

Road Right-of-Way Restrictions for Contaminated Areas

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517-284-5149

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Road Map

- Institutional Controls 101
- Historical Options for ROWs
- Currently Available Option
- Collaboration and Outreach Efforts
- Senate Bill 717
- MS4 Compliance
- Examples

Restricted Closure - Generally

- Concentrations of hazardous substances remain above generic residential criteria
 - Land or resource use restriction (LRUR) may be used to address the remaining risk if:
 - LRUR is protective, and
 - Persons who own and use property have knowledge

LRURs: What and Why?

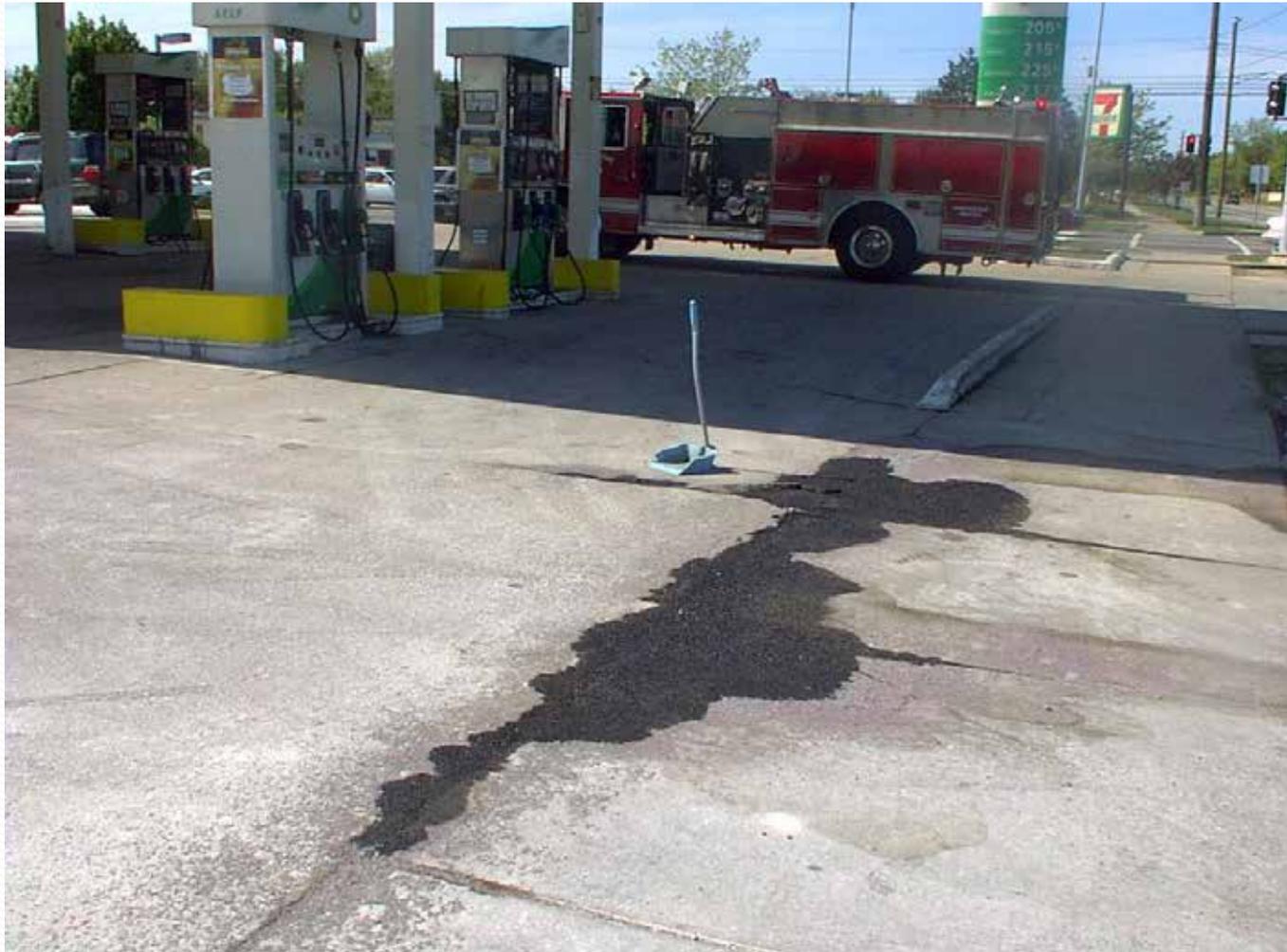
- Place activity and use limitations on contaminated property or resources
 - Reduce or restrict exposure
 - Assure the effectiveness and integrity of containment or exposure barriers
 - Assure the effectiveness and integrity of response activities
 - Provide for access



Understand the Difference ECs vs. LRURs

- Engineering controls (Physical)
 - vapor barriers, physical or hydraulic containment, asphalt/concrete, vapor mitigation fans, etc.
- LRURs (Paper / Legal)
 - “Institutional Controls” (EPA)
 - Protects integrity of EC or minimize potential for human exposure to contamination

Road Right-of-Way Contamination



Institutional Control History

- **MDOT**
 - 5-year construction permit
 - Notice of Environmental Conditions
 - Environmental License Agreement
- **Local Roads**
 - Road dedication letter
 - RRD Op Memo 6
 - Drinking water pathway only
 - DEQ alternate institutional control form

Form Overview

- Restrictions are not practical in ROW
- Addresses all exposure pathways
- Informs all affected property interests
- Provides information to ensure management of contamination is managed and exposure risks
 - When planning and performing construction projects, including worker safety and exposure control
- Fosters completion of remedial/corrective actions

Status of Requests and Executed Forms

LUGs that have executed the AIC:

- Bay County Road Commission
- City of Adrian
- City of Albion
- City of Alpena
- City of Battle Creek
- City of Cadillac
- City of Flint
- Village of Homer
- City of Onsted
- City of Taylor
- City of Wyoming



Collaboration/Outreach

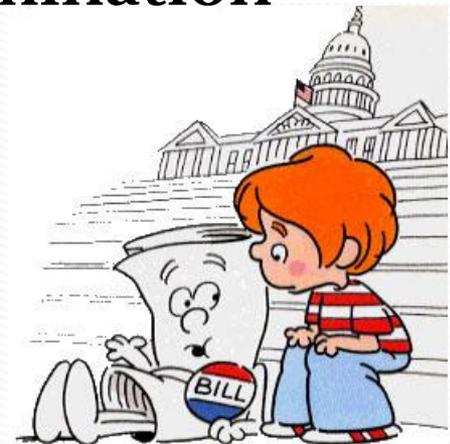
- Ongoing collaboration
 - In person meetings, phone calls, emails
- Early 2015 Surveys
 - MPA members and consultants
 - Results – 6 responses/multiple LUGs
 - LUGs
 - Survey posted on MML Inside 208 Blog
 - Results – 2 entities responded

Continued Collaboration and Outreach for LUGs

- **Other educational materials:**
 - **MDOT License Agreements process**
 - **RRD's LUG outreach program**
 - **Help LUGs better understand Michigan's clean-up laws.**

Senate Bill 717

- Introduced by Senator Casperson on 1/21/2016
- Passed by Senate on 4/12/2016
- Introduced in House and referred to Committee on Natural Resources
- Outlines two methods to leave contamination in place in a public highway
 - State (MDOT)
 - Local Units of Government (LUG)



Municipal Separate Storm Sewer Systems

MDOT

- Environmental license agreement w/conditions
- Submit Closure Report within 1 year
- DEQ determination that release is in compliance with GSI criteria
- DEQ determination that residual contamination will likely attenuate
- Acceptable plan to eliminate discharge

Municipal Separate Storm Sewer Systems

MDOT, cont.

