

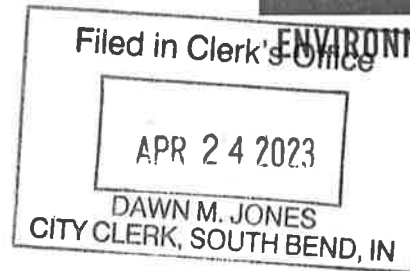
February 15, 2023

Sent Via E-Mail

Ms. Andrea Robertson Habeck
Technical Staff Coordinator
Indiana Brownfields Program
100 North Senate Avenue, Suite 1275
Indianapolis, Indiana 46204

HEARTLAND

ENVIRONMENTAL ASSOCIATES INC.



#10

**Re: Comfort Letter Request
Former Hurwich Iron Company, Inc. / HIC Investments, LLC Property
1610, 1628 & 1636 Circle Avenue in South Bend, St. Joseph County, Indiana 46628
IDEM State Cleanup Program Site #0000923
Heartland Project #'s 5089-22-04 / 5089-22-05**

Dear Ms. Robertson Habeck:

Heartland Environmental Associates, Inc. (Heartland) respectfully submits to the Indiana Brownfields Program (IBP) this Brownfields Comfort Letter Request on behalf of its client Circle Avenue Properties LLC ("Purchaser") in conjunction with the upcoming acquisition of the former Hurwich Iron Company, Inc. / HIC Investments, LLC property located at 1610, 1628 & 1636 Circle Avenue in South Bend, Indiana. This Request is being submitted under the basis that the Purchaser is exempt from liability or eligible for a defense to liability as a bona fide prospective purchaser (BFPP), contiguous property owner (CPO), or innocent landowner (ILO) pursuant to IC 13-25-4-8(b), IC 13-11-2-150(f), IC 13-11-2-150(g), IC 13-11-2-151(g), or IC 13-11-2-151(h). A Comfort/Site Status Letter Request Form, Submittal Checklist and Supplemental Information Form are included with this transmittal letter. A copy of the recent Phase I Environmental Site Assessment (ESA), conducted by Heartland dated January 19, 2023, will be provided to you as a digital fileshare document that accompanies this transmittal.

Specific project details and relevant information pertaining to this request are presented below.

Project Stakeholders Contact Information

Owner/Seller: HIC Investments LLC and Accent Indiana Inc.
Mailing Address: 4737 State Road 135 South, Nashville, Indiana 47448
Contact Person: Mr. Michael Morris
Contact Email: MMorris@recycletoday.com

Recipient/Prospective Purchaser: Circle Avenue Properties LLC
Mailing Address: 1552 East Lucas Street, Rochester, Indiana 46975
Contact Person: c/o Mr. Jason Grube, Manager
Contact Phone: (765) 776-2436
Contact Email: jason@rochesteriron.com

Technical Contact: Heartland Environmental Associates, Inc.
Mailing Address: 3410 Mishawaka Avenue, South Bend, Indiana 46615
Contact Person: Mr. Nivas R. Vijay, CHMM
Contact Phone: (574) 360-0961

"Your dependable partner for environmental compliance"

Contact Email: nvijay@heartlandenv.com

Project Site Details

State 18-digit parcel identification number(s) comprising the site:

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

Property Address:

1610, 1628 & 1636 Circle Avenue in South Bend, Indiana 46628

Legible copy of the recorded deed(s) or a surveyed legal description(s) for the parcel(s) comprising the site:

A copy of the seller's existing deeds for the property is attached. The property is scheduled to close on or before February 27, 2023. Promptly after the closing the Purchaser will supplement this Comfort Letter Application by providing the deed, which will reflect that the real estate has been sold to Circle Avenue Properties LLC. The boundaries of the property represented in this Comfort Letter and associated legal descriptions are detailed in the provided seller's deeds.

Date of property acquisition (or proposed transfer/closing date):

The property transaction is currently scheduled to close on or before February 27, 2023. Upon closing, a copy of the new deed documenting the transfer will be provided to the IBP.

Indication of whether or not a purchase agreement has been finalized:

A purchase agreement was finalized and executed by the parties on November 28, 2022, and closing is scheduled for on or before February 27, 2023. A redacted copy of the Purchase Agreement can be provided upon request.

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

Post-closing the Purchaser intends to conduct partial demolition on the property to demolish and raze dilapidated structures onsite. No other onsite redevelopment is pending at this time.

Black & white (non-aerial) site map depicting property boundaries, parcel, and parcel number:

Included in historic assessment documents provided with the Phase I ESA.

Relevant investigation/remediation/brownfields letters and reports available on the IDEM Virtual Filing Cabinet

- Indiana Department of Environmental Management, *Notification for Underground Storage Tanks*, December 15, 1994.
- Warner & Sons, Inc., *Permanent Closure of Underground Storage Tanks*, August 4, 1998.
- Indiana Department of Environmental Management, *Site Inspection Narrative Report*, January 25, 2011.
- Indiana Department of Environmental Management, *Notice of Liability and Information Request*, November 19, 2019.

Proposed building renovation details and/or new building construction specifications

The property currently consists of a vacant, former industrial complex, located on eleven (11) parcels of land and situated on a combined area of approximately 19.36-acres. The property is currently improved with eight (8) standing buildings, several of which are dilapidated. Post-closing the Purchaser intends to conduct partial demolition on the property to demolish and raze dilapidated structures onsite. No other onsite redevelopment is pending at this time.

Explanation and associated documentation to support satisfaction of continuing obligations (including steps taken to mitigate exposures) if property already acquired

The property is pending acquisition on or before February 27, 2023. The results of environmental assessments completed have indicated the presence of chemical impacts to subsurface media.

It is anticipated that, as part of future regulatory compliance and potentially as part of the issuance of the requested Comfort Letter, an Environmental Restrictive Covenant (ERC) with associated land use restrictions maybe implemented in order to mitigate potential exposure risks. Should this be necessary, it is the intention of the Purchaser to adhere to the land use restrictions set forth in any future implemented if ERC.

Please feel free to contact me directly at 574-360-0961 or via e-mail at nvijay@heartlandenv.com with any questions or comments. Thank you.

Sincerely,



Nivas R. Vijay, CHMM
Senior Project Manager / Principal

Attachments:

Comfort/Site Status Letter Request Form
Comfort/Site Status Letter Request Submittal Checklist
Comfort/Site Status Letter Request Supplemental Information Form
Phase I Environmental Site Assessment Report (digital fileshare attachment)
Phase II Environmental Site Assessment Report (digital fileshare attachment)
Current Deed
Draft Boundary Survey



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

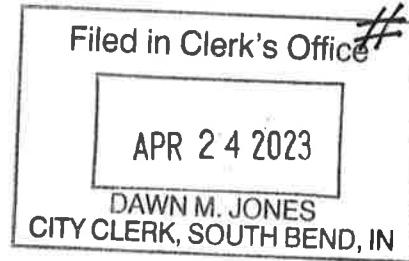
We Protect Hoosiers and Our Environment.

Northwest Regional Office • 330 W. US Highway 30, Suite F • Valparaiso, IN 46385

(888) 209-8892 • (219) 464-0233 • Fax (219) 464-0553 • www.idem.IN.gov

Eric J. Holcomb
Governor

Brian C. Rockensuess
Commissioner



March 3, 2023

VIA EMAIL

Mr. Alex Bowman
Attorney
Hurwich Iron Company
4101 Edison Lakes Parkway
Mishawaka, IN 46545

Re: Violation Letter
Hurwich Iron Company
INX000068288
South Bend, St Joseph County

Dear Mr. Bowman:

On 1/31/2023, a representative of the Indiana Department of Environmental Management, Northwest Regional Office, conducted an inspection of Hurwich Iron Company, located at 1610 Circle Ave., South Bend, IN. This inspection was conducted pursuant to IC 13-14-2-2. For your information, and in accordance with IC 13-14-5, a summary of the inspection is provided below:

Type of Inspection:	Referral from State Clean-up
Results of Inspection:	Violations were discovered and require a submittal. Additional violations may be cited based on the results of the waste determinations and resulting in referral to Office of Land Quality Enforcement Section

Within forty-five (45) days of receipt of this letter, a written detailed explanation, documenting compliance with each of the requirements listed in the inspection report, must be submitted to this office. Failure to respond adequately to this Violation Letter may result in a referral to the OLQ Enforcement Section. Please direct any response to this letter and any questions to Charles Breitenfeldt at (219) 781-5400 or email at chbreite@idem.in.gov. Thank you for your attention to this matter.

Sincerely,

Rick Massoels
Deputy Director
Northwest Regional Office

Enclosure

cc: St Joseph County Health Department



**HAZARDOUS WASTE
INSPECTION REPORT**
INDIANA DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT

Inspector's Name:	Charles Breitenfeldt	
Others Present	Hannah Hack	Environmental Manager
	Ken McDaniel	Senior Environmental Manager
Date:	Tuesday, January 31, 2023	
Time In:	11:45 AM	
Time Out:	3:00 PM	
Inspection Type	Referral from State Clean-up Program	

General Information

Facility Information						
Facility Name	Hurwich Iron Company, D.B.A. HIC Investments, LLC					
Facility Location	1610 Circle Ave. South Bend, IN 46628 St. Joseph County					
Facility Mailing Information	4101 Edison Lakes Parkway Mishawaka, IN 46545					
Facility Contact	Same as Primary Facility Contact					
Primary Facility Contact During Inspection	Alex Bowman Attorney 574-277-1200 abowman@kdlegal.com					
Other Facility Contact(s) During Inspection	Salutation	First Name	Last Name	Title	Phone Number	Email
	Mr.	Mike	Jones	Caretaker		
	Mr.	Mark	Espich	Environmental Health Director-St. Joseph County Department of Health	574-235-9722	mespich@sjcindiana.com

Facility ID			
EPA ID Number	Non-Notifier	NAICS Code	

Facility Status			
File Status	Non-Handler	Other Activities	

Outstanding Issues	
Last Inspection Date	
Previous Violations	<input type="radio"/> Yes <input checked="" type="radio"/> No
Details	

Inspection Narrative

This inspection was conducted as part of the serving of a search warrant (attachment A) with the Indiana Department of Environmental Management's State Clean-up Program, IDEM State Clean-up Site #0000923, to inspect the site for possible hazardous waste being stored on the property. The site is located on the property of the former Hurwich Iron Co. – South Bend Smelting (Hurwich) facility that was in operation from 1905-November 1999. The facility historically produced brass ingots from scrap brass and brass materials. The raw materials used in manufacturing processes consisted of compacted auto radiators, plumbing fixtures, brass millings, and scrapped machine parts. Former operations included melting an average of 10,000-11,000 lbs. of brass every two hours. The site consists of two separate buildings, 1610 and 1628 Circle Ave., on 4.57 acres. This site is currently owned and managed by HIC Investments, LLC. HIC Investments, LLC who also owns 10 contiguous properties, with buildings on two of them, 2008 Washington St. and 1636 Circle Ave.

IDEM staff arrived on site with Mr. Mark Espich and two (2) Indiana State Troopers and met the property caretaker, Mr. Mike Jones, and the property owner's attorney, Mr. Alex Bowman. Mr. Ken McDaniel, along with the two (2) Indiana State Troopers, served Mr. Jones and Mr. Bowman with the search warrant (VFC document number 83436349, attachment A). Mr. Jones and Mr. Bowman agreed to the terms of the search warrant and granted IDEM access to the site. The Indiana State Troopers departed the site. IDEM staff explained to Mr. Jones and Mr. Bowman what they were going to look at and what they were looking for.

IDEM staff first inspected the open area on the south end of the property. A red open top trailer (Trailer 1, attachment B) was observed in the southwest corner of the property. The trailer contained scrap metal and municipal trash. Moving to the east, IDEM staff observed three (3) van style semi-trailers and one (1) open top semi-trailer. Inside of the open top trailer (Trailer 2, attachment B) IDEM staff located approximately fifty (50) 55-gallon steel drums that were partially snow covered (Photos 1 and 4). There were no labels visible on any of these drums and appeared to be full of unknown substances. The drums appeared to be full based on the trailer sinking into the ground (Photos 2 and 3). Photos from the St. Joseph GIS Program indicate that the drums have been stored in the trailer since at least 2007 (Photo 67).

Next, IDEM staff inspected Trailer 3, see attachment B. The lock had to be cut on this trailer to gain access to the inside. The trailer was full of old car parts and was being used for storage of scrap metal (Photo 6). Trailer 4 was inspected next and was found to be empty. Trailer 5 was also full of old car parts and being used for storage of scrap metal. Located to the east of Trailers 4 and 5, was a steel roll-off dumpster that was full of old crushed and degrading steel drums (Photos 6 and 7). There were several other dumpsters located to the south of the building, in a grassy area, all of which were empty. It should be noted that in attachment B there is an unknown number of drums shown in the photo that were not located during this inspection and the missing drums promoted the initial cause for IDEM seeking and obtaining a search warrant for this property.

IDEM staff next inspected inside the first Hurwich building, 1628 Circle Ave. Inside of the building, about 40-50 feet from the door, along the south wall IDEM staff located five (5) 55-gallon drums with unknown contents that were unlabeled. Two of the drums were open, one had an unknown green liquid on top of it, two appear to have an unknown liquid leaking from them, two of them were damaged, and two of them had holes in them (Photos 8-14). Moving further east along the south wall, in front of a machine called "the big Squeeze", was a 5-gallon bucket of an unknown grease-like substance that was open and unlabeled. Slightly east from there IDEM staff located three (3) 5-gallon buckets of unknown substances mixed with municipal trash (Photos 15 and 16), all these buckets were open and unlabeled. Continuing east along the south wall IDEM staff located eight (8) 1-gallon containers of "Plastic Magi-Lux" (Photos 19-21). In the same area where the "Plastic Magi-Lux" is stored, IDEM staff located 20 batteries of varying sizes, most of them were on a pallet, single stacked. Three elongated batteries were not on the pallet, two of those looked highly degraded (Photo 17). Also in that same area was a damaged plastic container that contained several used spent fluorescent lamps of varying lengths (Photo 18), the container was open and unlabeled. Slightly east from this area was a room that contained a vat of an unknown bright green substance (Photo 22). This vat was open to the atmosphere, unlabeled, and had a pipe inside of it that went to an unknown location. In the southeast corner of the building, IDEM staff located one (1) plastic 5-gallon bucket that was severely compromised (Photo 23) and two (2) 5-gallon metal buckets containing an unknown brown liquid; both buckets were unlabeled and open (Photo 24).

In the middle of the Hurwich building, located at 1628 Circle Ave. was a two-story concrete block structure that housed offices, a maintenance crib downstairs, and quality control lab upstairs. Inside of the maintenance crib, to the left, IDEM staff located three (3) 20-gallon metal containers containing an unknown substance. These containers were all closed but were not labeled (Photo 25). Next to those containers were two additional containers that were open, unlabeled, and

contained an unknown substance (Photos 26 and 27). Also inside of the maintenance crib was a plastic 55-gallon container full of an unknown liquid that was closed, but not labeled (Photo 28). By the door to the maintenance crib were two (2) 5-gallon plastic containers filled with an unknown purple liquid that were closed, but unlabeled, (photo 29). Next to these containers by the door were several other containers of varying sizes that were full of unknown substances and were not in good condition (Photos 30 and 31). In the back of the maintenance crib IDEM staff located a 5-gallon metal container that was closed, was unlabeled, and had an unknown substance leaking from the bottom of it (Photo 32). Up the stairs to the right IDEM staff located a quality control lab. In the middle of the lab was a workstation that contained several containers of varying sizes and shapes. Some of these containers were labeled with the contents, but some were not. One of the containers was dated 3/25/94 (Photos 34-39). Around the corner of the lab, on the far side, IDEM staff located several more containers of varying sizes. Some of these containers were labeled, but some were not and the waste status of all these containers is unknown (Photo 40). A full inventory of the containers found in the lab can be found in Attachment C of this report; a waste determination will be requested on all above-mentioned containers.

IDEM staff next inspected Trailer 6 located on the north end of the property alongside Circle Avenue, see Attachment B. Inside the trailer IDEM staff located: five (5) 5-gallon containers with a flammable label on them, contents were unknown as they were not labeled; three (3) 55-gallon drums that were partially full of an unknown liquid, one (1) of them was open, none of them were labeled; one (1) 20-gallon container containing a grease-like substance that was not labeled, one (1) metal 55-gallon drum containing an unknown liquid that was not labeled; two (2) plastic 55-gallon drums of an unknown liquid that were not labeled; and one (1) 20-gallon container that was not labeled, filled approximately halfway of an unknown liquid (Photos 58-62).

IDEM staff next inspected the second Hurwich building, 1610 Circle Ave. This building is split up into three (3) distinct areas: Production, Storage, and Offices (See page 2 of Attachment B). IDEM staff first inspected the Production Area of the building. On the far wall from the door, IDEM staff located seven (7) 55-gallon metal drums and one (1) plastic 55-gallon drum that were unlabeled and filled with unknown substances (Photos 41 and 42). Moving northwest along the far wall IDEM staff located approximately 344 1-gallon metal containers in deteriorating condition on a pallet and had manufactured labels on them that stated they were full of "Plastic Magi-Lux" (Photos 43 and 44). Located next to the pallet were 12 boxes each containing four (4) 1-gallon containers of Plastic Magi-Lux (Photo 45). Moving northwest from the pallet, on the other side, IDEM staff located three (3) metal 55-gallon drums and one (1) 30-gallon metal drum. None of these drums were labeled and the 30-gallon drum was open. The contents of these drums were unknown (Photo 48).

Next to these four (4) drums was another pallet containing approximately 52 1-gallon metal containers of "Plastic Magi-Lux". These containers were in deteriorating condition and improperly stacked. Some of the containers were open with contents spilled onto the ground (Photo 47). Continuing northwest along the far wall IDEM staff located seven (7) plastic and eight (8) 55-gallon metal drums, each containing approximately 24 1-gallon containers of Plastic Magi-Lux (Photos 49 and 50). Next to these drums and behind a bunch of metal debris, IDEM staff located one (1) 55-gallon plastic container with a flammable sticker on it. The drum appeared to be full, however, the drum was not labeled and its contents are unknown (Photo 55). In the far northwest portion of the production area IDEM staff located several more 1-gallon containers in deteriorating condition, some were labeled as Plastic Magi-Lux, but some were unlabeled (Photos 51-53). It is unknown what the contents in these containers are. In this same area IDEM staff located an approximate 500-gallon tank that was 5/8ths of the way full. The tank was unlabeled, and it was unknown what was inside of the tank (Photo 54). Next, IDEM staff inspected the area southeast from the door. At the far end of the building, they located an approximate 1000-1500-gallon vessel that was possibly a boiler. The vessel had some liquid in it; however, it was unlabeled, and its contents was unknown (Photos 56 and 57).

After completing an inspection of the Production Area, IDEM staff moved on to the other two parts of the building. They first inspected the Storage Area. In this area they located one (1) 1-gallon container of Plastic Magi-Lux that was in deteriorating condition and one 5-gallon plastic jug that had a clear liquid inside of it and was unlabeled (Photo 63). The contents of both containers are unknown. IDEM then moved on to the office area of the building. In one of the offices, they found one box with four (4) used lamps inside of it, the box was open and unlabeled (Photos 64 and 65). In the same room, on a table, IDEM staff located a 1-gallon metal container in deteriorating condition, an open container of cleaner, and a container of "Liquid Fire" (photo 66). The status of these containers and what is inside of them is unknown.

IDEM staff also inspected the buildings located at 1639 Circle Ave. and 2008 Washington St. There was nothing of concern located in either one of these buildings; it appears these buildings are being used as storage for the company and caretaker's uses.

