



KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT
BUREAU OF ENVIRONMENTAL REMEDIATION



Application for an
ENVIRONMENTAL USE CONTROL
For property located in the State of Kansas

Application Form Instructions: Please type or print legibly. Incomplete applications may be returned to the applicant. If any of the information requested is not applicable, please enter "NA" in the blank.

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SECTION I. PROPERTY INFORMATION

Name of Site: Former Fairfax I Plant
Property Address: 120 and 220 Kindelberger RD
City (or Township): Kansas City County: Wyandotte Zip Code: 66115
Township: 10 South Range: 25 East (E/W) Section: 27 Quarter(s): North 1/2
Tax Lot #: 298401 and 298402 Property Size (in acres): 91

Has a legal survey been conducted on the portion of property subject to this application?

☐ Yes ☒ No

Please include a copy of the legal survey and a map that clearly depicts the property boundaries.

Current use of property: No current activities

Future use of property (if known): Industrial

Land use surrounding property (check most applicable description or combination of descriptions):

☐ Residential ☒ Industrial ☐ Commercial ☐ Agricultural ☐ Other (explain) _____

Current zoning of property: M-3 Industrial

Local governmental entity responsible for zoning this property: Wyandotte County

SECTION II. APPLICANT INFORMATION

Applicant: Revitalizing Auto Communities Environmental Response Trust
Applicant Contact: Robert W. Hare Title: Cleanup Manager
Mailing Address: 2930 Ecorse Road
City: Ypsilanti State: MI Zip Code: 48198
Telephone: (313) 486-2908 Fax: (734) 879-9537 Email: rhare@racetrust.org

Applicant's interest in or relation to property (check all that apply):

☒ Owner of property ☐ *Entity with written authorization from the owner

***Please attach a notarized letter of authorization for EUC application from the owner.**

If Applicant is not the owner of the property, provide the following information:

Owner's Name: _____ Organization: _____

Owner's Mailing Address: _____

City: _____ State: _____ Zip Code: _____

Telephone: (____) _____ Fax: (____) _____ Email: _____

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SECTION III. NATURE OF POTENTIAL CONTAMINATION

Contaminant Type identified at the property (check all that you are aware of):

- | | | |
|---|--|--|
| ☒ Solvents/degreasers | ☐ Pesticides (herbicides, insecticides, etc.) | ☒ Metals |
| ☒ Petroleum products | ☐ Inorganics (salt, soda ash, etc.) | ☐ PCBs |
| ☐ Acids/bases | ☐ Fertilizer (nitrate, ammonia) | ☐ Sludge |
| ☐ Paint/paint wastes | ☐ Other (list) _____ | |

Contaminated media on property:

- ☐ Surface Soil ☒ Subsurface Soil ☒ Ground Water ☐ Surface Water ☐ Sediments

Please reference any relevant documents that will provide the department with a detailed description of the contamination and the proposed remedy. Attach a list of additional references if necessary.

Title/Date: Results of Confirmatory Sampling Program, August 2005

Title/Date: Supplemental Site-Wide Investigations Report, August 2012 (final)

Title/Date: Remedial Alternatives Evaluation Report, August 2012 (Draft)

Identify the KDHE Cleanup Program currently addressing the property:

- ☒ State Cooperative ☐ Voluntary Cleanup ☐ Brownfields ☐ State Water Plan
☐ Dry Cleaner Trust Fund ☐ Above/Underground Storage Tank
☒ Other: Reference KDHE CAFO

Please describe the proposed remedy for the property:

RACER TRUST is working with KDHE Bureau of Environmental Remediation through a Consent Agreement and Final Order (CAFO) dated November 21, 2011 to evaluate feasible remedial alternatives. Alternatives under consideration are ISCO, excavation, MNA, and product recovery, among others.

