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Institutional Control Implementation and Assurance Plan

OU1, Modified Zone 1, USS Lead Superfund Property | East Chicago, Indiana

March 2023

Prepared for:
Industrial Development Advantage
of East Chicago, LLC
2105 West 1800 North
Farr West, Utah 84404

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List of Acronyms and Abbreviations

CD	Consent Decree
CERCLA	Comprehensive Environmental Response, Compensation and Liability Act
EPA	United States Environmental Protection Agency
ERT	Environmental Resources Technology
FS	Feasibility Study
GIS	Geographic Information System
IC	Institutional Control
ICIAP	Institutional Control Implementation and Assurance Plan
IDA	Industrial Development Advantage of East Chicago, LLC
IDEM	Indiana Department of Environmental Management
NPL	National Priority List
O&M	Operation and Maintenance
OU1	Operable Unit 1
RA	Remedial Action
RAO	Remedial Action Objective
RD	Remedial Design
RI	Remedial Investigation
RODA	Record of Decision Amendment
SOW	Statement of Work

1.0 Project Introduction

This Institutional Control Implementation and Assurance Plan (ICIAP) was prepared by Verdantas for Industrial Development Advantage of East Chicago, LLC (IDA)"Purchaser" and the U.S. Environmental Protection Agency (EPA) Region 5 addressing the portion of Operable Unit 1 (OU1) Modified Zone 1 of the U.S. Smelter and Lead Refinery, Inc. (USS Lead) Superfund Site, in East Chicago, Indiana purchased by the Purchaser (Property). OU1, Modified Zone 1 which contains levels of arsenic and/or lead in soil that present an unacceptable risk to human health. This ICIAP has been prepared to (a) establish and document the activities associated with implementing and ensuring the long-term stewardship of institutional controls (ICs) identified for the Property; and (b) specify the persons and/or organizations that will be responsible for conducting these activities.

ICs are non-engineered instruments, such as administrative and legal controls, that help to minimize the potential for exposure to contamination and/or protect the integrity of a response action. IC instruments generally are designed to achieve the precise substantive use restrictions articulated in the decision documents that are needed to help achieve the Property's overall cleanup objectives.

This ICIAP, which has been prepared in accordance with guidance developed by the EPA, Institutional Controls: *A Guide to Preparing Institutional Control Implementation and Assurance Plans at Contaminated Sites* (EPA 2012), identifies how ICs that are identified in the ROD Amendment should be implemented, maintained, and enforced at the Property. EPA and the Indiana Department of Environmental management (IDEM) will be responsible for oversight of the ICs that are being implemented as a component of the Selected Remedy specified in the ROD Amendment (EPA 2020). EPA will be the primary agency responsible for IC oversight.

2.0 Property Details

2.1 Property Description

The USS Lead Superfund Site is located in the City of East Chicago, Indiana and was placed on the National Priorities List (NPL) in April 2009. The general location of the Property within the City of East Chicago is shown on Figure 1. EPA divided the Site into two operable units (OUs). As shown on Figure 2, Property Plan, OU1 is a predominantly residential neighborhood, which is generally bounded on the north by East Chicago Avenue, on the east by Parrish Avenue, on the south by East 151st Street/149th Place, and on the west by the Indiana Harbor Canal. OU1 has been further subdivided into Zones 1, 2, and 3. OU2 includes the surface and subsurface of the 79-acre former USS Lead facility as well as groundwater beneath the entire Property. The Property is comprised of OU1 Modified Zone 1 and is generally bound by the former Carrie Gosch school to the north, East 151st Street to the south, McCook Avenue to the east and the Indiana Harbor Canal to the west. This area was formerly occupied by the West Calumet Housing Complex (WCHC) and Goodman Park. A utility corridor is located along the eastern portion of the Property as well as the East Chicago Housing Authority (ECHA) maintenance building and parking lot.

2.2 Property History

2.2.1 Previous Property Uses

The former Anaconda Lead Products and International Lead Refining Company site is included as part of the U.S. Smelter and Lead Refinery, Inc. Superfund Site. The former Anaconda Lead Products and International Lead Refining Company occupied the OU1 modified Zone 1 Site from at least the early 20th century until the early 1970s. The Anaconda facility operated three inter-related processes. In 1912, a lead refinery was built on the Anaconda facility, which used a pyrometallurgical process to refine lead bullion. In 1919, a white lead plant was constructed at the Anaconda facility to produce white lead for use as an ingredient in lead paint. Finally, in 1922, a zinc oxide plant was added to the Anaconda facility. These facilities consisted of a pulverizing mill, white-lead storage areas, a chemical laboratory, a machine shop, a zinc-oxide experimental unit building and plant, a silver refinery, a lead refinery, a baghouse, and other miscellaneous buildings and processing areas. Byproducts of these operations included slag, lead waste, and arsenic. Significant quantities of lead were refined at the Anaconda facility from 1912 until 1946, when Anaconda Copper Mining Company sold the Anaconda facility to Eagle-Picher Company. Eagle-Picher Company appears to have continued operations at the Anaconda facility until at least 1952, though the extent of its operations is largely unknown. Sometime between 1952 and 1970, the Anaconda facility was demolished.

In the early 1970s, the WCHC was constructed within the footprint of the former Anaconda facility and was used for multi-family, low-income housing and recreation until 2018. In 2018, utilities were disconnected and capped and the WCHC was demolished due to elevated arsenic and lead in soils. Following demolition of the WCHC and surface infrastructure during the summer of 2018, the Property no longer contains structures or drives with the exception of a maintenance building and associated parking lot owned by the ECHA in the east-central portion of the Property, as well as a tennis/basketball court and asphalt parking lot in Goodman Park. On May 26, 2020, the East Chicago City Council approved rezoning the Property to an industrial land use.

2.3 Investigation and Response Action Summary

Extensive sampling and limited removal of shallow soils impacted with arsenic and lead within the Property has occurred. Previous investigations are summarized in detail in the June 2012 Remedial Investigation (RI) Report and Feasibility Study (FS) for the U.S. Smelter and Lead Refinery, Inc. Superfund Site and the August 2018 Feasibility Study for U.S. Smelter and Lead Refinery, Inc. Superfund Site OU1 Zone 1. Each report was prepared by SulTRACT.

Based on investigations between June 2009 and June 2012 and in the corresponding feasibility study, EPA issued its ROD for OU1 on November 30, 2012. The major components of the original remedy chosen in November 2012 called for the excavation of contaminated soils down to two feet, the off-site disposal of the soils in an appropriate landfill, placement of a demarcation barrier, the restoration of the excavated properties, and the imposition of institutional controls (ICs). The 2012 ROD anticipated that hardscapes would remain in-place at the WCHC and soils beneath hardscapes would not be remediated. The remedial action levels (RALs) established for residential land use were 400 ppm for lead and 26 ppm for arsenic.

Remedy design work was performed by EPA between November 2014 and April 2016 to determine the extent of contamination in the yards of the individual properties. EPA collected approximately 1,000 soil samples from various depths within Zone 1 and determined that the majority of all WCHC yards required remediation. The findings were provided to ECHA and to the City of East Chicago and the City made a decision recommending relocating the residents from the WCHC. ECHA subsequently applied to HUD for approval and funding to demolish the WCHC in 2016 which was later granted in 2017 by HUD. Based on these developments, EPA implemented interim risk mitigation measures to protect residents. In 2018, the WCHC was demolished. These changes within modified Zone 1 resulted in EPA preparing an addendum to the 2012 Feasibility Study in 2018 and issuing the March 2020 ROD Amendment. The ROD Amendment only applies to modified Zone 1 of the USS Lead Property and only addresses soil and not groundwater, other than identifying the need for groundwater use restrictions if soil above action levels is left in place at depth at the Property. Based on communications with the city, EPA has concluded it is likely that the end use of modified Zone 1will change from residential to commercial/industrial and the ROD Amendment should reflect the possibility of a change in land use. On May 26, 2020, the East Chicago City Council approved rezoning the Property to an industrial land use. To be protective for commercial/industrial usage, Remedial Alternative 4A will be implemented. Remedial Alternative 4A includes excavation to a depth of 12 inches below ground surface (bgs) and off-Property disposal of all soils within modified Zone 1 reported above the RALs for lead (800 ppm) and arsenic (26 ppm); restoration with a minimum of 12 inches of clean backfill and implementation of ICs. The remedial action objective (RAO) is to reduce the potential human health risk from exposure to impacted surface and subsurface soils through ingestion, direct contact, or inhalation exposure pathways to acceptable levels, assuming reasonable anticipated future land-use scenarios.

In November 2020, Verdantas LLC (formerly Hull & Associates, LLC) implemented the Decision Unit Sampling Work Plan for OU1 Modified Zone 1. Sampling was based on a Geospatial Sample/Incremental Composite Sampling (ICS) Design with the Property divided into 55 Decision Units as shown on Figure 3, Remedial Areas Map. Within each Decision Unit, sub-sample locations were arrayed in a "five on a die" pattern for compositing five (5) 0.0 to 1.0-foot depth interval sub-samples into a single sample within each Decision Unit for laboratory analysis of total arsenic and total lead. As the maintenance building and parking lot in the east-central portion of the Property will remain post-development and soil beneath the hardscape materials will not be excavated, the sampling pattern was modified such that sub-samples were collected from existing green space areas in affected Decision Units per the approved work plan. Triplicate sub-samples were collected within nine (9) of the Decision Units for statistical evaluation for determining a

confidence level. Each composited Decision Unit sample was also analyzed for toxicity characteristic leaching procedure (TCLP) extraction for arsenic and lead to assist with determining the need for on-Property treatment (e.g., stabilization) prior to off-Property disposal, as applicable.

2.3.1 Contaminants of Concern

The contaminants of concern for the Property are lead and arsenic.

2.4 Planned Response Action Summary

A statistical evaluation of the data was performed by the EPA using the data from the November 2020 Decision Unit sampling in which a 95% Confidence Interval was calculated using the global variance of the triplicate results. This provides a threshold value where there is 95% confidence that Decision Unit results less than 19 mg/kg for arsenic and 787 mg/kg for lead can be considered less than the RAL of 26 mg/kg for arsenic and 800 mg/kg for lead established in the ROD Amendment (EPA, 2020) for commercial/industrial land use (Alternate 4A).

Soil removal is planned at the Property to address arsenic and/or lead concentrations exceeding the RALs of arsenic and lead. Soil removal activities include excavation of soils to a depth of 12 inches bgs, stabilizing soils exceeding the TCLP threshold, off-Property disposal of the excavated soil, placing a demarcation barrier at the base of the excavation and backfilling the excavation with clean soil. Further details regarding the remedial action are provided in the Remedial Completion Report.

2.4.1 Substantive Use Restrictions

The ICs for the Property will be protective of human health and the environment. The ICs will require the owner(s) of parcels within OU1 Modified Zone 1(refer to figure 2) intended for commercial/industrial development to record an environmental restrictive covenant (ERC) consistent with Indiana law. Legal descriptions and surveys for parcels comprising the Property are included in Appendix A. In the ERC, the Property owner(s) will agree to develop the Property for commercial or industrial purposes only. The ERC will provide notice to the public and future prospective owner(s) that contaminated soils exist below a base elevation to be determined by a licensed professional surveyor after excavation of the upper 12 inches within the RA and prior to placement of the demarcation barrier or 12 inches of clean fill material. The ERC will also restrict groundwater extraction for potable purposes and extraction shall be limited to environmental monitoring or remediation.

2.4.2 Current and Reasonable Anticipated Future Property Land Use

For all areas of OU1, Modified Zone 1, the ICs have been developed based on a commercial/industrial land use, which is also the planned future land use.

2.5 Information on Parties Implementing ICs

IDA entered into the Settlement Agreement which incorporates the RODA and the Statement of Work (SOW) signed by U.S. Department of Justice on April 7, 2022. EPA Region 5 oversees implementation of work at the Site and Property. The State representative is IDEM. A portion of the properties included in OU1 Modified Zone 1 are owned by IDA. There are also utility easements within OU1 Modified Zone 1. Table 1 includes contact information for parties implementing institutional controls.

2.6 Property Mapping

The general location of OU1, Modified Zone 1 is shown on Figure 1 – Property Location Map and the Property boundaries and pertinent features are shown on Figure 2 – Property Plan (including parcel information). Figure 3, Remedial Areas Map, shows the Decision Units and corresponding sample locations.

3.0 Institutional Control Instruments and Implementation

3.1 General

Section 3.0 outlines the components of the ICs being implemented for OU1, Modified Zone 1 in relation to the four categories of ICs that may be utilized at Superfund sites: proprietary controls, government controls, enforcement tools, and informational devices.

This section also discusses the ICs utilized in support of the construction, monitoring, operation, and maintenance of the remedy, including access authorizations and environmental covenants/deed restrictions. The ICIAP also identifies additional activities implemented to provide physical protection of the remedy, including physical barriers and other engineering controls.

A summary of the IC instruments and implementation activities for OU1 Modified Zone 1 is provided in Table 3 and discussed in the following sections.

3.2 Institutional Control Objectives

The following are the main objectives of the ICs being implemented for the Property:

1. Facilitate notification to future owners of the Property of residual impacted arsenic and lead soils remaining at depth in the remedial area and the IC requirements.
    a. Prohibiting certain activities which could interfere with any remedial action;
    b. Prohibiting activities which could result in exposure to contaminants in subsurface soils and groundwater;
    c. Ensuring that any new structures on the Property will not be constructed in a manner which could interfere with the Remedial Action or any other response action; and
    d. Ensuring that any new structures on the Property will be constructed in a manner which will minimize potential risk of inhalation of contaminants including lead and arsenic.
2. Restrict future uses of the Property to commercial/industrial uses.
3. Restrict groundwater use beneath the Property.

3.3 Instrument Categories and Applicability

ICs are divided into four categories based on EPA policy documents: proprietary controls, government controls, enforcement tools, and informational devices. Section 3.3 identifies and describes the IC instruments that will be implemented at OU1 Modified Zone 1 for each of these categories.

