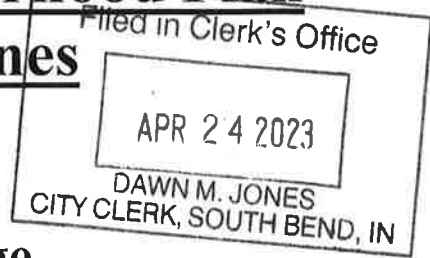


Near West Side Neighborhood Plan
Updated Timelines



133 Cherry St.
South Bend Range

1610, 1628 & 1636 Circle Ave.
Hurwich Iron Company Inc.

1510-1520 W. Washington St.
South Bend Redevelopment Commission

07-11-2022
City of South Bend Common Council
Community Investment Committee

On 07-11-2022 (postponed from 06-27-2022) the Community Investment Committee was scheduled to hear Bill No 22-31 Resolution approving and adopting NW Site Plans. Within that plan was the rezoning of 1510-1520 W. Washington St. from (I) Industrial to (NC) Neighborhood Center. If this plan and zoning are linked and approved it would in effect transfer oversight of 1510-1520 W. Washington St. parcels outside the approval process of the City Council.

Conclusion Statement on 07-11-2022

*This detailed timeline spans over 36 years and describes a clear lack of focus on an important area of the Near West Side Plan. The Plan contains scant information or clarification on the area involved. Before any action moves forward a detailed and complete understanding and status of the parcels must occur. IDEM results must be open and available to the public. The City Administration in conjunction with City Council oversight needs to provide a coordinated substantial effort to finally restore this part of the Near West side for successful future development. There is an **"urgency of need"** that simply must be both acknowledged and addressed.*

07-25-2022

South Bend City Council

Council Bill # 22-31

Council Resolution # 4967-22

City of South Bend's Common Council by a 7-0 vote Bill # 22-31 and Resolution # 4967-22 are approved by the City Council. **(Document #1)**

June-July 2022

West Side Neighborhood Plan

Circle Avenue CAD drawing (Document #2)

133 Cherry St. **South Bend Range**

08-02-2022 (133 Cherry St) South Bend Range

E-mail chain from Mr. Mark Espich, St. Joseph County Environmental Health Director to Mr. Ken McDaniel, IDEM Senior Environmental Manager on the serious status of 133 Cherry St. (South Bend Range). **(Document #3)**

09-21-2022

IDEM refers the site to the US EPA Region 5 for evaluation.

Week of 10-31-2022

US EPA enters the site to begin drum stabilization work.

Week of 12-12-2022

US EPA again returns to the site to collect samples of drum contents.

01-18-2023

Letter from US EPA relating status update on 133 Cherry St. **(Document #4)**

01/26/2023

IDEM letter to Mr. Kevin Turner US EPA ON-Scene Coordinator (133 Cherry St.)

IDEM letter to Mr. Kevin Turner attempts to bring a direction to clean-up at the 133 Cherry St. site. **(Document #5)**

03/23/2023

US EPA Overview of 133 Cherry St detailing history and current status.

Mr. Kevin Turner of the US EPA 14 page overview (actual work product is much larger) and adds additional information (some redacted and not subject to FOIA requests). **(Document #6)**

Hurwich Iron Company Inc.
1610, 1628 & 1636 Circle Ave.

12-06-2022 to 12-09-2022 and 12-12-2022

Heartland Environmental Associates takes 32 soil borings each to a maximum of 25 feet below ground surface

12-27-2022

The Indiana Secretary of State receives a Certificate of Organization for “**Circle Avenue Properties LLC**” and it is approved as a legal entity in the State of Indiana. **(Document #7)**

01-06-2023

Heartland Environmental Associates releases a Phase II assessment of 1610, 1628 & 1638 Circle Ave. prepared for Circle Avenue Properties LLC. **(Document #8)**

01-19-2023

The Indiana Secretary of State receives a request for articles of amendment certificate for “**Circle Avenue Properties LLC**” requesting its principal office address to be modified. **(Document #9)**

02-15-2023

Heartland Environmental Associates, on behalf of both HIC Investments LLC (Hurwich Iron) and Circle Avenue Properties LLC request a “comfort letter” from the Indiana Brownfields Program. **(Document #10)**

03-03-2023

IDEM sends a violation letter with detailed information attached. **(Document #11)**

03-06-2023

IDEM confirms receipt of “comfort letter request” with a 120 day turnaround timeline. **(Document #12)**

03-07-2023

IDEM issues a four page office memorandum giving an overview of the 01-06-2023 Phase II Environmental site assessment. **(Document #13)**

03-16-2023

IDEM again issues an office memorandum, this time three pages of overview of the 01-06-2023 Phase II testing. **(Document #14)**

03-02-2023

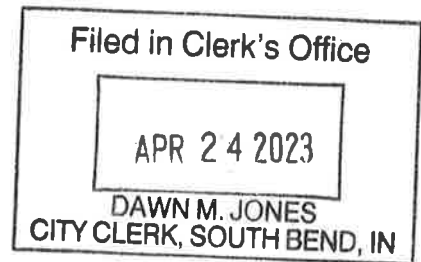
St. Joseph County Indiana General Warranty Deed

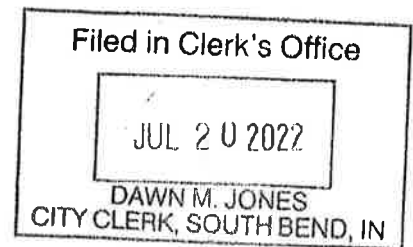
On 03-02-2023 a deed is filed transferring ownership of all HIC Investments LLC properties to Circle Avenue Properties LLC. The former Hurwich Iron site is now is under new ownership. **(Document #15)**

1510-1520 W. Washington St.
South Bend Redevelopment Commission

February-March 2023

MACOG under the direction of Ms. Leah Thill has overseen the physical Phase II testing and awaits final results on the vacant land listed as 1510-1520 W. Washington St. **(Document #16)**





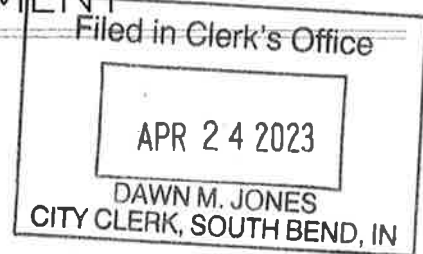
CITY OF SOUTH BEND

COMMUNITY INVESTMENT

1

July 19, 2022

Ms. Sharon McBride
President, South Bend Common Council
4th Floor County City Building
South Bend, IN 46601



Re: A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROVING AND ADOPTING THE NEAR WEST SIDE NEIGHBORHOOD PLAN

Dear President McBride:

Scheduled on the Common Council's agenda for July 25, 2022 is a resolution, approving and adopting the Near West Side Neighborhood Plan.

The Near West Side Neighborhood plan area is roughly bounded by Washington Street and LaSalle Avenue on the north, William Street on the east, and railroad tracks on the south and west. The City of South Bend developed this plan through a process that engaged residents, businesses, institutions, government agencies, and other neighborhood stakeholders.

The Near West Side Plan was approved and adopted by the South Bend Plan Commission on June 21, 2022. A representative from the Department of Community Investment will present at the Committee and full Council meetings.

Thanks for your consideration of this bill.

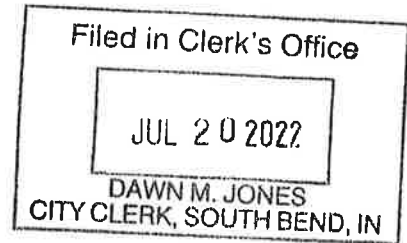
Sincerely,

Angela Rose
Senior Planner
Department of Community Investment

SUBSTITUTE BILL

Bill NO. 22-31

RESOLUTION NO. 4967-22



**A RESOLUTION OF THE COMMON COUNCIL
OF THE CITY OF SOUTH BEND, INDIANA,
APPROVING AND ADOPTING THE NEAR WEST SIDE NEIGHBORHOOD PLAN**

WHEREAS, the City of South Bend, Indiana, recognizes the need to improve and revitalize the Near West Side neighborhood through strategic planning; and

WHEREAS, in 2006, City Plan, the Comprehensive Plan for South Bend, was adopted by the Area Plan Commission of South Bend-St. Joseph County and the Common Council of the City of South Bend pursuant to the provisions of Indiana Code 36-7-4-500 *et. seq.* as a statement of policy for the land use development of the jurisdiction; and

WHEREAS, Policy LU 1.1 of City Plan is to “pursue the development of area-specific plans with broad community involvement” to provide strategic direction in the future growth and development of that area, and to achieve the City Plan Goal “to encourage sustainable growth that preserves and enhances the character of South Bend and ensures compatibility of land uses in the community”; and

WHEREAS, the City of South Bend, has undertaken the responsibility to prepare a plan for the Near West Side Neighborhood; and

WHEREAS, the Near West Side Neighborhood Plan is a strategic revitalization plan that was created with input from a variety of stakeholders, including residents and property owners, and area stakeholders and other organizations; and

WHEREAS, the Near West Side Neighborhood Plan contains revitalization strategies, detailed land use and zoning plans for the development of the area, and a strategic implementation matrix, all with public and private sector investment opportunities; and

WHEREAS, the South Bend Plan Commission has approved the Near West Side Neighborhood Plan by resolution, has certified it to Common Council of the City of South Bend, and has provided it with a favorable recommendation; and

WHEREAS, the Common Council of the City of South Bend, Indiana has the authority to amend a comprehensive plan if it finds the content to be appropriate and in the best interests of the community; and

WHEREAS, the Near West Side Neighborhood Plan, which is attached hereto and incorporated herein, contains all the elements necessary to strategically guide development in its specific area and is appropriate and in the best interest of South Bend and its citizens.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA AS FOLLOWS:

SECTION I: The Near West Side Neighborhood Plan, a true and complete copy of which is attached hereto and incorporated herein, shall be and hereby is approved.

SECTION II: The adoption of the Near West Side Neighborhood Plan amends City Plan, the Comprehensive Plan for South Bend, by providing further direction for the area of land within the boundaries of the Near West Side Neighborhood Plan.

SECTION III: That this Resolution shall be in full force and effect from and after its adoption by the Common Council.

Sharon L. McBride, Council President
South Bend Common Council

Attest:

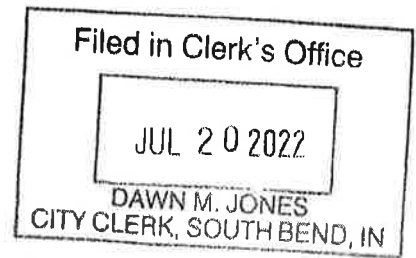
Dawn M. Jones, City Clerk
Office of the City Clerk

Presented by me, the undersigned Clerk of the City of South Bend, to the Mayor of the City of South Bend, Indiana on the _____ day of _____, 2022, at _____ o'clock ____ . m.

Dawn M. Jones, City Clerk
Office of the City Clerk

Approved and signed by me on the _____ day of _____, 2022, at ____ o'clock ____ .m.

James Mueller, Mayor
City of South Bend, Indiana



RESOLUTION NO. _____

**A RESOLUTION OF THE PLAN COMMISSION OF THE CITY OF SOUTH BEND, INDIANA,
APPROVING AND ADOPTING THE NEAR WEST SIDE NEIGHBORHOOD PLAN**

WHEREAS, the City of South Bend, Indiana, recognizes the need to improve and revitalize the Near West Side neighborhood through strategic planning; and

WHEREAS, the South Bend Plan Commission is empowered to prepare, approve, and certify a Comprehensive Plan for its area of jurisdiction by the provisions of Indiana Code, Section 36-7-4-500 *et. seq.* entitled "500 Series – Comprehensive Plan"; and

WHEREAS, in 2006, City Plan, the Comprehensive Plan for South Bend, was adopted by the Area Plan Commission of South Bend-St. Joseph County and the Common Council of the City of South Bend pursuant to the provisions of Indiana Code 36-7-4-500 *et. seq.* as a statement of policy for the land use development of the jurisdiction; and

WHEREAS, Policy LU 1.1 of City Plan is to pursue the development of area-specific plans; and

WHEREAS, the Near West Side Neighborhood Plan is a strategic revitalization plan that was created with input from a variety of stakeholders, including residents and property owners, and area businesses and other organizations; and

WHEREAS, the Near West Side Neighborhood Plan contains revitalization strategies, detailed land use and zoning plans for the development of the area, and a strategic implementation matrix, all with public and private sector investment opportunities; and

WHEREAS, the South Bend Plan Commission and the legislative body in preparing and considering land use proposals, are tasked under Indiana Code 36-7-4-603 to pay reasonable regard to: (1) the comprehensive plan; (2) current conditions and the character of current structures and uses in each district; (3) the most desirable use for which the land in each district is adapted; (4) the conservation of property values throughout the jurisdiction; and (5) responsible development and growth; and

WHEREAS, the South Bend Plan Commission has reviewed the land use development and potential future development of the Near West Side Neighborhood as defined by the Near West Side Neighborhood Plan.

NOW, THEREFORE, BE IT RESOLVED by the South Bend Plan Commission as follows:

1. That the Near West Side Neighborhood Plan, which is attached to and made a part of this Resolution, is approved as the land use policy for the future land use development of the area considered and is submitted to the South Bend Common Council for their consideration and action.
2. That the Near West Side Neighborhood Plan conforms to the plan of development for the City.
3. That the Near West Side Neighborhood Plan is in all respects approved, certified, ratified and confirmed.
4. That the Secretary of the Plan Commission is hereby directed to file a copy of the Plan with the minutes of this public meeting.
5. That this Resolution shall be in full force and effect from and after its adoption by the South Bend Plan Commission.

Passed by the South Bend Plan Commission this _____ day of _____, 2022.

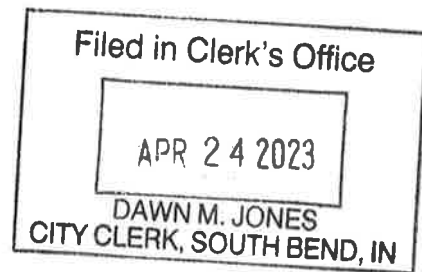


Scott Ford, President
South Bend Plan Commission

ATTEST:



Angela M. Smith
Secretary
South Bend Plan Commission



#2

Image to Come

Filed in Clerk's Office

APR 24 2023

DAWN M. JONES
CITY CLERK, SOUTH BEND, IN



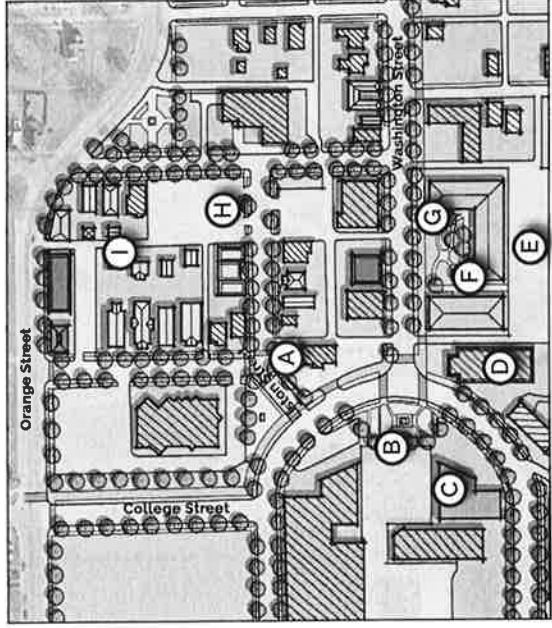
Washington Street, looking west from Birdsell Street.

Circle Avenue redevelopment concept, looking northeast.

Circle Avenue Area | Sites 1, 2, 3

The Circle Avenue area can be transformed to serve the needs of residents, neighborhood-scale retail development, apartment buildings of 2-3 stories, and green space can fill the large vacant lot along Washington Street. Smaller residential dwellings can fill other vacant parcels to the north. Circle Avenue can be redesigned to calm traffic, better support pedestrian use, and provide access to industrial areas to the west. A monument or other cultural placemaking element could be placed at the intersection of Circle Avenue and Washington Street to terminate the view of Washington Street.

- A** Realign Liston Street with Circle Avenue
- B** Placemaking opportunity
- C** New industrial infill / expansion
- D** Retail space
- E** Parking in rear
- F** Apartment buildings
- G** Park / open space
- H** Parking screened from street
- I** Low-density residential infill



Circle Avenue and 1500 Block of Washington Street concept.

Draft
June 1, 2022

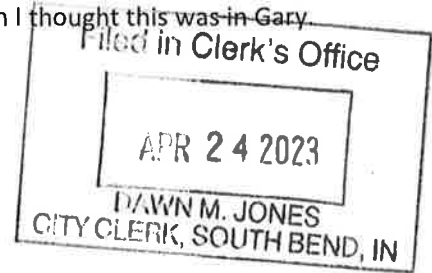
#3

2nd of 2 emails. More intel on South Bend site. I apologize for some reason I thought this was in Gary.

Paul Ruesch

Acting Section Supervisor, ERS #4

312-919-4382



From: GROVES, RYAN <RGROVES@idem.IN.gov>

Sent: Wednesday, September 21, 2022 3:09 PM

To: Ruesch, Paul <ruesch.paul@epa.gov>

Subject: FW: August 2, 2022 - South Bend Range - Scorpio Properties - 133 Cherry St

Importance: High

See attached from the St. Joseph County HD.....

From: McDaniel, Ken <KMCDANIE@idem.IN.gov>

Sent: Tuesday, September 20, 2022 2:22 PM

To: GROVES, RYAN <RGROVES@idem.IN.gov>

Cc: Mark Espich <mespich@sjcindiana.com>

Subject: FW: August 2, 2022 - South Bend Range - Scorpio Properties - 133 Cherry St

Importance: High

Mark:

I am sharing this with my section chief, Ryan Groves. The situation looks extremely serious if one of the drums actually does contain Cyanide. I am going to walk down and ask how he wants to handle this. I am not sure if it would be me or someone else.

From: Mark Espich <MEspich@sjcindiana.com>

Sent: Tuesday, September 20, 2022 2:11 PM

To: McDaniel, Ken <KMCDANIE@idem.IN.gov>

Subject: August 2, 2022 - South Bend Range - Scorpio Properties - 133 Cherry St

**** This is an EXTERNAL email. Exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email. ****

Ken

The attached docs contain photos from August 2. We were able to locate the drum pile just south of the main building (see photos), but the other drum pile on the south end of the property could not be accessed due to an enormous amount of solid waste piled up. I'll send photos from the August 16th inspection in a separate email.

