

**Indiana Department
of Environmental Management**

Covenant Not To Sue



Voluntary Remediation Program

MacDonald Oil

Huntington, Indiana

VRP Project #6200901



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

100 N. Senate Avenue • Indianapolis, IN 46204
(800) 451-6027 • (317) 232-8603 • Fax (317) 233-6647 • www.idem.IN.gov

Mike Braun
Governor

Clint Woods
Commissioner

March 19, 2026

William David MacDonald
MacDonald Oil Company, Inc.
davemacdonald013@gmail.com

* Transmitted via electronic mail

Re: Covenant Not To Sue
MacDonald Oil
1431 Kocher Street
Huntington, Indiana 46750
VRP #6200901

Dear Mr. MacDonald:

The Indiana Department of Environmental Management's Voluntary Remediation Program (VRP) is pleased to provide the State of Indiana's Covenant Not To Sue to MacDonald Oil Company, Inc. for the cleanup conducted at the MacDonald Oil site, 1431 Kocher Street, Huntington, Indiana. Please find the original copy of the Covenant Not To Sue enclosed.

We appreciate your efforts in completing the voluntary cleanup at your site and fulfilling the requirements of the Voluntary Remediation Program. Your proactive efforts have taken Indiana another step toward a cleaner and healthier environment.

A final invoice will be issued to the project billing contact within the next few months.

If you have any questions or concerns regarding this project or the Covenant Not To Sue, please contact your VRP Project Manager, Sam Schreiner, at (317) 233-1961, or at SSchrein@idem.IN.gov. Thank you for your participation.

Sincerely,

Clint Woods
Commissioner

SS:EB
Enclosure
cc: VRP Project Manager

Visit on.IN.gov/survey or scan the QR code to provide feedback.

We appreciate your input!



STATE OF INDIANA
VOLUNTARY REMEDIATION PROGRAM
COVENANT NOT TO SUE

COVENANT

On December 30, 2025, the Assistant Commissioner of the Indiana Department of Environmental Management (IDEM) issued a Certificate of Completion pursuant to Indiana Code § 13-25-5-16 to MacDonald Oil Company, Inc. for Voluntary Remediation Program (VRP) site number 6200901. The Certificate was issued in recognition of the completion of the work performed under a Voluntary Remediation Work Plan ("Work Plan") to address the release of hazardous substances and/or petroleum at the MacDonald Oil site in Huntington, Indiana. The Certificate is attached to this Covenant and incorporated herein. The Certificate contains a project summary as Exhibit 1; a list of the specific contaminants addressed under the project as Exhibit 2; a map of the site and the project areas as Exhibit 3.

Pursuant to Indiana Code § 13-25-5, the Governor of the State of Indiana now covenants not to sue MacDonald Oil Company, Inc. for any liability, including future liability, or for any claim, resulting from or based upon the release or threatened release of contaminants listed in Exhibit 2 that were the subject of the approved Work Plan, as explained below. The Covenant shall bar suit against MacDonald Oil Company, Inc., and any other person who receives the Certificate of Completion through legal transfer or who acquires the subject property to which the Certificate applies ("successors in title"), from all public and private claims arising under Title 13 of the Indiana Code or rules adopted thereunder in connection with the release or threatened release of a hazardous substance or petroleum that was the subject of the approved Work Plan, except as set forth in Reservations, below.

This Covenant Not To Sue shall be construed as a Covenant running with the land, but shall not apply to the predecessors in title of the original applicant to the VRP, MacDonald Oil Company, Inc.

RESERVATIONS

1. Pursuant to Indiana Code § 13-25-5-18(c), the Covenant does not apply to any public or private claim for liability, or future liability, arising under Title 13 of the Indiana Code or any rules adopted thereunder, resulting from or based upon a condition or extent of a condition that:

- A) was present on the property on which the completed Work Plan was conducted; and
- B) was not known to the Commissioner of IDEM at the time the Certificate of Completion was issued.

For purposes of this paragraph, the Commissioner's knowledge at the Site is limited to the information IDEM received during the execution of the Work Plan and the information contained in the site investigation report(s) and the Work Plan and its attachments as provided to IDEM.

