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

US EPA RECORDS CENTER REGION 5
475022

JUN 03 2014

REPLY TO THE ATTENTION OF:

SR-6J

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
7011 1150 0000 2642 2684

Ludwig Investments LLC
Allan Ludwig, President
3414 County Road 6 E
Elkhart, Indiana 46514

Re: Request for Information Pursuant to Section 104(e) of CERCLA regarding the Lane Street Ground Water Contamination Site located in Elkhart, Elkhart County, Indiana
CERCLIS ID No: INN000510229

Dear Sir or Madam:

This letter seeks your cooperation in providing information and documents relating to the Lane Street Ground Water Contamination Site ("Site") located at the intersection of Lane Street and County Road 106 in the City of Elkhart, Elkhart County, Indiana.

The Site was listed on the National Priorities List (NPL) on September 14, 2009, under the federal Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. § 9601, *et seq.*, commonly referred to as CERCLA or "Superfund."

The U. S. Environmental Protection Agency is investigating the release, or threat of release, of hazardous substances, pollutants or contaminants at the Site. EPA is seeking information concerning the generation, storage, treatment, transportation, and disposal of hazardous substances that have been, or threaten to be, released from the Site.

The Site includes a plume of contaminated groundwater from a source that extends toward the south from an industrial park, under County Road 6, to an area of residences located along Lane Street. The contaminants include trichloroethylene (TCE) and other chlorinated solvents at levels higher than what are considered safe for human health or the environment. These contaminants were first discovered in August 2007 when a resident reported contamination in a private well water sample tested after unrelated contamination had been discovered under an adjacent street.

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EPA believes that you owned or operated a business in Elkhart, Indiana, located on a parcel or parcels of property comprising, or related to, the Site. Accordingly, EPA believes that you may have information relevant to this investigation. Enclosure 1 to this letter provides more detail on the operational history and contamination at the Site. Enclosure 2 is a map of the Site. Enclosure 5 delineates the property addresses that comprise, or are related to, the Site.

EPA makes this request under Section 104(e) (2) CERCLA, which gives EPA the authority to assess the threats to human health and the environment posed by contaminated sites and to clean up those sites. Under CERCLA, EPA has information-gathering authority that allows the Agency to require persons to furnish information and documents. Enclosure 3 is a summary of the Agency's legal authority under CERCLA.

We encourage you to give this matter your immediate attention. Instructions to assist you in the preparation of your response are provided in Enclosure 4. Definitions of the terms contained in the Information Request are provided in Enclosure 5. The questions to the Information Request are found at Enclosure 6. You are required under law to provide a complete and truthful response to this Information Request and its questions, as well as to provide all requested documents. EPA requests that you fully respond to this Information Request within thirty (30) business days of your receipt of this letter.

You may consider the information that EPA is requesting confidential. Under CERCLA, you may not withhold information on that basis, but you may ask EPA to treat the information as confidential. To request that the Agency treat information as confidential, you must follow the procedures outlined in Enclosure 7, including the requirement that you support your claim of confidentiality.

Compliance with this Information Request is mandatory. CERCLA provides that your failure to answer the questions fully and truthfully and within the prescribed time frame can result in an enforcement action and penalties. Other statutes provide that the submission of false, fictitious statements, or misrepresentations can result in sanctions.

EPA has the authority to use the information that it requests in an administrative, civil, or criminal action.

This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1995, 44 U.S.C. § 3501, *et seq.*

Please mail your response to this Information Request to:

Leslie Blake, Remedial Project Manager
U.S. Environmental Protection Agency – Region 5
Superfund Division (SR-6J)
77 West Jackson Boulevard
Chicago, Illinois 60604-3590
Phone: (312) 353-7921

If you have any questions of a legal nature regarding this Information Request, please call James Morris, Associate Regional Counsel, at (312) 886-6632. If you have other questions about this Information Request or the Site, please call Leslie Blake, Remedial Project Manager at (312) 353-7921, e-mail blake.leslie@epa.gov.

EPA appreciates your assistance and looks forward to your prompt attention to this Information Request.

