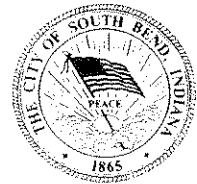


SBI-017

m e m o r a n d u m

Community & Economic Development



1200 County-City Building, 227 West Jefferson, South Bend, Indiana 46601-1830 ♦ Phone 219/235-9371 ♦ Fax 219/235-9021

To: George Plews and Jeff Featherstun

From: Ann Kolata *AK*

Subject: VRP Amendment

Date: March 28, 2005

Enclosed is a copy of the Amendment to the Voluntary Remediation Agreement for the Oliver Plow Works and Studebaker Properties. We just got the signed copy back from IDEM and are sending you a copy for your files.

cc: Cheryl Greene

Lance Turley



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We make Indiana a cleaner, healthier place to live.

Mitchell E. Daniels, Jr.
Governor

Thomas W. Easterly
Commissioner

RECEIVED

MAR 22 2005

100 North Senate Avenue
Indianapolis, Indiana 46204
(317) 232-8603
(800) 451-6027
www.IN.gov/idem

March 22, 2005

Mr. Andy Laurent
Economic Development Division
227 West Jefferson Boulevard, Suite 1200
South Bend, IN 46601

Re: Voluntary Remediation Agreement
Oliver Plow Works and Studebaker
Properties
South Bend, Indiana
VRP Sites #6001202, #6020803,
#6030903, and #6030904

Dear Mr. Laurent:

Please find enclosed a copy of the addendum to the Voluntary Remediation Agreement (VRA) for the Oliver Plow Works and Studebaker Properties in South Bend, Indiana. The VRA has been signed by the Deputy Assistant Commissioner of the Indiana Department of Environmental Management.

If an investigation report and/or remediation work plan report has been completed for the site according to IDEM Voluntary Remediation Program outlines, it may be submitted at this time. Please let me know if there are any other documents associated with your remediation that should also be included in our review. Please be advised that Section VII of the VRA requires that a Remediation Work Plan be submitted for review within 180 days of the execution date of the document.

If you have any questions please contact me at (317) 233-4623, (800) 451-6027, or by e-mail at rwilliam@dem.state.in.us.

Sincerely,

Ruth Williams, Project Manager
Voluntary Remediation Program
Office of Land Quality

ADDENDUM TO THE VOLUNTARY REMEDIATION AGREEMENT
Relating to Studebaker Properties and Oliver Plow Works

City of South Bend, Indiana)
Redevelopment Commission)
Applicant)
)
Voluntary Remediation of:)
Oliver Plow Works (Area "C"))
IDEM Project # 6001202)
)
Studebaker Properties (Area "A"))
IDEM Project # 6020803)
)
Studebaker Properties (Area "B"))
IDEM Project # 6030903)
)
Studebaker Property and Oliver)
Plow Works (Groundwater Site))
IDEM Project # 6030904)
)
South Bend, Indiana)
)
Proceeding under)
the Environmental)
Management Act)
(Ind. Code 13-25-5))

I. INTRODUCTION

1. On February 15, 2002, the Indiana Department of Environmental Management ("IDEM"), by its Commissioner ("Commissioner"), and the City of South Bend, Indiana Department of Redevelopment ("Applicant") entered into a Voluntary Remediation Agreement ("Agreement"), pursuant to Ind. Code § 13-25-5-8, for the purpose of remediating the release of hazardous substances or petroleum at a site located in Indiana as enumerated in the Agreement. This Addendum is made pursuant to paragraph 73 of the Agreement.

II. ADDITION OF NEW SITES

2. IDEM and the Applicant (together, the "Parties") agree to add to the Agreement the sites ("New Sites") listed in Attachment A to this Addendum. The New Sites shall be considered included in the definitions of "Site" or "Sites" as those terms are defined in paragraph 12 of the Agreement. The Parties agree that the Parties shall entitled to the privileges and responsible for the

performance of their duties as to the New Sites as outlined in the Agreement, this Addendum, and Title 13 of the Indiana Code.