3.3.1 Proprietary Controls

Proprietary controls are controls based on the Property owner's consent to restricted use of the Property. Long-term (permanent) proprietary controls for OU1 Modified Zone 1 include environmental covenants that contain use restrictions. The environmental covenants will be

recorded as deed restrictions in order to facilitate notification to future landowners of the potential presence of impacted soils and that ICs are required to be maintained on the properties. The environmental covenants that are being implemented are expected to be in-place for perpetuity. "No Trespassing" signs will be posted and maintained to prohibit access to the Property by unauthorized persons and vehicles/equipment.

Implementation of environmental covenants includes the completion of boundary surveys by a surveyor licensed in the state of Indiana, legal description of the Property subject to the restrictions and preparation and filing of the restrictions by a licensed attorney. These documents identify relevant land use and activity restrictions for each Property and provide notice of those restrictions to prospective purchasers and other parties with an interest in the Property. The following restrictions are addressed in the environmental covenant:

1. Future use of the properties subject to the environmental covenants must be limited to commercial/industrial land uses, shall not use or allow the use of the properties for residential purposes, including, but not limited to, daily childcare facilities or educational facilities for children (e.g., daycare centers or K-12 schools), and shall not use the properties for any agricultural use;
2. Owner shall not use or allow the use or extraction of groundwater at the properties for any purpose, including, but not limited to human or animal consumption, gardening, industrial processes, or agriculture, except that groundwater may be extracted in conjunction with environmental investigation and/or remediation activities;
3. The entire Property shall be considered a "Construction Worker Restriction Area". Excavation of soil at depths greater than one foot shall be conducted in accordance with the approved Soil Management Plan;
4. Owner shall restore soil disturbed as a result of excavation and construction activities in such a manner that the remaining contaminant concentrations do not present a threat to human health or the environment. This determination shall be made using IDEM's current risk based guidance. Upon request, the Owner shall provide the IDEM written evidence (including sampling data) showing the excavated and restored area, and any other area affected by the excavation, does not represent such a threat. Contaminated soils that are excavated must be managed in accordance with all applicable federal and state laws; and disposal of such soils must also be done in accordance with all applicable federal and state laws;
5. Owner shall operate and maintain the one-foot Soil Cover so as to protect its functional integrity in accordance with the approved Operations and Maintenance (O&M) Plan and all subsequent approved revisions. The clean Soil Cover serves as a barrier to prevent direct contact with the underlying soils and must not be excavated, removed, disturbed, demolished, or allowed to fall into disrepair, except as directed in the Soil Management Plan and O&M Plan; and
6. Owner shall prohibit any activity at the properties that may interfere with the integrity or operation of groundwater monitoring or the monitoring well network.

A template for an environmental restrictive covenant obtained from the IDEM website is included in Appendix B.

In addition to these proprietary controls, authorization for access to perform environmental and performance monitoring activities may need to be obtained from the Property owner through correspondence or verbal communication.

Property descriptions and a boundary survey have been completed for the area subject to the environmental covenant. The boundary survey and legal Property description is provided in Appendix A along with the parcel information.

3.3.2 Government Controls

Government controls are controls that use the regulatory authority of a government to impose land or resource restrictions (e.g., zoning ordinances, prohibition of filling or construction in floodplains or wetlands, and local groundwater use restrictions).

The current zoning classification for the Property parcels is industrial. The Property is located within an area where governmental entities (e.g., City of East Chicago, Lake County, IDEM, and EPA) are authorized by zoning or other laws to monitor compliance with applicable restrictions on Property use and take enforcement action for noncompliance.

3.3.3 Enforcement Tools

Enforcement tools use federal enforcement authority to prohibit certain land uses or activities from being performed at a specified Property. The OU1 Modified Zone 1 Administrative Order is an example of a federal enforcement tool. These documents may specify restrictions on use of land owned by the settling party and land owned by other parties.

3.3.4 Informational Devices

Informational devices provide notification and information to potentially affected parties about risks associated with Property conditions and activities that should be avoided. Informational devices for OU1 modified Zone 1 include deed notices, registration of the environmental covenants in the Indiana Institutional Controls Registry, and public advisories such as "No Trespassing" signs.

3.4 Institutional Controls Matrix

Table 3 provides an IC matrix that summarizes significant components of ICs for OU1 Modified Zone 1 that are identified by this plan.

3.5 Five-Year Review

A Five-year Review will be completed by USEPA to provide a comprehensive evaluation of the performance monitoring and to determine whether the RAOs have been met. This review will include an evaluation of the status of ICs, including whether the implemented ICs are effective and functioning as intended. If any issues are identified, recommendations will be made, and, as discussed in Section 6.0, IC modifications will be proposed, as appropriate. The Five-year Review will be completed before August 24, 2026.

4.0 Institutional Control Maintenance

4.1 General

As described below, the primary post-implementation approach to ensure the long-term effectiveness and proper maintenance of the ICs consists of periodic monitoring and reporting.

4.2 Monitoring

The organization of the monitoring roles and responsibilities, schedule, and corrective actions will generally follow the O&M Plan.

IC inspections will be performed annually concurrent with one of the Soil Cover performance monitoring events. The inspections will document whether:

1. The engineered controls that were selected and implemented remain intact and undamaged.
2. The Property has continued to conform to any applicable use restrictions.
3. Any potential IC deficiencies are identified and, if so, are being addressed in a timely manner.

The annual IC inspection will include document reviews to assess whether there have been any changes in land use, Property transfers, or failure of any implemented ICs. This review may include aerial photographs, Property title work and records.

4.3 IC Reporting

4.3.1 IC Incident Reporting

When observed, incidents concerning ICs (e.g., unauthorized Property access issues, significant damage to the clean Soil Cover or fence) will be assessed and documented in the annual reports to the EPA. In addition, remedies taken or planned to be taken will also be included in the annual reports.

4.3.2 Annual IC Certification Report

Reporting and record keeping will be the responsibility of IDA or its designee that may include but not be limited to an industrial park association, or a future user or purchaser(s) of the Property. After the monitoring activities and five-year reviews have been completed, an annual certification report will be prepared and submitted to the EPA. The report will be based on an updated evaluation performed to ensure that the:

1. Implemented ICs remain in place.
2. Use restrictions and other ICs have been properly communicated and documented in any transfer of interest in a property subject to an IC.
3. ICs are effective in protecting human health and the environment.
4. The integrity of the engineered components of the remedial action has been maintained.

Any identified changes in land use, Property ownership transfers, or breaches of implemented ICs will be reported. Land use changes may also necessitate the modification of further IC compliance monitoring or the type of monitoring.

Reporting will be completed as described herein and summarized in Table 3. In accordance with the Settlement Agreement, reporting documentation (including records in electronic form) will be preserved and retained for a period of 10 years after receipt of EPA's notification of completion of work under the Settlement Agreement.

5.0 Institutional Control Enforcement

Responsibility for enforcement of the ICs specified in this plan will vary depending upon the IC. The proprietary controls addressed in the environmental covenants, may be enforced by EPA, IDEM and IDA. Government controls may be enforced, as applicable, by the federal, state and/or local government.

6.0 Institutional Control Modification and Termination

IC modifications may be required if there is a change in Property conditions that alters the applicable land use or restrictions. If a modification is required, this plan will be reviewed and updated accordingly. If it is determined that use restrictions are no longer necessary and the objectives for which an IC was implemented have been achieved, a termination of that IC may occur. The EPA and IDEM will make determinations on the need for modification or termination of the ICs related to OU1 Modified Zone 1.

7.0 References

United States Environmental Protection Agency. 2012a. Institutional Controls: A Guide to Planning, Implementing, Maintaining, and Enforcing Institutional Controls at Contaminated Sites, OSWER Directive No. 9355.0-89, EPA-540-R-09-001, Office of Enforcement and Compliance Assurance. December 2012.

United States Environmental Protection Agency. 2012b. Institutional Controls: A Guide to Preparing Institutional Control Implementation and Assurance Plans at Contaminated Sites, OSWER Directive No. 9200.0-77, EPA-540-R-09-002, Office of Enforcement and Compliance Assurance. December 2012.

United States Environmental Protection Agency. Guidance for Management of Superfund Remedies in Post Construction. February 2017.

8.0 Certification by Project Coordinator

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I have no personal knowledge that the information submitted is other than true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

David B. Mustafaga, PG, CPG
Project Coordinator

Tables

INSTITUTIONAL CONTROL IMPLEMENTATION AND ASSURANCE PLAN
USS LEAD SUPERFUND SITE OU1 MODIFIED ZONE 1

TABLE 1

CONTACT INFORMATION FOR PARTIES IMPLEMENTING INSTITUTIONAL CONTROLS

Entity Name	Contact Name	Address	Phone Number
EPA Region 5	Thomas Alcamo	Ralph H Metcalfe Federal Building 77 West Jackson Blved Chicago, IL 60604	312-886-7278
IDEM	Doug Petroff	State of Indiana Government Center North 100 N. Senate Ave	317-234-3605
Industrial Development Advantage, LLC	Steve Radel	2105 West 1800 North Farr West, UT 84404	508-254-0394

INSTITUTIONAL CONTROL IMPLEMENTATION AND ASSURANCE PLAN
USS LEAD SUPERFUND SITE OU1 MODIFIED ZONE 1

TABLE 2

APPLICABLE INSTITUTIONAL CONTROLS FOR OU1 MODIFIED ZONE 1 REMEDY PARCELS

Area	Parcel ID	Owner	Owner Address	Engineering Control	Planned Institutional Control(s)	Institutional Control Lifespan	Type of Access Required	Use Restrictions	Access Authorization Obtained
Former WCHC	45-03-33-101-001.000-024	IDA	2105 West 1800 North Farr West, UT 84404	Maintain 12-inch clean soil cover and visible barrier if any disturbance below one foot	Environmental Restrictive Covenant with the following activity and use limitations: (1) Restrict land use to commercial/industrial Use, (2) Groundwater extraction or use prohibition, (3) Soil management requirements	Permanent	Environmental Monitoring Post-Construction Operation & Maintenance	Specified in Environmental Restrictive Covenant	Yes
	45-03-28-352-001.000-024								
Former Goodman park	45-03-28-351-047.000-024								
Eastern Utility Corridor	45-03-33-101-003.000-024								
	45-03-33-151-005.000-024								
	45-03-33-101-002.000-024 (partial)								
	45-03-33-101-003.000-024								
	45-03-33-101-004.000-024 (partial)								
	45-03-33-101-005.000-024 (partial)								
	45-03-28-351-045.000-024								
	45-03-28-351-046.000-024								
	45-03-28-351-048.000-024								
Easements									
Utility Easement	Northern Indiana Public Service Company (NIPSCO)	IDA	2105 West 1800 North Farr West, UT 84404	Maintain 12-inch clean soil cover and visible barrier if any disturbance below one foot	Environmental Restrictive Covenant with the following activity and use limitations: (1) Restrict land use to commercial/industrial Use, (2) Groundwater extraction or use prohibition, (3) Soil management requirements	Permanent	Utility Maintenance	Specified in Environmental Restrictive Covenant	Yes
Utility Easement	City of East Chicago	IDA	2105 West 1800 North Farr West, UT 84404		Environmental Restrictive Covenant with the following activity and use limitations: (1) Restrict land use to commercial/industrial Use, (2) Groundwater extraction or use prohibition, (3) Soil management requirements	Permanent	Utility Maintenance	Specified in Environmental Restrictive Covenant	Yes

INSTITUTIONAL CONTROL IMPLEMENTATION AND ASSURANCE PLAN
USS LEAD OU1 MODIFIED ZONE 1 SUPERFUND SITE

TABLE 3

INSTITUTIONAL CONTROLS MATRIX

Instrument Category	Instrument Type	Objective	Restrictions	Implementation Prerequisites	Implementation Complete	Responsible Party	Address
Proprietary Controls	Environmental Restrictive Covenants	Provide access for acitivities associated with monitoring, sampling, construction, and operation and maintenance of monitoring equipment and remedial infrastructure. Restrict in perpetuity property uses that present unacceptable exposure risk or interfere with remedy.	Specified in Environmental Covenants	Approval of ICIAP	Execution and Recording of Environmental Covenants	IDA	2105 West 1800 North Farr West, UT 84404
						EPA	Ralph H Metcalfe Federal Building 77 West Jackson Blved Chicago, IL 60604
	Right of Entry/Access Authorization	Provide access for activities associated with monitoring/sampling and operation and maintenance of monitoring/sampling equipment	Specified in Environmental Covenants and Access Requests	Finalize all Locations and Properties Required to Provide Access for Construction, Monitoring, Sampling, and O&M	Authorization from Property Owner	IDA	2105 West 1800 North Farr West, UT 84404
Government Controls	Zoning/Permitting	Comply with applicable zoning regulations	Specified in Applicable Zoning Regulations	None	Not Applicable	City of East Chicago, IN	4525 Indianapolis Boulevard East Chicago, IN 46312
						IDA	2105 West 1800 North Farr West, UT 84404
	Consent Decree or Administrative Order	Provide access thereto for the United States and Settling Defendant, and their representatives, contractors and subcontractors, to conduct any activity regarding the Administrative Order; and to refrain from using OU1 Modified Zone 1, or such other real property, in any manner that EPA determines will pose an unacceptable risk to human health or to the environment due to adversely affect the implementation, integrity, or protectiveness of the Remedial Action.	Specified in Environmental Covenants	Completion of Environmental Restrictive Covenants	Execution and Recording of Environmental restrictive Covenants	IDA	2105 West 1800 North Farr West, UT 84404
						EPA	Ralph H Metcalfe Federal Building 77 West Jackson Blved Chicago, IL 60604
Informational Devices	Deed Notice	To alert interested parties to environmental restrictive covenants applicable to property.	Specified in Environmental Covenants	Completion of Environmental Restrictive Covenants	Execution and recording of Environmental restrictive Covenants	IDA	2105 West 1800 North Farr West, UT 84404
						Lake County, IN	2293 N. Main Street, Crown Point, Indiana 46307
	Annual IC Inspection	Provide a comprehensive evaluation of the ICs and determine whether the engineered controls are intact, the property has conformed to applicable use restrictions, and identify whether potential IC deficiencies have been identified and whether they are being addressed.	Not Applicable	Approval of ICIAP	Approval of EPA	IDA	2105 West 1800 North Farr West, UT 84404
	Five-Year Review	Provide a comprehensive evaluation of the performance monitoring, determine whether all or individual RAOs are met or being met, and evaluate status of ICs.	Not Applicable	In conformance with approved O&M Plan	Approval of EPA	IDA	2105 West 1800 North Farr West, UT 84404

