERSON INTERVIEWED

PAGE 2 OF 2

INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
AVANTI PRP SEARCH

INTERVIEW FORM - continued

NAME: Larry Szybowicz DATE: 6-30-88

NOTES:

"Skip" Tuberski - was involved in maintenance type work and may have had responsibilities in removal of drums on north side and [related to] new bonding process machine [initiated by Blake].

Kevin _____ in paint department - left while Mr. S. was still there.

(Informal tape of interview was made)

[Mr. S. also recounted watching the thick layer of viscous material which had accumulated on the ground surrounding the old "Studebaker" drums on the north side of the building. He described how, on hot days, it would bubble slowly. He also recounted watching these same drums speared with a forklift and loaded into big dumpsters. He did not recall that any were moved to the west end of the building but could not verify that all the north side drums were removed from the premises.]

RE-READ PHONE NOTES

Larry E. Szybowicz
SIGNATURE OF PERSON INTERVIEWED

INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
AVANTI PRP SEARCH

INTERVIEW FORM

NAME: Joyce Turner DATE: 6-30-88ADDRESS: 1220 W. Indiana Ave. TIME: 8:30 pmSouth Bend, IN219/234-7915AFFILIATION OR RELATIONSHIP TO SITE: Head of Trim Shop(according to David Wrobel) Recovered seats - 5 years,Utility person on line ~5 years, Foreman 1980 to 1987DATES OF AFFILIATION: FROM: Sept. 1970 TO: Youngstown MoveNOTES: Left message on answering machine (6-30-88)
[Returned call that evening and provided following information.]Paul Locsi - was Purchasing Agent for Altman, Blake & Kelly
219/287-0329.

Believes it was residue from cleaning bonding machine.

Barrels were in north court yard under Altman - old paint and
window sealer, etc. She believes they [the company] cleaned
it [the drums on north side] up.WBP

RE-READ PHONE NOTES

SIGNATURE OF PERSON INT

INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
AVANTI PRP SEARCH

INTERVIEW FORM

NAME: Daniel Wrobel DATE: 6-30-88ADDRESS: 521 S. Bendix Dr. TIME: 3:30 pmSouth Bend, IN 47719219/288-0669AFFILIATION OR RELATIONSHIP TO SITE: Carpet LayerDATES OF AFFILIATION: FROM: Oct. 15, 1986 TO: Sept. 1, 1987

NOTES:

Was aware of drums on west side.

Were always in same place.

[Company] Used quite a few drums of thinner and cleaner. Used solvents/thinners were put into spent material drums - not sure where they went.

Maintenance chief was Tom Rawhut - went with Avanti to Youngstown. Before him was Bill Norris (Mish)(may have worked for Blake).

Duties were not ridged - whoever was available would do a job like that [removing filled drums from building].

Spent product drums were not labeled or segregated in shop.

Were maybe 10 old drums next to [west] wall [outside]. Most were in grassy area and "a few against [west] fence".

WBP

RE-READ PHONE NOTESSIGNATURE OF PERSON INT

INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
AVANTI PRP SEARCH

INTERVIEW FORM - continued

NAME: Daniel Wrobel DATE: 6-30-88

NOTES:

Joyce Turner, Head of Trim Shop
1220 West Indiana Ave.
South Bend, IN
219/234-7915

Iris McChesney, Trim Shop
927 West Broadway
Mishawaka, IN
219/255-3306

Joyce Stump, Seamstress in Trim Shop
313 North Oakland Ave.
Mishawaka, IN
219/255-4279

WBP
RE-READ PHONE NOTES

SIGNATURE OF PERSON INTERVIEWED

APPENDIX B

Property Ownership Documents

mail
file

FILE

Transfer 5585
Testing Unit SB
Date 10-9-84

STATE OF INDIANA)
ST. JOSEPH COUNTY) SS: JUDGE [unclear] IN THE ST. JOSEPH PROBATE COURT
ESTATE NO. 32588 ✓
Irvin J. Manuszak, Clerk
St. Joseph Probate Court

IN THE MATTER OF THE ESTATE OF) PETITION FOR AUTHORITY TO
LEO A. NEWMAN, Deceased) MAKE PARTIAL DISTRIBUTION
8421306) AFTER FIVE (5) MONTHS

5

Comes now Joseph J. Newman, as executor of the Estate of Leo A. Newman, deceased, and being duly sworn upon his oath, respectfully shows the court as follows:

1. That your petitioner is the duly qualified and acting Executor of the Estate of Leo A. Newman.
2. That the first publication of notice of the opening of this estate was duly made on the 21st of April, 1980 and therefore the time for filing claims in said estate is now expired.
3. That the estate is solvent and your Executor desires to make a partial distribution of the assets during the period of administration. That the assets which the Executor prays to distribute are as follows:
 - A. An undivided one-half interest in and to the Warehouse Building and premises situated and known as 405 W. Sample Street in the City of South Bend, Indiana, the legal description of which is attached hereto.
 - B. A fifty percent interest in and to the store building situated and known as 611, 613 South Michigan Street, in the City of South Bend, Indiana, the legal description for which is attached hereto.
 - C. A forty percent interest in and to the factory - Warehouse building situated and known as 765 S. Lafayette Blvd., in the City of South Bend, Indiana, the legal description for which is attached hereto.
 - D. Fifty shares of St. Joseph Bank & Trust Company 2.625 cumulative convertible preferred stock, which stock shall be distributed evenly with the balance of shares being converted to cash for distribution.

DULY ENTERED FOR TAXATION
JOSEPH F. NAGY
AUDITOR
ST. JOSEPH CO., INDIANA

FILM NO. 7
WANDA A. WAK
REC'D
OCT 9 9 48 AM '84
ST. JOSEPH CO.
INDIANA
FILED FOR RECORD

405 West Sample Street:

8421306

Part of the S.E. 1/4 of Section 11, Twp. 37 N., R. 2 E of the 2nd P.M., more particularly described as follows: Commencing at the S.W. Corner of Tract No. 3 of the Studebaker Corp. Replat as recorded in Plat Book 11, page 184, in the Office of the Recorder of St. Joseph County, Indiana; thence S. 89°51'46" E. along the S. line of said Tract No. 3, said line being also the N. line of Sample Street, a distance of 1080.37 ft. for a point of beginning; thence N.00°16'04" E. a distance of 35.06 ft. to a point; thence N.6°01'08" E. a distance of 123.28 feet to a point; thence N.4°39'23" E. a distance of 129.91 feet to a point; thence N.89°42'25" E. a distance of 291.06 ft. to a point; thence S.00°13'47" E. a distance of 289.38 ft. to the said S. line of said Tract No. 3; thence North 89°51'46" along the said S. line of said Tract No. 3 a distance of 315.85 ft. to the point of beginning, containing ± 2.013 acres (all bearings assumed) in St. Joseph County, Indiana.

611-613 South Michigan Street:

Lot Numbered Twelve (12) as shown on the recorded Plat of Martin & Tutt's Addition to the town, now City of South Bend, St. Joseph County, Indiana.

ALSO

A lot or parcel of land Thirty (30) feet in width, North and South, taken off of and from the entire length of the South side of Lot Numbered Two (2), and another lot or parcel of land Three (3) feet in width, North and South, taken off of and from the entire length of the North side of Lot Numbered Three (3), all as shown on the recorded Plat of Martin and Tutt's Addition to the Town, now City of South Bend, St. Joseph County, Indiana.

ALSO

Lot Numbered Three (3) as shown on the recorded Plat of Martin and Tutt's Addition to the Town, now City of South Bend, excepting therefrom a lot or parcel of land Three (3) feet in width, North and South, taken off of and from the entire length of the North side thereof, in St. Joseph County, Indiana.

765 South Lafayette:

Parts of the S.E. 1/4 of Section 11, and the S.W. 1/4 of Section 12, Township 37 N., Range 2 E. of the 2nd P.M., more particularly described as follows: Commencing at the N.E. corner of Tract No. 3 of the Studebaker Corporation Replat as recorded in Plat Book 11, page 184, in the office of the Recorder of St. Joseph County, Indiana; thence S. 00°12'10" E. along the E. line of said Tract No. 3, a distance of 690.31 ft. for a point of beginning; thence continuing S. 00°12'10" E. a distance of 346.68 feet to a point; thence S. 89°37'28" W. a distance of 399.58 ft. to a point; thence N. 00°13'47" W. a distance of 40.01 ft. to a point; thence S. 89°42'25" W. a distance of 291.06 ft. to a point; thence N. 4°39'23" E. a distance of 39.43 ft. to a point; thence N. 2°06'30" E. a distance of 268.30 ft. to a point; thence N. 89°42'25" E. a distance of 676.49 ft. to the point of beginning, containing ± 5.181 acres, (all bearings assumed), in St. Joseph County, Indiana.

8421306

E. All of the interest in three promissory notes in the amount of \$8,777.43 each payable to the Estate of Leo A. Newman by Geoffrey I. Newman, President of Newman & Altman, Inc., dated May 15, 1980 and due on May 15, 1984, November 15, 1984 and May 15, 1985, pursuant to a Stock Purchase Agreement entered into on September 30, 1977 between Leo A. Newman and Geoffrey I. Newman, stockholders in Newman & Altman, Inc.

F. All cash assets in excess of \$35,000.00.

4. That the balance of assets available for distribution in said estate is estimated as in excess of Forty Thousand (\$40,000.00) Dollars.

5. That it is in the best interest of the estate and of the heirs that a partial distribution of the assets be made at this time.

6. That the distributees entitled to participate in said distribution are the residuary legatees in the decedent's last will and testament and each is bequeathed one fourth of the rest and remainder of decedent's estate. Said residuary legatees are : Geoffrey Newman, son; Diane J. German, Lee Newman and Lynn Newman, daughters.

WHEREFORE, said Executor prays the Court for an order authorizing him to make partial distribution as set forth above pursuant to the provisions of Indiana Code, I.C. 29-1-17-1, and that security from said distributee not be required by the Court, but that said distribution is conditional upon said property not being needed to pay debts, claims, taxes, and costs of administration, whereby in the event the court should subsequently decree the return of said property to be in the best interests of said estate, said distributees shall tender said property back to the personal representative of the decedent's estate.

Joseph J. Newman
Joseph J. Newman, Executor of
the Estate of Leo A. Newman,
deceased.

Subscribed and sworn to before me, a Notary Public in and for
said County and State, this _____ day of May, 1984.

My Commission Expires _____

Mary Jean Bohanick
Notary Pub
residing in St. Joseph Coun

7-21-84

8421306

STATE OF INDIANA)
)ss:
ST. JOSEPH COUNTY)

IN THE ST. JOSEPH PROBATE COURT

OFFICE NO. 12568

FILED
JUL 12 1931

IN THE MATTER OF THE ESTATE OF)
LEO A. NEWMAN, Deceased.)

Irvin J. Manuszak, Clerk
St. Joseph Probate Court
**ORDER ADJUDICATING PROBATE
DISTRIBUTION AFTER FIVE MONTHS**

Comes now Joseph J. Newman, as executor of the estate of LEO A. Newman, deceased, and submits his verified petition for parital distribution, which petition is in the following words and figures, to-wit:

(R.I.)

And the Court having heretofore examined said petition and being fully advised in the premises now finds that the estate of the decedent is solvent, and that more than five (5) months have elapsed since the estate was duly opened, that the administration of the estate has been prolonged for various and sundry reasons, and that after making partial distribution herein sought to be made, ample funds will remain in the estate to fully pay all additional debts, expenses, claims, and costs of administration of said estate, that a partial distribution is in the best interests of the estate and of the distributees, and that the following persons are distributees of the estate of LEO A. Newman, and are each entitled to one-fourth of the assets being distributed: Geoffrey Newman, Diane J. German, Lee Newman and Lynn Newman and that the prayer of said petition should be granted.

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that Joseph J. Newman, as executor of the estate of LEO A. Newman, deceased, be and hereby is, authorized and directed to make partial distribution without notice in said estate pursuant to the petition filed herewith, and that said distributees shall not be required to furnish security for the property being distributed, however, said distribution is conditional upon the return of the property distributed, or an amount equal to the appraised value thereof, or so much as shall be necessary in the event the remaining assets should be insufficient to fully pay all costs, expenses, allowed claims, and distributive shares. All of which is ordered this 21st day of

June, 1931.

John J. Nemeth
Judge, St. Joseph Probate Court

STATE OF INDIANA) ss
St. Joseph County)

I, Irvin J. Manuszak, Clerk of the Probate Court within and for the County of St. Joseph and State of Indiana, do hereby certify that the above and foregoing is a full, true, complete and correct copy of the original *Order of Partial Distribution* as the same appears upon the records of said court and in my custody as Clerk.

In testimony whereof, I have hereunto set my hand and affixed the Seal of said Court this 9 day of October, 1931.

Oliver Blanton
IRVIN J. MANUSZAK



specified, set forth and contained on pages 2, 3, 4, 5 and 6 of said Warranty Deed.

BOOK 653 PAGE 472

Subject to a mortgage in favor of the St. Joseph Bank and Trust Company of South Bend, Indiana, in the principal sum of \$95,000.00, which mortgage was recorded on the 13TH day of July, 1964, in Mortgage Record 355, Pages 203 - 206, in the office of the Recorder of St. Joseph County, Indiana, which mortgage the grantees assume and agree to pay in the proportionate amounts as follows: Nathan D. Altman, 40%, Leo A. Newman, 40%, Frederick K. Baer, 20%.

Subject to all taxes and restrictions of record.

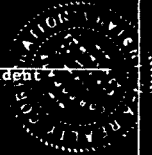
The consideration for the foregoing transfer being less than \$100.00, no U. S. Documentary Stamps are affixed.

Grantor certifies that there is no Indiana Gross Income Tax due by reason of the transfer of the real estate herein described.

Signed and dated this 14TH day of July, 1964.

N-A REALTY CORPORATION

By N. D. Altman
N. D. Altman, President



ATTEST:
Leo A. Newman
Leo A. Newman, Secretary

STATE OF INDIANA)
) SS:
ST. JOSEPH COUNTY)

Before me, a Notary Public, this 14TH day of July, 1964, came N-A Realty Corporation, an Indiana corporation, by N. D. Altman, its President, and Leo A. Newman, its Secretary, who, as such President and Secretary respectively, for and on behalf of said corporation, acknowledged the execution of the foregoing deed.

My Commission expires:
July 12, 1965

Wesley J. Zandych
Notary Public



765 Lafayette

- | | | | | | | |
|--------------------------|---------------------------|---------------------------|------------------------------|----------------------------|----------------------------|-----------------------|
| 01 cash grain/gen. farm | 3 INDUSTRIAL | 4 COMMERCIAL | 21 supermarkets | 46 full service banks | 63 golf courses | 3 three-family dwn |
| 02 livestock a/1 03 & 04 | 00 vacant land | 00 vacant land | 22 discount/dept. stores | 45 savings and loans | 64 bowling alleys | 4 house trailer (no |
| 03 dairy farms | 00 vacant land | 00 vacant land | 24 full line dept. stores | 47 office bldg-1 & 2 story | 65 lodge holly/amuse. pks. | 5 condominium un |
| 04 poultry farms | 10 food & drink | 01 04-19 family apts. | 25 neighborhood, shop, cont. | 48 office a/r/47-walk up | 80 Comm. warehouse | 0 plotted lot |
| 05 fruit & nut farms | 20 foundries & heavy mfg. | 02 20-29 family gpts. | 26 community shop, center | 49 office a/r/47-elevator | 82 Comm. truck terminals | 1 unplatted 0-99.9 |
| 06 vegetable farms | 30 medium mfg. & assembly | 03 40 or more families | 27 regional shop, center | 52 auto service station | 90 marine svc. facilities | 2 unplatted 10-19. |
| 07 tobacco farms | 40 light mfg. & assembly | 10 motels/tourist cabins | 29 other retail struct. | 53 car washes | 96 marine (small boats) | 3 unplatted 20-29. |
| 08 nurseries | 50 ind. warehouse | 11 hotels | 30 rest., cafe and/or bar | 54 auto sales & service | 99 other Comm. structures | 4 unplatted 30-39. |
| 09 greenhouses | 60 ind. truck terminals | 12 nursing hme./hospitals | 31 drive-in restaurant | 55 Comm. garage | | 5 unplatted 40 -49 |
| | | | | | | 99 other res. struct. |

LAND DATA COMPUTATIONS

Topography	Public Utilities	LAND TYPE	Actual Frontage	Effective Frontage	Effective Depth	Depth Factor	Base Rate	Adjusted Rate	Extended Value	Influence Factor	True Cash V
Level	Water	Front Lot									
High	Sewer	R Rear Lot									
Low	Gas	1 Primary Ind/Comm Site									
Rolling	Electricity	2 Secondary Ind/Comm Site									
Swampy	All	3 Undeveloped									
		4 Open Tillable									
		5 Open Non-Tillable	225654.36			@	30d		67710		67710
		6 Wood/Woodland									
		61 Public Road									
Street or Road	Neighborhood	7 Home Site									
Parad	Improving	8									
Unproved	Static	0 86-87		303177		(Q)	30f		90950		90950
Proposed	Declining	313370.44			5.181		AC				
Sidewalk	Blighted	= 5.181									
Alley		= 2.013									
		7.194 AC. - CORR 1980									
Influence Factor											
1 Corner Influence	6 Shape or Size	303177 = 6.96 AC									
2 Alley Influence	7 Mesurement										
3 Topography	8 Restrictions										
4 Under Improved	9 View										
5 Excess Frontage	0										
TOTAL ACRES											
TOTAL TRUE CASH LAND VALUE									90950		

PRESCRIBED INDIANA PROPERTY RECORD CARD 1978

PORTAGE TOWNSHIP PROPERTY RECORD

County	Township	Corporation	District	Section & Plat	Routing Number	Card Num
--------	----------	-------------	----------	----------------	----------------	----------

MEMORANDUM
 EG-87 Land used for 303,177 sq ft
 ACTUAL TRUE SQ FT = 313,370.44 = 5.181 + 2.013 AC
 EG-87 CORRECTED SH. P CORRECTION

05-03-18-043-1654.01

Ownership
 18 3043 1654.01 01-31-74.