Upon conclusion of the inspection IDEM staff conducted a closing conference with Mr. Alex Bowman and informed him of their discoveries. IDEM staff informed Mr. Bowman that Hurwich is going to be required to make several waste determinations and based on those determinations further violations may be cited and enforcement actions may be taken. Mr. Ken McDaniel signed the search warrant indicating that it had been served and handed signed copies to Mr. Alex Bowman, Mr. Mark Espich, and Mr. Charles Breitenfeldt for their records.

Violations were discovered and require a submittal within 45 days to IDEM via email at chbreite@idem.in.gov. Additional violations may be cited based upon the results of the waste determinations.

Regulatory Status			
Observed Activity	Generator category will be based on results of the waste determinations	Other Activities	
Documents Reviewed			
Comments			

Waste Management					
Comments:	The site does not currently actively generate hazardous waste.				
Waste Stream(s) Information					
Waste Streams <input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> Not Inspected <input type="radio"/> Not Applicable					
List waste stream(s) information that varies from the most recent Annual Report (Example: additional waste streams, waste streams no longer generated, significant increase/decrease in generation rate, etc.)					
EPA Waste Codes	Description	Source	Generation Rate	Disposition	
Needs Waste Determination	Several Containers of Varying Sizes	Closure of Facility	Will be based on Waste Determinations	Will be based on Waste Determinations	
Exempted/Excluded	<input type="radio"/> Yes <input checked="" type="radio"/> No <input type="radio"/> Not Inspected <input type="radio"/> Not Applicable				
Explanation					
Waste Management Areas					
Container Management Area(s) <input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> Not inspected <input type="radio"/> Not applicable					
EPA Waste Codes	Location	Number	Size	Type of Container	
Needs Waste Determination	See Attachment D				
Satellite Area(s)	<input type="radio"/> Yes <input checked="" type="radio"/> No <input type="radio"/> Not inspected <input type="radio"/> Not applicable				
Tanks, Restricted Waste Sites, and Other Regulated Units <input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> Not inspected <input type="radio"/> Not applicable					
EPA Waste Codes	Type/Construction	Location	Quantity On-Site	Size	Unit
Needs Waste Determination	Steel	Hurwich, 1610 Circle Ave.	Approximately 300 gallons	Approximately 500 Gallons	Tank
Needs Waste Determination	Steel	Hurwich, 1610 Circle Ave.	Unknown	Approximately 1000-1500 gallons	Vessel

Environmental Releases	
Visible Releases/Contamination/Discharges	<input type="radio"/> Yes <input checked="" type="radio"/> No Release Observed

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Compliance Assistance	
P2 Information	
The following P2 suggestions could possibly save money, reduce waste and/or minimize risk. You might consider having a P2 assessment, or a voluntary technical assistance consultation from IDEM staff. Please visit the agency's P2 web site at http://www.in.gov/idem/5298.htm for additional information.	
Contact by IDEM OPPTA Requested	<input type="radio"/> Yes <input checked="" type="radio"/> No
P2 Suggestions	

Guidance Materials	
Guidance Materials Provided to Facility	

Checklist (Checked box indicates a compliance concern)	
Standards <input checked="" type="checkbox"/> Hazardous Waste Determination <input type="checkbox"/> Recordkeeping (SQG and LQG) <input type="checkbox"/> Identifying Hazardous Waste Numbers (SQG and LQG) <input type="checkbox"/> Generator Category Determination <input checked="" type="checkbox"/> Notification (SQG, LQG, Transporter, TSDf) <input type="checkbox"/> Release to the Environment, Disposal of Solid Waste <input type="checkbox"/> Illegal Dumping <input type="checkbox"/> Other Violation	TSDf Permit Requirements <input type="checkbox"/> TSDf Permit Requirements <input type="checkbox"/> Other Violation

LQG Hazardous Waste Standards <input type="checkbox"/> Accumulate for 90 Days or Less <input type="checkbox"/> Container Condition <input type="checkbox"/> Compatibility of Waste with Container <input type="checkbox"/> Containers Closed <input type="checkbox"/> Container Handling <input type="checkbox"/> Central Accumulation Area Inspection <input type="checkbox"/> Ignitable or Reactive Wastes - Distance from Property Line <input type="checkbox"/> Ignitable or Reactive Wastes - Sources of Ignition/Reaction: "No Smoking" signs <input type="checkbox"/> Conditions for Accumulation of Incompatible Wastes <input type="checkbox"/> Container Labeled "Hazardous Waste" <input type="checkbox"/> Container Marked with Indication of Hazards	SQG Hazardous Waste Standards <input type="checkbox"/> Accumulate for 180 Days or Less <input type="checkbox"/> Accumulation Limit <input type="checkbox"/> Container Condition <input type="checkbox"/> Compatibility of Waste with Container <input type="checkbox"/> Containers Closed <input type="checkbox"/> Container Handling <input type="checkbox"/> Central Accumulation Area Inspections <input type="checkbox"/> Conditions for Accumulation of Incompatible Wastes <input type="checkbox"/> Container Labeled "Hazardous Waste" <input type="checkbox"/> Container Marked with Indication of Hazards <input type="checkbox"/> Container Marked with Accumulation Start Date <input type="checkbox"/> Tank Operating Conditions <input type="checkbox"/> Tank Inspections
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<ul style="list-style-type: none"> <input type="checkbox"/> Containers Marked with Accumulation Start Date <input type="checkbox"/> Tank Integrity Assessment <input type="checkbox"/> Tank Containment and Detection of Releases <input type="checkbox"/> Tank General Operating Requirements <input type="checkbox"/> Tank Inspections <input type="checkbox"/> Tank Subpart BB - Monthly Pump and Valve Monitoring <input type="checkbox"/> Tank Subpart CC - Annual Inspection/Monitoring <input type="checkbox"/> Tank Labeled "Hazardous Waste" <input type="checkbox"/> Tank Marked with Indication of Hazards <input type="checkbox"/> Tank Documentation for 90-Day Accumulation <input type="checkbox"/> Maintenance and Operation of Facility <input type="checkbox"/> Required Equipment <input type="checkbox"/> Testing and Maintenance of Equipment <input type="checkbox"/> Aisle Space <input type="checkbox"/> Arrangements with Local Authorities <input type="checkbox"/> Arrangements with Local Authorities - Documentation <input type="checkbox"/> Contingency Plan Developed <input type="checkbox"/> Content of Contingency Plan <input type="checkbox"/> Copies of Contingency Plan <input type="checkbox"/> Contingency Plan Quick Reference Guide <input type="checkbox"/> Emergency Coordinator <input type="checkbox"/> Personnel Training Program <input type="checkbox"/> Personnel Training - Complete Within Six Months <input type="checkbox"/> Personnel Training Annual Review <input type="checkbox"/> Personnel Training Documentation <input type="checkbox"/> Personnel Training Record Retention <input type="checkbox"/> Notification for Closure <input type="checkbox"/> Land Disposal Restrictions <input type="checkbox"/> Large Quantity Generator - Other Violations 	<ul style="list-style-type: none"> <input type="checkbox"/> Tank Labeled "Hazardous Waste" <input type="checkbox"/> Tank Marked with Indication of Hazardous <input type="checkbox"/> Tank Documentation for 180-Day Accumulation <input type="checkbox"/> Land Disposal Restrictions <input type="checkbox"/> Maintenance and Operation of Facility <input type="checkbox"/> Required Equipment <input type="checkbox"/> Testing and Maintenance of Equipment <input type="checkbox"/> Access to Communications or Alarm System <input type="checkbox"/> Aisle Space <input type="checkbox"/> Arrangements with Local Authorities <input type="checkbox"/> Arrangements with Local Authorities - Documentation <input type="checkbox"/> Emergency Coordinator <input type="checkbox"/> Emergency Information Posted <input type="checkbox"/> Employee Training <input type="checkbox"/> Other Small Quantity Generator Standards <p>VSQG Standards</p> <ul style="list-style-type: none"> <input type="checkbox"/> Hazardous Waste Generation Limit <input type="checkbox"/> Hazardous Waste Accumulation Limit <input type="checkbox"/> Hazardous Waste Determination <input type="checkbox"/> Proper Disposal <input type="checkbox"/> Prohibited Disposal of Liquids in Landfills
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<p>Satellite Accumulation – SQG and LQG</p> <ul style="list-style-type: none"> <input type="checkbox"/> Quantity Limits, Point of Generation, Under Control of Operator <input type="checkbox"/> Container Condition <input type="checkbox"/> Compatibility with Container <input type="checkbox"/> Incompatible Wastes <input type="checkbox"/> Containers Closed 	<p>Manifest and Recordkeeping - LQG and SQG</p> <ul style="list-style-type: none"> <input type="checkbox"/> Manifest General Requirements <input type="checkbox"/> Use of the Manifest
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<input type="checkbox"/> Container Labeled "Hazardous Waste" <input type="checkbox"/> Container Marked with Indication of Hazards <input type="checkbox"/> Preparedness and Prevention <input type="checkbox"/> Excess Generation	
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Episodic Generation <input type="checkbox"/> Notification <input type="checkbox"/> EPA ID Number <input type="checkbox"/> Accumulate for 60 Days or Less <input type="checkbox"/> Accumulation Prohibitions <input type="checkbox"/> Container Labeling <input type="checkbox"/> Tank Labeling and Recordkeeping <input type="checkbox"/> Recordkeeping <input type="checkbox"/> Preparedness and Prevention <input type="checkbox"/> Other Violation	Hazardous Secondary Materials <input type="checkbox"/> Reclaimed Under Control of the Generator <input type="checkbox"/> Contained <input type="checkbox"/> Speculative Accumulation <input type="checkbox"/> Notice <input type="checkbox"/> Documentation of Legitimacy Determination <input type="checkbox"/> Emergency Preparedness and Response <input type="checkbox"/> Emergency Procedures (Accumulates 6,000 kg or Less) <input type="checkbox"/> Emergency Procedures (Accumulates Greater than 6,000 kg) <input type="checkbox"/> Other Violation
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Solvent-Contaminated Wipes – Disposal <input type="checkbox"/> Container Management (Non-leaking containers) <input type="checkbox"/> Closed Containers <input type="checkbox"/> Labeling <input type="checkbox"/> Accumulation Time <input type="checkbox"/> No Free Liquids <input type="checkbox"/> Free Liquids Management <input type="checkbox"/> Documentation <input type="checkbox"/> Final Disposition	Solvent-Contaminated Wipes - Laundered or Dry Cleaned <input type="checkbox"/> Container Management (Non-leaking containers) <input type="checkbox"/> Closed Containers <input type="checkbox"/> Labeling <input type="checkbox"/> Accumulation Time <input type="checkbox"/> No Free Liquids <input type="checkbox"/> Free Liquids Management <input type="checkbox"/> Documentation <input type="checkbox"/> Clean Water Act
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Universal Waste – All Facilities <input type="checkbox"/> Universal Waste Labeling <input type="checkbox"/> Containers - Closed, Good Condition, No Evidence of Leaks <input type="checkbox"/> Universal Waste - Bulb Crushing Prohibition	Used Oil – All Facilities <input type="checkbox"/> Rebuttable Presumption Applies <input type="checkbox"/> Containers and Tanks in Good Condition <input type="checkbox"/> Containers/Tank Labeling <input type="checkbox"/> Release Clean Up and Containment <input type="checkbox"/> Burning Restrictions - Generated On-site or DIY, .5M BTU
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Description of Violation(s)
STANDARDS
HAZARDOUS WASTE DETERMINATION
CITATION: 40 CFR 262.11: A person who generates a solid waste must determine if that waste is a hazardous waste.

DETAILS:

Hurwich Iron Company failed to make proper waste determinations on remaining inventory and abandoned the site upon closure in 1999. Dozens of containers of varying sizes, all containing various unknown contents were observed in trailers 2 and 6, as well as in the buildings located at 1610 and 1628 Circle Ave. South Bend, IN. This includes the vat found in 1628 Circle Ave. and the two tanks that were found in 1610 Circle Ave. buildings. An inventory of the containers observed with unknown contents can be found in Attachment D.

REQUIRED ACTION:

Determine whether the containers listed in Attachment D are hazardous wastes as defined by 40 CFR 261.


IDEM staff plan to be present when sampling occurs with the intent of splitting samples. Please provide IDEM with at least 14 days' notice of your planned sampling event, and submit a sampling plan if available. Final waste determinations, along with sampling results, must be submitted to IDEM within 45 days of receipt of this report.


Inspection Documentation	
Photographs	<input checked="" type="radio"/> Yes <input type="radio"/> No
Map	<input checked="" type="radio"/> Maps
GPS Location Collected	<input type="radio"/> Yes <input checked="" type="radio"/> No
Analytical Screening Conducted	<input type="radio"/> Yes <input checked="" type="radio"/> No
Lab Sample	<input type="radio"/> Yes <input checked="" type="radio"/> No

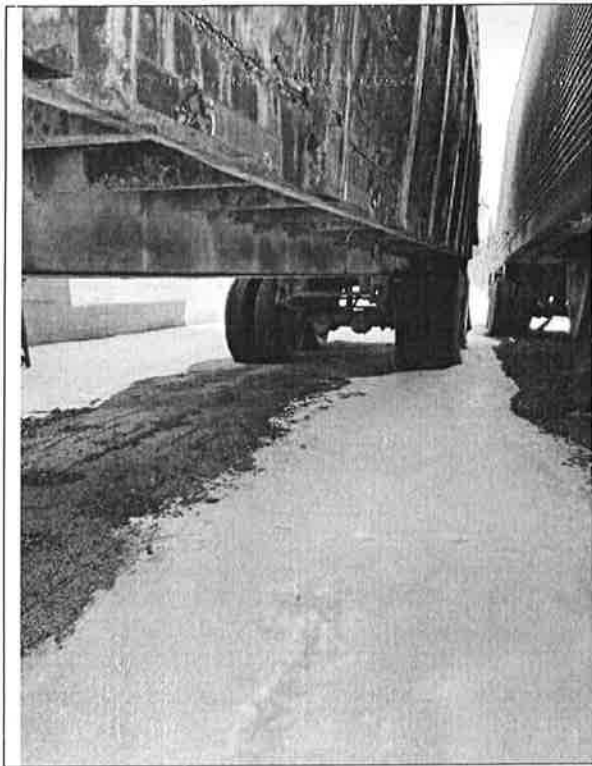
Inspection Results/Actions	
Comments:	
Inspection Results	
Violations were discovered and require a submittal. Additional violations may be cited based on the results of the waste determinations.	
Multi-Media Concerns	
No concerns noted	

Finalize Inspection	
Written Summary of Inspection	Notice of Inspection and Verbal Summary Provided
Inspector Information	Printed/Typed Name: Charles Breitenfeldt
	Phone Number: (219) 781-5400
	Email Address: chbreite@idem.in.gov
	Signature: Obtained on the Inspection Verification/Findings Form
Facility Representative Signature	Printed/Typed Name: Alex Bowman
	Signature: Obtained on the Inspection Verification/Findings Form

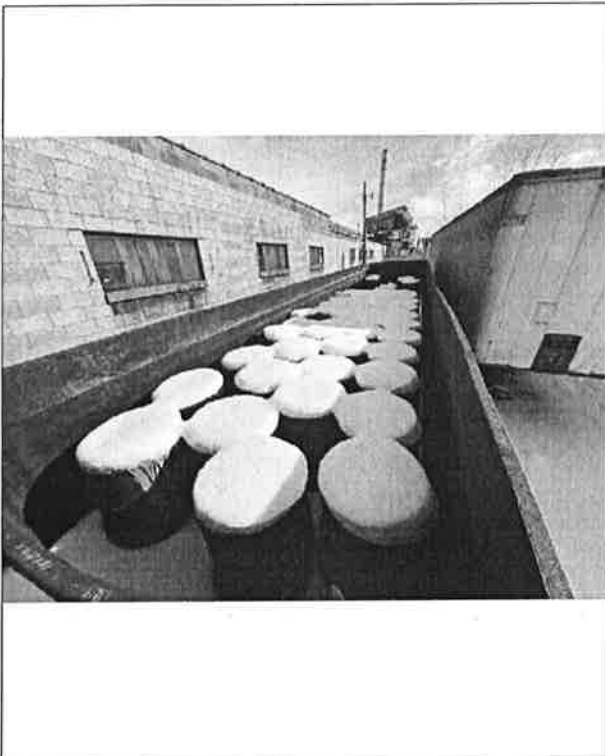
Photo Table: HIC Investments, LLC

	Number	1
	Description	Trailer 2 as identified in attachment B that has not moved since 2007, reference photo 67.
	Photographer	Hannah Hack
	Facility Name	HIC Investments, LLC
	Photo Date	01/31/2023
Others	Charles Breitenfeldt - IDEM Ken McDaniel - IDEM Mark Espich - St. Joseph County Department of Health Alex Bowman - Krieg DeVault LLP Mike Jones - Property Caretaker	

	Number	2
	Description	Trailer 2 sinking into the ground, indication that the drums inside of it are at least all partially full.
	Photographer	Hannah Hack
	Facility Name	HIC Investments, LLC
	Photo Date	01/31/2023
Others	Charles Breitenfeldt - IDEM Ken McDaniel - IDEM Mark Espich - St. Joseph County Department of Health Alex Bowman - Krieg DeVault LLP Mike Jones - Property Caretaker	



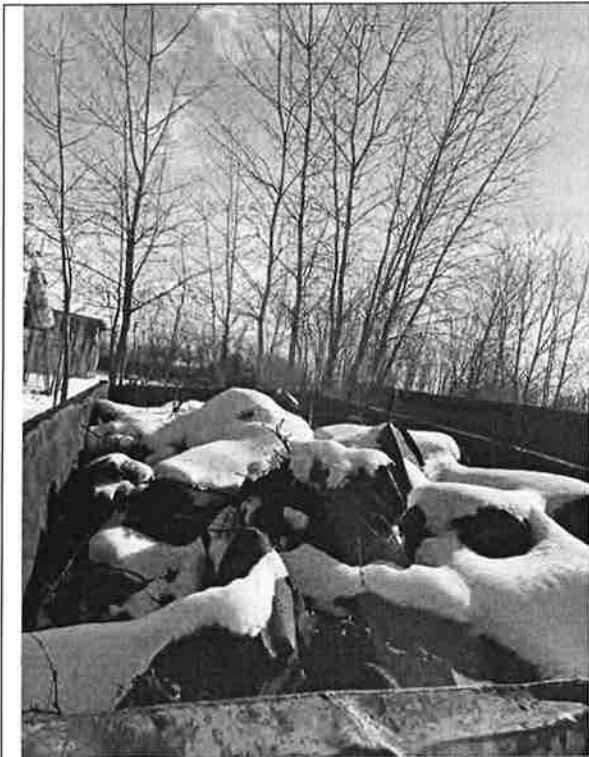
Number	3
Description	Trailer 2 rear axles, also sinking into the ground.
Photographer	Hannah Hack
Facility Name	HIC Investments, LLC
Photo Date	01/31/2023
Others	Charles Breitenfeldt - IDEM Ken McDaniel - IDEM Mark Espich - St. Joseph County Department of Health Alex Bowman - Krieg DeVault LLP Mike Jones - Property Caretaker




Number	4
Description	Inside of trailer 2, approximately 50 metal 55-gallon drums full of unknown contents, all are unlabeled.
Photographer	Hannah Hack
Facility Name	HIC Investments, LLC
Photo Date	01/31/2023
Others	Charles Breitenfeldt - IDEM Ken McDaniel - IDEM Mark Espich - St. Joseph County Department of Health Alex Bowman - Krieg DeVault LLP Mike Jones - Property Caretaker




Number	5
Description	Trailer 3 full of old card parts and other scrap metal
Photographer	Hannah Hack
Facility Name	HIC Investments, LLC
Photo Date	01/31/2023
Others	Charles Breitenfeldt - IDEM Ken McDaniel - IDEM Mark Espich - St. Joseph County Department of Health Alex Bowman - Krieg DeVault LLP Mike Jones - Property Caretaker



