



# INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

*We Protect Hoosiers and Our Environment.*

100 N. Senate Avenue • Indianapolis, IN 46204  
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Eric J. Holcomb  
*Governor*

Bruno L. Pigott  
*Commissioner*

July 18, 2019

Bob Grewe  
Executive Director  
Vermillion Rise Mega Park  
1051 W Indiana Ave  
Hillsdale, IN 47854

Re: Scrivener's Error in ERC  
Newport Chemical Depot  
Newport, Vermillion County  
U. S. EPA ID No. IN 1 210 022 272

Dear Mr. Grewe:

On January 27, 2016 Vermillion Rise Mega Park (Newport Chemical Depot Reuse Authority) submitted Closure Strategy and Draft Environmental Restrictive Covenant to the Indiana Department of Environmental Management (IDEM) for the above referenced site (Site). IDEM determined that an Environmental Restrictive Covenant (ERC) was an effective means to control environmental exposure pathways on the Site.

On November 13, 2018, Newport Chemical Depot Reuse Authority recorded an ERC at the Vermillion County Recorder's Office as Instrument #2018002159. The ERC erroneously restricted agricultural use for the RDX Manufacturing Area. This restriction is removed and RDX Manufacturing Area may be used for agricultural uses (Exhibit A).

To address the error in the November 2018 ERC, IDEM is enclosing a fully executed and notarized Affidavit to Correct Scrivener's Error with this letter.

The change included in the attached Affidavit to Correct Scrivener's Error will not affect any other portions or Sections included in the November 2018 ERC; therefore, Newport Chemical Depot Reuse Authority may record the enclosed Affidavit to Correct Scrivener's Error at the Vermillion County Recorder's Office. Please return a certified copy of the recorded document to:

Indiana Department of Environmental Management  
100 North Senate Avenue, Room 1101  
Indianapolis, IN 46204  
ATTN: Lynette Schrowe

IDEM is pleased to assist you with this matter. Should you have any questions or comments, please contact Lynette Schrowe of the Institutional Controls Group at 317-234-8622 or toll-free at 1(800) 451-6027, extension 4-8622 or by e-mail at [lschrowe1@idem.in.gov](mailto:lschrowe1@idem.in.gov).

Sincerely,

A handwritten signature in purple ink, appearing to read "Peggy Dorsey", is written over the typed name.

Peggy Dorsey  
Deputy Assistant Commissioner  
Office of Land Quality

Enclosure

ec: Chris L. Myer, IDEM  
Project File

Cross-Reference: Instrument No.: 2018002159

### **AFFIDAVIT TO CORRECT SCRIVENER'S ERROR**

The undersigned, upon his oath, deposes and says:

1. That an Environmental Restrictive Covenant ("ERC"), which applied to twenty-five (25) sites, was recorded November 13, 2018 as Instrument No. 2018002159 in the Office of the Recorder of Vermillion County, Indiana, and was executed by Newport Chemical Depot Reuse Authority ("Owner") in favor of THE INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT, an Indiana governmental agency (the "Department").
2. That, due to a scrivener's error, in Exhibit B of the ERC, an erroneous agricultural restriction on site 5, the RDX Manufacturing Area (RDX-MA), was contained in the ERC.
3. That this Affidavit is made for the purpose of correcting said error, it having been the intention of the parties in executing and recording the ERC to have the ERC **not** include a restriction on the use of site 5, RDX-MA, for agricultural uses.
4. That this Affidavit affects no other site described within the ERC and only applies to the restrictions on the use of site 5, RDX-MA.
5. That the undersigned has personal knowledge of the matters stated herein and that the undersigned is authorized to make this Affidavit.

Further Affiant sayeth not.

### **AUTHORIZATION**

The undersigned persons executing this Affidavit to Correct Scrivener's Error on behalf of Newport Chemical Depot Reuse Authority and IDEM represent and certify that they are fully empowered and duly authorized by their respective entity to execute this Affidavit to Correct Scrivener's Error. The undersigned person on behalf of Newport Chemical Depot Reuse Authority further represents and certifies that Newport Chemical Depot Reuse Authority is the current owner of the Real Estate.

**OWNER**

By: \_\_\_\_\_

Printed: \_\_\_\_\_

Title: \_\_\_\_\_

**Affirmation of Notary for the Owner**

STATE OF \_\_\_\_\_ )  
 ) SS:  
COUNTY OF \_\_\_\_\_ )

Before me, a Notary Public in and for said County and State, personally appeared \_\_\_\_\_, the \_\_\_\_\_ of the Owner, Newport Chemical Depot Reuse Authority who, after having been duly sworn, acknowledged the execution of the foregoing Affidavit to Correct Scrivener's Error for and on behalf of Newport Chemical Depot Reuse Authority.

WITNESS, my hand and Notarial Seal this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Printed Name) Notary Public

Residing in \_\_\_\_\_ County,

My Commission Expires:

\_\_\_\_\_

This instrument prepared by:

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.



**INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**

This Affidavit to Correct Scrivener's Error is approved this 9<sup>th</sup> day of July, 2019, by IDEM.

By: Peggy Dorsey

Printed: Peggy Dorsey

Title: Assistant Commissioner AC of OLQ

**Affirmation of Notary for IDEM:**

STATE OF INDIANA        )  
  ) SS:  
COUNTY OF MARION     )

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared Peggy Dorsey, the Asst Commish of OLQ of the Indiana Department of Environmental Management, who acknowledged the execution of the foregoing Affidavit to Correct Scrivener's Error for and on behalf of said entity.

Witness my hand and Notarial Seal this 9<sup>th</sup> day of July, 2019.



Notary Public - State of Indiana  
Janet Therese' Smith  
Marion County  
Commission Number: 711648  
Expires on March 20, 2026

Janet T Smith  
(Signature)

Janet T Smith  
(Printed Name) Notary Public

Residing in Marion County, IN

My Commission Expires:

March 20, 2026

This instrument prepared by:

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each social security number in this document as required by law.