Mark Espich

Environmental Health Director

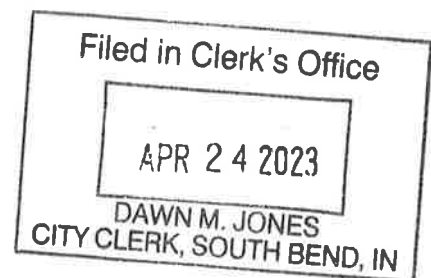
St. Joseph County Department of Health

227 West Jefferson Blvd.

County-City Bldg., 9th floor

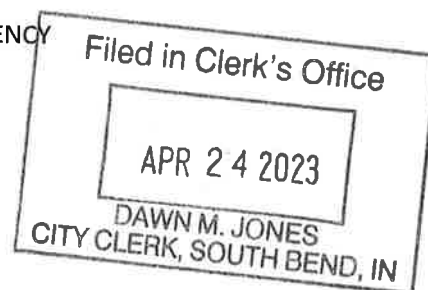
South Bend, Indiana 46601

574-245-6762 Fax: 574-235-9497



#4

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Region 5
77 West Jackson Blvd
Chicago, IL 60604



Jessica Huxhold Fliss
Section Chief Federal Programs
Remediation Services Branch – Office of Land Quality
Indiana Department of Environmental Management

Re: South Bend Range Site – State ARARs
Sent on 01/18/23 via email

Jessica,

On September 21, 2022, the Indiana Department of Environmental Management (IDEM) contacted the U.S. EPA Removal Program via Ryan Groves and Ken McDaniel about several abandoned drums at the former South Bend Range facility. In addition, Ken McDaniel (IDEM) and Mark Espich, Environmental Health Director, St. Joseph County Department of Health surveyed the site and identified two separate drum piles outside the building that contained many unidentifiable drums. One drum inside the building was identified to contain Isocyanate. In the presence of water, isocyanate reacts exothermically to release toxic gases.

In the fall of 2022, the U.S. EPA visited the former facility to identify, stabilize and sample all the drums found on-site. The stabilization and sampling were done to identify and prepare the drums for off-site disposal. A total of 76 drums and 50 small containers were first assembled. Following hazardous characterization many of the drums and most of the small containers were consolidated. Waste streams identified included acids (high pH), bases (low pH), oils, contaminated waters, pesticides, high flash points, corrosives, and heavy metals. In addition, several unlabeled bags of asbestos pipe wrap were discovered within the building

I am currently drafting an Action Memorandum to document site conditions and secure the necessary funding to ensure proper off-site disposal of all identified wastes. I expect proper disposal to happen in the spring 2023.

Please identify and send me Indiana State ARARs that might be applicable for the disposal of the wastes listed above.

Thank you for your time and please contact me if you need any additional information.

Kevin Turner
U.S. EPA – OSC
(618) 525-3665 (cell)

See below for potential ER referral from IDEM. I'm thinking maybe we send Primary out there tomorrow to take a look w/ IDEM & the City to figure out the best course of action.

This is the first of 2 emails.

Paul Ruesch

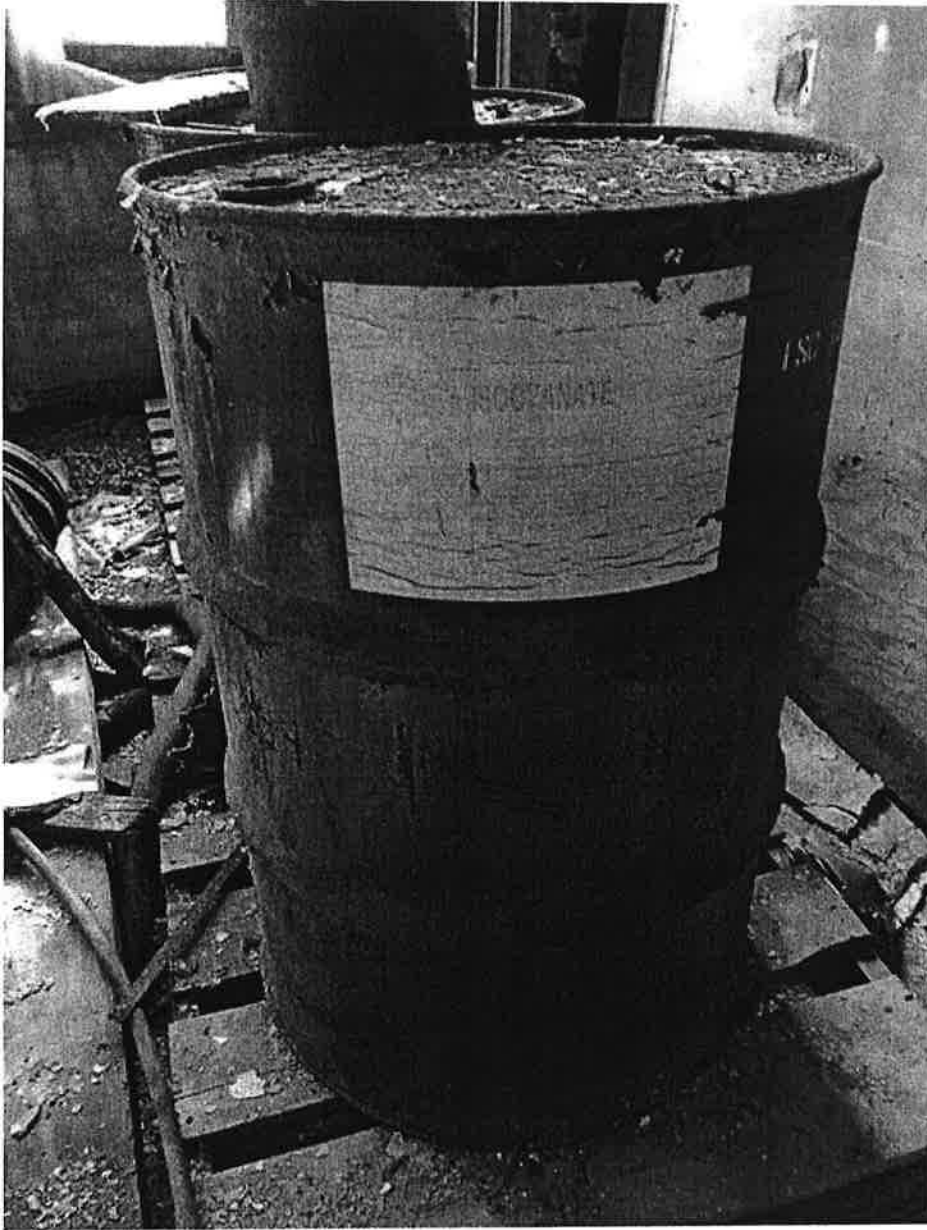
Acting Section Supervisor, ERS #4

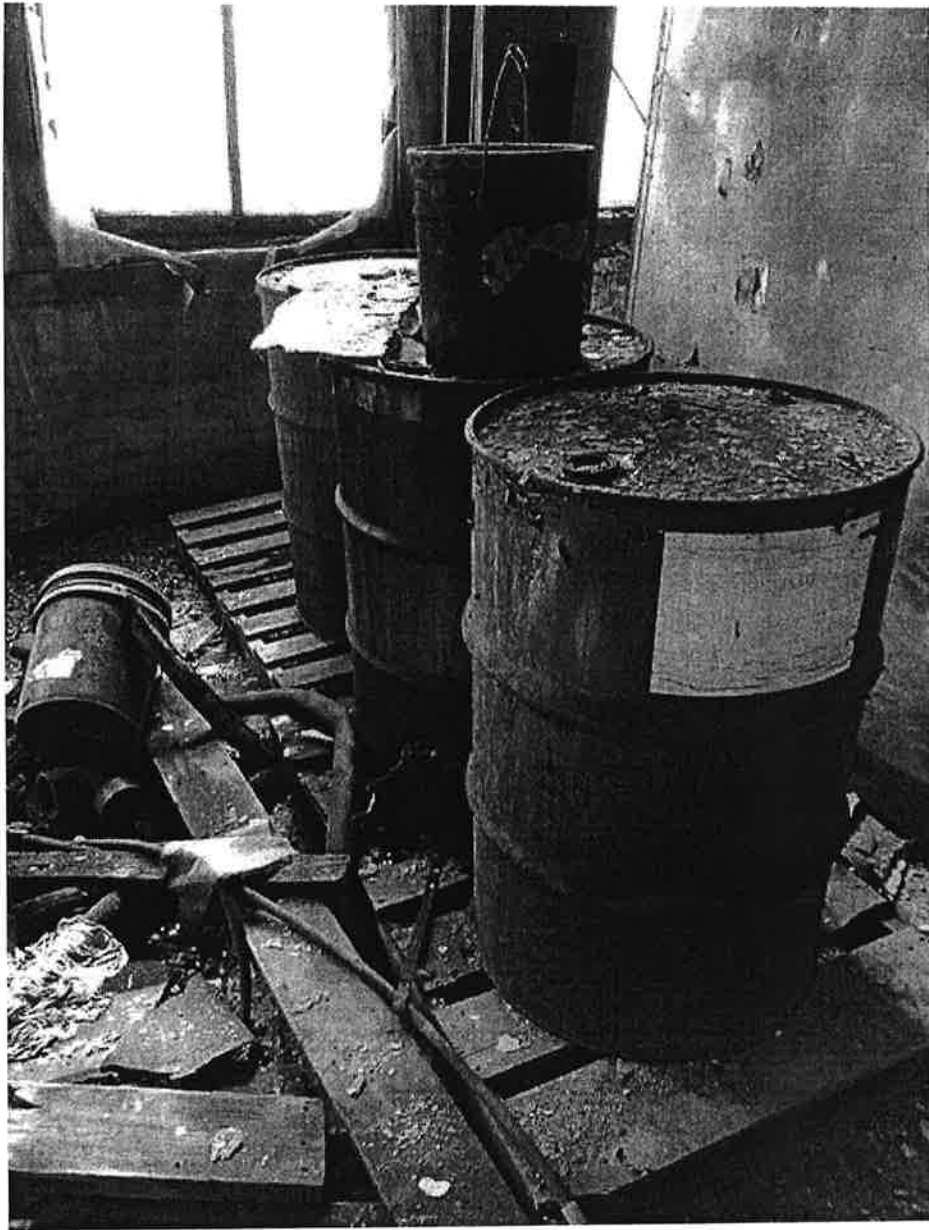
312-919-4382

From: GROVES, RYAN <RGROVES@idem.IN.gov>
Sent: Wednesday, September 21, 2022 3:07 PM
To: Ruesch, Paul <ruesch.paul@epa.gov>
Cc: KMCDANIE <KMCDANIE@idem.IN.gov>
Subject: FW: South Bend Range

Paul, see pictures below from Ken McDaniel's site walk with South Bend this morning. I'll also send the pictures from South Bend. The isocyanate drum is full and the conditions of the building are pretty bad. Residential surrounds the site. The address is 133 Cherry Street, South Bend. Let me know on taking this as an emergency removal referral to stabilize the drums and site. Thanks!

From: McDaniel, Ken <KMCDANIE@idem.IN.gov>
Sent: Wednesday, September 21, 2022 1:02 PM
To: GROVES, RYAN <RGROVES@idem.IN.gov>
Subject: South Bend Range











Sent from my iPhone

Filed in Clerk's Office
APR 24 2023
DAWN M. JONES
CITY CLERK, SOUTH BEND, IN



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We Protect Hoosiers and Our Environment.

100 N. Senate Avenue • Indianapolis, IN 46204

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

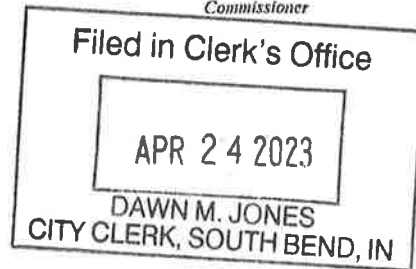
Eric J. Holcomb
Governor

Brian C. Rockensuess
Commissioner

#5

January 26, 2023

Mr. Kevin Turner
On-Scene Coordinator
US EPA, Region 5
77 W. Jackson Blvd.
Chicago, Illinois 60604



Re: Applicable or Relevant and Appropriate Requirements (ARARs),
South Bend Range Site, St. Joseph County, Indiana

Dear Mr. Turner:

In accordance with your request dated January 18, 2023, Indiana Department of Environmental Management (IDEM) staff have determined the State's ARARs for the upcoming time-critical removal action at the former South Bend Range Site located in St. Joseph County, Indiana based on the following potential activities to be performed:

- Consolidate and package hazardous substances, pollutants and contaminants for transportation and off-site disposal.

IDEM staff recognize this includes only potential activities, and that the site may require additional activities to complete an action that is protective of human health and the environment. The following is a list of ARARs identified by IDEM as pertinent to the aforementioned removal action activities proposed by U.S. EPA:

Action Specific:

1. Pursuant to 326 Indiana Administrative Code (IAC) 6-4-2(4), visible fugitive dust must not cross an adjacent property line.
2. Pursuant to 326 IAC 6-4-4, any vehicle driven on any public right of way must not allow its contents to escape and form fugitive dust.
3. 327 IAC 2-11-1 through 327 IAC 2-11-9 maintains and protects the quality of Indiana's groundwater. For example, no person shall cause the groundwater in a drinking water supply well (327 IAC 2-11-2(e)) or nondrinking water supply well (327 IAC 2-11-2(f)) to have contaminant concentrations that render the well unusable for its current use.
4. 326 IAC 14-10, Emission Standards for Asbestos; Demolition and Renovation Operations.
5. 326 IAC 18-1, Asbestos Management Personnel; Licensing.

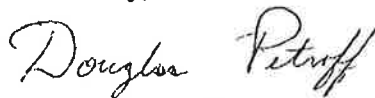
Chemical Specific:

1. 329 IAC 3.1 regulates the management of hazardous wastes. Indiana rule 329 IAC 3.1-1-1 adopts RCRA regulations of 40 CFR 260 through 40 CFR 270. More specifically:
 - 40 CFR 262.11 (329 IAC 3.1-6) requires that a proper hazardous waste determination must be made on all wastes generated from removal actions.
 - All hazardous waste must be properly packaged, with labels, markings and placards, prior to transport (40 CFR 262.30, 262.31, 262.32, and 262.33) (329 IAC 3.1-7 and 329 IAC 3.1-8).
 - Hazardous waste stored onsite in containers for 90 days or less shall be managed in accordance with the standards of 40 CFR 265, Subpart I (329 IAC 3.1-10). Hazardous waste stored onsite in containers for greater than 90 days shall be managed in accordance with 40 CFR 264, Subpart I (329 IAC 3.1-9).
 - 40 CFR 261, Subpart B requires that hazardous waste must be manifested as such for transport to a permitted treatment, storage, or disposal facility (TSDF) in accordance with 40 CFR 262, Subpart B (329 IAC 3.1-7 and 329 IAC 3.1-8).
 - For all hazardous waste related equipment, remove or decontaminate all hazardous waste residues, contaminated containment components, contaminated soils, and structures and equipment contaminated with waste, and manage them as hazardous waste unless 40 CFR 261.3(d) applies.
 - 40 CFR 265, Subpart I, Hazardous waste in containers shall be managed in accordance with the standards in this section.

2. 329 IAC 10 regulates the management of solid wastes.
 - 329 IAC 10-7.2-1 requires all wastes to undergo a waste determination, and if found to be nonhazardous, be disposed of in a permitted solid waste disposal facility.

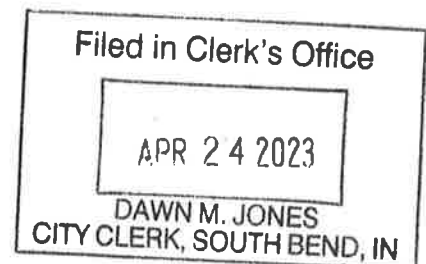
Thank you for the opportunity to provide the State's ARARs. If you have any questions, or wish to discuss this matter further, please contact me at your convenience at (317) 234-5628.

Sincerely,



Douglas Petroff
Senior Environmental Manager
Federal Programs Section
Office of Land Quality

cc: Jessica Fliss, IDEM

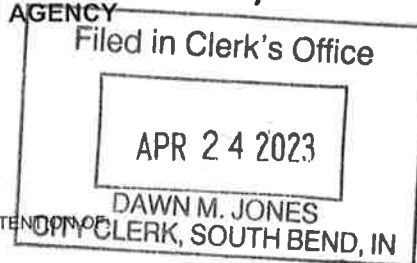




UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
 REGION 5
 77 WEST JACKSON BOULEVARD
 CHICAGO, IL 60604-3590

March 23, 2023

REPLY TO THE ATTENTION OF
 S-6J



MEMORANDUM

SUBJECT: ACTION MEMORANDUM - Request for Approval and Funding for a Time - Critical Removal Action at the South Bend Range Site, South Bend, St. Joseph County, Indiana (Site ID # C5XA)

FROM: Kevin Turner, On-Scene Coordinator (OSC)
 Emergency Response Branch 2/Emergency Response Section 3

THRU: Samuel Borries, Manager
 Emergency Response Branch 2

TO: Douglas Ballotti, Director
 Superfund & Emergency Management Division

I. PURPOSE

The purpose of this Action Memorandum is to confirm verbal approvals for emergency expenditures and to seek approval of an additional expenditure for mitigation of threats to public health, welfare, and the environment at the South Bend Range Site ("Site"), in South Bend, St. Joseph County, Indiana (Figure 1). In September 2022 the Emergency Response Branch 2 Manager, verbally approved a \$50,000 emergency expenditure to perform site stabilization and drum sampling. This Action Memorandum requests and seeks your approval to expend up to an additional \$344,168, for a total of \$394,168, to complete this time-critical removal action proposed herein. This response action is necessary to mitigate threats to public health, welfare, and the environment posed by the release of uncontrolled hazardous substances at the Site. There are no nationally significant or precedent-setting issues associated with the proposed response at this non-National Priority List (NPL) site.

The time-critical removal action proposed in this Action Memorandum generally includes:

- Staging, fully characterizing, shipping and off-site disposal of the small containers, drums and drum contents found on-site;
- Fully characterizing the extent of the asbestos found on-site, including bagged asbestos and unsecured pipe wrap and transite. Removing and properly disposing of all known asbestos;

- Characterizing, removing and properly disposing of the surface soils where the drums and small containers were located; and
- Restoring the Site, as necessary.

This Action Memorandum serves as approval for expenditures by the U. S. Environmental Protection Agency (EPA), as the lead technical agency, to take the actions described herein to abate the imminent and substantial endangerment posed by the hazardous substances at the Site. The proposed removal of the hazardous substances will be taken pursuant to Section 104(a)(1) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S. Code (U.S.C.) § 9604(a)(1), and Section 300.415 of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 40 Code of Federal Regulations (C.F.R.) § 300.415.

The response actions described in this Action Memorandum will require an estimated 15 on-site working days to complete.

II. SITE CONDITIONS AND BACKGROUND

Site ID: C5XA

CERCLIS ID: INN000521871

Category: Emergency/Time Critical Removal Action

Site Location: 133 Cherry Street, South Bend, St. Joseph County, Indiana 46601

A. Site Description

The South Bend Range Site is a former manufacturing facility that made cooking stoves for residential and commercial use. The facility is abandoned and contains dozens of unlabeled and unsecured drums in very poor condition. The facility has not been in operation for over 40 years, but recent collapsing of a portion of the building onto drums prompted the Indiana Department of Environmental Management (IDEM) and St. Joseph County Health Department to request that EPA perform an emergency stabilization of the drums on-site.