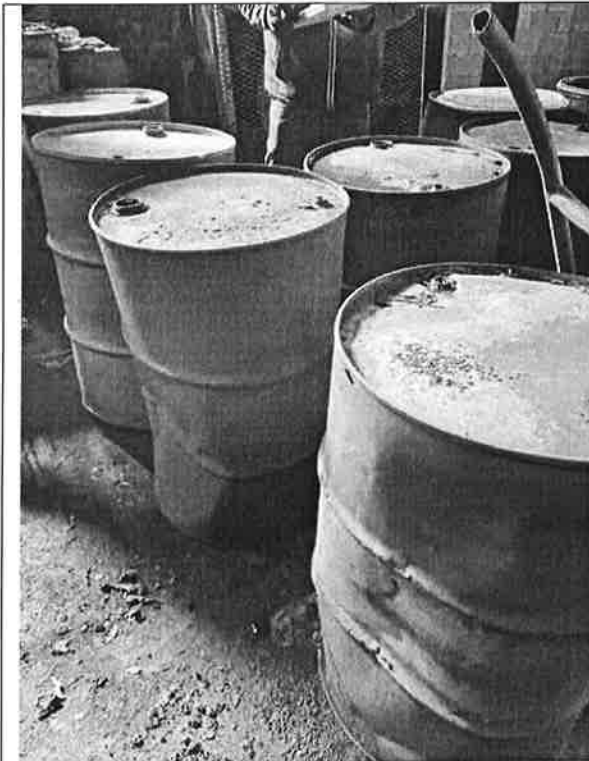
Number	6
Description	Steel roll-off dumpster to the east of trailers 4 and 5 that is full of decaying metal 55-gallon drums.
Photographer	Hannah Hack
Facility Name	HIC Investments, LLC
Photo Date	01/31/2023
Others	Charles Breitenfeldt - IDEM Ken McDaniel - IDEM Mark Espich - St. Joseph County Department of Health Alex Bowman - Krieg DeVault LLP Mike Jones - Property Caretaker

	Number	7
	Description	Side view of roll-off dumpster in photo 6
	Photographer	Charles Breitenfeldt
	Facility Name	HIC Investments, LLC
	Photo Date	01/31/2023
	Others	Charles Breitenfeldt - IDEM Ken McDaniel - IDEM Mark Espich - St. Joseph County Department of Health Alex Bowman - Krieg DeVault LLP Mike Jones - Property Caretaker

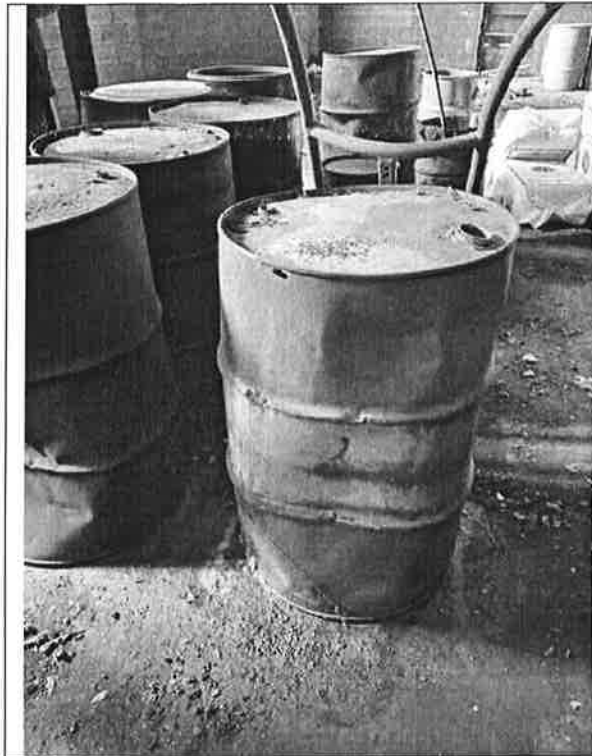
	Number	8
	Description	Inside of Hurwich, 1628 Circle Ave. building (Hurwich 1628) on south wall. Five (5) drums with unknown contents in them and none of them are labeled: two of them were open, one has unknown green liquid on top of it, two appear to have an unknown liquid leaking from them, two of them were damaged, and two of them had holes in them.
	Photographer	Charles Breitenfeldt
	Facility Name	HIC Investments, LLC
	Photo Date	01/31/2023
	Others	Charles Breitenfeldt - IDEM Ken McDaniel - IDEM Mark Espich - St. Joseph County Department of Health Alex Bowman - Krieg DeVault LLP Mike Jones - Property Caretaker



Number	9
Description	Same drums as in photo 8, this is the drum that appears to have an unknown liquid leaking from it.
Photographer	Hannah Hack
Facility Name	HIC Investments, LLC
Photo Date	01/31/2023
Others	Charles Breitenfeldt - IDEM Ken McDaniel - IDEM Mark Espich - St. Joseph County Department of Health Alex Bowman - Krieg DeVault LLP Mike Jones - Property Caretaker



Number	10
Description	Same drums as in photo 8, showing damaged drums with unknown liquids inside of them and another drum that has an unknown liquid leaking from it.
Photographer	Hannah Hack
Facility Name	HIC Investments, LLC
Photo Date	01/31/2023
Others	Charles Breitenfeldt - IDEM Ken McDaniel - IDEM Mark Espich - St. Joseph County Department of Health Alex Bowman - Krieg DeVault LLP Mike Jones - Property Caretaker




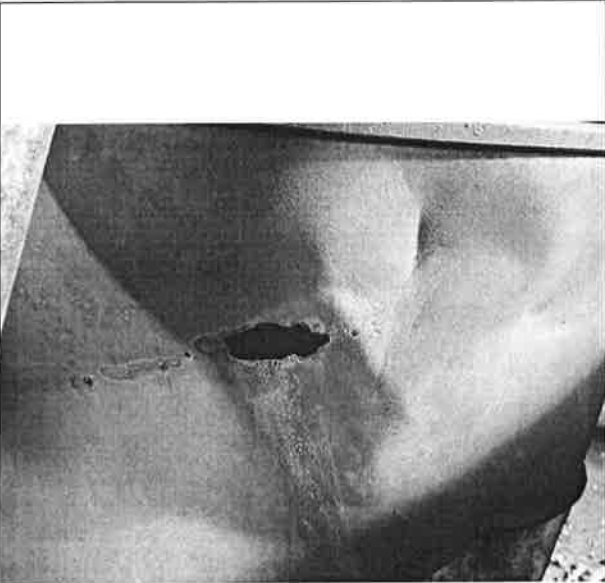
Number	11
Description	Same drum as in photo 10 showing drum is damaged, open, unlabeled, has an unknown liquid leaking from it.
Photographer	Hannah Hack
Facility Name	HIC Investments, LLC
Photo Date	01/31/2023
Others	Charles Breitenfeldt - IDEM Ken McDaniel - IDEM Mark Espich - St. Joseph County Department of Health Alex Bowman - Krieg DeVault LLP Mike Jones - Property Caretaker

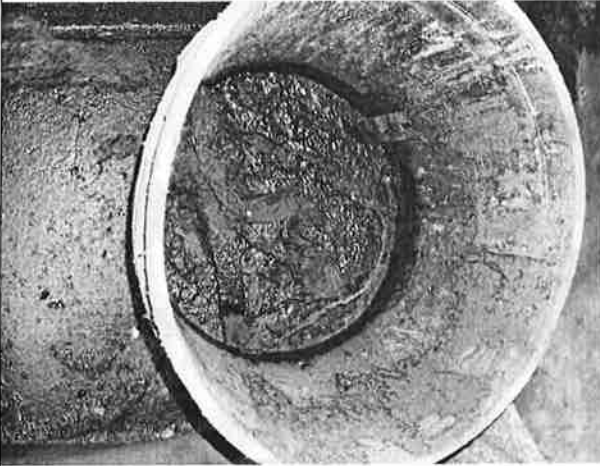
Photo 11 - 01/31/2023 - 11:00 AM

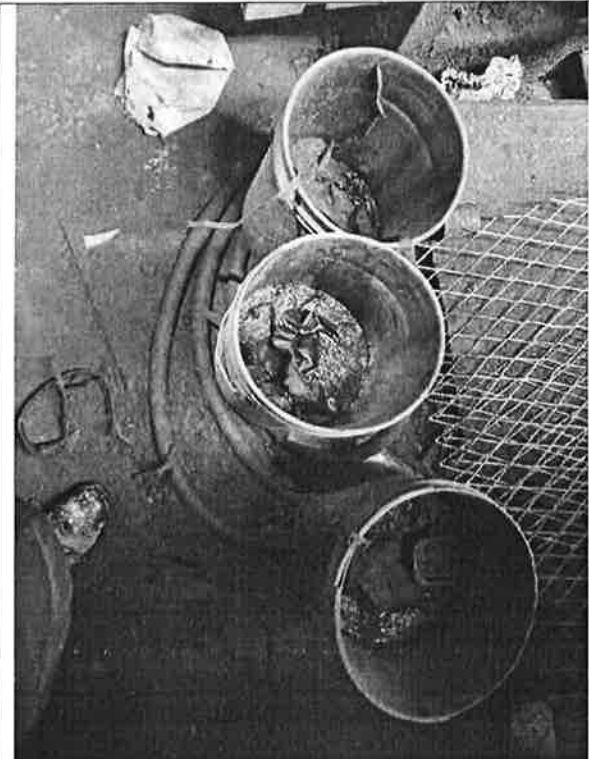


Number	12
Description	Close up from photo 11 of the unknown liquid leaking out of the drum.
Photographer	Hannah Hack
Facility Name	HIC Investments, LLC
Photo Date	01/31/2023
Others	Charles Breitenfeldt - IDEM Ken McDaniel - IDEM Mark Espich - St. Joseph County Department of Health Alex Bowman - Krieg DeVault LLP Mike Jones - Property Caretaker

	Number	13
	Description	Drum from photo 8 that is badly damaged, with a hole in it. Has unknown liquid inside of it and is unlabeled.
	Photographer	Hannah Hack
	Facility Name	HIC Investments, LLC
	Photo Date	01/31/2023
	Others	Charles Breitenfeldt - IDEM Ken McDaniel - IDEM Mark Espich - St. Joseph County Department of Health Alex Bowman - Krieg DeVault LLP Mike Jones - Property Caretaker

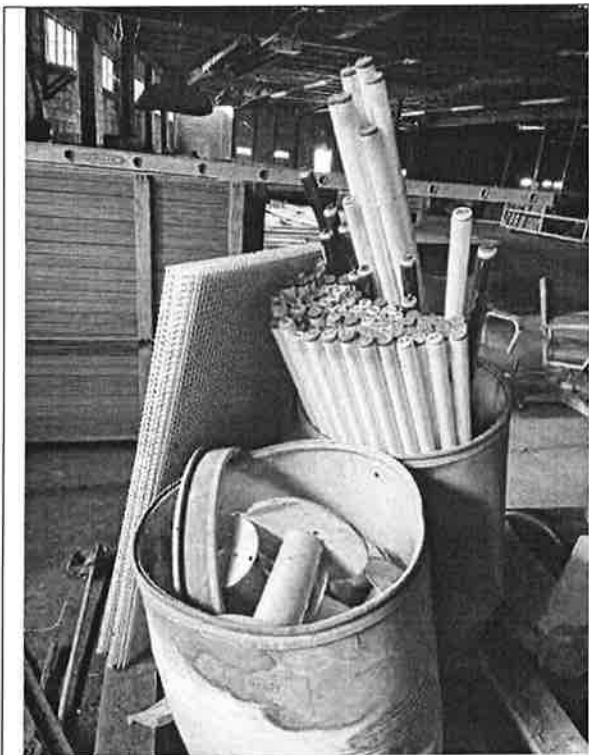
	Number	14
	Description	A different drum from photo 8 that is badly damaged, with a hole in it. Has unknown liquid inside of it and is unlabeled.
	Photographer	Hannah Hack
	Facility Name	HIC Investments, LLC
	Photo Date	01/31/2023
	Others	Charles Breitenfeldt - IDEM Ken McDaniel - IDEM Mark Espich - St. Joseph County Department of Health Alex Bowman - Krieg DeVault LLP Mike Jones - Property Caretaker

	Number	15
	Description	5-gallon plastic bucket in front of “the Big Squeeze” that is open, unlabeled, and has an unknown liquid inside of it mixed with municipal trash found in Hurwich 1628.
	Photographer	Hannah Hack
	Facility Name	HIC Investments, LLC
	Photo Date	01/31/2023
	Others	Charles Breitenfeldt - IDEM Ken McDaniel - IDEM Mark Espich - St. Joseph County Department of Health Alex Bowman - Krieg DeVault LLP Mike Jones - Property Caretaker


	Number	16
	Description	Three 5-gallon plastic buckets that are open, unlabeled and have an unknown grease like substance in them mixed with municipal trash found in Hurwich 1628.
	Photographer	Hannah Hack
	Facility Name	HIC Investments, LLC
	Photo Date	01/31/2023
	Others	Charles Breitenfeldt - IDEM Ken McDaniel - IDEM Mark Espich - St. Joseph County Department of Health Alex Bowman - Krieg DeVault LLP Mike Jones - Property Caretaker




Number	17
Description	Pallet of 20 degrading batteries of varying sizes that are not labeled nor dated found in Hurwich 1628.
Photographer	Charles Breitenfeldt
Facility Name	HIC Investments, LLC
Photo Date	01/31/2023
Others	Charles Breitenfeldt - IDEM Ken McDaniel - IDEM Mark Espich - St. Joseph County Department of Health Alex Bowman - Krieg DeVault LLP Mike Jones - Property Caretaker



Number	18
Description	Damaged 55-gallon plastic drum containing used fluorescent lamps of varying sizes that are open, not labeled, nor dated found in Hurwich 1628.
Photographer	Charles Breitenfeldt
Facility Name	HIC Investments, LLC
Photo Date	01/31/2023
Others	Charles Breitenfeldt - IDEM Ken McDaniel - IDEM Mark Espich - St. Joseph County Department of Health Alex Bowman - Krieg DeVault LLP Mike Jones - Property Caretaker

	Number	19
	Description	Small pallet found in Hurwich 1628 containing five 1-gallon containers of Plastic Magi-Lux. The containers are degrading, and the contents of the containers are unknown.
	Photographer	Hannah Hack
	Facility Name	HIC Investments, LLC
	Photo Date	01/31/2023
	Others	Charles Breitenfeldt - IDEM Ken McDaniel - IDEM Mark Espich - St. Joseph County Department of Health Alex Bowman - Krieg DeVault LLP Mike Jones - Property Caretaker


	Number	20
	Description	Close up of one of the containers in photo 19.
	Photographer	Hannah Hack
	Facility Name	HIC Investments, LLC
	Photo Date	01/31/2023
	Others	Charles Breitenfeldt - IDEM Ken McDaniel - IDEM Mark Espich - St. Joseph County Department of Health Alex Bowman - Krieg DeVault LLP Mike Jones - Property Caretaker





Number	21
Description	Box containing three 1-gallon containers of Plastic Magi-Lux found on the ground next to the 55-gallon drum of used lamps found in Hurwich 1628.
Photographer	Hannah Hack
Facility Name	HIC Investments, LLC
Photo Date	01/31/2023
Others	Charles Breitenfeldt - IDEM Ken McDaniel - IDEM Mark Espich - St. Joseph County Department of Health Alex Bowman - Krieg DeVault LLP Mike Jones - Property Caretaker




Number	22
Description	Vat of unknown green liquid that is open to the environment and is not labeled nor dated found in a separate small room in Hurwich 1628 along the southern wall.
Photographer	Hannah Hack
Facility Name	HIC Investments, LLC
Photo Date	01/31/2023
Others	Charles Breitenfeldt - IDEM Ken McDaniel - IDEM Mark Espich - St. Joseph County Department of Health Alex Bowman - Krieg DeVault LLP Mike Jones - Property Caretaker

	Number	23
	Description	Found in Hurwich 1628 in the southeast corner of the building was this highly degraded 5-gallon plastic bucket, it is unknown what was in the bucket or how this bucket came to be so degraded.
	Photographer	Hannah Hack
	Facility Name	HIC Investments, LLC
	Photo Date	01/31/2023
	Others	Charles Breitenfeldt - IDEM Ken McDaniel - IDEM Mark Espich - St. Joseph County Department of Health Alex Bowman - Krieg DeVault LLP Mike Jones - Property Caretaker

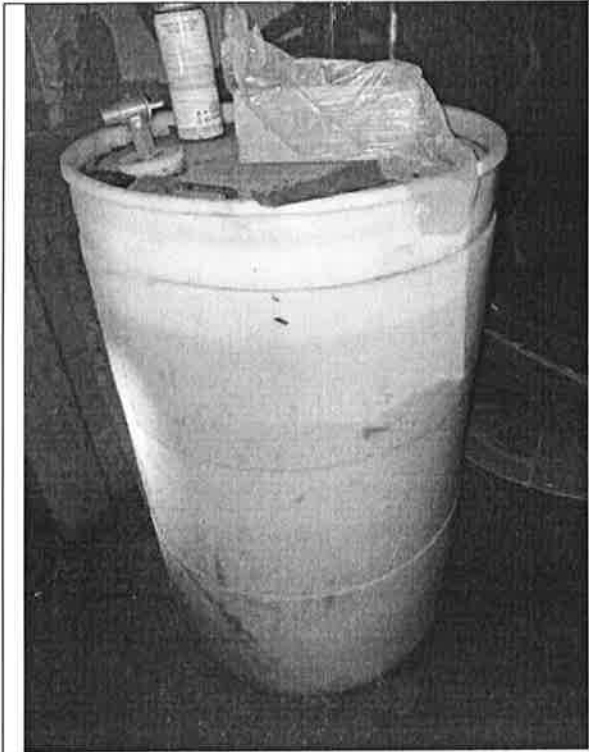
	Number	24
	Description	Two metal 5-gallon buckets (with one that is severely compromised) containing unknown liquids. Both are open and unlabeled, found in Hurwich 1628 southeast corner of the building.
	Photographer	Hannah Hack
	Facility Name	HIC Investments, LLC
	Photo Date	01/31/2023
	Others	Charles Breitenfeldt - IDEM Ken McDaniel - IDEM Mark Espich - St. Joseph County Department of Health Alex Bowman - Krieg DeVault LLP Mike Jones - Property Caretaker

	Number	25
	Description	Found in Hurwich 1628 maintenance crib. Three metal 20-gallon containers that are unlabeled and filled with an unknown substance.
	Photographer	Hannah Hack
	Facility Name	HIC Investments, LLC
	Photo Date	01/31/2023
Others	Charles Breitenfeldt - IDEM Ken McDaniel - IDEM Mark Espich - St. Joseph County Department of Health Alex Bowman - Krieg DeVault LLP Mike Jones - Property Caretaker	