Sincerely yours,

Joan Tanaka

Joan Tanaka, Chief
Remedial Response Branch #1

Enclosures

1. Site Background/History
2. Site Map
3. Legal Authority
4. Instructions
5. Definitions
6. Questions
7. Confidential Business Information

Enclosure 1

SITE BACKGROUND/HISTORY

Location

The Lane Street Ground Water Contamination Site ("Site") is located at the edge of Elkhart, Indiana, on the northeast side. The area of concern on Lane Street consists of several properties, and is bound to the north by County Road 106, to the east by Kershner Lane, to the south by other residential subdivisions, and to the west by farm land.

Background

The Site includes a plume of contaminated groundwater from a source that extends toward the south from an industrial park, under County Road 6, to an area of homes located along Lane Street. The contamination includes trichloroethylene (TCE) and other chlorinated solvents, including 1,1,1-trichloroethane (1,1,1-TCA), 1,1-dichloroethane (1,1-DCA), 1,1-dichloroethylene (1,1-DCE), cis-1,2-dichloroethylene (cis-l,2-DCE), trans-1,2-dichloroethylene (trans-1,2-DCE), and tetrachloroethylene (PCE) at levels higher than what are considered safe.

These contaminants were first discovered in August 2007 when a resident reported contamination in a private well water sample tested after unrelated contamination had been discovered under an adjacent street. The Site was proposed for inclusion on the National Priorities List (NPL) in April 2009. The site was finalized on the NPL on September 14, 2009. The NPL is a roster of the nation's hazardous waste sites eligible for investigation and cleanup under the EPA Superfund Program.

Investigations

IDEM began a site investigation in the Lane Street area in response to a telephone call from the Elkhart County Health Department on August 22, 2007, stating that a resident on Lane Street had submitted a drinking water sample to an independent laboratory for analysis. The analysis of the water revealed highly elevated levels of TCE.

On August 23 and 30, 2007, IDEM staff sampled the ground water from private wells on and north of Lane Street, including the residence that had contacted the Elkhart County Health Department with the elevated TCE concentration. The wells at several residences were found to be contaminated. Initially, IDEM furnished bottled water to about 13 residences whose wells were either contaminated or near contaminated wells. Later, EPA provided water filtration systems to these 13 residences. After further investigation of the contamination, EPA connected a total of 26 residences on the street and adjoining streets that had private wells to the municipal water supply, completing this short-term response action in November 2008. The other residences on Lane Street were already connected to the municipal water supply.

2011 Investigation

In April and May 2011, EPA contractors sampled groundwater at 25 different locations within the residential area as well as the industrial area of the Lane Street site. The goal of the sampling was to locate the source of the contamination and find out how far the contamination had moved.

Approximately 170 groundwater samples and 14 soil samples were collected during the field event, including two private groundwater well samples from both a residential and a commercial property. Site-related contaminants were not found in any soil samples; however, the contaminants TCE, 1,1-dichloroethane (1,1-DCA), and tetrachloroethylene (PCE) were found in the groundwater samples.

2013 Investigation

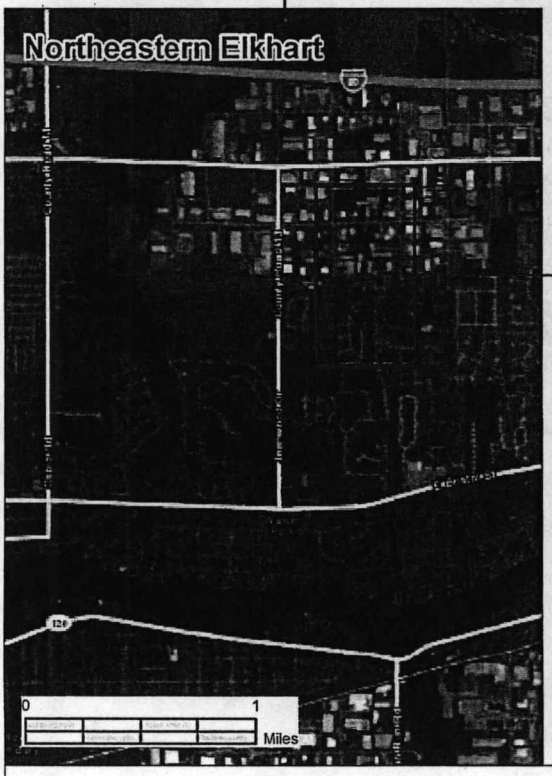
In the late spring of 2013, EPA collected soil, soil vapor, and additional groundwater samples to further investigate the source and extent of groundwater contamination at the Lane Street Site. This second round of investigation was conducted in response to elevated levels of TCE, 1,1-DCA, and PCE that were found in groundwater samples collected in April and May of 2011.