One drum of concern is labeled diisocyanate, a combustible and toxic chemical with the potential to be fatal if inhaled. The Site contains several other unlabeled and unsecured drums in poor condition that contain CERCLA hazardous substances, Resource Conservation and Recovery Act (RCRA) hazardous waste constituents, and/or pollutants or contaminants that threaten exposure to human health and the environment. Additionally, there are approximately 15 to 20 garbage bags of discarded asbestos pipe-wrap within the building.

In September and October 2022, an EPA Region 5 On-Scene Coordinator (OSC) responded with the St. Joseph Health Department to assess the Site. It was determined that there is a potential for a release of hazardous waste, and/or pollutants or contaminants that may threaten exposure to human health and the environment. In October 2022, the OSC elected to activate START and ERRS contractors to immediately stabilize the drums and mitigate the threat.

1. Removal Site Evaluation

On September 21, 2022, the Site was referred to EPA Region 5 by IDEM. A federal OSC conducted an initial Site visit in September 2022 and found a drum of diisocyanate in the facility and an unknown number of drums buried under debris piles throughout the facility. It was documented that this abandoned facility is in a residential neighborhood.

Drum stabilization took place during the week of October 31st. These activities included air monitoring for worker safety using a MultiRAE Pro for VOCs, LEL, H₂S, CO and O₂ levels in the air. An SPM Flex gas detector equipped with a diisocyanate tape was also used. All air monitoring readings were below site screening levels and equivalent to background in the work zones.

With the use of a mini-excavator and a skid steer, debris piles were removed from the southern portion of the Site to uncover drums. A total of 76 drums with contents were discovered, all of them in very poor condition. Several were missing bungs or completely missing the drum tops, others rusted with holes and small leaks. Severely compromised drums were immediately placed into an overpack container. Approximately 50 other chemical containers ranging in size from 1 liter to 5 gallons were found throughout the facility. The drums and containers were inventoried, screened, and staged in rows for future sampling.

EPA also identified approximately 15 to 20 garbage bags of discarded asbestos pipe-wrap within the building. Six samples were collected, analyzed, and confirmed by St. Joseph County Health Department to contain friable asbestos containing material (ACM) (26% Chrysotile).

During the week of December 12th, EPA, START, and ERRS remobilized to the Site to collect samples for hazard characterization, compatibility testing, and laboratory analysis. Samples were also field analyzed with the use of the HazMat ID Elite portable chemical identifier. Hazard characterization identified several drums or containers that met the characteristics of RCRA P, F, and U listed hazardous wastes (Table 1). A total of 13 drums or containers had a pH between 0-2 standard units (S.U.) and 6 containers had a pH at 13 S.U. or above. These containers exhibited the corrosivity characteristic as specified in 40 CFR § 261.22, whereby pH ≤2.0 S.U. or ≥12.5 S.U. is considered corrosive. A total of 2 drums exhibited a flash point below the limit specified in 40 CFR § 261.21, whereby a liquid material with a flash point lower than 140 °F is considered ignitable. Based on field analysis with the HazMat ID Elite, 11 drums or containers contain chemicals listed on the 40 CFR § 302.4 List of Hazardous Substances, including:

- Ethylene Glycol
- Ammonium Acetate (2)
- Sodium Cyanide (2) (P106)
- Nitric Acid
- Toluene 2,4-diisocyanate (U223)
- Ammonium Benzoate
- Sodium Arsenate
- Formic Acid (U123)

- Sulfuric Acid

Hazard Characterization Summary Table

	Container #	Flash Point or pH	HazMat ID
Ignitability D001	2	<140°F	Kerosene
	44	<140°F	1-hexanethiol
Corrosivity D002 Bases	4	14	Magnesium Carbonate
	12	13	<i>No Matches</i>
	13	13	Ammonium Acetate
	16	14	Ammonium Acetate
	P6	14	Sodium Carbonate
	P16	13	Ammonium Iodide
Corrosivity D002 Acids	14	2	Water
	47	1	Water
	48	1	1,2-diethylhydrazine dihydrochloride
	51	2	Water
	52	2	Water
	55	1	Water
	56	1	Water
	57	1	Water
	58	1	Water
	59	1	Water
	60	2	Ammonium Benzoate
	66	2	1-methylcyanidehydrochloride
	68	2	Light mineral oil

Results from hazard characterization were used to categorize drums and containers into 7 different waste streams for disposal. An eighth waste stream was created for the disposal of contaminated soil scrapings and debris found around the drums and containers. Composite samples of the 8 waste streams were submitted to a lab for analysis. Analytical results from the composite samples for waste characterization demonstrated characteristics of a hazardous waste (AR#3, and summary table below). Samples “Acid Liquids” and “Basic Liquids” had a pH ≤ 2.0 S.U. and ≥ 12.5 S.U., respectively, thereby categorizing them as hazardous waste in accordance with the corrosivity characteristic specified in 40 C.F.R. § 261.22.

Samples analyzed for VOCs and Semi Volatile Organic Compounds (SVOCs) were compared to the Regional Removal Management Levels (RMLs) for each chemical constituent. Analytical results of sample “Oil Liquids” found that two SVOCs, 1,1'-Biphenyl and Naphthalene, exceeded their respective RMLs in residential soil. The “Oil Sludge” sample also indicated the presence of diesel range organic compounds.

Following the completion of sampling and documentation, the containers were covered with a polyethylene plastic sheeting and left at the rear of the Site.

2. Physical location

The Site is located at 133 Cherry Street, South Bend, St. Joseph County, Indiana. The geographical coordinates are 41.674514, -86.272610. Figure 1 shows the Site location and Figure 2 shows the Site layout. The Site is in an industrial and residential area on the western side of South Bend. To the Site's north are dense woods followed by residential buildings, to the east are residential properties, to the south is an active Amtrak and freight railroad line, and an operating manufacturing company, and to the west is a decommissioned railroad spur and an abandoned former metal smelting factory. Approximately 2,653 people live in a half mile radius of the Site. (Attachment I).

An Environmental Justice (EJ) analysis for the Site was conducted (Attachment I). Screening of the surrounding area used Region 5's EJ Screen Tool (which applies the interim version of the national EJ Strategic Enforcement Assessment Tool (EJSEAT)). Region 5 has reviewed environmental and demographic data for the area surrounding the Site and determined that there is a high potential for EJ concerns at this location.

3. Site Characteristics

The roof of the southern half of the former facility is caved in, making a courtyard area full of debris and overgrown trees. The remainder of the facility is full of debris, abandoned containers, and drums. The facility contains structurally unsound features, including large holes in each floor. Drums are scattered around the Site on all floors of the facility as well as across the southern yard and beneath debris from the caved-in portion of the facility. The Site is unsecured and there are numerous signs of trespass, including graffiti and garbage.

In total, the Site contained 76 drums (55-gallon) with contents and approximately 50 small containers (1-liter to 5-gallons). An additional estimated 70 empty drums were also found under debris piles. All the drums were in very poor condition; several were missing bungs or completely missing the drum tops, others rusted with holes and small leaks. Most drums were unlabeled. Drums with labels included diisocyanate, methyl ethyl ketone, and muriatic acid, all of which are listed as CERCLA hazardous substances. Based on field hazard characterization some of the drums and small containers contained chemicals considered oxidizers, flammables, acids, bases, and oils (Table 1). A description of each drum, including any labels, can be found in Table 1. Photos of the drums and containers can be found in the Administrative Record (AR#2). Drums with compromised tops may have collected rainwater. This rainwater could have negatively affected the hazardous characterization flammability test and the results of the HazMat ID.

4. Release or threatened release into the environment of a hazardous substance, or pollutant or contaminant

A release or threat of release of hazardous substances, pollutants, or contaminants is present at the Site. As documented in Section II.A.1, wastes exhibiting ignitability and corrosivity characteristics as defined in 40 C.F.R. § 261.21 and 40 C.F.R. § 261.22 are present on-site.

During the emergency stabilization, EPA conducted an inventory of the drums found on-site and found 76 drums (55-gallon) and approximately 50 small containers (1-liter to 5-gallons). The dilapidated building is severely compromised. The collapsed roof in the southern portion of the Site allowed at least 70 of the drums to be completely exposed to weather. Holes in the roof of the remaining structure have allowed rainwater to penetrate all three floors, causing further degradation of the remaining drums, small containers, and ACM stored inside. The Site has remained largely unsecured and is subject to frequent trespassing and vandalism. Trespassing individuals are exposed to the asbestos debris and chemicals and can potentially transport the hazardous substances or pollutants or contaminants outside of the Site.

5. NPL status

This Site is not on the NPL and has not been proposed for listing at this time.

6. Maps, pictures, and other graphic representations

Figures:

Figure 1: Site Location Map

Figure 2: Site Layout Map

Figure 3: Photo Log

Tables:

Table 1: Hazard Characterization Table for Drums and Containers

B. Other Actions to Date

1. Previous actions

No prior removal or remedial actions have been conducted at the Site. Assessment work conducted at the Site was documented in Section II.A.

2. Current actions

The drums and small containers have been stabilized, staged, and sampled and are ready for proper off-site disposal. IDEM and St. Joseph County are not currently contemplating any actions on the Site.

C. State and Local Authorities' Roles

1. State and local actions to date

Prior to requesting support from EPA, St. Joseph County Department of Health and IDEM visited to the Site. IDEM determined it was beyond their capabilities to address the hazards and requested support from EPA.

2. Potential for continued state/local response

On September 21, 2022, IDEM sent an e-mail to EPA requesting assistance in conducting a potential emergency response/time-critical removal action at the Site.

III. THREATS TO PUBLIC HEALTH, WELFARE, OR THE ENVIRONMENT, AND STATUTORY AND REGULATORY AUTHORITIES

EPA's assessment indicated that conditions at the Site present an imminent and substantial threat to the public health, or welfare, and the environment and met the criteria for an emergency removal action as provided for in the NCP, 40 C.F.R. § 300.415(b)(1), based on the factors in 40 C.F.R. § 300.415(b)(2). These factors include, but are not limited to, the following:

§ 300.415(b)(2)(i) - Actual or potential exposure to nearby human populations, animals, or the food chain from hazardous substances or pollutants or contaminants

A release or threat of release of hazardous substances, pollutants, or contaminants was present at the Site. As documented in Section II.A.1, hazardous substances exhibiting the ignitability and corrosivity characteristics as defined in 40 C.F.R. § 261.21 and 40 C.F.R. § 261.22 were present on site.

These hazardous wastes represented a potential exposure threat to nearby human populations. Possible exposure routes for hazardous substances included dermal contact with material in containers, or from leaking and spillage of hazardous substances onto the ground or other surfaces; incidental ingestion of material following dermal contact; inhalation of volatile materials in open containers; and inhalation of toxic vapors released into the air via fire. Potential human receptors included nearby pedestrians, trespassers, emergency response workers, and nearby residents. Approximately 2,653 people live in a half mile radius of the Site (Attachment I).

§ 300.415(b)(2)(iii) - Hazardous substances or pollutants or contaminants in drums, barrels, tanks, or other bulk storage containers, that may pose a threat of release

As documented in Section II.A.1, materials that exhibited ignitability and corrosivity characteristics as defined in 40 C.F.R. § 261.21 and 40 C.F.R. § 261.22 were present on site in drums and small containers.

During the emergency stabilization, EPA conducted an inventory of the Site and found 76 (55-gallon) drums and approximately 50 small containers (1-liter to 5-gallons). The building integrity on the Site is severely compromised. The collapsed roof in the southern portion of the Site caused 70 of the drums to be completely exposed to weather. Weathering in the roof of the remaining structure and in its floor have allowed rainwater to penetrate all three floors, causing further degradation of the remaining drums and 50 small containers stored inside. All the drums were in very poor condition, several were missing bungs or completely missing the drum tops, others rusted with holes and small leaks. The Site has remained largely unsecured and is subject to frequent trespassing and vandalism. Trespassing individuals are exposed to the asbestos debris and chemicals and can potentially transport the hazardous materials and

pollutants/contaminants outside of the Site.

§ 300.415(b)(2)(v) – Weather conditions that may cause hazardous substances or pollutants or contaminants to migrate or be released

St. Joseph County averages 40 inches of rain, compared to a national average of 38.1, and 63 inches of snow, compared to a national average 27.8, per year. The collapsed roof in the southern portion of the Site has left the drums stored there completely exposed to weather. Several of the drums were missing bungs or completely missing drum tops, allowing rainwater to collect in the drums and overflow. Holes in the roof of the remaining structure have allowed rainwater to weather and penetrate all three floors, causing further degradation of the remaining drums, small containers, and friable asbestos stored inside.

§ 300.415(b)(2)(vi) - Threat of fire or explosion

Safety data sheets for diisocyanate identifies that the drum poses a threat as a combustible liquid. Additionally, during field hazard categorization, 2 other drums were categorized as flammable with flash points lower than 140°F. These flammable substances posed a threat of fire or explosion. The Site is adjacent to a residential area with approximately 2,653 people living within a half-mile radius of the Site (Attachment I). If a fire were to occur at the Site, contaminants could become airborne and affect the nearby population and responders.

§ 300.415(b)(2)(vii) - The availability of other appropriate federal or state response mechanisms to respond to the release

IDEM referred the Site to EPA in September 2022. There are no other federal or state response mechanisms available to address the threats posed by the Site. Based on currently available information, the current property owner, the City of South Bend, and the State of Indiana do not have the funds or resources to address the conditions at the Site.

IV. ENDANGERMENT DETERMINATION

Given the Site conditions, the nature of the known and suspected hazardous substances at the Site, and the potential exposure pathways described in Sections II and III above, actual or threatened releases of hazardous substances from the Site, if not addressed by implementing the response actions selected in this Action Memorandum, may have presented an imminent and substantial endangerment to public health, welfare, or the environment.

V. EMERGENCY AND PROPOSED ACTIONS AND ESTIMATED COSTS

A. Emergency and Proposed Actions

1. Emergency and proposed action description

The response actions described in this Memorandum directly address actual or potential releases of hazardous waste on Site, which may pose an imminent and substantial endangerment to public

health, or welfare, or the environment. The OSC will take the following actions to mitigate threats posed by the presence of hazardous waste and hazardous substances at the Site:

- 1) Developing and implementing a Site Health and Safety Plan, including an air monitoring plan and a Site Contingency Plan (as necessary).
- 2) Inventory, sample and perform hazardous characterization, in compliance with a Site-specific QA/QC Plan, on all substances contained in drums and/or other small containers (completed)
- 3) Fully characterize the extent of all Listed Waste including P, D, F and U listed hazardous waste found on-site (completed)
- 4) Delineate the extent of all hazardous waste, pollutants, and contaminants including asbestos and solid waste materials found on-site. (completed)
- 5) Fully characterize the extent of contaminated solid waste and debris. (completed)
- 6) Consolidate and package all hazardous substances, pollutants and contaminants for transportation and off-site disposal including drums, small containers, contaminated soils and debris and asbestos. (pending)
- 7) Transport and dispose of all characterized or identified hazardous substances, pollutants, wastes or contaminants to a CERCLA approved disposal facility in accordance with EPA'S Off-site rule (40 CFR § 300.440) (pending)
- 8) Take any other response actions to address any release or threatened release of a hazardous substance, pollutant, or contaminant that the EPA OSC determines may pose an imminent and substantial endangerment to public health or the environment.

These response actions do not impose a burden on the affected property disproportionate to the conditions addressed.

The removal action will be conducted in a manner not inconsistent with the NCP. The threats posed by the known contamination meet the criteria listed in Section 300.415(b)(2) of the NCP and the response actions proposed herein are consistent with any required long-term remedial actions. However, elimination of hazardous substances, pollutants and contaminants and solid wastes that pose a substantial threat of release is likely to reduce or eliminate the need for any long-term remedial actions. Moreover, elimination of hazardous substances, pollutants and contaminants and solid wastes that pose a substantial threat of release should greatly minimize requirements for substantial post-removal Site controls and are consistent with the provisions of Section 300.415(l) of the NCP.

Off-Site Rule

All hazardous substances, pollutants, or contaminants removed off-site pursuant to this removal action for treatment, storage, and disposal were or will be treated, stored, or disposed of at a CERCLA-approved disposal facility in compliance with the EPA's Off-Site Rule, 40 C.F.R. § 300.440.

2. Contribution to remedial performance

The proposed action will not impede future remedial actions based on available information.

3. Engineering Evaluation/Cost Analysis (EE/CA)

Not applicable.

4. Applicable or relevant and appropriate requirements (ARARs)

On January 18, 2023, EPA sent a request to IDEM for them to identify ARARs. IDEM sent a response identifying applicable ARARs on January 26, 2023. IDEM identified several ARARs related to the classification of the waste, generator identification numbers, fugitive dust, special waste hauling requirements, and on-site management of wastes. Additionally, the EPA OSC has identified applicable federal ARARs.

EPA will comply with ARARs identified in a timely manner to the extent practicable under the exigencies of the situation. However, as set forth at Section 121(e) of CERCLA, actions conducted on-site are exempt from permitting requirements.

Federal ARARs:

- Subtitle D of RCRA, Section 1008 and Section 4001, *et seq.*, 42 USC § 691, *et seq.*, regulates the management of nonhazardous solid waste.
- 49 U.S.C. § 5101 *et seq.* regulates the transportation of hazardous waste and hazardous substances by aircraft, railcars, vessels, and motor vehicles to or from a site.
- EPA National Emissions Standards for Hazardous Air Pollutants at 40 C.F.R. § 61, Subparts A and M.
- 49 C.F.R. Parts 171 and 172, which address requirements for transportation of asbestos waste, including waste containment and shipping papers.
- 15 U.S.C. § 2601 *et seq.*, the Toxic Substance Control Act (TSCA) which addresses the use and disposal of specific chemicals, including asbestos, PCBs, and lead-based paint.
- 40 C.F.R. 265, Subpart I, Hazardous waste in containers shall be managed in accordance with the standards in this section.

In addition, while it is not strictly an ARAR, this response action will comply with the EPA Off-Site Rule, 40 C.F.R. § 300.440, which provides generally that hazardous substances, pollutants or contaminants removed off-site for treatment, storage and disposal shall be treated, stored, or disposed at a facility in compliance with RCRA or other applicable federal or state requirements.

State ARARs:

EPA will comply with all applicable and relevant and appropriate requirements (ARARs) of federal and State law to the extent practicable. The OSC received an ARAR list from Douglas

Petroff, IDEM, dated January 26, 2023. All State ARARs identified in the January 2023 letter listed in the Administrative Record will be complied with to the extent practicable during this removal action.

5. Project schedule

It is estimated that it will take 15 additional working days to complete the disposal of the drums and other wastes found on-site. The initial stabilization phase took 3 days, and the sampling/hazard categorization took 5 days.