Will contamination be left on the subject property at concentrations above levels allowing unrestricted residential use following a KDHE approved remediation? ☒ Yes ☐ No

INTERNAL USE ONLY

Project Code: _____

VCP Agreement Number: _____ Consent Order Number: _____

KDHE Project Manager: _____ Bureau/Section: _____

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SECTION IV. REQUESTED RESTRICTIONS/REQUIREMENTS/FREQUENCY

REQUESTED RESTRICTIONS:

Please check all that apply:

- ☒ Restrict excavation, dredging, construction, or digging activities.
☒ Restrict drilling or using water wells for domestic or other purposes.
☐ Restrict or limit access to property.
☒ Restrict land use.
☐ Restrict the type of plant growth or vegetative cover.
☐ Other Restrictions – Please specify:

Please note the restrictions applied for in this application will be specified in a property-specific Environmental Use Control Agreement approved by the department and filed with the Register of Deeds in the county where the subject property is located.

POST-REMEDATION REQUIREMENTS:

Please check all that apply:

- ☐ Posting notices, maintaining postings. ☒ Ground water monitoring.
☒ Protective structure maintenance (patching, erosion control, regrading, etc.).
☐ Vegetative maintenance (mowing, watering, planting, etc.).
☐ Fence maintenance.
☐ Other Requirements – Please specify:

PROPOSED MONITORING/INSPECTION FREQUENCY:

Please check one:

- ☐ One inspection every five years. ☒ One inspection per year.
☐ Two inspections per year. ☐ Four inspections per year.
☐ Other - Please specify: _____

Upon approval of an Environmental Use Control Agreement, does the applicant agree to allow access to KDHE personnel or contractors for the purpose of inspecting the property to ensure the requested restrictions are being maintained?

☒ Yes ☐ No*

*Please note this application will not be approved if the response to this question is "NO."

Please indicate the preferred payment schedule for the proposed Environmental Use Control?

- ☒ One-time payment
☐ Long Term Care Agreement (The agreement will specify the amount and frequency of payment).

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**SECTION V. APPLICATION TO PARTICIPATE TERMS/APPLICATION
SIGNATURE**

The undersigned has voluntarily applied to the Kansas Department of Health and Environment (KDHE)/Bureau of Environmental Remediation (BER) to restrict the use of, or activities on, the property defined in this application due to residual contamination remaining on the subject property above regulatory limits for unrestricted "residential" use. The undersigned agrees that based on this application the KDHE shall issue an Environmental Use Control Agreement to restrict specific use of, or activities on, the subject property. The Environmental Use Control Agreement will contain property-specific restrictions identified in this application as approved by the department, inspection frequencies, access provisions, maintenance requirements, funding requirements, and any other requirements associated with this application. The applicant agrees to register an approved, notarized Environmental Use Control Agreement with the Register of Deeds in the county in which the property is located.

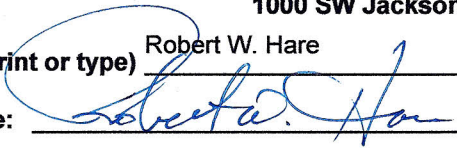
BER shall determine, and notify the undersigned accordingly, if the subject property is eligible for an Environmental Use Control. If the subject property is determined eligible, the undersigned shall sign an Environmental Use Control Agreement describing the voluntary restrictions requested by the applicant, register the Environmental Use Control Agreement with the Register of Deeds, and submit a notarized copy to the KDHE within 90 days of KDHE approval of this application.

Execution of this application form does not constitute an Environmental Use Control, and the undersigned shall not be bound to proceed with the voluntary restrictions. By completing and signing this application, the undersigned does not admit or assume liability for contamination at the property. The undersigned may terminate this application at any time by notifying BER.

The application should be submitted to :

Environmental Use Control Program
Remedial Section
Kansas Department of Health and Environment
Bureau of Environmental Remediation
1000 SW Jackson, Suite 410 Topeka, Kansas 66612-1367

Name: (print or type) Robert W. Hare Title: Cleanup Manager

Signature:  Date: 8-30-12