During the 2013 investigation, approximately 135 groundwater samples and 11 soil vapor samples were collected and analyzed for contaminants, including TCE, 1,1-DCA, and PCE. Groundwater samples were collected within the industrial and residential areas of the Site at 12 boring locations and 44 monitoring wells (including 22 monitoring wells installed by a non-EPA consultant.), and soil vapor samples were collected from 11 different locations.

The contaminants TCE, 1,1-DCA, and PCE, including cis-1,2-dichloroethene, which is a breakdown product of TCE, were found in the groundwater samples. Site-related contaminants were not found in any of the soil or soil-vapor samples, with the exception of PCE, which was found in one soil vapor sample within the industrial area.

Enclosure 2

SITE MAP



Approximate site boundary

N

LANE STREET INVESTIGATION SITE
ELKHART COUNTY, INDIANA

DATA EVALUATION SUMMARY REPORT

FIGURE 1-1

LANE STREET SITE LOCATION MAP

EPA REGION 5 RAC 2 | REVISION 1 | APRIL 2014

ST SulTRAC

document path: D:\projects\Lane Street_DESR\Lane DESR figure 1-1.mxd author: aschubert

Enclosure 3

DESCRIPTION OF LEGAL AUTHORITY

The Federal Superfund law the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. § 9601, *et seq.* (commonly referred to as CERCLA) gives EPA the authority to, among other things: 1) assess contaminated sites; 2) determine the threats to human health and the environment posed by each site; and 3) clean up those sites.

Under Section 104(e)(2) of CERCLA, 42 U.S.C. § 9604(e)(2), EPA has broad information gathering authority, which allows EPA to require persons to furnish information or documents relating to:

A. The identification, nature, and quantity of materials that have been or are generated, treated, stored, or disposed of at a vessel or facility, or transported to a vessel or facility;

B. The nature or extent of a release or threatened release of a hazardous substance or pollutant or contaminant at or from a vessel or facility; and

C. The person's ability to pay the costs of the clean-up

Compliance with this Information Request is mandatory. Failure to respond fully and truthfully to each question within this Information Request and within the prescribed time frame can result in an enforcement action by EPA pursuant to Section 104(e)(5) of CERCLA. This Section also authorizes an enforcement action with similar penalties if the recipient of the Request does not respond and does not justify the failure to respond. Other statutory provisions (18 U.S.C. § 1001) authorize separate penalties if the responses contain false, fictitious, or fraudulent statements. EPA has the authority to use the information requested in this Information Request in an administrative, civil, or criminal action.

Enclosure 4

INSTRUCTIONS

1. Answer each of the questions in this Information Request separately.

2. Precede each answer with the number of the question to which it corresponds.

3. In answering each question, identify all persons and contributing sources of information.

4. Although the EPA seeks your cooperation in this investigation, CERCLA requires that you respond fully and truthfully to this Information Request. False, fictitious, or fraudulent statements or misrepresentations may subject you to civil or criminal penalties under federal law. Section 104 of CERCLA, 42 U.S.C. § 9604, authorizes the EPA to pursue penalties for failure to comply with that Section, or for failure to respond adequately to requests for submissions of required information.

5. You must supplement your response to EPA if, after submission of your response, additional information should later become known or available. Should you find at any time after the submission of your response that any portion of the submitted information is false or misrepresents the truth, you must notify EPA as soon as possible.

6. For any document submitted in response to a question, indicate the number of the question to which it responds.

7. You must respond to each question based upon all information and documents in your possession or control, or in the possession or control of your current or former employees, agents, contractors, or attorneys. Information must be furnished regardless of whether or not it is based on your personal knowledge, and regardless of source.