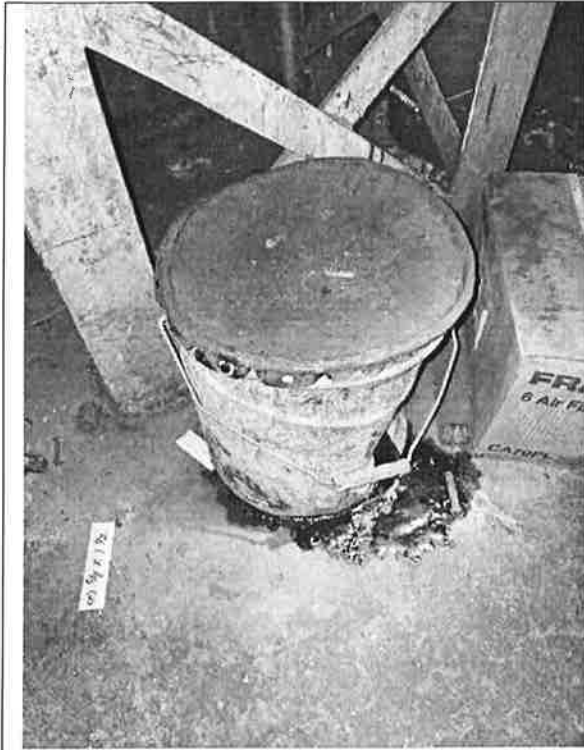
	Number	26
	Description	Found in Hurwich 1628 maintenance crib; 5-gallon plastic bucket filled with an unknown substance that is unlabeled and open.
	Photographer	Hannah Hack
	Facility Name	HIC Investments, LLC
	Photo Date	01/31/2023
Others	Charles Breitenfeldt - IDEM Ken McDaniel - IDEM Mark Espich - St. Joseph County Department of Health Alex Bowman - Krieg DeVault LLP Mike Jones - Property Caretaker	



Number	27
Description	Found in Hurwich 1628 maintenance crib; 5-gallon plastic bucket filled with an unknown substance that is unlabeled and open.
Photographer	Hannah Hack
Facility Name	HIC Investments, LLC
Photo Date	01/31/2023
Others	Charles Breitenfeldt - IDEM Ken McDaniel - IDEM Mark Espich - St. Joseph County Department of Health Alex Bowman - Krieg DeVault LLP Mike Jones - Property Caretaker



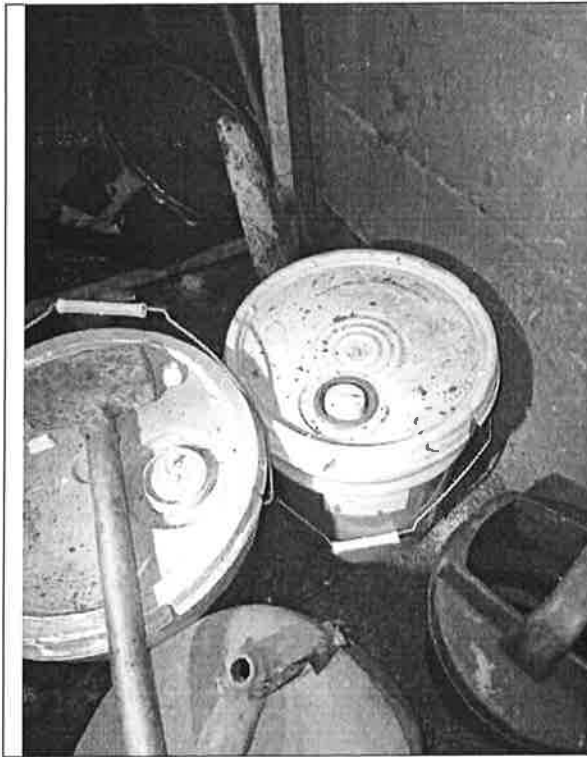
Number	28
Description	Found in Hurwich 1628 maintenance crib; plastic 55-gallon drum filled with an unknown liquid that is unlabeled.
Photographer	Hannah Hack
Facility Name	HIC Investments, LLC
Photo Date	01/31/2023
Others	Charles Breitenfeldt - IDEM Ken McDaniel - IDEM Mark Espich - St. Joseph County Department of Health Alex Bowman - Krieg DeVault LLP Mike Jones - Property Caretaker



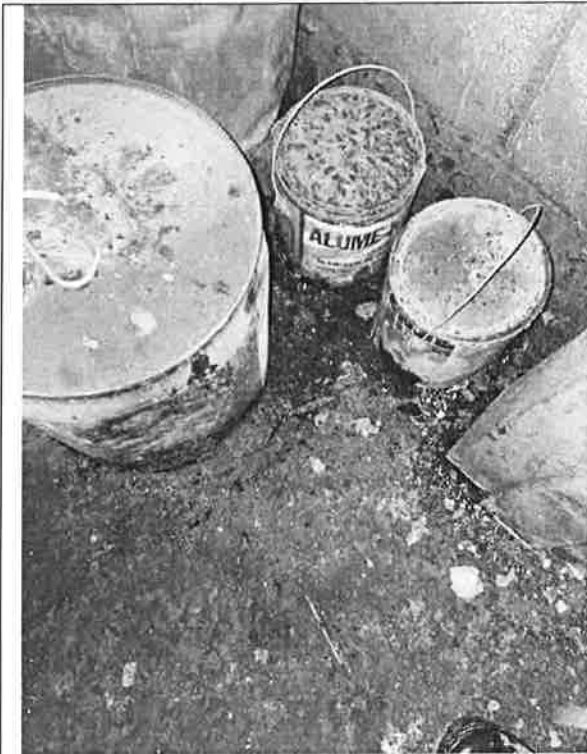
Number	29
Description	Found in Hurwich 1628 maintenance crib-back room; 5-gallon metal bucket that is damaged and leaking an unknown purple liquid. The bucket is also unlabeled.
Photographer	Hannah Hack
Facility Name	HIC Investments, LLC
Photo Date	01/31/2023
Others	Charles Breitenfeldt - IDEM Ken McDaniel - IDEM Mark Espich - St. Joseph County Department of Health Alex Bowman - Krieg DeVault LLP Mike Jones - Property Caretaker




Number	30
Description	Found in Hurwich 1628 maintenance crib, by the entrance, two 5-gallon plastic buckets filled with an unknown purple liquid, both buckets are not labeled.
Photographer	Hannah Hack
Facility Name	HIC Investments, LLC
Photo Date	01/31/2023
Others	Charles Breitenfeldt - IDEM Ken McDaniel - IDEM Mark Espich - St. Joseph County Department of Health Alex Bowman - Krieg DeVault LLP Mike Jones - Property Caretaker





Number	31
Description	Top view of photo 30 showing the second bucket better.
Photographer	Hannah Hack
Facility Name	HIC Investments, LLC
Photo Date	01/31/2023
Others	Charles Breitenfeldt - IDEM Ken McDaniel - IDEM Mark Espich - St. Joseph County Department of Health Alex Bowman - Krieg DeVault LLP Mike Jones - Property Caretaker





Number	32
Description	Found in Hurwich 1628 maintenance crib, by the entrance, 5-gallon metal container that was closed, but unlabeled and had an unknown substance leaking out of the bottom of it. Also two 1-gallon cans, waste status unknown.
Photographer	Hannah Hack
Facility Name	HIC Investments, LLC
Photo Date	01/31/2023
Others	Charles Breitenfeldt - IDEM Ken McDaniel - IDEM Mark Espich - St. Joseph County Department of Health Alex Bowman - Krieg DeVault LLP Mike Jones - Property Caretaker


	Number	33
	Description	Found in Hurwich 1628 maintenance crib, to the left of the entrance.
	Photographer	Hannah Hack
	Facility Name	HIC Investments, LLC
	Photo Date	01/31/2023
	Others	Charles Breitenfeldt - IDEM Ken McDaniel - IDEM Mark Espich - St. Joseph County Department of Health Alex Bowman - Krieg DeVault LLP Mike Jones - Property Caretaker


	Number	34
	Description	Quality control lab found in the upstairs part of Hurwich 1628. These are several unknown chemicals in containers of varying size. Some are glass and some are plastic. See attachment C for a full list and approximate sizes.
	Photographer	Hannah Hack
	Facility Name	HIC Investments, LLC
	Photo Date	01/31/2023
	Others	Charles Breitenfeldt - IDEM Ken McDaniel - IDEM Mark Espich - St. Joseph County Department of Health Alex Bowman - Krieg DeVault LLP Mike Jones - Property Caretaker


	Number	35
	Description	Close up of the bench area in photo 34
	Photographer	Hannah Hack
	Facility Name	HIC Investments, LLC
	Photo Date	01/31/2023
	Others	Charles Breitenfeldt - IDEM Ken McDaniel - IDEM Mark Espich - St. Joseph County Department of Health Alex Bowman - Krieg DeVault LLP Mike Jones - Property Caretaker


	Number	36
	Description	Close up of the bench area in photo 34
	Photographer	Charles Breitenfeldt
	Facility Name	HIC Investments, LLC
	Photo Date	01/31/2023
	Others	Charles Breitenfeldt - IDEM Ken McDaniel - IDEM Mark Espich - St. Joseph County Department of Health Alex Bowman - Krieg DeVault LLP Mike Jones - Property Caretaker

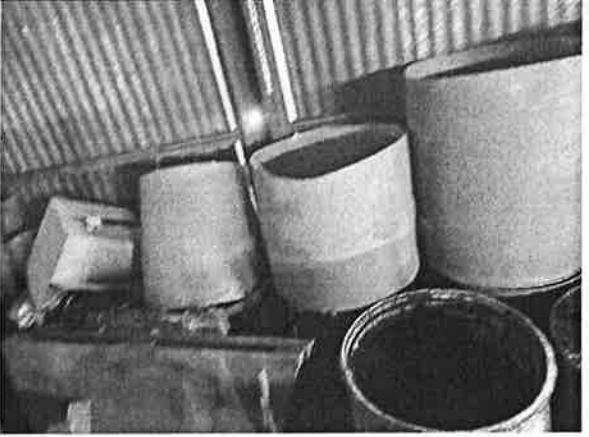
	Number	37
	Description	Close up of the bench area in photo 34
	Photographer	Charles Breitenfeldt
	Facility Name	HIC Investments, LLC
	Photo Date	01/31/2023
	Others	Charles Breitenfeldt - IDEM Ken McDaniel - IDEM Mark Espich - St. Joseph County Department of Health Alex Bowman - Krieg DeVault LLP Mike Jones - Property Caretaker

	Number	38
	Description	Close up, top view, of the bench area in photo 34
	Photographer	Charles Breitenfeldt
	Facility Name	HIC Investments, LLC
	Photo Date	01/31/2023
Others	Charles Breitenfeldt - IDEM Ken McDaniel - IDEM Mark Espich - St. Joseph County Department of Health Alex Bowman - Krieg DeVault LLP Mike Jones - Property Caretaker	

	Number	39
	Description	Close up, top view, of the bench area in photo 34
	Photographer	Hannah Hack
	Facility Name	HIC Investments, LLC
	Photo Date	01/31/2023
	Others	Charles Breitenfeldt - IDEM Ken McDaniel - IDEM Mark Espich - St. Joseph County Department of Health Alex Bowman - Krieg DeVault LLP Mike Jones - Property Caretaker

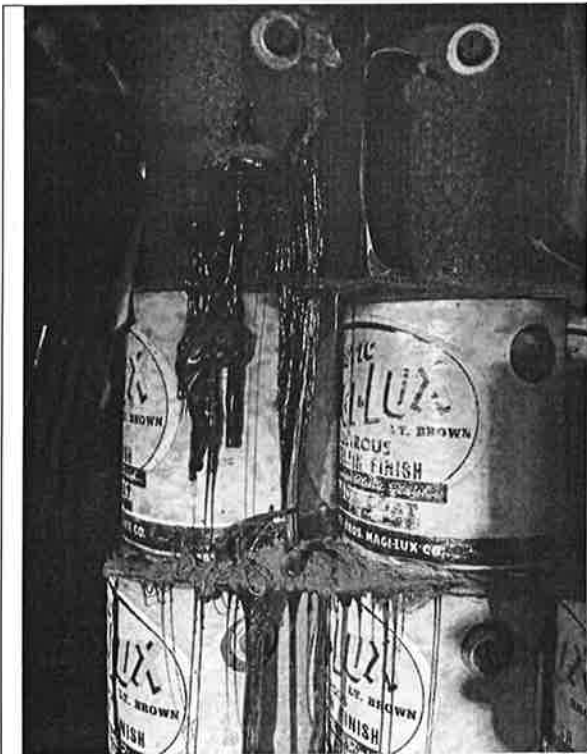
	Number	40
	Description	Quality control lab found in the upstairs part of Hurwich 1628, this is on a desk around the corner from the main bench area shown in the previous photos. Several other containers of varying sizes and materials containing unknowns. A complete list of these can be found in attachment C.
	Photographer	Charles Breitenfeldt
	Facility Name	HIC Investments, LLC
	Photo Date	01/31/2023
Others	Charles Breitenfeldt - IDEM Ken McDaniel - IDEM Mark Espich - St. Joseph County Department of Health Alex Bowman - Krieg DeVault LLP Mike Jones - Property Caretaker	

	Number	41
	Description	Found inside of Hurwich building 1610 Circle Ave. against the far wall. Unknown waste inside of drums covered with municipal waste. No drums are labeled or dated.
	Photographer	Hannah Hack
	Facility Name	HIC Investments, LLC
	Photo Date	01/31/2023
	Others	Charles Breitenfeldt - IDEM Ken McDaniel - IDEM Mark Espich - St. Joseph County Department of Health Alex Bowman - Krieg DeVault LLP Mike Jones - Property Caretaker

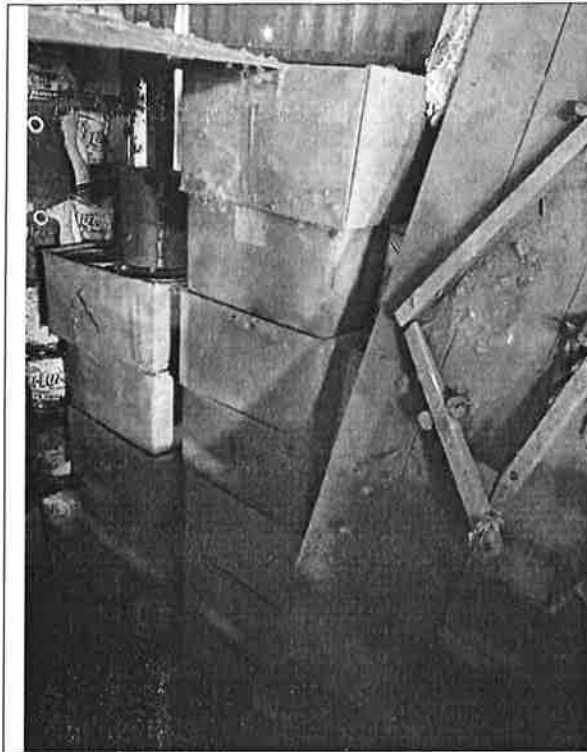
	Number	42
	Description	Found inside of Hurwich building 1610 Circle Ave. against the far wall. Unknown waste inside of drums covered with municipal waste. No drums are labeled or dated.
	Photographer	Hannah Hack
	Facility Name	HIC Investments, LLC
	Photo Date	01/31/2023
	Others	Charles Breitenfeldt - IDEM Ken McDaniel - IDEM Mark Espich - St. Joseph County Department of Health Alex Bowman - Krieg DeVault LLP Mike Jones - Property Caretaker



Number	43
Description	Found inside of Hurwich building 1610 Circle Ave. against the far wall: pallet containing 343 deteriorating 1-gallon cans of Plastic Magi-Lux and 12 boxes each containing four 1-gallon cans of Plastic Magi-Lux. Several cans are leaking waste onto the concrete floor.
Photographer	Hannah Hack
Facility Name	HIC Investments, LLC
Photo Date	01/31/2023
Others	Charles Breitenfeldt - IDEM Ken McDaniel - IDEM Mark Espich - St. Joseph County Department of Health Alex Bowman - Krieg DeVault LLP Mike Jones - Property Caretaker

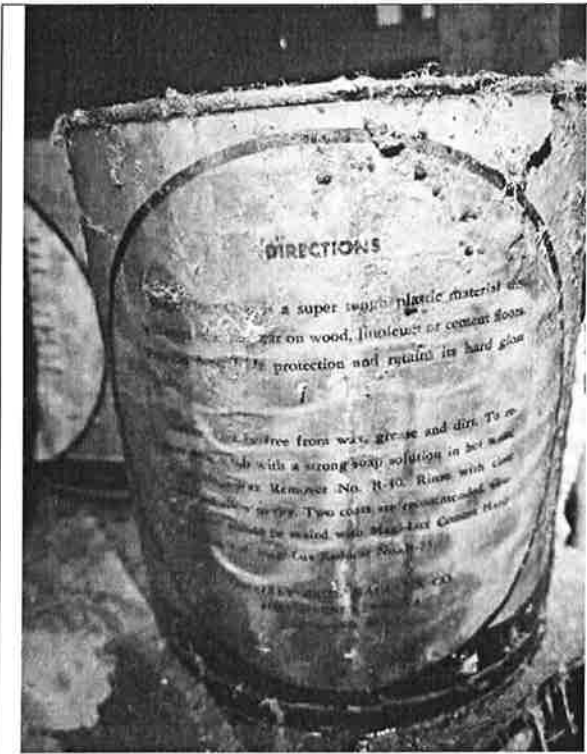


Number	44
Description	Close up picture of cans leaking from photo 43.
Photographer	Hannah Hack
Facility Name	HIC Investments, LLC
Photo Date	01/31/2023
Others	Charles Breitenfeldt - IDEM Ken McDaniel - IDEM Mark Espich - St. Joseph County Department of Health Alex Bowman - Krieg DeVault LLP Mike Jones - Property Caretaker




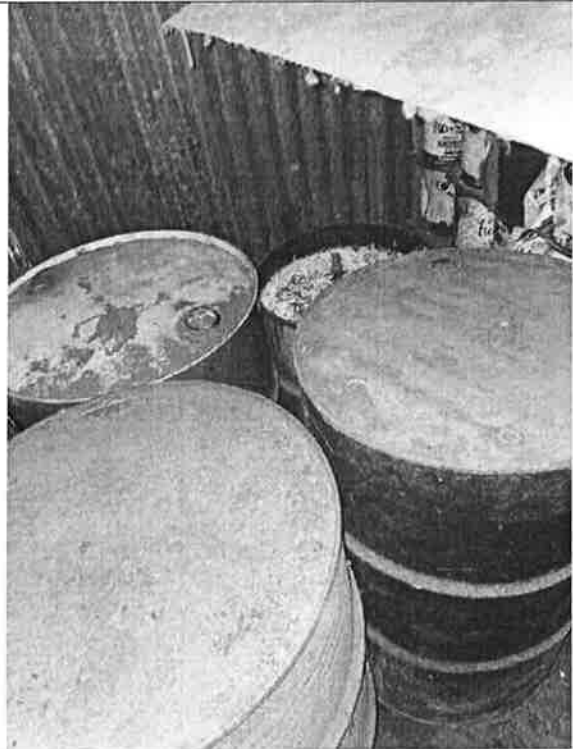
Number	45
Description	12 boxes each containing four 1-gallon cans of Plastic Magi-Lux. Same boxes as partially shown in photo 43.
Photographer	Hannah Hack
Facility Name	HIC Investments, LLC
Photo Date	01/31/2023
Others	Charles Breitenfeldt - IDEM Ken McDaniel - IDEM Mark Espich - St. Joseph County Department of Health Alex Bowman - Krieg DeVault LLP Mike Jones - Property Caretaker


Reference to photo 43





Number	46
Description	Close up photo of the label on the back of the Plastic Magi-Lux cans.
Photographer	Charles Breitenfeldt
Facility Name	HIC Investments, LLC
Photo Date	01/31/2023
Others	Charles Breitenfeldt - IDEM Ken McDaniel - IDEM Mark Espich - St. Joseph County Department of Health Alex Bowman - Krieg DeVault LLP Mike Jones - Property Caretaker


	Number	47
	Description	Found inside of Hurwich building 1610 Circle Ave. against the far wall. Approximately 52 1-gallon cans of Plastic Magi-Lux. Some have fallen onto concrete floor and spilled open.
	Photographer	Hannah Hack
	Facility Name	HIC Investments, LLC
	Photo Date	01/31/2023
	Others	Charles Breitenfeldt - IDEM Ken McDaniel - IDEM Mark Espich - St. Joseph County Department of Health Alex Bowman - Krieg DeVault LLP Mike Jones - Property Caretaker