Figures

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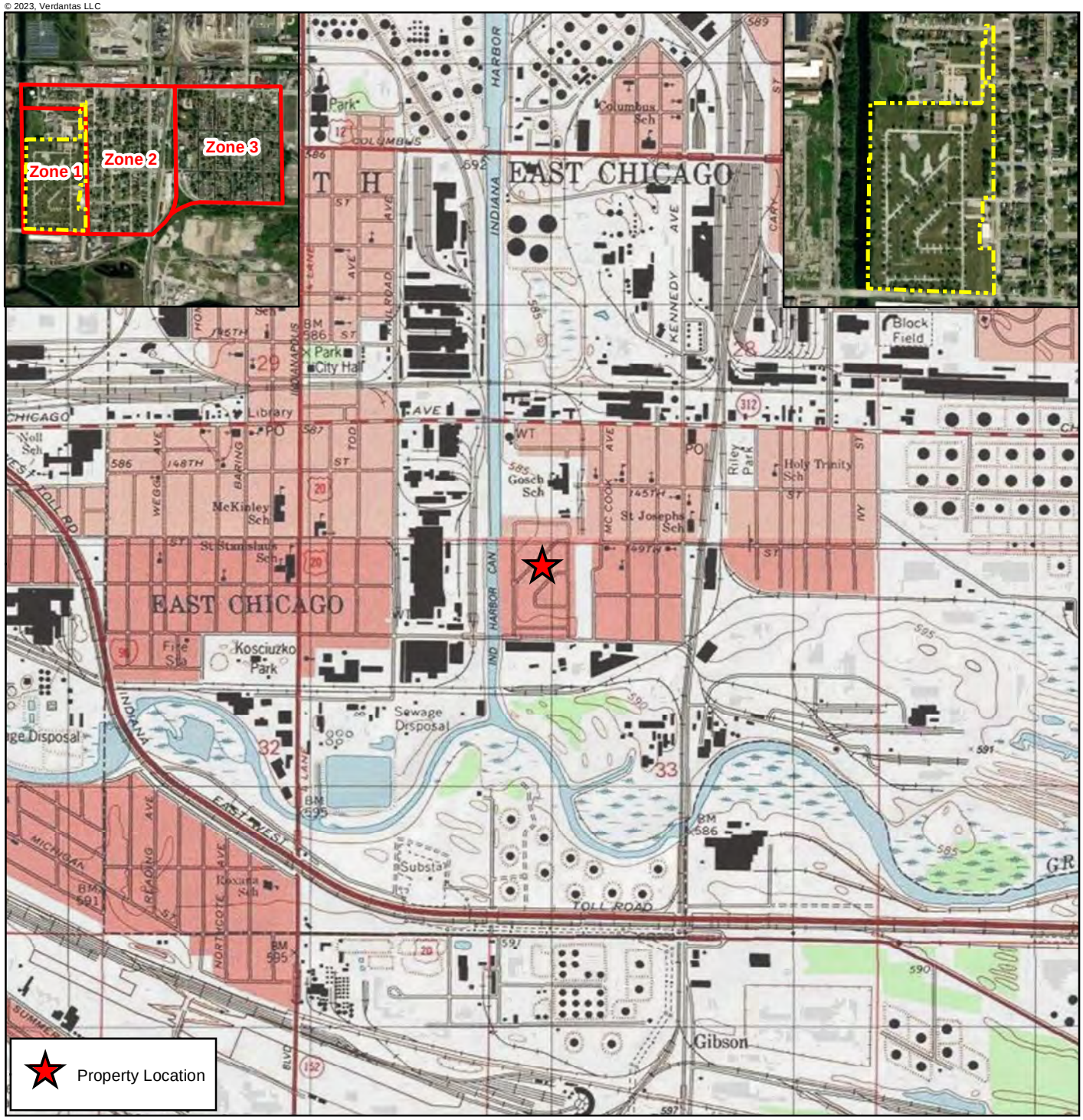

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0 1,000 2,000 4,000 Feet

1:24,000

Quadrangles: Whiting and Highland, IN

Source: The topographic map was acquired through the USGS Topographic Map web service.

The aerial photo was acquired through the Esri Imagery Web Service. Aerial photography dated 2020.

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Institutional Controls Implementation and Assurance Plan
OU1, Modified Zone 1, USS Lead Superfund Site

Property Location Map

East Chicago, Lake County, Indiana

Date:
March 2023

File Name:
15773_07_Fig01_PLM.mxd

Edited: 3/24/2023 By: kyusuf

Figure
1

Produced Using Esri's ArcGIS Software

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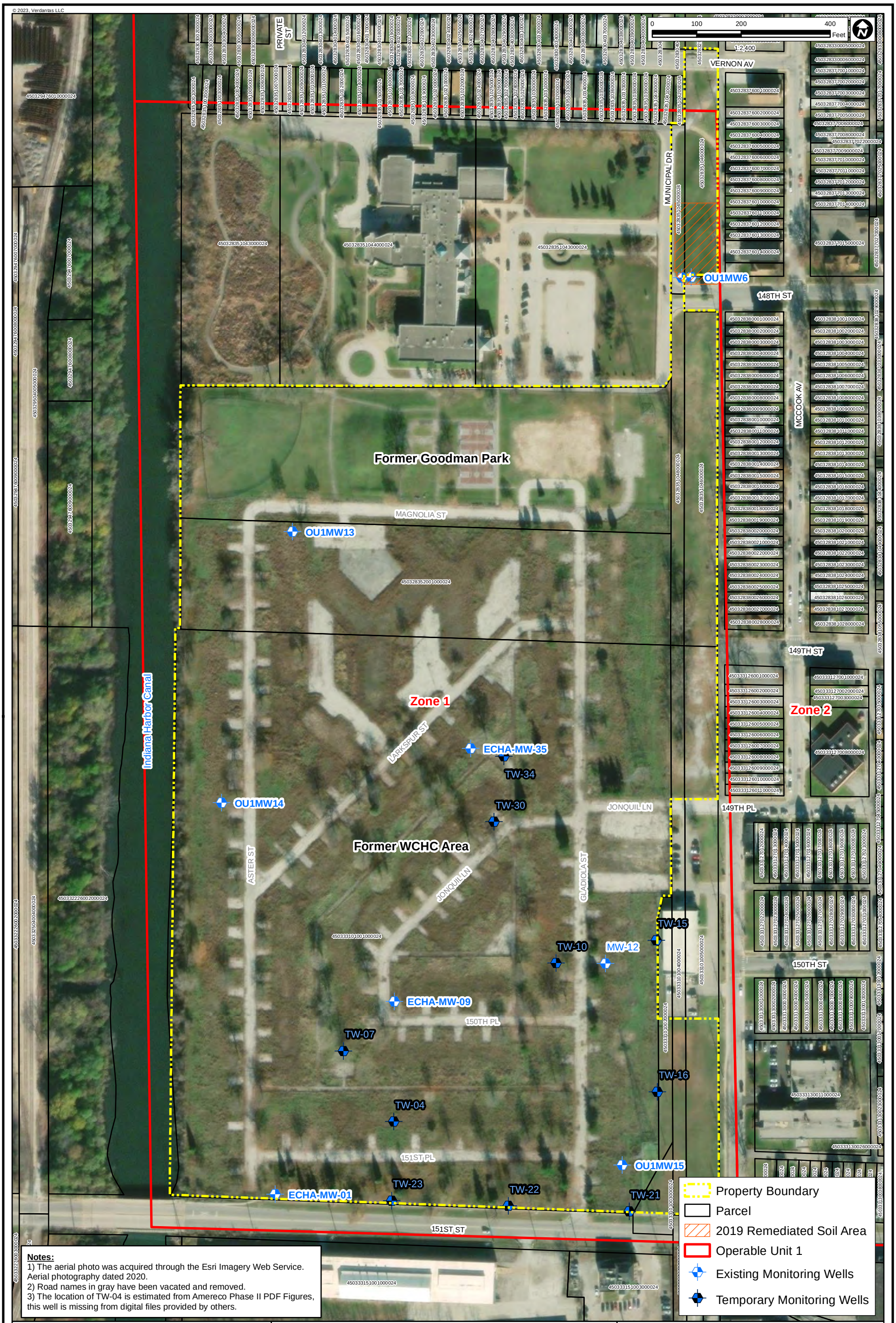

Notes:
1) The aerial photo was acquired through the Esri Imagery Web Service. Aerial photography dated 2020.
2) Road names in gray have been vacated and removed.
3) The location of TW-04 is estimated from Amereco Phase II PDF Figures, this well is missing from digital files provided by others.

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March 2023

Institutional Controls Implementation and Assurance Plan
OU1, Modified Zone 1, USS Lead Superfund Site

Figure

Property Plan

2

East Chicago, Lake County, Indiana

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Note:
The aerial photo was acquired through the Esri Imagery Web Service. Aerial photography dated 2020.

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March 2023

Institutional Controls Implementation and Assurance Plan
OU1, Modified Zone 1, USS Lead Superfund Site

Remedial Areas Map

East Chicago, Lake County, Indiana

Figure
3

Appendix A

Parcel Information with Legal Descriptions and Surveys

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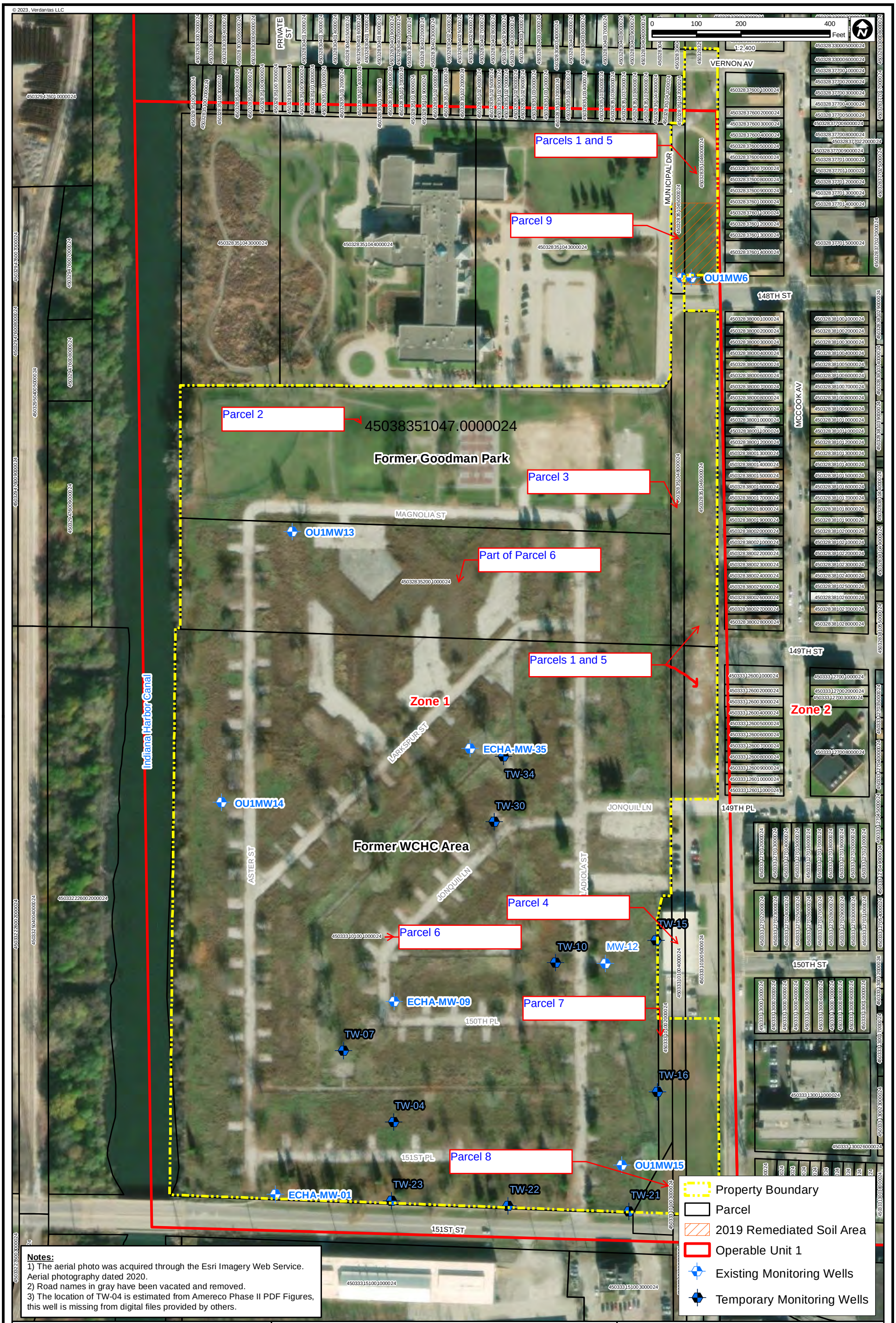

Notes:
1) The aerial photo was acquired through the Esri Imagery Web Service. Aerial photography dated 2020.
2) Road names in gray have been vacated and removed.
3) The location of TW-04 is estimated from Amereco Phase II PDF Figures, this well is missing from digital files provided by others.