- Environmental License Agreement application process

http://www.michigan.gov/mdot/0,4616,7-151-9623_26662_26679_27267_48606-306445--,00.html

- Storm water assessment

http://www.michigan.gov/documents/mdot/stormwater_assessment_section_of_TSR_7-16-14_468514_7.pdf

Appendix C - Options for Eliminating an Illicit Discharge of Contaminated Groundwater into your MS4

Is groundwater infiltrating into your MS4?

No → No further action required.

Yes

Is the groundwater contaminated?

Groundwater is considered contaminated if a pollutant is present above background concentrations representative of the area had a discharge or release of pollutants not occurred. Fuels and solvents are common sources of pollutants that may contaminate groundwater.

No → No further action required.

Yes

The discharge of contaminated groundwater is currently authorized under an NPDES permit.

The contaminated groundwater is an illicit discharge in accordance with the MS4 permit and shall be eliminated. The following are options for eliminating the illicit discharge.

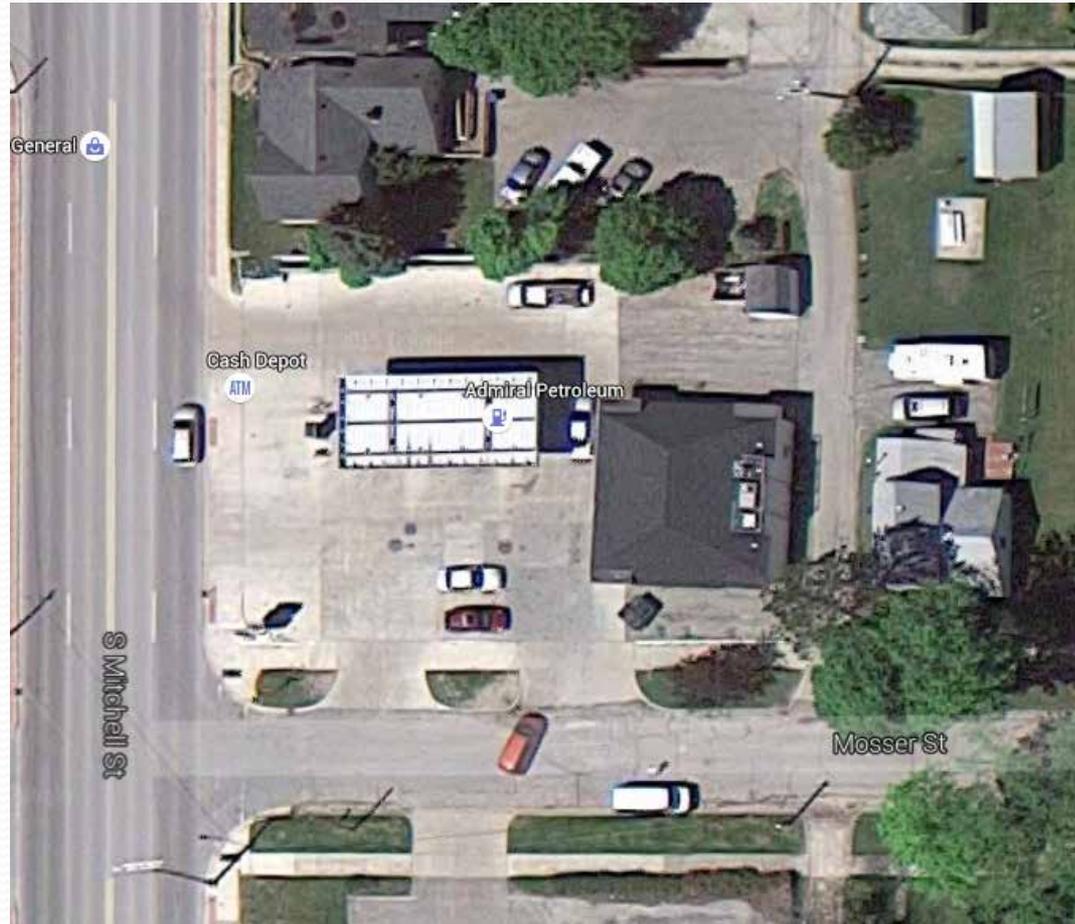
Eliminate the infiltration into your MS4. Options include lining the storm sewer, lowering the water table in the area of the storm sewer, or moving the storm sewer.

Require the owner or operator of the illicit discharge to apply for and obtain an NPDES permit for a discharge of wastewater to surface waters of the state via the storm sewer.

Require immediate treatment of the contaminated groundwater to uncontaminated groundwater levels prior to infiltrating into the storm sewer.

Optional: Develop a plan to eliminate the illicit discharge as part of your Illicit Discharge Elimination Program. Where progress is being made to eliminate the illicit discharge, a compliance period may be granted. The plan shall include the reasonable period of time (e.g., five years) expected for pollutant concentrations to be reduced to uncontaminated levels.

Local Executed ROW AIC City of Cadillac



Former Total Station #9095

DEQ MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY - REMEDIATION AND REDEVELOPMENT DIVISION
PO BOX 30426, LANSING, MI 48909-7926, Phone 571-284-5149, Fax 571-241-9551

ROAD RIGHT-OF-WAY ALTERNATE INSTITUTIONAL CONTROL

INSTRUCTIONS: The party proposing to use the road ROW as an alternate institutional control (IC) shall complete Sections 1 through 4. If any underlying fee simple title ownership interests exist in the affected ROW, the submitter shall obtain consent, as appropriate, of all parties in Section 3. The LUG, tribal government, or other authority who owns or controls the ROW, except the Michigan Department of Transportation, shall complete Section 5. The party proposing shall submit the completed form and all attachments with a Response Activity Plan or No Further Action Report pursuant to Part 201 or a Final Assessment Report or Closure Report pursuant to Part 213 to the appropriate District Office. See DEQ form EQP4410 at www.michigan.gov/DEQ/rd/Offices/Map for a complete list of RRD District and Field Offices. The MDEQ Reference Number can be obtained by contacting the Remediation and Redevelopment Division at deq-rrd@michigan.gov or by calling 517-284-5153.