6. Estimated costs

REMOVAL ACTION PROJECT CEILING ESTIMATE	
<u>Regional Removal Allowance Costs:</u>	
Total Cleanup Contractor Costs (This cost category includes estimates for ERRS, subcontractors, Notices to Proceed, and Interagency Agreements with Other Federal Agencies.)	\$258,473
<u>Other Extramural Costs Not Funded from the Regional Allowance:</u>	
Total START, including multiplier costs	\$70,000
Subtotal, Extramural Costs	\$328,473
Extramural Costs Contingency (20% of Subtotal, Extramural Costs)	\$65,695
TOTAL REMOVAL ACTION PROJECT CEILING (Both actual and Projected)	\$ 394,168

The response actions described in this memorandum directly address the actual or threatened release of hazardous substances, pollutants or contaminants at the Site that may pose an imminent and substantial endangerment to public health or welfare or to the environment. These response actions do not impose a burden on affected property disproportionate to the extent to which that property contributes to the conditions being addressed.

VI. EXPECTED CHANGE IN THE SITUATION SHOULD ACTION BE DELAYED OR NOT TAKEN

Given the Site conditions, the nature of the hazardous substances on-site, the potential exposure pathways to nearby populations described in Sections II, III, and IV above, and the actual or threatened release of hazardous substances from the Site, failing to take or delaying action may have presented an imminent and substantial endangerment to public health, welfare, or the environment.

VII. OUTSTANDING POLICY ISSUES

None

VIII. ENFORCEMENT

For administrative purposes, information concerning the enforcement strategy for this Site is contained in the Enforcement Confidential Addendum.

The total EPA costs for this removal action based on full-cost accounting practices that will be eligible for cost recovery are estimated to be \$692,567.¹

$$(394,168 + \$10,605) + (71.10\% \times \$404,773) = \$692,567$$

(Total Removal Project Costs + U.S. EPA Personnel Costs) + (Indirect Rate x Total of First Parenthetic) =

¹ Direct Costs include direct extramural costs and direct intramural costs. Indirect costs are calculated based on an estimated indirect cost rate expressed as a percentage of site-specific direct costs, consistent with the full cost accounting methodology effective October 2, 2000. These estimates do not include pre-judgment interest, do not take into account other enforcement costs, including Department of Justice costs, and may be adjusted during the course of a removal action. The estimates are for illustrative purposes only and their use is not intended to create any rights for responsible parties. Neither the lack of a total cost estimate nor deviation of actual total costs from this estimate will affect the United States right to cost recovery.

IX. RECOMMENDATION

This decision document represents the selected removal action for the South Bend Range Site in South Bend, St. Joseph County, Indiana. This document has been developed in accordance with CERCLA, as amended, and is not inconsistent with the NCP. This decision is based on the Administrative Record for the Site. *See* Attachment III.

Conditions at the Site met and continue to meet the NCP Section 300.415(b) criteria for a removal action, and I recommend your approval of the removal action and proposed project ceiling. The total removal action project ceiling if approved will be \$394,168. Of this, an estimated \$324,168 may be used for clean-up contractor costs. You may indicate your decision by signing below.

APPROVE: X Douglas Ballotti DATE: March 23, 2023
Douglas Ballotti, Director
Superfund & Emergency Management Division
Signed by: DOUGLAS BALLOTTI

DISAPPROVE: X DATE: _____
Douglas Ballotti, Director
Superfund & Emergency Management Division

Enforcement Addendum

Figures:

- Figure 1: Site Location Map
- Figure 2: Site Layout Map
- Figure 3: Photo Log

Tables:

- Table 1: Hazard Characterization Table for Drums and Containers

Attachments:

- 1: Environmental Justice (EJ) Screen
- 2: Detailed Cleanup Contractor Estimate
- 3: Administrative Record Index
- 4: Independent Government Cost Estimate (IGCE)

cc: S. Ridenour, U.S. EPA, 5104A/B517F (Ridenour.Steve@epa.gov)
V. Darby, U.S. DOI, **w/o Enf. Addendum**, (Valincia_Darby@ios.doi.gov)
J. Nelson, U.S. DOI, **w/o Enf. Addendum**, (John_Nelson@ios.doi.gov)
J. Fliss, IDEM **w/o Enf. Addendum** | jfliss@idem.IN.gov)
M. Espich, St. Joseph County HD **w/o Enf. Addendum** (MEspich@sjcindiana.com)

BCC PAGE HAS BEEN REDACTED

NOT RELEVANT TO SELECTION

OF REMOVAL ACTION

ENFORCEMENT ADDENDUM

HAS BEEN REDACTED

THREE PAGES

**ENFORCEMENT CONFIDENTIAL
NOT SUBJECT TO DISCOVERY FOIA
EXEMPT**

**NOT RELEVANT TO SELECTION
OF REMOVAL ACTION**

**Figure 1
Site Location
South Bend Range Site, South Bend, St. Joseph County, Indiana**



File Path: C:\2024\03-15-2025\Indiana\South Bend Range\Map\fig1-SiteLocation.mxd

<p>Reference Map</p>	<p>Legend</p> <p>Source: USGS 7.5 Minute Topographic Quad angle Map, South Bend, IN 1948</p>	<p align="center">South Bend Range 133 S Cherry Street South Bend, Joseph County, Indiana</p> <p align="center">Figure 1 Site Location Map</p> <p align="center"> TETRA TECH</p> <p>Prepared For: EPA Prepared By: Tetra Tech</p>
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**Figure 2
Site Layout
South Bend Range Site, South Bend, St. Joseph County, Indiana**



Figure 3
Photo Log
South Bend Range Site, South Bend, St. Joseph County, Indiana

FIGURE 3

PHOTO LOG



Photo 1: Abandoned drums outside and amongst overgrowth



Photo 2: Drums found on second floor

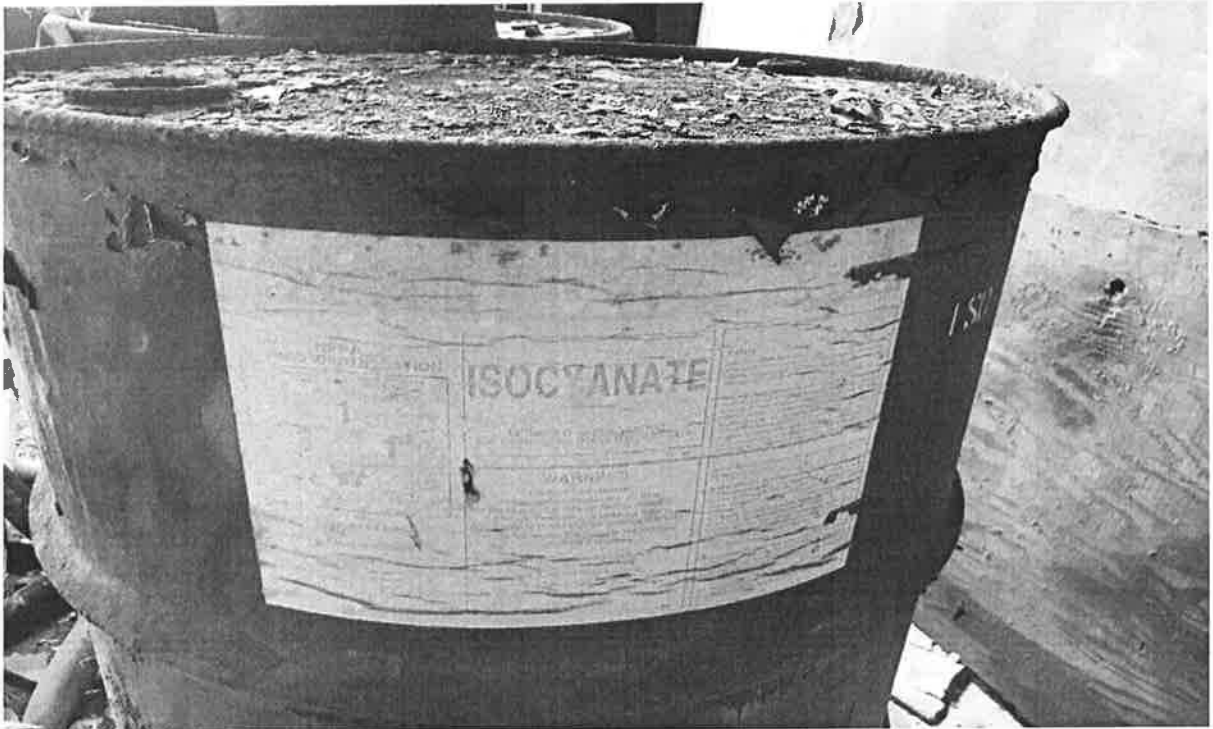


Photo 3: Drum of Isocyanate



Photo 4: Drums inside building under debris



Photo 5: Drums stabilized and ready for sampling and disposal

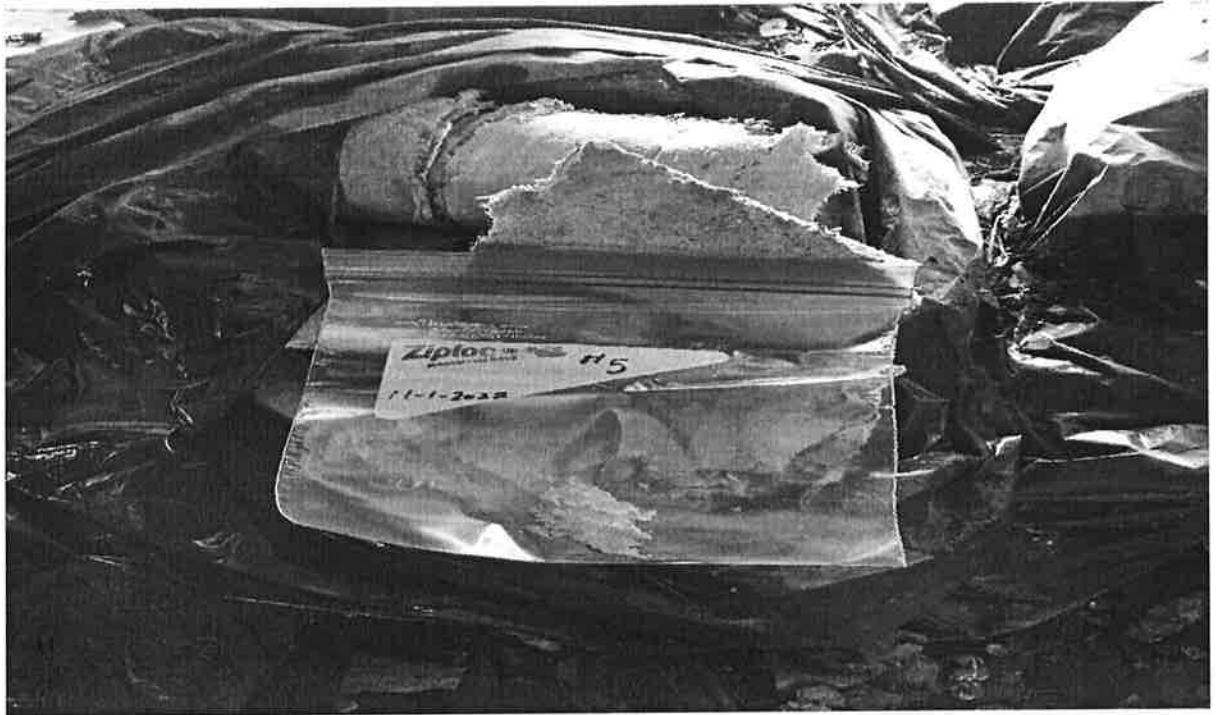


Photo 6: Asbestos sample #5 – Asbestos pipe wrap

Table 1
 South Bend Range
 Hazard Characterization Summary Table for Drums and Containers

Container #	Size	Waste Volume (gal)	waste volume (est)	Color	State	Clarity	Water Test	Water Solubility	pH	Oxidizer	Cyanide	Flammability	Biefstein	Hazmat ID	Waste stream	
1	55	27.5	full	Brown	Sludge									p-Tolylisocyanate (622-58-2)	NS-isocyanate profile	
2	55	19.8	quarter	Pale Yellow	L	Cloudy	-	l	7	-	n/a	F	Blue	Kerosene (8008-20-6)	liquid Oil products	
15	55	55.0	Full	Brown	L		-	l	4	-	n/a	NF	Blue	Light Mineral oil (8042-47-5)		
15	55	55.0	Full	Clear	L		+	S	4	-	n/a	NF	Blue			
21	30	30.0	full	Brown	L		-	l		-	n/a	NF	Blue	Kerosene (8008-20-6)		
22	30	30.0	full	Dark Brown	L	Opaque	-	l		-	n/a	NF	Blue	Mineral oil		
25	40	40.0	full	Dark Brown	L	Opaque	-	l		-	n/a	NF	Blue	Mineral oil		
24	55	55.0	full	Amber	L	Clear	-	l	7	-	n/a	NF	Blue	Mineral oil		
25	55	55.0	full	Brown	L		-	l	7	-	n/a	NF	Blue	Light Mineral oil (8042-47-5)		
29	55	27.5	half	Dark Amber	L	Opaque	-	l	7	-	n/a	NF	Blue	Mineral oil		
31	55	27.5	half	Dark Brown	L	Opaque	-	l		-	n/a	NF	Blue	Mineral oil		
32	55	27.5	half	dark brown	L	opaque	-	l		-	n/a	NF	blue	mineral oil (8020-83-5)		
46	55	55.0	full	dark brown	L	opaque	-	l	x	-	n/a	NF	blue	mineral oil (8020-83-5)		
67	55	13.8	quarter	Dark Brown	L	Opaque	-	l	x	-	n/a	NF	Blue	Light Mineral oil		
68	55	13.8	quarter	Clear	L	Cloudy	+	S	2	-	n/a	NF	Blue			
68	55	13.8	quarter	Dark Brown	L	Opaque	-	l	x	-	n/a	NF	Blue	Light Mineral oil, water		
9	55	13.8	quarter	Brown	Sludge	Opaque	+	l	7	-	n/a	NF	Blue	Mineral oil, water		
10	55	13.8	quarter	sticky adhesive	solid			l	6					Petroleum jelly (8009-03-08)		oil Sludge
11	55	27.5	half	brown	sludge	opaque	+	l		-	n/a	NF	blue	kerosene (8008-20-6)		
20	55	41.3	3/4	Dark Brown	Sludge		-	l		-	n/a	NF	Blue	Mineral oil		
15	5			Brown	Sludge	Opaque	-	l	11	-	-	NF	Blue	Mineral oil		
15	5			Brown	Sludge	cloudy	+	S	11	-	-	NF	Blue	Mineral oil		
14	55	13.8	quarter	Grey	L		+	S	2	-	n/a	NF	Green	Water	Acid liquids	
47	55	27.5	half	Pale Yellow	L		+	S	1	-	n/a	NF	Green	Water		
48	55	27.5	half	Pale Yellow	L		+	S	1	-	n/a	NF	Green	Water, 1,2-diethylhydrazine dihydrochloride (CAS 7699-31-2)		
51	55	13.8	quarter	Clear	L	Clear	+	S	2	-	n/a	NF	Green	Water		
52	55	41.3	3/4	Clear	L	Clear	+	S	2	-	n/a	NF	Green	Water		
53	55	41.3	3/4	Clear	L	Clear	+	S	3	-	n/a	NF	Green	Water		
55	55	13.8	quarter	Clear	L		+	S	1	-	n/a	NF	Green	Water		
56	55	41.3	3/4	Clear	L		+	S	1	-	n/a	NF	Green	Water		
57	55	13.8	quarter	Clear	L		+	S	1	-	n/a	NF	Green	Water		
58	55	41.3	3/4	Clear	L	Clear	+	S	1	-	n/a	NF	Green	Water		
59	55	27.5	Half	Clear	L	Clear	+	S	1	-	n/a	NF	Green	Water		
60	55	55.0	full	Clear	L	Clear	+	S	2	-	n/a	NF	Green	Water, ammonium benzoate (1863-63-4)		
61	55	41.3	3/4	Clear	L	Clear	+	S	3	-	n/a	NF	Green	Water		
66	55	13.8	quarter	Brown	L	Cloudy	-	l	2	+	n/a	NF	Blue	1-methylcyanidinehydrochloride (21770-81-0), aluminum potassium sulfate(10043-67-1), sulphogene green M		

Table 1
South Bend Range
Hazard Characterization Summary Table for Drums and Containers

Container #	Size	Waste Volume (gal)	waste volume (est)	Color	State	Clarity	Water Test	Water Solubility	pH	Oxidizer	Cyanide	Flammability	Bielstein	Hazmat ID	Waste stream
P2	5	1.5	quarter	White	L	Opaque	+	S	8	-	n/a	NF	yellow	No matches	Neutral liquid
P3	5	1.0	quarter	Grey	L	Opaque	+	S	8	+	n/a	NF	Blue	Water	
P7	5	1.0	quarter	White	L	Opaque	+	S	7	-	n/a	NF	Blue	Water	
P8	5	1.0	quarter	Yellow	L	Clear	+	S	8	-	n/a	NF	Blue	Water, sodiumisovalerate (539-66-2)	
P10	5	4.0	3/4	White	L	Opaque	+	S	8	+	n/a	NF	Blue	Potassium biiodate (19455-24-8), sulfuric acid (7664-93-9), (p-aminophenyl) arsenic acid (98-50-0)	
P17	5	2.5	half	White	L	Opaque	+	S	7	-	n/a	NF	Blue	Water	
P15	5	1.5	quarter	Yellow	L	Cloudy	+	S	6	-	n/a	NF	Blue	Water	
P18	5	3.5	3/4	Clear	L	Cloudy	+	S	7	-	n/a	NF	Blue	Water	
P19	5	2.0	half	Blue	L	Opaque	+	S	6	-	n/a	NF	Blue	Water	
3	55	55.0	full	Clear	L		-	I	7	-	n/a	NF	Green	Poly(propylene glycol) (25322-69-4)	
5	55	27.5	Half	Green	L	Clear	+	S	8	+	n/a	NF	Blue	75% Water, 25% Ethylene Glycol (107-21-1)	
17	55	27.5	half	Clear	L		+	S	7	-	n/a	NF	Blue	Water	
18	55	41.3	3/4	Pale Yellow	L	Clear	+	S	7	-	n/a	NF	Blue	Water	
19	55	55.0	full	colorless	L	Cloudy	+	S	7	-	n/a	NF	Blue	Sodium dichloroacetate (2156-56-1), sodium cyanide (143-33-9), Tris(2,3-dibromopropyl) isocyanurate (52434-90-9)	
28	30	7.5	quarter	Pale Yellow	L		+	S	7	-	n/a	NF	Blue	Water, trace N-Phenyl-1-naphthylamine, (90-30-2)	
34	55	27.5	half		L		+	S	6	-	n/a	NF	blue	water	
35	55	41.3	3/4	Clear	L		+	S	7	-	n/a	NF	Blue	Water	
36	55	55.0	full	grey translucent	L		+	S	7	-	n/a	NF	Blue	Water	
37	55	27.5	half		L	Cloudy	+	S	7	-	n/a	NF	Blue	Water	
39	55	55.0	full	Brown	L		+	S	7	-	n/a	NF	Blue	Water	
41	55	55.0	full	clear	L	clear	+	S	6	-	n/a	NF	blue	water	
49	55	13.8	quarter	Clear	L	clear	+	S	6	-	n/a	NF	Blue	Water, toluene 2,4-diisocyanate (584-84-9)	
50	55	13.8	quarter	Clear	L	Clear	+	S	4	-	n/a	NF	Blue	Water	
64	55	41.3	3/4	Clear	L	Clear	+	S	5	-	n/a	NF	Blue	Water	
65	55	55.0	full	Clear	L	Clear	+	S	7	-	n/a	NF	Blue	Water, diammonium phthalate (523-24-0)	
70	55	41.3	3/4	Clear	L	Clear	+	S	5	-	n/a	NF	Blue	Water	
72	55	13.8	quarter	pale yellow	L	Cloudy	+	S	7	-	n/a	NF	Blue	Water	
74	55	41.3	3/4	Clear	L	Clear	+	S	7	-	n/a	NF	Blue	Water	
75	55	55.0	full	Clear	L	Clear	+	S	6	-	n/a	NF	Blue	Water	
76	55	27.5	half	Clear	L	Clear	+	S	6	-	n/a	NF	Blue	Water	