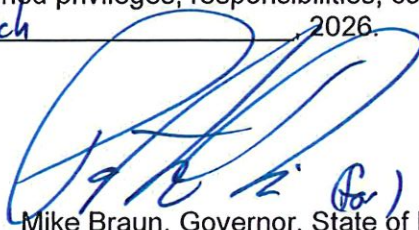
2. This Covenant applies only to releases of the contaminants addressed by the Work Plan as specified in Exhibit 2.

3. This Covenant does not apply to releases of hazardous substances or petroleum (including all contaminants listed in Exhibit 2 of the Certificate) that occurred, or migrated outside of the boundaries of the VRP project area, as identified in Exhibit 3 of the Certificate.

This Covenant also does not apply to releases of hazardous substances or petroleum not listed in Exhibit 2 of the Certificate or releases that occurred after issuance of this Covenant.

4. Pursuant to Indiana Code § 13-25-5-1, a person's participation in the Voluntary Remediation Program does not affect a person's closure or corrective action obligations under the Resource Conservation and Recovery Act (RCRA) set forth in 42 U.S.C. § 6901, et seq.
5. Pursuant to Indiana Code § 13-25-5-18(f), this Covenant does not preclude the federal government from pursuing MacDonal Oil Company, Inc. or any successors for claims based on federal law.
6. This Covenant does not preclude the State of Indiana from taking any unilateral action at the site, under any existing or future statutory authority, to protect human health and the environment.
7. This Covenant does not preclude the State Natural Resource Trustees ("Trustees") from pursuing MacDonal Oil Company, Inc., or its successors in title, for natural resource damages resulting from the release or threatened release of any hazardous substances or petroleum, regardless of whether they were listed in Exhibit 2 and addressed by the completed Work Plan.
8. This Covenant does not preclude the State of Indiana from suing MacDonal Oil Company, Inc. for the administrative costs it agreed to pay IDEM under the Voluntary Remediation Agreement it entered into with IDEM.
9. This Covenant does not preclude the State of Indiana from enforcing, under Indiana Code § 13-14-2-6(6) or other applicable law, an environmental restrictive covenant recorded on the property that is the subject of this Covenant.
10. This Covenant is conditioned upon complete compliance with the provisions and restrictions of the environmental restrictive covenant that has been recorded on the property that is the subject of this Covenant.

WHEREFORE, the Governor of the State of Indiana issues this Covenant to MacDonal Oil Company, Inc., with all aforementioned privileges, responsibilities, conditions and reservations, this 19th of March, 2026.



Mike Braun, Governor, State of Indiana

APPROVED FOR LEGALITY AND FORM

Theodore E. Rokita
Attorney General, State of Indiana



By:
Joby Jerrells
Chief Counsel for the Advisory Division
Office of Indiana Attorney General Theodore E. Rokita

COUNTY RECORDER'S STAMP

2026000083
VICKI G. PEARSON
HUNTINGTON, IN RECORDER
TX: 4031948
01/07/2026 11:18:55 AM
PGS: 15 FEES: 25.00
RECORDED AS PRESENTED

**Indiana Department
of Environmental Management**

Certificate of Completion



Voluntary Remediation Program

MacDonald Oil

Huntington, Indiana

VRP Project #6200901



Indiana Department of Environmental Management



Certificate of Completion

Issued to

MacDonald Oil Company, Inc.

FOR The successful completion of the Voluntary Remediation Work Plan for MacDonald Oil, IDEM #6200901, located at 1431 Kocher Street, Huntington (Huntington County), Indiana, as more specifically described in the attached Exhibits 1-3, which are incorporated herein by reference. The issuance of a Certificate of Completion under IC 13-25-5 is a final agency action for purposes of IC 4-21.5.

Signed this date December 30th, 2025



Brian Wolff, Assistant Commissioner, Office of Land Quality
Department of Environmental Management



A State that Works

Exhibit 1

Project Summary

Exhibit 1

**Project Summary
Indiana Department of Environmental Management
MacDonald Oil
VRP #6200901**

VRP APPLICANT: MacDonald Oil Company, Inc.

