



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

RECEIVED OCT 13 2014

SEP 29 2014

REPLY TO THE ATTENTION OF:  
LU-9J

David Favero  
Deputy Cleanup Manager – Michigan  
RACER  
500 Woodward Avenue, Suite 1510  
Detroit, Michigan 48226

RE: 76 Acre Vacant Land, Parcel C Northwest Corner of Ecorse and Denton Road, Van Buren, Michigan

Dear Mr. Favero:

I am writing in response to your e-mail dated September 22, 2014 concerning the parcel referenced above. My response is based upon the facts presently known to the U.S. Environmental Protection Agency and is provided solely for informational purposes. The parcel is commonly referred to Vacant Land (76 acres), Van Buren (Site). The Site is not a Resource Conservation and Recovery Act (RCRA) facility and does not have an EPA identification number.

In June 2009, the former General Motors Corporation (General Motors Corp.) filed for Chapter 11 reorganization bankruptcy, and subsequently emerged as two new companies. The first of these two new companies, General Motors LLC, purchased the "General Motors" name and certain assets of General Motors Corp. and now operates automobile manufacturing plants in Michigan, Ohio, Indiana, Illinois, and Wisconsin. The second company, Motors Liquidation Company (MLC), retained all of the assets that General Motors LLC did not purchase, as well as the liabilities. This included many properties, including the Vacant Land Van Buren Site.

In March 2011, the bankruptcy court approved MLC's plan of liquidation (Plan). On the effective date of the Plan, 89 sites were placed into an Environmental Response Trust (the "Trust") administrated by the Revitalizing Auto Communities Environmental Response (RACER) trust. Pursuant to the terms of the Plan and the Trust, specific amounts of funds were set aside for each property in the Trust to address environmental contamination found at the specific property. RACER has worked and currently works with federal and state environmental agencies to review, approve and undertake response actions to address the contamination at each property, including the Site.

Paragraph 69 of the ENVIRONMENTAL RESPONSE TRUST CONSENT DECREE AND SETTLEMENT AGREEMENT (Settlement Agreement) directs that EPA will upon request of a prospective purchaser, use one or more of the following enforcement or liability clarification tools for a property to address the liability concerns of prospective purchasers for existing contamination:

- Prospective Purchaser Agreements or equivalent agreements under applicable State law (PPAs);
- Bona Fide Prospective Purchaser Work Agreements or equivalent agreements under applicable State law (BFPP Work Agreements); or
- Comfort/Status Letters or equivalent letter under applicable State practice.

The Settlement Agreement provides EPA, the States or Tribe enforcement discretion to select the appropriate enforcement or liability clarification tool from the options set forth in the three preceding bullet points. A purchaser is required to comply with the requirements set forth in Paragraph 73(1)-(5) of the Settlement Agreement.

The parcel addressed in your email consists of 75.69 acres of general industrial, undeveloped land in Van Buren Township, Michigan. The Site is bounded to the south by Ecorse Road, to the west by the former General Motors Corporation's Service Parts Organization (SPO) Warehouse, to the north by Penn Central railroad tracks and to the east by Denton Road. The Site was cultivated for agricultural use as early as 1940 until at least 1964. Several residential structures were alternately built and demolished along the eastern and southern boundaries of the Site between 1935 and 2003. A structure associated with GM's SPO Warehouse was constructed on the northwestern portion of the site in approximately 1970 and was demolished between 1972 and 1985. A commercial building, which was used as a United Auto Worker's Hall, was constructed along the southern boundary of the Site in 1962 and was demolished between 1985 and 1994. The Site is currently undeveloped and densely wooded in most areas. A map and legal description of the parcel has been provided to EPA.

Under the terms of the GM bankruptcy, \$20,924 were allocated for environmental remediation work at the Site. The EPA is the lead agency for the Site. EPA has overseen the remediation work conducted by RACER at the Site under the guidelines of the RCRA corrective action program. A detailed Phase I Environmental Site Assessment (ESA) was prepared by Encore for General Motors Worldwide Real Estate in February, 2007. No RCRA hazardous or solid waste management units specific to this property were identified and there was no evidence of releases to the environment. However, the Site was used over the years by people to discard debris, including: three empty, abandoned aboveground storage tanks; several empty 30 and 55-gallon drums; used tires; construction debris; appliances; furniture and scrap metal.

A Scope of Remediation and Cost Estimate was submitted to EPA in May, 2010, which covered removal and proper disposal of all the debris at the Site. This removal action was conducted in December 2012 and a Final Report which documented the removal of the debris and the completion of all required work at the Site was submitted to EPA in January 2013. EPA approved this Report and the completion of all work on September 23, 2014. Based on this current information, EPA is not taking or planning any action at the Site under RCRA.

With regard to Superfund, in response to growing concern over health and environmental risks posed by hazardous waste sites, Congress passed the Comprehensive Environmental Response Compensation and Liability Act (CERCLA) and established the Superfund program to clean up these sites. The Superfund program is implemented by EPA in cooperation with individual states and local and tribal governments. Sites are discovered by citizens, businesses, and local, state and federal agencies. After a potential hazardous waste site is reported to EPA, the site-specific information is recorded in the Superfund database, the Comprehensive Environmental Response and Liability Information System (CERCLIS). Sites are added to CERCLIS when EPA believes that there may be contamination that warrants action under Superfund.

EPA initially screens a potential hazardous waste site to determine what type of action, if any, is necessary. The Superfund program may then perform a preliminary assessment and site investigation to determine whether contamination at a property is likely to require a federal cleanup response, an evaluation to determine if a short term response action to eliminate or reduce contamination is needed, and add the site to EPA's list of high priority hazardous waste sites known as the National Priorities List (NPL).

In order to encourage the purchase and use of contaminated property, CERCLA was amended in 2002. These amendments to CERCLA provide purchasers of contaminated property with protection from liability as bona fide prospective purchaser (BFPP). In order to be a BFPP, the buyer must meet the statutory requirements that are set forth in 42 U.S.C. §9601(40) and 9607. A purchaser who meets these requirements is not a liable party under CERCLA for any pre-existing contamination on the purchased property. The purchaser is of course liable for any contamination that it causes on the purchased property.

This Site is presently not on the NPL nor does EPA have any current plans to perform any assessment or removal work at the Site under CERCLA. Further, if EPA was to take action under CERCLA, a purchaser of the Site who complies with the requirements of 42 U.S.C. §9601(40) would not be a liable party for any pre-existing contamination.

This letter addresses EPA's intentions under the RCRA Subtitle C program, and CERCLA. This letter does not address any possible actions by the State of Michigan with respect to any potential RCRA corrective action, underground storage tank, or other requirements that the State might deem appropriate at the facility. This letter is provided solely for informational purposes and does not provide a release from RCRA or CERCLA liability. Finally, this letter would not apply to any entity in the future that engaged in the treatment, storage or disposal of RCRA hazardous waste on this site.

If you have any questions regarding this letter, or if we can be of further assistance, please do not hesitate to contact Peter Felitti at (312) 886-5114 or, Todd Gmitro, of my staff, at (312) 886-5909.

Sincerely,

A handwritten signature in black ink, appearing to read "Jose G. Cisneros", with a long horizontal flourish extending to the right.

Jose G. Cisneros, Chief  
RCRA Remediation and Reuse Branch  
Land and Chemicals Division

cc: De Montgomery, MDEQ  
Grant Trigger, RACER