Table 1
South Bend Range
Hazard Characterization Summary Table for Drums and Containers

Container #	Size	Waste Volume (gal)	waste volume (est)	Color	State	Clarity	Water Test	Water Solubility	pH	Oxidizer	Cyanide	Flammability	Bielstein	Hazmat ID	Waste stream	
P1	5	4.0	3/4	clear/white	L	Cloudy	-	S	12	+	-	NF	Blue	Water, phenylarsenic acid, 2-phenyl-1H-benzimidazole 3 oxide	Basic Liquid	
P6	5	5.0	full	Yellow	L	Clear	+	S	14	-	-	NF	Blue	Water, sodium carbonate (497-19-8)		
P9	5	3.0	3/4	Black	L	Opaque	+	S	10	-	-	NF	Blue	Water		
P16	5	0.5	quarter	Brown	L	Opaque	+	S	13	-	-	NF	Blue	Water, ammonium iodide (12027-06-4)		
4	55	13.8	quarter	Pale Yellow	L	Clear	-	S	14	-	-	NF	Blue	Water, magnesium carbonate		
6	55	55.0	full	clear	L	clear	+	S	12	-	-	NF	blue	water		
7	55	55.0	full	Brown	L		-	S	12	-	-	NF	Blue	Water, sodium acetate (CAS 127-09-3)		
12	55	13.8	quarter	Dark Brown	L	Opaque	-	S	13	+	-	NF	Blue	No matches		
13	55	55.0	full	Amber	L		-	S	13	-	-	NF	Blue	Water, ammonium acetate (631-61-8), 2,3-Dimethylaniline Hydrochloride (5417-45-8)		
16	55	55.0	full	Brown	L		-	S	14	-	-	NF	Blue	Water, ammonium acetate (631-61-8), o-Phenylenediamine dhydrochloride (615-28-1)		
40	55	13.8	quarter	cream	L	opaque	+	S	x	-	n/a	NF	blue	water, ammonium iodide (12027-06-4), 1-nitropropane (108-03-2)		
63	55	27.5	half	light brown	L	Opaque	+	S	12	-	-	NF	Blue	Water, 1-nitrohexane (646-14-0)		
26	55	13.8	quarter	Brown Crystals	S	n/a	-	PS	12	n/a	n/a	n/a	n/a	Nitric Acid (7697-37-2), sodium carbonate(497-19-8), chromic acetate (1066-30-4)		Basic solid
42	55	41.3	3/4	white crystals	solid			S	11					potassium 2-ethylhexanoate (3-64-85-0), ammonium iodide (12027-06-4), disodium 2-oxoglutarate (305-72-6)		
43	55	13.8	quarter	white crystals	solid		-	PS	11					barium nitrate (10022-31-8), 1-nitropentane (628-05-7)		
45	55	13.8	quarter	white crystals	Solid		-	PS	12					black rifle powder (inorganic nitrate), potassium oleate (143-18-0), sodium propionate (137-40-6)		
69	55	41.3	3/4	White paste	S	n/a	-	S	10	n/a	n/a	n/a	n/a	potassium 2-ethylhexanoate, ammonium iodide, disodium 2-oxoglutarate		
27	55	55.0	full	Brown	Sludge		-	I		-	-	NF	Blue	Sodium dichloroacetate (2156-56-1), sodium cyanide (143-33-9), 1,2,4-triazoladine-3,5-dione (3232-84-6)		

Table 1
 South Bend Range
 Hazard Characterization Summary Table for Drums and Containers

Container #	Size	Waste Volume (gal)	waste volume (est)	Color	State	Clarity	Water Test	Water Solubility	pH	Oxidizer	Cyanide	Flammability	Bleistein	Hazmat ID	Waste stream
30	55	13.8	quarter	brown and gray	Solid	opaque	n/a	n/a	n/a	n/a	n/a	n/a	n/a		Neutral Solid
33	55	55.0	full	brown	solid	opaque	+	1	7	-	n/a	NF	blue	water, m-Phenylene diamine di-Hcl (541-69-5), Sodium isovalerate (539-86-2)	
44	55	27.5	half	Brown	Sludge		+	1	6	-	n/a	F	Yellow	1-hexanethiol (111-31-9), 1,3,5-benzobenetricarboxylic acid (554-95-0), 2-benzylbutyric acid (5669-16-9)	
54	55	41.3	3/4	Grey mud	Sludge	n/a	-	5	7	n/a	n/a	n/a	n/a	Potassium 2-Ethylhexanoate (3164-85-0), ammonium iodide (12027-06-4), Thiosemicarbazide hydrochloride (CAS 4346-94-5)	
62	55	13.8	quarter	Cream	Sludge	Opaque	+	5	x	-	n/a	NF	Blue	sodium arsenate, sodium carbonate, 1-nitrohexane	
71	55	27.5	half	Rust Solid	S	Opaque	-	1	7	n/a	n/a	n/a	n/a	Glycolic acid (526-95-4), 2-pyrrolidone (616-45-5), water	
73	55	13.8	quarter	Adhesive	Sludge	brown	-	1	7	n/a	n/a	n/a	n/a	1-Hexanethiol (111-31-9), formic acid (64-18-6), butyl formate (592-84-7)	

ATTACHMENT 1

**ENVIRONMENTAL JUSTICE ANALYSIS
SOUTH BEND RANGE SITE
SOUTH BEND, ST. JOSEPH COUNTY, INDIANA
MARCH 2023**



EJScreen Report (Version 2.1)



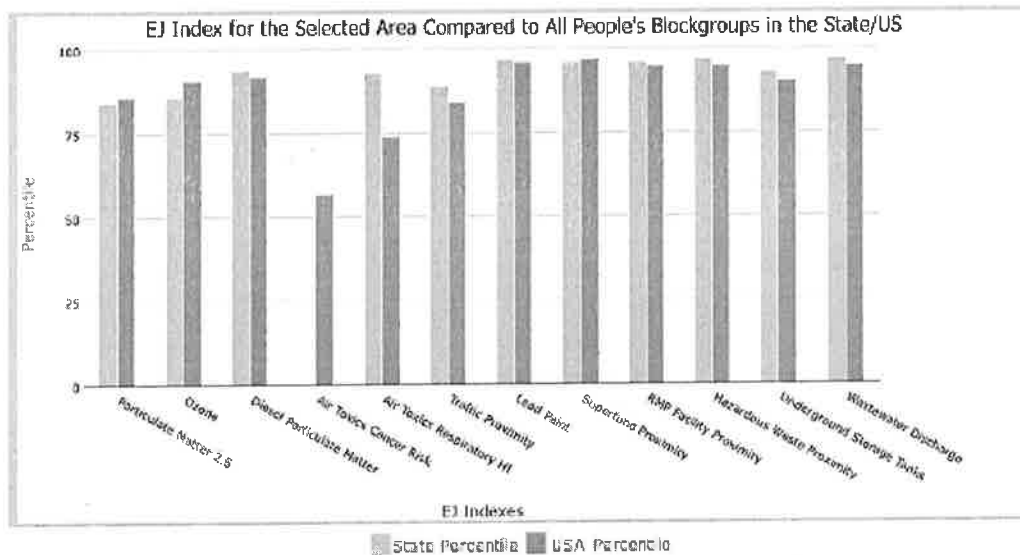
0.5 miles Ring Centered at 41.674516,-86.272930, INDIANA, EPA Region 5

Approximate Population: 2,653

Input Area (sq. miles): 0.79

South Bend Range

Selected Variables	State Percentile	USA Percentile
Environmental Justice Indexes		
EJ Index for Particulate Matter 2.5	84	88
EJ Index for Ozone	88	91
EJ Index for Diesel Particulate Matter ¹	94	92
EJ Index for Air Toxics Cancer Risk ²	0	57
EJ Index for Air Toxics Respiratory HI ³	93	74
EJ Index for Traffic Proximity	89	84
EJ Index for Lead Paint	97	96
EJ Index for Superfund Proximity	98	97
EJ Index for RMP Facility Proximity	98	95
EJ Index for Hazardous Waste Proximity	97	95
EJ Index for Underground Storage Tanks	93	90
EJ Index for Wastewater Discharge	97	95



This report shows the values for environmental and demographic indicators and EJSCREEN indexes. It shows environmental and demographic raw data (e.g., the estimated concentration of ozone in the air), and also shows what percentile each raw data value represents. These percentiles provide perspective on how the selected block group or buffer area compares to the entire state, EPA region, or nation. For example, if a given location is at the 95th percentile nationwide, this means that only 5 percent of the US population has a higher block group value than the average person in the location being analyzed. The years for which the data are available, and the methods used, vary across these indicators. Important caveats and uncertainties apply to this screening-level information, so it is essential to understand the limitations on appropriate interpretations and applications of these indicators. Please see EJSCREEN documentation for discussion of these issues before using reports.

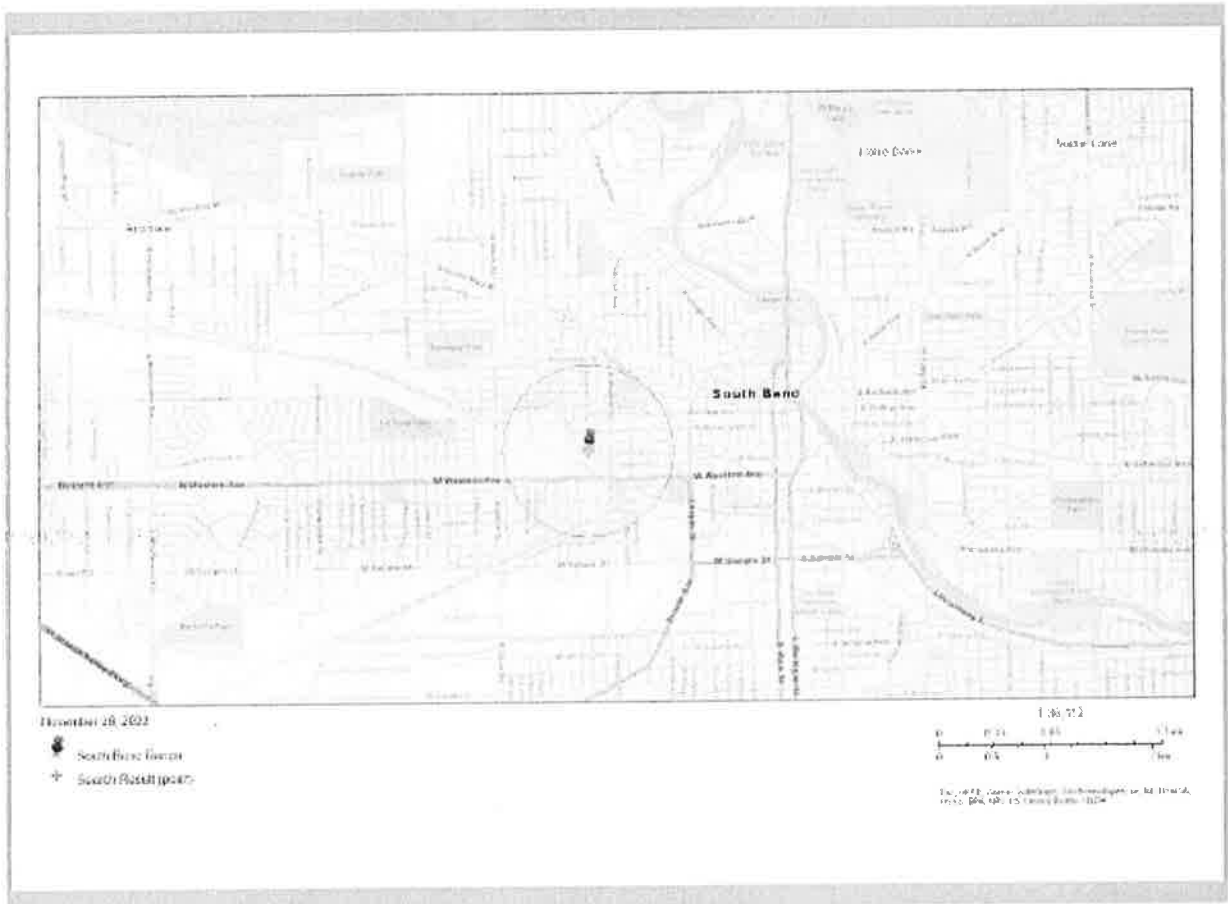


0.5 miles Ring Centered at 41.674516, -86.272930, INDIANA, EPA Region 5

Approximate Population: 2,653

Input Area (sq. miles): 0.79

South Bend Range



Sites reporting to EPA	
Superfund NPL	0
Hazardous Waste Treatment, Storage, and Disposal Facilities (TSDF)	2



EJScreen Report (Version 2.1)



0.5 miles Ring Centered at 41.674516,-86.272930, INDIANA, EPA Region 5

Approximate Population: 2,653

Input Area (sq. miles): 0.79

South Bend Range

Selected Variables	Value	State Avg.	%ile in State	USA Avg.	%ile in USA
Pollution and Sources					
Particulate Matter 2.5 ($\mu\text{g}/\text{m}^3$)	8.94	9.19	41	8.87	60
Ozone (ppb)	44	44.1	38	42.5	67
Diesel Particulate Matter* ($\mu\text{g}/\text{m}^3$)	0.408	0.28	82	0.294	70-80th
Air Toxics Cancer Risk* (lifetime risk per million)	20	23	0	28	<50th
Air Toxics Respiratory HI*	0.3	0.29	86	0.36	<50th
Traffic Proximity (daily traffic count/distance to road)	370	590	59	760	60
Lead Paint (% Pre-1960 Housing)	0.83	0.33	91	0.27	93
Superfund Proximity (site count/km distance)	0.48	0.17	93	0.13	94
RMP Facility Proximity (facility count/km distance)	2.4	0.92	90	0.77	92
Hazardous Waste Proximity (facility count/km distance)	5.9	1.6	94	2.2	90
Underground Storage Tanks (count/km ²)	4.8	3.2	78	3.9	78
Wastewater Discharge (toxicity-weighted concentration/m distance)	0.12	0.37	83	12	85
Socioeconomic Indicators					
Demographic Index					
Demographic Index	68%	27%	94	35%	89
People of Color	75%	22%	93	40%	81
Low Income	62%	31%	89	30%	89
Unemployment Rate	7%	5%	75	5%	72
Limited English Speaking Households	8%	2%	92	5%	81
Less Than High School Education	24%	11%	88	12%	85
Under Age 5	7%	6%	62	6%	65
Over Age 64	10%	16%	23	16%	25

* Diesel particulate matter, air toxics cancer risk, and air toxics respiratory hazard index are from the EPA's Air Toxics Data Update, which is the Agency's ongoing, comprehensive evaluation of air toxics in the United States. This effort aims to prioritize air toxics, emission sources, and locations of interest for further study. It is important to remember that the air toxics data presented here provide broad estimates of health risks over geographic areas of the country, not definitive risks to specific individuals or locations. Cancer risks and hazard indices from the Air Toxics Data Update are reported to one significant figure and any additional significant figures here are due to rounding. More information on the Air Toxics Data Update can be found at: <https://www.epa.gov/haps/air-toxics-data-update>.

For additional information, see: www.epa.gov/environmentaljustice

EJScreen is a screening tool for pre-decisional use only. It can help identify areas that may warrant additional consideration, analysis, or outreach. It does not provide a basis for decision-making, but it may help identify potential areas of EJ concern. Users should keep in mind that screening tools are subject to substantial uncertainty in their demographic and environmental data, particularly when looking at small geographic areas. Important caveats and uncertainties apply to this screening-level information, so it is essential to understand the limitations on appropriate interpretations and applications of these indicators. Please see EJScreen documentation for discussion of these issues before using reports. This screening tool does not provide data on every environmental impact and demographic factor that may be relevant to a particular location. EJScreen outputs should be supplemented with additional information and local knowledge before taking any action to address potential EJ concerns.

