



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We make Indiana a cleaner, healthier place to live

Frank O'Bannon
Governor

Lori F. Kaplan
Commissioner

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Indianapolis, Indiana 46206-6015
(317) 232-8603
(800) 451-6027
www.state.in.us/idem

K & D Partnership
11100 Broadway
Crown Point, Indiana 46307

Re: Comfort Letter
Former Wolohan Lumber Site
801 W. 113th Avenue
Crown Point Indiana

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In response to the request by Mr. Dominick Pitzel for assistance concerning the former Wolohan Lumber site in Crown Point ("Site"), the Indiana Department of Environmental Management ("IDEM") has agreed to provide this Brownfields Comfort Letter to clarify IDEM's position on the necessity of an environmental response action at this site. Though not a legal release from liability, this letter will help to establish whether environmental conditions at the Site should be a barrier to redevelopment or transfer.

As part of Mr. Pitzel's request for assistance in determining the existing environmental impacts and potential liability at the Site, IDEM's Brownfields Program staff have reviewed data from soil surrounding the former underground storage tank investigations conducted by Weaver Boos & Gordon, Inc. and detailed in Subsurface Exploration Report dated April 3, 2000. These investigations revealed that current levels of petroleum contamination were below levels established by IDEM in the Underground Storage Tank Branch Guidance Manual. Additionally, the investigations concluded that there are no potential exposure pathways and that the potential soil contamination identified at the Site presents no current threat to human health or the environment. A 55 gallon drum believed to contain waste oil was observed during a Phase I Investigation conducted in January of this year by K&S Engineers. A copy of the manifest demonstrating proper disposal of the material was presented to IDEM on the May 31st visit to the Site.

IDEM concludes K & D Partnership has demonstrated to IDEM's satisfaction that:

- (1) no state or federal enforcement action at the Site is pending
- (2) no federal grant requires an enforcement action at the Site;
- (3) no condition on the Site constitutes an imminent and substantial threat to human health or the environment;
- (4) current levels of contaminants at the Site meet current cleanup criteria as established by IDEM; and
- (5) neither the potentially responsible party (PRP) nor an agent or employee of the PRP caused, contributed to, or knowingly exacerbated the release or threat of release of any

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hazardous substance or petroleum at the Site.

Based on the information submitted to IDEM, IDEM has decided to exercise its enforcement discretion to forego pursuit of K & D Partnership or any successor owners and operators for response costs relating to any past release of petroleum and related products at the Site. Furthermore, IDEM will not require K & D Partnership or any successor owners and operators to respond to any past release. Because K & D Partnership has demonstrated to IDEM's satisfaction that no direct or indirect contractual relationship exists between K & D Partnership and the responsible party or parties, IDEM will not pursue K & D Partnership or any successor owners and operators for response to or response costs for the past release, even if a response action becomes necessary in the future.

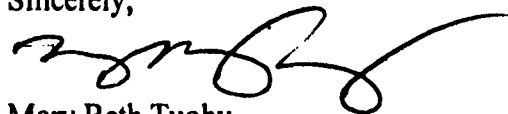
If IDEM later discovers that the investigations or other information submitted to IDEM were inaccurate, or if any activities undertaken by an owner or operator of the Site exacerbate the Site contamination, IDEM reserves the right to revoke this decision and pursue any responsible parties. Additionally, this decision does not apply to past or present contamination that is not described in this comfort letter, future releases, or closure requirements under the Resource Conservation and Recovery Act, 42 U.S.C. § 6901.

IDEM encourages the redevelopment of this Site. Please be advised that any work performed at the Site must be done in accordance with all applicable environmental laws. Redevelopment of this Site in a manner consistent with these standards will lessen the possibility that environmental conditions at the property could deteriorate in the future.

In order for this letter to be given effect by IDEM, K & D Partnership must record a memorandum describing the actions taken together with this letter and enclosures, if any in the Lake County Recorder's Office. Please return a certified copy of the filed notice to Bruce Oertel, Remediation Services Branch Chief, IDEM, Office of Land Quality, 100 North Senate Avenue, P.O. Box 6015, Indianapolis, IN, 46206-6015.

IDEM is pleased to assist K & D Partnership with the redevelopment or transfer of the former Wolohan Lumber Site. Should you have any questions or comments, please contact LaNetta Alexander at 317/233-1504.

Sincerely,



Mary Beth Tuohy
Assistant Commissioner
Office of Land Quality