

June 11, 2026

**To:** Metropolitan Development Commission Hearing Examiner

**Case Number:** 2026-CVR-815/2026-CPL-815

**Property Address:** 305 Fintail Drive, Indianapolis, Indiana

**Location:** Warren Township, Council District #20

**Petitioner:** DCB Indianapolis, LLC

**Current Zoning:** I-3

**Request:** Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for construction of a data center (not permitted), consisting of up to three buildings, up to a total of 420,000 square feet, with no less than 100 parking spaces.

Approval of a Subdivision Plat to be known as Replat of Block A of Thunderbird Commerce Center, subdividing 32.406 acres into two lots

**Current Land Use:** Vacant

This letter supplements DCB Indianapolis, LLC's ("DCB") April 14, 2026 environmental summary to address certain environmental issues recently raised by various remonstrators. As more fully set forth below, based on the evidence presented by DCB, including the evidence addressing the environmental issues at the site, applicable environmental laws, and DMD's adopted policies, DCB's request for a use variance to develop Block A located at 305 Fintail Drive, Indianapolis, Indiana (the "Property") and operate a data center should be approved.

The Indiana Department of Environmental Management ("IDEM") has long recognized that "the revitalization of contaminated or potentially contaminated properties (Brownfields) will provide a significant benefit to both the environment and the economy of local communities."<sup>1</sup> Through IDEM's Voluntary Remediation Program ("VRP"), IDEM "seek[s] to facilitate the productive use of industrial and commercial properties by addressing regulatory impediments to the financial, transfer, and appropriate reuse of these properties."<sup>2</sup> IDEM has recognized that "[s]uccessful completion of the VRP process can facilitate property transfers and limit future liability related to the chemicals and releases addressed in the voluntary remediation effort."<sup>3</sup>

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<sup>1</sup> Memorandum of Agreement between IDEM and the US EPA for the Indiana Voluntary Remediation Program (Dec. 4, 1995).

<sup>2</sup> *Id.*

<sup>3</sup> IDEM's Voluntary Remediation Program Guide (Oct. 2022).

IDEM is the governmental body with jurisdiction and the forum to address environmental issues and human health risks for the Property.<sup>4</sup> The following facts demonstrate that IDEM is satisfied that the several environmental investigations and remediation efforts and the environmental restrictions applicable to the Property allow for the Property to be developed by DCB without posing a threat to human health or the environment.

**I. IDEM and the State of Indiana Issued A Certificate of Completion in 2023 and Covenant Not To Sue in 2024 to Ford Motor Company Confirming that the State Was Satisfied with Ford's Environmental Investigation and Cleanup**

The Property that DCB intends to acquire consists of approximately 32.5 acres of a 152+-acre former industrial site. The site was previously owned by Ford Motor Company ("Ford") and operated as a vehicle manufacturing facility between 1957 and 2012. Ford's operations included coal storage, hazardous waste storage, wastewater treatment, and sludge solidification/burn pit. Ford's historical operations resulted in environmental impacts including light nonaqueous phase liquids (LNAPL), volatile organic compounds (VOCs), semi volatile organic compounds (SVOCs), and polychlorinated biphenyls (PCBs) impacts at concentrations exceeding IDEM and U.S. Environmental Protection Agency standards. An LNAPL plume was identified in groundwater beneath an outdoor waste storage area.

In January 2015, Ford enrolled the entire site in IDEM's VRP and began active remediation activities in 2017. Impacted soil was either removed from the site or heat-treated via electrical resistance heating on-site by Ford. In 2018, areas identified as sources of dense nonaqueous phase liquids (DNAPL) or chlorinated VOCs, were dewatered.

On July 21, 2022, an Environmental Restrictive Covenant ("Original ERC") was recorded by Ford pursuant to IDEM's VRP.

In February 2023, Ford successfully completed its remediation efforts as IDEM issued to Ford a Certificate of Completion. In February 2024, the State of Indiana issued a Covenant Not to Sue Ford. Thus, IDEM and the State of Indiana were satisfied that Ford had successfully completed the environmental investigation and remediation required by IDEM to bring the entire Ford site into regulatory compliance, while allowing certain environmental contaminants to remain on-site that do not pose a threat to human health or the environment.

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<sup>4</sup> City of Indianapolis, Dept. of Metropolitan Development, *Data Centers*, slide 12 (Apr. 2026), available at <chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://us-east-1-indy.graphassets.com/ActDBC5rvRWeCZINnLrDz/cmolvvgxp170c07k5kzij69n8>; see also City of Indianapolis, Department of Metropolitan Development, *Data Centers in Indianapolis Frequently Asked Questions (FAQ)*, p.9 (Apr. 21, 2026), available at <chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://us-east-1-indy.graphassets.com/ActDBC5rvRWeCZINnLrDz/cmokdlncz1pj6071lj75dv8oi>. ("The Indiana Department of Environmental Management (IDEM) has regulatory authority over environmental elements, as outlined in applicable state and federal laws and regulations.").