SECTION 1. SUBMITTER INFORMATION:		MDEQ REFERENCE NUMBER: LROW-RRD-213-14-001	
SITE OR FACILITY NAME: Former Total Station #9095		SITE OR FACILITY ID NUMBER: 00009415	
STREET ADDRESS: 805 South Mitchell Street			
CITY: Cadillac	ZIP: 49601	COUNTY: Wexford	
NAME OF PARTY PROPOSING ROW IC: MRP Properties Company, LLC	EMAIL ADDRESS: Shay.Wideman@valero.com		
STREET ADDRESS: One Valero Way	CITY: San Antonio	STATE: TX	ZIP: 78249
CONTACT PERSON: C. Shay Wideman	PHONE: 210-345-4663	FAX: 210-370-4663	
DEQ District Office: <input checked="" type="checkbox"/> Cadillac <input type="checkbox"/> Gaylord <input type="checkbox"/> Grand Rapids <input type="checkbox"/> Jackson <input type="checkbox"/> Kalamazoo <input type="checkbox"/> Lansing <input type="checkbox"/> Saginaw Bay <input type="checkbox"/> SE Michigan <input type="checkbox"/> Upper Peninsula			

SECTION 2. AFFECTED ROAD RIGHT-OF-WAY INFORMATION:

1. Location/description of affected ROW: The westernmost 60 feet of Mosser Street, adjacent to the intersection of South Mitchell Street.

2. Known or Suspected Contaminant(s) Type (Check all that apply):
 Petroleum Volatile Organic Compounds Metals Other

3. Is residual/mobile NAPL present: YES NO Csat soils detected, see discussion in #9 below.

4. Media Contaminated:
 a. Soil Depth to contaminated soil: Approximately 7 feet below grade
 b. Groundwater Depth to contaminated groundwater: Predominant groundwater flow direction:

5. Contamination present within ROW construction/excavation zone: YES NO

6. Presence of utilities in affected ROW: YES NO
 If present, show the location, depth and cross section of each utility on a Scaled Drawing (see #10)
 Impact to stormwater system: YES NO
 Impact to stormwater permit and discharge limits: YES NO
 Is the stormwater system classified as a Municipal Separate Storm Sewer System (MS4): YES NO

7. Have all affected easement holders in ROW received notification of existing conditions: YES NO

8. Does the ROW have any underlying fee simple title ownership interests: YES NO
 If yes, consent of underlying fee title holders obtained (see Section 3) to the use of this institutional control: YES NO

9. Exposure risks present: Drinking Water Direct Contact Inhalation Soil Excavation/Relocation
 a. Based on the exposure risks identified above, insert a paragraph below which describes the affected media, the nature and extent of the hazardous substances, the cleanup criteria exceeded, the routes of potential exposure, any response activities that have been taken to address the contamination, and any activities that could result in exposure to hazardous substances that would cause this alternate institutional control to not be protective of public health, safety, and welfare (e.g. use of the groundwater for consumption, irrigation, or any other use; any excavation or intrusive activity that would result in contaminated soils to be placed at the ground surface or

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ROAD RIGHT-OF-WAY ALTERNATE INSTITUTIONAL CONTROL

9.a. continued
 otherwise the exacerbate the extent of contamination).

In 1992, a release of gasoline from a Leaking Underground Storage Tank (LUST) occurred from the Facility. Through various subsurface investigations, excavations and monitoring activities from 1992 to 2011, MRP Properties Company, LLC determined impacted soil remains adjacent to the Facility in the Mosser Street ROW. Public and worker exposure to impacted soil in the Mosser Street ROW will be limited as long as Mosser Street remains a road.

From May to June 2009, an excavation at the Facility removed a total of 2,759 tons of source area soils. A portion of the excavation extended into the Mosser Street ROW. Three excavation soil samples (collected under the sidewalk in the Mosser Street ROW) indicated gasoline concentrations in the soil exceed default Tier I Risk-Based Screening Levels (RBSLs) pursuant to Part 213 Leaking Underground Storage Tanks of the Natural Resources and Environmental Protection Act (NREPA), P.A. 451, as amended. Soil analytical data collected from surrounding soil borings indicates the extent of this impacted soil is limited. The depth of impacted soil is approximately 6.5 to 7.5 feet below grade. The average depth to groundwater in this area is 7.5 feet below grade. Groundwater analytical results from samples collected since the 2009 soil excavation do not indicate any RBSL exceedances for any gasoline parameters in this area. Refer to Exhibits A1 through A3 for an estimated extent of soil impact map, a geological transect location map and a geological cross-section detailing the Mosser Street ROW.

Management and disposal of the groundwater for short-term dewatering for construction purposes should be conducted in accordance with all applicable local, state, and federal laws and regulations and in a manner that does not cause or result in a new release, exacerbation of existing contamination, or any other violation of local, state, and federal environmental laws and regulations.

Management of all contaminated soils, media and/or debris located in the road right-of-way shall be in accordance with the applicable requirements of Section 20120c or Section 21304b of the NREPA; Part 111, Hazardous Waste Management, of the NREPA; Subtitle C of the Resource Conservation and Recovery Act, 42 U.S.C. Section 6901 et seq.; the administrative rules promulgated thereunder; and all other relevant state and federal laws.

10. Provide a Scaled Drawing and Property Description, or survey if available, that describes the subject property, obtained from a title commitment or vesting deed. At a minimum, the Scaled Drawing should include:

- A north arrow.
- A graphical scale bar and scale statement (i.e. 1"=50').
- The limits of the property plotted, to scale, showing the relationship to LUG or other Authority ROW.
- The transportation corridor name identified.
- A statement identifying the Township, Range, Section, and Quarter Section where the parcel is located.
- The limits of the area of impact plotted to scale. This area should be hatched and labeled appropriately.
- The location of significant site features such as buildings, drives, parking lots, and road surface.
- Cross section illustrating affected Right-of-Way, media, utilities and distribution of contaminated media.
- Most-recent analytical data illustrating contaminant compounds and concentrations within contaminated media.

11. Permanent markers required by the LUG, tribal government, or other authority to be placed within ROW. YES NO



Former Total Station #9095

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 PO BOX 30426, LANSING, MI 48209-7526, Phone 517-284-5148, Fax 517-241-9581

ROAD RIGHT-OF-WAY ALTERNATE INSTITUTIONAL CONTROL

SECTION 3. CONSENT OF FEE SIMPLE TITLE OWNER, IF APPLICABLE:

I, as the underlying fee simple title owner, do hereby consent to the use of this alternate institutional control and that the aforementioned Local Unit of Government, tribal government, or other authority is exercising its authority to assure the reliability of this alternate institutional control to prevent exposure to hazardous or regulated substances located below the road surface.

NOT APPLICABLE			
Signature	Print	Property Identification #	Date
Signature	Print	Property Identification #	Date
Signature	Print	Property Identification #	Date
Signature	Print	Property Identification #	Date

SECTION 4. SUBMITTER SIGNATURE:

I hereby attest to the accuracy of the statements in this document and all attachments.