APPLICANT ADDRESS: 1431 Kocher Street, Huntington, Indiana 46750

PROJECT NAME: MacDonald Oil

VRP PROJECT ADDRESS: 1431 Kocher Street, Huntington, Indiana 46750

CITY, COUNTY: Huntington, Huntington County

PROJECT MANAGER: Erica Adams

DATE APPLICATION RECEIVED: August 25, 2020

DATE COMPLETION REPORT APPROVED: October 21, 2025

**DID THE REMEDY ENTAIL ACTIVE / PHYSICAL REMEDIATION OF
CONTAMINATION IN ORDER TO ACHIEVE CLOSURE?:** Yes

REMEDICATION CLEANUP GOALS ACHIEVED: 2022 Remediation Closure Guide
default screening levels

MEDIA ADDRESSED: Surface Soil, Subsurface Soil, Groundwater

VRP PROJECT AREA: Entire facility (See Exhibit 3)

ENVIRONMENTAL RESTRICTIVE COVENANT (ERC) USE RESTRICTIONS:

The Owner:

- a) 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.
- b) Shall not use the Real Estate for any agricultural use.

The land-use restrictions above are contained in an ERC recorded on the property. The ERC can be reviewed at the Huntington County Recorder's Office

(Instrument #2025002571), or in IDEM's Virtual File Cabinet (VFC) as Content ID #83872806 at the following internet web address: <http://vfc.idem.in.gov/>. The ERC is hereby incorporated by reference into Exhibit 1 of this Certificate of Completion (COC).

ENGINEERING CONTROL(S) TO BE MAINTAINED: None

SUMMARY OF PROJECT:

The one-acre site has operated as a bulk oil storage facility since 1929. MacDonald Oil has occupied the site since 1946 and is currently inactive. The site includes a storage shed, office trailer, a pump house, and eight aboveground storage tanks (ASTs) ranging in size from 300 to 100,000 gallons. The ASTs have contained different types of oils and fuels including Soybean Oil, Heating Oil, Kerosene, Gasoline and Diesel. The site currently has one 1,000-gallon spill protection underground storage tank (UST), which is empty and only serves as overflow/spill containment if necessary.

The site is surrounded by residential properties to the east, west and south. An active rail line borders the site to the north. The property directly to the east of the site was operated by Sinclair Refining Company between 1929 and 1970.

There are no potable water wells registered with the Indiana Department of Natural Resources (IDNR) at the site. Water is supplied to the site by the Huntington City Water System. There are twenty-four (24) drinking water wells within a half-mile radius of the site. Static groundwater level was measured to be 0.44 to 3.77 feet below ground surface (ft bgs). The groundwater flow direction is generally to the south/southwest toward Little River.

A petroleum release at the site was reported to IDEM in October 2006, and the site was addressed in the State Cleanup Program under incident #2006-10-013. Limited soil sampling was conducted in 2007, and four out of the five soil samples were found to contain potential petroleum contaminants above closure levels.

Between 2016 and 2019, a total of 23 soil borings and 14 permanent monitoring wells were installed to delineate the extent of contamination within soil and groundwater. In 2019, benzene was found above commercial vapor intrusion to groundwater levels in MW-4 and MW-14. Six of the monitoring wells sampled had detections of other petroleum byproducts, and MW-1 contained free product. Based on the investigations, site remediation was deemed necessary to be protective of human health and the environment.

MacDonald Oil applied and was accepted to IDEM Voluntary Remediation Program (VRP) in September 2020. Lougheed Engineering submitted a Remediation Work Plan (RWP) to IDEM on November 23, 2020, which proposed a remediation strategy for the site including targeted soil excavation and injections using PetroFix. The RWP was not

approved in letter dated January 15, 2021, since the site was not considered fully characterized. However, the remedial strategy was approved, and Loughheed Engineering completed remedial action from February 24, 2021, to March 3, 2021.