NEWMAN LEO A. &
 NATHAN D. ALTMAN 1/2 INT EA
 765 S. LAFAYETTE
 SOUTH BEND, INDIANA 46623

Date	Transfer of Ownership
7-24-64	ALTMAN, SYLVIA (TRUST) 40%
	NEWMAN, LEONARD K. 20%
10-9-84	NEWMAN, GREGORY 10%, NEWMAN, LEONARD K. 10%
#5585	NEWMAN, LYNNE 10%, NEWMAN, DONALD J. 10%

PARCEL TR 3 TRACT OF LAND LYING
 15=37=2E PT SE 1/4 SEC 11-37-2E 11 SW
 SEC 12-37-2E AND BEG. 610.31' S
 NE COR A CONT. APPX. 748 AC.
 STOREBAKER TRACT 5.181

2019-2020

VALUATION RECORD		1978	1979	1980	1981	1982	1983	1984	1985
Reason for Change	14074230	Revaluation	6AC	14-7750					
Land	90950		90950	67710					
Improvements	145200		144700	123410					
Total	235950		235650	170120					
Land			30320	22570					
Improvements			48320	48230	34140				
Total			78650	78550	56710				

APPENDIX C

Letter from Roy F. Weston, Inc.

to

Robert J. Cappiello, IDEM



100 CORPORATE NORTH, SUITE 101
ROUTE 22 AND LAKESIDE DRIVE
BANNOCKBURN, ILLINOIS 60015 - 40-50 people
(312) 295-6020

CLIENT FILE

3 June 1988

Mr. Robert J. Cappiello
Project Manager
State Clean Up Section
Indiana Department of Environmental Management
5500 W. Bradbury Avenue
Indianapolis, IN 46241 W.O. 3978-03-01

Subject: Site Investigation
Avanti Manufacturing Facility
South Bend, Indiana

Dear Mr. Cappiello:

On 1 June 1988, WESTON conducted a site investigation of the New Avanti Manufacturing Facility located at 726 South Lafayette St., South Bend, Indiana. This letter serves to summarize the findings of the investigation, specifically, the amount of drums, their conditions, volumes and any markings, indicating potential responsible parties and contents.

During the inspection, approximately 245 55-gallon drums were observed to be located behind the facility. Of these drums:

- o Approximately 200 had material in them;
- o Approximately 75% (189) of the drums were sealed;
- o Approximately 75% (189) are rusted, however, in fair to good condition;
- o Approximately 15% (30) of the drums structural condition may make movement difficult; and,
- o Approximately 10% of the drums are bulged.

Also during this inspection, any markings on the drums were noted. Many of the drums had some markings on them. Markings observed on these drums seemed to indicate potential responsible parties and contents. The following is a list of PRP's identified during the inspection.

C0218

Mr. Robert J. Cappiello

-2-

3 June 1988

- o Quaker State ✓
- o Renco ✓
- o AMOCO -
- o Kendall ✓
- o Avanti Motor Corp., South Bend, IN -
- o Freeman, Port. Washington, Wisc ✓
- o GLS, CO. Chicago, IL ✓
- o Dupont ✓
- o CHEMSOLV, South Bend, IN ✓
- o Sherwin Williams ✓
- o Ashland Chemical ✓

Several drums also had hazardous-waste stickers on them. These stickers, dated 7 July 1984 identified Avanti Motor Corps., South Bend, IN as the generator, and the waste as Dichloromethane. Other markings on the drums included:

- o Thinner
- o Paint Thinner
- o Machine Wash
- o Water
- o Paint
- o Drain oil
- o Wash Solvent
- o Resin Solution
- o Flammable liquid
- o Methylene Chloride

def. some handwriting
~~some handwriting~~

Wash solvent

WESTON

Mr. Robert J. Cappiello

-3-

3 June 1988

- o Polyester
- o Glycol ether acetate

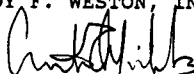
As you know, even though these drums have markings on them, their exact contents are unknown.

Per your request, for PRP search purposes, a copy of this letter has been forwarded to Mr. Steve Nye, EIS, Environmental Engineers, Inc., South Bend, IN.

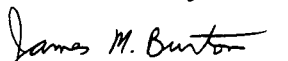
Should you have any questions, or require any additional information concerning this matter, please contact us.

Very truly yours,

ROY F. WESTON, INC.



Curtis R. Michols
Associate Project Scientist



James M. Burton, P.E.
Project Manager

CRM/JMB/iec

cc: Mr. Steve Nye, EIS, Environmental Engineers, Inc.

C0218

APPENDIX D

Articles of Incorporation and Amendments Thereto

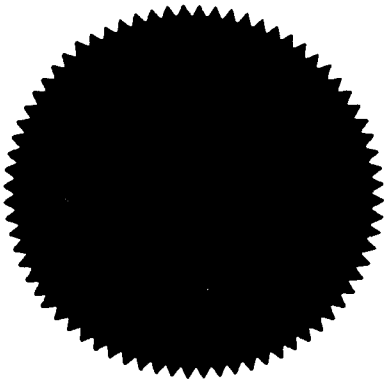
STATE OF INDIANA
OFFICE OF THE SECRETARY OF STATE

CERTIFICATE OF INCORPORATION
OF

..... AMW, INC.

I, EDWIN J. SIMCOX, *Secretary of State of Indiana*, hereby certify that Articles of Incorporation of the above Corporation, in the form prescribed by my office, prepared and signed in duplicate by the incorporator(s), and acknowledged and verified by the same, have been presented to me at my office accompanied by the fees prescribed by law; that I have found such Articles conform to law; that I have endorsed my approval upon the duplicate copies of such Articles; that all fees have been paid as required by law; that one copy of such Articles has been filed in my office; and that the remaining copy of such Articles bearing the endorsement of my approval and filing has been returned by me to the incorporator(s) or his(their) representatives; all as prescribed by the provisions of the INDIANA GENERAL CORPORATION ACT

....., as amended.
NOW, THEREFORE, I hereby issue to such Corporation this Certificate of Incorporation, and further certify that its corporate existence has begun.



In Witness Whereof, I have hereunto set my hand and affixed
the seal of the State of Indiana, at the City of Indianapolis,
this 27th day of
..... September 19..... 82

.....
EDWIN J. SIMCOX, *Secretary of State*

By..... Deputy

ARTICLES OF INCORPORATION

OF

AMW, INC.

APPROVED
AND
FILED
SEP 23 1982
STATE OF INDIANA

The undersigned incorporator or incorporators, desiring to form a corporation (hereinafter referred to as the "Corporation") pursuant to the provisions of the Indiana General Corporation Act, as amended, (hereinafter referred to as the "Act") execute the following Articles of Incorporation.

ARTICLE I

Name

The name of the Corporation is:

AMW, INC.

ARTICLE II

Purposes

The purposes for which the Corporation is formed are:

(a) For pecuniary profit and to transact any and all lawful business for which a corporation may be incorporated under this Act.

(b) Subject to any limitation or restriction imposed by the Act, any other law of this State, or any provisions of these Articles of Incorporation, the Corporation shall have the power:

(i) To do everything necessary, advisable or convenient for the accomplishment of any of the purposes hereinbefore set forth, or which shall at any time appear conducive to or expedient for the protection or benefit of the Corporation, and to do all other things incidental thereto or connected therewith which are not forbidden by law;

(ii) To carry out the purposes hereinbefore set forth in any state, territory, district or possession of the United States, or in any foreign country; and

(iii) To have the capacity to act possessed by natural persons and to exercise and enjoy all rights, privileges and powers granted to corporations organized pursuant to the Act, and all rights, privileges and powers granted by all acts heretofore or hereafter amendatory or supplemental to the Act.

ARTICLE III

Period of Existence

The period during which the Corporation shall continue is perpetual.

ARTICLE IV

Resident Agent and Principal Office

Section 1. Principal Office. The post office address of the principal office of the Corporation is:

6th Floor
1st Source Bank Building
South Bend, Indiana 46601

Section 2. Resident Agent. The name and post office address of the Resident Agent is:

C T Corporation System
1011 Merchants Bank Building
Indianapolis, Indiana 46204

ARTICLE V

Shares

Section 1. Number.

A. The total number of shares which the Corporation has authority to issue is 1,000 of capital stock.

B. The number of such shares which the Corporation designates as having par value is 1,000 with a par value of \$100.00.

C. The number of such shares which the Corporation designates as without par value is none.

Section 2. Terms.

A. Classes. There shall be one class of shares of capital stock of the Corporation, namely common stock.

B. Relative Rights. All of such shares shall have the same rights, preferences, limitations and restrictions.

C. Voting Rights. Each shareholder of the Corporation shall have the right to one vote for each share of stock standing in his name on the books of the Corporation on each matter submitted to a vote at any meeting of the shareholders. No share shall be voted at any meeting upon which any installment is due and unpaid, or which belongs to the Corporation.

D. Other Rights. Shares of capital stock of the Corporation may be issued by the Corporation for such amount of consideration as may be fixed from time to time by the Board of Directors, without authorization or approval of the Shareholders, and may be paid in whole or in part, in money, in other property, tangible or intangible, or in labor actually performed for or services actually rendered to the Corporation. The shares of the capital stock of the Corporation which qualify as "Section 1244 stock" under Section 1244 of the Internal Revenue Code of 1954, as amended, shall be issued pursuant to and subject to Section 1244 of the Internal Revenue Code of 1954, as amended.

ARTICLE VI

Requirements Prior to Doing Business

The Corporation will not commence business until consideration of the value of at least \$1,000.00 has been received for the issuance of shares.

ARTICLE VII

Directors

Section 1. Number of Director(s). The initial Board of Directors of the Corporation shall be composed of one (1) member. The number of directors shall be fixed from time to time by the By-Laws of the Corporation at any number. In the absence of By-Laws fixing the number of directors, the number shall be three (3). Directors need not be shareholders of the Corporation.

Section 2. Name and Post Office Address of the Director. The name and post office address of the first Board of Directors of the Corporation are:

<u>Name</u>	<u>Number and Street or Building</u>	<u>City</u>	<u>State</u>	<u>Zip Code</u>
Stephen H. Blake	2828 Pennsylvania Ave., N.W. Suite 200	Washington,	D.C.	20007

ARTICLE VIII

Incorporator

The name and post office address of the incorporator of the Corporation are:

<u>Name</u>	<u>Number and Street or Building</u>	<u>City</u>	<u>State</u>	<u>Zip Code</u>
Stephen H. Blake	2828 Pennsylvania Ave., N.W. Suite 200	Washington,	D.C.	20007

ARTICLE IX

Provisions for Regulation of Business
and Conduct of Affairs of Corporation

A. Any meeting of shareholders may be held within or without the State of Indiana as may be fixed by the Board of Directors.

B. Any contract or other transaction between the Corporation and one or more of its directors, or between the Corporation and any firm of which one or more of its directors are directors, officers or employees, or in which they are financially interested, or between the Corporation and any corporation or association of which one or more of its directors are shareholders, members, directors, officers or employees, or in which they are financially interested, shall be valid for all purposes, notwithstanding the presence of such director or directors at the meeting of the Board of Directors of the Corporation (or a committee thereof) which acts upon or in reference to such contract or transaction, and notwithstanding his or their participation in such action, if the fact of such interest shall be disclosed or known to the Board of Directors or committee and the Board or committee shall nevertheless authorize, approve or ratify such contract or transaction by a vote of a majority of the directors present without counting the vote(s) of such interested director(s). The above provisions shall not be construed to invalidate any contract or other transaction which would otherwise be valid under the common or statutory law applicable thereto.

C. Any person who is or was a director, officer, employee or agent of the Corporation or is or was serving at the

request of the Corporation as a director, officer, employee or agent of another corporation, partnership, joint venture, trust or other enterprise, shall be indemnified, saved harmless and defended by the Corporation against expenses, including attorney's fees, reasonably incurred by him (and not covered by insurance) in connection with the defense of any action, suit or proceeding, civil or criminal, in which he is made or threatened to be made a party by reason of being or having been in any such capacity or arising out of his status as such, except in relation to matters as to which he is adjudged in such action, suit or proceeding, civil or criminal, to be liable for negligence or misconduct in the performance of his duties to the Corporation. The Corporation may also reimburse any such director, officer, employee or agent, past or present, for the reasonable cost of settlement of any such action, suit or proceeding if it shall be found by a majority of the directors not involved in the matter in controversy (whether or not a quorum) that it is or was to the best interests of the Corporation that such settlement be made and that such director, officer, employee or agent was not guilty of negligence or misconduct in the performance of his duties to the Corporation. Provided, however, that such indemnification and reimbursement shall not be deemed exclusive of any other rights to which those indemnified may be entitled under any provision of the Articles of Incorporation, By-Laws, resolution or other authorization heretofore or hereafter adopted after notice by a majority vote of all the voting shares then issued and outstanding.

The Corporation shall have the power to purchase and maintain insurance on behalf of any person who is or was a director, officer, employee or agent of the Corporation or of another corporation, partnership, joint venture, trust or other enterprise for which he served as such at the request of the Corporation against any liability asserted against him and incurred by him in any such capacity or arising out of his status as such, whether or not the Corporation would have the power to indemnify him against such liability under the provisions herein.

D. The Corporation shall have the right and power, exercisable by authorization and approval of the Board of Directors, to purchase, take, receive or otherwise acquire its own shares to the extent of unreserved and unrestricted earned surplus and unreserved and unrestricted capital surplus available therefor and without authorization or approval of the shareholders of the Corporation.

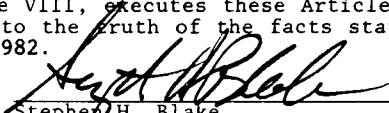
E. The By-Laws of the Corporation may contain such additional or supplemental provisions for the regulations of the business and conduct of the affairs of the Corporation as determined by the Board of Directors from time to time.

F. The Corporation reserves the right to amend, alter, change or repeal any provision contained in these Articles of Incorporation in the manner now or hereafter prescribed by the

Act or any other pertinent law and all rights and powers hereby conferred are subject to this reserved power.

G. The Board of Directors may, from time to time, distribute to its shareholders out of capital surplus of the Corporation a portion of its assets, in cash or property, without authorization or approval of the shareholders of the Corporation but subject to such limitations as may be imposed by law.

IN WITNESS WHEREOF, the undersigned, being the incorporator designated in Article VIII, executes these Articles of Incorporation and certifies to the truth of the facts stated, this 24th day of September, 1982.

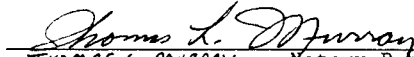


Stephen H. Blake

STATE OF INDIANA)
) SS:
COUNTY OF ST. JOSEPH)

I, the undersigned, a Notary Public duly commissioned to take acknowledgments and administer oaths in the State of Indiana, certify that Stephen H. Blake, being the incorporator referred to in Article VIII of the foregoing Articles of Incorporation, personally appeared before me, acknowledged the execution thereof, and swore to the truth of the facts therein stated.

WITNESS my hand and Notarial Seal this 24 day of September, 1982.



THOMAS L. MURRAY, Notary Public,
and resident of St. Joseph County,
Indiana

My Commission Expires:
9-29-84

This instrument was prepared by John P. Greeley, Attorney-at-Law, Sixth Floor, First Bank Building, South Bend, Indiana, 46601.

STATE OF INDIANA
OFFICE OF THE SECRETARY OF STATE

CERTIFICATE OF MERGER

To Whom These Presents Come, Greeting:

WHEREAS, there have been presented to this office for filing duplicate copies of Articles of Merger, merging

Corporation	State of Incorporation	Date of Incorporation/Admission
AMW, IND.	DELAWARE	NOT ADMITTED

the non-survivor(s), into

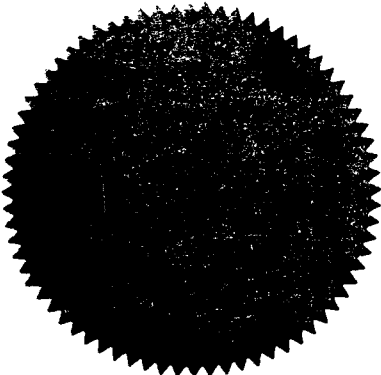
AMW, INC. 8209-711

an Indiana Corporation, the survivor, which corporation shall hereinafter be designated as

AMW, INC.

NOW, THEREFORE, I, EDWIN J. SIMCOX, Secretary of State of Indiana, do hereby certify that I have this day endorsed my approval upon the duplicate copies of the Articles of Merger so presented, and having received the fees required by law, have filed one copy in this office and returned the other to the corporation.

The effective date of the merger is OCTOBER 1, 1982



In Witness Whereof, I have hereunto set my hand and affixed the seal of the State of Indiana, at the

City of Indianapolis, this 1st day of October, 19 82

EDWIN J. SIMCOX Secretary of State,

By Deputy

APPROVED
AND
FILED
OCT 01 1982

Edmund J. Jones
TARY OF STATE OF INDIANA

ARTICLES OF MERGER OF
AMW, INC., A DELAWARE CORPORATION
INTO
AMW, INC., AN INDIANA CORPORATION

In compliance with the requirements of The Indiana General Corporation Act (hereinafter referred to as the "Act"), the undersigned corporation, desiring to effect a merger, hereby certifies that:

ARTICLE I

SURVIVING CORPORATION

A. The name of the corporation surviving the merger is:

AMW, INC.

and such name has not been changed as a result of the merger.

B. The surviving corporation is a domestic corporation existing pursuant to the provisions of the Act.

ARTICLE II

PLAN AND JOINT AGREEMENT OF MERGER

The Plan and Joint Agreement of Merger, containing the title, parties, terms and conditions, is set forth in Exhibit "A", attached hereto and made a part hereof.

ARTICLE III

MANNER OF ADOPTION AND VOTE

The manner of adoption and vote by which the plan of merger was approved by each domestic corporation party to the merger is as follows:

A. Action by Domestic Surviving Corporation: AMW, Inc.

1. Action by Directors

By unanimous written consent, executed on September 30, 1982, signed by all of the members of the Board of Directors of the above-named domestic corporation, a resolution was adopted approving the Plan and Joint Agreement of Merger and directing that it be submitted to the shareholder of said corporation entitled to vote in respect thereof at a meeting of such shareholder to be held fifteen (15) days after the date of the written consent resolutions, unless the same were so approved prior to such date by unanimous written consent.

2. Action by Shareholder

By unanimous written consent, executed on September 30, 1982, signed by the holder of 1 shares of the Corporation, being all of the shares of the Corporation entitled to vote in respect to a Plan and Joint Agreement of Merger, the shareholder authorized the adoption of the Plan and Joint Agreement of Merger by such corporation.

3. Subsequent Action by Directors

Since the shareholder of the above-named domestic corporation voted unanimously in favor of the Plan and Joint Agreement of Merger, no subsequent action by the Board of Directors of such corporation was required. A resolution anticipating unanimous approval was duly adopted by the Board of Directors of such corporation in conjunction with the resolutions approving the Plan and Joint Agreement of Merger which

authorized the execution thereof by the undersigned President and Secretary of such corporation, without further action by the Board of Directors.

4. Compliance with Legal Requirements

The manner of the adoption of the Plan and Joint Agreement of Merger, and the vote by which it was adopted, constitute full legal compliance with the provisions of the Act, the Articles of Incorporation, and the By-Laws of the above-named domestic corporation.

ARTICLE IV

REPRESENTATIONS BY FOREIGN CORPORATION
A PARTY TO THE MERGER

A. AMW, Inc., a Delaware corporation, does hereby represent that the Plan and Joint Agreement of Merger was authorized, adopted, or approved as the case may be, in accordance with the laws of the State of Delaware.

ARTICLE V

STATEMENT OF CHANGES MADE WITH RESPECT
TO INCREASE IN AUTHORIZED SHARES
OF SURVIVING CORPORATION

- | | | |
|----|--|--------------|
| A. | Total Number of Shares of the Surviving Corporation Authorized After Giving Effect to this Merger: | 1,000 |
| B. | Total Number of Shares of the Surviving Corporation Prior to this Merger: | <u>1,000</u> |
| C. | Net Increase in Authorized Shares: | NONE |
| D. | Aggregate of all Shares of the Non-Surviving Domestic Corporation Authorized: | <u>NONE</u> |

E. Authorized Share Increase:

IN WITNESS WHEREOF, each undersigned corporation has caused these Articles of Merger to be signed by a duly authorized officer acting for and on behalf of such corporation; and each of such corporations certifies to the truth of the facts and acts relating to it and the action taken by its Board of Directors and Shareholders.