ATTACHMENT 2

**DETAILED CLEANUP CONTRACTOR COST
ESTIMATE HAS BEEN REDACTED – ONE PAGE**

**NOT RELEVANT TO SELECTION
OF REMOVAL ACTION**

ATTACHMENT 3

**ADMINISTRATIVE RECORD
FOR THE
SOUTH BEND RANGE SITE
SOUTH BEND, ST. JOSEPH COUNTY, INDIANA
MARCH 2023**

**U.S. ENVIRONMENTAL PROTECTION AGENCY
REMOVAL ACTION**

**ADMINISTRATIVE RECORD
FOR THE
SOUTH BEND RANGE ER SITE
SOUTH BEND, ST. JOSEPH COUNTY, INDIANA
ORIGINAL
MARCH, 2023
SEMS ID:**

<u>NO.</u>	<u>SEMS ID</u>	<u>DATE</u>	<u>AUTHOR</u>	<u>RECIPIENT</u>	<u>TITLE/DESCRIPTION</u>	<u>PAGES</u>
1	980377	9/20/22	Groves, R., IDEM	Ruesch, P., U.S. EPA	Email - To U.S. EPA Regarding Emergency Referral 1st of 2	6
2	980378	9/21/22	Ruesch, P., U.S. EPA	Groves, R., IDEM	Email - To IDEM Regarding Emergency Referral 2nd of 2	2
3	980379	10/24/22	Scorpio Properties, Inc.	U.S. EPA	Consent for Access to Property Containing Hazardous Materials (Signed)	1
4	980380	11/1/22	ACM Engineering & Environmental Services	Espich, M., IDEM	Report - Regarding Analysis of Suspect Asbestos Containing Building Materials	3
5	980381	11/30/22	Sageman, I., Tetra Tech	Turner, K., U.S. EPA	Report - Regarding Air Monitoring Plan, (Revision 0) Document Tracking Number: 0864	78
6	980382	12/2/22	Sageman, I., Tetra Tech	Turner, K., U.S. EPA	Report - Regarding Sampling and Analysis Plan (Revision 0) Document Tracking Number: 1520	93
7	980385	12/13/22	Sageman, I., Tetra Tech	Turner, K., U.S. EPA	Report - Hazmat Identification - Spread Sheet of Chemicals Present at the South Bend Range ER Site	1
8	980383	1/12/23	Knapp, J., Eurofins	Sageman, I., Tetra Tech	Report - Regarding Final Analytical Data for the South Bend Range ER Site- Job Number: 240-178204-1	106

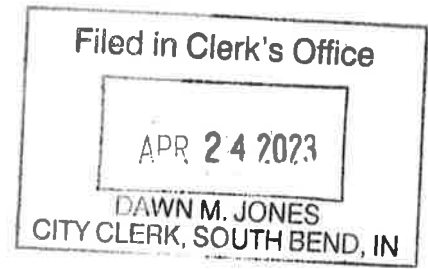
<u>NO.</u>	<u>SEMS ID</u>	<u>DATE</u>	<u>AUTHOR</u>	<u>RECIPIENT</u>	<u>TITLE/DESCRIPTION</u>	<u>PAGES</u>
9	980384	1/12/23	Knapp, J., Eurofins	Sageman, I., Tetra Tech	Report - Regarding Final Analytical Data for the South Bend Range ER Site- Job Number: 240-178216-1	77
10	980386	1/18/23	Turner, K., U.S. EPA	Huxhold Fliss, J., IDEM	Letter- Via Email Regarding Request for the State of Indiana (ARAR's)	1
11	980387	1/26/23	Petroff, D., IDEM	Turner, K., U.S. EPA	Letter - Regarding Applicable or Relevant and Appropriate Requirements (ARARs)	2
12	980388	2/1/23	ARS Aleut Services, LLC	Rafati, M., U.S, EPA	Report - Enforcement Confidential - Draft Focused PRP Search Report (<i>This Document is Included for Informational Purposes Only</i>)	12
13	*****	*****	*****	*****	Action Memorandum (<i>Pending</i>)	****

ATTACHMENT 4

**INDEPENDENT GOVERNMENT COST ESTIMATE
SOUTH BEND RANGE SITE
SOUTH BEND, ST. JOSEPH COUNTY, INDIANA
MARCH 2023**

ATTACHMENT 4

**INDEPENDENT GOVERNMENT COST
ESTIMATE HAS BEEN REDACTED – SEVEN
PAGES
NOT RELEVANT TO SELECTION
OF REMOVAL ACTION**

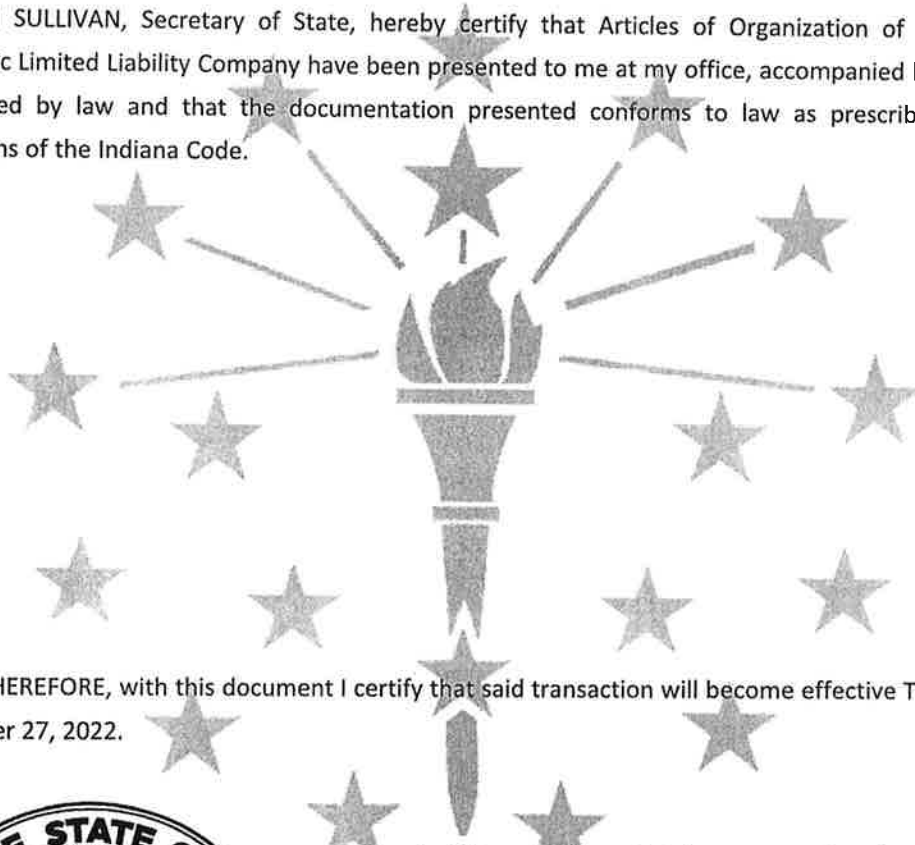


State of Indiana
Office of the Secretary of State

Certificate of Organization
of
CIRCLE AVENUE PROPERTIES LLC

#7
Filed in Clerk's Office
APR 24 2023
DAWN M. JONES
CITY CLERK, SOUTH BEND, IN

I, HOLLI SULLIVAN, Secretary of State, hereby certify that Articles of Organization of the above Domestic Limited Liability Company have been presented to me at my office, accompanied by the fees prescribed by law and that the documentation presented conforms to law as prescribed by the provisions of the Indiana Code.



NOW, THEREFORE, with this document I certify that said transaction will become effective Tuesday, December 27, 2022.



In Witness Whereof, I have caused to be affixed my signature and the seal of the State of Indiana, at the City of Indianapolis, December 27, 2022.

A handwritten signature in cursive script that reads "Holli Sullivan".

HOLLI SULLIVAN
SECRETARY OF STATE

202212271649105 / 9677885

To ensure the certificate's validity, go to <https://bsd.sos.in.gov/PublicBusinessSearch>

APPROVED AND FILED
HOLLI SULLIVAN
INDIANA SECRETARY OF STATE
12/27/2022 03:07 PM

ARTICLES OF ORGANIZATION

Formed pursuant to the provisions of the Indiana Code.

ARTICLE I - NAME AND PRINCIPAL OFFICE ADDRESS

BUSINESS ID 202212271649105
BUSINESS TYPE Domestic Limited Liability Company
BUSINESS NAME CIRCLE AVENUE PROPERTIES LLC
PRINCIPAL OFFICE ADDRESS 1495 Wentzel Street, Rochester, IN, 46975, USA

ARTICLE II - REGISTERED OFFICE AND ADDRESS

REGISTERED AGENT TYPE Business
NAME GRUBE INDUSTRIES, LLC
ADDRESS 1552 E Lucas Street, Rochester, IN, 46975, USA
SERVICE OF PROCESS EMAIL info@rochesteriron.com

I acknowledge that the Service of Process email provided above is the email address at which electronic service of process may be accepted.

ARTICLE III - PERIOD OF DURATION AND EFFECTIVE DATE

PERIOD OF DURATION Perpetual
EFFECTIVE DATE 12/27/2022
EFFECTIVE TIME 12:01AM

ARTICLE IV - GOVERNING PERSON INFORMATION

No Principal on record.

MANAGEMENT INFORMATION

THE LLC WILL BE MANAGED BY MANAGER(S) No
IS THE LLC A SINGLE MEMBER LLC? No

APPROVED AND FILED
HOLLI SULLIVAN
INDIANA SECRETARY OF STATE
12/27/2022 03:07 PM

SIGNATURE

THE SIGNATOR(S) REPRESENTS THAT THE REGISTERED AGENT NAMED IN THE APPLICATION HAS CONSENTED TO THE APPOINTMENT OF REGISTERED AGENT.

THE UNDERSIGNED, DESIRING TO FORM A LIMITED LIABILITY COMPANY PURSUANT TO THE PROVISIONS OF THE INDIANA BUSINESS FLEXIBILITY ACT EXECUTES THESE ARTICLES OF ORGANIZATION.

IN WITNESS WHEREOF, THE UNDERSIGNED HEREBY VERIFIES, SUBJECT TO THE PENALTIES OF PERJURY, THAT THE STATEMENTS CONTAINED HEREIN ARE TRUE, THIS DAY **December 27, 2022**.

THE UNDERSIGNED ACKNOWLEDGES THAT A PERSON COMMITS A CLASS A MISDEMEANOR BY SIGNING A DOCUMENT THAT THE PERSON KNOWS IS FALSE IN A MATERIAL RESPECT WITH THE INTENT THAT THE DOCUMENT BE DELIVERED TO THE SECRETARY OF STATE FOR FILING.

SIGNATURE

Jason W Grube

TITLE

Authorized Agent

Business ID : 202212271649105

Filing No : 9677885

Filed in Clerk's Office

APR 24 2023

DAWN M. JONES
CITY CLERK, SOUTH BEND, IN

Filed in Clerk's Office
APR 24 2023
DAWN M. JONES
CITY CLERK, SOUTH BEND, IN

HEARTLAND
ENVIRONMENTAL ASSOCIATES INC.

#8

**PHASE II ENVIRONMENTAL
SITE ASSESSMENT**

**Former Hurwich Iron Company, Inc. /
HIC Investments, LLC Property
1610, 1628 & 1636 Circle Avenue
South Bend, Indiana 46628**

Parcel Identification Numbers:

**71-08-10-236-001.000-026, 71-08-10-236-002.000-026,
71-08-10-236-003.000-026, 71-08-10-236-006.000-026,
71-08-10-236-007.000-026, 71-08-10-236-010.000-026,
71-08-10-236-011.000-026, 71-08-10-236-013.000-026,
71-08-10-277-001.000-026, 71-08-10-277-002.000-026 &
71-08-10-277-003.000-026**

January 6, 2023

Heartland Project #5089-22-05

This report is prepared by:

Heartland Environmental Associates, Inc.
3410 Mishawaka Avenue, South Bend, Indiana 46615
1324 East 16th Street, Indianapolis, Indiana 46202
Phone: 888-289-1191 Fax: 574-289-7480

Prepared For:

Circle Avenue Properties LLC
1495 Wentzel Street
Rochester, Indiana 46975

&

Rochester Iron & Metal Inc.
1552 East Lucas Street
Rochester, Indiana 46975

For the Site:

Former Hurwich Iron Company, Inc /
HIC Investments, LLC Property
1610, 1628 & 1636 Circle Avenue
South Bend, Indiana 46628
Heartland Project #5089-22-05

Report prepared by:



Nivas R. Vijay, CHMM
Senior Project Manager / Principal
Heartland Environmental Associates, Inc.

01/06/2023
Date

Heartland Environmental Associates, Inc.

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EXECUTIVE SUMMARY

Heartland Environmental Associates, Inc. (Heartland), on the behalf of the Circle Avenue Properties LLC, has completed this Phase II Environmental Site Assessment (ESA). This report documents site investigation activities completed at the former Hurwich Iron Company, Inc. / HIC Investments, LLC property addressed at 1610, 1628 & 1636 Circle Avenue in South Bend, Indiana. The objective of this Phase II sampling and analysis investigation was to evaluate for the presence and/or absence of chemical impacts to soil and/or groundwater resulting from the historical industrial usage of the site as a foundry and bulk oil storage facility, which included the historical utilization of underground storage tanks (USTs) and aboveground storage tanks (ASTs), as well as the historical generation of hazardous wastes on the site grounds. The potential further exists for impacts to be present on the site which may be attributable to the migration of impacts from nearby industrial facilities.

Heartland has performed a Phase II ESA at the former Hurwich Iron Company, Inc. / HIC Investments, LLC property which consisted of the advancement of thirty-two (32) soil borings and the collection of soil and groundwater samples throughout the site grounds. Based on the results of this Phase II ESA, volatile organic compound (VOC) impacts were not encountered in soil in any of the soil borings advanced that exceeded Indiana Department of Environmental Management (IDEM) Risk-based Closure Guide (R2) Short Term Excavation Soil Published Levels (PLs). Concentrations of polynuclear aromatic hydrocarbon (PAH) chemical constituents, including naphthalene, were encountered in one (1) soil boring (B-20) from a depth of 0 to 2 feet below ground surface (bgs) and from a depth of 10 feet to 12 feet bgs that exceeded IDEM R2 Long Term Residential Soil PLs. Concentrations of naphthalene were not encountered in this soil boring that exceeded IDEM R2 Long Term Commercial Soil PLs and/or IDEM R2 Short Term Excavation Soil PLs.

Metals impacts in the form of lead were encountered in soil in nine (9) soil borings (B-6, B-20, B-21 and B-27 through B-32) from a depth of 0 to 2 feet bgs that exceeded IDEM R2 Long Term Residential Soil PLs. Concentrations of lead were further encountered in soil in six (6) of these soil borings (B-6, B-21, B-29, B-30, B-31 and B-32) from a depth of 0 to 2 feet bgs that exceeded both the IDEM R2 Long Term Commercial Soil PL and the IDEM R2 Short Term Excavation Soil PL for lead.

Mercury concentrations were encountered in soil in one (1) soil boring (B-30) from a depth of 0 to 2 feet bgs that exceeded IDEM R2 Long Term Residential Soil PLs. Concentrations of mercury were further encountered in soil in this soil boring that exceeded both the IDEM R2 Long Term Commercial Soil PL and the IDEM R2 Short Term Excavation Soil PL for mercury. Additionally, concentrations of cadmium were encountered in soil in seven (7) soil borings (B-15, B-21, B-23, B-29, B-30, B-31 and B-32) that exceeded IDEM R2 Long Term Residential Soil PLs.

Arsenic concentrations were encountered in soil in ten (10) soil borings (B-1, B-8, B-12, B-15, B-17, B-19, B-29, B-30, B-31 and B-32) from a depth of 0 to 2 feet bgs that exceeded IDEM R2 Long Term Residential Soil PLs. Concentrations of arsenic were further encountered in one (1) soil boring (B-30) from a depth of 0 to 2 feet bgs that exceeded IDEM R2 Long Term Commercial Soil PLs.

Metals concentrations were not encountered in soil in any other soil boring that exceeded IDEM R2 Long Term Residential and/or Commercial Soil PLs.

VOC impacts in the form of tetrachloroethene (PCE) were encountered in groundwater in eleven (11) soil borings (B-11, B-12, B-13, B-15, B-16, B-17 and B-24 through B-28) that slightly exceeded IDEM R2 Long Term Residential Groundwater PLs. Additionally, benzene concentrations were encountered in groundwater in one (1) soil boring (B-20) that exceeded IDEM R2 Long Term Residential Groundwater PLs.

Concentrations of 1,2,4-trimethylbenzene were encountered in four (4) soil borings (B-17 through B-20) and concentrations of 1,3,5-trimethylbenzene were encountered in one (1) soil boring (B-20) that exceeded IDEM R2 Long Term Residential Groundwater PLs. Additionally, concentrations of 2-hexanone and vinyl chloride were each encountered in one (1) soil boring (B-19) that exceeded their respective IDEM R2 Long Term Residential Groundwater PLs.

PAH impacts in the form of naphthalene were encountered in eight (8) soil borings (B-16, B-19, B-20, B-24, B-25, B-27, B-28 and B-29) that exceeded IDEM R2 Long Term Residential Groundwater PLs. Further, concentrations of 1-methylnaphthalene were encountered in thirteen (13) soil borings (B-16 through B-21, B-24 and B-27 through B-32) and concentrations of 2-methylnaphthalene were encountered in four (4) soil borings (B-18, B-20, B-21 and B-28) that exceeded IDEM R2 Long Term Residential Groundwater PLs.

Additionally, PAH impacts in the form of acenaphthene and fluorene were each encountered in one (1) soil boring (B-18) and concentrations of pyrene were encountered in two (2) soil borings (B-18 and B-21) that exceeded IDEM R2 Long Term Residential Groundwater PLs. Further, concentrations of benzo(a)anthracene were encountered in three (3) soil borings (B-17, B-18 and B-21) and concentrations of both benzo(a)pyrene and benzo(b)fluoranthene were encountered in one (1) soil boring (B-18) that exceeded IDEM R2 Long Term Residential Groundwater PLs.

No other VOC and/or PAH chemical constituents were encountered in groundwater that exceeded IDEM R2 Long Term Residential Groundwater PLs. Further, dissolved metals concentrations were not encountered in any of the groundwater samples collected that exceeded IDEM R2 Long Term Residential Groundwater PLs.

Based on the results of this investigation, significant and/or widespread VOC and/or PAH chemical impacts are not present in soil at the site that exceeds IDEM R2 Soil PLs. Heavy metals impacts,

particularly lead impacts, are present in shallow soils in spot locations in the northwestern and southeastern portions of the site. It does not appear that, based on the results of the soil sampling completed as part of this investigation, these impacts are widespread, and appear to be limited to the spot locations at these portions of the site. It is likely, based on the concentrations encountered, that heavy metals impacts in soil are attributable to historical onsite industrial operations.

Petroleum hydrocarbon related VOC and PAH chemical impacts were encountered in groundwater in the southeastern portion of the site that exceeded IDEM R2 Long Term Groundwater PLs. These impacts appear to be concentrated near the locations of historically operated USTs and ASTs, and are likely attributable to historical onsite petroleum storage operations. These impacts do not appear to have migrated to northern and/or western portions of the subject site.

Additionally, PCE impacts were encountered in groundwater in the eastern portions of the site that exceeded IDEM R2 Long Term Groundwater PLs. These impacts appear to be concentrated in the central-eastern and north-eastern portions of the site. The source of these PCE impacts to groundwater could not be definitively ascertained as part of this investigation; however, the potential exists that PCE impacts encountered are a result of migration of impacts onto the subject property from offsite sources. This is evidenced by the lack of PCE impacts in soil and the lack of an identified source of PCE on the subject site.

Note that this investigation was limited in nature to the locations, depths investigated, and analyses performed at the time of sampling activities. Any change in site usage (i.e., residential and/or retail commercial redevelopment) may warrant a re-evaluation of site conditions and potential exposure risks associated with impacted soils and groundwater encountered as part of this investigation.

The findings and conclusions made within this project report are not to be construed as legal advice. No environmental investigation can wholly eliminate uncertainty regarding the potential for recognized environmental conditions in connections with a property. Furthermore, there is a point at which the cost of information obtained, or the time required to gather it outweighs the usefulness of the information and, in fact, may be a material detriment to the orderly completion of transactions.