8. Your response must be accompanied by the following statement, or one that is substantially equivalent:

   I certify under a penalty of law that this document and all enclosures were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted.

   Based upon 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 am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

9. If any requested document has been transferred to others or has otherwise been disposed of, identify each document, the person to whom it was transferred, describe the circumstances surrounding the transfer or disposition, and state the date of the transfer or

disposition.

10. All requested information must be provided notwithstanding its possible characterization as confidential information or trade secrets. If desired, you may assert a business confidentiality claim by means of the procedures described in Enclosure 7.

Enclosure 5

DEFINITIONS

As used in this letter, words in the singular also include the neutral, and words in the masculine gender also include the feminine, and vice versa. All terms not defined herein will have their ordinary meaning, unless such terms are defined in CERCLA, RCRA, 40 C.F.R. Part 300 or 40 C.F.R. Parts 260 through 280, in which case, the statutory or regulatory definitions will apply.

1. The terms "and" and "or" shall be construed either disjunctively or conjunctively, as necessary, to bring within the scope of this request any information which might otherwise be construed to be outside its scope.

2. The term "arrangement" means every separate contract or other agreement between two or more persons, whether written or oral.

3. The term "documents" includes any written, recorded, computer-generated, or visually or aurally reproduced material of any kind in any medium in your possession, custody, or control, or known by you to exist.

4. The term "hazardous substance" shall have the same definition as that contained in Section 101(14) of CERCLA, and includes any mixtures of such hazardous substances with any other substances, including mixtures of hazardous substances with petroleum products or other nonhazardous substances.

5. The term "identify" means, with respect to a natural person, to set forth: (a) the person's full name; (b) present or last known business and home addresses and telephone numbers; (c) present or last known employer (include full name and address) with title, position or business.
a. With respect to a corporation, partnership, or other business entity (including a sole proprietorship), the term "identify" means to provide its full name, address, and affiliation with the individual and/or company to whom/which this request is addressed.

6. The term "material" or "materials" shall mean any and all objects, goods, substances, or matter of any kind, including but not limited to wastes.

7. The term "person" shall include any individual, firm, unincorporated association, partnership, corporation, trust, or other entity.

8. The term "release" shall have the same definition as that contained in Section 101(22) of CERCLA, and includes any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including the abandonment or discharging of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant.

9. The term "Site" shall mean the **Lane Street Ground Water Contamination Superfund Site** located on the northeast side of Elkhart, Indiana, bound to the north by County Road 106, to the

east by Kershner Lane, to the south by residential subdivisions, and to the west by farm land. The area includes a plume of contaminated ground water that extends toward the south from an industrial park north of County Road 106 to neighborhood homes located along Lane Street.

10. The contaminated groundwater plume is related to the following property addresses in Elkhart, Indiana:

2503 Marina Drive

2601 Marina Drive

3504 Henke Street

3506 Henke Street

3507 Cooper Drive

2500-2502 Ada Drive

11. The following information requests apply to the time period(s) during which you are or were a current or former owner or operator at one or more of the property addresses delineated above. **"Site" is used in the following information requests to refer only to the parcel or parcels of property delineated above that you owned or operated.**

Enclosure 6

QUESTIONS

1. Identify the parcel or parcels related to the Site and delineated in Definition No. 10, above, that you owned or operated, and state the period of time during which you owned or operated the parcel or parcels. At the time you acquired or began operating at the Site, did you know or have reason to know that any hazardous substance was disposed of on, or at the Site? Describe all investigations of the Site you undertook prior to acquiring the Site and all of the facts on which you base the answer to the preceding question.

2. Describe the nature of your activities or business at the Site, with respect to purchasing, receiving, processing, storing, treating, disposing, or otherwise handling hazardous substances or materials at the Site.

3. Describe any manufacturing processes used on the Site, give a list of the chemicals utilized in the manufacturing process either as a component employed in the formulation of an object, made for sale or use offsite or onsite, or as a reagent in the manufacturing process, or as an item utilized in maintenance activities.