	Number	48
	Description	Found inside of Hurwich building 1610 Circle Ave. against the far wall. Three metal 55-gallon drums filled with an unknown waste and one 20-gallon open metal container with an unknown waste inside, none of the drums were labeled.
	Photographer	Hannah Hack
	Facility Name	HIC Investments, LLC
	Photo Date	01/31/2023
	Others	Charles Breitenfeldt - IDEM Ken McDaniel - IDEM Mark Espich - St. Joseph County Department of Health Alex Bowman - Krieg DeVault LLP Mike Jones - Property Caretaker

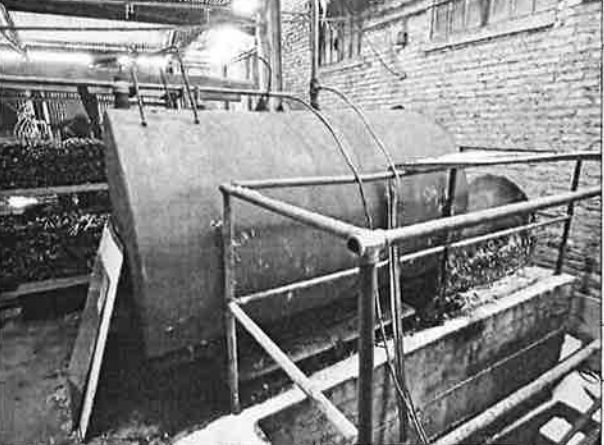
	Number	49
	Description	Found inside of Hurwich building 1610 Circle Ave. against the far wall. This is part of seven-plastic and eight metal 55-gallon drums that each contained approximately 24 1-gallon cans of Plastic Magi-Lux
	Photographer	Hannah Hack
	Facility Name	HIC Investments, LLC
	Photo Date	01/31/2023
	Others	Charles Breitenfeldt - IDEM Ken McDaniel - IDEM Mark Espich - St. Joseph County Department of Health Alex Bowman - Krieg DeVault LLP Mike Jones - Property Caretaker

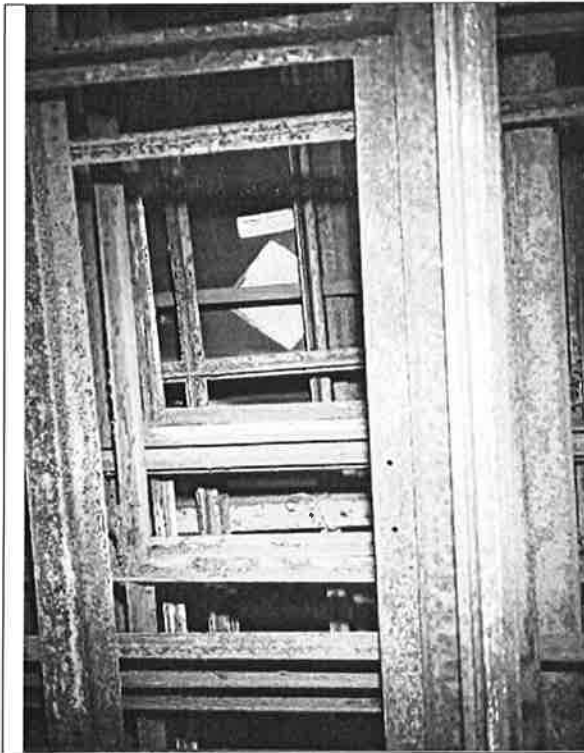
	Number	50
	Description	Found inside of Hurwich building 1610 Circle Ave. against the far wall. This is more of the seven-plastic and eight metal 55-gallon drums that each contained approximately 24 1-gallon cans of Plastic Magi-Lux continued from photo 49.
	Photographer	Hannah Hack
	Facility Name	HIC Investments, LLC
	Photo Date	01/31/2023
	Others	Charles Breitenfeldt - IDEM Ken McDaniel - IDEM Mark Espich - St. Joseph County Department of Health Alex Bowman - Krieg DeVault LLP Mike Jones - Property Caretaker

	Number	51
	Description	Found inside of Hurwich building 1610 Circle Ave. in the northeast corner of the building. Several 1-gallon metal containers with unknown wastes inside of them. No labels or dates were found.
	Photographer	Charles Breitenfeldt
	Facility Name	HIC Investments, LLC
	Photo Date	01/31/2023
	Others	Charles Breitenfeldt - IDEM Ken McDaniel - IDEM Mark Espich - St. Joseph County Department of Health Alex Bowman - Krieg DeVault LLP Mike Jones - Property Caretaker

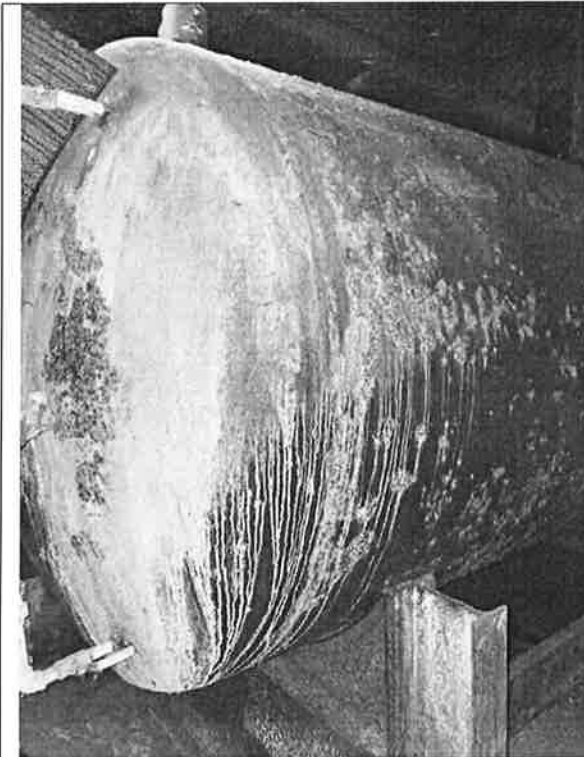
	Number	52
	Description	Found inside of Hurwich building 1610 Circle Ave. in the northeast corner of the building. Several 1-gallon metal containers with unknown wastes inside of them. No labels or dates were found.
	Photographer	Charles Breitenfeldt
	Facility Name	HIC Investments, LLC
	Photo Date	01/31/2023
	Others	Charles Breitenfeldt - IDEM Ken McDaniel - IDEM Mark Espich - St. Joseph County Department of Health Alex Bowman - Krieg DeVault LLP Mike Jones - Property Caretaker

	Number	53
	Description	Found inside of Hurwich building 1610 Circle Ave. in the northwest corner of the building. Several 1-gallon metal containers with unknown wastes inside of them. No labels or dates were found.
	Photographer	Charles Breitenfeldt
	Facility Name	HIC Investments, LLC
	Photo Date	01/31/2023
	Others	Charles Breitenfeldt - IDEM Ken McDaniel - IDEM Mark Espich - St. Joseph County Department of Health Alex Bowman - Krieg DeVault LLP Mike Jones - Property Caretaker


	Number	54
	Description	Found inside of Hurwich building 1610 Circle Ave. in the north part of the building is an approximate 500-gallon tank that, according to the gauge on top, is 5/8ths of the way full of an unknown liquid. The tank had no labels or dates on it.
	Photographer	Charles Breitenfeldt
	Facility Name	HIC Investments, LLC
	Photo Date	01/31/2023
	Others	Charles Breitenfeldt - IDEM Ken McDaniel - IDEM Mark Espich - St. Joseph County Department of Health Alex Bowman - Krieg DeVault LLP Mike Jones - Property Caretaker





Number	55
Description	Found inside of Hurwich building 1610 Circle Ave. along the far wall, behind a bunch of metal debris is one 55-gallon plastic drum with a flammable label on it. The contents of the drum are unknown as no other labels or date is on it.
Photographer	Charles Breitenfeldt
Facility Name	HIC Investments, LLC
Photo Date	01/31/2023
Others	Charles Breitenfeldt - IDEM Ken McDaniel - IDEM Mark Espich - St. Joseph County Department of Health Alex Bowman - Krieg DeVault LLP Mike Jones - Property Caretaker




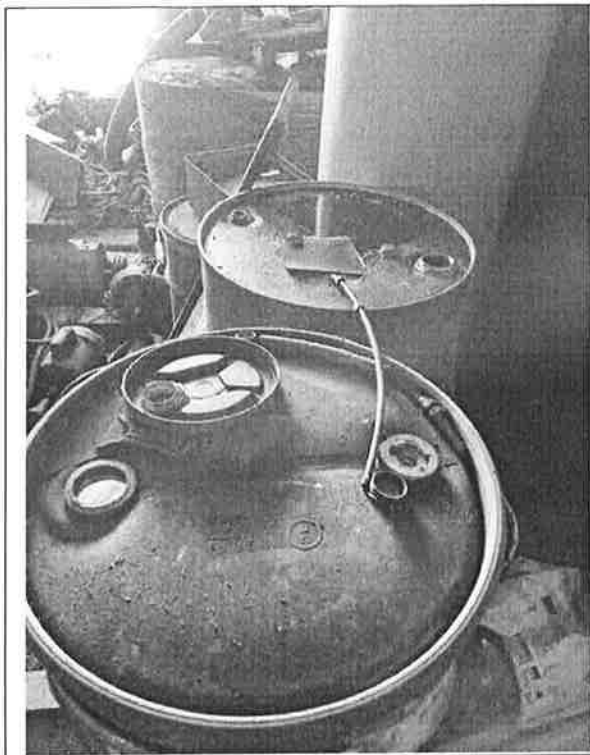
Number	56
Description	Found inside of Hurwich building 1610 Circle Ave. in the southern most part of the building is a 1000-1500-gallon vessel that has an unknown liquid inside of it. The vessel was not marked nor labeled and no date could be found on it.
Photographer	Hannah Hack
Facility Name	HIC Investments, LLC
Photo Date	01/31/2023
Others	Charles Breitenfeldt - IDEM Ken McDaniel - IDEM Mark Espich - St. Joseph County Department of Health Alex Bowman - Krieg DeVault LLP Mike Jones - Property Caretaker

	Number	57
	Description	Same vessel as in photo 56 showing the front and middle sections of it.
	Photographer	Hannah Hack
	Facility Name	HIC Investments, LLC
	Photo Date	01/31/2023
	Others	Charles Breitenfeldt - IDEM Ken McDaniel - IDEM Mark Espich - St. Joseph County Department of Health Alex Bowman - Krieg DeVault LLP Mike Jones - Property Caretaker

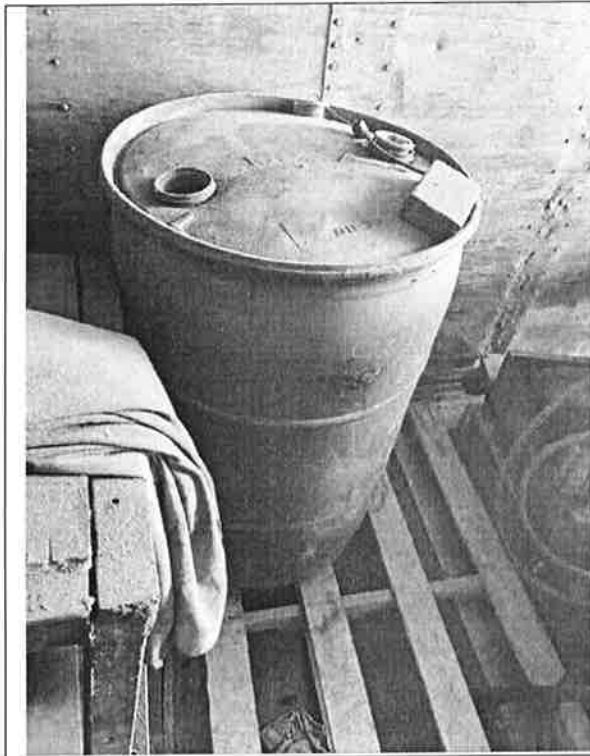
	Number	58
	Description	Inside of Trailer 6.
	Photographer	Charles Breitenfeldt
	Facility Name	HIC Investments, LLC
	Photo Date	01/31/2023
	Others	Charles Breitenfeldt - IDEM Ken McDaniel - IDEM Mark Espich - St. Joseph County Department of Health Alex Bowman - Krieg DeVault LLP Mike Jones - Property Caretaker

	Number	59
	Description	Inside of trailer 6, 5-gallon metal bucket with a flammable label on it. Product label says it could contain alcohol, ester, and petroleum distillates. Actual substance inside is unknown.
	Photographer	Charles Breitenfeldt
	Facility Name	HIC Investments, LLC
	Photo Date	01/31/2023
	Others	Charles Breitenfeldt - IDEM Ken McDaniel - IDEM Mark Espich - St. Joseph County Department of Health Alex Bowman - Krieg DeVault LLP Mike Jones - Property Caretaker


	Number	60
	Description	Inside of trailer 6: 55-gallon plastic drum that is open and not labeled in any way. Unknown black liquid inside of it. Next to it is a 20-gallon metal container with an unknown substance inside of it that is not labeled.
	Photographer	Charles Breitenfeldt
	Facility Name	HIC Investments, LLC
	Photo Date	01/31/2023
	Others	Charles Breitenfeldt - IDEM Ken McDaniel - IDEM Mark Espich - St. Joseph County Department of Health Alex Bowman - Krieg DeVault LLP Mike Jones - Property Caretaker




Number	61
Description	Inside of trailer 6: 55-gallon plastic and 55-gallon metal drums that are both open and not labeled. Both have an unknown black liquid inside of them.
Photographer	Charles Breitenfeldt
Facility Name	HIC Investments, LLC
Photo Date	01/31/2023
Others	Charles Breitenfeldt - IDEM Ken McDaniel - IDEM Mark Espich - St. Joseph County Department of Health Alex Bowman - Krieg DeVault LLP Mike Jones - Property Caretaker



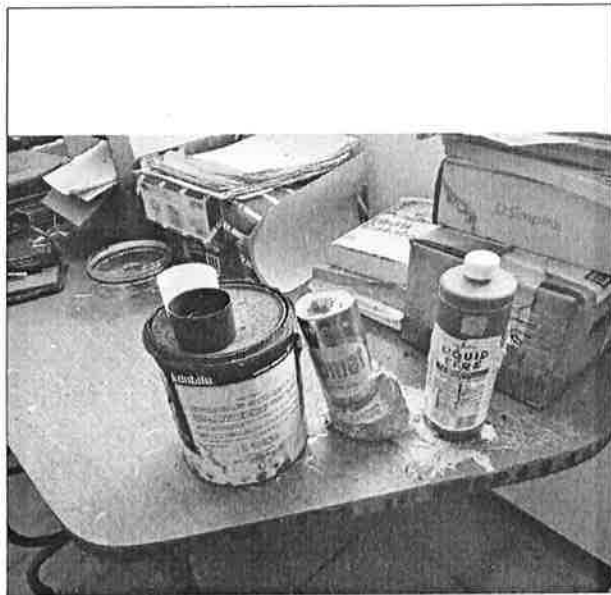
Number	62
Description	Inside of trailer 6 is an unknown 55-gallon plastic drum that is open and unlabeled; there is an unknown black liquid inside of the drum.
Photographer	Charles Breitenfeldt
Facility Name	HIC Investments, LLC
Photo Date	01/31/2023
Others	Charles Breitenfeldt - IDEM Ken McDaniel - IDEM Mark Espich - St. Joseph County Department of Health Alex Bowman - Krieg DeVault LLP Mike Jones - Property Caretaker

	Number	63
	Description	Inside of Hurwich 1610, middle storage area: one 1-gallon container in deteriorating condition of Plastic Magi-Lux and one 5-gallon plastic container with an unknown clear liquid inside of it, this container is not labeled or dated.
	Photographer	Charles Breitenfeldt
	Facility Name	HIC Investments, LLC
	Photo Date	01/31/2023
	Others	Charles Breitenfeldt - IDEM Ken McDaniel - IDEM Mark Espich - St. Joseph County Department of Health Alex Bowman - Krieg DeVault LLP Mike Jones - Property Caretaker

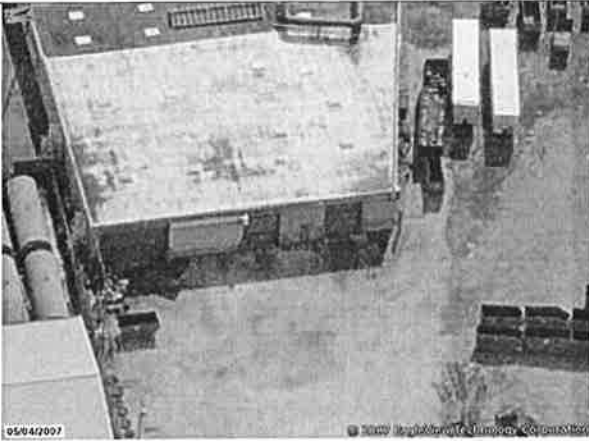
	Number	64
	Description	Inside of Hurwich 1610, the front office part: one 4-foot box of waste lamps containing four lamps that is open and unlabeled.
	Photographer	Charles Breitenfeldt
	Facility Name	HIC Investments, LLC
	Photo Date	01/31/2023
Others	Charles Breitenfeldt - IDEM Ken McDaniel - IDEM Mark Espich - St. Joseph County Department of Health Alex Bowman - Krieg DeVault LLP Mike Jones - Property Caretaker	




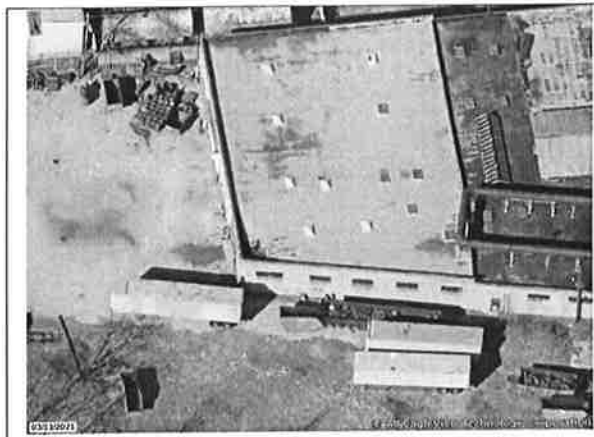
Number	65
Description	Same box of waste lamps as in photo 64 showing the waste lamps inside of the box
Photographer	Charles Breitenfeldt
Facility Name	HIC Investments, LLC
Photo Date	01/31/2023
Others	Charles Breitenfeldt - IDEM Ken McDaniel - IDEM Mark Espich - St. Joseph County Department of Health Alex Bowman - Krieg DeVault LLP Mike Jones - Property Caretaker



Number	66
Description	Inside of Hurwich 1610 in the same office as the lamps: One 1-gallon container in deteriorating condition of an unknown substance, one broken container of cleaning product, one container of "Liquid Fire" (unknown what this is or its status)
Photographer	Charles Breitenfeldt
Facility Name	HIC Investments, LLC
Photo Date	01/31/2023
Others	Charles Breitenfeldt - IDEM Ken McDaniel - IDEM Mark Espich - St. Joseph County Department of Health Alex Bowman - Krieg DeVault LLP Mike Jones - Property Caretaker

	Number	67
	Description	Photo of Hurwich 1628 showing trailer 2 full of drums presumably same drums as shown in photo 4 as both trailer 2 and the orange dumpster in front of it are in the exact same place in this photo as they were found on the date of the inspection.
	Photographer	Photo courtesy of St. Joe County GIS program
	Facility Name	HIC Investments, LLC
	Photo Date	5/4/2007
	Others	

	Number	68
	Description	Photo of Hurwich 1628 showing trailer 2 full of drums presumably same drums as shown in photo 4 as both trailer 2 and the orange dumpster in front of it are in the exact same place in this photo as they were found on the date of the inspection.
	Photographer	Photo courtesy of St. Joe County GIS program
	Facility Name	HIC Investments, LLC
	Photo Date	11/15/2010
	Others	



Number	69
Description	Photo of Hurwich 1628 showing trailer 2 full of drums presumably same drums as shown in photo 4 as both trailer 2 and the orange dumpster in front of it are in the exact same place in this photo as they were found on the date of the inspection. Also note the drums in the corner of the building in this picture were not present at the time of the inspection (also noted in attachment B).
Photographer	Photo courtesy of St. Joe County GIS program
Facility Name	HIC Investments, LLC
Photo Date	3/13/2021
Others	

STATE OF INDIANA) IN THE SAINT JOSEPH _____ COURT
) SS:
COUNTY OF SAINT JOSEPH) CAUSE NO. 71C01-2301-MI-000027

IN THE MATTER OF A SEARCH WARRANT) **FILED**
REGARDING THE FOLLOWING REAL ESTATE:)
January 23, 2023

12 Acres f/k/a Hurwich Iron Company, at ST. JOSEPH CIRCUIT & SUPERIOR COURT
1610 Circle Avenue, South Bend) JB
1628 Circle Avenue, South Bend, and owner)
HIC INVESTMENTS, LLC,)

SEARCH WARRANT FOR ENTRY, INSPECTION, AND INVESTIGATION
PURSUANT TO IND. CODE § 13-14-2-2

TO: HIC Investments, LLC
or their designated agents

The State of Indiana
By and Through Designated Agent(s) of its
Department of Environmental Management, or by
Any Constable, Police Officer, Sheriff, or
Conservator of the Peace,

Greetings;

WHEREAS, IDEM filed a Verified Petition for Administrative Search Warrant, which is incorporated herein by reference; and

WHEREAS, IDEM has shown that the properties located at 1610 Circle Avenue, South Bend, IN 46628 and 1628 Circle Avenue, South Bend, IN 46628 contain unsafe levels of lead in violation of the environmental management laws of the State of Indiana; and

WHEREAS, such unsafe levels of lead pose a threat of environmental degradation and injury to the health of the citizens of Indiana; and

WHEREAS, IDEM has shown that the properties contain rusted drums that require investigation; and

WHEREAS, per Ind. Code § 13-14-2-2, a designated agent of IDEM is authorized to enter private or public property to inspect for and investigate possible violations of environmental management laws; and

WHEREAS, case law authorizes a court to issue a warrant for an administrative search based upon either (1) specific evidence of an existing violation or (2) compliance with reasonable legislative or administrative standards for inspecting the premises in question.