	Donal Beaton	10-6-14
Signature	Print	Date

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 PO BOX 30426, LANSING, MI 48209-7526, Phone 517-284-5148, Fax 517-241-9581

ROAD RIGHT-OF-WAY ALTERNATE INSTITUTIONAL CONTROL

SECTION 5. LUG OR OTHER AUTHORITY CONFIRMATION OF ROAD RIGHT-OF-WAY INSTITUTIONAL CONTROL:

Name of Local Unit of Government or other Authority: City of Cadillac

The aforementioned Local Unit of Government (LUG), tribal government, or other authority attests that the current use of the affected road right-of-way is for public transportation. The LUG, tribal government, or other authority has no current plans to relocate, vacate, or abandon the affected portion of the affected road right-of-way. The LUG, tribal government, or other authority understands that the submitter intends to rely upon the existence of said road right-of-way to prevent unacceptable exposure to hazardous substances that may be present in the soil and/or groundwater within the affected road right-of-way. The LUG, tribal government, or other authority understands that there may be additional costs to the LUG, tribal government, or other authority when disturbing the area of impact in the future. The LUG, tribal government, or other authority has a reliable mechanism to document the location and will provide notification of the contamination in the affected road right-of-way to parties requesting access.

The LUG, tribal government, or other authority executing this alternate institutional control certifies that EITHER of the following conditions has been met:

a. based on representations of the submitter, all persons with ownership interests in the property/properties underlying the affected right-of-way described in this document have been notified regarding the conditions that are known at the time this alternate institutional control is executed, and consent for use of this alternate institutional control from the simple title ownership interests has been obtained where necessary.

OR:

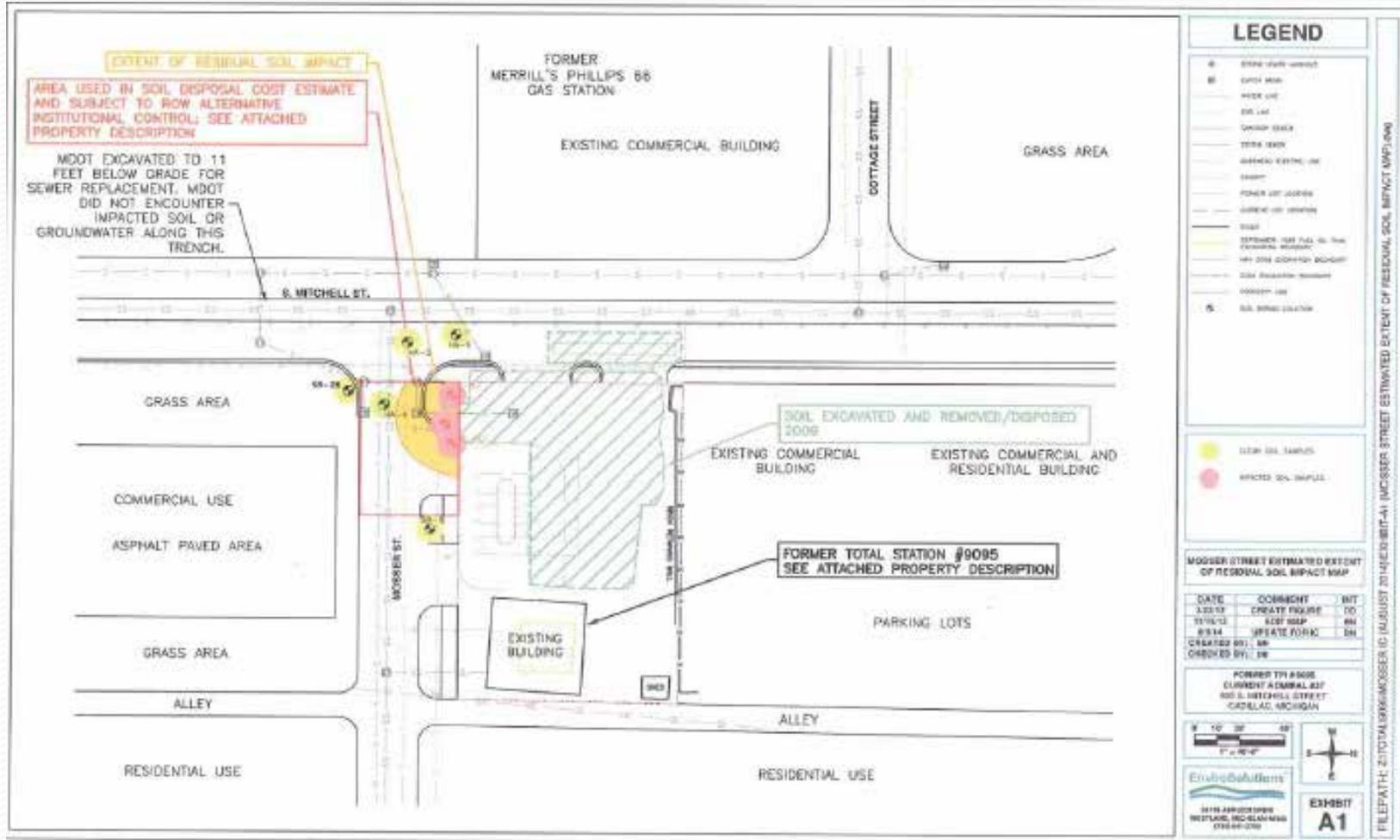
b. the LUG, tribal government, or other authority exercises exclusive control over the roadway and underlying properties affected by this alternate institutional control and is exercising its authority to assure the reliability of this alternate institutional control to prevent exposure to hazardous or regulated substances located below the road surface.

If the affected road right-of-way is proposed to be relocated, vacated or abandoned, the LUG, tribal government, or other authority will notify the appropriate Department of Environmental Quality District Office, identified in Section 1, and any adjacent underlying property owners no less than 90 days prior to the road being relocated, vacated, or abandoned. With my signature below, I certify that I am legally authorized to sign on behalf of the LUG, tribal government, or other authority.