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January 2023

Institutional Controls Implementation and Assurance Plan
OU1, Modified Zone 1, USS Lead Superfund Site

Site Plan

East Chicago, Lake County, Indiana

Figure
2

IDA Legal Descriptions

Parcels 1 and 5:

Vesting: East Chicago Housing Authority

Split from Tax Parcel Numbers 45-03-28-351-046.000-024 and 45-03-33-101-005.000-024

Part of the Southwest Quarter of Section 28, Township 37 North, Range 9 West of the Second Principal Meridian and Part of the Northwest Quarter of Section 33, Township 37 North, Range 9 West of the Second Principal Meridian in Lake County, Indiana, more particularly described as follows: Commencing at the Southeast corner of Block 4, Subdivision of the Northwest Quarter of Section 33, Township 37 North, Range 9 West of the Second Principal Meridian, in the City of East Chicago, as shown in Plat Book 4, page 4, in the Recorder's Office of Lake County, Indiana; thence North along the East line of said Block 4 and said line extended to the South right of way line of Chicago Avenue; thence East along said South line, a distance of 75 feet; thence South along a line that is 75 feet distant and parallel to the West line of this described tract to the North right of way line of 151st Street; thence West 75 feet to a point on the East line of said Block 4 that is 45 feet North of the point of commencement, excepting therefrom the North 266 feet;

Also excepting that part lying within the following described parcel of land:

That part of Block 4, as marked and laid down on the recorded Plat of Subdivision of part of the Northwest Quarter of Section 33, Township 37 North, Range 9 West of the Second Principal Meridian, situated in the City of East Chicago, Lake County, Indiana along with part of the Northwest Quarter of Section 33, Township 37 North, Range 9 West of the Second Principal Meridian, Lake County, Indiana described as follows:

Commencing at the point of intersection of the southerly line of said Block 4 (being also the center line of 151st Street as dedicated) with a line parallel to and 30,000 feet westerly of the east line of said Block 4 (said east line being also the west line of the 75.0 foot right of way conveyed to Chicago and Calumet Terminal Transfer Railway Company by the deed dated April 2, 1890 and recorded in Deed Record 49, page 375, in the Recorder’s Office of Lake County, Indiana); thence running northerly on said parallel line a distance of 755.0 feet to the Point of Beginning; thence running westerly at right angles to said parallel line 20.0 feet; thence southwesterly a distance of 51.20 feet more or less, to a point in a line 31.0 feet distant, westerly form said parallel line and 50.0 feet south of the north line of this parcel of real estate extended westerly; thence running south and parallel to said parallel line a distance of 234.00 feet; thence running easterly at right angles to said parallel line a distance of 136.00 feet to a line 75.00 feet distant and parallel to the east line of said Block 4; thence running northerly on said parallel line a distance of 512.00 feet; thence running westerly at right angles to said parallel line a distance of 105.00 feet to a line parallel to and 30.00 feet westerly of the east line of said Block 4; thence running south on said parallel line a distance of 228.0 feet to the Point of Beginning, in Lake County, Indiana.

Parcel 2:

Vesting: City of East Chicago for the use and benefit of its Department of Parks and Recreation

Tax Parcel Number 45-03-28-351-047.000-024

All that part of Block 13, Subdivision of the Southwest Quarter of Section 28, Township 37 North, Range 9 West of the 2nd P.M. in the City of East Chicago, Lake County, Indiana, as shown in Plat Book 2, page 25, in the Office of the Recorder of Lake County, Indiana;

EXCEPTING THEREFROM: The East 30 feet thereof;

ALSO EXCEPTING THEREFROM: Beginning at a point 100 feet East of the West Line of Section 28, which point is the Northwest corner of Block 13; thence Easterly and along the North Line of Block 13, a distance of 1,102 feet; thence Southerly and along a line 30 feet West of and parallel to the Easterly Line of said Block 13, a distance of 186.6 feet; thence Southwesterly (South 29° 44' 30" West) a distance of 27.01 feet; thence Westerly and parallel to the North Line of

Block 13, a distance of 1,088.4 feet; thence Northerly and parallel to the West Line of Section 23, a distance of 210.0 feet; to the point of beginning;

ALSO EXCEPTING THEREFROM: Commencing at the Southwest corner of Block 13, thence Northerly on and upon the West Line of said Block 13 a distance of 250.25 feet; thence Easterly parallel to the South Line of said Block 13 a distance of 125.07 feet; thence Northerly parallel to the West Line of said Block 13 a distance of 60.00 feet; thence Easterly parallel to the South Line of said Block 13 a distance of 913.34 feet; thence Southerly parallel to the East Line of said Block 13 a distance of 60.00 feet; thence Easterly parallel to the South Line of said Block 13 a distance of 163.11 feet to a line parallel to and 30 feet West of the East Line of said Block 13; thence Southerly parallel to said East Line of Block 13 a distance of 250.25 feet to the South Line of said Block 13; thence Westerly on and upon the said South Line of Block 13 a distance of 1,102.3 feet to the place of commencement.

Parcel 3:

Vesting: East Chicago Housing Authority

Tax Parcel Number 45-03-28-351-048.000-024

The East 30 feet of Block 13, Subdivision of the Southwest Quarter of Section 28, Township 37 North, Range 9 West of the Second Principal Meridian, in the City of East Chicago, as per plat thereof, recorded in Plat Book 2, page 25, in the Office of the Recorder of Lake County, Indiana.

Parcel 4:

Vesting: East Chicago Housing Authority

Split from Tax Parcel Number 45-03-33-101-004.000-024

The East 30 feet of Block 4, (except the South 45 feet thereof) Subdivision of the Northwest Quarter of Section 33, Township 37 North, Range 9 West of the Second Principal Meridian, in the City of East Chicago, as per plat thereof, recorded in Plat Book 4, page 4, in the Office of the Recorder of Lake County, Indiana;

Also excepting that part lying within the following described parcel of land:

That part of Block 4, as marked and laid down on the recorded Plat of Subdivision of part of the Northwest Quarter of Section 33, Township 37 North, Range 9 West of the Second Principal Meridian, situated in the City of East Chicago, Lake County, Indiana along with part of the Northwest Quarter of Section 33, Township 37 North, Range 9 West of the Second Principal Meridian, Lake County, Indiana described as follows:

Commencing at the point of intersection of the southerly line of said Block 4 (being also the center line of 151st Street as dedicated) with a line parallel to and 30,000 feet westerly of the east line of said Block 4 (said east line being also the west line of the 75.0 foot right of way conveyed to Chicago and Calumet Terminal Transfer Railway Company by the deed dated April 2, 1890 and recorded in Deed Record 49, page 375, in the Recorder's Office of Lake County, Indiana); thence running northerly on said parallel line a distance of 755.0 feet to the Point of Beginning; thence running westerly at right angles to said parallel line 20.0 feet; thence southwesterly a distance of 51.20 feet more or less, to a point in a line 31.0 feet distant, westerly form said parallel line and 50.0 feet south of the north line of this parcel of real estate extended westerly; thence running south and parallel to said parallel line a distance of 234.00 feet; thence running easterly at right angles to said parallel line a distance of 136.00 feet to a line 75.00 feet distant and parallel to the east line of said Block 4; thence running northerly on said parallel line a distance of 512.00 feet; thence running westerly at right angles to said parallel line a distance of 105.00 feet to a line parallel to and 30.00 feet westerly of the east line of said Block 4; thence running south on said parallel line a distance of 228.0 feet to the Point of Beginning, in Lake County, Indiana.

Parcel 6:

Vesting: The City of East Chicago Housing Authority

Tax Parcel Number 45-03-33-101-001.000-024

All of Block 4, Subdivision of part of the Northwest Quarter of Section 33, Township 37 North, Range 9 west of the 2nd P.M. in the City of East Chicago, as per plat thereof, recorded in Plat Book 4, Page 4, in the Office of the Recorder of Lake County, Indiana, excepting the East 30 feet, also excepting that part conveyed to Goldschmidt Detinning Company by Warranty Deed dated 11-14-11 and recorded 11-18-11 in Deed Record 174, pages 391 and 392, and also excepting therefrom that part conveyed to Metal and Thermit Corporation by deed dated 11-6-62 and recorded 11-15-62 in Deed Record 1219, Page 528.

And: Commencing at the Southwest corner of Block 13, Subdivision of the Southwest Quarter of Section 28, Township 37 North, Range 9 West of the 2nd P.M. in the City of East Chicago, Indiana, as shown in Plat Book 2, Page 25, in Lake County, Indiana: thence Northerly on and upon the West line of said Block 13 a distance of 250.25 feet; thence Easterly parallel to the South line of said Block 13 a distance of 125.07 feet; thence Northerly parallel to the West line of said Block 13 a distance of 60.00 feet; thence Easterly parallel to the South line of said Block 13 a distance of 813.34 feet; thence Southerly parallel to the East line of said Block 13 a distance of 60.00 feet; thence Easterly parallel to the South line of said Block 13 a distance of 163.11 feet to a line parallel to and 30 feet West of the East line of said Block 13; thence Southerly parallel to said East line of Block 13 a distance of 250.25 feet to the South line of said Block 13; thence Westerly on and upon the said South line of Block 13 a distance of 1102.3 feet to the place of commencement.

Parcel 7:

Vesting: City of East Chicago

Split from Tax Parcel Number 45-03-33-101-002.000-024

That part of Block 4, as marked and laid down on the recorded plat of a Subdivision of part of the Northwest Quarter of Section 33, Township 37 North, Range 9 West of the Second Principal Meridian, situated in the City of East Chicago, Lake County, Indiana described as follows: Beginning at the point of intersection of the Southerly line of said Block 4 (being also the center line of 151st Street as dedicated) with a line parallel to and 30.0 feet Westerly of the East line of said Block 4 (said East line being also the West line of the 75.0 foot right of way conveyed to the Chicago and Calumet Terminal Transfer Railway Company by Deed Dated April 2, 1890, and recorded in Deed Record 49, page 375, in the Recorder's Office of Lake County, Indiana); thence running Northerly on said parallel line a distance of 205.0 feet to a point, which point shall be the starting point of this description; thence running Northerly on said parallel line a distance of 550.0 feet to a point; thence running Westerly at right angles to said parallel line 20.0 feet: thence Southwesterly a distance of 51.20 feet, more or less, to a point in a line 31.0 feet distant, Westerly from said parallel line and 50.0 feet South of the North line of this parcel of real estate extended Westerly; thence running South and parallel to said parallel line a distance of 553.63 feet, more or less, to the Northwesterly side of the tract of land conveyed by Deed of East Chicago Company to Goldsmith Detinning Company, dated November 14, 1911, and recorded in Deed Record 174, page 391, in the Recorder's Office of Lake County. Indiana; thence running Northeasterly along the Northwesterly line of said tract, 62.15 feet, more or less, to the point of beginning, in Lake County, Indiana;

Excepting that part lying within the following described parcel of land:

That part of Block 4, as marked and laid down on the recorded Plat of Subdivision of part of the Northwest Quarter of Section 33, Township 37 North, Range 9 West of the Second Principal Meridian, situated in the City of East Chicago, Lake County, Indiana along with part of the Northwest Quarter of Section 33, Township 37 North, Range 9 West of the Second Principal Meridian, Lake County, Indiana described as follows:

Commencing at the point of intersection of the southerly line of said Block 4 (being also the center line of 151st Street as dedicated) with a line parallel to and 30,000 feet westerly of the east line of said Block 4 (said east line being also the west line of the 75.0 foot right of way conveyed to Chicago and Calumet Terminal Transfer Railway Company by the deed dated April 2, 1890 and recorded in Deed Record 49, page 375, in the Recorder’s Office of Lake County, Indiana); thence

running northerly on said parallel line a distance of 755.0 feet to the Point of Beginning; thence running westerly at right angles to said parallel line 20.0 feet; thence southwesterly a distance of 51.20 feet more or less, to a point in a line 31.0 feet distant, westerly form said parallel line and 50.0 feet south of the north line of this parcel of real estate extended westerly; thence running south and parallel to said parallel line a distance of 234.00 feet; thence running easterly at right angles to said parallel line a distance of 136.00 feet to a line 75.00 feet distant and parallel to the east line of said Block 4; thence running northerly on said parallel line a distance of 512.00 feet; thence running westerly at right angles to said parallel line a distance of 105.00 feet to a line parallel to and 30.00 feet westerly of the east line of said Block 4; thence running south on said parallel line a distance of 228.0 feet to the Point of Beginning, in Lake County, Indiana.

Parcel 8:

Vesting: City of East Chicago

Tax Parcel Number 45-03-33-101-003.000-024

That part of Block 4 in a Subdivision of part of the Northwest Quarter of Section 33, Township 37 North. Range 9 West of the 2nd Principal Meridian, in the city of East Chicago, as per plat thereof, recorded in Plat Book 4, page 4, in the Office of the Recorder of Lake County, Indiana, described as follows: Beginning at the point of intersection of the Southerly line of said Block 4 (being also the center line of 151st Street as dedicated) with a line parallel with and 30 feet Westerly of the East Line of said Block 4 (said East line being also the West line of the 75 foot right of way conveyed to the Chicago and Calumet Terminal Transfer Railway Company by Deed dated April 2, 1890); thence Northerly on said parallel line 205 feet; thence Southwesterly on a straight line 180.33 to a point in the Northerly line of 151st Street, 90 feet distant Westerly measured along said North line from its intersection with the line described as parallel with and 30 feet Westerly of the East line of said Block 4; thence Southerly parallel with said East line 45 feet to the center line of 151st Street, Thence Easterly on said center line 90 feet to the place of beginning, in Lake County, Indiana.

Parcel 9:

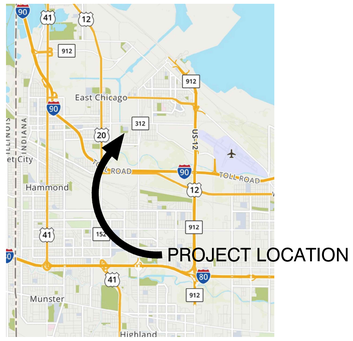
Vesting: East Chicago Housing Authority

Tax Parcel Number 45-03-28-351-045.000-024

The East 30 feet of Lot 37, Block 12, Subdivision of the Southwest Quarter of Section 28, Township 37 North, Range 9 West of the Second Principal Meridian, in the City of East Chicago, as per plat thereof, recorded in Plat Book 2, page 25, in the Office of the Recorder of Lake County, Indiana.

ALTA/NSPS LAND TITLE SURVEY

of



Legal Description

Parcels 1 and 5:

Part of the Southwest Quarter of Section 28, Township 37 North, Range 9 West of the Second Principal Meridian and Part of the Northwest Quarter of Section 33, Township 37 North, Range 9 West of the Second Principal Meridian in Lake County, Indiana, more particularly described as follows:

Commencing at the southeast corner of Block 4, Subdivision of the Northwest Quarter of Section 33, Township 37 North, Range 9 West of the Second Principal Meridian, in the City of East Chicago, as shown in Plat Book 4, Page 4, in the Recorder's Office of Lake County, Indiana; thence north along the east line of said Block 4 and said line extended to the south right of way line of Chicago Avenue; thence east along said south line, a distance of 75 feet; thence south along a line that is 75 feet distant and parallel to the west line of this described tract to the north right of way line of 151st Street; thence west 75 feet to a point on the east line of said Block 4 that is 45 feet north of the Point of Commencement, excepting therefrom the north 266 feet.