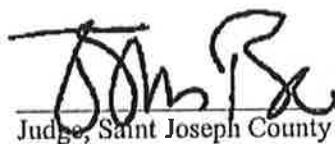
Marshall v. Barlow's, Inc., 436 U.S. 307 (1978); *In re Search Warrant for Comm'r of Labor*, 458 N.E.2d 1164 (Ind. Ct. App. 1984); *State v. Kokomo Tube Co.*, 426 N.E.2d 1338 (Ind. Ct. App. 1981); and


WHEREAS, based upon the Verified Petition for Administrative Search Warrant, and the statutes and case law listed therein, the Department has shown both (1) specific evidence of possible existing violations, and (2) compliance with reasonable legislative or administrative standards for inspecting the premises in question, either one of which would justify the issuance of this search warrant;

Accordingly, it is ORDERED that KENNETH MCDANIEL and any other authorized personnel from the INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT and/or the SAINT JOSEPH COUNTY HEALTH DEPARTMENT PERSONNEL, Deputies from the SAINT JOSEPH COUNTY SHERIFF'S OFFICE, and/or the INDIANA STATE POLICE, ARE HEREBY AUTHORIZED to enter the 12 acres of real property, including any buildings, as located at 1610 Circle Avenue and 1628 Circle Avenue in South Bend, for purposes of inspection and investigation to determine compliance with environmental management laws. The inspection is authorized to continue, including re-entry at later dates, until completion of the investigation by the Department.

YOU ARE FURTHER ORDERED to leave a copy of this warrant at the property at the time of initial entry. Executed this 31 day of JANUARY, 2023 at the hour of 12:00 am/pm.

January 23, 2023


Judge, Saint Joseph County

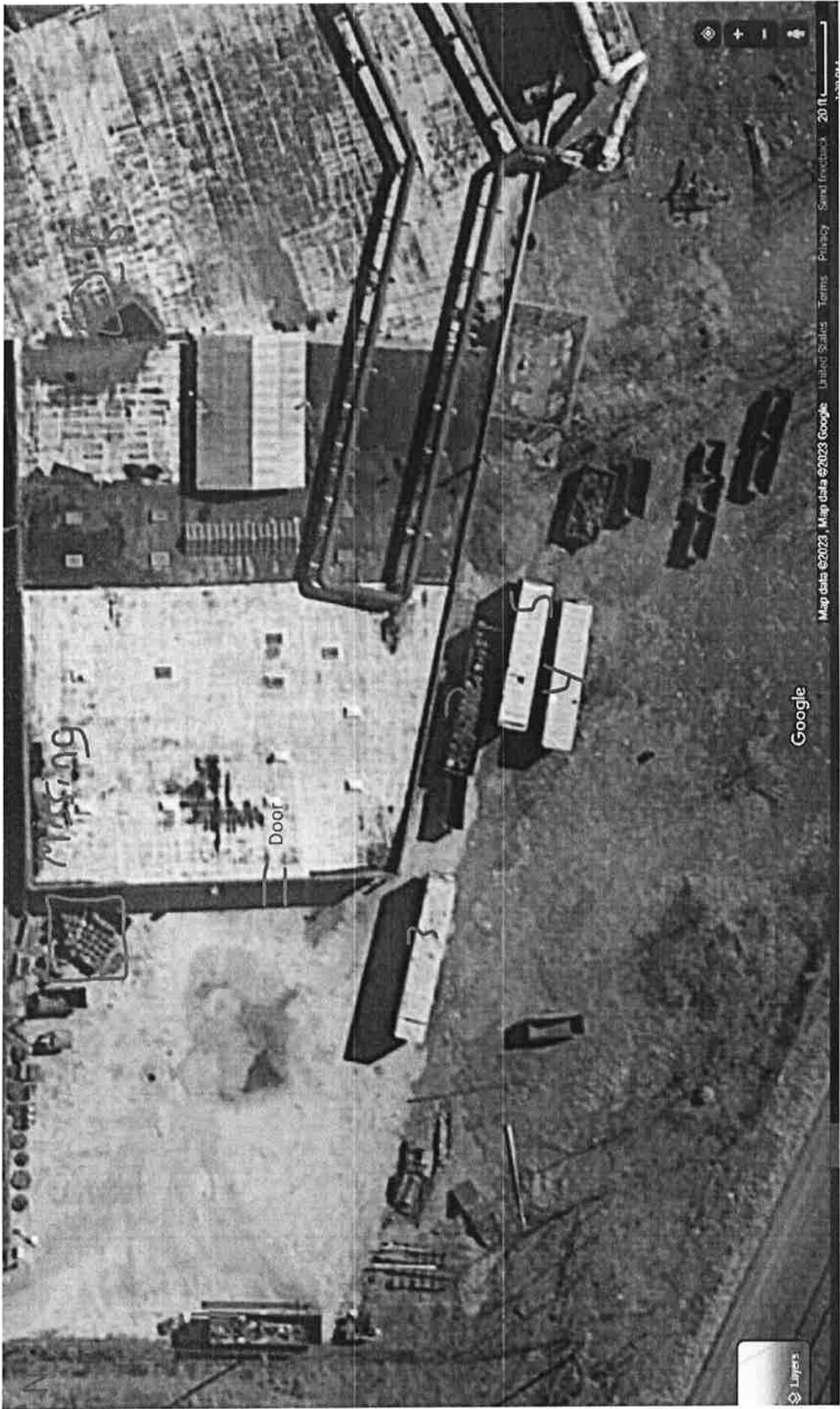


The seal is circular with "ST. JOSEPH COUNTY" at the top, "INDIANA" at the bottom, and "SEAL" in the center. The initials "EL" are written below the seal.

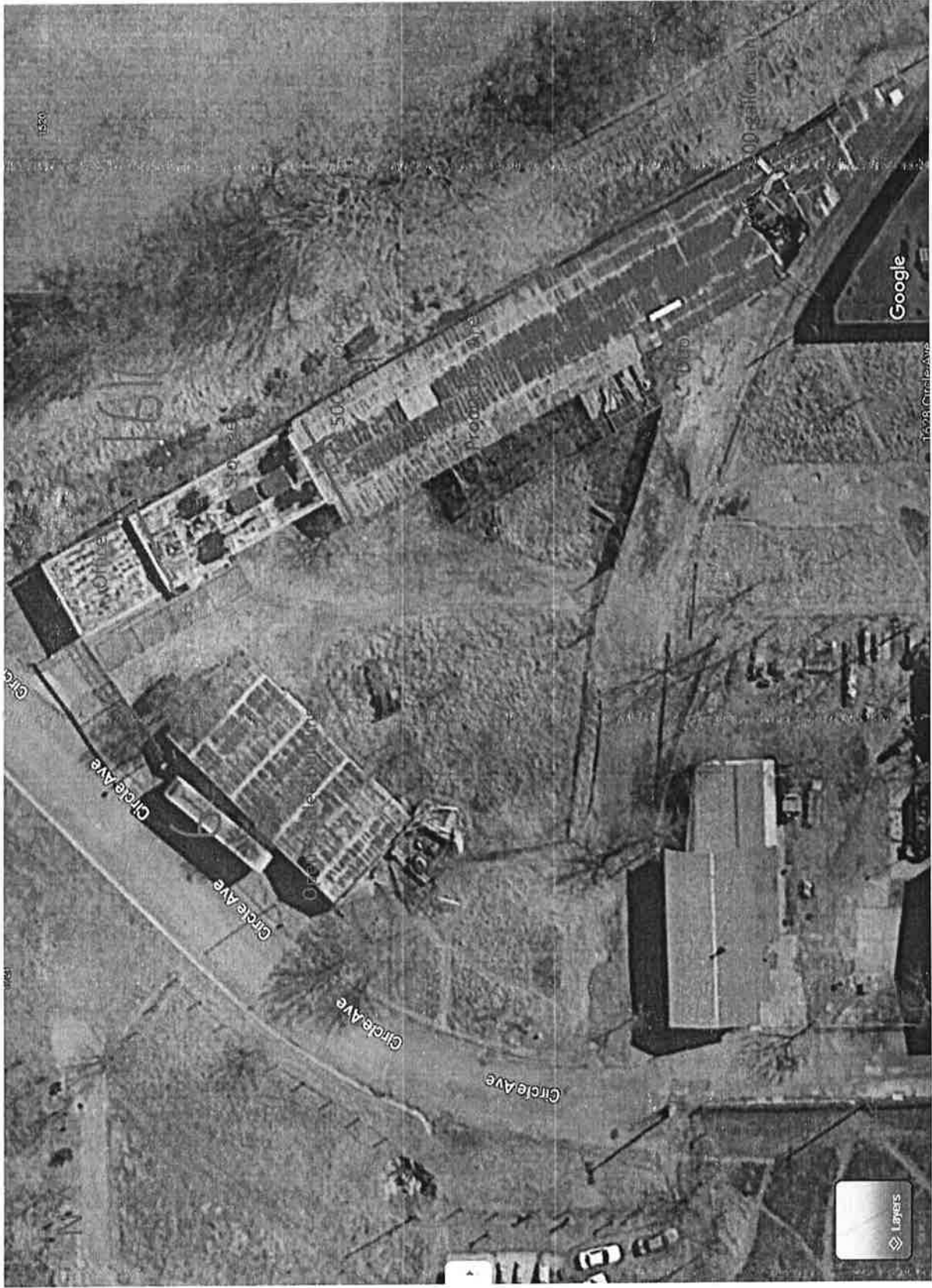
Copy sent by certified mail _____ to

Michael Morris, as Registered Agent for
HIC Investments, LLC
3158 East 950 South,
Markelville, Indiana 46056

Attachment B



Attachment B



Attachment C

This is a list of the items found in the upstairs laboratory of Hurwich Iron Co. – South Bend Smelting building located at 1628 Circle Ave., South Bend, IN. The volumes of the container and amounts in the containers are approximations.

Main Lab Area (photos 34-39)

- 1 "Hydro Phosphoric Acid 50%" – 500 mL
- 1 (unlabeled) clear liquid – 100 mL
- 1 (unlabeled) red liquid – 100 mL
- 1 "5 Cu Leaded Bronze" clear liquid – 100 mL
- 1 "1, Standard No. 1" yellow/orange liquid – 100 mL
- 1 "Hydro Phosphoric Acid 50-52% aqueous solution CAS 6303-21-5" – 500 g
- 1 "C, Zinc 10.5" yellow/orange liquid – 100 mL
- 1 "F, Silicon .14" yellow/orange liquid – 100 mL
- 1 "G, Sn 82.2" yellow/orange liquid – 100 mL
- 1 "Bismuth 2.0, Selenium 1.0" green liquid – 100 mL
- 1 "2, Standard No. 2 Iron .21, Copper, Nickel 1.05" green liquid – 100 mL
- 1 "Bismuth 1,000ug/mL" – 100 mL (~25 mL full)
- 1 "Aluminum Atomic Absorbent" – 500 mL (~25-50 mL full)
- 1 "Ammonium thiocyanate" – 500 g
- 1 "AA test mix 3/4/97" clear liquid – 200 mL (~100 mL full)
- 1 "3, Nickel .28" green liquid – 100 mL
- 1 "D, Bismuth 1.0, Selenium .50" green liquid – 100 mL
- 1 "Gatorade" – 32 oz
- 1 "3-21-94 thru 3-25-94" – 2 liters
- 3 "Sodium Hydroxide" white solid
- 1 "Sodium Pirate solution" yellow liquid – 500 mL
- 1 "Sn 6.48, Al .45, B .126" green liquid – 100 mL
- 1 "Selenium" clear liquid – 200 mL
- 1 "4-18-91" green liquid, – ~10 liters
- 1 (unlabeled) white solid – 2 gallons

Far Side Lab (photo 40)

- 1 "Ammonium thiocyanate" – 5 lbs.
- 1 "Lead Metal" – 1.1 lbs.
- 1 ".10" – small bottle
- 1 "Tin Metal" – 1 lb.
- 1 "Ammonia" – small bottle
- 2 (unlabeled) – small bottles
- 1 "Metal Powder" – 1 lb.
- 1 "Ultra-Speed Amate Tablets Cat No. 1310" – holds 1,000 tablets (~50 tablets full)
- 1 "Pb Lead" container
- 1 "Watcon Silica Gel"
- 1 (unlabeled) container of clear, gel-like beads

Attachment C

- 1 "Borax 5 mol" – nearly full
- 1 (unlabeled) very heavy, blue container with red lid
- 1 "Ultra-Speed Amate Tablets Cat No. 1310" – holds 1,000 tablets (~100 tablets full)
- 1 (unlabeled) rusted, small container

Attachment D

Location	Quantity	Size	Type of Container	Notes
Trailer 2	50	55-gallon	Steel Drum	
Hurwich 1628	5	55-gallon	Steel Drum	40-50' from door
Hurwich 1628	4	5-gallon	Plastic Bucket	Substance mixed with trash
Hurwich 1628	8	1-gallon	Metal Can	Plastic Magi-Lux
Hurwich 1628	1	55-gallon	Plastic Drum	Filled with used fluorescent Lamps
Hurwich 1628	20	Varies	Plastic	Batteries
Hurwich 1628	1	Unknown	Vat	Bright green liquid
Hurwich 1628	2	5-gallon	Metal	Southeast corner
Hurwich 1628	3	20-gallon	Metal	Maintenance Crib
Hurwich 1628	2	5-gallon	Plastic Bucket	Maintenance Crib
Hurwich 1628	1	55-gallon	Plastic Drum	Maintenance Crib
Hurwich 1628	1	5-gallon	Metal Bucket	Back room of maintenance Crib
Hurwich 1628	2	5-gallon	Plastic Bucket	Maintenance Crib
Hurwich 1628	1	5-gallon	Metal Can	Maintenance Crib
Hurwich 1628	2	1-gallon	Metal Can	Maintenance Crib
Hurwich 1628	1	Unknown	Metal Bucket	Maintenance Crib (photo 33)
Hurwich 1628	Several	Varies	Varies	QC Lab (see attachment C)
Hurwich 1610	7	55-gallon	Steel Drum	East wall (photos 41 and 42)
Hurwich 1610	1	55-gallon	Plastic Drum	East wall (photos 41 and 42)
Hurwich 1610	344	1-gallon	Metal Can	Plastic Magi-Lux
Hurwich 1610	48	1-gallon	Metal Cans in boxes	Plastic Magi-Lux
Hurwich 1610	3	55-gallon	Steel Drum	East Wall (photo 48)
Hurwich 1610	1	20-gallon	Steel Drum	East Wall (photo 48)
Hurwich 1610	52	1-gallon	Metal Can	Plastic Magi-Lux
Hurwich 1610	360	1-gallon	Metal Can	Plastic Magi-Lux in drums (photos 49 and 50)
Hurwich 1610	Several	1-gallon	Metal Can	Northeast Corner
Hurwich 1610	Several	1-gallon	Metal Can	Northwest Corner
Hurwich 1610	1	55-gallon	Plastic Drum	Flammable Label on it (photo 55)
Hurwich 1610	1	1-gallon	Metal Can	Plastic Magi-Lux in middle storage area
Hurwich 1610	1	500 gallon	Metal Tank	5/8ths full on unknown liquid
Hurwich 1610	1	Unknown	Metal Tank	Approx. 1000-1500 gallon tank, south end
Hurwich 1610	1	5-gallon	Plastic Jug	In middle storage area
Hurwich 1610	4	4 ft.	Fluorescent Lamps	In office area
Hurwich 1610	1	1-gallon	Metal Can	In office area
Hurwich 1610	1	Unknown	Plastic	"Liquid Fire"
Trailer 6	1	5-gallon	Metal Bucket	Flammable Label on it right by doors
Trailer 6	4	55-gallon	Steel Drum	
Trailer 6	2	20-gallon	Metal	
Trailer 6	2	55-gallon	Plastic Drum	

Hurwich 1628 is the building owned by HIC Investments, LLC that is located at 1628 Circle Ave., South Bend, IN
Hurwich 1610 is the building owned by HIC Investments, LLC that is located at 1610 Circle Ave., South Bend, IN



INSPECTION VERIFICATION/FINDINGS

INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

100 N. Senate Avenue
Indianapolis, Indiana 46204-2251
Telephone: (800) 451-6027 or (317) 232-8603
Web Page: http://www.in.gov/idem/

On 1-31-23 an inspection of HIC Investments, LLC was conducted by the undersigned representative of the Indiana Department of Environmental Management (IDEM), Office of Land Quality.

Type of Inspection (may include more than one):

- Routine Compliance Evaluation
Follow Up Inspection
Compliance Assistance Inspection
Complaint
Multi-Media Screening Evaluation
Other: Referral for State Clean-up

Inspection Findings:

These findings are considered preliminary and identify specific compliance issues discovered during the above-noted inspection that the designated agent of IDEM believes may be a violation of a statute(s), rule(s) or permit(s) issued by IDEM.