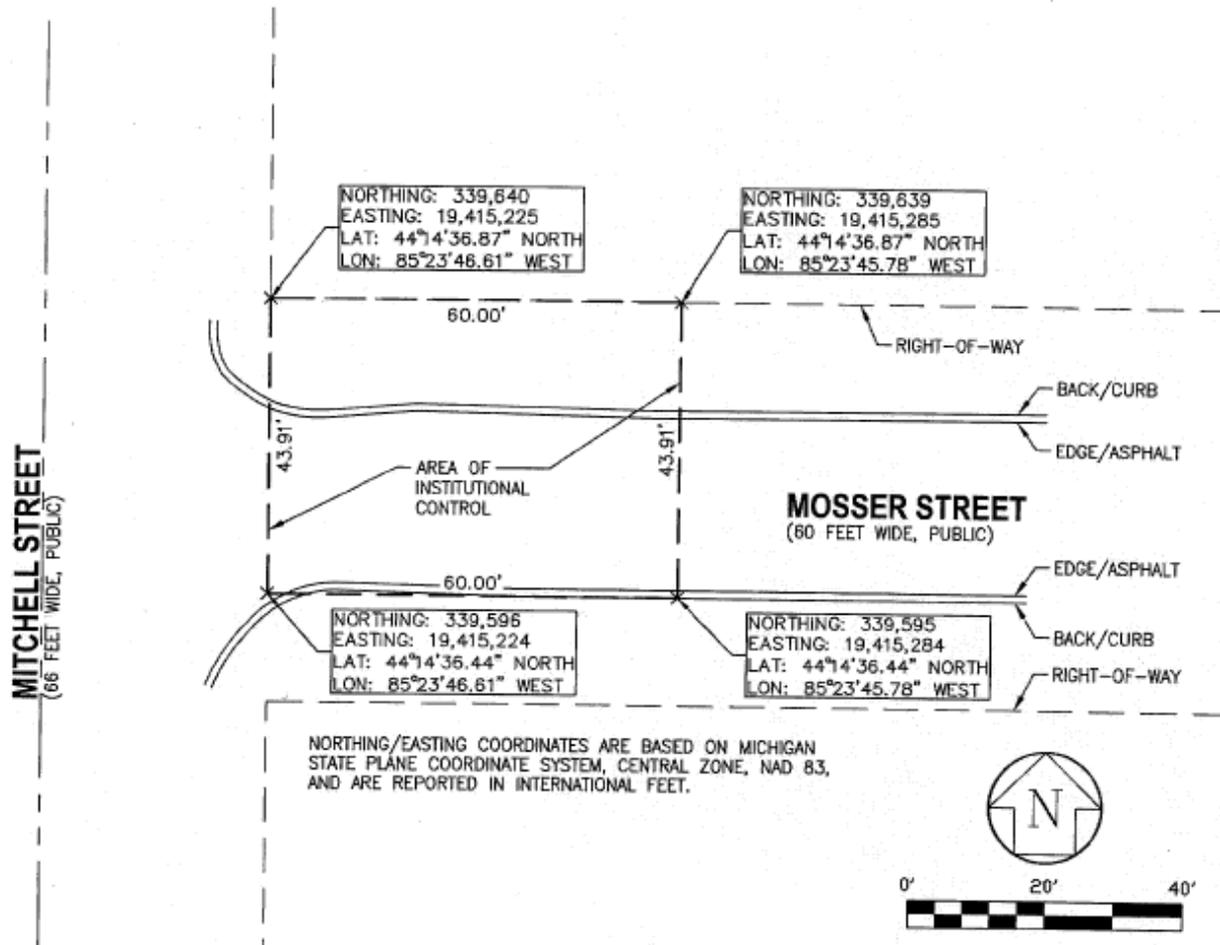
	Bruce DeWitt, Director of Public Works and Engineering	10/6/14
Signature of Authorized LUG or Authority Official	Print Authorized LUG or Authority Official	Date
City of Cadillac	200 North Lake Street, Cadillac, Michigan 49601	
Name of Local Unit of Government	Address, City, State, Zip	
(231) 775-0181	(231) 775-0755	engineer@pcadillac-mi.net
Phone Number	Fax Number	Email Address



Former Total Station #9095 Scaled Drawings



Former Total Station #9095 Scaled Drawings



Agreement between MRP Properties and Cadillac

- MRP agreed to pay \$7,000 to City
 - Held in a utilities account for cost of soil removal if in future, City needs to replace its sanitary sewer main.



Part 213 Executed ROW AIC City of Adrian



Adrian Shell Station

DEQ MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY - REMEDIATION AND REDEVELOPMENT DIVISION
PO BOX 30426, LANSING, MI 48909-7926, Phone 517-284-5087, Fax 517-241-9551

ROAD RIGHT-OF-WAY ALTERNATE INSTITUTIONAL CONTROL

When environmental contamination is proposed to remain in place within a road right-of-way (ROW) owned or controlled by a local unit of government (LUG), tribal government, or other authority, except the Michigan Department of Transportation, the "Road Right-of-Way Alternate Institutional Control" may serve as an alternate institutional control pursuant to Section 20114(3)(a) of Part 201, Environmental Remediation, or Section 21304(4) of Part 213, Leaking Underground Storage Tanks, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA). Acceptance of this institutional control by the LUG or other road ROW authority is discretionary and voluntary. Furthermore, the LUG or other road ROW authority may require approval of certain permits, license agreements, or financial bonding that may be necessary for the road ROW as a condition of their authorization of this alternate institutional control mechanism. The party proposing to use the road ROW alternate institutional control (AIC) shall complete Sections 1 through 4, if any underlying fee simple title ownership interests exist in the affected road ROW, the submitter shall obtain consent, as appropriate, of all parties in Section 3. The LUG, tribal government, or other authority that owns or controls the affected road ROW, except the Michigan Department of Transportation, shall complete Section 5. The party proposing this AIC shall submit the completed form and all attachments with a No Further Action Report pursuant to Part 201 or a Final Assessment Report or Closure Report pursuant to Part 213 to the appropriate District Office. The MDEQ Reference Number can be obtained by contacting the Remediation and Redevelopment Division at deq-rod@michigan.gov or by calling 517-284-5163.

SECTION 1. SUBMITTER INFORMATION: MDEQ REFERENCE NUMBER: LROW-RRD-213-14-005

SITE OR FACILITY NAME: Adrian Shell SITE OR FACILITY ID NUMBER: 00009963

STREET ADDRESS: 711 S. Main Street

CITY: Adrian ZIP: 49221 COUNTY: Lenawee

NAME OF PARTY PROPOSING ROW AIC: Walters-Dimmick Petroleum, Inc. EMAIL ADDRESS: ldale@waltersdimnick.com

STREET ADDRESS: 1820 S. Kalamazoo Avenue CITY: Marshall STATE: MI ZIP: 49068

CONTACT PERSON: Mr. Terry Dale PHONE: (269) 781-4654 FAX: (269) 789-2553

DEQ District Office: Cadillac Gaylord Grand Rapids Jackson Kalamazoo Lansing Saginaw Bay
 SE Michigan Upper Peninsula

SECTION 2. AFFECTED ROAD RIGHT-OF-WAY INFORMATION:

1. Name of affected road ROW(s) and nearest intersection: W. Beecher St. ROW E of intersection with S. Main Street

2. Known or Suspected Contaminant(s) Type (Check all that apply):
 Petroleum Volatile Organic Compounds Metals Other

3. Is residual/mobile NAPL present in the affected road ROW: YES NO

4. Media Contaminated:
a. Soil Depth to contaminated soil: 12 feet
b. Groundwater Depth to contaminated groundwater: 14 feet Predominant groundwater flow direction: West

5. Contamination present within affected road ROW construction zone as defined by road ROW authority for maintaining road ROW: YES NO
If yes, depth of construction zone in feet: 12-feet

6. Presence of utilities in the affected road ROW: YES NO
If present, show the location, depth and cross section of each utility on a Scaled Drawing (see #10)
Impact to stormwater system: YES NO
Impact to stormwater permit and discharge limits: YES NO
Is the stormwater system classified as a Municipal Separate Storm Sewer System (MS4): YES NO

7. a. Are there easement holders in the road ROW: YES NO
b. If yes, are those easement holders affected by the contamination present: YES NO
c. Have all affected easement holders in the road ROW received notification of existing conditions as part of a corrective action plan or pursuant to the due care requirements: YES NO

8. Does the affected road ROW have any underlying fee simple title ownership interests: YES NO
If yes, was consent of underlying fee title holders obtained (see Section 3) to the use of this AIC: YES NO

9. Exposure risks present: Drinking Water Direct Contact Groundwater Soil Excavation/Relocation

Remediation and Redevelopment Division
Phone: 517-284-5087

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MDEQ - RRD
JACKSON DISTRICT OFFICE

During removal of four underground storage tanks (USTs) in May 2009, a release of unleaded gasoline was discovered based on staining and petroleum odors in soils surrounding the USTs. A total of 878 cubic yards of soil was excavated and disposed off-site in a landfill. On behalf of Walters-Dimmick Petroleum, Inc., environmental investigations and groundwater monitoring were conducted between 2009 and 2011.