III. EFFECTIVE DATE AND SUBSEQUENT MODIFICATION

3. The Effective Date of this Addendum shall be the date on which this Addendum is signed by the Assistant Commissioner of IDEM's Office of Land Quality or other appropriate designee of the Commissioner of IDEM. At that time, this Addendum shall be deemed incorporated into and made a part of the Agreement.

4. The Agreement may be further amended by mutual agreement of IDEM and the Applicant. Amendments shall be in writing and shall be effective when signed by the Commissioner of IDEM or his or her designee.

IV. ADMINISTRATIVE COSTS

5. All costs incurred under the Agreement, as modified by this Addendum, shall be billed to the Applicant referencing site number 6001202, even if costs are incurred with respect to sites other than site number 6001202 or if a Covenant Not To Sue has been issued for that site. Nothing in this provision expands the types of costs IDEM may recover under the Agreement.

IV. PRECEDENCE OF AGREEMENT

6. In the event that conflict arises among the terms and conditions of the Agreement or the approved Work Plan, the Agreement (as modified by this Addendum) shall govern and the terms and conditions hereunder shall determine the Parties' rights and responsibilities.

V. TERMINATION AND SATISFACTION

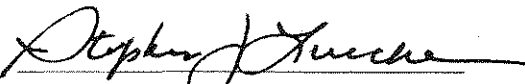
7. The provisions of the Agreement (as modified by this Addendum) shall be satisfied in accordance with Section XXV of the Agreement (Termination and Satisfaction) as to each Site, individually. The satisfaction of the requirements of the Agreement and Title 13 of the Indiana Code as to one Site shall result in the issuance of a Certificate of Completion for that Site, and the Agreement will continue to be effective for any remaining Site(s). The Agreement may be terminated by either of the Parties (as described in the Agreement) as the Agreement relates to one or more Sites, but the Agreement will continue to be effective for any remaining Site(s).


IN WITNESS WHEREOF, the following hereby execute this Addendum to the Voluntary Remediation Agreement:

For the Applicant:

City of South Bend
Applicant

Cheryl A. Greene, Assistant City Attorney
& Legal Counsel to South Bend Redevelopment
Attorney for the Applicant (please type) Commission

By: 
Stephen J. Luecke

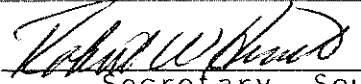
By: 
~~Maryia I. Jones, President~~
Karl G. King, Vice President

Title: Mayor, City of South Bend

Title: President, South Bend Redevelopment Commission

Date: February 18, 2005


Date: February 18, 2005

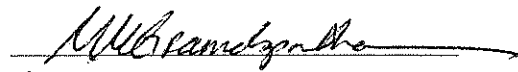
Attest: 
Secretary, South Bend
Redevelopment Commission

For the Indiana Department of Environmental Management:

TECHNICAL RECOMMENDATION:

APPROVED FOR LEGALITY AND FORM:

By: 
Richard Harris
Section Chief
Voluntary Remediation Program

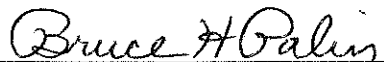
By: 
MEREDITH M. GRAMELSPACHER
Attorney
Office of Legal Counsel

Date: 3/15/05

Date: 3/4/05

Approved and adopted by the Indiana Department of Environmental Management

this 17TH day of MARCH, 2005.


Bruce H. Palin
Deputy Assistant Commissioner
Office of Land Quality

Attachment A
of the
Addendum to the Voluntary Remediation Agreement
Relating to Studebaker and Oliver Plow Works, South Bend

Site List

Existing Site

6001202: Oliver Plow Works (Area "C") (Soils and Subsurface soils only)

New Sites

6020803: Studebaker Properties (Area "A") (Soils and Subsurface soils only)

6030903: Studebaker Properties (Area "B") (Soils and Subsurface soils only)

6030904: Studebaker Properties (Areas "A" and "B") and Oliver Plow Works (Area "C")
(Groundwater only)