ADDENDUM

SUPERFUND MEMORANDUM OF AGREEMENT

Brownfields and Voluntary Remediation Program

Indiana

Introduction

IDEM and U.S. EPA, Region V, recognize that revitalization of contaminated or potentially contaminated properties (Brownfields) will provide a significant benefit to both the environment and the economy of the local communities. To the extent possible, Region V and IDEM seek to facilitate the productive use of industrial and commercial properties by addressing regulatory impediments to the financing, transfer, and appropriate reuse of these properties. Both agencies recognize that a key factor to meet this goal is to exercise their authorities and use their resources in ways that are mutually complementary and are not duplicative. In particular, IDEM and Region V seek to protect human health and the environment by encouraging the voluntary investigation and cleanup of properties in Indiana by implementing the following strategic goals:

1. Promoting appropriate investigations and cleanups by parties participating in the Voluntary Remediation Program (VRP).

2. Developing partnerships between Region V, IDEM, other federal, state, local governmental agencies, and key external stakeholders in Indiana, including representatives from citizen/community groups and the private sector.

3. Providing necessary information to the key stakeholders in Indiana to allow for informed decision-making by property owners, prospective purchasers, lenders, public and private developers, citizens, municipalities, counties and elected officials.

4. Promoting the adequate remediation and revitalization of contaminated or potentially contaminated properties in Indiana for an appropriate use as determined by the key stakeholders.

In order to accomplish these goals, Region V intends to assist IDEM in further expanding the use of the VRP. Region V recognizes that the VRP has been developing and implementing successful strategies to help promote the voluntary investigation and cleanup of under-utilized properties. Similarly, IDEM intends to assist and support efforts to promote and implement Region V's Brownfields activities. IDEM recognizes Region V as a key partner in the ongoing success of state voluntary cleanup programs, including the VRP, and the role of Region V in addressing the uncertainty of financing, transferring and developing Brownfields sites by clarifying the risk of federal liability.

Principles

When a site in Indiana has been investigated or remediated in accordance with the practices and procedures of the VRP and IDEM has issued a Certificate of Completion for the site, Region V will not plan or anticipate any federal action under the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA/Superfund) unless, in exceptional circumstances, the site poses an imminent and substantial threat to human health or the environment. In all cases, the Region V decision will be based strictly on the information available at the time of IDEM determination. The foregoing principle does not apply to sites listed on the NPL or sites currently subject to orders or enforcement actions under Superfund law.

Region V will continue to work with IDEM to remove any concerns associated with federal activity under Superfund so as to encourage the financing, transfer and appropriate redevelopment and use of industrial and commercial property. In addition, Region V will continue to provide technical assistance and, in its discretion, financial support to local and state governmental agencies in order to facilitate the revitalization of contaminated or potentially contaminated properties in Indiana.

Reporting

On an annual basis, IDEM will report to Region V on the following:

1. Number of sites in the VRP.

2. Sites entering the VRP in the previous year.

3. Sites having received Certificates of Completion in the previous year.

Several operational factors are important and will complement the mutual objectives of both, IDEM and Region V:

1. IDEM has successfully operated a Voluntary Remediation Program (VRP) since 1993.

2. Region V and IDEM find the VRP provides for response actions that are protective of human health and the environment.

3. Region V and IDEM find the VRP provides adequate opportunities for public involvement and technical assistance.

4. At sites successfully completing a remediation under the VRP, Region V does not plan or anticipate any federal action under the Superfund law (CERCLA) unless, in exceptional circumstances, the site poses an imminent threat to human health and the environment.

5. The State of Indiana and IDEM have made a substantial commitment to the VRP and the revitalization of contaminated property (Brownfields redevelopment) by, among other things, passage of House Resolution 40 establishing an Interim Study Committee for Brownfields issues and the establishment of a Brownfields Coordinator position at IDEM.

6. Region V will continue to work with IDEM to remove any concerns associated with federal activity under Superfund so as to encourage the financing, transfer, and appropriate redevelopment and use of industrial and commercial property.

7. Region V will continue to provide technical assistance and, at its discretion, financial support to local and state governmental agencies in order to facilitate the revitalization of contaminated or potentially contaminated properties in Indiana.

For the State of Indiana:

Kathy Prosser

Kathy Prosser
Commssioner

Indiana Department of
Environmental Management

Dec. 4, 1995
Date

For the U.S. Environmental Protection Agency
Region V:

Valdas V. Adamkus

Valdas V. Adamkus
Regional Administrator

U. S. EPA, Region V

Nov. 30, 1995.
Date