Dated this 30th day of September, 1982.

AMW, INC., a Delaware corporation

Stephen H. Blake
Stephen H. Blake,
Its President

[Merging Corporation]

STATE OF INDIANA)
) SS:
ST. JOSEPH COUNTY)

I, the undersigned, a Notary Public duly commissioned to take acknowledgments and administer oaths in the above-captioned State, hereby certify that the above-signed officer of the above-named corporation personally appeared before me, acknowledged his execution of the foregoing Articles of Merger, and swore or attested to the facts therein stated.

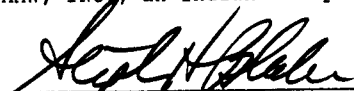
Witness my hand and notarial seal this 30th day of September, 1982.

Carol L. Gilson
Carol L. Gilson, Notary Public
a Resident of St. Joseph County,
Indiana

My Commission Expires:

January 20, 1986

AMW, INC., an Indiana corporation



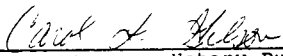
Stephen H. Blake
Its President

[Surviving Corporation]

STATE OF INDIANA)
) SS:
ST. JOSEPH COUNTY)

I, the undersigned, a Notary Public duly commissioned to take acknowledgments and administer oaths in the above-captioned State, hereby certify that the above-signed officer of the above-named corporation personally appeared before me, acknowledged his execution of the foregoing Articles of Merger, and swore or attested to the facts therein stated.

Witness my hand and notarial seal this 30th day of September, 1982.



Carol L. Gilson, Notary Public,
a Resident of St. Joseph County,
Indiana

My Commission Expires:
January 20, 1986

APPROVED
AND
FILED
OCT 9 1982

PLAN AND JOINT AGREEMENT OF MERGER

Edwin J. ...
SECRETARY OF STATE OF INDIANA

This Plan and Joint Agreement of Merger is hereby entered into by and between AMW, INC., an Indiana corporation (hereinafter referred to as the "Surviving Corporation"), and AMW, INC., a Delaware corporation (hereinafter referred to as the "Merging Corporation"),

WITNESSETH:

WHEREAS, the Surviving Corporation is an Indiana corporation organized and existing under the laws of the State of Indiana, with principal offices located in South Bend, Indiana;

WHEREAS, the Merging Corporation is a Delaware corporation organized and existing under the laws of the State of Delaware, with principal offices located in Washington, D.C.

WHEREAS, the Surviving Corporation has authorized capital stock of one thousand (1,000) shares, consisting of one thousand (1,000) shares of One Hundred Dollars (\$100.00) par value common stock, and there are presently issued and outstanding ONE (1) shares;

WHEREAS, the Merging Corporation has authorized capital stock of three million (3,000,000) shares of One Dollar (\$1.00) par value common stock, of which one million nine hundred twenty thousand (1,920,000) shares are presently issued and outstanding; and two million (2,000,000) shares of \$.01 par value preferred stock of which there are no shares issued and outstanding;

WHEREAS, the Board of Directors and shareholders of the Surviving Corporation and the Merging Corporation have determined that it is advisable and generally to the advantage and welfare of the respective corporations and its shareholders that the Merging Corporation be merged with and into the Surviving Corporation on the terms herein set forth;

NOW, THEREFORE, in consideration of the mutual promises, agreements and covenants herein contained and other good and valuable consideration, the receipt of which is hereby acknowledged, the Surviving Corporation and the Merging Corporation do hereby agree to merge upon the following terms and conditions.

ARTICLE I.

NAME OF THE CORPORATION PROPOSING TO MERGE
AND THE NAME OF THE CORPORATION INTO WHICH
SUCH CORPORATION PROPOSES TO MERGE.

Section 1. Names of Merging and Surviving Corporations.

AMW, INC., a Delaware corporation shall be merged into AMW, INC., an Indiana corporation.

ARTICLE II.

MERGER AND THE MANNER OF CARRYING
SAID MERGER INTO EFFECT.

Section 1. Conditions Precedent to the Consummation of the Merger by the Surviving Corporation.

If at the closing the following conditions are satisfied, the Surviving Corporation will be obligated to consummate the merger in accordance with the terms hereby:

(a) The Surviving Corporation shall be furnished at the closing with an opinion of counsel for the Merging Corporation in form satisfactory to counsel for the Surviving Corporations (i) as to the sufficiency, legality and regularity of all proceedings of the directors and shareholders of the Merging Corporation taken for the purpose of approving, adopting and effectuating this Plan and Joint Agreement of Merger; (ii) that when the merger is consummated in accordance with the provisions of this Plan and Joint Agreement of Merger, it will constitute a legal, valid and effective merger of the Merging Corporation into the Surviving Corporation as herein contemplated; and (iii) that the Surviving Corporation will, immediately after the effective date of merger, be fully vested with all right, title and interest of the Merging Corporation in and to the Merging Corporation's assets of every kind and nature, the Merging Corporation's going business and goodwill, and will be vested with title to the property transferred pursuant thereto, subject to any existing liens and encumbrances.

Section 2. Further Conditions of Closing.

If the Board of Directors of the Surviving Corporation or the Merging Corporation shall determine prior to the effective date of merger that it is inadvisable or impractical to consummate the merger, such Board of Directors in any such case without action or approval of their respective shareholders may abandon or refrain from making effective the contemplated merger as set forth herein and in such case this plan and Joint Agreement of Merger shall be void and have no effect.

Section 3. Closing.

The closing of this merger shall be held at such time and place as may be agreed upon by the presidents of the Merging Corporation and the Surviving Corporation. At the closing, the proper officers of the Surviving Corporation and the Merging Corporation shall execute, on behalf of each corporation respectively, Articles of Merger as required by the Secretary of State of the State of Indiana, and the proper officers of the Merging Corporation shall execute and deliver to the Surviving Corporation such specific assignment or other documents for transfer of assets as counsel for the Surviving Corporation shall reasonably request.

ARTICLE III

MANNER AND BASIS OF CONVERTING THE SHARES
OF THE CAPITAL STOCK OF THE MERGING
CORPORATION AND THE SURVIVING CORPORATION
INTO SHARES OF THE SURVIVING CORPORATION.

Section 1. Shares of the Surviving Corporation.

The holder of each share of the common capital stock of the Surviving Corporation immediately prior to the effective date of the merger, shall remain the holder immediately after the effective date of the merger of an identical number of shares of common capital stock of the Surviving Corporation.

Section 2. Shares of Merging Corporation.

(a) Upon the effective date of the merger, each holder of common capital stock of Merging Corporation shall be entitled to receive .0001932 shares of the One Hundred Dollars

(\$100.00) par value common capital stock of the Surviving Corporation.

(b) At or immediately following the effective date of the merger, each holder of an outstanding certificate or certificates which prior thereto represented shares of the Merging Corporation's common stock shall surrender same to the Surviving Corporation or its designated agent, and each such holder shall be entitled upon such surrender to receive in exchange therefor a certificate or certificates representing the number of shares of the Surviving Corporation's common stock into which the certificate or certificates so surrendered shall have been converted as aforesaid. Until surrendered to, and cancelled by, the Surviving Corporation, each certificate which prior to the effective date of the merger represented outstanding shares of the Merging Corporation's common stock shall be deemed for all corporate purposes to evidence the number of shares of the Surviving Corporation's common stock into which the same shall have been converted.

ARTICLE IV

RESTATEMENT OF THE ARTICLES OF INCORPORATION OF THE SURVIVING CORPORATION.

Section 1. Articles of Incorporation of the Surviving Corporation.

Upon the effective date of the merger, the Articles of Incorporation of the Surviving Corporation will be restated as follows and such restated Articles shall supersede and take the place of the theretofore existing Articles of Incorporation:

STATE OF INDIANA
OFFICE OF THE SECRETARY OF STATE
CERTIFICATE OF ASSUMED NAME

To Whom These Presents Come, Greeting:

5209-711

WHEREAS, there has been presented to me at this office by

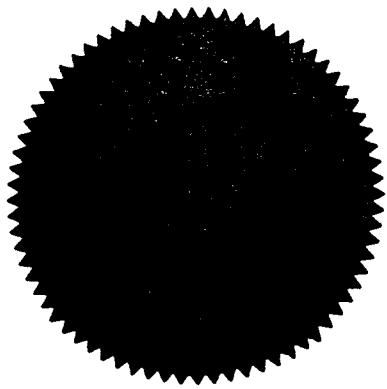
AMM, INC.

an Indiana corporation, a certificate that said corporation is doing business under the assumed business name(s) of:

AVANTI MOTOR CORPORATION

said certificate having been prepared and signed in accordance with the requirements of Indiana law, and having been filed with the Office of the Recorder of ST. JOSEPH County;

WHEREAS, upon due examination, I find that the same conforms to law; NOW, THEREFORE, I, EDWIN J. SIMCOX, hereby certify that I have this day endorsed my approval on such certificate of assumed business name, and having received the fees required by law, have filed such certificate in this office bearing the endorsement of my approval of said assumed business name.



In Witness Whereof, I have hereunto set my hand and affixed the seal of the State of Indiana, at the City of Indianapolis, this 21st day of October, 1982

.....
EDWIN J. SIMCOX Secretary of State

By Deputy

8215147

APPROVED
AND
FILED

CERTIFICATE OF ASSUMED NAME

OCT 21 1982

STATE OF INDIANA)
ST. JOSEPH COUNTY)
FILED FOR RECORD

THIS CERTIFIES that the undersigned, AMW, INC., an Indiana corporation, is conducting and transacting a business at 765 Lafayette Boulevard, South Bend, Indiana 46623, in the County of St. Joseph, and State of Indiana, under the name and style of AVANTI MOTOR CORPORATION; that the principal office of the corporation is located at 6th Floor, 1st Source Bank Building, South Bend, in the State of Indiana, and that the full name of the corporation is AMW, INC.

WITNESS my hand and seal, this 5 day of October, 1982.

AMW, INC.

By: Stephen H. Blake (Seal)
Stephen H. Blake, President

Filed and Recorded, this 5th day of October, 1982.

Ronald L. Nowak, Recorder

By: Lula Allsop, Deputy
LULA - ALLSOP

COUNTY OF ST. JOSEPH, INDIANA

I hereby certify that this is a true and complete copy of the 1 page document.

DATE: Oct. 12 1982

Ronald L. Nowak

BY: Betty M. Heiber

This Certificate is in Accordance with
Our Previous Circulation System.

Effective 1-1-82

FILM NO.
WANDA A. KOWAK
RECORDER

Oct 5 2 53 PM '82

ST. JOSEPH CO.
INDIANA
FILED FOR RECORD

NOV 15 1982

STATE OF INDIANA
OFFICE OF THE SECRETARY OF STATE

CERTIFICATE OF AMENDMENT
OF

8209-711
9-27-82

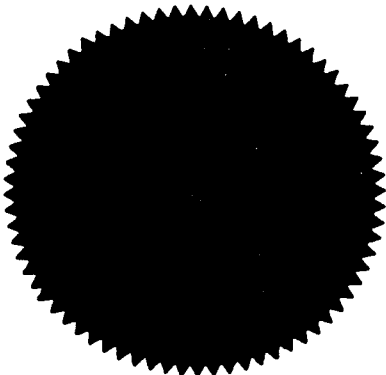
AMU, INC.

I, EDWIN J. SIMCOX, Secretary of State of Indiana, hereby certify that Articles of Amendment for the above Corporation have been filed in the form prescribed by my office, prepared and signed in duplicate in accordance with Chapter Four of the Indiana General Corporation Act (IC 23-1-4).

The name of the corporation is amended as follows:

AVANTI MOTOR CORPORATION

NOW, THEREFORE, upon due examination, I find that the Articles of Amendment conform to law, and have endorsed my approval upon the duplicate copies of such Articles; that all fees have been paid as required by law; that one copy of such Articles has been filed in my office; and that the remaining copy of such Articles bearing the endorsement of my approval and filing has been returned by me to the Corporation.



In Witness Whereof, I have hereunto set my hand and affixed the seal of the State of Indiana, at the City of Indianapolis,

this 1st day of November, 19 82

EDWIN J. SIMCOX, Secretary of State

By _____ Deputy

APPROVED

AND

FILED

NOV 0 1982

Edmund J. ...
STATE OF INDIANA

ARTICLES OF AMENDMENT
OF THE
ARTICLES OF INCORPORATION
OF
AMW, INC.

The undersigned officer of AMW, Inc. (hereinafter referred to as the "Corporation") existing pursuant to the provisions of the Indiana General Corporation Act, as amended (hereinafter referred to as the "Act"), desiring to give notice of corporate action effectuating amendment of certain provisions of its Articles of Incorporation, certifies the following facts:

ARTICLE I

Text of the Amendment

The exact text of Articles I and IV of the Articles of Incorporation of the Corporation, as amended (hereinafter referred to as the "Amendment"), now is as follows:

ARTICLE 1

Name

The name of the Corporation is:

AVANTI MOTOR CORPORATION

ARTICLE IV

Resident Agent and Principal Office

Section 1. Principal Office. The post office address of the principal office of the Corporation is:

765 South LaFayette Boulevard
South Bend, Indiana 46623

Section 2. Resident Agent. The name and post office address of the Resident Agent is:

CT Corporation System
1011 Merchants Bank Building
Indianapolis, Indiana 46204

ARTICLE II

Manner of Adoption and Vote

Section 1. Action by Directors.

The Board of Directors of the Corporation, at a meeting thereof, duly called, constituted and held on October 5, 1982 at which a quorum of such Board of Directors was present, duly adopted a resolution proposing to the Shareholders of the Corporation entitled to vote in respect of the Amendment, that the provisions and terms of Articles I and IV of the Articles of Incorporation of the Corporation be amended so as to read as set forth in the Amendment, and a meeting of such shareholders was called to be held thirty (30) days after the date of said Board of Directors meeting to adopt or reject the Amendment, unless the same were so approved prior to such date by unanimous written consent.

Section 2. Action by Shareholders.

By written consent last executed on October 28, 1982 and signed by the holders of (372) shares of the Corporation, being all of the shares of the Corporation entitled to vote in respect of the Amendment, the Shareholders adopted the Amendment.

Section 3. Compliance with Legal Requirements.

The manner of the adoption of the Amendment, and the vote by which it was adopted, constitute full legal compliance with the provisions of the Act, the Articles of Incorporation, and the By-Laws of the Corporation.

ARTICLE III

Statement of Changes Made With Respect to Any Increase
In The Number of Shares Heretofore Authorized

Aggregate Number of Shares Previously Authorized	1,000
Increase	N/A
Aggregate Number of Shares To Be Authorized after Effect of this Amendment	1,000

IN WITNESS WHEREOF, the undersigned officer executes these Articles of Amendment of the Articles of Incorporation of

the Corporation, and certifies to the truth of the facts herein stated, this 28 day of October, 1982.

Stephen H. Blake
- Stephen H. Blake,
President and Secretary

STATE OF INDIANA)
) SS:
COUNTY OF ST. JOSEPH)

I, the undersigned, a Notary Public duly commissioned to take acknowledgements and administer oaths in the State of Indiana, certify that Stephen H. Blake, the President and Secretary of the Corporation, the officer executing the foregoing Articles of Amendment of the Articles of Incorporation, personally appeared before me, acknowledged the execution thereof, and swore or attested to the truth of the facts therein stated.

Witness my hand and Notarial Seal this 28th day of October, 1982.

Thomas A. Dudak
Notary Public

My Commission Expires:
August 14, 1985

My County of Residence is:
St. Joseph

This instrument was prepared by John P. Greeley, Attorney-at-Law, Sixth Floor, First Bank Building, South Bend, Indiana 46601.

RESTATED ARTICLES OF INCORPORATION

OF

AMW, INC.

The Articles of Incorporation of AMW, Inc. (hereinafter referred to as the "Corporation") pursuant to the provisions of The Indiana Corporation Act, as amended (hereinafter referred to as the "Act"), are hereby restated in their entirety as follows:

ARTICLE I

Name

The name of the Corporation is:

AMW, INC.

ARTICLE II

Purposes

The purposes for which the Corporation is formed are:

A. For pecuniary profit and to transact any and all lawful business for which a corporation may be incorporated under this Act.

B. Subject to any limitation or restriction imposed by the Act, any other law of this State, or any provisions of these Articles of Incorporation, the Corporation shall have the power:

(i) To do everything necessary, advisable or convenient for the accomplishment of any of the purposes hereinbefore set forth, or which shall at any time appear conducive to or expedient for the protection or benefit of the Corporation, and to do all other things incidental thereto or connected therewith are not forbidden by law;

(ii) To carry out the purposes hereinbefore set forth in any state, territory, district or possession of the United States, or in any foreign country; and

(iii) To have the capacity to act possessed by natural persons and to exercise and enjoy all rights, privileges and powers granted to corporations organized pursuant to the Act, and all rights, privileges and powers granted by all acts heretofore or hereafter amendatory or supplemental to the Act.

ARTICLE III

Period of Existence

The period during which the Corporation shall continue is perpetual.

ARTICLE IV

Resident Agent and Principal Office

Section 1. Principal Office. The post office address of the principal office of the Corporation is:

6th Floor
1st Source Bank Building
South Bend, Indiana 46601

Section 2. Resident Agent. The name and post office address of the Resident Agent is:

CT Corporation System
1011 Merchants Bank Building
Indianapolis, Indiana 46204

ARTICLE V

Shares

Section 1. Number.

A. The total number of shares which the Corporation has authority to issue is 1,000 of capital stock.

B. The number of such shares which the Corporation designates as having par value is 1,000 with a par value of \$100.00.

C. The number of such shares which the Corporation designates as without part value is none.

Section 2. Terms.

A. Classes. There shall be one class of shares of capital stock of the Corporation, namely common stock.

B. Relative Rights. All of such shares shall have the same rights, preferences, limitations and restrictions.

C. Voting Rights. Each shareholder of the Corporation shall have the right to one vote for each share of stock standing in his name on the books of the Corporation on each matter submitted to a vote at any meeting of the shareholders. No share shall be voted at any meeting upon which any installment is due and unpaid, or which belongs to the Corporation.

D. Other Rights. Shares of capital stock of the Corporation may be issued by the Corporation for such amount of consideration as may be fixed from time to time by the Board of Directors, without authorization or approval of the Shareholders, and may be paid in whole or in part, in money, in other property, tangible or intangible, or in labor actually performed for or services actually rendered to the Corporation. The shares of the capital stock of the Corporation which qualify as "Section 1244 stock" under Section 1244 of the Internal Revenue Code of 1954, as amended, shall be issued pursuant to and subject to Section 1244 of the Internal Revenue Code of 1954, as amended.

ARTICLE VI

Requirements Prior to Doing Business

The stated capital upon the effective date of merger is at least \$1,000.00.