Results of soil and groundwater sampling and analysis indicate remaining soil and groundwater contamination is essentially confined to within the site boundaries. At a sampling point designated SB-4/RW-8, located approximately 5 feet from the northern site boundary, contaminated soils were detected at a depth of 12 feet below the ground surface and contaminated groundwater was detected at a depth of approximately 14 feet below the ground surface. These results indicate soil and groundwater contamination could extend into the W. Beecher Street right-of-way. Considering the westward direction of groundwater flow, northward migration of soil and groundwater contamination into the right of way appears to be minimal. Contaminants were not detected in soil and groundwater samples collected from soil borings and monitoring wells on the north side of W. Beecher Street. Contaminated groundwater and soils are below the depths of utilities in the W. Beecher Street right-of-way.

Detected concentrations of contaminants in groundwater exceed Tier I Risk Based Screening Levels (RBSL) for Drinking Water (DW) and Groundwater/Surface Water Interface (GSI). Detected concentrations of contaminants in soils exceed GRCC for Drinking Water Protection (DWP) and Groundwater/Surface Water Interface Protection (GSIP).

In the unlikely event of construction or maintenance below the water table, management and disposal of the groundwater for short-term dewatering for construction purposes should be conducted in accordance with all applicable local, state, and federal laws and regulations and in a manner that does not cause or result in a new release, exacerbation of existing contamination, or any other violation of local, state, and federal environmental laws and regulations.

Costs for transporting and disposal of contaminated soil (i.e., soil containing gasoline constituents at concentrations above their respective current Tier I RBSLs) excavated from depths greater than 12 feet below ground surface within the described portion of the West Beecher Street right-of-way will be paid for as described in the AGREEMENT CONCERNING THE WEST BEECHER STREET RIGHT-OF-WAY, ADRIAN, MICHIGAN, document.

Management of all contaminated soils, media and/or debris located in the road right-of-way shall be in accordance with the applicable requirements of Section 20120c or Section 21304b of the NREPA; Part 111, Hazardous Waste Management, of the NREPA; Subtitle C of the Resource Conservation and Recovery Act, 42 U.S.C. Section 6901 et seq.; the administrative rules promulgated thereunder; and all other relevant state and federal laws.

10. Provide a Scaled Drawing and Property Description, or survey if available, that describes the source property, obtained from a title commitment or vesting deed. At a minimum, the Scaled Drawing should include:

- A north arrow.
- A graphical scale bar and scale statement (e.g. 1"=50').
- The limits of the source property plotted, to scale, showing the relationship to the LUG or other authority ROW and other affected parcels.
- The roadway(s) name identified.
- A statement identifying the Township, Range, Section, and Quarter Section where the parcel is located.
- The limits of the affected road ROW plotted to scale. This area should be hatched and labeled appropriately.
- The location of significant site features such as buildings, drives, parking lots, and road surface.
- Cross section illustrating depth of construction zone, affected road ROW, media, utilities and distribution of contaminated media.
- Most recent analytical data illustrating contaminant compounds and concentrations within the contaminated media.

11. Is the LUG, tribal government, or authority requiring permanent marker(s) placed within affected ROW: YES NO

SECTION 3. CONSENT OF FEE SIMPLE TITLE OWNER, IF APPLICABLE:

I, as the underlying fee simple title owner, do hereby consent to the use of this alternate institutional control and acknowledge: 1) that there are hazardous substances within the affected road ROW that may present exposure risks as described in this document; 2) that there are controls to address these risks; and 3) the LUG, tribal government, or other authority is exercising its authority to control activities within the ROW to prevent these exposure risks.

Signature	Print	Property Identification #	Date

Remediation and Redevelopment Division
Phone: 517-284-5087

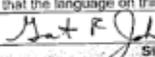
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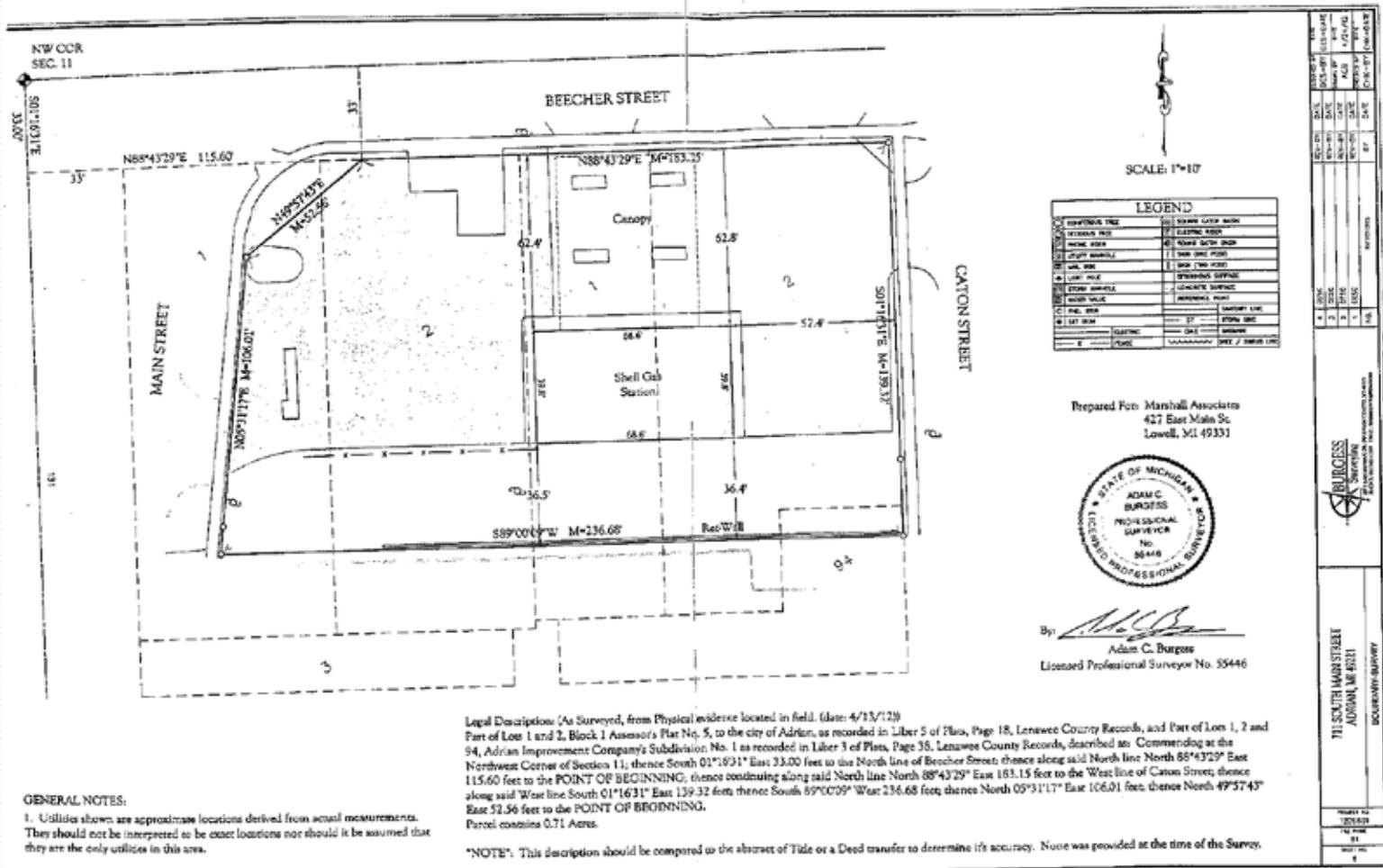
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Adrian Shell Station