Also excepting that part lying within the following described parcel of land:

That part of Block 4, as marked and laid down on the recorded Plat of Subdivision of part of the Northwest Quarter of Section 33, Township 37 North, Range 9 West of the Second Principal Meridian, situated in the City of East Chicago, Lake County, Indiana along with part of the Northwest Quarter of Section 33, Township 37 North, Range 9 West of the Second Principal Meridian, Lake County, Indiana described as follows:

Commencing at the point of intersection of the southerly line of said Block 4 (being also the center line of 151st Street as dedicated) with a line parallel to and 30.00 feet westerly of the east line of said Block 4 (said east line being also the west line of the 75.0 foot right of way conveyed to the Chicago and Calumet Terminal Transfer Railway Company by deed dated April 2, 1890 and recorded in Deed Record 49, Page 375, in the Recorder's Office of Lake County, Indiana); thence running northerly on said parallel line a distance of 755.0 feet to the Point of Beginning; thence running westerly at right angles to said parallel line 20.0 feet; thence southwesterly a distance of 51.20 feet more or less, to a point in a line 31.0 feet distant, westerly from said parallel line and 50.0 feet south of the north line of this parcel of real estate extended westerly; thence running south and parallel to said parallel line a distance of 234.00 feet; thence running easterly at right angles to said parallel line a distance of 136.00 feet to a line 75.00 feet distant and parallel to the east line of said Block 4; thence running northerly on said parallel line a distance of 512.00 feet; thence running westerly at right angles to said parallel line a distance of 105.00 feet to a line parallel to and 30.00 feet westerly of the east line of said Block 4; thence running south on said parallel line a distance of 228.00 feet to the Point of Beginning, in Lake County, Indiana.

Parcel 2:

All that part of Block 13, Subdivision of the Southwest Quarter of Section 28, Township 37 North, Range 9 West of the Second Principal Meridian in the City of East Chicago, Lake County, Indiana, as shown in Plat Book 2, Page 25 in Lake County, Indiana

Excepting therefrom:

The east 30 feet thereof;

Also excepting therefrom:

Beginning at a point 100 feet east of the west line of Section 28, which point is the northwest corner of Block 13; thence easterly and along the north Line of Block 13, a distance of 1102 feet; thence southerly and along a line 30 feet west of and parallel to the easterly line of said Block 13, a distance of 186.6 feet; thence southwesterly (South 29 degrees 44 minutes 30 seconds West) a distance of 27.01 feet; thence westerly and parallel to the north Line of Block 13, a distance of 1088.4 feet; thence northerly and parallel to the west line of Section 23, a distance of 210.0 feet to the Point of Beginning;

Also excepting therefrom:

Commencing at the southwest corner of Block 13, thence northerly on and upon the west line of said Block 13 a distance of 250.25 feet; thence easterly parallel to the south line of said Block 13 a distance of 125.07 feet; thence northerly parallel to the west line of said Block 13 a distance of 60.00 feet; thence easterly parallel to the south line of said Block 13 a distance of 813.34 feet (corrected from 913.34 feet); thence southerly parallel to the east line of said Block 13 a distance of 60.00 feet; thence easterly parallel to the south line of said Block 13 a distance of 163.11 feet to a line parallel to and 30 feet west of the east line of said Block 13; thence southerly parallel to said east line of Block 13 a distance of 250.25 feet to the south line of said Block 13; thence westerly on and upon the said south line of Block 13 a distance of 1102.3 feet to the Place of Commencement.

Parcel 3:

The east 30 feet of Block 13, Subdivision of the Southwest Quarter of Section 28, Township 37 North, Range 9 West of the Second Principal Meridian, in the City of East Chicago, as per plat thereof, recorded in Plat Book 2, Page 25, in the Office of the Recorder of Lake County, Indiana.

Parcel 4:

The east 30 feet of Block 4, (except the south 45 feet thereof) Subdivision of the Northwest Quarter of Section 33, Township 37 North, Range 9 West of the Second Principal Meridian, in the City of East Chicago, as per plat thereof, recorded in Plat Book 4, Page 4, in the Office of the Recorder of Lake County, Indiana.

Also excepting that part lying within the following described parcel of land:

That part of Block 4, as marked and laid down on the recorded Plat of Subdivision of part of the Northwest Quarter of Section 33, Township 37 North, Range 9 West of the Second Principal Meridian, situated in the City of East Chicago, Lake County, Indiana along with part of the Northwest Quarter of Section 33, Township 37 North, Range 9 West of the Second Principal Meridian, Lake County, Indiana described as follows:

Commencing at the point of intersection of the southerly line of said Block 4 (being also the center line of 151st Street as dedicated) with a line parallel to and 30.00 feet westerly of the east line of said Block 4 (said east line being also the west line of the 75.0 foot right of way conveyed to the Chicago and Calumet Terminal Transfer Railway Company by deed dated April 2, 1890 and recorded in Deed Record 49, Page 375, in the Recorder's Office of Lake County, Indiana); thence running northerly on said parallel line a distance of 755.0 feet to the Point of Beginning; thence running westerly at right angles to said parallel line 20.0 feet; thence southwesterly a distance of 51.20 feet more or less, to a point in a line 31.0 feet distant, westerly from said parallel line and 50.0 feet south of the north line of this parcel of real estate extended westerly; thence running south and parallel to said parallel line a distance of 234.00 feet; thence running easterly at right angles to said parallel line a distance of 136.00 feet to a line 75.00 feet distant and parallel to the east line of said Block 4; thence running northerly on said parallel line a distance of 512.00 feet; thence running westerly at right angles to said parallel line a distance of 105.00 feet to a line parallel to and 30.00 feet westerly of the east line of said Block 4; thence running south on said parallel line a distance of 228.00 feet to the Point of Beginning, in Lake County, Indiana.

Parcel 5 (see prior description above with Parcel 1):

Parcel 6:

All of Block 4, Subdivision of part of the Northwest Quarter of Section 33, Township 37 North, Range 9 West of the Second Principal Meridian in the City of East Chicago, as per plat thereof, recorded in Plat Book 4, Page 4, in the Office of the Recorder of Lake County, Indiana

Excepting therefrom:

The east 30 feet thereof:

Also excepting therefrom:

That part conveyed to Goldschmidt Detinning Company by Warranty Deed dated November 14, 1911 and recorded November 18, 1911 in Deed Record 174, Page 391 and 392;

And also excepting therefrom:

That part conveyed to Metal and Thermit Corporation by deed dated November 6, 1962 and recorded November 15, 1962 in Deed Record 1219, Page 528.

And also the following:

Commencing at the southwest corner of Block 13, Subdivision of the Southwest Quarter of Section 28, Township 37 North, Range 9 West of the Second Principal Meridian in the City of East Chicago, Indiana, as shown in Plat Book 2, Page 25, in Lake County, Indiana; thence northerly on and upon the west line of said Block 13 a distance of 250.25 feet; thence easterly parallel to the south line of said Block 13 a distance of 125.07 feet; thence northerly parallel to the west line of said Block 13 a distance of 60.00 feet; thence easterly parallel to the south line of said Block 13 a distance of 813.34 feet; thence southerly parallel to the east line of said Block 13 a distance of 60.00 feet; thence easterly parallel to the south line of said Block 13 a distance of 163.11 feet to a line parallel to and 30 feet west of the east line of said Block 13 a distance of 250.25 feet to the south line of said Block 13; thence westerly on and upon the said south line of Block 13 a distance of 1102.3 feet to the Place of Commencement.

Parcel 7:

That part of Block 4, as marked and laid down on the recorded Plat of Subdivision of part of the Northwest Quarter of Section 33, Township 37 North, Range 9 West of the Second Principal Meridian, situated in the City of East Chicago, Lake County, Indiana described as follows: Beginning at the point of intersection of the southerly line of said Block 4 (being also the center line of 151st Street as dedicated) with a line parallel to and 30.00 feet westerly of the east line of said Block 4 (said east line being also the west line of the 75.0 foot right of way conveyed to the Chicago and Calumet Terminal Transfer Railway Company by deed dated April 2, 1890 and recorded in Deed Record 49, Page 375, in the Recorder's Office of Lake County, Indiana); thence running northerly on said parallel line a distance of 205.0 feet to a point, which point shall be the starting point of this description; thence running northerly on said parallel line a distance of 550.0 feet to a point; thence running westerly at right angles to said parallel line 20.0 feet; thence southwesterly a distance of 51.20 feet more or less, to a point in a line 31.0 feet distant, westerly from said parallel line and 50.0 feet south of the north line of this parcel of real estate extended westerly; thence running south and parallel to said parallel line a distance of 553.63 feet, more or less, to the northwesterly side of the tract of land conveyed by deed of East Chicago Company to Goldsmith Detinning Company, dated November 14, 1911 and recorded in Deed Record 174, Page 391, in the Recorder's Office of Lake County, Indiana; thence running northeasterly along the northwesterly line of said tract, 62.15 feet more or less, to the Point of Beginning, in Lake County, Indiana.

Excepting that part lying within the following described parcel of land:

That part of Block 4, as marked and laid down on the recorded Plat of Subdivision of part of the Northwest Quarter of Section 33, Township 37 North, Range 9 West of the Second Principal Meridian, situated in the City of East Chicago, Lake County, Indiana along with part of the Northwest Quarter of Section 33, Township 37 North, Range 9 West of the Second Principal Meridian, Lake County, Indiana described as follows:

Commencing at the point of intersection of the southerly line of said Block 4 (being also the center line of 151st Street as dedicated) with a line parallel to and 30.00 feet westerly of the east line of said Block 4 (said east line being also the west line of the 75.0 foot right of way conveyed to the Chicago and Calumet Terminal Transfer Railway Company by deed dated April 2, 1890 and recorded in Deed Record 49, Page 375, in the Recorder's Office of Lake County, Indiana); thence running northerly on said parallel line a distance of 755.0 feet to the Point of Beginning; thence running westerly at right angles to said parallel line 20.0 feet; thence southwesterly a distance of 51.20 feet more or less, to a point in a line 31.0 feet distant, westerly from said parallel line and 50.0 feet south of the north line of this parcel of real estate extended westerly; thence running south and parallel to said parallel line a distance of 234.00 feet; thence running easterly at right angles to said parallel line a distance of 136.00 feet to a line 75.00 feet distant and parallel to the east line of said Block 4; thence running northerly on said parallel line a distance of 512.00 feet; thence running westerly at right angles to said parallel line a distance of 105.00 feet to a line parallel to and 30.00 feet westerly of the east line of said Block 4; thence running south on said parallel line a distance of 228.00 feet to the Point of Beginning, in Lake County, Indiana.

Parcel 8:

That part of Block 4 in a subdivision of part of the Northwest Quarter of Section 33, Township 37 North, Range 9 West of the 2nd Principal Meridian, in the City of East Chicago, as per plat thereof recorded in Plat Book 4, Page 4, in the Office of the Recorder of Lake County, Indiana, described as follows: Beginning at the point of intersection of the southerly line of said Block 4 (being also the center line of 151st Street as dedicated) with a line parallel with and 30 feet westerly of the east line of said Block 4 (said east line being also the west line of the 75 foot right of way conveyed to the Chicago and Calumet Terminal Transfer Railway Company by deed dated April 2, 1890); thence northerly on said parallel line 205 feet; thence southwesterly on a straight line 180.33 feet to a point in the northerly line of 151st Street, 90 feet distant westerly measured along said north line from its intersection with the line described as parallel with and 30 feet westerly of the east line of said Block 4; thence southerly parallel with said east line 45 feet to the center line of 151st Street; thence easterly on said center line 90 feet, to the Place of Beginning, in Lake County, Indiana.

Parcel 9:

The east 30 feet of Lot 37, Block 12, Subdivision of the Southwest Quarter of Section 28, Township 37 North, Range 9 West of the Second Principal Meridian, in the City of East Chicago, as per plat thereof, recorded in Plat Book 2, Page 25, in the Office of the Recorder of Lake County, Indiana.

Excepting therefrom the north 269.4 feet thereof platted as Ladd and Smith's Addition to the City of East Chicago, Lake County, Indiana, recorded in Plat Book 6, Page 22, in the Office of the Recorder of Lake County Indiana.