ARTICLE VII

Directors

Section 1. Number of Directors. The initial Board of Directors of the Corporation upon the effective date of merger shall be composed of one (1) member. Thereafter the number of directors shall be fixed from time to time by the By-Laws of the Corporation at any number not less than one (1). In the absence of By-Laws fixing the number of directors, the number shall be three (3). Directors need not be shareholders of the Corporation.

Section 2. Names and Post Office Addresses of the Directors. The name and post office address of the Board of

Directors of the Corporation holding office upon the effective date of merger are:

<u>Name</u>	<u>Number and Street or Building</u>	<u>City</u>	<u>State</u>	<u>Zip Code</u>
Stephen H. Blake	2828 Pennsylvania, NW Suite 200	Washington	DC	20007

ARTICLE VIII

President and Secretary

The names and post office addresses of the President and Secretary of the Corporation are:

<u>Name and Office</u>	<u>Number and Street or Building</u>	<u>City</u>	<u>State</u>	<u>Zip Code</u>
Stephen H. Blake President & Secretary	2828 Pennsylvania, N.W. Suite 200	Washington	DC	20007

ARTICLE IX

Provisions for Regulation of Business
and Conduct of Affairs of Corporation

A. Any meeting of Shareholders may be held within or without the State of Indiana as may be fixed by the Board of Directors.

B. Any contract or other transaction between the Corporation and one or more of its directors, or between the Corporation and any firm of which one or more of its directors are directors, officers or employees, or in which they are financially interested, or between the Corporation and any corporation or association of which one or more of its directors are shareholders, members, directors, officers or employees, or in which they are financially interested, shall be valid for all purposes, notwithstanding the presence of such director or directors as the meeting of the Board of Directors of the Corporation (or a committee thereof) which acts upon or in reference to such contract or transaction, and notwithstanding his or their participation in such action, if the fact of such interest shall be disclosed or known to the Board of Directors or committee and the Board or committee shall nevertheless authorize, approve or ratify such contract or transaction by a vote of a majority of the directors present without counting the votes of such interested directors. The above provisions shall not be construed to invalidate any contract or other transac-

tion which would otherwise be valid under the common or statutory law applicable thereto.

C. Any person who is or was a director, officer, employee or agent of the Corporation or is or was serving at the request of the Corporation as a director, officer, employee or agent of another corporation, partnership, joint venture, trust or other enterprise, shall be indemnified, saved harmless and defended by the Corporation against expenses, including attorney's fees, reasonably incurred by him (and not covered by insurance) in connection with the defense of any action, suit or proceeding, civil or criminal, in which he is made or threatened to be made a party by reason of being or having been in any such capacity or arising out of his status as such, except in relation to matters as to which he is adjudged in such action, suit or proceeding, civil or criminal, to be liable for negligence or misconduct in the performance of his duties to the Corporation. The Corporation may also reimburse any such director, officer, employee or agent, past or present, for the reasonable cost of settlement of any such action, suit or proceeding if it shall be found by a majority of the directors not involved in the matter in controversy (whether or not a quorum) that it is or was to the best interests of the Corporation that such settlement be made and that such director, officer, employee or agent was not guilty of negligence or misconduct in the performance of his duties to the Corporation. Provided, however, that such indemnification and reimbursement shall not be deemed exclusive of any other rights to which those indemnified may be entitled under any provision of the Articles of Incorporation, By-Laws, resolution or other authorization heretofore or hereafter adopted after notice by a majority vote of all the voting shares then issued and outstanding.

The Corporation shall have the power to purchase and maintain insurance on behalf of any person who is or was a director, officer, employee or agent of the Corporation or of another corporation, partnership, joint venture, trust or other enterprise for which he served as such at the request of the Corporation against any liability asserted against him and incurred by him in any such capacity or arising out of his status as such, whether or not the Corporation would have the power to indemnify him against such liability under the provisions herein.

D. The Corporation shall have the right and power, exercisable by authorization and approval of the Board of Directors, to purchase, take, receive or otherwise acquire its own shares to the extent of unreserved and unrestricted earned surplus and unreserved and unrestricted capital surplus available therefor and without authorization or approval of the shareholders of the Corporation.

E. The By-Laws of the Corporation may contain such additional or supplemental provisions for the regulations of the business and conduct of the affairs of the Corporation as determined by the Board of Directors from time to time.

F. The Corporation reserves the right to amend, alter, change or repeal any provision contained in these Articles of Incorporation in the manner now or hereafter prescribed by the Act or any other pertinent law and all rights and powers hereby conferred are subject to this reserved power.

G. The Board of Directors may, from time to time, distribute to its shareholders out of capital surplus of the Corporation a portion of its assets, in cash or property, without authorization or approval of the shareholders of the Corporation but subject to such limitations as may be imposed by law.

ARTICLE V.

OTHER PROVISIONS WITH RESPECT TO PROPOSED MERGER DEEMED NECESSARY OR DESIRABLE.

A. Effect of the Merger Upon Surviving Corporation.

Section 1. Surviving Corporate Entity.

Upon the effective date of merger, the Merging Corporation shall merge into and become a part of the Surviving Corporation. The name of the Surviving Corporation shall be AMW, Inc.

Section 2. Attributes and Property of the Surviving Corporation.

Upon the effective date of the merger, the Surviving Corporation shall thereupon and thereafter possess all of the rights, privileges, immunities, powers and franchises of a public as well as of a private nature, of the Merging Corporation; and all property, real, personal and mixed, and all debts due on whatever account and all other choses in action and all and every other interest of or belonging to or due to the Merging Corporation hereto shall be taken and be transferred to and

vested in the Surviving Corporation without further act or deed; and the title to any property, or any interest therein, under the laws of the State of Delaware, vested in the Merging Corporation shall not revert or be in any way impaired by reason of such merger. The proper officers of the respective parties are authorized and directed from time to time as occasion may arise to do all acts and execute and acknowledge all deeds, contracts, assignments in writing and, upon the merger taking effect, all assets, property and franchises of the Merging Corporation shall be deemed to be transferred and vested in the Surviving Corporation without any deed, assignment, or other instrument of transfer. The Surviving Corporation shall, upon the effective date of merger, be responsible and liable for all the liabilities and obligations of the Merging Corporation in the same manner and to the same extent as if the Surviving Corporation had incurred the same or contracted therefor; any claim existing or action or proceeding pending by or against the Merging Corporation may be prosecuted to judgment as if such merger had not taken place, or the Surviving Corporation may be substituted in place of the Merging Corporation. The rights of creditors and any liens upon property of the Merging Corporation shall not be impaired by the merger, but such liens shall be limited to the property upon which they were liens immediately prior to the effective date of the merger.

B. By-Laws of the Surviving Corporation.

Section 1. By-Laws of the Surviving Corporation.

The By-Laws of the Surviving Corporation shall be amended in such respects as may be reasonably necessary to carry out the terms of this Agreement.

Section 2. Board of Directors and Officers of the Surviving Corporation.

Upon the effective date of merger, the Surviving Corporation shall have as its Board of Directors and its officers those persons duly elected and serving as its directors and its officers immediately prior to the effective date of merger. Such directors shall serve until the next annual meeting on the shareholders or until their successors are elected and qualified. Such officers shall serve until the next annual meeting of the directors or until their successors are elected and qualified.

C. Capital of Surviving and Merging Corporations.

Section 1. Outstanding Shares, Classes and Voting Rights.

As of the date hereof, the outstanding shares of the Surviving Corporation and Merging Corporations are as follows:

(a) The outstanding shares of the Surviving Corporation consist of ONE (1) shares of common stock of One Hundred Dollars (\$100.00) par value, each of which shares is entitled to one (1) vote; and

(b) The outstanding shares of the Merging Corporation consist of one million nine hundred twenty thousand (1,920,000) shares of common stock of One Dollar (\$1.00) par value, each of which shares is entitled to one (1) vote.

(c) The outstanding shares of the Surviving Corporation and Merging Corporation are not entitled to vote as a class. No change shall occur in the number of outstanding shares set forth above prior to the effective date of merger.

Section 2. Stated Capital of Surviving Corporation.

Upon the effective date of the merger, the stated capital of the Surviving Corporation shall be one thousand (1,000) shares of capital stock, consisting of one thousand (1,000) shares of One Hundred Dollars (\$100.00) par value common stock.

D. Miscellaneous.

Section 1. Further Assurances.


The parties hereto agree that they will cause to be executed any further and additional documents or instruments as may from time to time be reasonably required for the purpose of consummating or carrying out the merger contemplated by this Plan and Joint Agreement of Merger.

Section 2. Effective Date.

The merger shall become effective upon the filing of the Articles with the Secretary of State of the State of Indiana, the date and time of such filing being referred to in this Agreement as the "Effective Date", but in no event shall this effective date be prior to OCTOBER 1, 1982.

EXECUTED this 30th day of September, 1982.

AMW, INC.
an Indiana corporation

By 
Stephen H. Blake
Its President and Secretary

"SURVIVING CORPORATION"

AMW, INC.
A Delaware corporation

By 
Stephen H. Blake
Its President

"MERGING CORPORATION"

STATE OF INDIANA)
) SS:
ST. JOSEPH COUNTY)

Before me, a Notary Public in and for said County and State, this 30th day of September, 1982, personally appeared Stephen H. Blake the President and Secretary, of AMW, Inc., an Indiana corporation, and as such officer and on behalf of such corporation, acknowledged the execution of the above and foregoing Plan and Joint Agreement of Merger for the uses and purposes therein mentioned.

STATE OF INDIANA
OFFICE OF THE SECRETARY OF STATE

CERTIFICATE OF ADMISSION
OF

THE NEW AVANTI MOTOR CORPORATION

A FOREIGN CORPORATION

I, EDWIN J. SIMCOX, Secretary of State of Indiana, hereby certify that the Application for Admission to do business in the State of Indiana of the above corporation in the form prescribed by my office, prepared and signed in duplicate by one current officer of the corporation, and verified under oath by the officer signing the same, has been presented to me at my office, accompanied by the fees prescribed by law; that I have found such Application conforms to law; that I have endorsed my approval upon each of the duplicate copies of such Application; that all fees have been paid as required by law; that one copy of such Application has been filed in my office, together with an authenticated copy of the Articles of Incorporation or Association of the corporation; and that one copy of such Application bearing the endorsement of my approval has been returned by me to the corporation, or its representatives; all as prescribed by the provisions of the Indiana General Corporation Act, as amended.

I further certify that:

1. The name of this corporation is THE NEW AVANTI MOTOR CORPORATION
a. It is incorporated under the laws of the state of . Delaware
b. The location of its principal office in such state is 12485 Calloway Cemetery Rd.
. Street, . Euless City . TX State.
2. The name under which the corporation is to transact business in the State of Indiana, if different from above is
3. The character of business it is authorized to transact in Indiana, is as follows:
See Application for Admission, Article IV, Character of Business.



**APPLICATION FOR ADMISSION
OF A FOREIGN CORPORATION**
State Form 38784R / Corporate Form No. 112 (February 1984)
Prescribed by Edwin J. Simcox, Secretary of State of Indiana

- Instructions: 1. Use 8 1/2 x 11 inch paper for inserts.
2. Present 2 originally executed copies to:

SECRETARY OF STATE
Room 155 State House
Indianapolis, IN 46204
317-232-6576

3. Recording is no longer required.
4. **FILING FEE SCHEDULE ON PAGE 3.**
5. Must submit a duly authenticated copy of the Articles of Incorporation with all amendments and mergers, as certified by the proper authority in the state wherein the Corporation is domiciled.

FILED
IND. SECRETARY OF STATE

SECRETARY OF STATE
EDWIN J. SIMCOX

06 MAY 5 10:21

RECEIVED
CORPORATION DIVISION

**APPLICATION FOR ADMISSION
OF**

THE NEW AVANTI MOTOR CORPORATION

A FOREIGN CORPORATION,
TO DO BUSINESS IN THE STATE OF INDIANA

The undersigned officers of the above Delaware (State of Domicile)
corporation which was formed as:

A General Business corporation A Professional corporation

desiring to effectuate the admittance of the Corporation to do business in the State of Indiana, certify the following facts:

ARTICLE I Name

The name of the Corporation is: (Must be identical to name shown in Articles of Incorporation and Amendments thereto)

THE NEW AVANTI MOTOR CORPORATION

ARTICLE II Principal Office and Resident Agent

The address of its principal office or place of business outside the State of Indiana is:

12485 Calloway Cemetary Rd., Euless, Texas

Zip Code

76039

The address of its proposed principal office or place of business in Indiana is:

One North Capitol Avenue, Indianapolis, Indiana

Zip Code

46204

The name of the Resident Agent of the Corporation on whom service of legal process may be had in Indiana is:

C T CORPORATION SYSTEM

The address of such Agent (if different than the address of the principal office in Indiana) is:

ARTICLE III Admission in Other States

The Corporation has been admitted or is qualified to do business in the following states:

NONE

ARTICLE IV Character of Business

The character of business which the Corporation intends to carry on in Indiana is as follows:

Manufacture of automobiles and all activities related thereto.

ARTICLE V Corporate Officers

The names and post-office addresses of the officers of the Corporation are as follows:

ALL LOCATED AT:

Name	Office held	Address (Street, City and State)	Zip Code
Michael E. Kelly	President	12485 Calloway-Cemetary Rd	76039
Lory J. Kelly	V.P., Secy/Treas.	Eules, Texas	
David Rosenberg	Asst. Secy.		

ARTICLE VI Board of Directors

The names and post-office addresses of the Board of Directors of the Corporation are as follows:

Name	Address (Street, City and State)	Zip Code
Michael E. Kelly	12485 Calloway-Cemetary Rd.	76039
	Eules, Texas	

ARTICLE VII Authorized Shares

The Corporation is authorized to issue _____ shares of all classes of stock without par value,

of which _____ shares are presently issued and outstanding.*

The Corporation is authorized to issue 10,000 shares of all classes of stock with a par value of

\$.10 per share, of which 1,000 shares are presently issued and outstanding.*

* Total Issued and Outstanding Shares

ARTICLE VIII Statement of Total Business

SECTION 1 FISCAL YEAR

The fiscal year of the Corporation is from April 1 to March 31, both inclusive.

SECTION 2 LAST FISCAL YEAR

The total amount of business transacted by the Corporation during its last complete fiscal year was _____, \$ -0-

SECTION 3 CURRENT FISCAL YEAR

The estimated total amount of business to be transacted by the Corporation during its current fiscal year is _____, \$ 5,000,000

SECTION 4 NEXT FISCAL YEAR

The estimated total amount of business to be transacted by the Corporation during its next succeeding fiscal year is _____, \$ 8,000,000

ARTICLE IX Statement of Indiana Business

The estimated amount of business to be transacted by the Corporation at or from places of business in Indiana during the succeeding fiscal year is _____, \$ 4,000,000

ARTICLE X Statement of Total Tangible Property

SECTION 1 LAST FISCAL YEAR	The total amount of tangible property employed by the Corporation during its last complete fiscal year was approximately	\$ -0-
SECTION 2 CURRENT FISCAL YEAR	The estimated total amount of tangible property to be employed by the Corporation during its current fiscal year is	\$ 250,000
SECTION 3 NEXT FISCAL YEAR	The estimated total amount of tangible property to be employed by the Corporation during its next succeeding fiscal year is	\$ 350,000

ARTICLE XI Statement of Indiana Tangible Property

The estimated amount of tangible property to be employed by the Corporation in the State of Indiana during its next succeeding fiscal year is	\$ 350,000
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ARTICLE XII "Indiana Shares" Formula

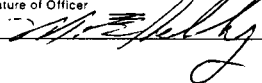
The following calculation establishes the number of shares of the Corporation that will be represented in Indiana during the next succeeding fiscal year.

CLAUSE (A) insert figure from Article IX	\$ 4,000,000
CLAUSE (B) insert figure from Article XI	\$ 350,000
CLAUSE (C) add clauses (a) and (b)	\$ 4,350,000
CLAUSE (D) insert figure from Article VIII Section 4	\$ 8,000,000
CLAUSE (E) insert figure from Article X Section 3	\$ 350,000
CLAUSE (F) add clauses (d) and (e)	\$ 8,350,000
CLAUSE (G) divide clause (c) by clause (f)	\$.5209
CLAUSE (H) set forth the total number of shares of all classes presently issued and outstanding from Article VII	1,000
CLAUSE (I) INDIANA SHARES, multiply clause (h) by clause (g) (Number of shares of the Corporation that will be represented in Indiana during the next succeeding fiscal year)	520.95
CLAUSE (J) fee credit claimed as result of merger with Indiana or previously qualified foreign corporation (see Article XIII - minimum fee of \$36 for filing and certificate)	\$ 30.00

TO BE VALID YOU MUST SIGN HERE

I hereby verify, subject to penalties of perjury, that the facts contained herein are true. (Notarization not necessary.)

Signature of Officer



Title

President

FILING FEE SCHEDULE

- First 1,000 "Indiana Shares" or less (minimum fee) \$30.00*
- 1,001 through 200,000 "Indiana Shares" 2¢ per share*
- 200,001 through 1,000,000 "Indiana Shares" 1¢ per share*
- Additional shares over 1,000,000 "Indiana Shares" 0.2¢ per share*

* plus \$6.00 Certificate of Admission fee

ARTICLE XIII Indiana Shares Credit

Pursuant to IC 23-3-2-2(e) as amended by Indiana Acts 1977, PL 76), foreign corporations which are the survivors of mergers or consolidations with Indiana corporations, or foreign corporations qualified to transact business in Indiana at the time of such merger or consolidation, may claim a credit for the aggregate of all shares of stock authorized by the merging Indiana corporation(s) and all "Indiana Shares" paid by the merging foreign corporation(s) at the time of such merger or consolidation provided that this Application for Admission is filed with the Secretary of State within thirty (30) calendar days of the filing of the Articles of Merger or Consolidation with the Secretary of State. This procedure does not operate to increase the presently qualifying corporations' "Indiana shares," per se, for future calculation in filing annual reports, but merely allows a credit for the shares previously paid by Indiana and foreign corporation parties to a merger into or consolidation with such corporation.

SECTION 1

Date of filing Articles of Merger or Consolidation with the Secretary of State

C T CORPORATION SYSTEM



Associated with The Corporation Trust Company
1601 ELM STREET, DALLAS, TEXAS 75201 • (214) 979-1172
MAILING ADDRESS P O BOX 807, DALLAS TEXAS 75221

May 1, 1986

RE: THE NEW AVANTI MOTOR CORPORATION (Delaware Domestic)

COUNSEL: David Rosenberg, Attorney
Weinstein & Rosenberg
8330 Meadow Road
Suite 114
Dallas, Texas 75231

SECRETARY OF STATE
Corporation Division
Room 155
State House
Indianapolis, Indiana 46204

Dear Sir/Madam:

Pursuant to instructions of Counsel, we enclose for filing the documents identified below:

<input type="checkbox"/> Incorporation	<input type="checkbox"/> Merger
<input checked="" type="checkbox"/> Qualification	<input type="checkbox"/> A. Domestic
<input type="checkbox"/> Change of Agent/Office	<input type="checkbox"/> B. Foreign
<input type="checkbox"/> A. Domestic	<input type="checkbox"/> Dissolution
<input type="checkbox"/> B. Foreign	<input type="checkbox"/> A. Statement of Intent
<input type="checkbox"/> Amendment	<input type="checkbox"/> B. Certificate of Dissolution
<input type="checkbox"/> A. Domestic	<input type="checkbox"/> Withdrawal
<input type="checkbox"/> B. Foreign	<input type="checkbox"/> Other

Kindly send evidence to the undersigned. If there are any problems, please call us collect at (214) 979-1172.