Signature	Print	Property Identification #	Date
SECTION 4. SUBMITTER SIGNATURE:			
I, as the submitter identified in Section 1, or the qualified consultant authorized to complete this document on the submitter's behalf, hereby attest to the accuracy of the statements in this document and all attachments. I further certify that the language on this document has not been modified.			
	Garnet R. Johnson		3-1-16
Signature	Print		Date
SECTION 5. LUG OR OTHER AUTHORITY CONFIRMATION OF ROAD RIGHT-OF-WAY INSTITUTIONAL CONTROL:			
Name of Local Unit of Government or other Authority: City of Adrian			
The aforementioned LUG, tribal government, or other authority attests that the current use of the affected road right-of-way is for public transportation. The LUG, tribal government, or other authority has no current plans to relocate, vacate, or abandon the portion of the affected road right-of-way. The LUG, tribal government, or other authority understands that the submitter intends to rely upon the existence of said road right-of-way to prevent unacceptable exposure to hazardous substances that may be present in the soil and/or groundwater within the affected road right-of-way. The LUG, tribal government, or other authority understands that there may be additional costs to the LUG, tribal government, or other authority when disturbing the area of impact in the future. The LUG, tribal government, or other authority has a reliable mechanism to track the location and will provide notification of the contamination in the affected road right-of-way to parties requesting access.			
The LUG, tribal government, or other authority executing this alternate institutional control certifies that EITHER of the following conditions has been met:			
a. Based on representations of the submitter, all/vary persons with ownership interests in the property/properties underlying the affected road right-of-way described in this document have been notified regarding the conditions that are known at the time this alternate institutional control is executed, and consent for use of this alternate institutional control from fee simple title ownership interests has been obtained where necessary.			
-OR-			
b. The LUG, tribal government, or other authority exercises exclusive control over the affected road right-of-way and the portions of the properties underlying the affected road right-of-way identified in this alternate institutional control and is exercising its authority to assure the reliability of this alternate institutional control to prevent exposure to hazardous or regulated substances located below the road surface.			
If the affected road right-of-way is proposed to be relocated, vacated or abandoned, or other conditions that result in revocation of this alternate institutional control, the LUG, tribal government, or other authority agrees to notify the appropriate Michigan Department of Environmental Quality District Office, identified in Section 1, and any adjacent/underlying property owners no less than 90 days prior to the road being relocated, vacated, or abandoned. With my signature below, I certify that I am legally authorized to sign on behalf of the LUG, tribal government, or other authority.			
	JIM BERRYMAN		
Signature of Authorized LUG or Authority Official	Print Authorized LUG or Authority Official		
MAYOR		4-28-15	Date
CITY OF ADRIAN		135 E MAWEE ADRIAN MI 49221	Address, City, State, Zip
577 264 4829		TBERMAN@ADRIANMI.GOV	Email Address
Phone Number	Fax Number	Email Address	

Adrian Shell Station



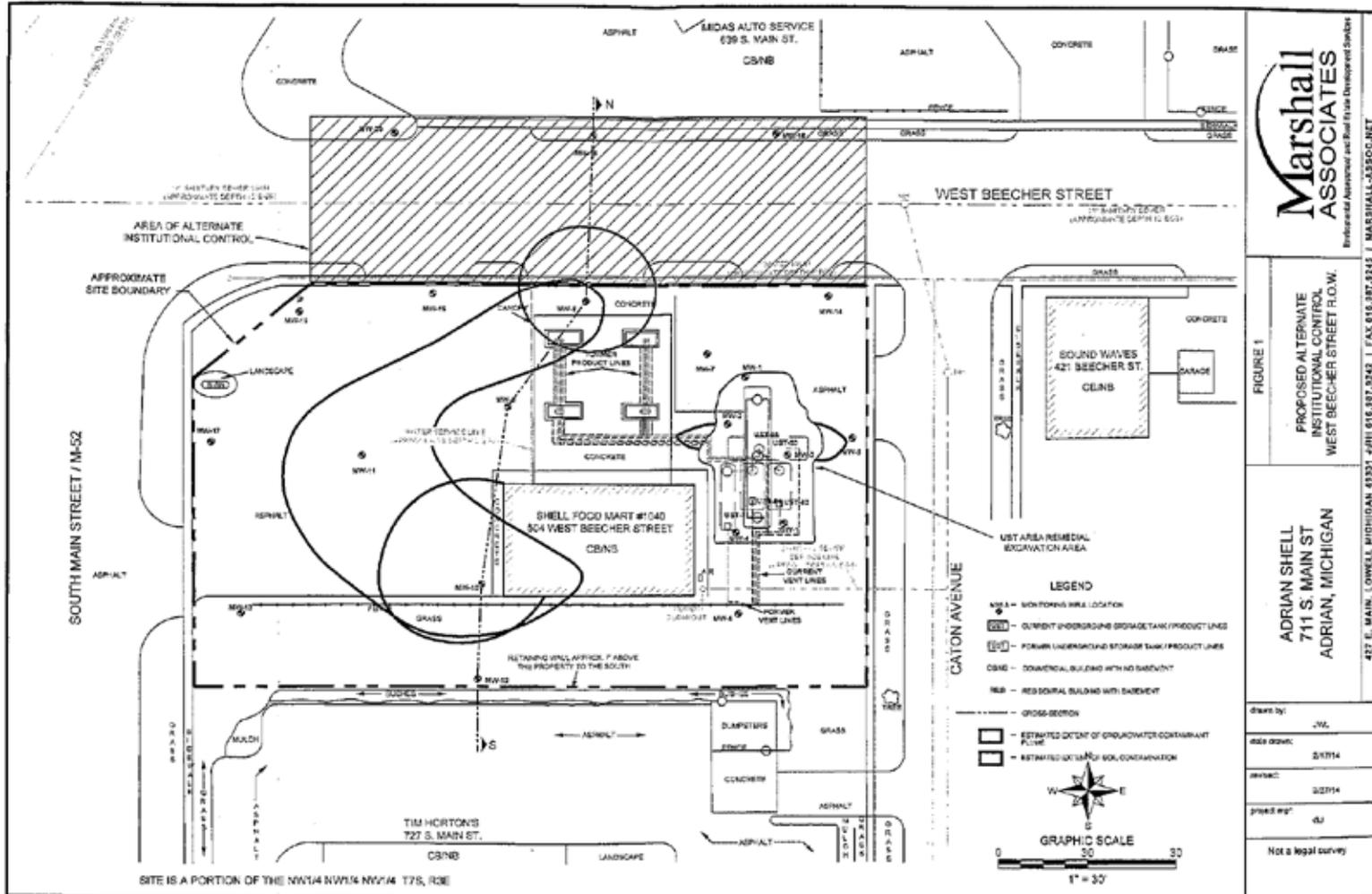
Legal Description: (As Surveyed, from Physical evidence located in field. (date: 4/13/12))
 Part of Lot 1 and 2, Block 1 Assessor's Plat No. 5, to the city of Adrian, as recorded in Liber 5 of Plats, Page 18, Lenawee County Records, and Part of Lots 1, 2 and 94, Adrian Improvement Company's Subdivision No. 1 as recorded in Liber 3 of Plats, Page 36, Lenawee County Records, described as: Commencing at the Northwest Corner of Section 11; thence South 01°16'31" East 33.00 feet to the North line of Beecher Street; thence along said North line North 88°43'29" East 115.60 feet to the POINT OF BEGINNING; thence continuing along said North line North 88°43'29" East 183.15 feet to the West line of Caton Street; thence along said West line South 01°16'31" East 139.32 feet thence South 89°00'09" West 236.68 feet; thence North 09°51'17" East 106.01 feet; thence North 49°57'43" East 52.56 feet to the POINT OF BEGINNING.
 Parcel contains 0.71 Acres.