N

SCALE 1" = 50'

Documents Reviewed

- Commitment for Title Insurance issued by Fidelity National Title Company, LLC Order Number FNW2000863 Revision 2, with an effective date of March 25, 2022
- ALTA/NSPS Land Title Survey prepared by Torrenga Surveying LLC, John Stuart Allen, filed for record January 13, 2017 as Document Number 2017 002663 in Survey Plat Book 29 Page 57, Lake County, Indiana Recorder
- ALTA/NSPS Land Title Survey prepared by Torrenga Surveying LLC, John Stuart Allen, filed for record March 30, 2017 as Document Number 2017 020231 in Survey Plat Book 29 Page 83,Lake County, Indiana Recorder
- Andrew Simko's Addition to the City of East Chicago, filed for record August 1907 in Plat Book 6 Page 44, Lake County, Indiana Recorder
- Part of East Chicago Indiana, filed for record in Plat Book 4 Page 4, Lake County, Indiana Recorder
- East Chicago Land Association Addition to East Chicago, filed for record April 22, 1909 in Plat Book 8 Page 16, Lake County, Indiana Recorder
- L. C. Smith Addition to East Chicago, filed for record September 10, 1925, in Plat Book 18 Page 29, Lake County, Indiana Recorder
- Ladd and Smith's Addition to City of East Chicago, filed for record January 2, 1907, in Plat Book 6 Page 22, Lake County, Indiana Recorder
- Part of East Chicago, filed for record June 2, 1890, Plat Book 2, Page 25, Lake County, Indiana Recorder
- Peto's Addition, filed for record Plat Book 6 Page 12, Lake County, Indiana Recorder
- Plat of U.S Reduction Company's Block - "A" filed for record Plat Book 23 Page 64, Lake County, Indiana Recorder
- ALTA/ACSM Land Title Survey prepared by Mahlon J. Plumb filed for record June 24, 1992, in Survey Plat Book 1 Page 45, Lake County, Indiana Recorder
- Subdivision of Lot 13, Block 8, in the Subdivision of the Southwest Quarter of Section 28, Township 37 North, Range 9 West of 2nd Principal Meridian, filed for record July 5, 1907, Plat Book 6 Page 37, Lake County, Indiana Recorder
- Warranty Deed dated November 14, 1911 recorded November 18, 1911 in Deed Record 174, Pages 391 and 392
- Warranty Deed dated November 6, 1962 recorded November 15, 1962 Deed Record 1219, Pages 528 through 530
- Grant of Easement by the Calumet Canal & Improvement Company dated May 31, 1890 and filed for record June 25 ,1890 Book 7 Page 360; modification of agreement recorded February 4, 1910 in Record Book 157, Page 112; assignment of agreement recorded March 27, 1941 in Book 329, Page 98
- Right of Way Easement recorded November 7, 1961 as Document Number 365318, Book 816, Page 294
- Right of Way Contract recorded March 6, 2003 as Document Number 2003 023672
- Warranty Deed recorded April 1, 1955 in Book 991, Pages 505 through 508
- Right of Way Easement recorded November 8, 1961, Book 816, Pages 297 through 299
- Assignment and Conveyance by BP Pipelines (North America) to BP River Rouge Pipeline Company, LLC recorded July 11, 2017 as Document Number 2017 042119
- Grant of Easement to Northern Indiana Public Service Company, recorded September 27, 1946 as Document Number 243910, in Book 452 Pages 617 through 623
- Grant of Easement to Northern Indiana Public Service Company, recorded June 22, 1971 as Document Number 104673
- Warranty Deed recorded March 24, 1949 as Document Number 392316 in Deed Record Book 834 Page 118 and 119
- Warranty Deed recorded December 12, 1946 as Document Number 255851 in Deed Record Book 770 Pages 1 through 3
- Warranty Deed recorded November 9, 1946 as Document Number 251016 in Deed Record Book 767 Pages 135 and 141
- Deed of Dedication for public highway recorded May 28, 1960 as Document Number 256301 in Deed Record Book 1144, Pages 390 through 393
- Grant of Easement to Northern Indiana Public Service Company recorded July 19, 1963 as Document Number 495652 in Miscellaneous Record Book 1239, Pages 565 through 570
- Various United States Public Land Survey System (USPLSS) section corner and quarter section monument records available from the Lake County Surveyor's Office.

Degree of Precision & Accuracy:

The results of this survey conform to the standards for an Urban Survey or 0.07 feet ±50ppm

Physical Possession:

Visible physical evidence encountered and observed at the time of the field site visit is depicted upon the hereon drawn plat and the positional relationship of the physical evidence encountered and observed is noted in relationship to the lines of the survey as drawn hereon.

Surveyor's Report:

This is a retracement survey of land held in title by East Chicago Housing Authority (Parcels 1, 3, 4, 5 and 9), The City of East Chicago Housing Authority (Parcel 6), City of East Chicago (Parcels 7 and 8), City of East Chicago for the use and benefit of its Department of Parks and Recreation (Parcel 2). The survey is conducted for Industrial Development Advantage of East Chicago, LLC, an Indiana limited liability company for the purpose of defining the limits of the real estate and determining to what extent any matters of record impact the real estate described hereon as well as to show any physical evidence of matters potentially affecting the real estate described hereon.

The boundary of the parcels of land depicted hereon were established based upon the following theory of location. Monuments that were called for on ALTA survey prepared by John Stuart Allen recorded as Doc. No. 2017-002663 were located and held for the southerly boundary of this survey. The north line of said ALTA survey is purportedly the south line of Block 4 of this survey.

Very limited monuments were found in Block 12 in Part of East Chicago Book 2 Page 25. Using this limited number of monuments together with utilization of the physical occupation of the streets in the East Chicago Land Association Subdivision Book 8 Page 16, the northern limits of this survey was developed. Block 4 in East Chicago Book 4 Page 4 and Blocks 12 and 13 in East Chicago Book 2 Page 25 were calculated by apportionment and appear to agree substantially with the record dimensional data.

The following discrepancies are noted:

Section lines have been shown and noted based on monuments found based upon Section Corner records available through the Office of the Lake County Surveyor. No record was available for the southwest corner of Section 28, Township 37 North, Range 9 West, also being the northwest corner of Section 33, Township 37 North, Range 9 West. This corner was calculated double proportionate measurements from the information available on the government township plat.

Section lines have been also noted based upon various recorded subdivision plat references. The north line of Block 4 in East Chicago Book 4 Page 4 is called for as the north line of Section 33, Township 37 North, Range 9 West The south line of Block 13 in East Chicago Book 2 Page 25 is called for as the South line of Section 28, Township 37 North, Range 9 West. The center line of 149th Street in East Chicago Land Association Addition Book 8 Page 16 is called for as the north line of Section 33, Township 37 North, Range 9 West and the south line of Section 28, Township 37 North, Range 9 West.

The uncertainty due to the position of the found monuments as related to the boundaries of the parcel as established is as indicated at various locations where monuments were found and could be as much as ±2.00 feet.

The uncertainties associated with the legal descriptions for the real estate herein described are negligible, at best, and do not appear to create any ambiguities.

The uncertainties due to the position of found monuments is noted in relationship to the established lines of the survey where the monuments are available.

As to the Optional Items from Table A:

Item 1: Monuments placed or found shown upon the hereon drawn plat are relative to previous survey dated August 31, 2020, finding 5/8" (#5) diameter steel reinforcing rods with green plastic caps bearing the name and license number of the issuing Indiana professional land surveyor. Where the (#5) diameter steel reinforcing rods could not be found, other suitable semi-permanent monuments were placed as noted.
Item 2: Address(es) of the surveyed property was not provided to or observed by the surveyor during the site visit of the survey.
Item 3: A portion of the surveyed property appears to be located in Zone AE; The floodway is the channel of a stream plus any adjacent floodplain areas that must be kept free of encroachment so that the 1% annual chance flood can be carried without substantial increases in flood heights), Zone AE (Special flood hazard areas subject inundation by the 1% annual chance flood where base flood elevations are determined), Zone X (Other flood areas; Areas of 0.2% annual chance flood; areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 1% annual chance flood), and Zone X (Areas determined to be outside of the 0.2% annual chance floodplain. The areas located within Zone AE (Floodway Areas in Zone AE) and Zone AE are primarily located along the northern and western boundary of Parcel 2 and along the western boundary of Parcel 6 as depicted hereon. These areas are adjacent to the Indiana Harbor Canal. This is as indicated on Flood Insurance Rate Map (FIRM) prepared by the Federal Emergency Management Agency for Lake County, Indiana and incorporated areas, panel 38 of 480 Map Number 18089C0038E, panel 39 of 480 Map Number 18089C0039E, panel 126 of 480 Map Number 18089C0126E, and panel 127 of 480 Map Number 18089C0127E, all with community number 180130 (City of East Chicago), all with an effective date of January 18, 2012. Subject to the uncertainties due to the scale of the FIRMs as well as the uncertainties due to scaling from the FIRMs.
Item 4: The land area described in the title description for the surveyed property is 2,288,644 square feet or 52.540 acres more or less.
Item 7a: No buildings were observed on the subject property in the process of conducting the fieldwork.
Item 8: Substantial features that were observed in the process of conducting the fieldwork have been indicated upon the hereon drawn plat
Item 11: The location of utilities existing on or serving the surveyed property have been indicated upon the hereon drawn plat pursuant only to Section 5.E.iv (evidence on or above the surface of the surveyed property observed in the process of conducting fieldwork). No plans were provided to or obtained by the surveyor from utility companies indicating evidence of utilities on the surveyed property. No markings were provided to or requested by the surveyor pursuant to an 811 utility locate or similar request. Utility markings indicated hereon were found during the normal course of the fieldwork being conducted. Please note the location of several pipeline markers that are located in areas where no documentation was provided indicating the existence of easements.
Item 13: Adjacent owner information is based upon available tax assessment records for Lake County, Indiana
Item 14: The property is bounded generally by 151st Street on the south and on the west by the Indiana Harbor Canal. Other streets are shown in proximity to the real estate described hereon.

As to items from Schedule B of Title Commitment from Fidelity National Title Insurance Company Order Number FNW2000863 Revision 2 effective date March 25, 2022:

Part I

Items 1 through 17 do not appear to be matters related to the survey as drawn hereon.

Part II

Item 1: visible evidence encountered during the site visit for the survey of parties potentially in possession of a portion of the real estate described hereon has been depicted where possible
Item 2: visible evidence encountered during the site visit for the survey of easements or claims of easements affecting the real estate described hereon and not shown by the public records has been depicted where possible
Item 3: visible evidence encountered during the site visit for the survey of potential encroachments, violations, variations, or adverse circumstances affecting the title of the real estate described hereon has been depicted where possible
Item 4 through 20: do not appear to be matters related to the survey as drawn hereon
Item 21: visible evidence encountered during the site visit for the survey of potential rights of the public, the State of Indiana and/or the municipality, and others entitled thereto in and to that part of the land taken and used for road purposes has been depicted where possible except in the vicinity of 148th Street where this was omitted
Item 22: visible evidence encountered during the site visit for the survey of potential rights of way for drainage tiles, ditches, feeders and laterals has been depicted where possible
Item 23: intentionally deleted no response made
Item 24: property that does not lie within the limits of this survey
Item 25: intentionally deleted no response made
Item 26: document provided does not contain a legal description and could not be delineated upon the survey drawn hereon
Item 27: easement has been delineated and noted hereon
Item 28: easement affects Parcel 2 & 6, however, there is no defined location as easement is to be 7.5 feet on either side of utilities as installed
Item 29: easement appears to potentially impact real estate lying north of what is identified as Parcel 2; but may impact that portion of Parcel 1, 3 and 5 in the vicinity of 148th Street; legal description does not provide finite as to the eastern limits as it only describes a "manhole" in the "center" of 148th Street without providing dimensions or widths for easement
Item 30: dedication for public highway has been delineated and noted hereon
Item 31: intentionally deleted no response made
Item 32: intentionally deleted no response made
Item 33: easement is for air rights only and has been noted hereon and affects Parcel 7 and Parcel 8
Item 34 and 35: do not appear to be matters related to the survey as drawn hereon

To:

East Chicago Housing Authority
The City of East Chicago Housing Authority
City of East Chicago
City of East Chicago for the use and benefit of its Department of Parks and Recreation
Industrial Development Advantage of East Chicago, LLC, an Indiana limited liability company
Fidelity National Title Company, LLC
Harris Law Firm, PC

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2021 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes items 1, 2, 3, 4, 7, 8, 11(pursuant only to Section 5.E.iv), 13 and 14 of Table A thereof. The fieldwork was completed on July 1, 2022.

Randell E. Gann
Indiana Registered Land Surveyor #LS29600023
Expires July 31, 2024

RANDELL E. GANN REGISTERED NO. LS 29600023 STATE OF INDIANA LAND SURVEYOR

This plat dated July 11, 2022

Notes:

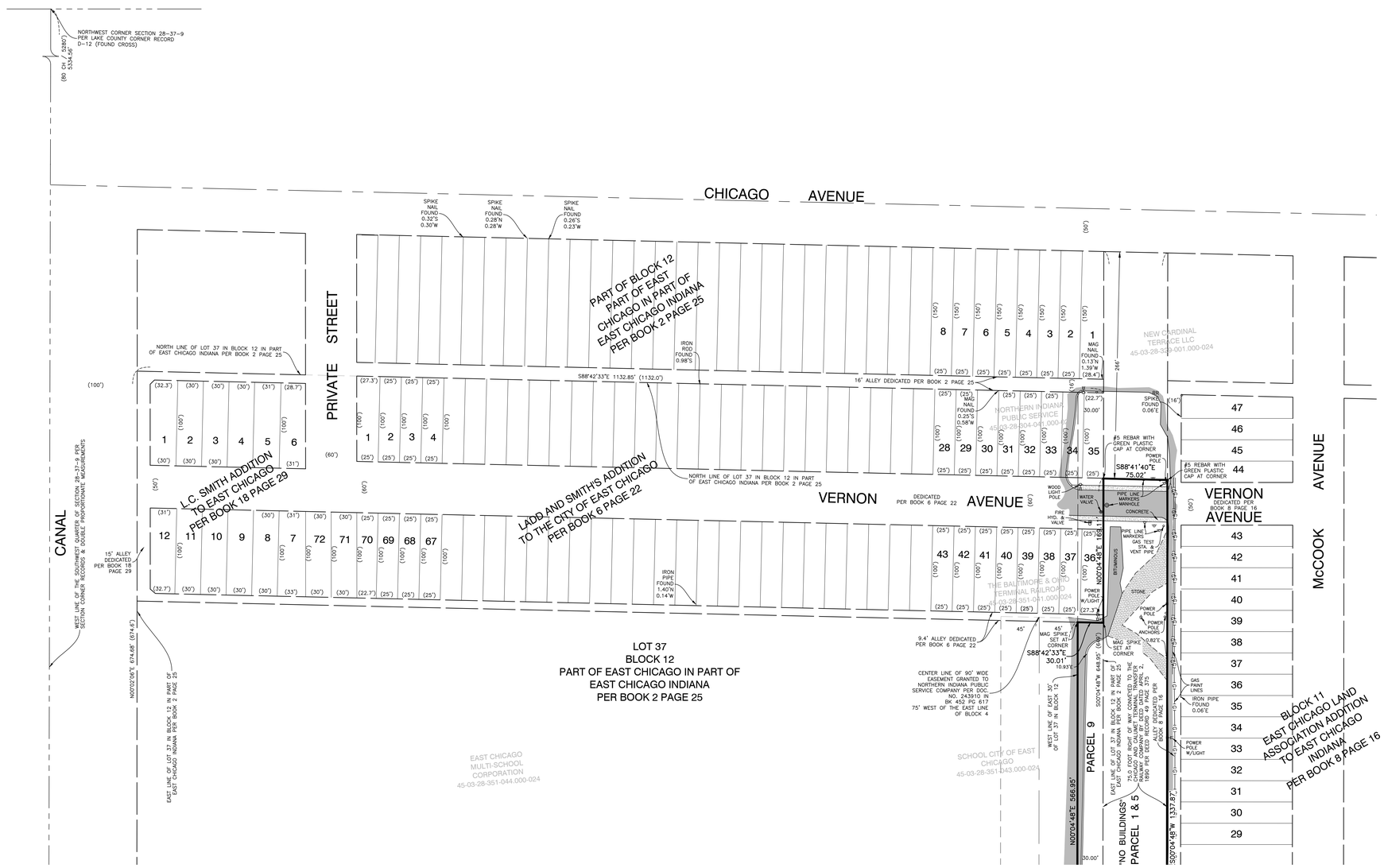
1. The ground coordinate system used and bearings provided for on this plat are derived from Global Navigation Satellite System (GNSS) measurements. The values shown on the hereon drawn plat are estimated Indiana State Plane Western Zone North American Datum 1983 (2011) (GEOID 18) GROUND coordinates based upon an average location for the project having the following parameters:

   41°37'40.510514336" North Latitude (WGS '84)
   87°20'11.962416547" West Longitude (WGS '84)
   472.241 Ellipsoid Height U.S. Survey Feet (WGS '84)
   582.297 Orthometric Height U.S. Survey Feet (NAVD '88)

   Use of the above information should yield a combined factor of 1.000043095036 7

   Ground distances should be divided by the combined factor to arrive at grid distances.
   Grid distances should be multiplied by the combined factor to arrive at ground distances.