Very truly yours,

C T CORPORATION SYSTEM

Dennis Sweeney
Dennis Sweeney
Service Division

SPECIAL INSTRUCTIONS:

DS:ssd
Encls.

APPENDIX E

Documents from U.S. EPA Region V Files, and Related Correspondence



CLIENT FILE

*IDEM - Avanti PRP Search
1123-07*

June 15, 1988

Mr. Robert Hartian, FOIA Officer
USEPA Region V
230 South Dearborn
14th Floor
Chicago, IL 60604

RE: Request for RCRA and CERCLA Records List for Zip Code 46618

Dear Mr. Hartian:

EIS Environmental Engineers, Inc., of South Bend, Indiana, has been retained by the Indiana Department of Environmental Management to conduct a search for potentially responsible parties in connection with approximately 245 drums of material abandoned on the former site of the Avanti Motor Corporation. I am requesting, under the Freedom of Information Act, a listing of any RCRA or CERCLA records which you might have concerning the proper or improper handling of hazardous wastes on the site or adjoining properties.


The facility address is:

765 South Lafayette
South Bend, IN 46618

Please call me if you have any questions.

Sincerely,

EIS ENVIRONMENTAL ENGINEERS, INC.


Wanada Baxter-Potter
Project Engineer


WBP/njt

*Post card acknowledgement received 6-20-88.
RIN # 1945-88
No other response to request received.*

6-20-88
DATE

Your request for information pursuant to the provisions of the Freedom of Information Act, as amended, was received on 6-20-88.

The Agency has ten (10) working days to respond to your request. You can expect a reply shortly after expiration of the ten working day period. Further correspondence on this subject should cite the following Request Identification Number: RIN- 1631-88.


Freedom of Information Officer
U.S. Environmental Protection Agency



CLIENT FILE

June 30, 1988

Mr. Robert Hartian, FOIA Office
USEPA Region V
230 South Dearborn
14th Floor
Chicago, IL 60604

Re: FOIA Request for Avanti PRP Search

Dear Mr. Hartian:

EIS Environmental Engineers, Inc., of South Bend, Indiana, has been retained by the Indiana Department of Environmental Management to conduct a search for potentially responsible parties in connection with approximately 245 drums of material abandoned on the former site of the Avanti Motor Corporation. I have already requested a listing of RCRA and CERCLA records for the zip code 46618 (RIN - 1631-88). I am now requesting that an additional search be made for other records or correspondence relating to the property. The following information may be helpful in your search:

EPA ID # IND 001756881
(referred to in Indiana Department
of Environmental Control documents
in 1981 and 1982)

Corporation Names:

Avanti Motor Corporation
ABN Motor Corporation
The New Avanti Motor Corporation
N.A.B. Building Company

Property Address:

765 South Lafayette
South Bend, IN 46618

Page 2.
Mr. Robert Hartian
June 30, 1988

Thank you for your attention in this matter.

Sincerely,

EIS ENVIRONMENTAL ENGINEERS, INC.

A handwritten signature in cursive script, appearing to read "Wanada Baxter-Potter".

Wanada Baxter-Potter
Project Engineer

WBP/njt

RCRA Solid Waste Branch - 14 pages, No CERCLA 8-4-88
Called to explain the delay.

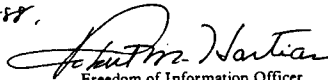
Will mail info. by 8-8-88

7-8-88

DATE

Your request for information pursuant to the provisions of the Freedom of Information Act, as amended, was received on 7-8-88

The Agency has ten (10) working days to respond to your request. You can expect a reply shortly after expiration of the ten working day period. Further correspondence on this subject should cite the following Request Identification Number: RIN-1845-88.


Freedom of Information Officer
U.S. Environmental Protection Agency



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
230 SOUTH DEARBORN ST.
CHICAGO, ILLINOIS 60604

REPLY TO THE ATTENTION OF:
5HR-JCK-13

08 AUG 1988

Ms. Wanada Baxter-Potter
Project Engineer
EIS Environmental Engineers, Inc.
1701 North Ironwood Drive
South Bend, Indiana 46635

RE: Freedom of Information Act Request
RIN 1845-88

Dear Ms. Baxter-Potter:

This is in response to your Freedom of Information Act request received July 8, 1988, asking for copies of correspondence related to the following corporation names: Avanti Motor Corporation, AEN Motor Corporation, The New Avanti Motor Corporation, N.A.B. Building Company, 765 South Lafayette, South Bend, Indiana 46618.

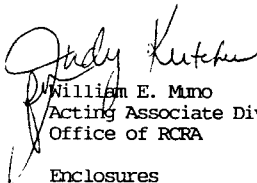
Please note that we have only RCRA information available for the Avanti Motor Corporation and the AEN Motor Corporation. We do not have any CERCLA information in our office nor do we have any documentation for, the New Avanti Motor Corporation and N.A.B. Building Company.

Enclosed is a detailed list of the information you requested.

There will not be a charge for duplication time because the total cost is less than \$25.00.

Please contact Ms. Mary Villarreal, of my staff, at (312) 886-7439, if you have any questions or are in need of further assistance.

Sincerely,


William E. Muro
Acting Associate Division Director
Office of RCRA

Enclosures

Enclosures for RIN 1845-88

1. Notification of Hazardous Waste Activity dated March 29, 1984.
2. Acknowledgement of Hazardous Waste Activity dated May 9, 1984.
3. Acknowledgement of Hazardous Waste Activity dated April 26, 1984.
4. Letter to AEN from the United States Environmental Protection Agency (U.S. EPA) dated August 9, 1984.
5. Notification of Hazardous Waste Activity dated March 15, 1984.
6. Notification of Hazardous Waste Activity dated October 11, 1983.
7. Acknowledgement of Hazardous Waste Activity dated November 2, 1983.
8. Letter to Rich Shandross, U.S. EPA from Tom Fitch Indiana State Board of Health dated April 20, 1981.
9. Letter to Rich Shandross, U.S. EPA from Guinn Doyle, Indiana State Board of Health dated April 20, 1981.
10. Memorandum to Bill Messenger, U.S. EPA from Rich Shandross, U.S. EPA dated April 29, 1981.
11. Memorandum to Geoffrey Newman, Avanti Company from Richard Shandross, U.S. EPA dated January 7, 1980.



U.S. ENVIRONMENTAL PROTECTION AGENCY
NOTIFICATION OF HAZARDOUS WASTE ACTIVITY

INSTALLATION'S EPA I.D. NO.
NAME OF INSTALLATION
INSTALLATION MAILING ADDRESS
LOCATION OF INSTALLATION

Not on P.O.

PLEASE PLACE LABEL IN THIS SPACE

COPY

07 MAY 1984

3 MAY 1984

INSTRUCTIONS: If you received a preprint label, affix it in the space at left. If any of the information on the label is incorrect, draw a line through it and supply the correct information in the appropriate section below. If the label is complete and correct, leave Items I, II, and III below blank. If you did not receive a preprint label, complete all items. "Installation" means single site where hazardous waste is generated, treated, stored and/or disposed of, or a transporter's principal place of business. Please refer to the INSTRUCTIONS FOR FILING NOTIFICATION before completing this form. The information requested herein is required by law (Section 3010 of the Resource Conservation and Recovery Act).

FOR OFFICIAL USE ONLY

COMMENTS

CIND 980 903 256

INSTALLATION'S EPA I.D. NUMBER	APPROVED	DATE RECEIVED (yr., mo., & day)
FINDDOT756881	A	840403

I. NAME OF INSTALLATION
ABM MOTOR CORP

II. INSTALLATION MAILING ADDRESS
STREET OR P.O. BOX
3 P O BOX 4276

CITY OR TOWN
SOUTH BEND
ST. ZIP CODE
IN 46601

III. LOCATION OF INSTALLATION
STREET OR ROUTE NUMBER
5765 S LAFAYETTE

ST. Joseph
141

CITY OR TOWN
SOUTH BEND
ST. ZIP CODE
IN 46618

IV. INSTALLATION CONTACT
NAME AND TITLE (last, first, & job title)
2 NEWMAN GEOFF Vice Pres
PHONE NO. (area code & no.)
219-287-3381

V. OWNERSHIP
A. NAME OF INSTALLATION'S LEGAL OWNER
8 ABM MOTOR CORPORATION

B. TYPE OF OWNERSHIP (enter the appropriate letter into box)
F - FEDERAL
M - NON-FEDERAL
VI. TYPE OF HAZARDOUS WASTE ACTIVITY (enter "X" in the appropriate box(es))
A. GENERATION
B. TRANSPORTATION (complete item VII)
C. TREAT/STORE/DISPOSE
D. UNDERGROUND INJECTION

VII. MODE OF TRANSPORTATION (transporters only - enter "X" in the appropriate box(es))
A. AIR
B. RAIL
C. HIGHWAY
D. WATER
E. OTHER (specify):

VIII. FIRST OR SUBSEQUENT NOTIFICATION
Mark "X" in the appropriate box to indicate whether this is your installation's first notification of hazardous waste activity or a subsequent notification. If this is not your first notification, enter your installation's EPA I.D. Number in the space provided below.

A. FIRST NOTIFICATION
B. SUBSEQUENT NOTIFICATION (complete item C)
C. INSTALLATION'S EPA I.D. NO.

IX. DESCRIPTION OF HAZARDOUS WASTES

Please go to the reverse of this form and provide the requested information.

W

IX. DESCRIPTION OF HAZARDOUS WASTES (continued from front)

A. HAZARDOUS WASTES FROM NON-SPECIFIC SOURCES. Enter the four-digit number from 40 CFR Part 261.31 for each listed hazardous waste from non-specific sources your installation handles. Use additional sheets if necessary.

1 23 - 24 0009	2 25 - 26	3 27 - 28	4 29 - 30	5 31 - 32	6 33 - 34
7 35 - 36	8 37 - 38	9 39 - 40	10 41 - 42	11 43 - 44	12 45 - 46

B. HAZARDOUS WASTES FROM SPECIFIC SOURCES. Enter the four-digit number from 40 CFR Part 261.32 for each listed hazardous waste from specific industrial sources your installation handles. Use additional sheets if necessary.

13 23 - 24	14 25 - 26	15 27 - 28	16 29 - 30	17 31 - 32	18 33 - 34
19 35 - 36	20 37 - 38	21 39 - 40	22 41 - 42	23 43 - 44	24 45 - 46
25 47 - 48	26 49 - 50	27 51 - 52	28 53 - 54	29 55 - 56	30 57 - 58

C. COMMERCIAL CHEMICAL PRODUCT HAZARDOUS WASTES. Enter the four-digit number from 40 CFR Part 261.33 for each chemical substance your installation handles which may be a hazardous waste. Use additional sheets if necessary.

31 23 - 24	32 25 - 26	33 27 - 28	34 29 - 30	35 31 - 32	36 33 - 34
37 35 - 36	38 37 - 38	39 39 - 40	40 41 - 42	41 43 - 44	42 45 - 46
43 47 - 48	44 49 - 50	45 51 - 52	46 53 - 54	47 55 - 56	48 57 - 58

D. LISTED INFECTIOUS WASTES. Enter the four-digit number from 40 CFR Part 261.34 for each listed hazardous waste from hospitals, veterinary hospitals, medical and research laboratories your installation handles. Use additional sheets if necessary.

49 23 - 24	50 25 - 26	51 27 - 28	52 29 - 30	53 31 - 32	54 33 - 34
---------------	---------------	---------------	---------------	---------------	---------------

E. CHARACTERISTICS OF NON-LISTED HAZARDOUS WASTES. Mark "X" in the boxes corresponding to the characteristics of non-listed hazardous wastes your installation handles. (See 40 CFR Parts 261.21 - 261.24.)

 1. IGNITABLE
(D001) 2. CORROSIVE
(D002) 3. REACTIVE
(D003) 4. TOXIC
(D000)

X. CERTIFICATION

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

SIGNATURE

Arnold D. Altman

NAME & OFFICIAL TITLE (type or print)

ARNOLD D ALTMAN, PRES.

DATE SIGNED

3/29/84



ACKNOWLEDGEMENT OF NOTIFICATION
OF HAZARDOUS WASTE ACTIVITY
(VERIFICATION)

This is to acknowledge that you have filed a Notification of Hazardous Waste Activity for the installation located at the address shown in the box below to comply with Section 3010 of the Resource Conservation and Recovery Act (RCRA). Your EPA Identification Number for that installation appears in the box below. The EPA Identification Number must be included on all shipping manifests for transporting hazardous wastes; on all Annual Reports that generators of hazardous waste, and owners and operators of hazardous waste treatment, storage and disposal facilities must file with EPA; on all applications for a Federal Hazardous Waste Permit; and other hazardous waste management reports and documents required under Subtitle C of RCRA.

EPA I.D. NUMBER

• IND980903256

ABN MOTOR CORP
PO BOX 4276
SOUTH BEND IN 46601

INSTALLATION ADDRESS

765 S LAFAYETTE
SOUTH BEND IN 46618

EPA Form 8700-12B (4-80)

05/09/84

m 5/10/84



ACKNOWLEDGEMENT OF NOTIFICATION
OF HAZARDOUS WASTE ACTIVITY
(VERIFICATION)

This is to acknowledge that you have filed a Notification of Hazardous Waste Activity for the installation located at the address shown in the box below to comply with Section 3010 of the Resource Conservation and Recovery Act (RCRA). Your EPA Identification Number for that installation appears in the box below. The EPA Identification Number must be included on all shipping manifests for transporting hazardous wastes; on all Annual Reports that generators of hazardous waste, and owners and operators of hazardous waste treatment, storage and disposal facilities must file with EPA; on all applications for a Federal Hazardous Waste Permit; and other hazardous waste management reports and documents required under Subtitle C of RCRA.

EPA I.D. NUMBER

• INDO01756881 REACKNOWLEDGEMENT

ABN MOTOR CORP
PO BOX 4276
SOUTH BEND IN 46601

INSTALLATION ADDRESS

765 SOUTH LAFAYETTE
SOUTH BEND IN 46618

EPA Form 8700-12B (4-80)

4/26/84

m 4/26/84



UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION V
230 SOUTH DEARBORN ST.
CHICAGO, ILLINOIS 60604

REPLY TO ATTENTION OF
RCRA ACTIVITIES

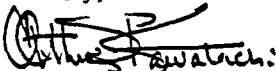
DATE: August 29, 1984
TO: Geoff Newman, Vice President
ABN Motor Corp
765 S. LaFayette
South Bend, Indiana 46618

The EPA Identification Number for the following installation:

ABN Motor Corp.

has been changed from IND980903256 to IND001756881. The new EPA Identification Number IND001756881 must be included on all shipping manifests for transporting hazardous wastes; on all Annual Reports that generators of hazardous waste, and owners and operators of hazardous waste treatment, storage and disposal facilities must file with EPA; on all applications for a Federal Hazardous Waste Permit; and other hazardous waste management reports and documents required under Subtitle C of RCRA. If you have any questions, please contact Marie Oliver at (312) 886-6339.

Sincerely,


Arthur S. Kawachi
Regional Project Officer

cc: Shirley Hancock, Indiana State Board of Health



U.S. ENVIRONMENTAL PROTECTION AGENCY
NOTIFICATION OF HAZARDOUS WASTE ACTIVITY

INSTRUCTIONS: If you received a preprint label, affix it in the space at left. If any of the information on the label is incorrect, draw a line through it and supply the correct information in the appropriate section below. If the label is complete and correct, leave items I, II, and III below blank. If you did not receive a preprint label, complete all items. "Installation" means single site where hazardous waste is generated, stored and/or disposed of, or a transporter's principal place of business. Please refer to the INSTRUCTIONS FOR FILING NOTIFICATION before completing this form. The information requested herein is required by law (Section 3010 of the Resource Conservation and Recovery Act).

name changed: 4/26/84 jfk

INSTALLATION'S EPA I.D. NO.
I. NAME OF INSTALLATION
II. INSTALLATION MAILING ADDRESS
III. LOCATION OF INSTALLATION

PLEASE PLACE LABEL IN THIS SPACE

CHANGE OF OWNER/OPERATOR

DETACH

FOR OFFICIAL USE ONLY

COMMENTS											
C											
13	14	15	16	17	18	19	20	21	22	23	24

INSTALLATION'S EPA I.D. NUMBER	APPROVED	DATE RECEIVED (yr., mo., & day)
E1ND001756881		
13	14	15

I. NAME OF INSTALLATION

A B M M E T E R C O R P
13

II. INSTALLATION MAILING ADDRESS

STREET OR P.O. BOX

3 P O B O X 4 2 7 6
13

CITY OR TOWN

S O U T H B E N D
13

ST. ZIP CODE

IN 4 6 6 0 1				
40	41	42	43	44

III. LOCATION OF INSTALLATION

STREET OR ROUTE NUMBER

7 6 5 S L A F A Y E T T E
13

CITY OR TOWN

S O U T H B E N D
13

ST. ZIP CODE

IN 4 6 6 1 8				
40	41	42	43	44

IV. INSTALLATION CONTACT

NAME AND TITLE (last, first, & job title)

J E F F N E W M A N
13

PHONE NO. (area code & no.)

2 1 9 - 2 8 7 - 3 3 8 1					
48	49	50	51	52	53

V. OWNERSHIP

A. NAME OF INSTALLATION'S LEGAL OWNER

A B M M E T E R C O R P O R A T I O N
13

B. TYPE OF OWNERSHIP (enter the appropriate letter into box)

F - FEDERAL	M - NON-FEDERAL	<input checked="" type="checkbox"/> A. GENERATION	<input type="checkbox"/> B. TRANSPORTATION (complete Item VII)
		<input type="checkbox"/> C. TREAT/STORE/DIPOSE	<input type="checkbox"/> D. UNDERGROUND INJECTION

VII. MODE OF TRANSPORTATION (transporters only - enter "X" in the appropriate box(es))

<input type="checkbox"/> A. AIR	<input type="checkbox"/> B. RAIL	<input type="checkbox"/> C. HIGHWAY	<input type="checkbox"/> D. WATER	<input type="checkbox"/> E. OTHER (specify):
61	62	63	64	65

VIII. FIRST OR SUBSEQUENT NOTIFICATION

Mark "X" in the appropriate box to indicate whether this is your installation's first notification of hazardous waste activity or a subsequent notification. If this is not your first notification, enter your installation's EPA I.D. Number in the space provided below.

<input checked="" type="checkbox"/> A. FIRST NOTIFICATION	<input type="checkbox"/> B. SUBSEQUENT NOTIFICATION (complete Item C)

IX. DESCRIPTION OF HAZARDOUS WASTES

Please go to the reverse of this form and provide the requested information.

IX. DESCRIPTION OF HAZARDOUS WASTES (continued from front)

A. HAZARDOUS WASTES FROM NON-SPECIFIC SOURCES. Enter the four-digit number from 40 CFR Part 261.31 for each listed hazardous waste from non-specific sources your installation handles. Use additional sheets if necessary.