4. Provide a list of any chemical substances produced in the manufacturing processes employed onsite, any chemical substances which become byproducts of the manufacturing process, the chemical composition of any sludges or liquids or other production wastes resulting from the manufacturing process. Summarize in a short narrative the equipment used to treat such waste materials, transport such waste materials or dispose of such waste materials.

5. If the manufacturing processes used on the Site involve the utilization of rinse water, give a description of the equipment and transport mechanisms used to segregate hazardous substances from the water before it is discharged into navigable waters through an outfall permitted by a National Pollution Discharge Elimination System (NPDES) permit. Provide copies of all such permits granted in conjunction with Site operations. Describe the composition of any sludge material recovered from the cleanup processes of such rinse waters; give the means used to transport these sludges to disposal points and list any or all such deposition locations.

6. Did you ever use, purchase, generate, store, treat, dispose, or otherwise handle at the Site any hazardous substances? If the answer to the preceding question is anything but an unqualified "no," identify:

a. In general terms, the nature and quantity of the non- hazardous substances so transported, used, purchased, generated, stored, treated, disposed, or otherwise handled.

b. The chemical composition, characteristics, physical state (e.g., solid, liquid) of each hazardous substance so transported, used, purchased, generated, stored, treated, disposed, or otherwise handled.

c. The persons who supplied you with each such hazardous substance.

d. How each such hazardous substance was used, purchased, generated, stored, treated, transported, disposed or otherwise handled by you.

e. When each such hazardous substance was used, purchased, generated, stored, treated, transported, disposed or otherwise handled by you.

f. Where each such hazardous substance was used, purchased, generated, stored, treated, transported, disposed or otherwise handled by you.

g. The quantity of each such hazardous substance used, purchased, generated, stored, treated, transported, disposed or otherwise handled by you.

7. Identify all federal, state and local authorities that regulated the Site Operator and/or that interacted with the Site Operator. Your response is to address all interactions and in particular all contacts from agencies/departments that dealt with health and safety issues and environmental concerns.

8. Describe all occurrences associated with violations, citations, deficiencies, and/or accidents concerning the Site during the time period in which you owned or operated at the Site. Provide copies of all documents associated with such an occurrence.

9. Provide a list of all local, state, and federal environmental permits ever granted for your activities or business at the Site (e.g., RCRA permits, NPDES permits, etc.).

10. Did you ever file a Hazardous Waste Activity Notification under the Resource Conservation and Recovery Act (RCRA)? If so, provide a copy of such notification.

11. Did the Site ever have "interim status" under the Resource Conservation or Recovery Act (RCRA)? If so, and the Site does not currently have interim status, describe the circumstances under which the Site lost interim status.

12. Provide all reports, information or data related to soil, water (ground and surface), or air quality and geology/hydrogeology at and about the Site. Provide copies of all documents containing such data and information, including both past and current aerial photographs as well as documents containing analysis or interpretation of such data.

13. Describe the acts or omissions of any persons—other than your employees, agents, or those persons with whom you had a contractual relationship—that might have caused the release of hazardous substances at the Site, and identify such persons.

14. Identify all leaks, spills, or releases into the environment of any hazardous substances, pollutants, or contaminants that have occurred at or from the Site. In addition, identify:

a. When such releases occurred;

b. How the releases occurred (e.g. when the substances were being stored, delivered by a vendor, transported or transferred (to or from any tanks, drums, barrels, or recovery units), and treated).

c. The amount of each hazardous substances, pollutants, or contaminants so released;

d. Where such releases occurred;

e. Any and all activities undertaken in response to each such release or threatened release, including the notification of any agencies or governmental units about the release.

f. Any and all investigations of the circumstances, nature, extent or location of each release or threatened release including, the results of any soil, water (ground and surface), or air testing undertaken; and

g. All persons with information relating to these releases.

15. Was there ever a spill, leak, release, or discharge of hazardous substances into any subsurface disposal system or floor drain inside or under a building located at the Site? If the answer to the preceding question is anything but an unqualified "no", identify:

a. Where the disposal system or floor drains were located;

b. When the disposal system or floor drains were installed;

c. Whether the disposal system or floor drains were connected to pipes;

d. Where such pipes were located and emptied;

e. When such pipes were installed;

f. How and when such pipes were replaced, or repaired; and

g. Whether such pipes ever leaked or in any way released hazardous substances into the environment.