2. (XXX.XX') Denotes record dimension or dimension computed from record dimension values.
   XXX.XX' Denotes measured dimension or dimension computed from measured dimension values.



22-R0517

ROBINSON ENGINEERING, LTD.
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(708) 331-6700 FAX (708) 331-3826

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ILLINOIS DESIGN FIRM REGISTRATION NO. 184001128.

FOR: INDUSTRIAL DEVELOPMENT ADVANTAGE OF EAST CHICAGO, LLC
C/O CHRIS FOX, ATTORNEY AT LAW
516 EAST 86TH STREET
MERRILVILLE, INDIANA 46410-6213

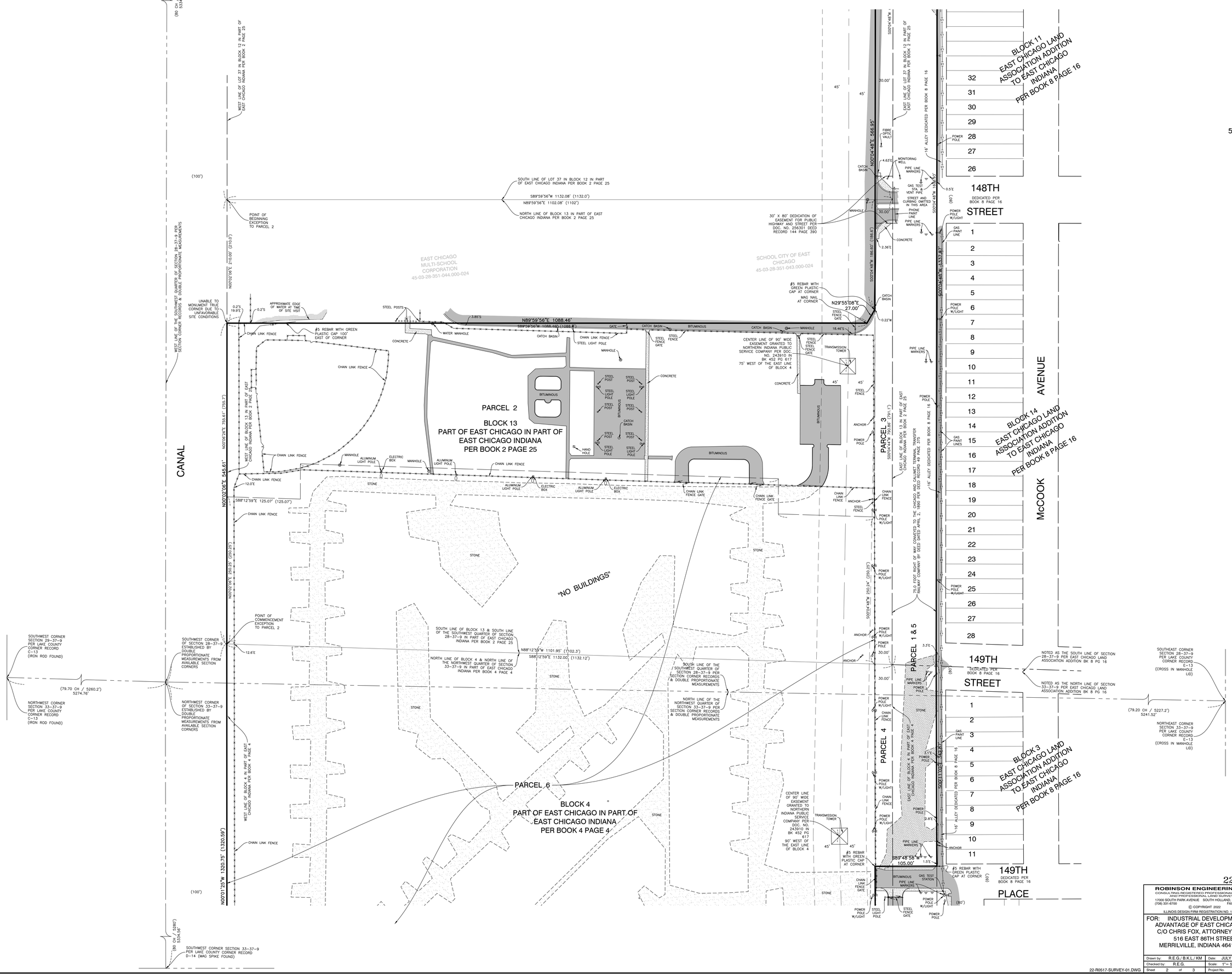
Drawn by:	R.E.G./ B.K.L./ KM	Date:	JULY 11, 2022
Checked by:	R.E.G.	Scale:	1"= 50'
Sheet	1 of 3	Project No.	22-R0517

22-R0517-SURVEY-01.DWG

REVISIONS

No.	Date	Remarks

ALTA/NSPS LAND TITLE SURVEY



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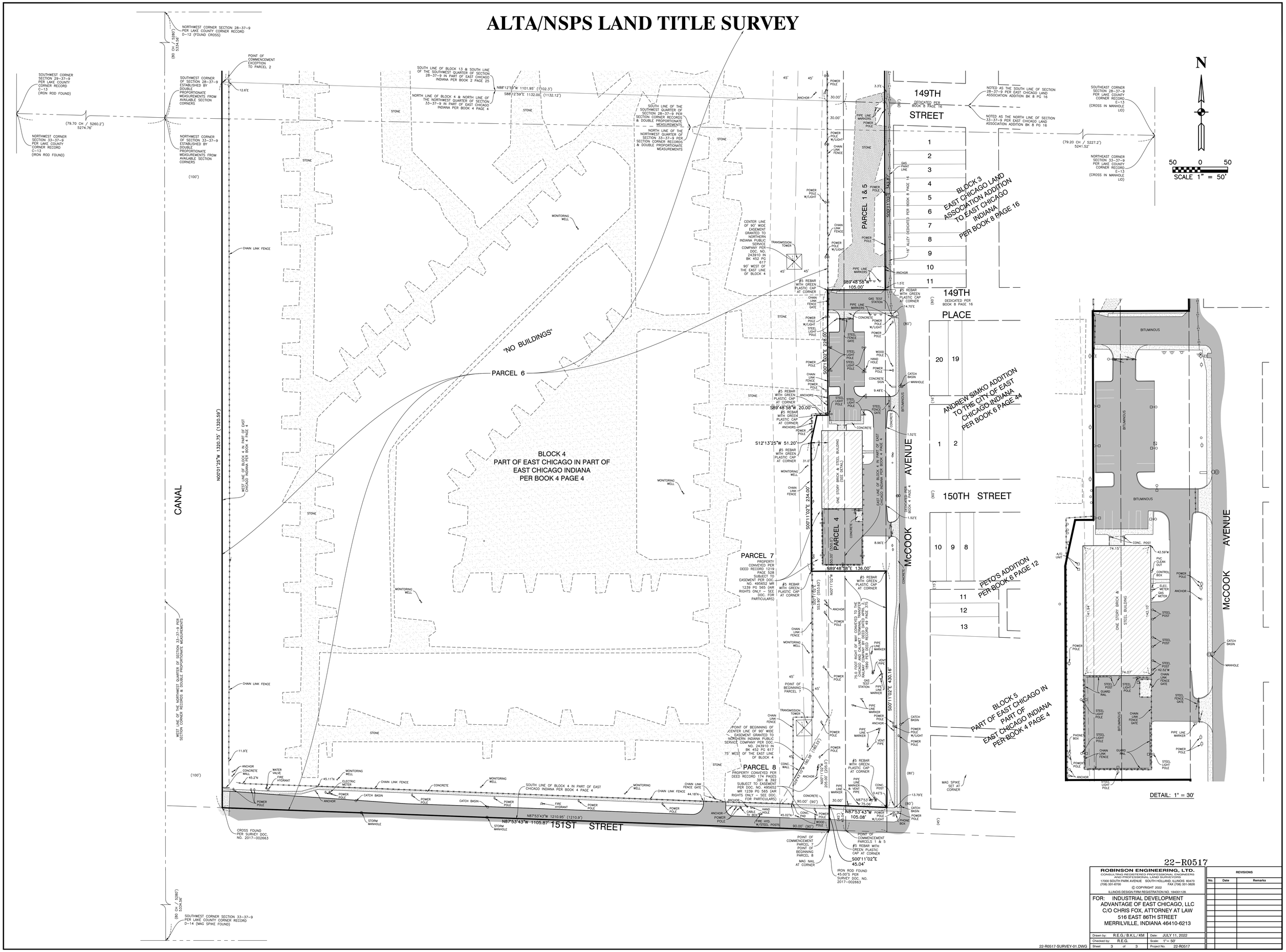
C/O CHRIS FOX, ATTORNEY AT LAW
516 EAST 86TH STREET
MERRILLVILLE, INDIANA 46410-6213

Drawn by:	R.E.G./ B.K.L./ KM	Date:	JULY 11, 2022
Checked by:	R.E.G.	Scale:	1"= 50'
Sheet	2 of 3	Project No.	22-R0517

22-R0517-SURVEY-01.DWG

REVISIONS		
No.	Date	Remarks

ALTA/NSPS LAND TITLE SURVEY



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Drawn by:	R.E.G./ B.K.L./ KM	Date:	JULY 11, 2022
Checked by:	R.E.G.	Scale:	1"= 50'
Sheet	3 of 3	Project No.	22-R0517

REVISIONS

No.	Date	Remarks

22-R0517-SURVEY-01.DWG

Appendix B

Template for Environmental Restrictive Covenant

Environmental Restrictive Covenant

THIS ENVIRONMENTAL RESTRICTIVE COVENANT ("Covenant") is made this Choose an item. day of Choose an item., 20Choose an item., by Owner's Name as it appears on deed Owner's complete mailing address to include zip (together with all successors and assignees, collectively "Owner").

WHEREAS: Owner is the fee owner of certain real estate in the County of Choose an item., Indiana, which is located at Complete Site Address and more particularly described in the attached Exhibit "A" ("Real Estate"), which is hereby incorporated and made a part hereof. This Real Estate was acquired by deed on Date of Deed Signing, and recorded on Date Deed was recorded, as Deed Record Deed Instrument Number, in the Office of the Recorder of Choose an item. County, Indiana. The Real Estate consists of approximately total number of acres of the Real Estate acres and has also been identified by the county as parcel identification number[s] insert 18-digit parcel identification number(s) as described in 50 IAC 23-8-1. The Real Estate, to which the restrictions in this Covenant apply, is depicted on a map attached hereto as Exhibit Choose an item.. [*If one or more of the restrictions does not apply to the entire Real Estate, then an additional map is required to depict the area where each restriction applies. This "Affected Area" must be delineated using a legal survey or GIS points based on the location of the contaminants involved. If there is more than one Affected Area on a parcel, each area must be depicted and, if the contaminants vary from one Affected Area to the other, the contaminants found at each area should be listed. Each restriction should denote the area to which it is applicable.]* An" Affected Area", to which additional restrictions apply, is depicted on a map attached hereto as Exhibit Choose an item.

Select <u>one</u> of the following five authority paragraphs based on the remediation program and delete unrelated paragraphs: 1st WHEREAS - RCRA, 2nd WHEREAS – PRS, 3rd WHEREAS – ICP/petroleum, 4th WHEREAS - State Cleanup, 5th WHEREAS - VRP.

WHEREAS: Corrective action was implemented in accordance with IC-13-22 and/or other applicable Indiana law as a result of a release of hazardous waste(s) and/or hazardous constituents relating to insert common name of facility. The facility was assigned United States Environmental Protection Agency ID# U.S. EPA ID number.

WHEREAS: Corrective action was implemented in accordance with IC 13-23 and/or other applicable Indiana law as a result of a release of petroleum relating to the insert common name of cleanup site. The incident number assigned by the Indiana Department of Environmental Management ("Department or "IDEM") for the release is #insert PRS program incident number, and the relevant facility identification number is #insert UST FID.

WHEREAS: Response action was implemented in accordance with IC-13-24 and/or other applicable Indiana law as a result of a release of petroleum relating to the insert common name of cleanup site. The incident number assigned by the Indiana Department of Environmental Management ("Department or "IDEM") for the release is #insert ICP/incident number.

WHEREAS: Response action was implemented in accordance with IC-13-25-4 and/or other applicable Indiana law as a result of a release of hazardous waste and/or hazardous substances relating to the insert common name of cleanup site. The incident number assigned by the Indiana Department of Environmental Management ("Department or "IDEM") for the release is #insert State Cleanup program incident number.

WHEREAS: Response Action was implemented in accordance IC 13-25-5 with and/or other applicable Indiana law as a result of a release of hazardous waste and/or hazardous substances relating to the insert common name of cleanup site. The incident number assigned by the Indiana Department of Environmental Management ("Department or "IDEM") for the release is #insert VRP program incident number.