1	2	3	4	5	6
23 - 24	25 - 26	27 - 28	29 - 30	31 - 32	33 - 34
7	8	9	10	11	12
35 - 36	37 - 38	39 - 40	41 - 42	43 - 44	45 - 46

B. HAZARDOUS WASTES FROM SPECIFIC SOURCES. Enter the four-digit number from 40 CFR Part 261.32 for each listed hazardous waste from specific industrial sources your installation handles. Use additional sheets if necessary.

13	14	15	16	17	18
23 - 24	25 - 26	27 - 28	29 - 30	31 - 32	33 - 34
19	20	21	22	23	24
35 - 36	37 - 38	39 - 40	41 - 42	43 - 44	45 - 46
25	26	27	28	29	30
35 - 36	37 - 38	39 - 40	41 - 42	43 - 44	45 - 46

C. COMMERCIAL CHEMICAL PRODUCT HAZARDOUS WASTES. Enter the four-digit number from 40 CFR Part 261.33 for each chemical substance your installation handles which may be a hazardous waste. Use additional sheets if necessary.

31	32	33	34	35	36
23 - 24	25 - 26	27 - 28	29 - 30	31 - 32	33 - 34
37	38	39	40	41	42
35 - 36	37 - 38	39 - 40	41 - 42	43 - 44	45 - 46
43	44	45	46	47	48
35 - 36	37 - 38	39 - 40	41 - 42	43 - 44	45 - 46

D. LISTED INFECTIOUS WASTES. Enter the four-digit number from 40 CFR Part 261.34 for each listed hazardous waste from hospitals, veterinar hospitals, medical and research laboratories your installation handles. Use additional sheets if necessary.

49	50	51	52	53	54
23 - 24	25 - 26	27 - 28	29 - 30	31 - 32	33 - 34

E. CHARACTERISTICS OF NON-LISTED HAZARDOUS WASTES. Mark "X" in the boxes corresponding to the characteristics of non-listed hazardous wastes your installation handles. (See 40 CFR Parts 261.21 - 261.24.)

1. IGNITABLE (D001)
 2. CORROSIVE (D002)
 3. REACTIVE (D003)
 4. TOXIC (D004)

X. CERTIFICATION

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

SIGNATURE <i>ABN MOORE CAR</i>	NAME & OFFICIAL TITLE (type or print)	DATE SIGNED
<i>K. Seal</i>		<i>3-15-84</i>

EPA Form 8700-12 (6-80) REVERSE

Return TO:

Request EIA 10 & FOR A ONE TIME DISPOSITION ONLY.
 EPA Region V
 RCRA Activities
 Box 7261
 Springfield, 60680

THANK YOU

Please print or type with ELITE type (12 characters/inch) in the unshaded areas only.



U.S. ENVIRONMENTAL PROTECTION AGENCY
NOTIFICATION OF HAZARDOUS WASTE ACTIVITY

INSTALLATION'S EPA I.D. NO.	PLEASE PLACE LABEL IN THIS SPACE
I. NAME OF INSTALLATION	
II. INSTALLATION MAILING ADDRESS	
III. LOCATION OF INSTALLATION	

Not on PO

INSTRUCTIONS: If you received a preprinted label, affix it in the space at left. If any of the information on the label is incorrect, draw a line through it and supply the correct information in the appropriate section below. If the label is complete and correct, leave Items I, II, and III below blank. If you did not receive a preprinted label, complete all items. "Installation" means: single site where hazardous waste is generated, treated, stored and/or disposed of, or a transporter's principal place of business. Please refer to the INSTRUCTIONS FOR FILING NOTIFICATION before completing this form. This information requested herein is required by law (Section 3010 of the Resource Conservation and Recovery Act).

FOR OFFICIAL USE ONLY

COMMENTS											

INSTALLATION'S EPA I.D. NUMBER	APPROVED	DATE RECEIVED (yr., mo., & day)
FIND001756881	A	831014

I. NAME OF INSTALLATION
AVANTI MOTOR CORPORATION

II. INSTALLATION MAILING ADDRESS

STREET OR P.O. BOX
3765 SLAFAYETTE BLVD PO BOX 1916

CITY OR TOWN
SOUTH BEND

ST. IN 46634

ZIP CODE
46634

III. LOCATION OF INSTALLATION

STREET OR ROUTE NUMBER
SAME

CITY OR TOWN

ST. ZIP CODE

IV. INSTALLATION CONTACT

NAME AND TITLE (last, first, & job title)
DIBIAGIO AJ JOSEPH DIR OF ENG

PHONE NO. (area code & no.)
219-287-1836

V. OWNERSHIP

A. NAME OF INSTALLATION'S LEGAL OWNER
BLAKE STEPHEN HL

B. TYPE OF OWNERSHIP (enter the appropriate letter into box)

F - FEDERAL
M - NON-FEDERAL

M

VI. TYPE OF HAZARDOUS WASTE ACTIVITY (enter "X" in the appropriate box(es))

A. GENERATION
 B. TRANSPORTATION (complete item VII)
 C. TREAT/STORE/DISPOSE
 D. UNDERGROUND INJECTION

VII. MODE OF TRANSPORTATION (transporters only - enter "X" in the appropriate box(es))

A. AIR
 B. RAIL
 C. HIGHWAY
 D. WATER
 E. OTHER (specify):

VIII. FIRST OR SUBSEQUENT NOTIFICATION

Mark "X" in the appropriate box to indicate whether this is your installation's first notification of hazardous waste activity or a subsequent notification. If this is not your first notification, enter your Installation's EPA I.D. number in the space provided below.

A. FIRST NOTIFICATION
 B. SUBSEQUENT NOTIFICATION (complete item C)

RECEIVED
NOV 14 1983

IX. DESCRIPTION OF HAZARDOUS WASTES

Please go to the reverse of this form and provide the requested information.



ACKNOWLEDGEMENT OF NOTIFICATION
OF HAZARDOUS WASTE ACTIVITY
(VERIFICATION)

This is to acknowledge that you have filed a Notification of Hazardous Waste Activity for the installation located at the address shown in the box below to comply with Section 3010 of the Resource Conservation and Recovery Act (RCRA). Your EPA Identification Number for that installation appears in the box below. The EPA Identification Number must be included on all shipping manifests for transporting hazardous wastes; on all Annual Reports that generators of hazardous waste, and owners and operators of hazardous waste treatment, storage and disposal facilities must file with EPA; on all applications for a Federal Hazardous Waste Permit; and other hazardous waste management reports and documents required under Subtitle C of RCRA.

EPA I.D. NUMBER

* IN0001756881

AVANTI MOTOR CORP
766 S LAFAYETTE BLVD PO 1916
SOUTH BEND IN 46634

INSTALLATION ADDRESS

766 S LAFAYETTE BLVD
SOUTH BEND IN 46634

M11-283



STATE BOARD OF HEALTH
AN EQUAL OPPORTUNITY EMPLOYER

Address Reply to:
Indiana State Board of Health
1330 West Michigan Street
P. O. Box 1964
Indianapolis, IN 46206

April 20, 1981

TO: Rich Shandross
U.S. EPA

FROM: Tom Fitch *TF*

SUBJECT: March 27, 1981, Telephone Conversation
with Mr. Geoffrey Newman of Avanti Corporation
of South Bend

On March 27, 1981, I contacted Mr. Geoffrey Newman of the Avanti Corporation, South Bend, concerning the storage of industrial waste on site. The Avanti Corporation has 150 55-gallon drums of industrial paint solids, under-coating solids, and windshield chalking they inherited from the Studebaker Corporation. Mr. Newman was to find a reclaimer for these waste. This has not been achieved as of yet.

Mr. Newman has not conducted any tests to determine if the wastes are considered hazardous as defined in the May 19, 1980, Federal Register. He has not notified U.S. EPA, so that an identification number could be obtained. He has not made any effort to comply with the federal regulations promulgated as a result of the Resource Conservation and Recover Act. It is felt that this company would at the minimum determine if they do have hazardous waste. If the waste are indeed hazardous, it should be seen that they are disposed of in an environmentally safe manner.

TF/ta1



STATE BOARD OF HEALTH
AN EQUAL OPPORTUNITY EMPLOYER

Address Reply to:
Indiana State Board of Health
1330 West Michigan Street
P. O. Box 1964
Indianapolis, IN 46206

APR 20 1991

Mr. Rich Shandross
State Implimentation Office
U.S. EPA, Region V
230 South Dearborn Street
Chicago, IL 60604

Dear Mr. Shandross:

Re: Attached Memo

The Avanti Corporation of South Bend, Indiana, may be in violation of Federal regulations concerning the generation and storage of hazardous waste. I suggest that a demand letter be drafted and sent to the Avanti Corporation. The Corporation should, at a minimum, be required to have an analysis completed for each of the waste streams they generate. If it is determined that the waste streams are hazardous, then they should be required to comply with Federal regulations concerning the generation and storage of hazardous waste.

Very truly yours,

Guinn Doyle, Supervisor
Hazardous Waste Program
Solid Waste Management Section
Division of Sanitary Engineering
AC 317/633-0178

TFitch/nlb
cc: Mr. Tom Fitch
Attachment

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Region V

Phone call (Time: am)
pm)
Memo

Date: 4-24-81

Subject: Avanti Corporation
South Bend, IN

To: Bill Thesinger EDCS Chief, Unit

From: Dick Williams IN 510 ✓

I am referring the attached correspondence from ISBH to your attention. By way of background, I spoke with Mr. Newman of Avanti on 4/8/81 at Tom Fitch's request.

Mr. Newman had told me that the material, 150 or so drums of glazing, undercoating and paint solids, has been sitting in his yard for 15-20 years and never served its intended purpose. After having inquired into disposal, Newman decided not to dispose the material, if possible. At the time of our conversation, Newman indicated that he was negotiating with a firm which could use the materials, but declined to tell me the name until a decision was made. He did say the firm was in Michigan.

I sent Mr. Newman a copy of the July 16, '80 FR, which listed this type of material when it becomes a solid waste. Materials which have never served their intended purpose and are not discarded (or "TSD'ed" prior to discarding) are not solid wastes. Therefore I did not follow up on this.

In addition, the Jan 16, '81 FR did not finalize the listings, so the material, if a waste, will only be HW if it meets the characteristics, 261.21-2

Mr. Newman's phone # is :: (219) 287-1836. He is the plant manager.

cc: Cho
Meyer
Kleptich

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Region V

Phone call (Time: ^{am} 2:10 ^{pm}) (left msg)

Memo

Date: 1/7/80.

Subject: Inclusion of site in system

To: Geoffrey Newman Plant Mgr, Avanti C
S. Bend, IN (219) 297-
287-

From: Richard Ashandross
Env Engrs.

15-20 yrs ago. Bought mat'l from Studebaker. caulking, glazing, undercoating, paints. 150 or so drums been sitting outside bldg. Other material accumulating.

Paint is now paint solids. Never served intended purpose.

Called people for advice on disposal. cost \$50 barrel⁻¹:

are now planning to recycle the waste, in process of negotiation of thro. Michigan Co.

send July 16; ~~sent 2/67~~.

APPENDIX F

Letter to Paul Trost, St. Joseph County Health Department

From

Geoffrey I. Newman, N.A.B. Building Company

Dated February 15, 1988

IDEM

~~249-3366~~

N.A.B. BUILDING COMPANY
405 W. Sample St.
South Bend IN 46625

February 15, 1988

Mr. Paul E. Trost
St. Joseph County Health Dept.
County-City Bldg.
South Bend IN 46601

Dear Mr. Trost;

RE: Avanti Mfg. Facility

Please consider this letter a formal response to your correspondence of Jan. 28th concerning the 150-200 55 gal. drums located on the site at the above captioned facility. Herein I will provide greater detail to substantiate my comments to you during our recent phone conversation during which I informed you that the drums in question do not belong to the real-estate owners of the Avanti mfg. facility.

The owners' of the Avanti mfg. facility have never had any right, title, or interest in the drums in question. The drums in question belong to the tenant of the facilities, the New Avanti Motor Corp., with home offices now in Youngstown, Ohio.

By way of background, there have been essentially four (4) tenants in the mfg. facility since 1964:

- The original Avanti Motor Corp. from 1964 - 9/30/82.
- The Avanti Motor Corp. owned and operated by Steve Blake from 10/1/82 until their bankruptcy sometime in late 1985 or early 1986.
- The 1st Source Bank & Trust Co. of South Bend which assumed the assets of Mr. Blake's Avanti Motor Corp., under a Lender's Security Agreement, which came into play at the time of Mr. Blake's bankruptcy.
- The New Avanti Motor Corp. operated by Mr. Michael Kelley from the time they acquired the assets from 1st Source Bank (approx. 4/1/86) through the present date.

As I was one of the individuals associated with the original Avanti Motor Corp., I can assure you that we properly disposed of all waste material which we generated during the time of our tenancy. Additionally, we went through a very large clean-up of all drums on the premises which Mr. Blake's Avanti Corp. did not purchase from us during the sale of assets which took place in 1982.

Upon the curtailment of our operation in 1982 and subsequent to that period of time, all drums on the premises, whether partially filled, totally filled, or empty, which contained or may have contained any substances that may have required special disposition, were gathered and finally disposed of, at our expense, in June, 1984.

Enclosed herewith you will find copies of invoices from Wayne Disposal, Inc., Dearborn, Michigan and documents from SCA Adams Center Landfill, Inc., in Ft. Wayne, Indiana, as well as other supportive material to show that we loaded, transported, and properly disposed of waste materials which were located on site at the time we sold the business to Mr. Blake.

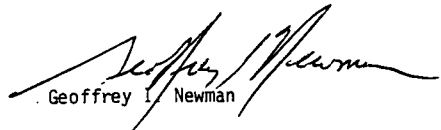
The drums currently on location at the mfg. facility were either generated by Mr. Blake's operation and/or Mr. Kelley's operation. I cannot say for sure who generated them, or when, as I have not kept tabs on the day-to-day activities at the Avanti plant. If they were generated by Mr. Blake's operation then the 1st Source Bank assumed ownership of them upon repossession of the business assets under the Lender's Security Agreement referred to above. It is my understanding, however, that Mr. Kelley purchased all of the assets of Mr. Blake's Avanti Corp. from the 1st Source Bank. Therefore I assume that Mr. Kelley's New Avanti Motor Corp. is the party responsible for the drums in question. Certainly the trail of ownership outlined above would lead to that conclusion.

Let me reiterate: The owners of the real-estate have never had anything to do with the drums in question. All waste material, paint drums, drums containing solvents and production compounds, which were either generated by the original Avanti Corp. or which were on location at the time that the original Avanti Corp. sold the business to Mr. Blake's group, were subsequently disposed of in a proper manner at appropriate disposal sites. The drums presently on site, to the best of my knowledge, are the property of The New Avanti Motor Corp.

I hope this letter provides the information you request concerning the drums presently found on the premises. If I can be of any further assistance, please feel free to contact me.

Very truly yours,

N.A.B. BUILDING COMPANY


Geoffrey I. Newman

GIN/jj
encls.



Wayne Disposal, Inc.

P.O. BOX 5187
DEARBORN, MICH. 48128
PHONE: 313-326-0200

INVOICE NO I04947

PAGE 1

INVIGICE FOR I-94 BUSINESS

DATE 06/30/84

ABN MOTOR CORP.
1250 HILLCREST RD.
SOUTH BEND, INDIANA
46617

ARNOLD ALTMAN

CUSTOMER ACCOUNT NO 522
PURCHASE ORDER NO

DESCRIPTION OF CHARGES

AMOUNT

TOTAL

RENT CHARGES:

ZARDOUS WASTE - D007	60 CUBIC YD @	35.00	2,100.00
***** HAZARDOUS SURCHARGE *****			.00
ZARDOUS WASTE - D003	30 CUBIC YD @	35.00	1,050.00
***** HAZARDOUS SURCHARGE *****			.00

SALES TAX ***** .00

***** TOTAL CURRENT CHARGES ***** 3,150.00

IF PAYMENT RECEIVED BY 07/20/84 PAY THIS AMOUNT 3,150.00

IF NOT RECEIVED BY 07/20/84 PAY THIS AMOUNT. 3,150.00

A SERVICE CHARGE OF 1.5% PER MONTH (WHICH IS 18% PER YEAR) WILL BE ADDED TO ALL UNPAID BALANCES OVER 30 DAYS.

*Paid
July 9, 1984
#126*



Wayne Disposal, Inc.

P.O. BOX 5187
DEARBORN, MICH. 48128
PHONE: 313-326-0200

I-94 TICKET ATTACHMENT

INVOICE NO 104947

PAGE 2

ACCOUNT NO 522

DATE 06/30/84

107 1 34 HAZARDOUS WASTE - D007 35.00 PER CUBIC YD
340545 840568

108 1 34 HAZARDOUS WASTE - D008 35.00 PER CUBIC YD
840215



Wayne Disposal, Inc.

P.O. BOX 5187
DEARBORN, MICH. 48128
PHONE: 313-326-0200

INVOICE NO 104947

PAGE 2

ACCOUNT NO 522

DATE 08/30/84

#15 P-94 TICKET ATTACHMENT

007	1	34	HAZARDOUS WASTE	340545 840303	35.00 PER CUBIC YD
008	1	34	HAZARDOUS WASTE	840215	35.00 PER CUBIC YD

Handwritten notes:
#15 P-94
340545 840303
340215
Jmy

SCA ADAMS CENTER LANDFILL, INC.

4838 ADAMS CENTER ROAD, TWAYNE INDIANAPOLIS, IN 46219
 PHONE (219) 447-6544



SCA ENVIRONMENTAL SERVICES, INC.
 SPECIAL DIVISION

INVOICE TO:

AM Motor Corp.
 765 S. Lafayette
 South Bend IN 46634

ATTN:

CHEM.	GEN	SECTION/AREA	SAMPLE NO.	MANIFEST NO.	WEIGHT	TIME	DATE	TRUCK I.D.#
X		10C	2012	ME0230976				
SPECIAL INFORMATION:					1st WT.			
ACL WC# W3199					RECALL			
					2nd WT.			
						MEMORY		SER.#
					GROSS			
					TARE			
					NET			HAUL #
					TONS	\$		TOTAL

INVOICE NO.	CUSTOMER NO.	INVOICE DATE	VIA	F.O.B.	ORDER DATE	P.O. NO. CUSTOMER ORDER NO.	SALES NO.
s05058		3-31-74	A & B	ACL	3-31-74		

PRODUCT CODE	QUANTITY ORDERED	LOC. NO.	TRANS. CODE	QUANTITY SHIPPED	UNITS	DESCRIPTION	UNIT PRICE	AMOUNT	G/L CODE
04274501				30	cuyd	Paint waste	45.00	1350.00	
						STATE DISPOSAL TAX			

55
50.17
50

PLEASE PAY BY THIS INVOICE - NO STATEMENT WILL BE SENT

TOTAL THIS INVOICE → 1350.00

Terms - Net 30

DRIVERS SIGNATURE _____	GATE SIGNATURE _____ DATE _____
-------------------------	---------------------------------

Paid 2/3/84

SEPARATE AREA DISPOSAL PERMIT

WORK ORDER 2012
 GENERATOR A & B INDUSTRIAL
 WASTE paint solids
 PRODUCT CODE # 027501
 QUANTITY 30 cu yds.
 PURCHASE ORDER # _____
 TRANSPORTER A + B Waste Disposal
 SHIP DATE 5/30/00 MANIFEST # MI 0290876 REC. BY: S Ball
 DISPOSAL INSTRUCTIONS: Cover with 12" of soil at the end of the day.