1.0 INTRODUCTION

Heartland received written authorization from Mr. Jason Grube, Member of Circle Avenue Properties LLC and President / Owner of Rochester Iron & Metal, Inc., to conduct a Phase I ESA on the former Hurwich Iron Company, Inc. / HIC Investments, LLC property addressed at 1610, 1628 & 1636 Circle Avenue in South Bend, Indiana, herein referred to as the "site." This investigation was performed for the benefit of Circle Avenue Properties LLC and Rochester Iron & Metal Inc. and is a document upon which each of these parties, and any associated subsidiaries and assigns, may rely. Unless stated otherwise in writing, Heartland makes no other warranty, representation, or extension of reliance upon the findings of this report to any other entity or third party.

The site consisted of a vacant, former industrial complex, located on eleven (11) parcels of land (Parcel ID #'s 71-08-10-236-001.000-026, 71-08-10-236-002.000-026, 71-08-10-236-003.000-026, 71-08-10-236-006.000-026, 71-08-10-236-007.000-026, 71-08-10-236-010.000-026, 71-08-10-236-011.000-026, 71-08-10-236-013.000-026, 71-08-10-277-001.000-026, 71-08-10-277-002.000-026 & 71-08-10-277-003.000-026) and situated on a combined area of approximately 19.36-acres. The site is currently improved with eight (8) standing buildings. The site is accessible via West Washington Street to the north, Circle Avenue to the east, and South Grant Street to the west.

The site is located in Section 10, Township 37 North, Range 2 East in Portage Township, Saint Joseph County, Indiana. The site is represented on Figure 1 on the United States Geological Survey (USGS) 7.5 Minute Topographic Map of the South Bend West, Indiana Quadrangle. The site parcels are shaped in irregular patterns, as depicted on Figure 2.

The northwestern warehouse building consisted of a single-story garage / warehouse encompassing approximately 9,658-square feet. The building was constructed with a wood frame and metal construction with metal roofing materials on a concrete slab-on-grade foundation. In general, this building was minimally improved, and consisted of open garage / warehouse space. Two (2) outbuildings were situated in the central portion of the subject property. The northern outbuilding consisted of a single-story shed encompassing approximately 644-square feet. This building was constructed with a concrete block frame on a concrete slab-on-grade foundation. The southern outbuilding consisted of a single-story shed encompassing approximately 200-square feet. This building was constructed with a wood frame and metal construction with metal roofing materials on a concrete slab-on-grade foundation. Each of these two (2) buildings were also minimally improved and in a state of disrepair.

The central warehouse building consisted of a single-story warehouse encompassing approximately 4,712-square feet. The building was constructed with a wood frame and metal construction with metal roofing materials on a concrete slab-on-grade foundation. In general, this building was minimally improved, and consisted of open garage / warehouse space.

The former office building consisted of a single-story commercial office building encompassing approximately 2,100-square feet. The building was constructed with a wood frame construction on a concrete slab-on-grade foundation. The interior of the building was finished with concrete block and sheetrock walls over wood frame. The exterior of the building was finished with a vinyl façade. Roofing materials consisted of asphalt roofing materials.

The northern warehouse building consisted of a single-story warehouse encompassing approximately 3,120-square feet. The building was constructed with a wood frame and metal construction with metal roofing materials on a concrete slab-on-grade foundation. In general, this building was minimally improved and in a state of disrepair.

The main foundry building consisted of a brick, concrete block, metal and wood frame constructed industrial building encompassing approximately 44,195-square feet. The building was constructed with a partial basement and a partial second story in the central portion of the building. The remainder of the building was constructed on a concrete slab-on-grade foundation. Roofing materials consisted of metal roofing. A baghouse and smokestack were constructed at the southern portion of the foundry building.

The scrap iron building consisted of a single-story warehouse encompassing approximately 9,240-square feet. Portions of the building were constructed with a basement, and the remainder of the building was constructed on a concrete slab-on-grade foundation. The building was constructed with a wood frame and metal construction with metal roofing materials on a concrete slab-on-grade foundation. The northern portion of this building was segregated as office space, and the southern portion was utilized for storage. The southern portion was minimally improved.

The site is located in a mixed commercial, industrial, and residentially developed area west of downtown South Bend. The site is bounded to the north by an industrial property, followed by West Washington Street, with an industrial property farther to the north. The site is bounded to the east by commercial properties, with residential properties located farther to the east. The site is bounded to the south by a railroad corridor, followed by a mix of commercial and industrial properties, with West Western Avenue located farther to the south, and the site is bounded to the west by South Grant Street followed by commercial properties.

Based on a review of historical documentation, the northwestern portion of the site was developed by at least 1934 for use as a coal yard. Coal yard operations continued on the northwestern portion of the site until at least 1965. Additionally, from at least 1941 through at least 1945, an auto parts salvage yard facility operated on the northwestern portion of the site. The auto parts salvage yard was then replaced by a coal yard that operated from at least 1945 through at least 1955. Three (3) trucking companies operated on the northwestern portion of the site from at least 1941 through at least 1955. Additionally, in the early-1950's, a warehouse was constructed on the northwestern portion of the site that was associated with the O'Brien Corporation, which operated adjacent to the northwest of the site, beyond West Washington

Street.

The north-central portion of the site was developed by at least 1885 by the South Bend Chilled Plow Co. to house warehouses, office buildings, and lumber piles associated with the northern adjacent property. These features were demolished by the early-1970's.

The southwestern portion of the site was developed by at least 1941 for residential usage. Beginning circa 1945, a heating and air conditioning company began operating on the southwestern portion of the subject property. These operations continued until the early-1990's.

The central portion of the site was developed by at least 1941 by three (3) bulk oil facilities. Between 1941 and 1985, several operating entities occupied four (4) separate bulk oil facilities situated on the subject property.

The eastern and southeastern portions of the site were developed by at least 1938 by the Hurwich Iron Co. Inc., a foundry that primarily produced brass products. Beginning in 1945, the South Bend Smelting & Refining Co. began operating at the site alongside the Hurwich Iron Co. Inc. Beginning in 1970, the Industrial Plant Service Inc. began operating alongside the two (2) foundry operations. The Industrial Plant Service remained at the site until the early-1980's. The South Bend Smelting & Refining Co. remained at the site until the early-1990's. The Hurwich Iron Co. Inc. ceased operations circa 2000, and the entire subject property has remained largely vacant since this time.

Operations on the site have included the utilization of both USTs and ASTs, each operating in different capacities and at varying timeframes. Further, the facility is known to have historically operated as a foundry with historic hazardous waste generation, storage and handling conducted at the site. A site map depicting the site layout and site features is provided as Figure 3.

Heartland, as part of environmental due diligence activities initiated in December 2022, conducted a Phase I ESA for the site. Based on the findings of this Phase I ESA, which included a review of historically conducted environmental assessments, the following Recognized Environmental Conditions (RECs) were identified in connection with the site:

- *Based on a review of historical documentation, including historical aerial photographs, Sanborn Fire Insurance Maps, city directories, and historical public records, the northwestern portion of the subject property was historically developed for usage as a coal yard from at least 1934 through at least 1965, the eastern portion of the subject property was developed with bulk oil storage facilities from at least 1941 through at least 1985, and the southeastern portion of the subject property was developed as a brass foundry from at least 1938 through at least 2000.*

As part of historical operations, the subject property is known to have operated extensive infrastructure related to the onsite industrial businesses. This infrastructure included the utilization of at least fourteen (14) aboveground storage tanks (ASTs), ranging in size from

12,000-gallons to 18,000-gallons, for bulk petroleum product storage, the utilization of numerous smaller ASTs for bulk petroleum and potentially hazardous substance storage, the operations of underground storage tanks (USTs), including five (5) USTs utilized for petroleum product storage and two (2) USTs utilized for heating oil storage, as well as the operation of several foundry related machinery implements, including baghouses of bulk foundry storage and other heavy machining operations.

No historical documentation regarding the registration and/or closure of ASTs and the two (2) heating oil USTs at the subject property was available for review. A review of documents obtained from the Indiana Department of Environmental Management (IDEM) Virtual File Cabinet (VFC) indicated that five (5) USTs, including two (2) 10,000-gallon diesel fuel USTs, two (2) 4,000-gallon gasoline USTs and one (1) 1,000-gallon gasoline UST were reportedly installed in June 1965 and subject to removal in August 1998. Only minimal soil sampling was conducted as part of the completed UST removal activities at this time.

The subject property also has known Resource Conservation and Recovery Act (RCRA) hazardous waste generating records. The subject property historically housed numerous trucking companies, which likely handled, utilized, and stored a variety of hazardous substances and petroleum products, including motor oils, used oil and chemical solvents.

Further, based on the findings of subsurface assessment conducted in October 2010, chemical impacts to subsurface media in the form of lead were encountered in select soil sampling locations that exceeded the then applicable IDEM Cleanup Objectives. Chemical impacts encountered appeared to be directly attributable to historical onsite operations. Sampling conducted was limited in nature, and did not constitute a comprehensive evaluation and/or characterization of the entirety of the subject property. Note that this sampling appears to have been conducted by the USEPA, and was conducted as part of CERCLA/CERCLIS discovery assessment activities. It was determined at the time of this sampling that the subject property did not warrant placement on the National Priorities List (NPL).

Additionally, a spill incident was reported at the subject property as having occurred on July 3, 1989. This incident was related to the release of approximately 8,000-gallons of Number 5 fuel oil and water, which reportedly affected an area of approximately 1,500-square feet. This incident was assigned Spill Incident #198907004. No additional information pertaining to this incident, including any records of any remedial action and/or environmental assessment, was available for review.

Historical site operations with known impacts to subsurface media and the potential for more extensive, unquantified impacts to be present onsite resulting from these historical operations is considered an REC for the subject property.

The potential for adverse chemical impacts to be present to subsurface media resulting from historical onsite industrial operations, including historical onsite utilization and operation of ASTs and USTs, further constitutes a Vapor Encroachment Condition (VEC) for the subject property.

- *Based on a review of historical documentation, including historical aerial photographs, Sanborn Fire Insurance Maps, city directories, and historical public records, the subject property is located in close proximity to several historically commercially and industrially developed properties. These include manufacturing businesses with known impacts to subsurface media located directly to the north, east and south of the subject property. Based on the proximity of these businesses with respect to the subject property, the potential exists that chemical impacts to subsurface media located at these offsite facilities may have migrated towards and adversely impacted the subject property.*

Historical neighboring property industrial operations and the potential for chemical impacts associated with these offsite facilities to have migrated onto and adversely impacted the subject property are considered an REC.

The potential for adverse chemical impacts to be present to subsurface media resulting from the migration of impacts onto the subject property from neighboring industrial properties further constitutes a VEC for the subject property.

In summary, site operations that are considered RECs are as follows:

- *Historical utilization of ASTs, including at least fourteen (14) 12,000-gallon to 18,000-gallon ASTs, utilized as part of historical bulk petroleum storage operations at the subject property, along with numerous smaller ASTs for petroleum product and other chemical storage (REC #1);*
- *Historical utilization of USTs, including seven (7) USTs (one (1) 1,000-gallon gasoline, two (2) 4,000-gallon gasoline, two (2) 10,000-gallon diesel and two (2) 4,000-gallon heating oil) based on a review of historical Sanborn Fire Insurance Maps and publicly available documents located within the IDEM VFC (REC #2);*
- *Historical operation of trucking companies, which likely handled, utilized and stored a variety of hazardous substances and petroleum products, including motor oils, used oil, and chemical solvents at the subject property (REC #3);*
- *Historical hazardous waste handling, storage, and utilization at the subject property with known RCRA generator documentation and limited information related to handling activities (REC #4);*
- *Documentation of known chemical impacts to soils present at the subject property and directly attributable to historical onsite operations (REC #5);*
- *The subject property was identified on the CERCLA/CERCLIS database as having undergone environmental assessment based on historical onsite operations and identified impacts associated with historical site operations. The subject property is not on the USEPA National Priority List (NPL) and does not qualify for the NPL based on existing information (REC #6);*
- *The subject property was identified on the SPILLS database. According to documentation reviewed, approximately 8,000-gallons of Number 5 fuel oil and water was spilled on the subject property on July 3, 1989, impacting approximately 1,500-square feet (Incident #198907004). No*

other information pertaining to this spill incident, nor any records of any cleanup and/or remediation associated with this incident, were available for review (REC #7); and

- The subject property is located in close proximity to several historically industrially developed properties with known impacts to subsurface media which have the potential to have migrated towards and adversely impacted the subject property (REC #8).*

Based on the findings of this Phase I ESA, and after consultation with representatives of Circle Avenue Properties LLC, it was determined that a Phase II ESA was warranted to evaluate for the presence and/or absence of chemical impacts to soil and/or groundwater resulting from historical onsite and offsite operations. This assessment was conducted for the purpose of evaluating for potential subsurface soil and/or groundwater impacts at the site. The potential exists for subsurface impacts to be present at the site based on historical operations conducted related to historical site usage, including the historical utilization of USTs and ASTs, as well as the historical generation of hazardous wastes on the site grounds. The potential further exists for impacts to be present on the site which may be attributable to the migration of impacts from nearby industrial facilities. Borings were advanced throughout the site to evaluate for the presence and/or absence of chemical impacts which may be attributable to these conditions and the RECs identified above.

Based on the historic use of the site, the chemicals of concern (COCs) included in this investigation were VOCs, PAHs, and heavy metals (arsenic, barium, cadmium, chromium, lead, mercury, selenium and silver). Soil and groundwater samples were submitted for analysis of VOCs, PAHs, and metals.

The purpose of this limited Phase II ESA was to evaluate for the presence and/or absence of chemical impacts to soil and groundwater in the areas of the site described above. This investigation was limited to the COCs, sample locations and depths analyzed. Previously completed environmental assessments were reviewed prior to the initiation of this investigation to assist in the development of this scope of work.

2.0 SUMMARY OF FINDINGS

2.1 Sampling Methodology

A total of thirty-two (32) soil borings (B-1 through B-32) were advanced to a maximum depth of 25 feet below ground surface (bgs) from December 6 through December 9, 2022 and on December 12, 2022. Each of the thirty-two (32) soil borings were advanced to the depth of the first encountered groundwater saturated zone. All borings were advanced using direct push technology and logged on Heartland boring logs. Boring logs are provided as Appendix A. Drilling activities were conducted by Seratech Drilling & Exploration, LLC of South Bend, Indiana under oversight by Heartland personnel.

Prior to investigation activities, Heartland contacted the appropriate utility companies to locate and mark site underground utility conduits/lines. Furthermore, ground penetrating radar (GPR) was utilized to clear select boring locations to confirm that no underground utility conflicts were present. A site map depicting soil boring locations is provided as Figure 3.

Soil was logged in 2-foot intervals and screened with a pre-calibrated MiniRae photo-ionization detector (PID). Two (2) soil samples from each soil boring (the initial encountered subsurface interval and the interval that exhibited the highest field screening results located above the first encountered groundwater saturated zone) were collected and submitted for laboratory analysis of VOCs using United States Environmental Protection Agency (USEPA) SW-846 Method 8260 and PAHs using USEPA SW-846 Method 8270 via Selected Ion Monitoring (SIM). Soil samples collected from the initial encountered subsurface soil interval were further submitted for laboratory analysis of Resource, Conservation and Recovery Act (RCRA) 8 metals using USEPA SW-846 Method 6010B/7471. Soil samples collected for analysis of VOCs were collected utilizing USEPA field sampling Method 5035A.

In addition to soil samples, grab groundwater samples were collected from each of the thirty-two (32) soil borings. Groundwater samples were submitted for laboratory analysis of VOCs using USEPA SW-846 Method 8260, PAHs using USEPA SW-846 Method 8270SIM and dissolved RCRA 8 metals using USEPA SW-846 Method 6010B/7471. Groundwater samples collected for dissolved metals analysis were submitted for analysis with laboratory filtration of samples requested.

All collected soil and groundwater samples were placed into laboratory prepared sample containers and stored in a secured, iced cooler (maintained at <6°C). Samples were transported to Pace Analytical Services, LLC (Pace) in Indianapolis, Indiana and submitted for laboratory analysis under Heartland's chain-of-custody protocol.

After completion of soil and groundwater sampling, each soil boring was properly abandoned

with hydrated bentonite chips and completed to match existing grade surface.

2.2 Soil Analytical Results

Laboratory analytical results for soil samples collected were compared to the IDEM R2 PLs (amended July 8, 2022) and are presented in Tables 1 through 3 and depicted on Figure 4.

The laboratory certificates of analysis and chain-of-custody documentation for this sampling event have been included in Appendix B.

2.2.1 Volatile Organic Compounds

VOC impacts were not encountered in any of the soil samples collected that exceeded IDEM R2 Short Term Excavation Soil PLs.

VOCs in soil analytical results are summarized in Table 1 and depicted on Figure 4.

2.2.2 Polynuclear Aromatic Hydrocarbons

PAH impacts in the form of naphthalene were encountered in one (1) soil boring (B-20) from a depth of 0 to 2 feet bgs and from a depth of 10 feet to 12 feet bgs that exceeded IDEM R2 Long Term Residential Soil PLs. Concentrations of naphthalene were not encountered in this soil boring that exceeded IDEM R2 Long Term Commercial Soil PLs and/or IDEM R2 Short Term Excavation Soil PLs.

Elevated concentrations exceeding laboratory detection limits for several PAH chemical constituents were encountered in several of the soil borings advanced; however, no additional PAH chemical constituent concentrations were encountered in any of the soil borings that exceeded IDEM R2 Long Term Residential Soil PLs.

No other PAH chemical constituents were encountered in soil that exceeded IDEM R2 Long Term Residential Soil PLs. PAHs in soil analytical results are summarized in Table 2 and depicted on Figure 4.

2.2.3 Metals

Metals impacts in the form of lead were encountered in nine (9) soil borings (B-6, B-20, B-21 and B-27 through B-32) from a depth of 0 to 2 feet bgs that exceeded IDEM R2 Long Term Residential Soil PLs. Concentrations of lead were further encountered in six (6) of these soil borings (B-6, B-21, B-29, B-30, B-31 and B-32) from a depth of 0 to 2 feet bgs that exceeded both the IDEM R2 Long Term Commercial Soil PL and the IDEM R2 Short Term Excavation Soil PL for lead, with

concentrations ranging from 1,810 parts per million (ppm) in soil boring B-6 to 12,200 ppm in soil boring B-21. Concentrations of lead were not encountered in any other soil boring that exceeded IDEM R2 Long Term Residential Soil PLs and/or IDEM R2 Commercial Soil PLs.

Mercury concentrations were encountered in one (1) soil boring (B-30) from a depth of 0 to 2 feet bgs that exceeded IDEM R2 Long Term Residential Soil PLs with a concentration of 6.9 ppm. Concentrations of mercury were further encountered in this soil boring that exceeded both the IDEM R2 Long Term Commercial Soil PL and the IDEM R2 Short Term Excavation Soil PL for mercury. Concentrations of mercury were not encountered in any other soil boring that exceeded IDEM R2 Long Term Residential Soil PLs and/or IDEM R2 Commercial Soil PLs.