- No violations were discovered with respect to the particular items observed during the inspection.
Violations were discovered but corrected during the inspection.
Violations were discovered and require a submittal from you and/or follow-up inspection by IDEM.
Violations were discovered and may subject you to an appropriate enforcement response.
Additional information/review is required to evaluate overall compliance.
Other/Comments (attachment may be included):

Confidential Information

In accordance with 329 IAC 6.1 (http://www.in.gov/legislative/iac/I03290/A00061.PDF) a person submitting information to the department for which confidential treatment is requested shall make a written claim of confidentiality at the time of submittal of the information. A person may request confidential treatment of information at the time the information is acquired through the actions of the department, such as inspections. The written claim for confidential treatment may be broad, but must be sufficiently clear to allow for accurate identification of the information claimed to be confidential. In accordance with 329 IAC 6.1-4-1(d), supporting information must be submitted to the commissioner within five (5) working days from the time the information claimed as confidential is acquired by the department. A person submitting a claim of confidentiality shall designate and segregate the information and the supporting information to which the claim applies in a manner that is sufficiently clear to allow the department to identify all confidential claim materials. Confidential information may include (but is not limited to) written or printed material, maps, charts, photographs, or samples (see definition of information at 329 IAC 6.1-2-8). The undersigned Owner/Representative has alleged information acquired during this inspection does not contain confidential information. A check in the "does" box is not a written claim for confidential treatment of information acquired during this inspection.

Notice of Oral Report

In accordance with IC 13-14-5 an oral report of the inspection was provided to the undersigned Owner/Agent at the conclusion of the inspection. The oral report includes any specific matters discovered during the inspection that the IDEM representative believes may be a violation of a law or of a permit issued by the department. The report does not include matters not evident to the IDEM representative or any fact that indicates an intentional, a knowing, or a reckless violation.

IDEM Representative:

Charles Breitenfeldt
Printed Name

(219) 781-5400
Phone Number

[Signature]

chbreite@idem.IN.gov
Email

1/31/23
Date
11:45am - 1:30pm
Time In/ Out

Owner/Representative:

Alex Brown
Printed Name

571-485-2001
Phone Number

[Signature]

abrown@kollig.com
Email

Attorney
Title
1/31/23
Date

IDEM prefers to email your written report. Please check this box if you prefer to receive a copy of the inspection report via U.S. mail: []

EMANUEL, DONNA

From: Alex C. Bowman <abowman@kdlegal.com>
Sent: Friday, March 03, 2023 2:18 PM
To: EMANUEL, DONNA; 'MEspich@sjcindiana.com'
Cc: 'envirohd@sjcindiana.com'; Breitenfeldt, Charles; Peterschmidt, Matthew R; Weingart, James; MASSOELS, RICK; McDaniel, Ken; GROVES, RYAN; Hack, Hannah; Matthew D. Neumann
Subject: RE: Hurwich Iron Co.
Attachments: ~WRD3187.jpg

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

Ms. Emanuel,

Acknowledging receipt of your email and the attached referral letter. Thank you for the same. Also copying attorney Matt Neumann with our firm for any further correspondence.

All the best,

Alex

Alex C. Bowman
Senior Associate
Krieg DeVault LLP
4101 Edison Lakes Parkway Suite 100 | Mishawaka, IN 46545
Phone: 574-485-2001 | Mobile: 574-220-0422

abowman@kdlegal.com | www.kriegdevault.com

Legal Lean Sigma® White Belt



CONFIDENTIALITY STATEMENT

This e-mail message is for the sole use of the recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient(s), please contact the sender by reply e-mail and destroy all copies of the original message.

From: EMANUEL, DONNA <DEMANUEL@idem.IN.gov>
Sent: Friday, March 3, 2023 2:05 PM
To: Alex C. Bowman <abowman@kdlegal.com>; 'MEspich@sjcindiana.com' <MEspich@sjcindiana.com>
Cc: 'envirohd@sjcindiana.com' <envirohd@sjcindiana.com>; Breitenfeldt, Charles <ChBreite@idem.IN.gov>; Peterschmidt, Matthew R <MPetersc@idem.IN.gov>; Weingart, James <JWEINGAR@idem.IN.gov>; MASSOELS, RICK <RMASSOEL@idem.IN.gov>; McDaniel, Ken <KMCDANIE@idem.IN.gov>; GROVES, RYAN <RGROVES@idem.IN.gov>; Hack, Hannah <HHack@idem.IN.gov>
Subject: Hurwich Iron Co.

Dear Mr. Bowman,

Attached is the "Referral from State Clean-Up/Violation Letter" that Mr. Charles Breitenfeldt prepared for Hurwich Iron Co located at 1610 Circle Avenue, South Bend, St. Joseph County, Indiana, for your review. Once you have received this email would you please respond back to me (via e-mail) that you have received the document for our records.

Thank you



Donna Emanuel
Administrative Assistant

(317) 234-6923 • demanuel@idem.IN.gov

 www.idem.IN.gov

Scan the QR code to leave your feedback.
We appreciate your input!



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.

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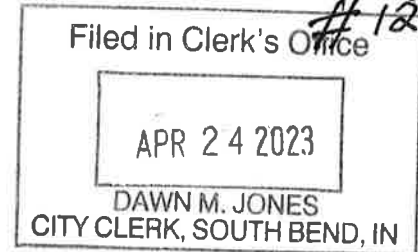
(800) 451-6027 • (317) 232-8603 • www.idem.IN.gov

Eric J. Holcomb
Governor

Brian C. Rockensuess
Commissioner

March 6, 2023

Joseph Grube
Circle Avenue Properties, LLC
1552 E. Lucas St.
Rochester, IN 46975



Re: **Comfort Letter Request**
Hurwich Iron Co.
1610 Circle Ave.
South Bend, St. Joseph County
BFD# 4230206

Dear Mr. Grube:

On February 23, 2023, the Indiana Brownfields Program (Program) received your request for a Comfort Letter for the above referenced site (Site). The Program will review the information submitted with the request, in addition to other information regarding the Site available to Program staff, to make a determination regarding your request. Program Counsel reviews all submitted Phase I ESA reports for compliance with the all-appropriate inquiry (AAI) rule prior to a Project Manager initiating review of a request. During the course of our review, additional information or documentation may be requested. Phase II environmental site assessment (ESA) reports and other technical reports/documents will be forwarded to the appropriate IDEM Science Services section for evaluation with a minimum 30 to 45 day turnaround. Please allow a minimum of 120 days from the Program's receipt of *all requested information and documentation* to receive your requested letter.

Please note that if Program-requested information and/or documentation is not timely received, review and processing of the letter will not be initiated by the Project Manager assigned to the request. If the Project Manager does not receive the requested information *within a reasonable timeframe*, your letter request will be deemed inactive and drop out of the queue for issuance. You will receive a written notice affording you a two week grace period before the request status is made inactive. Once a letter request is deemed inactive, a new application to the Program will be required in order to get your project back in line for processing.

Below are some additional important items potentially applicable to your request:

- If contaminant levels on your Site qualify as a release or spill under Indiana's Spill Rule (327 Indiana Administrative Code 2-6.1), the owner/operator of the Site is required to notify the appropriate IDEM program (e.g., the Indiana Emergency Response Section or the Leaking Underground Storage Tank Section). The above-referenced Brownfields Program Site number is not a substitute for an incident number.
- Recordation of an environmental restrictive covenant (ERC) on the deed for the Site may be required in conjunction with issuance of the letter in order to ensure no Site occupant exposure to contamination.
- Certain components of an ASTM E1527-13 Phase I Environmental Site Assessment (ESA) report cannot be older than 180 days if the report will be used to qualify as a BFPP. If more than 180 days has lapsed since the earliest date report information was collected or site reconnaissance was conducted, certain components of the Phase I ESA report must be updated prior to closing to satisfy requirements.

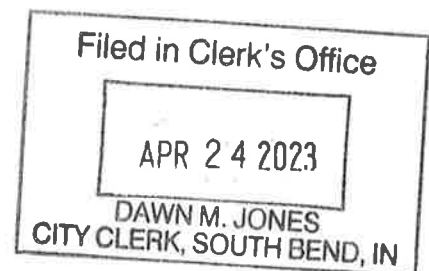
The Program is pleased to assist with this request. Visit the Program's webpage at www.in.gov/ifa/brownfields for frequently asked questions and other valuable information. Should you have any questions or concerns, please contact the Project Manager assigned to the request, Jean Krueskamp, for further assistance. She can be reached directly at (317) 234-3605 or by e-mail at JKrueskamp@ifa.in.gov.

Sincerely,



Andrea Robertson Habeck
Technical Staff Coordinator
Indiana Brownfields Program

cc: Site File (*electronic*)
Jean Krueskamp, Indiana Brownfields Program (*electronic*)
Nivas R. Vijay, CHMM, Heartland Environmental Assoc., Inc. (*electronic*)
Christopher J. Braun, Plews Shadley Racher & Braun, LLP (*electronic*)



DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
INDIANAPOLIS

#23
Filed in Clerk's Office
APR 24 2023
DAWN M. JONES
CITY CLERK, SOUTH BEND, IN
JW

OFFICE MEMORANDUM

Date: March 7, 2023

To: Jean Krueskamp
Brownfields Program

Thru: Jin Wang, Chief 03/08/2023
Risk Services Section
OLQ Science Services Branch

From: Kathy Painton
Risk Assessor
OLQ Risk Services Section

HP 03/07/2023

ZK 3/7/2023
Zach Korst
Senior Risk Assessor
OLQ Science Services Branch

Subject: *Phase II Environmental Site Assessment*, January 6, 2023
HIC Investments, LLC / Former Hurwich Iron Company, Inc. Property
South Bend, IN, St. Joseph County
Brownfields Site #4230206 | AI #37149
VFC #83439453

As requested, I evaluated the above document. My comments follow.

Site Understanding

My understanding of this site is not significantly different than that described in Risk Services' memo of June 28, 2022 (VFC#83336818). The site is also in State Cleanup (Site #0000923). HIC Investments, LLC / Former Hurwich Iron Company, Inc. Property is currently vacant and located in a mixed commercial, industrial, and residentially developed area. The site is bounded on the north by an industrial property followed by W. Washington St. with an industrial property farther to the north, to the east by commercial properties followed with residential properties farther to the east, to the south by a railroad corridor followed by a mix of commercial and industrial properties with W. Western Ave. located farther to the south, and to the west by S. Grant St. followed by commercial properties. The site and surrounding area is serviced with municipal water and is not located in a WHPA.

The objective for the *Phase II Environmental Site Assessment* sampling and analysis investigation was to evaluate for the presence/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 (including historical usage of ASTs and USTs and the historical generation of hazardous wastes on-site).

This document reflects the opinions of technical staff based on information presented in the report under review addressing the condition of the site, including other relevant information available at the time of the investigation. It is intended for use in agency decision making and does not contain final determinations regarding potential remedial actions. Information in subsequent tech memos may diverge from information contained in this document based on changing site conditions or the discovery of additional relevant information

Risk Evaluation

Heartland Environmental Associates, Inc. (Heartland) is using 2022 *Risk-based Closure Guide (R2)* Published Levels as remediation objectives.

A complete evaluation of risk is premature pending characterization. Nevertheless, the following sections of this memorandum include discussion of those aspects of the risk evaluation for which there is supporting information.

Risk Evaluation: Soil Direct Contact Exposure Scenario

Onsite, a total of 32 soil borings (B-1 through -32) were advanced to a maximum depth of 25 ft.-bgs and soil samples were collected in December 2022. From the soil laboratory results, VOC impacts were not encountered in any soil samples collected. Naphthalene concentrations of 34.6 mg/kg (B-20, 0-2 ft.-bgs) and 45.5 mg/kg (B-20, 10-20 ft.-bgs) exceeded its RSPL of 30 mg/kg.

Arsenic, cadmium, lead, and mercury concentrations exceeded their applicable publish levels in various soil samples (B-6, -15, -19 through -21, -23, and -27 through -32) from 0-2 ft.-bgs. The highest concentrations appear in the table below.

Contaminant	Soil Boring(s)	Highest Concentration (µg/L)	2022 R2 RSPL (mg/kg)	2022 R2 CSPL (mg/kg)	2022 R2 XSPL (mg/kg)
Arsenic	-15, -19, -29, - 30 , -31, -32	43.5	10	30	900
Cadmium	-15, - 21 , -23, -29, -30, -31	85	10	100	200
Lead	-6, -20, - 21 , -27, -28, -29, -30, -31, -32	12,200	400	800	1000
Mercury	-30	6.9	3	3	3

*Bold indicate the MWs with the highest VOC concentration

For these reasons, a remedy is necessary for the soil direct contact exposure scenario.

Risk Evaluation: Groundwater Exposure Scenario

Following the collection of soil samples, grab groundwater samples were collected from each soil boring. Contaminant exceedances were found in groundwater samples from soil borings B-11 through -13, B-15 through -21, and B-24 through -32. The high contaminant concentrations appear in the table below.

Contaminant	Soil Boring(s)	Highest Concentration (µg/L)	2022 R2 GWPL (mg/L)
PCE	-11, -12, -13, -15, -16, -17, -24, - 25 , -26, -27, -28	27.1	5
1,2,4-Trimethylbenzene	-17, -18, -19, - 20	2120	60
1,3,5-Trimethylbenzene	-20	716	60

2-Hexanone	-19	354	40
Naphthalene	-19, -20 , -24, -25, -27, -28, -29	276	1
1-Methylnaphthalene	-16, -17, -18 , -19, -20, -21, -24, -27, -28, -29, -30, -31, -32	2650	10
2-Methylnaphthalene	-18, -20, -21 , -28	941	40
Acenaphthene	-18	572	500
Benzo(a)anthracene	-18, -21	136	0.3
Benzo(a)pyrene	-21	72.7	0.2
Benzo(b)fluoranthene	-21	34.5	3
Fluorene	-18	844	300
Pyrene	-18	115	100

*Bold indicate the MWs with the highest VOC concentration

Per Soil Boring Log B-20 (Appendix A), the fine sand (1-10 ft.) was dry but glistening from 2-5 ft. with a strong odor. I defer to Geological Services for comment.

For these reasons, a remedy is necessary for the groundwater direct contact exposure scenario.

Risk Evaluation: Vapor Intrusion Exposure Scenario

PCE exceeded its GWPL in groundwater samples from B-11 through -13, -15 through -17, and -25 through -28. Per the *Risk-based Closure Guide*, section 2.3.6.1, soil gas screening should occur at any facility where sampling data shows or has shown the presence of cVOCs. Based on the groundwater laboratory results for PCE, cVOC vapor investigation is necessary at the site. The consultant should provide the locations of utilities and depths. I defer to Geological Services to determine the cVOC source area.

Soil boring B-20 had a benzene concentration of 52.2 µg/L and this boring is approximately 65 feet away from a building. Since boring logs indicate static water level as deep (>15 feet bgs), no petroleum specific vapor investigation appears necessary at this time.

Based on the groundwater laboratory results for PCE, vapor evaluation is necessary at the site; however, per the document, the site is vacant. The consultant stated that should future site operations include the redevelopment and occupancy of the on-site buildings for any purpose, an evaluation of VI should be conducted to confirm that an adverse VI exposure risk is not present for the on-site buildings. This is acceptable to Risk Services.

Remedy Assessment

Summary Table of Remedy Recommendations

Exposure Scenario	Remedy Warranted	
	On-Site	Off-Site

Soil	Yes	Cannot Determine
Groundwater	Yes	Cannot Determine
Vapor	Future VI evaluation is necessary before redevelopment and occupancy of on-site buildings.	Cannot Determine

Remedy Options: Discussion

The consultant concluded that remediation of the shallow impacted soils may be prudent as to mitigate any potential future related soil exposure risk. The consultant also concluded no immediate exposure risk to impacted groundwater is present; however, future site use restriction (restricting installation of potable water well sources on-site) should be considered to further mitigate potential exposure risks associated with impacted groundwater encountered on-site. Risk Services concurs with the consultant that remediation of the shallow impacted soils is necessary. I defer to Geological Services regarding plume delineation and stability.

The consultant stated that should future site operations include the redevelopment and occupancy of the on-site buildings for any purpose, an evaluation of VI should be conducted to confirm that an adverse VI exposure risk is not present for the on-site buildings. This is acceptable to Risk Services.

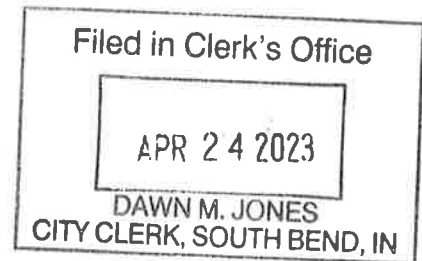
Summary of Recommendations

1. A remedy is necessary for the soil direct contact exposure scenario.
2. A remedy is necessary for the groundwater direct contact exposure scenario.
3. Per Soil Boring Log B-20 (Appendix A), the fine sand (1-10 ft.) was dry but glistening from 2-5 ft. with a strong odor. I defer to Geological Services for comment.
4. Based on the groundwater laboratory results for PCE, vapor evaluation is necessary at the site; however, per the document, the site is vacant. The consultant stated that should future site operations include the redevelopment and occupancy of the on-site buildings for any purpose, an evaluation of VI should be conducted to confirm that an adverse VI exposure risk is not present for the on-site buildings. This is acceptable to Risk Services.
5. The consultant should provide the locations of utilities and depths I defer to Geological Services regarding plume delineation and stability.
6. I defer to Chemistry Services to evaluate sampling methodology, laboratory analysis, and associated QA/QC.

References Cited

IDEM. 2022. *Risk-based Closure Guide*.

cc: Namrata Patel, Chemistry Services
 Will Foster, Geological Services



DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
INDIANAPOLIS

#24

OFFICE MEMORANDUM

Date: March 16, 2023

Filed in Clerk's Office

To: Jean Krueskamp, Brownfields Section
Ken McDaniel, State Cleanup Section

Thru: Steve Buckel

3/16/23

APR 24 2023

From: Namrata Patel *NP* 3-16-23
Chemistry Services Section

DAWN M. JONES
CITY CLERK, SOUTH BEND, IN

Subject: Phase II Environmental Site Assessment (ESA), dated January 6, 2023
Former Hurwich Iron Company, Inc./ HIC Investments, LLC Property
South Bend, IN, Saint Joseph County
Brownfield Site # 4230206, State Cleanup Site # 0000923, AI # 37149
VFC Document #'s 83439453 and 83439675 (two VFC number, but same document)

The Phase II ESA Reports, prepared by Heartland Environmental Associates, Inc. (HEA) and received by Chemistry Services on February 27-28, 2023, have been evaluated as requested.

Document Summary

Currently, site is inactive and on-site buildings are utilized as storage and warehouse. Historical industrial usage of the site was a foundry and bulk oil storage facility, with above and underground storage tanks, as well as generation of hazardous wastes on-site grounds.

In December 2022, HEA advanced 32 soil borings (B-1 to B-32) to depth of 25' bgs. Two soil samples (initial encountered subsurface interval and interval with highest PID reading) from each of these soil borings at depths ranging from 0-20' bgs were collected and analyzed for VOCs using EPA Method 8260, PAHs using EPA Method 8270 SIM, and RCRA Metals (for soil samples at depths of 0-2' bgs only) using EPA Method 6010/7471. Soil samples for VOCs were collected in accordance with EPA Method 5035A.

In December 2022, grab groundwater samples from these soil borings were also collected and analyzed for VOCs, PAHs, and Dissolved RCRA Metals using EPA Method 6010/7470.

This document reflects the opinions of technical staff based on information presented in the report under review addressing the condition of the site, including other relevant information available at the time of the investigation. It is intended for use in agency decision making and does not contain final determinations regarding potential remedial actions. Information in subsequent tech memos may diverge from information contained in this document based on changing site conditions or the discovery of additional relevant information.