During the remedial activity, approximately 152.82 tons of petroleum impacted soil was excavated down to bedrock (6-10 feet below ground surface (ft bgs)) and 2,800 pounds of PetroFix were added into two excavation areas. The soil analytical results showed that the excavation successfully removed the petroleum impacted soil to below residential closure levels.

Groundwater was monitored for seven consecutive quarters post-remedy. The last quarterly groundwater monitoring report was submitted to IDEM in June 2023. During this sampling event, benzene was found above IDEM Risk-Based Closure Guide (R2) Groundwater Published Levels in MW-2 and MW-4 at 24.0 micrograms per liter (ug/L) and 72.8 ug/L respectively. 1-Methylnaphthalene was found above IDEM R2 Groundwater Published Levels in MW-4 at 17.0 ug/L. MW-2 is on-site within a source area, and MW-4 is on-site near the property boundary upgradient from the soil excavation area. Though the location of MW-4 is upgradient from the PetroFix treatment area, the recorded Environmental Restrictive Covenant restricting groundwater usage on the site controls potential future exposure risks associated with groundwater concentrations of benzene and 1-methylnaphthalene.

Loughheed Engineering, on behalf of MacDonald Oil Company, submitted a revised RWP to IDEM on November 10, 2023. The RWP summarized the site history and remedial objectives, including minimizing all contaminants below commercial closure levels, which has been achieved. Work onsite has been completed, and any remaining contaminants will be managed in place with an Environmental Restrictive Covenant. The RWP was approved by IDEM on April 24, 2024.

Loughheed Engineering submitted a Remediation Completion Report (RCR) dated January 13, 2025, detailing the completed work and how the remediation objectives have been completed. The recorded Environmental Restrictive Covenant (ERC) restricts the use of groundwater at the site which will limit the exposure to groundwater, as well as restricting the use of the site from agriculture, minimizing the possibility of ingestion of contaminants. IDEM staff have reviewed the Remediation Completion Report and recommended closure. VRP recommended closure based on the work completed and remediation objectives reached as outlined within the RWP.

This Certificate of Completion is not meant to modify the terms or conditions of the completed Remediation Work Plan and Covenant Not to Sue. In the event this Certificate of Completion should be inconsistent with the Remediation Work Plan or the Covenant Not To Sue, the Remediation Work Plan shall control.

Exhibit 2

Table of Contaminants

EXHIBIT 2
MacDonald Oil
SITE CONTAMINANTS OF CONCERN ADDRESSED BY REMEDIATION WORK PLAN

Volatile Organic Compounds	Semi Volatile Organic Compounds	Metals
1-Methylnaphthalene	Benzo(a)anthracene	Lead
2-Methylnaphthalene	Benzo(a)pyrene	
Benzene	Dibenzo(a,h)anthracene	
Xylenes (Total)		
1,2,4-Trimethylbenzene		
Naphthalene		
Toluene		