Concentrations of cadmium were encountered in seven (7) soil borings (B-15, B-21, B-23, B-29, B-30, B-31 and B-32) that exceeded IDEM R2 Long Term Residential Soil PLs with concentrations ranging from 10.1 ppm to 85.0 ppm. Concentrations of cadmium were not encountered in these soil borings that exceeded IDEM R2 Long Term Commercial Soil PLs.

Arsenic concentrations were encountered ten (10) soil borings (B-1, B-8, B-12, B-15, B-17, B-19, B-29, B-30, B-31 and B-32) from a depth of 0 to 2 feet bgs that exceeded IDEM R2 Long Term Residential Soil PLs. Concentrations of arsenic were further encountered in one (1) soil boring (B-30) from a depth of 0 to 2 feet bgs that exceeded IDEM R2 Long Term Commercial Soil PLs with a concentration of 43.5 ppm. Concentrations of arsenic were not encountered in any soil boring that exceeded IDEM R2 Short Term Excavation Soil PLs.

No other metals constituents were encountered that exceeded IDEM R2 Long Term Residential Soil PLs and/or IDEM R2 Long Term Commercial Soil PLs. Metals in soil analytical results are summarized in Table 3 and depicted on Figure 4. The extent of arsenic impacts in shallow soil is depicted on Figure 6A and the extent of lead impacts in shallow soil is depicted on Figure 6B.

2.3 Groundwater Analytical Results

Laboratory analytical results for soil samples collected were compared to the IDEM R2 PLs (amended July 8, 2022) and are presented in Tables 4 through 6 and depicted on Figure 5.

The laboratory certificates of analysis and chain-of-custody documentation for this sampling event have been included in Appendix B.

2.3.1 Volatile Organic Compounds

VOC impacts in the form of PCE were encountered in eleven (11) soil borings (B-11, B-12, B-13, B-15, B-16, B-17 and B-24 through B-28) that exceeded the IDEM R2 Long Term Residential Groundwater PL of 5 parts per billion (ppb) for PCE, with concentrations ranging from 6.9 ppb in

soil boring B-27 to 27.1 ppb in soil boring B-25.

Concentrations of benzene were encountered in one (1) soil boring (B-20) that exceeded the IDEM R2 Long Term Residential Groundwater PL of 5 ppb for benzene, with a concentration of 52.2 ppb.

Concentrations of 1,2,4-trimethylbenzene were encountered in four (4) soil borings (B-17 through B-20) and concentrations of 1,3,5-trimethylbenzene were encountered in one (1) soil boring (B-20) that exceeded IDEM R2 Long Term Residential Groundwater PLs. Additionally, concentrations of 2-hexanone and vinyl chloride were each encountered in one (1) soil boring (B-19) that exceeded their respective IDEM R2 Long Term Residential Groundwater PLs.

No other VOC chemical constituents were encountered in groundwater that exceeded IDEM R2 Long Term Residential Groundwater PLs. VOCs in groundwater analytical results are summarized in Table 4 and depicted on Figure 5. The extent of petroleum hydrocarbon related VOC chemical constituent impacts in groundwater are depicted on Figure 7 and the extent of PCE impacts in groundwater are depicted on Figure 8.

2.3.2 Polynuclear Aromatic Hydrocarbons

PAH impacts in the form of naphthalene were encountered in eight (8) soil borings (B-16, B-19, B-20, B-24, B-25, B-27, B-28 and B-29) that exceeded IDEM R2 Long Term Residential Groundwater PLs with concentrations ranging from 1.8 ppb in soil boring B-16 to 276 ppb in soil boring B-20. Further, concentrations of 1-methylnaphthalene were encountered in thirteen (13) soil borings (B-16 through B-21, B-24 and B-27 through B-32) and concentrations of 2-methylnaphthalene were encountered in four (4) soil borings (B-18, B-20, B-21 and B-28) that exceeded IDEM R2 Long Term Residential Groundwater PLs.

Additionally, PAH impacts in the form of acenaphthene and fluorene were each encountered in one (1) soil boring (B-18) and concentrations of pyrene were encountered in two (2) soil borings (B-18 and B-21) that exceeded IDEM R2 Long Term Residential Groundwater PLs. Furthermore, concentrations of benzo(a)anthracene were encountered in three (3) soil borings (B-17, B-18 and B-21) and concentrations of both benzo(a)pyrene and benzo(b)fluoranthene were encountered in one (1) soil boring (B-18) that exceeded IDEM R2 Long Term Residential Groundwater PLs.

No other PAH chemical constituents were encountered in groundwater that exceeded IDEM R2 Long Term Residential Groundwater PLs. PAHs in groundwater analytical results are summarized in Table 5 and depicted on Figure 5. The extent of PAH impacts in groundwater are further depicted on Figure 7.

2.3.3 Metals

Dissolved metals concentrations were not encountered in any of the soil borings that exceeded IDEM R2 Long Term Residential Groundwater PLs.

Metals in groundwater analytical results are summarized in Table 6 and depicted on Figure 5.

2.4 Quality Assurance/Quality Control

As part of soil and groundwater sampling activities, Heartland collected QA/QC samples. Soil and groundwater QA/QC samples included field duplicate samples, laboratory trip blanks and field equipment blanks.

No significant data validation concerns were noted as part of this sampling event and after review of the laboratory analytical data packages.

2.5 Waste Disposal

Limited investigative derived waste was generated as part of site investigation activities and was disposed of offsite appropriately.

3.0 CONCLUSIONS AND RECOMMENDATIONS

Heartland has performed a Phase II ESA, including the advancement of thirty-two (32) soil borings and the sampling of subsurface soil and groundwater, at the former Hurwich Iron Company, Inc. / HIC Investments, LLC property addressed at 1610, 1628 & 1636 Circle Avenue in South Bend, Indiana. The objective of this Phase II sampling and analysis investigation was to evaluate for the presence and/or absence of chemical impacts to soil and/or groundwater resulting from the historical industrial usage of the site as a foundry and bulk oil storage facility, which included the historical utilization of USTs and ASTs, as well as the historical generation of hazardous wastes on the site grounds. The potential further exists for impacts to be present on the site which may be attributable to the migration of impacts from nearby industrial facilities. This assessment was also conducted to provide a baseline of existing site conditions and to assist in evaluating for the presence of any liabilities related to subsurface conditions.

Based on the results of this Phase II ESA, VOC impacts were not encountered in soil in any of the soil borings advanced that exceeded IDEM R2 Short Term Excavation Soil PLs. Concentrations of PAH chemical constituents, including naphthalene, were encountered in one (1) soil boring (B-20) from a depth of 0 to 2 feet below ground surface (bgs) and from a depth of 10 feet to 12 feet bgs that exceeded IDEM R2 Long Term Residential Soil PLs. Concentrations of naphthalene were not encountered in this soil boring that exceeded IDEM R2 Long Term Commercial Soil PLs and/or IDEM R2 Short Term Excavation Soil PLs.

Metals impacts in the form of lead were encountered in soil in nine (9) soil borings (B-6, B-20, B-21 and B-27 through B-32) from a depth of 0 to 2 feet bgs that exceeded IDEM R2 Long Term Residential Soil PLs. Concentrations of lead were further encountered in soil in six (6) of these soil borings (B-6, B-21, B-29, B-30, B-31 and B-32) from a depth of 0 to 2 feet bgs that exceeded both the IDEM R2 Long Term Commercial Soil PL and the IDEM R2 Short Term Excavation Soil PL for lead.

Mercury concentrations were encountered in soil in one (1) soil boring (B-30) from a depth of 0 to 2 feet bgs that exceeded IDEM R2 Long Term Residential Soil PLs. Concentrations of mercury were further encountered in soil in this soil boring that exceeded both the IDEM R2 Long Term Commercial Soil PL and the IDEM R2 Short Term Excavation Soil PL for mercury. Additionally, concentrations of cadmium were encountered in soil in seven (7) soil borings (B-15, B-21, B-23, B-29, B-30, B-31 and B-32) that exceeded IDEM R2 Long Term Residential Soil PLs.

Arsenic concentrations were encountered in soil in ten (10) soil borings (B-1, B-8, B-12, B-15, B-17, B-19, B-29, B-30, B-31 and B-32) from a depth of 0 to 2 feet bgs that exceeded IDEM R2 Long Term Residential Soil PLs. Concentrations of arsenic were further encountered in one (1) soil boring (B-30) from a depth of 0 to 2 feet bgs that exceeded IDEM R2 Long Term Commercial Soil PLs.

Metals concentrations were not encountered in soil in any other soil boring that exceeded IDEM R2 Long Term Residential and/or Commercial Soil PLs.

VOC impacts in the form of PCE were encountered in groundwater in eleven (11) soil borings (B-11, B-12, B-13, B-15, B-16, B-17 and B-24 through B-28) that slightly exceeded IDEM R2 Long Term Residential Groundwater PLs. Additionally, benzene concentrations were encountered in groundwater in one (1) soil boring (B-20) that exceeded IDEM R2 Long Term Residential Groundwater PLs.

Concentrations of 1,2,4-trimethylbenzene were encountered in four (4) soil borings (B-17 through B-20) and concentrations of 1,3,5-trimethylbenzene were encountered in one (1) soil boring (B-20) that exceeded IDEM R2 Long Term Residential Groundwater PLs. Additionally, concentrations of 2-hexanone and vinyl chloride were each encountered in one (1) soil boring (B-19) that exceeded their respective IDEM R2 Long Term Residential Groundwater PLs.

PAH impacts in the form of naphthalene were encountered in eight (8) soil borings (B-16, B-19, B-20, B-24, B-25, B-27, B-28 and B-29) that exceeded IDEM R2 Long Term Residential Groundwater PLs. Further, concentrations of 1-methylnaphthalene were encountered in thirteen (13) soil borings (B-16 through B-21, B-24 and B-27 through B-32) and concentrations of 2-methylnaphthalene were encountered in four (4) soil borings (B-18, B-20, B-21 and B-28) that exceeded IDEM R2 Long Term Residential Groundwater PLs.

Additionally, PAH impacts in the form of acenaphthene and fluorene were each encountered in one (1) soil boring (B-18) and concentrations of pyrene were encountered in two (2) soil borings (B-18 and B-21) that exceeded IDEM R2 Long Term Residential Groundwater PLs. Further, concentrations of benzo(a)anthracene were encountered in three (3) soil borings (B-17, B-18 and B-21) and concentrations of both benzo(a)pyrene and benzo(b)fluoranthene were encountered in one (1) soil boring (B-18) that exceeded IDEM R2 Long Term Residential Groundwater PLs.

No other VOC and/or PAH chemical constituents were encountered in groundwater that exceeded IDEM R2 Long Term Residential Groundwater PLs. Further, dissolved metals concentrations were not encountered in any of the groundwater samples collected that exceeded IDEM R2 Long Term Residential Groundwater PLs.

Based on the results of this investigation, significant and/or widespread VOC and/or PAH chemical impacts are not present in soil at the site that exceeds IDEM R2 Soil PLs. Heavy metals impacts, particularly lead impacts, are present in shallow soils in spot locations in the northwestern and southeastern portions of the site. It does not appear that, based on the results of the soil sampling completed as part of this investigation, these impacts are widespread, and appear to be limited to the spot locations at these portions of the site. It is likely, based on the concentrations encountered, that heavy metals impacts in soil are attributable to historical onsite industrial operations.

Petroleum hydrocarbon related VOC and PAH chemical impacts were encountered in groundwater in the southeastern portion of the site that exceeded IDEM R2 Long Term Groundwater PLs. These impacts appear to be concentrated near the locations of historically operated USTs and ASTs, and are likely attributable to historical onsite petroleum storage operations. These impacts do not appear to have migrated to northern and/or western portions of the subject site.

Additionally, PCE impacts were encountered in groundwater in the eastern portions of the site that exceeded IDEM R2 Long Term Groundwater PLs. These impacts appear to be concentrated in the central-eastern and north-eastern portions of the site. The source of these PCE impacts to groundwater could not be definitively ascertained as part of this investigation; however, the potential exists that PCE impacts encountered are a result of migration of impacts onto the subject property from offsite sources. This is evidenced by the lack of PCE impacts in soil and the lack of an identified source of PCE on the subject site.

Based on the results of this investigation, chemical impacts to shallow soils, particularly spot impacts of heavy metals, are present at the site and appear to be attributable to historical onsite operations. A potential exposure risk during typical commercial/industrial operations which would potentially be conducted at the site to these shallow impacted soils, particularly spot impacts of lead in select soil borings, is present. Remediation of these shallow impacted soils may be prudent so as to mitigate any potential future exposure risk related to these shallow impacted soils.

Furthermore, elevated petroleum hydrocarbon related VOC and PAH chemical constituent concentrations, as well as PCE concentrations, were encountered in groundwater in the southeastern and eastern portions of the site that exceeded IDEM R2 Long Term Groundwater PLs and appear to be a result of a combination of impacts associated with onsite historical operations and potential migration of impacts from offsite former industrial properties. The area of the subject site is currently serviced with municipal water supply, and no potable water wells are presently in operation on the subject site. At this time, no immediate exposure risk to impacted groundwater is present; however, future site use restrictions, including restricting installation of potable water well sources on the subject site, should be considered to further mitigate potential exposure risks associated with impacted groundwater encountered onsite.

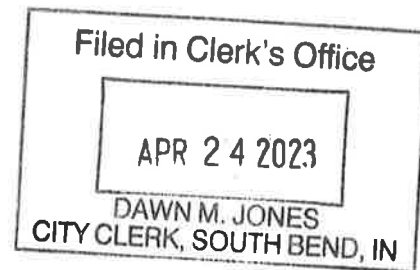
During the time of this investigation, the subject site was not active, with onsite buildings primarily utilized for storage and warehouse. Should future site operations include the redevelopment and occupancy of the onsite buildings for any purpose, an evaluation of vapor intrusion (VI) exposure pathways should be conducted to confirm that an adverse VI exposure risk is not present for the onsite buildings.

It is noted that, during the time of investigative activities, that several ASTs are still present on the site grounds, situated in the central-southeastern portion of the site. Heartland recommends that care be taken to properly decommission and remove any historical ASTs still present on the

site grounds prior to any future planned redevelopment of the site.

Furthermore, it is noted that the full nature and extent of chemical impacts to subsurface media has not been delineated. Additional investigation may be warranted, and should be considered, to fully characterize the nature and extent of impacts present, as well as to more definitively identify the potential source of chemical impacts to subsurface media at the site.

The findings and conclusions made within this project report are not to be construed as legal advice. No environmental investigation can wholly eliminate uncertainty regarding the potential for recognized environmental conditions in connections with a property. Furthermore, there is a point at which the cost of information obtained, or the time required to gather it outweighs the usefulness of the information and, in fact, may be a material detriment to the orderly completion of transactions.



State of Indiana
Office of the Secretary of State

Certificate of Amendment
of
CIRCLE AVENUE PROPERTIES LLC

Filed in Clerk's Office #9
APR 24 2023
DAWN M. JONES
CITY CLERK, SOUTH BEND, IN

I, DIEGO MORALES, Secretary of State, hereby certify that Articles of Amendment of the above Domestic Limited Liability Company have been presented to me at my office, accompanied by the fees prescribed by law and that the documentation presented conforms to law as prescribed by the provisions of the Indiana Code.

NOW, THEREFORE, with this document I certify that said transaction will become effective Thursday, January 19, 2023.



In Witness Whereof, I have caused to be affixed my signature and the seal of the State of Indiana, at the City of Indianapolis, January 19, 2023

Diego Morales

DIEGO MORALES
SECRETARY OF STATE

202212271649105 / 9716929

To ensure the certificate's validity, go to <https://bsd.sos.in.gov/PublicBusinessSearch>

APPROVED AND FILED
DIEGO MORALES
INDIANA SECRETARY OF STATE
01/19/2023 03:31 PM

ARTICLES OF AMENDMENT

ARTICLE I - NAME AND PRINCIPAL OFFICE ADDRESS

BUSINESS ID 202212271649105
BUSINESS TYPE Domestic Limited Liability Company
BUSINESS NAME CIRCLE AVENUE PROPERTIES LLC
PRINCIPAL OFFICE ADDRESS 1552 E. Lucas Street, Rochester, IN, 46975, USA
DATE AMENDMENT WAS ADOPTED 01/19/2023

EFFECTIVE DATE

EFFECTIVE DATE 01/19/2023
EFFECTIVE TIME 03:10PM

ARTICLE I - PRINCIPAL OFFICE ADDRESS

DATE OF ADOPTION 12/27/2022
PRINCIPAL OFFICE ADDRESS 1552 E. Lucas Street, Rochester, IN, 46975, USA

ARTICLE II - UPDATED REGISTERED AGENT

DATE OF ADOPTION 12/27/2022
REGISTERED AGENT TYPE Individual
NAME Jason W. Grube
ADDRESS 1495 N. Wentzel Street, Rochester, IN, 46975, USA
SERVICE OF PROCESS EMAIL

APPROVED AND FILED
DIEGO MORALES
INDIANA SECRETARY OF STATE
01/19/2023 03:31 PM

ARTICLE IV - GOVERNING PERSON INFORMATION

DATE OF ADOPTION 12/27/2022
TITLE Manager
NAME Jason W. Grube
ADDRESS 1495 N. Wentzel Street, Rochester, IN, 46975, USA

MANAGEMENT INFORMATION

THE LLC WILL BE MANAGED BY MANAGER(S) Yes
IS THE LLC A SINGLE MEMBER LLC? Yes

SIGNATURE

THE SIGNATOR(S) REPRESENTS THAT THE REGISTERED AGENT NAMED IN THE APPLICATION HAS CONSENTED TO THE APPOINTMENT OF REGISTERED AGENT.

THE MANNER OF THE ADOPTION OF THE ARTICLES OF BUSINESS AMENDMENT CONSTITUTE FULL LEGAL COMPLIANCE WITH THE PROVISIONS OF THE ACT, AND THE ARTICLES OF ORGANIZATION.

THE UNDERSIGNED MANAGER OR MEMBER OF THIS LIMITED LIABILITY COMPANY EXISTING PURSUANT TO THE PROVISIONS OF THE INDIANA BUSINESS FLEXIBILITY ACT DESIRES TO GIVE NOTICE OF ACTION EFFECTUATING BUSINESS AMENDMENT OF CERTAIN PROVISIONS OF ITS ARTICLES OF ORGANIZATION.

IN WITNESS WHEREOF, THE UNDERSIGNED HEREBY VERIFIES, SUBJECT TO THE PENALTIES OF PERJURY, THAT THE STATEMENTS CONTAINED HEREIN ARE TRUE, THIS DAY **January 19, 2023**.

THE UNDERSIGNED ACKNOWLEDGES THAT A PERSON COMMITS A CLASS A MISDEMEANOR BY SIGNING A DOCUMENT THAT THE PERSON KNOWS IS FALSE IN A MATERIAL RESPECT WITH THE INTENT THAT THE DOCUMENT BE DELIVERED TO THE SECRETARY OF STATE FOR FILING.

SIGNATURE Alexandra S. Sylvia
TITLE Legal Representative

Business ID : 202212271649105
Filing No. : 9716929