SAMPLE # 2012 SPECIAL HANDLING: Yes No LAB SIGNATURE S Ball
 SAFETY EQUIPMENT # _____ CELL # 6-0-3-3-1 OPERATOR SIGNATURE [Signature]

STATE OF MICHIGAN
WASTE DISPOSAL MANIFEST
 Act 64 Waste (HAZARDOUS)
 Primary Transporter's Name A & B INDUSTRIAL
 Transporters Address 5070 W Michigan Kalamazoo, MI 4
 Phone Number 616 373-9595
 Generator's Name ABN Motor Corp.
 Site Address 765 S Lafayette South Bend, IN 46634
 Phone Number 219 287-3381
 Generator's Site EPA ID. Number IND0018156001
 Transporter's EPA ID. Number W100071670
 If more than one Transporter is to be utilized, give the Name and EPA ID. Number of each:

LOT NO.	U.S. D.O.T. Shipping Name (for common name if there is no D.O.T. shipping name).	D.O.T. Haz
1	Hazardous Waste, M.O.S.	O.R.M.
2	(paint solids and other misc solids)	
3	Work order No. W 3199	
4		
5		
6		

Include Safety precautions and special handling instructions.
Don't EPA change manifest 9/16
 COMMENTS
 GENERATOR CERTIFICATION: I certify that the above named materials are properly classified, described, labeled and are in proper condition for transportation according to the applicable regulations of the Department of U.S. EPA. I further certify that the information contained on the manifest is factual. I understand that the following information requested by the manifest constitutes a violation of 1979 PABA and/or 1989 PAFSA. I further understand that I will be held liable for any administrative and court proceedings.
 HAULER'S CERTIFICATION: I certify acceptance of the above identified wastes for transportation. I further certify that I shall deliver the hazardous wastes, together with this manifest, only to the destination specified by the Generator. I understand that this manifest can be used in administrative and court proceedings.
 If the manifest cannot be delivered, describe the reasons for non-delivery.
 TSP/Generator Facility: I certify receipt at this facility of the above identified wastes and that this facility is a certified waste transfer facility. I understand that this manifest can be used in administrative and court proceedings.
 Describe any significant discrepancies between manifest and shipment.
 ALL SPILLS MUST BE REPORTED TO THE MICHIGAN POLLUTION EMERGENCY ALERTING SYSTEM, IN ACCORDANCE WITH MCL 115.15



No. 4407

Date
6/22/84
Your P.O. No.
see below
WO #13150

SPECIALIZING IN MUNICIPAL AND INDUSTRIAL CLEANING

5070 WEST MICHIGAN AVENUE
KALAMAZOO, MICHIGAN 49007-5799

(616) 375-9595
Within Mich. (800) 632-4176

ABN Motor Corp.
1250 Hillcrest Rd.
South Bend, IN 46617

Closed Circuit TV Inspection Vector Jet Rodding
Pressure Grouting Vacuuming Wet and Dry Material
Water Blasting Hazardous Waste Hauling and Disposal

JOB DESCRIPTION / LOCATION

Delivery of sludge boxes, transport to disposal facility and box rental.
Per instructions from Arnold Altman and Geoff Newman.

	AMOUNT
5/30 Delivered two (2) sludge boxes to ABN Motors	\$ 220.00
Transport one box to Adams Center in Fort Wayne	350.00
Waiting time - 1 1/2 hours at \$70.00 per hour (8:00a.m/10:30a.m)	105.00
Sludge box rental - 5/31 through 6/13 \$50.00 per day-per box for a total for 2 boxes - 14 days	700.00
	2,100.00
6/13 - 6/14 Transfer three (3) sludge boxes from ABN Motors to Kalamazoo at \$220.00 per box	660.00
6/14, 6/20, 6/21 Transport three (3) sludge boxes from Kalamazoo to Wayne Disposal at \$700.00 per box.	2,100.00

TOTAL AMOUNT DUE \$4,835.00
805.00
4030.00

NOTE: These charges do not include disposal charges from Wayne Disposal or Adams Center Landfill. Disposal will be paid directly from ABN Motors.

TERMS: Full payment to be made by July 15, 1984.

*Paid
June 28, 1984
check #*

WESTERN AVENUE IRON & METAL COMPANY

INVOICE

P. O. Box 545 - Phone 288-1498
SOUTH BEND, INDIANA 46624

INVOICE NO. 3661

SOLD TO

SHIPPED TO

A.B.N. Motor Corp
 1250 Hillcrest Rd
 South Bend, IN 46617

DATE	ORDER NO.	SALESMAN	TERMS	SHIPPED VIA	PPG.	COLL.	PRICE	AMOUNT
5/20/84								\$400.00
(5) hours driver and Clark Front End Loader used in crushing and removing paint barrels								
We thank you for the business <div style="text-align: right; font-size: 2em; font-family: cursive;"> Paid 6/23/84 #124 </div>								



FORM NO PK 102U-4
 AVAILABLE FROM BUSINESS ENVELOPE MANUFACTURING, INC. • DEER PARK, N.Y. • ANAHEIM, CALIF.

PRINTED IN U.S.A.
 LOT 27428

No. 124
71-55
712
June 23 1984
cc
PAY TO THE ORDER OF Western Avenue Iron & Metal Company \$ 400
Four Hundred Dollars and no/100 DOLLARS

ST. JOSEPH BANK AND TRUST CO.
SOUTH BEND, INDIANA
Source 3661
C FBN NOTAR CORPORATION
Arnold S. Altman

⑆0712⑈003⑆ ⑆008185208⑈ ⑆0000040000⑈

No. 125
71-55
712
June 28 1984
cc
PAY TO THE ORDER OF A. B. Industries of Cassopolis, Ind. \$ 40.39
Four Thousand & 39/100 DOLLARS

PAID
ST. JOSEPH BANK AND TRUST CO.
SOUTH BEND, INDIANA
7159

ST. JOSEPH BANK AND TRUST CO.
SOUTH BEND, INDIANA
Source 4401
C FBN NOTAR CORPORATION
Arnold S. Altman

⑆0712⑈003⑆ ⑆008185208⑈ ⑆0000403000⑈

1084 22 07-28-84

126

July 23 1984

PAY TO THE ORDER OF *S.A. Adams Center Sandhill, Inc.* \$ 1350⁰⁰

Thirteen Hundred and Fifty and 00/100 DOLLARS

ST. JOSEPH BANK AND TRUST COMPANY
South Bend, Indiana 46701

ABN MOTOR CORPORATION

Invoice No. 8 05058 *Arnold D. Altman*

⑆071200538⑆ 81⑈85208⑈

⑆0000135000⑆

PAY TO THE ORDER OF

Wayne DeForest, Inc.
Three Thousand and One Hundred and Fifty

July 9, 1984

No. 126

71-93
712

\$ 3150⁰⁰

DOLLARS

ST. JOSEPH BANK AND TRUST CO. 0 L ABN MOTOR CORPORATION
SOUTH BEND, INDIANA

Invoice # 104947 *Arnold D. Altman*

⑆0712⑈00538⑆

⑆082581800⑆

⑆0001E0000⑆

APPENDIX G

Relevant Documents From South Bend Fire Department Files

1965 Avanti Motors Newman & Caltum SBF0

-1977 New spray booth March 1980

Log 2ty of Hay materials North side of Bldg

1983. about 100,55 gal drums removed from west side

1984 Building is all - fallen apart, number of old Studshaker parts top floors. - Building would probably improve. Sprinkler system updated yearly, and Fire protection

w. Ames Sept 7, 1983 Stephen Blake.

24 FEB 85

AVANTI 800 S. LAFAYETTE

HAZ. MATERIALS in Back of Building. (SIDE)

(ASK 105 TO HAVE THIS INSPECTED) Building is side of PAD-1000

NOTICE OF VIOLATION AND ORDER

LOCATION: 769 S. LAFALETTE

INSPECTION DATE: 13 JANUARY 1988

BUSINESS NAME: NEW AVANTI MOTORS

BUS. PHONE: 287-0502

MANAGER/OWNER: A HAROLD KEENS

RE-INSPECTION DUE: _____

SECURITY BILL DAY, CHIEF ENR, AVANTI

YOU ARE HEREBY NOTIFIED THAT DURING THE ABOVE-REFERENCED INSPECTION OUR INSPECTOR FOUND VIOLATIONS OF INDIANA CODE 22-11-5 AND THE RULES PROMULGATED THEREUNDER. YOU ARE HEREBY ORDERED TO CORRECT ALL OF THE VIOLATIONS IMMEDIATELY AND THUS COME INTO COMPLIANCE WITH THE STATUTE AND RULES BY THE DATES INDICATED ABOVE. THE VIOLATIONS ARE AS FOLLOWS:

VIOLATIONS

VIOLATIONS

___ IMPROPER EXIT DOOR HARDWARE
SEC. 12.104 (b) IFPC

___ EXTINGUISHER MAINTENANCE
NFPA 10, SEC. 4.4

___ EXIT/EXIT HALLWAY OBSTRUCT.
SEC. 12.103 (a) IFPC

___ HOOD & DUCT SUPPRESSION
NFPA 96

___ STAIRWAY SEC. 12.106 IFPC

___ WIRING PROBLEM IEC NFPA 70

___ EXIT LIGHTS SEC. 12.114 IFPC

___ EXCESSIVE/IMPROPER USE OF EXT.
CORD SEC. 85.106 IFPC

___ EMERGENCY LIGHTING
SEC. 12.113 IFPC

___ RUBBISH & TRASH BUILDUP
SEC. 11.202 IFPC

___ SMOKE DETECTOR SYSTEM
CITY ORDINANCE NFPA 72

___ COMBUSTIBLES NEAR FURNACE
SEC. 11.203 IFPC

___ FIRE ALARM SYSTEM NFPA 72

___ IMPROPER FLAM. LIQUID STORAGE
IND FLAM & COMBUST/LIQ. & GASES CODE

___ SPRINKLER SYSTEM NFPA 13

___ OTHER

REMARKS: JAMIE AMOUNT OF BARRELS WITH UNKNOWN SUBSTANCE
IS STILL THERE

(THIS REPORT IN REFERENCE TO OUTSIDE OF BLDG)

YOU ARE HEREBY REQUESTED TO SUBMIT A PLAN FOR CORRECTIVE ACTION WITHIN TEN DAYS OF RECEIPT OF THIS NOTICE AND REPORT ALL CORRECTIVE ACTION TAKEN TO THE UNDERSIGNED AT THE ABOVE ADDRESS

SOUTH BEND FIRE DEPARTMENT

PREVENTION/INSPECTION BUREAU

Luther Taylor

Inspector

Fire Chief Luther J. Taylor

Notice Received By: x William J Day
(Read Back Page)

NOTICE OF VIOLATION AND ORDER

LOCATION: 769 S. Lafayette INSPECTION DATE: Jan. 6, 1988
BUSINESS NAME: Avanti Motors BUS. PHONE: 287-0502
MANAGER/OWNER: William J. Day RE-INSPECTION DUE: _____

YOU ARE HEREBY NOTIFIED THAT DURING THE ABOVE-REFERENCED INSPECTION OUR INSPECTOR FOUND VIOLATIONS OF INDIANA CODE 22-11-5 AND THE RULES PROMULGATED THEREUNDER. YOU ARE HEREBY ORDERED TO CORRECT ALL OF THE VIOLATIONS IMMEDIATELY AND THUS COME INTO COMPLIANCE WITH THE STATUTE AND RULES BY THE DATES INDICATED ABOVE. THE VIOLATIONS ARE AS FOLLOWS:

VIOLATIONS

VIOLATIONS

- IMPROPER EXIT DOOR HARDWARE
SEC. 12.104 (b) IFPC
- EXIT/EXIT HALLWAY OBSTRUCT.
SEC. 12.103 (a) IFPC
- STAIRWAY SEC. 12.106 IFPC
- EXIT LIGHTS SEC. 12.114 IFPC
- EMERGENCY LIGHTING
SEC. 12.113 IFPC
- SMOKE DETECTOR SYSTEM
CITY ORDINANCE NFPA 72
- FIRE ALARM SYSTEM NFPA 72
- SPRINKLER SYSTEM NFPA 13
(letter of certification)
- OTHER

- EXTINGUISHER MAINTENANCE
NFPA 10, SEC. 4.4
- HOOD & DUCT SUPPRESSION
NFPA 96
- WIRING PROBLEM IEC NFPA 70
- EXCESSIVE/IMPROPER USE OF EXT.
CORD SEC. 85.106 IFPC
- RUBBISH & TRASH BUILDUP
SEC. 11.202 IFPC
- COMBUSTIBLES NEAR FURNACE
SEC. 11.203 IFPC
- IMPROPER FLAM. LIQUID STORAGE
IND FLAM & COMBUST/LIQ. & GASES CODE
(list substance in 55 gal. drums located
on west side of bldg. indicate contain-
ment area)

REMARKS: 1) use 24 hour guard
2) consult with structural engineer
3) board up all possible easy entry windows.

Made re-inspection. Did not comply at 1-6-88.
James Springer

YOU ARE HEREBY REQUESTED TO SUBMIT A PLAN FOR CORRECTIVE ACTION WITHIN TEN DAYS OF RECEIPT OF THIS NOTICE AND REPORT ALL CORRECTIVE ACTION TAKEN TO THE UNDERSIGNED AT THE ABOVE ADDRESS.

SOUTH BEND FIRE DEPARTMENT

PREVENTION/INSPECTION BUREAU

Luther Taylor

Mc Ruth
Inspector

Fire Chief Luther J. Taylor

Notice Received By: William J. Day
(Read Back Page)

INTER-OFFICE MEMO

SBFO

SOUTH BEND FIRE DEPARTMENT

TO: Pat DeClercq

FROM: Luther Taylor *L.T.*
Fire Chief

SUBJECT: Avanti Motor Corp.
(Drums of Unknown Substance)

DATE: December 15, 1987

This is in reference to the Avanti Motor Corp., that was inspected by Carl Zwierzynski on December 3, 1987. A copy of the inspection was sent to Avanti in Youngtown, Ohio. (See a copy attached regarding Avanti response). I am also attaching a copy of the inspection.

I think the next step should be for Carl, Chief Prawat and myself from the Fire Department alone with who every you recommend from Code Enforcement to schedule a meeting, so we can all work together.

Please contact me, so we can proceed with this issue.

LT/bw
Attach.

cc: Marva Leonard-Dent
Bert Prawat
Carl Zwierzynski

RECEIVED

NOV 24 1987

Pat DeClercq
Luther Taylor

OFFICE OF THE FIRE CHIEF
CITY OF SOUTH BEND, IN

re: Avanti Paint Complaint

Please note in your files that the building used by Avanti (and where they left about 40-50 barrels of paint or paint thinner) is not owned by Avanti.

I have learned from the Redevelopment Dept that the building is owned by Newman & Altman, Inc at 405 W. Sample. Their contact person is:

Jerry Newman
2617 S. Michigan

Please direct correspondence to this entity as the owners. Communication can still be directed to Avanti, but as you are aware owners are the prime person for notice.

cc: Eugenia

11/20/87

Marva Leonard-Dent



NOTICE OF VIOLATION AND ORDER

LOCATION: 769 S. LAFOYETTE INSPECTION DATE: 3 DECEMBER 1987

BUSINESS NAME: NEW AVANTI MOTORS BUS. PHONR: 287-0502

MANAGER/OWNER: Harold Kerns RE-INSPECTION DUE: January 1988
287-6915 Home

YOU ARE HEREBY NOTIFIED THAT DURING THE ABOVE-REFERENCED INSPECTION OUR INSPECTOR FOUND VIOLATIONS OF INDIANA CODE 22-11-5 AND THE RULES PROMULGATED THEREUNDER. YOU ARE HEREBY ORDERED TO CORRECT ALL OF THE VIOLATIONS IMMEDIATELY AND THUS COME INTO COMPLIANCE WITH THE STATUTE AND RULES BY THE DATES INDICATED ABOVE. THE VIOLATIONS ARE AS FOLLOWS:

VIOLATIONS

VIOLATIONS

IMPROPER EXIT DOOR HARDWARE
SEC. 12.104 (b) IFPC

EXTINGUISHER MAINTENANCE
NFPA 10, SEC. 4.4

EXIT/EXIT HALLWAY OBSTRUCT.
SEC. 12.103 (a) IFPC

HOOD & DUCT SUPPRESSION
NFPA 96

STAIRWAY SEC. 12.106 IFPC

WIRING PROBLEM IFC NFPA 70

EXIT LIGHTS SEC. 12.114 IFPC

EXCESSIVE IMPROPER USE OF EXIT
DOOR SEC. 106 IFPC

EMERGENCY LIGHTING
SEC. 12.113 IFPC

RUBBISH & TRASH BUILDUP
SEC. 11.202 IFPC

SMOKE DETECTOR SYSTEM
CITY ORDINANCE NFPA 72

COMBUSTIBLES NEAR FURNACE
SEC. 11.203 IFPC

FIRE ALARM SYSTEM NFPA 72

IMPROPER FLAM. LIQUID STORAGE
IND FLAM & COMBUST/LIQ. & GASES CODE

SPRINKLER SYSTEM NFPA 13

OTHER

REMARKS: 150-200 56 GAL. DRUMS - UNKNOWN SUBSTANCE LOCATED

ON WEST SIDE OF Bldg. - MUST BE PROPERLY DISPOSED OF.

(THIS REPORT IS REFERENCE TO OUTSIDE OF BLDG.)

YOU ARE HEREBY REQUESTED TO SUBMIT A PLAN FOR CORRECTIVE ACTION WITHIN TEN DAYS OF RECEIPT OF THIS NOTICE AND REPORT ALL CORRECTIVE ACTION TAKEN TO THE UNDERSIGNED AT THE ABOVE ADDRESS.