**II. In 2025 The Indiana Brownfields Program Approved of The Developer's Environmental Work and the Updated Environmental Restrictive Covenants ("ERC")**

On August 17, 2022, Thunderbird CC Land Partners, LLC ("Thunderbird") purchased 109+ acres from Ford. Thunderbird undertook a considerable amount of redevelopment work at this brownfield site. As a result, Thunderbird requested and received approval from the Indiana Brownfields Program ("IBP") to terminate the Original ERC and replace it with a new environmental restrictive covenant with updated use and development restrictions that were tailored to the updated condition of the entire site, including the Property that is being sold to DCB.

On March 21, 2025, the updated ERC ("ERC") was recorded by Thunderbird. The ERC included a Comfort Letter from IBP that was issued on June 20, 2024 to Thunderbird. The Comfort Letter provides a detailed description of Ford's operational history of the site and the environmental investigation and remedial efforts undertaken by Ford and Thunderbird, which resulted in them being issued the Covenant Not To Sue and Comfort Letter, respectively. The ERC also included IBP's Reasonable Steps Update Letter issued on January 29, 2025 to Thunderbird.

**III. DCB Agrees to Comply with the 2025 ERC Restrictions for the Property and IDEM's 2022 Approved Soil Management Plan ("SMP")**

The 2025 ERC includes restrictions on the drilling or excavation of soil and the requirement that any such work must comply with an IDEM-approved Soil Management Plan ("SMP"). The ERC also prohibits the use of groundwater from the Property. The updated ERC requires vapor evaluation and potential vapor mitigation for new buildings, along with additional construction and operational restrictions that run with the land and bind subsequent owners and operators to protect workers and the community from potential exposure to residual impacts.

Some remonstrators have incorrectly asserted that development of the Property by DCB will be injurious to public health and safety because certain contaminants remain in the subsurface.<sup>5</sup> With knowledge of the residual contamination (all of which was below IDEM's applicable commercial and industrial screening levels), IDEM expressly permitted commercial and industrial development of the Property.

**The 2025 IDEM-approved ERC, which DCB has committed to abide by, protects human health and the environment from residual contamination as it:**

**(1) prohibits the Property from being used for residential and agricultural purposes;**

**(2) prohibits groundwater use;**

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<sup>5</sup> For this point, the remonstrators cite portions of a Comfort Letter dated January 22, 2024 issued to Lone Oak – Indianapolis, LLC regarding 430 Fintail Drive (Thunderbird Commerce Center – Lot 1) (the "Lone Oak Comfort Letter"). However, the Lone Oak Comfort Letter does not apply to the subject Property being acquired and developed by DCB.

**(3) requires that any drilling or excavation of soil comply with the IDEM-approved SMP or otherwise be approved in advance by IDEM;**

**(4) requires vapor investigation or installation of a vapor mitigation system for any commercial/industrial buildings; and**

**(5) requires a minimum 2-foot clean soil and vegetative barrier.**

IDEM specifically crafted these requirements and restrictions *because of* the residual contamination at the Property, as residual contamination is common among brownfield sites. DCB's development of the Property in accordance with the ERC is appropriate and furthers the purpose of IDEM's Voluntary Remediation Program to facilitate property transfer and development of brownfield properties.<sup>6</sup>

**IV. DCB Does Not Yet Own and Has Not Performed Any Construction Work On the Property and, Accordingly, Has Not Caused or Contributed to Any Environmental Issues with the Property**

DCB did not cause or contribute to any of the environmental impacts or issues associated with the Property. As a result, DCB will be eligible to qualify for a Bona Fide Prospective Purchaser Comfort Letter from IBP. As stated above, IDEM and IBP have long encouraged the redevelopment and revitalization of contaminated or potentially contaminated properties as they provide a significant benefit to both the environment and the economy of local communities that have former industrial and manufacturing sites. The IBP has overseen approximately 2,900 program sites within the State.

DCB is committed to bringing solutions to the Property it intends to acquire from Thunderbird CC Land Partners, LLC on August 20, 2026 and will comply with the above stated requirements to ensure that the Property is safe and will not pose a threat to human health or the environment. In the meantime, to refute any comments or suggestions to the contrary, DCB again confirms that it has not performed any construction work at the Property or retained any contractors to perform any construction work on its behalf at the Property. Consequently, any comments by remonstrators suggesting that DCB is in any way responsible for any of the past or current environmental conditions of the Property is without merit.

**V. Numerous Comments Regarding The DCB Property Are Incorrect**

The following briefly addresses incorrect allegations asserted by various remonstrators regarding certain specific residual contaminants, namely, that:

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<sup>6</sup> Indiana Department of Environmental Management, *Voluntary Remediation Program Guide* (Oct. 2022) ("Successful completion of the VRP process can facilitate property transfers and limit future liability related to the chemicals and releases addressed in the voluntary remediation effort.")

1. Vinyl chloride was detected in off-site monitoring wells. The most recent groundwater data shows that vinyl chloride and all analyzed volatile organic compounds (VOCs) were below the IDEM screening levels at the Property boundary.