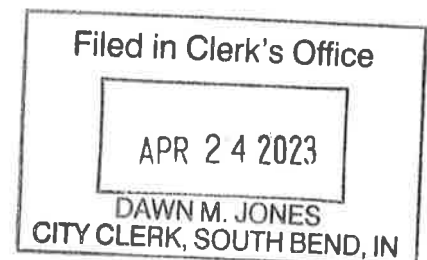
Comments

1. The release related chemicals (RRC, except for Metals) and their sampling and analyses methodologies in soil and groundwater are acceptable. Soil and grab groundwater samples were only analyzed for RCRA Metals. As suggested in previous Chemistry memos, samples for all Metals should have been collected and analyzed. Also, as indicated in Chemistry's recent Email Response, dated March 9, 2023, concentrations of Aroclor in couple of samples remains above the R2 RSPL; however, samples for PCBs were not collected nor sampled during Phase II ESA. The elevated levels of Aroclor 1254 found soil boring HI-B2 (3.4 ppm) and HI-B13 (8.3 ppm) should also be addressed during future investigations.
2. Grab groundwater sampling methodology was not discussed in Section 2.2; however, according to soil boring logs provided in Appendix A, grab groundwater samples from soil borings B-1 to B-32 were collected using peristaltic pump connected with new tubing at each boring, which is acceptable. Grab groundwater samples for Dissolved RCRA Metals (unpreserved) were filtered by the laboratory and are acceptable. In future, HEA should also discuss sampling methodology within the text of the document.
3. Elevated levels of one or more compounds and/or Metals were detected in groundwater, which required samples to be analyzed using dilution factors with elevated reporting limits above their respective R2 GWPLs, which is acceptable.
4. The soil and groundwater sample results reported on Tables 1-6 for VOCs, PAHs, and RCRA Metals and discussed in the comments below are compared with 2022 R2 PLs and are acceptable; however, since the date of this report (January 2023), the 2022 R2 PLs have been updated and therefore, during future investigations, HEA should use the current R2 PLs (which for some RRC detected above their R2 PLs) have been updated. The 2023 R2 PLs are available at: [https://www.in.gov/idem/resources/nonrule-policies/effective-nonrule-policies/2022 Table 1.xlsx](https://www.in.gov/idem/resources/nonrule-policies/effective-nonrule-policies/2022%20Table%201.xlsx) (in.gov)
5. The soil sample results indicated concentrations of Naphthalene in B-20 @ 0-12'bgs and one or more of Arsenic, Cadmium, Lead, and Mercury in several samples listed on Table 3 remain above their respective R2 RSPLs and/or R2 CSPLs. Of these, the concentrations of Lead in samples B-6, B-21, and B-29 to B-32 @ depths of 0-2'; and Mercury in B-30 @ 0-2' remain above the R2 XSPLs of 1,000 ppm and 3 ppm, respectively. The highest level of Lead was detected in B-21 @ 12,200 ppm; Mercury (6.9 ppm) in B-30 @ 0-2'; and Naphthalene (45.5 ppm) in B-20 @ 10-12'; All other VOCs, PAHs, and RCRA Metals (in surface soils only) were either below their respective R2 PLs and/or non-detect in the collected soil samples. The soil sample results are summarized on Tables 1-3.
6. The groundwater sample results indicated concentrations of one or more Benzene, 2-Hexanone, TMBs, Naphthalene's, PCE, VC, Acenaphthene, Benzo (a) Anthracene, Benzo (a) Pyrene [BAP], Benzo (b) Fluoranthene, Fluorene, and Pyrene in several samples listed on Tables 4-5 remain above their respective R2 GWPLs. The highest levels of Benzene (52.2 ppb), 1,2,4-TMB (2,120 ppb), 1,3,5-

TMB (716 ppb), and Naphthalene (276 ppb) were detected in B-20; 2-Hexanone (354 ppb) and VC (8 ppb) in B-19; PCE (27.1 ppb) in B-25; Acenaphthene (572 ppb), Fluorene (844 ppb), and 1-Methylnaphthalene (2,650 ppb) in B-18; Benzo (a) Anthracene (136 ppb), BAP (72.7 ppb), Benzo (b) Fluoranthene (34.5 ppb), 2-Methylnaphthalene (941 ppb), and Pyrene (327 ppb) in B-21. All other VOCs, PAHs, and Dissolved RCRA Metals were either below their respective R2 GWPLs and/or non-detect in the collected samples. The grab groundwater sample results are summarized on Tables 4-6.

7. Based on the soil and groundwater sample results, additional delineations appear necessary and permanent monitoring wells should be installed. HEA agrees on additional delineations. Geological should be consulted further on delineation and installation of permanent monitoring wells. During future investigations, samples for all metals (total and dissolved for groundwater), PCBs, VOCs, and PAHs should be collected and analyzed. Chemistry also concurs with HEA that remediation of shallow soil contamination of Metals (Arsenic, Lead, Cadmium, and Mercury) are warranted.
8. HEA recommends, removal of historical on-site ASTs prior to redevelopment of the site and considering vapor intrusion investigation, if in future the site is redeveloped or occupied. The proposal seems appropriate; however, Risk Services should be consulted further on exposure pathway(s) and potential risk to human health and the environment.
9. The Level II documentation (MDDRs) provided by the laboratory were adequate in supporting the sample results and the data are usable for subsurface investigation.
 - a. Four soil field duplicates from B-12 @ 0-2' (FD1, collected on 12-6-22), B-9 @ 0-2' (FD2, collected on 12-7-22), B-25 @ 0-2' (FD-3, collected on 12-9-22), and B-30 @ 0-2' (FD4, collected on 12-12-22) were analyzed for VOCs, PAHs, and RCRA Metals. The field duplicate sample results compared well for all analytes except for Arsenic in B-25, and Arsenic, Barium, Cadmium, Chromium, Lead, Mercury, Selenium, and Silver in B-30. Therefore, the results for these metals in associated samples (B-17, B-18, B-22, B-23, and B-30 to B-32, collected on December 12, 2022) are estimated due to high variability.
 - b. Trip blanks were not submitted with collected groundwater samples for VOCs and therefore, occurrence of cross-contamination during handling and transportation of samples cannot be determined and the results for VOCs are estimated. In future, trip blank samples should be accompanied/ submitted with groundwater samples for VOCs.
 - c. During the analyses of soil and groundwater samples, minor QA/QC issues were identified for PAHs and RCRA Metals; however, overall usability of the data are not affected by the minor QA/QC issues.

cc: Will Foster, Geological Services
Kathy Painton, Risk Services



3/5

SD Filed AA

2023-04432
RECORDED AS PRESENTED ON
03/02/2023 11:20 AM
MARY BETH WISNIEWSKI
ST. JOSEPH COUNTY
RECORDER
PGS: 10 FEES: 25.00

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018-2001-000902
018-2001-0012
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018-2001-001302
018-2001-000903
018-2001-001301
018-2001-0001
018-2002-001701
018-2002-001702

Transfer 64836
Taxing Unit South Bend
Date 03/02/2023

15

Notary's Office
APR 24 2023
DAWN M. JONES
CLERK, SOUTH BEND, IN

GENERAL WARRANTY DEED

THIS INDENTURE WITNESSETH that HIC INVESTMENTS, LLC, an Indiana limited liability company. ("Grantor"), CONVEYS and WARRANTS to PROPERTIES LLC, an Indiana limited liability company ("Grantee"), for the sum of Ten Dollars (\$10.00) and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the real estate, including any improvements thereon, situated in St. Joseph County, State of Indiana, more particularly described in Exhibit A attached hereto and made a part hereof (the "Real Property").

This conveyance is subject to: (i) all easements, highways, rights-of-way, covenants, conditions, restrictions and other matters of record; (ii) all current, non-delinquent real estate taxes and assessments; and (iii) all matters that are disclosed by the boundary survey dated January 23, 2023, by R.L. Harner L.S. of Danch, Harner & Associates, Inc., Registered Land Surveyor Indiana No. 910032, Survey File No. 220277.

LNC

Grantor herein and its successors shall warrant and defend title to the Real Property to Grantee, its successors and assigns, against the lawful claims and demands of all persons regarding same.

The undersigned represents and certifies that he is duly authorized and fully empowered, to execute and deliver this deed; that Grantor has full capacity to convey the Real Property described herein; and that all necessary action for the making of such conveyance has been taken and done.

IN WITNESS WHEREOF, Grantor has caused this General Warranty Deed to be executed on this 24 day of February, 2023.

GRANTOR:

HIC INVESTMENTS, LLC

DULY ENTERED FOR TAXATION
ST. JOSEPH CO. INDIANA
SUBJECT TO FINAL ACCEPTANCE
FOR TRANSFER

By: Michael P. Morris
Michael P. Morris, Member

MH

STATE OF INDIANA)
) SS:
COUNTY OF Marshall)

Before me, a Notary Public in and for the State of Indiana, personally appeared Michael P. Morris, Member of HIC Investments, L.L.C, who acknowledged the execution of the foregoing General Warranty Deed, and who having been duly sworn stated that the representations therein are true.

Witness my hand and Notarial Seal this 24 day of February, 2023.



[Signature]
Notary Public - Signature

Notary Public - Printed

I am a resident of Marshall County, Indiana.

My commission expires: _____

My commission number: _____

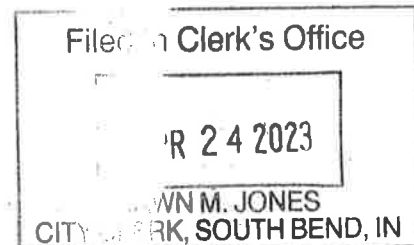
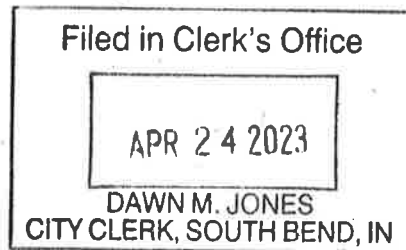
.....
Grantee's address (send tax statements to):

Circle Avenue Properties LLC
1552 East Lucas Street
Rochester, Indiana 46975

Tax 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 and 71-08-10-277-003.000-026

This instrument was prepared by: Alexandra Sylvia, Esq., Plews Shadley Racher & Braun LLP, 1346 N. Delaware Street, Indianapolis, IN 46202.

I affirm, under penalties of perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law. /s/ Alexandra S. Sylvia



Filed in Clerk's Office

APR 24 2023

DAWN M. JONES
CITY CLERK, SOUTH BEND, IN

#16



**Application for a Determination of Petroleum Site Eligibility
Required for U.S. EPA Brownfield Grants**

When requesting a petroleum eligibility determination from the Indiana Department of Environmental Management (IDEM) for sites utilizing U.S. EPA funds, please provide written responses to the items listed below. If you are unable to provide the information related to any of the items, then please state why that information is unavailable. Requests and/or questions should be emailed to Andrea Robertson, Indiana Brownfields Program Technical Staff Coordinator, at aroberts@ifa.IN.gov and to Michele Oertel, Indiana Brownfields Program Federal Funding & Community Relations Coordinator, at moertel@ifa.IN.gov. Subsequent to its review of a request, the IDEM will provide a written response determining eligibility for use of federal grant funds on the site. Further information regarding petroleum eligibility determinations may be found in the U.S. EPA's Brownfields Assessment Multipurpose Assessment, Revolving Loan Fund and Cleanup Grant Guidelines. The respective guidelines for the three types of U.S. EPA grants are available on the web at: <https://www.epa.gov/brownfields/types-brownfields-grant-funding>.

Date	November 4, 2021
Applicant	Leah Thill
Organization/Affiliation	Michiana Area Council of Governments
Street Address City, Zip, County	227 West Jefferson Boulevard 11 th Floor County-City Building South Bend, St. Joseph County, Indiana 46601
Phone	(574) 287-1829 ext. 801
Email	lthill@macog.com
Site Name(s)	Former Oil Express Inc.
Site Address City, Zip, County	1510-1520 W Washington St South Bend, IN 46628
Site Acreage	2.64 acres – Three (3) parcels total East - 71-08-11-153-001.000-026 (1.23 acres) Middle - 71-08-10-276-003.000-026 (0.9 acres) West - 71-08-10-276-002.000-026 (0.51 acres)
Assessment or Cleanup Activities	Phase I ESA, Phase II ESA, cleanup & reuse planning
Operational History	According to a 2004 Phase I, a bulk fuel tank and distribution operation was located on the western

	parcel which was found to have impacted the property based on the UST Closure in 2000, use as a trucking depo began under Keeshin Motor Express in the 1940s and ended when Oil Express ceased operations around 2000. The site also hosted coal yards, lumber yards, and auto salvage yard (eastern parcel), and a pickle vat manufacturer from the early 1920s. The remaining buildings were demolished by the city in 2005-2006.
Current Use	Not in use, currently vacant land, no buildings.
Environmental Concerns	A No Further Action Letter (2004) indicates that activities should be restricted on site due to remaining contamination from LUST #200101507. With only TPH data from 2000, given the change in closure guidance additional sampling and cleanup planning (i.e. soil management plan) is likely needed for reuse, possibly residential reuse. Further, a 2004 Phase I notes the risk of lead contamination in soil from an adjacent smelting operation, but there is no evidence that broad soil sampling has taken place on site.

The following information must be provided in order for the IDEM to make a petroleum eligibility determination:

Current Owner(s)

Name(s)	City of South Bend Redevelopment Commission
Dates of Ownership	All Three Parcels: 09/14/2004 – Present
Types of Operation/Use	Vacant, Not In Use
Type of Acquisition	Deed (Private Purchase)
Did owner dispense, dispose or exacerbate petroleum or petroleum products?	No

Immediate Past Owner(s)

Name(s)	Oil Express Inc.
Dates of Ownership	04/13/1978 – 09/14/2004
Types of Operation/Use	Bulk Oil Storage and Distribution
Type of Acquisition	Unknown
Did owner dispense, dispose or exacerbate petroleum or petroleum products?	Yes, several USTs were operated by Oil Express Inc: 10,000 gal diesel tank, 1,000 gal gasoline tank, 6,000 gal waste oil tank. Contamination was identified when the tanks were removed.

Previous Assessments

List Assessment Reports with completion dates:

Phase I Report dated November 2004, on behalf of the City of South Bend (Nov 10 is earliest date found in the report). Phase I Report dated March 21, 2003, on behalf of Oil Express Inc.

There was no evidence of additional sampling after the UST removal in 2000 or as part of the demolition in 2005 – 2006.

Areas of Concern

1. Explain how site became contaminated

USTs operated by Oil Express Inc. contaminated soil on site with waste oil, diesel, and gasoline during bulk oil distribution operations in the 1980s – 2000.

2. Nature and extent of contamination if known

The extent of petroleum impacts is thought to be limited, based on the No Further Action Letter and Phase I dated 2004, based on the contamination levels found in 2000 and subsequent monitoring. The nature and extent of heavy metal contamination in soil from adjacent smelting operations is unknown.

No Responsible Party for Site

Identify whether current or past owners dispensed, disposed or exacerbated petroleum or petroleum product contamination; for how long; and if they took reasonable steps regarding the contamination.

Yes, the previous owner Oil Express Inc. dispensed and disposed of petroleum products and would be the responsible party for contamination found when USTs were removed. However, since the incident was reported and a No Further Action Letter was obtained, they may have taken reasonable steps regarding the contamination. Although IDEM issued a No Further Action Letter at the time, additional sampling and potentially cleanup is needed for reuse of the site to proceed.

Judgments, Orders, or Third Party Suits

Has a responsible party been identified through any of the following? (circle one)

1. Judgment rendered (Yes or No)
2. Enforcement action pending (Yes or No)
3. Citizen suit or third party claim filed (Yes or No)

Subject to Resource Conservation and Recovery Act (RCRA)

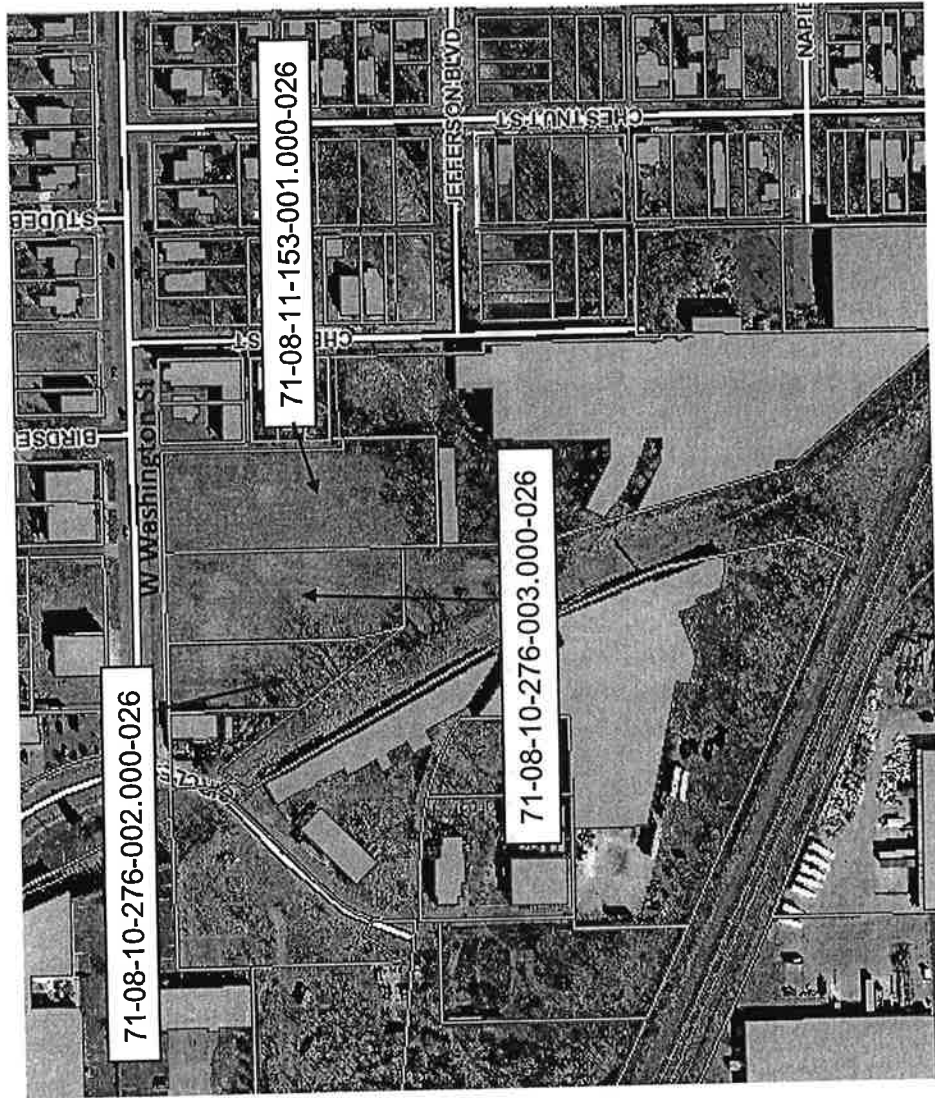
Subject to any order under Section 9003(h) of the Solid Waste Disposal Act (RCRA Corrective Action) (Yes No/NA)

Financial Viability of Responsible Parties

For current or past owners identified as responsible parties (provide information regarding the financial capability to satisfy their obligations to assess, investigate or cleanup the site) (Yes No/NA)

The Indiana Business Search results show that Oil Express Inc., with an address at 1520 W Washington St in South Bend, was administratively dissolved on June 20, 2008. The President was listed as Robert J McGregor of Niles, MI and the Secretary as Larry L. Jenks of South Bend. No business reports were filed after 2004. According to a Palmer Funeral Homes obituary, Mr. Larry L. Jenks died June 23, 2013 at age 76. The obituary specifically mentioned that Mr. Jenks was "owner/operator of Oil Express Inc. for 25 years." Robert McGregor died aged 87, according to a Brown Funeral Home obituary from 2017. Mr. McGregor's obituary specifically mentioned that he was "most recently retired as the owner of Oil Express Trucking."

Attachment A – Parcel Map



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