SOUTH BEND FIRE DEPARTMENT

PREVENTION/INSPECTION BUREAU

Luther Taylor
Fire Chief Luther J. Taylor

Paul J. Zygmanski
Inspector

Notice Received By: Harold Kerns
(Read Back Page)

SBFO

NOTICE OF VIOLATION AND ORDER

LOCATION: 749 S. La Fayette Street INSPECTION DATE: November 10 1986
BUSINESS NAME: The New Home of Motels Corporation BUS. PHONE: 287-0823
MANAGER/OWNER: Mike Kelley RE-INSPECTION DUE: _____

YOU ARE HEREBY NOTIFIED THAT DURING THE ABOVE-REFERENCED INSPECTION OUR INSPECTOR FOUND VIOLATIONS OF INDIANA CODE 22-11-5 AND THE RULES PROMULGATED THEREUNDER. YOU ARE HEREBY ORDERED TO CORRECT ALL OF THE VIOLATIONS IMMEDIATELY AND THUS COME INTO COMPLIANCE WITH THE STATUTE AND RULES BY THE DATES INDICATED ABOVE. THE VIOLATIONS ARE AS FOLLOWS:

VIOLATIONS

VIOLATIONS

___ IMPROPER EXIT DOOR HARDWARE
SEC. 12.104 (b) IFPC

8-86 EXTINGUISHER MAINTENANCE
NFPA 10, SEC. 4.4

No EXIT/EXIT HALLWAY OBSTRUCT.
SEC. 12.103 (a) IFPC

No HOOD & DUCT SUPPRESSION
NFPA 96

ok STAIRWAY SEC. 12.106 IFPC

No WIRING PROBLEM IEC NFPA 70

No EXIT LIGHTS SEC. 12.114 IFPC

___ EXCESSIVE/IMPROPER USE OF EXT.
CORD SEC. 85.106 IFPC

No EMERGENCY LIGHTING
SEC. 12.113 IFPC

No RUBBISH & TRASH BUILDUP
SEC. 11.202 IFPC

no SMOKE DETECTOR SYSTEM
CITY ORDINANCE NFPA 72

No Flammable Storage Cabinets
COMBUSTIBLES NEAR FURNACE
SEC. 11.203 IFPC

___ FIRE ALARM SYSTEM NFPA 72

___ IMPROPER FLAM. LIQUID STORAGE
IND FLAM & COMBUST/LIQ. & GASES CODE

ok see SPRINKLER SYSTEM NFPA 13

OTHER

REMARKS: Explosion & acetylene tanks shall be secured to wall on first floor. Drop ceiling, acetylene, Methanol and Oxygen.

YOU ARE HEREBY REQUESTED TO SUBMIT A PLAN FOR CORRECTIVE ACTION WITHIN TEN DAYS OF RECEIPT OF THIS NOTICE AND REPORT ALL CORRECTIVE ACTION TAKEN TO THE UNDERSIGNED AT THE ABOVE ADDRESS.

SOUTH BEND FIRE DEPARTMENT
Luther Taylor
Fire Chief Luther J. Taylor

PREVENTION/INSPECTION BUREAU
Stanley Spangula
Inspector

Notice Received By: [Signature]
(Read Back Page)

SOUTH BEND FIRE DEPARTMENT INSPECTION FORM

ADDRESS 765 S. LAFAYETTE BLVD. CROSS STREET TUIT ST.

PHONE # 287-1836 NAME OF BUSINESS AVANTI MOTORS CORP

PHONE # 272-6630 OWNER OF BUSINESS STEPHEN BLAKE

PHONE # 287-1836 OWNER OF BUILDING AVANTI MOTORS CORPORATION

PHONE # 272-3662 MANAGER OF BUSINESS ROBERT E. SMITH

TYPE OF OPERATION AUTO MANUFACTURER

NO. OF STORIES 4 BLDG. SIZE 90,000 Sq. Ft.

NO. OF EXITS 9 EXIT(S) LOCATION(S) ALL SIDES

ALARM SYSTEM: YES NO TYPE _____

ANNUNCIATOR PANEL LOCATION _____

MONITORED: YES NO BY WHOM _____

DATE LAST TESTED _____ BY WHOM _____

PROTECTION: SPRINKLER SYSTEM: WET DRY PARTIAL COMPLETE

SPRINKLER SHUT OFF LOCATION 108-318 35' MAN HOLE - 33 NEW BLDG

CONDITION OF HEADS GOOD

STANDPIPE SYSTEM: WET DRY CONDITION OF HOSE _____

FIRE DEPT. LOCATION _____ ACCESSIBILITY _____

NO. OF EXTINGUISHERS 75 DATE LAST RECHARGED Jan 84

TYPE OF EXTINGUISHERS ABC BC CO2

NEAREST FIRE HYDRANT LOCATION LAFAYETTE

ACCESS TO BASEMENT None

NO. OF STAIRWAYS 2 ENCLOSED OPEN

SMOKE REMOVAL ABILITY _____

ARE THERE LIVING QUARTERS IN THE BUILDING? YES NO

LOCATION _____

CONSTRUCTION OF BLDG. Masonry - STEEL - BLOCK

INNER CONSTRUCTION: WALLS Masonry CEILING Wood

GOOD SAFETY

ALBERT MOTORS
245 W. FAIRFAX

INDIANAPOLIS, INDIANA, 1936

January 15, 1936

COMMERCIAL BUILDING INSPECTION

What type of combustibles are stored inside or out.

PAINTS & SOLVENTS ON OPEN SHELVES NEXT TO BATHROOMS
(REMOVE SAME OR ENCLOSE ROOM - NO DOOR ON SAME)

INFORMATION STORAGE OF 55 GAL DRUMS NORTH-EAST CORNER - ETHYLENE GLYCOL & ISOPROPANOL.
Are fire doors open or closed and what condition are they in. ANHYDRUS

ALL FIRE DOORS OPENED (SHOULD BE KEPT CLOSED)

CONDITION OF DOORS: GOOD

If sprinkled, has it been maintained as required by 13-A.

Is it operational now?

VIKING SYSTEM

DATE LAST SERVICED: UNREADABLE

Are exits obstructed.

NO EXITS OBSTRUCTED

Are all vertical and horizontal shafts sealed.

STAIRWAYS OPEN - DOORWAYS TO SAME ALSO OPEN
PIPING SHAFTS BETWEEN FLOORS ALSO OPEN

Condition of electrical system.

ELECTRICAL SYSTEM: OLD STYLE TUBE & KNOB THROUGH-OUT BUILDING
ELECTRICAL WIRING NOT IN CONDUIT IN PAINT
STORAGE ROOM

Condition of floors.

HOLES IN FLOORS ON ALL LEVELS

Get owner's name and complete card. Also address and telephone no.

INFORMATION ON INSPECTION SHEET

Is the facility alarmed - where to? - operational.

NO FIRE ALARM SYSTEM

Are windows intact.

WINDOWS COVERED WITH VISQUENE
BROKEN WINDOWS ON UPPER LEVELS

GENERAL INFORMATION	FLOOR	CONTENTS
	1ST FLOOR	CAR SEAT AND DOOR PANEL MATERIAL - REAR SECTION OF BUILDING
	2ND "	CAR PARTS & WORK AREA
	3RD "	SMALL CAR PARTS STORAGE (IN CARDBOARD BOX'S)
	4TH "	WOOD, PAPER, CLOTH THROUGH-OUT

SBFD



CITY of SOUTH BEND

ROGER O. PARENT, Mayor

COUNTY-CITY BUILDING

SOUTH BEND, INDIANA 46601

SOUTH BEND FIRE DEPARTMENT
701 W. Sample Street
South Bend, Indiana 46621
Timothy J. Brassell
Fire Chief

219/284-9255

July 3, 1985

Avanti Corporation
765 S. Lafayette
South Bend, IN 46618

Attention: Steve Blake
Bob Smith

Re: Inspection

Sirs:

Our Bureau conducted an inspection of your facility this date and found the following violations. Your immediate attention to the following shall be appreciated.

1. Fire extinguishers shall be inspected on an annual basis tagged and rehung to N.F.P.A. #10.
2. Many areas throughout your facility have openings through the floor and walls. These shall be sealed to prevent fire transmission from one area to another.
3. Fire doors are propped open by door stop. Doors are to be self-closing and not in the open position to wooden stairs and landings. N.F.P.A. #101, Section 5-2.1.2. Rope and fusible links shall be replaced.
4. Filters in spray areas are to be exchanged. Many are deteriorated. N.F.P.A. #30.
5. Flammable liquids are to be stored in proper metal cabinets. (Only one day's usage is to be out of these units.) Reg. #5 State Fire Code.
6. Company files are stored along the North wall main level in cartons (housekeeping is poor).

Avanti Corp.
July 3, 1985
Page Two

7. Fourth floor roof is leaking, floor is buckled, combustible material throughout. Plastic material is used in missing windows; extension cords, spliced wiring throughout, cartons, paper material, tires, foam, very disorganized. (Also five 5 gal. of methylene chloride.
8. Your fire escape located South side shall be certified as to the safe operation.
9. Room dividers built into smaller offices, partitions are plastic sheets approximately 15 ft. length throughout.
10. Air compressor Northeast corner, oil lying 3 ft. around floor area.
11. Sprinkler heads throughout where painting has been done are to be replaced. Heads have been painted. Also plastic covers still cover many heads. N.F.P.A. #13A.
12. Exterior West side oxygen, acetylene tanks lying on ground not secured. Approximately 20 barrels located West exit contain waste oil. These shall be removed.
13. Sprinkler valve West side approximately 50 ft. from building covered by salvage. Ground level lid covered totally.

Your assistance in compliance shall be appreciated. Thank you.

Sincerely,

George Gyori
Assistant Fire Chief
Inspection/Prevention Bureau

GG/az

cc: Kathy Barnard, Code Enforcement

SBFD

24 FEB 85

UT. ~~...~~

AVANTI: 800 S. LAURETTE
K29, MAZ. MATERIALS IN BACK OF
099, BUILDING. (WEST SIDE)

(ASK 105 THIS INSPECTOR) IS SAID
TO HAVE INSPECTED BUILDING
LOCATION. AND LOCATED
BUILDING TO BE

APPENDIX H

Review of Available Aerial Photography

TABLE 3-1
AERIAL PHOTOGRAPHY REVIEW
AVANTI PRP SEARCH

<u>DATE FLOWN</u>	<u>SOURCE AND DESCRIPTION</u>	<u>NOTES</u>
4-5-56	South Bend City Engineers Office Flown by Clark Aerial Survey Corp. Plymouth, MI.	Large quantity of materials some probably drummed material, stored in fenced areas on <u>North</u> side of building.
	9" X 9" non-rectified contact prints	Some materials, possibly 10 to 30 drums, stored on grassy area at West end of building. Building shadows and photography scale make meaningful interpretation difficult.
5-26-66	St. Joseph Co. Area Plan Commission Flown by Sidwell Mylar reproduction.	Many rows of material, possibly some drums, stored on North side of building in courtyard-like area. Approximately 40 to 80 drums present next to building in center of <u>West</u> wall. Other materials stored in grassy area at <u>West</u> end of building

TABLE 3.1
AERIAL PHOTOGRAPHY REVIEW CONTINUED
AVANTI PRP SEARCH

<u>DATE FLOWN</u>	<u>SOURCE AND DESCRIPTION</u>	<u>NOTES</u>
1972	South Bend City Engineers Office. Flown by Sidwell Co.? Blue-line Print at 1":200' scale.	Some sort of material or debris (possible drums) next to <u>West</u> wall and along east edge of grassy area at West end of building. Print quality poor.
5-2-82	St. Joseph Co. Area of Plan Commission. Flown by Clyde E. Williams, South Bend, IN. Photo enlargement 1":50' obtained from Clyde E. Williams. Photography excellent.	150 to 200 drums clearly visible on North Side of building in SW corner of courtyard. Drums are arranged in a somewhat orderly fashion. Other materials are also present on the North side of the building. Approximately 100 drums clearly visible on West end of building. Most are at the southern end of the grassy area and are arranged in a very orderly manner. The majority of the drums appear to be similar, ie. they have white or light heads. Other materials are present in grassy area and next to building. No drums are against the building wall.

TABLE 3.1
AERIAL PHOTOGRAPHY REVIEW CONTINUED
AVANTI PRP SEARCH

<u>DATE FLOWN</u>	<u>SOURCE AND DESCRIPTION</u>	<u>NOTES</u>
11-8-85	St. Joseph Co. Area Plan commission. Flown by Clyde E. Williams, South Bend, IN Photo enlargement 1":50' obtained by Clyde E. Williams	No drums or other materials remain on North side of building, unless they are not visible on photography. Approximately 100 to 175 possible drums present in grassy area West of building. Drums appear to be more widespread and less orderly in their arrangement than in 1982 photography. No identifiable drums are present next to the building, but a great deal of unidentifiable debris or materials are. Shadows and photograph quality make conclusions difficult.
4-87	St. Joseph Co. Auditors Office Flown by Sidwell Co. Black-line print at 1":100 scale, good photography	Approximately 75 to 150 drums present at West end of building. Most are in southern half of grassy area and are disorderly in arrangement. 15 to 25 possible drums, in orderly arrangement, are present next to the building wall near the loading dock. No drums appear to be present along the west fence line at the time of photography.

St. Joseph Co General F
31

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

INDIANAPOLIS

OFFICE MEMORANDUM

DATE: August 10, 1988

TO: St. Joseph County General File THRU: Greta Hawvermale *8/12/88*
Jackie Strecker *8/12*

FROM: Bob Cappiello *8/12*
State Cleanup Section

SUBJECT: Avanti Motor Corporation-Drum Removal
765 South Lafayette Blvd.
South Bend, Indiana

A previous letter, dated July 7, 1988, from the State Cleanup Section to Mr. Robert Lee (attorney for the property owners) generally describes the activities on the Avanti site in June and July of 1988. This letter, which is attached, also explains our concern that the cleanup at Avanti proceed in a timely manner.

Mr. Lee responded in a letter dated July 15, 1988. In this letter, Mr. Lee explained that he should be receiving a copy of the organic strain (screen) test results (which is apparently all they had run) and a bid for disposal of the drums and their contents from Chem Waste Management. Mr. Lee went on to say that he is "confident the owners will go forward" with disposal of the drums. He also said that he will forward a copy of the test results to us.

We then received a letter from Mr. Day of the New Avanti Motor Corporation, dated July 21, 1988. In this letter, Mr. Day presented us with a copy of the "Studebaker Corridor Project" which is a downtown renovation bond issue program. This project earmarks \$100,000 to be spent on "removal of all hazardous wastes" from around the Transwestern Building. This is assumed to be the drums located at 765 South Lafayette Blvd. Mr. Day is concerned that the owners of the property may decide not to dispose of the drums since the city might be willing to do it as part of their Studebaker Corridor Project. Mr. Day also expressed concern on the present conditions of the drums. He feels that due to Chem Waste Management's sampling techniques more environmental hazards (open drums) may have been created.

Mr. Paul Trost of the Saint Joseph County Health Department was asked to and did send an inspector to the property to see if the drums in their present condition present a public health threat. Mr. Trost explained that his inspector did not feel that a public health threat presently exists at the site.

St. Joseph County General File
Page 2
August 10, 1988

On August 2, 1988, I contacted Jim Lynch of the Investigations Office and Mr. Lee, attorney for the Avanti property owners. Mr. Lynch informed me that their activities at Avanti are completed and that he will share a copy of the drum test results when they receive them. Mr. Lee told me that he has received the results of the drum tests from Chem Waste Management and an open-ended estimate for disposal of the drums. He has forwarded both of these items to us. The drum sampling that Chem Waste Management did cost Mr. Lee's clients \$5,800 and the open-ended estimate for disposal is \$17,000. Mr. Lee could not tell if or when the disposal of these drums will take place. He said this decision is left to the property owners and since they just recently received the information the decision has not yet been made. He did not wish to speculate on when their decision would be made or on what it might be. Mr. Lee said he discussed this in his letter to us. When we receive his letter staff will respond appropriately.

Attachment

cc: Billy d

BC/mg

AVANTI III-A
St. Joseph Co.



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
NANCY A. MALOLEY, Commissioner

105 South Meridian Street
P.O. Box 6015
Indianapolis 46206-6015
Telephone 317-232-8603

June 16, 1988

Kate Hyatt
Private Industry Council
2015 Western Avenue
Suite 435
South Bend, IN 46629

Dear Ms. Hyatt:

The Indiana Department of Environmental Management (IDEM) has contracted with EIS Environmental Engineers of South Bend to conduct a Title Search and a Potential Responsible Party Search pertaining to the Avanti Motor Corporation.

You have recently been contacted by a Ms. Wanada Baxter-Potter concerning information about past Avanti employees that used your agencies services.

The IDEM would appreciate it if you could furnish Ms. Baxter-Potter with the information (names, telephone numbers, addresses) of the people in question.

If you should have any questions, please call Bob Cappiello of my staff at AC(317)243-5090.

Very truly yours,

Bob Cappiello for Greta

Greta J. Hawvermale, Chief
State Cleanup Section
Office of Environmental Response

RJC/mg

cc: Wanada Baxter-Potter, EIS



100 CORPORATE NORTH, SUITE 101
ROUTE 22 AND LAKESIDE DRIVE
BANNOCKBURN, ILLINOIS 60015
(312) 295-6020

5/21/88
L. H. H.

3 June 1988

Mr. Robert J. Cappiello
Project Manager
State Clean Up Section
Indiana Department of Environmental Management
5500 W. Bradbury Avenue
Indianapolis, IN 46241 W.O. 3978-03-01

Subject: Site Investigation
Avanti Manufacturing Facility
South Bend, Indiana

Dear Mr. Cappiello:

On 1 June 1988, WESTON conducted a site investigation of the New Avanti Manufacturing Facility located at 726 South Lafayette St., South Bend, Indiana. This letter serves to summarize the findings of the investigation, specifically, the amount of drums, their conditions, volumes and any markings, indicating potential responsible parties and contents.

During the inspection, approximately 245 55-gallon drums were observed to be located behind the facility. Of these drums:

- o Approximately 200 had material in them;
- o Approximately 75% (189) of the drums were sealed;
- o Approximately 75% (189) are rusted, however, in fair to good condition;
- o Approximately 15% (30) of the drums structural condition may make movement difficult; and,
- o Approximately 10% of the drums are bulged.

Also during this inspection, any markings on the drums were noted. Many of the drums had some markings on them. Markings observed on these drums seemed to indicate potential responsible parties and contents. The following is a list of PRP's identified during the inspection.



Mr. Robert J. Cappiello

-2-

3 June 1988

- o Quaker State
- o Renco
- o AMOCO
- o Kendall
- o Avanti Motor Corp., South Bend, IN
- o Freeman, Port. Washington, Wisc.
- o GLS, CO. Chicago, IL
- o Dupont
- o CHEMSOLV, South Bend, IN
- o Sherwin Williams
- o Ashland Chemical

Several drums also had hazardous-waste stickers on them. These stickers, dated 7 July 1984 identified Avanti Motor Corps., South Bend, IN as the generator, and the waste as Dichloromethane. Other markings on the drums included:

- o Thinner
- o Paint Thinner
- o Machine Wash
- o Water
- o Paint
- o Drain oil
- o Wash Solvent
- o Resin Solution
- o Flammable liquid
- o Methylene Chloride

WESTON

Mr. Robert J. Cappiello

-3-

3 June 1988

- o Polyester
- o Glycol ether acetate

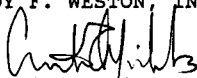
As you know, even though these drums have markings on them, their exact contents are unknown.

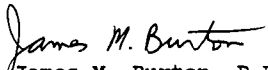
Per your request, for PRP search purposes, a copy of this letter has been forwarded to Mr. Steve Nye, EIS, Environmental Engineers, Inc., South Bend, IN.

Should you have any questions, or require any additional information concerning this matter, please contact us.

Very truly yours,

ROY F. WESTON, INC.


Curtis R. Michols
Associate Project Scientist


James M. Burton, P.E.
Project Manager

CRM/JMB/iec

cc: Mr. Steve Nye, EIS, Environmental Engineers, Inc.