16. Has any soil ever been excavated or removed from the Site? Unless the answer to the preceding question is anything besides an unequivocal "no", identify:

a. Amount of soil excavated;

b. Location of excavation:

c. Manner and place of disposal and/or storage of excavated soil;

d. Dates of soil excavation;

e. Identity of persons who excavated or removed the soil;

f. Reason for soil excavation;

g. Whether the excavation or removed soil contained hazardous substances and why the soil contained such substances;

h. All analyses or tests and results of analyses of the soil that was removed from the Site;

i. All persons, including contractors, with information about (a) through (h) of this request.

17. Provide information and documentation concerning all inspections, evaluations, safety audits, correspondence and any other documents associated with the conditions, practices, and/or procedures at the Site concerning insurance issues.

Enclosure 7

CONFIDENTIAL BUSINESS INFORMATION

You may consider some of the information that EPA is requesting confidential. You cannot withhold information or records upon that basis. The regulations at 40 C.F.R. Part 2, Section 200, *et seq.*, require that EPA affords you the opportunity to substantiate your claim of confidentiality before the Agency makes a final determination on the confidentiality of the information.

You may assert a business confidentiality claim covering part or all of the information requested, in the manner described by 40 C.F.R. § 2.203(b). Information covered by such a claim will be disclosed by EPA only to the extent and only by means of the procedures set forth in 40 C.F.R. Part 2, Subpart B. (See 41 Fed. Reg. 36902, *et seq*. (September 1, 1976); 43 Fed. Reg. 4000, *et seq*. (December 18, 1985).) If no such claim accompanies the information when EPA receives it, the information may be made available to the public by the Agency without further notice to you. Please read carefully these cited regulations, together with the standards set forth in Section 104(e)(7) of the Comprehensive Environmental Response Compensation And Liability Act (CERCLA), because, as stated in Section 104(e)(7)(ii), certain categories of information are not properly the subject of a claim of confidential business information.

If you wish EPA to treat the information or record as "confidential," you must advise EPA of that fact by following the procedures described below, including the requirement for supporting your claim of confidentiality. To assert a claim of confidentiality, you must specify which portions of the information or documents you consider confidential. Please identify the information or document that you consider confidential by page, paragraph, and sentence. You must make a separate assertion of confidentiality for each response and each document that you consider confidential. Submit the portion of the response that you consider confidential in a separate, sealed envelope. Mark the envelope "confidential" and identify the number of the question to which it is the response.

For each assertion of confidentiality, identify:

1. The period of time for which you request that the Agency considers the information confidential, e.g., until a specific date or until the occurrence of a specific event;

2. The measures that you have taken to guard against disclosure of the information of others;

3. The extent to which the information has already been disclosed to others and precautions that you have taken to ensure that no further disclosure occurs;

4. Whether EPA or other federal agency has the information or

document. If an agency has made such determination, enclose a copy of that determination;

5. Whether disclosure of the information or document would be likely to result in substantial harmful effects to your competitive position. If you believe such harm would result from any disclosure, explain the nature of the harmful effects, why the harm should be viewed as substantial, and the causal relationship between disclosure and the harmful effect. Include a description of how a competitor would use the information;

6. Whether you assert that the information is voluntarily submitted as defined by 40 C.F.R. § 2.201(I). If you make this assertion, explain how the disclosure would tend to lessen the ability of EPA to obtain similar information in the future; and

7. Any other information that you deem relevant to a determination of confidentiality.

Please note that, pursuant to 40 C.F.R § 2.208(e), the burden of substantiating confidentiality rest with you. EPA will give little or no weight to conclusory allegations. If you believe that facts and documents necessary to substantiate confidentiality are themselves confidential, please identify them as such so that EPA maintains their confidentiality pursuant to 40 C.F.R § 2.205(c). If you do not identify this information and documents as "confidential" your comments will be available to the public without further notice to you.