2. There were exceedances of PFAS in groundwater at the Property. Two groundwater samples from the DCB Property have been analyzed for PFAS. Of the 34 PFAS analyzed, only perfluorobutanoic acid (PFBA) was detected, and the concentration was below the U.S. Environmental Protection Agency Interim Recommended Screening Levels and Lifetime Drinking Water Health Advisory levels at the time. Neither EPA nor IDEM is requiring any PFAS investigation. Furthermore, as stated above, the ERC prohibits groundwater use.

3. A sub-slab vinyl chloride reading at a building on the neighboring Lot #1 parcel exceeded a residential indoor air standard by more than 244 times. The remonstrator improperly compared a sub-slab soil gas concentration of 489  $\mu\text{g}/\text{m}^3$  to the IDEM Published Level from a neighboring industrial building (not the DCB Property) for residential indoor air (2  $\mu\text{g}/\text{m}^3$ ). This compares apples to watermelons and is scientifically unsound. Rather, the Vapor Intrusion Evaluation Report dated December 5, 2024 by August Mack Environmental shows no detectable concentrations of VOCs in any of the indoor air or outdoor air samples collected, and no VOCs were detected above applicable IDEM Published Levels in any sub-slab soil gas sampling.

## **VI. DCB's Proactive Environmental Investigation and Commitment to Comply With IDEM and IBP Requirements**

DCB has retained the national environmental consulting firm Langan Engineering and Environmental Services, LLC ("Langan") to proactively perform pre-closing environmental investigation at the Property. Langan has already completed a Phase I Environmental Site Assessment ("Phase I"). In the Phase I Report Langan identified as a recognized environmental condition ("REC") unidentified and uncharacterized soil and crushed concrete stockpiles. Langan noted that the ERC requires the management of soil and crushed concrete in accordance with SMP.

During site reconnaissance, Langan observed **multiple** soil, construction and demolition debris (scrap metal and broken concrete), and crushed concrete stockpiles from previous demolition and redevelopment activities at the Property. To further investigate the REC, Langan on behalf of DCB sampled the crushed concrete and soil stockpiles. In a Limited Environmental Site Investigation Report ("Limited ESI"), Langan confirmed that there were no exceedances of the current IDEM Published Levels Table 1 screening criteria for Soil in Commercial Properties and Soil During Excavation.

DCB understands that complaints were recently made to the City of Indianapolis regarding fugitive dust from these stockpiles. As DCB does not yet own the Property or the stockpiles, any fugitive dust would not be attributable to DCB. DCB has been told that the current operator responded immediately to the dust complaint and is committed to keeping a watering truck on-site to ensure the stockpiles remain wet enough not to cause fugitive dust.

In the Limited ESI, Langan also performed soil gas investigation within the footprint of the proposed buildings at the Property. The results of the soil gas investigation suggested a possible vapor intrusion pathway for two of the proposed buildings. Langan has recommended and DCB has committed to installing an IDEM-approved vapor mitigation system, starting with the first DCB building to be constructed.

On June 10, 2026, DCB and its legal counsel and Langan representatives held an in-person meeting with representatives from IDEM and IBP to discuss DCB's proactive efforts to ensure compliance with the ERC, SMP, and any other reasonable steps that IDEM and/or IBP may require upon DCB taking title to the Property, including the need for the installation of a vapor mitigation system.

### **VII. DCB Will Apply For and Abide by the Air Permit IDEM Decides Is Appropriate**

Some remonstrators have acknowledged that DCB has made commitments to add Diesel Particulate Filters on its diesel generators but argue that the generators will still create an unacceptable risk to human health. Air permits are regulated by IDEM and depend on numerous technical considerations, as DMD has recognized:

Data centers often have backup generators and cooling towers, which require the obtainment of air permits. The specific permit required depends on the facility's potential to emit (PTE) air pollutants, the location of the project, and the capacity of the equipment.<sup>7</sup>

DCB will apply for and comply with the air permit that IDEM ultimately issues to it.

### **VIII. Conclusion: DCB Is Committed to Providing a Significant Benefit to Both the Environment and the Local Economy**

Consistent with the longstanding policies of IDEM and IBP, through its redevelopment of this former industrial brownfield site as a data center, DCB is committed to providing a significant benefit to both the environment and the economy of the local community.

The DMD Staff recommends approval of DCB's rezoning request subject to the stated commitments. Based on the evidence presented by DCB, including the evidence addressing the environmental issues at the Property, applicable environmental laws, and DMD's adopted policies, DCB's request for a use variance to develop Block A located at 305 Fintail Drive, Indianapolis, Indiana and operate a data center should be approved.

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<sup>7</sup> City of Indianapolis, Department of Metropolitan Development, *Data Centers in Indianapolis Frequently Asked Questions (FAQ)*, p.10 (Apr. 21, 2026), available at <chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://us-east-1-indy.graphs.ets.com/ActDBC5rvRWeCZINNLrDz/cmokdlncz1pj607lj75dv8oi>.

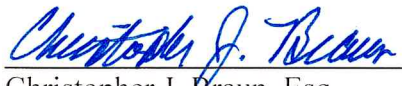
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Sincerely,

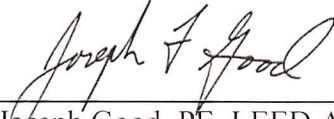
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