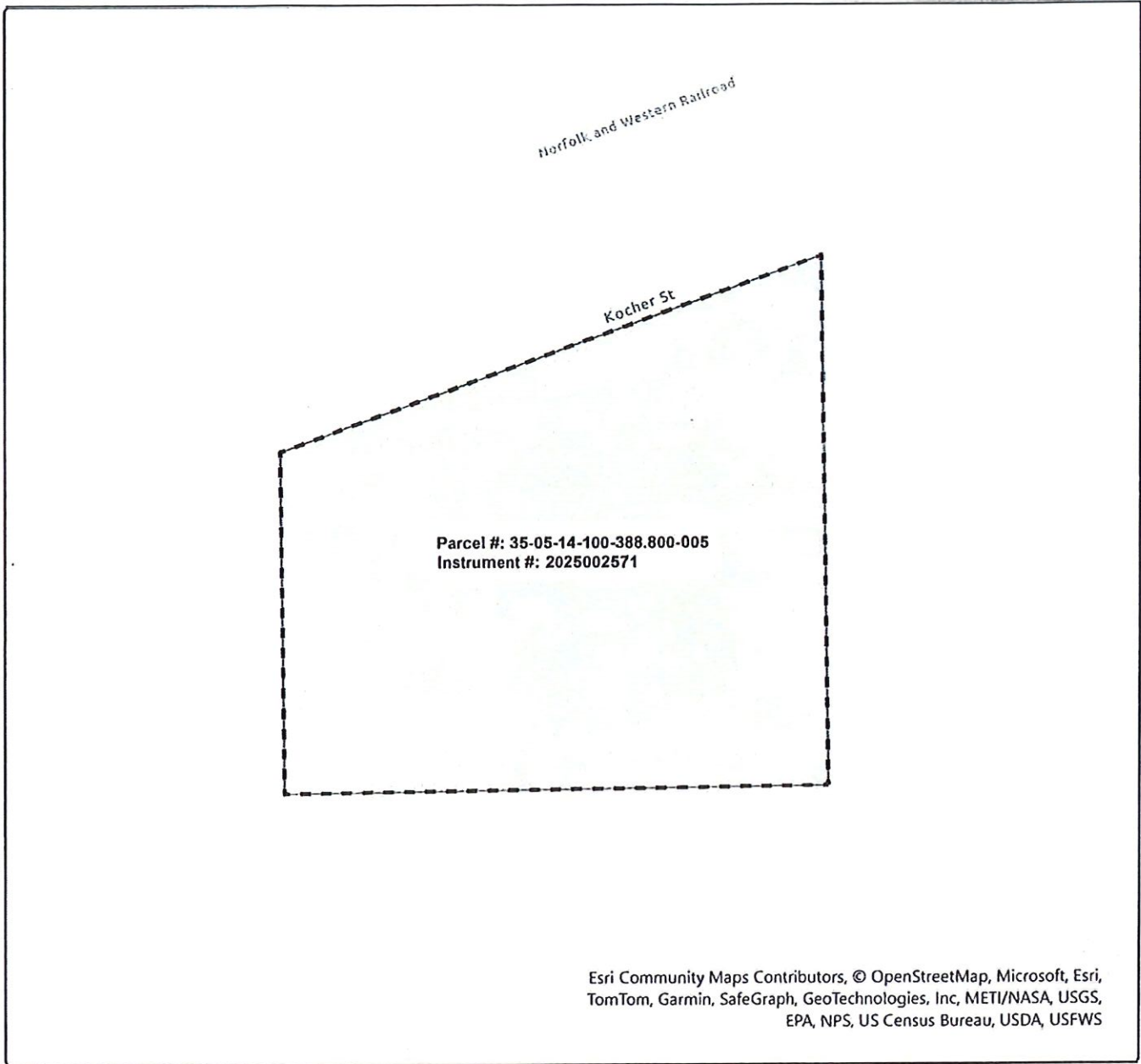
Specific and detailed information regarding the work performed under the Remediation Work Plan, the remedial objectives achieved for this project, and contaminant concentrations at the time of closure are available online on the Indiana Department of Environmental Management's Virtual File Cabinet located at <http://vfc.idem.in.gov/DocumentSearch.aspx>.

The Remediation Work Plan for MacDonald Oil is indexed on the Virtual File Cabinet as Document #83556849, and the Remediation Completion Report is indexed as Document #83749232.

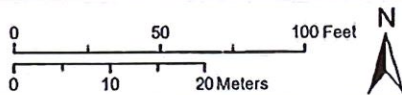
Exhibit 3

Site Map

Exhibit 3 - MacDonald Oil - VRP # 6200901 General Extent of VRP Project Area and ERC



Esri Community Maps Contributors, © OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, USFWS



	General Extent of Project Area
	Environmental Restrictive Covenant & Parcel Boundary

Mapped By: Griffin Wells, IDEM, Office of Land Quality, Science Services Branch, GIS Services, September 25, 2025

General Extent Info: General Extent of Project Area based on ERC

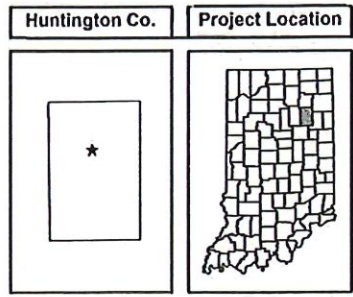
Recorded ERC Info: 2025002571

Parcel ID: 35-05-14-100-388.800-005

PLSS Info: Section 14, T28N, R9E, Huntington County, IN

Property: 1431 Kocher St, Huntington, Indiana

Disclaimer: This map is intended to serve as an aid in graphic representation only. This information is not warranted for accuracy or other purposes.





INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

100 N. Senate Avenue • Indianapolis, IN 46204
(800) 451-6027 • (317) 232-8603 • Fax (317) 233-6647 • www.idem.IN.gov

Mike Braun
Governor

Clint Woods
Commissioner

December 30, 2025

*Transmitted via electronic mail

William David MacDonald
MacDonald Oil Company, Inc.
1431 Kocher Street
Huntington, Indiana 46750
davemacdonald013@gmail.com

Re: Certificate of Completion
MacDonald Oil
1431 Kocher Street
Huntington, Indiana 46750
VRP #6200901

Dear Mr. MacDonald:

The Indiana Department of Environmental Management (IDEM) is pleased to issue the enclosed Certificate of Completion to MacDonald Oil Company, Inc. for the successful conclusion of the voluntary remediation conducted at MacDonald Oil located in Huntington, Indiana. The issuance of the Certificate of Completion under IC 13-25-5-16 is the final agency action for purposes of IC 4-21.5.

Please note that as required by IC 13-25-5-16, the owner of the property or an authorized representative must record a copy of the Certificate of Completion and associated Exhibits in the Recorder's Miscellaneous Book in the county in which the property is located. The included Certificate of Completion Signature Page may also need to be completed prior to recording. The Certificate of Completion, all Exhibits, and the Certificate of Completion Signature Page must be cross-referenced to the recorded deed for the site. To show compliance with this section, a copy which displays the book and page number, or the instrument number, of the recorded Certificate of Completion, all Exhibits, and the Social Security Redaction Form, must be returned to the Voluntary Remediation Program project manager.

When IDEM receives confirmation that the Certificate of Completion and its Exhibits have been properly recorded, IDEM will begin working on the Covenant Not To Sue for the MacDonald Oil site that will be signed by the Governor's office. The information contained in the enclosed packet defines the contaminants and environmental media that will be included in the Covenant Not To Sue.

Visit on.IN.gov/survey or scan the QR code to provide feedback.

We appreciate your input!



Page 2

IDEM appreciates your participation in the Voluntary Remediation Program. The Certificate of Completion and the Covenant Not To Sue provide both the applicant and future landowners with an assurance that a voluntary cleanup has been performed and approved by the State of Indiana. Please contact your project manager, Erica Adams, at (317) 234-4434, (800) 451-6027, or at esadams@idem.IN.gov if you have any questions.

Sincerely,



Brian Wolff
Assistant Commissioner
Office of Land Quality

Enclosure

**CERTIFICATE OF COMPLETION
SIGNATURE PAGE**

William D. MacDonald 1481 Crystal Lake Rd Winterset, Mo. 64096
[Insert name and mailing address of property owner]

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

IN WITNESS WHEREOF, William D. MacDonald the said Owner of
[Insert Officer's Name]

1481 Karcher St, Huntington parcel identification number[s] 35-06-14-100 388-800-005
[insert address of site], [insert 18-digit parcel identification number(s) as described in 50 IAC 23-8-1]
has caused this Certificate of Completion to be executed on this 7th day of
January, 2020.

William D. MacDonald
[Owner's or Representative's Signature]

Name: William D. MacDonald
Title: President

STATE OF Indiana)
) SS:
COUNTY OF Huntington

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared William D. MacDonald the President of the Owner, MacDonald Oil Company, Inc. who acknowledged the execution of the foregoing instrument for and on behalf of said entity.

Witness my hand and Notarial Seal this 7th day of January, 2020.

Tamara DeHaven
Tamara DeHaven Notary Public
Residing in Huntington County, Indiana

My Commission Expires (Include Seal):