WHEREAS: Certain contaminants of concern ("COCs") remain in the Choose an item. of the Real Estate following completion of the response actions. The Department has determined that the COCs will not pose an unacceptable risk to human health at the remaining concentrations, provided that the Owner implements and complies with the land use restrictions and with any operation and maintenance requirements for engineered controls as required herein. These COCs are insert a list of the COCs remaining above residential standards. *If there are numerous contaminants involved, consider the following language instead:* The known COCs remaining are listed in Exhibit Choose an item., which is attached hereto and incorporated herein. *For PRS and ICP sites, consider the following language instead:* The known COCs remaining are petroleum compounds related to gasoline and/or diesel.

WHEREAS: Environmental investigation reports and other related documents are hereby incorporated by reference and may be examined at the offices of the Department, which is located in the Indiana Government Center North building at 100 N. Senate Avenue, Indianapolis, Indiana. The documents may also be viewed electronically in the Department's Virtual File Cabinet by accessing the Department's Web Site (currently www.in.gov/idem/. The Real Estate is also depicted as a polygon on IDEM's GIS webviewer (currently https://on.in.gov/ideminteractivemap).

NOW THEREFORE, Owner subjects the Real Estate to the following restrictions and provisions, which shall be binding on the current Owner and all future Owners:

I. RESTRICTIONS

1. Restrictions. The Owner: *In accordance with IC 13-14-2-8, Select from the list below those restrictions that are applicable to the Site. Delete those that are not applicable and renumber list. Additional site-specific restrictions may be appropriate based on-site conditions and are to be negotiated between the property owner and the Department.*

   (a) Shall not use or allow the use of the Real Estate for residential purposes, including, but not limited to, daily childcare facilities or educational facilities for children (e.g., daycare centers or K-12 schools).

   (b) Shall not use or allow the use or extraction of groundwater at the Real Estate for any purpose, including, but not limited to human or animal consumption, gardening, industrial processes, or agriculture, except that groundwater may be extracted in

conjunction with environmental investigation and/or remediation activities.

(c) Shall not use the Real Estate for any agricultural use.

[*Include the following soil disturbance restriction if COCs remain in soil at levels above residential land use criteria*]

(d) Shall restore soil disturbed as a result of excavation and construction activities in such a manner that the remaining contaminant concentrations do not present a threat to human health or the environment. This determination shall be made using the Department's current risk based guidance. Upon the Department's request, the Owner shall provide the Department written evidence (including sampling data) showing the excavated and restored area, and any other area affected by the excavation, does not represent such a threat. Contaminated soils that are excavated must be managed in accordance with all applicable federal and state laws; and disposal of such soils must also be done in accordance with all applicable federal and state laws.

[*In addition to the preceding general soil disturbance restriction, additional soil disturbance restrictions may be appropriate for high levels of contamination and should be tailored accordingly. The following is an example restriction illustrating the case where COCs remain in soil at levels above construction worker criteria.*]

(e) Shall neither engage in nor allow excavation of soil at depths greater than depth restriction feet in the area identified via Choose an item. as the "Construction Worker Restriction Area" depicted on Exhibit Choose an item.. The Owner, upon the Department's request, shall provide the Department evidence showing the excavated and restored area does not represent a threat to human health or the environment. In accordance with insert title and date of the IDEM approved Soil Management Plan, described in VFC #VFC Number, and any IDEM approved updates.

[*Include if vapor intrusion screens out based on existing site buildings and/or current use but a change in use and/or new construction would warrant a vapor intrusion evaluation*].

(f) Prior to the *[change in use of the site or]* construction of new structures to be occupied by persons at the Real Estate, the current Owner of the Real Estate shall confirm there is no unacceptable exposure risk due to vapor migration in accordance with then-applicable agency guidance, regulation, or law. This may include conducting groundwater, soil, and/or soil-gas sampling for the volatile organic compounds ("VOCs") or semi-volatile organic compounds ("SVOCs") of concern. The results and analyses of such sampling shall be presented to IDEM in support of the Owner's determination whether an unacceptable vapor exposure risk exists. If the results demonstrate that no such risk currently exists, IDEM will provide its concurrence in writing and grant the Owner a waiver of this restriction for the proposed change in site use and/or new construction. If the results demonstrate that an unacceptable risk to human health exists, then the Owner must submit plans for mitigation for approval by IDEM and must conduct adequate indoor sampling to demonstrate the effectiveness of the approved remedy.

[*Include the following if there is a potential future vapor intrusion threat at undeveloped or unoccupied sites*;]

(g) Shall not construct or allow occupancy of a dwelling or work space on the Real Estate

unless a vapor mitigation system or other effective IDEM approved remedy is installed, operated, and maintained within the dwelling or work space. IDEM may waive this restriction in writing if the Owner has provided data and analysis demonstrating to IDEM's satisfaction that there is no unacceptable risk to human health via the vapor intrusion exposure pathway.

[*Include if an active engineered control (vapor mitigation system, etc.) has been implemented at the site requiring operation and maintenance of an engineered control.*]

(h) Shall operate and maintain the type of engineered control, depicted in Exhibit Choose an item. so as to protect its functional integrity in accordance with insert title and date of the document containing operations and maintenance requirements described in VFC # VFC Number and all subsequent IDEM approved revisions. Owner shall notify the Department in writing at least fifteen (15) days in advance of conducting any construction or excavation work that may impact an engineered control unless an emergency exists. Owner shall ensure that the integrity of the type of engineered control is restored immediately after disturbance by any construction or excavation work. Upon IDEM's request, the Owner shall provide written evidence showing the type of engineered control has been restored to its complete integrity.

[*Include if a passive engineered control or barrier has been implemented such as pavement or a building foundation*]

(i) Shall maintain the integrity of the existing type of passive engineered control, which is depicted on Exhibit Choose an item. via Choose an item.; this type of passive engineered control serves as an engineered barrier to prevent direct contact with the underlying soils and must not be excavated, removed, disturbed, demolished, or allowed to fall into disrepair.

[*Include the following if groundwater monitoring is being conducted*]

(j) Shall prohibit any activity at the Real Estate that may interfere with the groundwater monitoring or well network.

(k) [*Insert other site specific restriction(s) here.*]

II. GENERAL PROVISIONS

2. Restrictions to Run with the Land. The restrictions and other requirements described in this Covenant shall run with the land and be binding upon, and inure to the benefit of the Owner of the Real Estate and the Owner's successors, assignees, heirs and lessees and their authorized agents, employees, contractors, representatives, agents, lessees, licensees, invitees, guests, or persons acting under their direction or control (hereinafter "Related Parties") and shall continue as a servitude running in perpetuity with the Real Estate. No transfer, mortgage, lease, license, easement, or other conveyance of any interest in or right to occupancy in all or any part of the Real Estate by any person shall affect the restrictions set forth herein. This Covenant is imposed upon the entire Real Estate unless expressly stated as applicable only to a specific portion thereof.

3. Binding upon Future Owners. By taking title to an interest in or occupancy of the Real Estate, any subsequent Owner or Related Party agrees to comply with all of the restrictions

set forth in paragraph 1 above and with all other terms of this Covenant.

4. Access for Department. The Owner shall grant to the Department and its designated representatives the right to enter upon the Real Estate at reasonable times for the purpose of monitoring compliance with this Covenant and ensuring its protectiveness; this right includes the right to take samples and inspect records.

5. Written Notice of the Presence of Contamination. Owner agrees to include in any instrument conveying any interest in any portion of the Real Estate, including but not limited to deeds, leases and subleases (excluding mortgages, liens, similar financing interests, and other non-possessory encumbrances), the following notice provision (with blanks to be filled in):

   NOTICE: THE INTEREST CONVEYED HEREBY IS SUBJECT TO AN ENVIRONMENTAL RESTRICTIVE COVENANT, DATED_____ 20__, RECORDED IN THE OFFICE OF THE RECORDER OF Choose an item. **COUNTY ON _____, 20__, INSTRUMENT NUMBER (or other identifying reference) _____ IN FAVOR OF AND ENFORCEABLE BY THE INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT.**

6. Notice to Department of the Conveyance of Property. Owner agrees to provide notice to the Department of any conveyance (voluntary or involuntary) of any ownership interest in the Real Estate (excluding mortgages, liens, similar financing interests, and other non-possessory encumbrances). Owner must provide the Department with the notice within thirty (30) days of the conveyance and: (a) include a certified copy of the instrument conveying any interest in any portion of the Real Estate, and (b) if it has been recorded, its recording reference, and (c) the name and business address of the transferee.

7. Indiana Law. This Covenant shall be governed by, and shall be construed and enforced according to, the laws of the State of Indiana.

III. ENFORCEMENT

8. Enforcement. Pursuant to IC 13-14-2-6 and other applicable law, the Department may proceed in court by appropriate action to enforce this Covenant. Damages alone are insufficient to compensate IDEM if any owner of the Real Estate or its Related Parties breach this Covenant or otherwise default hereunder. As a result, if any owner of the Real Estate, or any owner's Related Parties, breach this Covenant or otherwise default hereunder, IDEM shall have the right to request specific performance and/or immediate injunctive relief to enforce this Covenant in addition to any other remedies it may have at law or at equity. Owner agrees that the provisions of this Covenant are enforceable and agrees not to challenge the provisions or the appropriate court's jurisdiction.

IV. TERM, MODIFICATION AND TERMINATION

9. Term. The restrictions shall apply until the Department determines that the contaminants of concern no longer present an unacceptable risk to the public health, safety, or welfare, or to the environment.

10. Modification and Termination. This Covenant shall not be amended, modified, or terminated without the Department's prior written approval. Within thirty (30) days of executing an amendment, modification, or termination of the Covenant, Owner shall record such amendment, modification, or termination with the Office of the Recorder of Choose an item. County and within thirty (30) days after recording, provide a true copy of the recorded amendment, modification, or termination to the Department. In accordance with 329 IAC 1-2-7 and IC 13-14-2-9(d), the applicant shall reimburse the department for the administrative and personnel expense incurred by the department in evaluating a proposed modification or termination of a restrictive covenant under this rule.

V. MISCELLANEOUS

11. Waiver. No failure on the part of the Department at any time to require performance by any person of any term of this Covenant shall be taken or held to be a waiver of such term or in any way affect the Department's right to enforce such term, and no waiver on the part of the Department of any term hereof shall be taken or held to be a waiver of any other term hereof or the breach thereof.

12. Conflict of and Compliance with Laws. If any provision of this Covenant is also the subject of any law or regulation established by any federal, state, or local government, the strictest standard or requirement shall apply. Compliance with this Covenant does not relieve the Owner of its obligation to comply with any other applicable laws.

13. Change in Law, Policy or Regulation. The parties intend that this Covenant shall not be rendered unenforceable if Indiana's laws, regulations, guidance, or remediation policies (including those concerning environmental restrictive covenants, or institutional or engineering controls) change as to form or content. If necessary to enforce this Covenant, the parties agree to amend this Covenant to conform to any such change. All statutory references include any successor provisions.

14. Notices. Any notice, demand, request, consent, approval or communication that either party desires or is required to give to the other pursuant to this Covenant shall be in writing and shall either be served personally or sent by first class mail, postage prepaid, addressed as follows:

To Owner:
Owner's Name
Owner's Mailing Address
City, State Zip

To Department:

IDEM, Office of Land Quality
100 N. Senate Avenue
IGCN 1101
Indianapolis, IN 46204-2251
Attn: Institutional Control Group

An Owner may change its address or the individual to whose attention a notice is to be sent by giving written notice via certified mail.

15. Severability. If any portion of this Covenant or other term set forth herein is determined by a court of competent jurisdiction to be invalid for any reason, the surviving portions or terms of this Covenant shall remain in full force and effect as if such portion found invalid had not been included herein.

16. Authority to Execute and Record. The undersigned person executing this Covenant represents that he or she is the current fee Owner of the Real Estate or is the authorized representative of the Owner, and further represents and certifies that he or she is duly authorized and fully empowered to execute and record, or have recorded, this Covenant.

Owner hereby attests to the accuracy of the statements in this document and all attachments.

IN WITNESS WHEREOF, Owner's Name as it appears on deed the said Owner of the Real Estate described above has caused this Environmental Restrictive Covenant to be executed on this _____ day of _____, 20____.

_____

Owner's Name as it appears on deed (or authorized representative), Title

_____

Printed Name of Signatory

STATE OF _____)
) SS:
COUNTY OF _____)

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared _____, the _____ of the Owner, _____, who acknowledged the execution of the foregoing instrument for and on behalf of said entity.

Witness my hand and Notarial Seal this ___ day of _____, 20___.

_____

_____, Notary Public

Residing in _____ County, _____

My Commission Expires:

This instrument prepared by:
Name and address of preparer, Note: Not the IDEM project manager

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law:
Name and address of preparer, Note: Not the IDEM project manager

EXHIBIT A

LEGAL DESCRIPTION OF REAL ESTATE

EXHIBIT ___

Instructions: *Attach separate sheets as necessary, labeled as 'Exhibit B', 'Exhibit C', etc. The following are some examples of additional Exhibits.*

1. *A scaled map of the site.*
2. *List, description, or table of COCs (optional for non-CERCLIS and non-hazardous waste facilities).*
3. *Scaled map(s) showing the location of engineered barriers or other engineering controls subject to operation and maintenance provisions (required if there are engineered barriers / controls on the site).*
4. *Scaled map(s) showing the location of contamination above construction worker levels, identifying the area as the "Construction Worker Restriction Area" (required if concentrations remain above that level).*
5. *Scaled map(s) showing the legal boundary (survey, GPS coordinates, etc.) of areas within a property (i.e., "carve outs") subject to specific restrictions or obligations (required if such areas exist).*
6. *Recorded easements located within the bounds of areas with land use restrictions. A copy of the recorded easement needs to be included as an additional exhibit. If the easement conflicts with the ERC restrictions, an additional subordination may be required.*
7. *CERCLIS and former hazardous waste facilities (a hazardous waste facility is defined in IC 13-11-2-100 to mean a plant or site where hazardous waste is subjected to treatment, storage or disposal) are required by IC 13-25-4-24(c) to describe the identity, quantity, and location of hazardous substances remaining on the property. Two methods of relaying this information include the following exhibit types:*
    a. *Scaled map(s) identifying the location of contamination exceeding land use criteria for each contaminant of concern. For clarity purposes, it is recommended that analytical information (identification and quantity of hazardous substances) be showed separately in a table. GPS coordinates??*
    b. *A narrative summary of the identity, quantity, and location of hazardous substances remaining on the property.*