GENERAL NOTES:
 1. Utilities shown are approximate locations derived from aerial measurements. They should not be interpreted to be exact locations nor should it be assumed that they are the only utilities in this area.

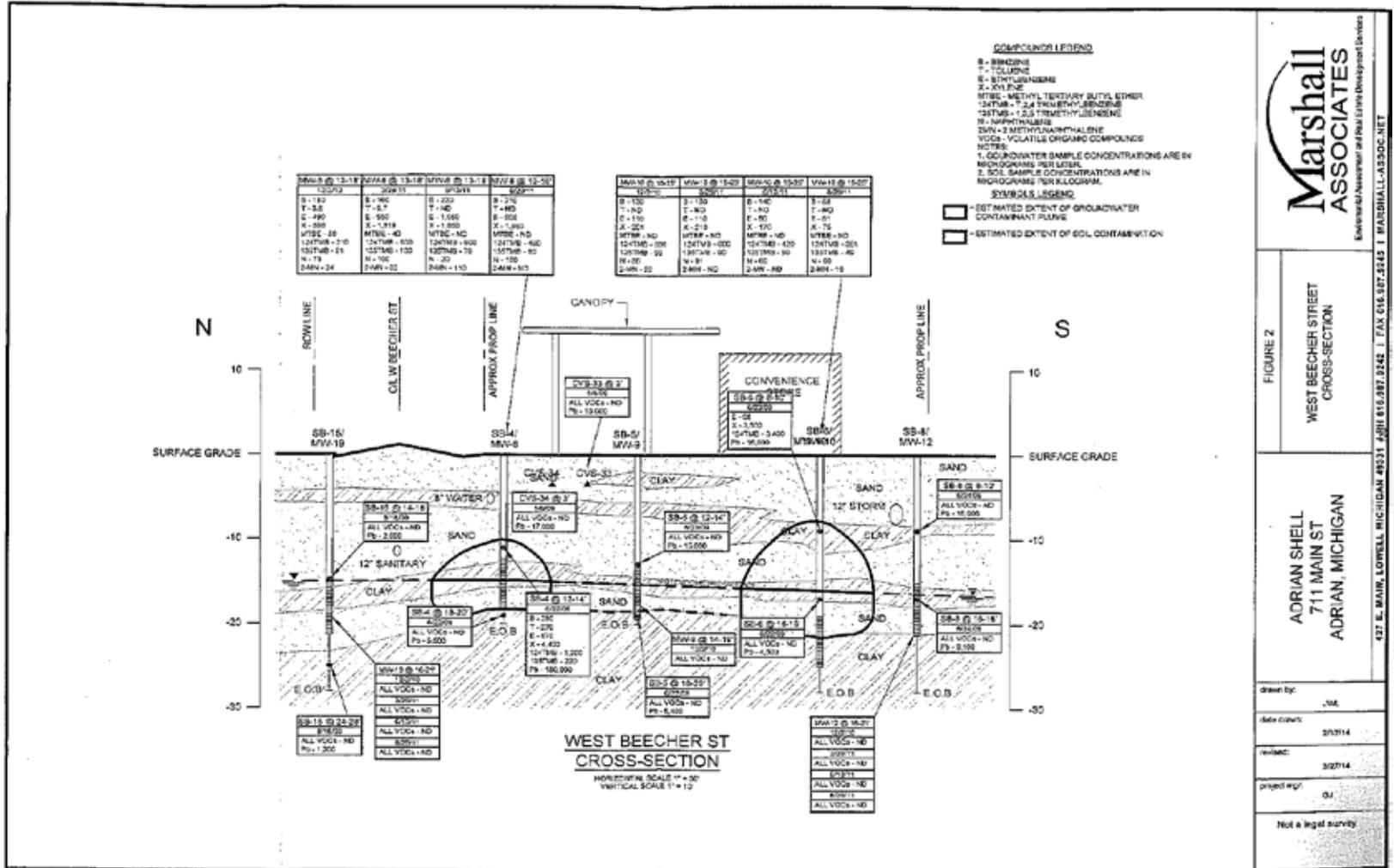
*NOTE: This description should be compared to the abstract of Title or a Deed transfer to determine its accuracy. Note was provided at the time of the Survey.



Adrian Shell Station



Adrian Shell Station



Marshall ASSOCIATES
 Environmental Assessment and Real Estate Development Services

FIGURE 2
 WEST BEECHER STREET
 CROSS-SECTION

ADRIAN SHELL
 711 MAIN ST
 ADRIAN, MICHIGAN

427 E. MAIN, LOWELL, MICHIGAN 49331 | PH: 810.887.3244 | FAX: 810.887.3245 | WWW.MARSHALL-ASSOCIATES.COM

drawn by:	JML
date client:	2/3/14
rev/acc:	3/27/14
project wgt:	01
Not a legal survey	

Adrian Shell Station

One Final Note

- Agreement between Walters-Dimmick Petroleum, Inc. (WDP) and City of Adrian
 - Limited to Area of AIC
 - WDP will reimburse City for reasonable costs
 - City will notify WDP no less than 90 days
 - WDP has no responsibility to contamination not inferred to have originated from WDP
 - Contamination below RBSLs = agreement terminates

Questions?

