



Michigan Department of Environmental Quality  
Remediation and Redevelopment Division

Form EQP3853 is to be used for the Notice of Corrective Action. Please reference Operational Memorandum No. 6 to guide you in completing the form for the Final Assessment Report or the Closure Report. The instructions and forms can be found at: [www.michigan.gov/deqrrd](http://www.michigan.gov/deqrrd). Scroll down and click on Operational Memoranda, Cleanup Requirements, Forms, and Guidance. Proceed to click on Operational Memorandum No. 6.

Notice of Corrective Action-Final Assessment Report EQP3853A (Rev 12/2007)

The Michigan Department of Environmental Quality (MDEQ) will not discriminate against any individual or group on the basis of race, sex, religion, age, national origin, color, marital status, disability, or political beliefs. Questions or concerns should be directed to the MDEQ Office of Human Resources, P.O. Box 30473, Lansing, MI 48909.

## NOTICE OF CORRECTIVE ACTION

MDEQ Reference No. NCA-RRD-213-\_\_\_\_\_

This Notice of Corrective Action (Notice) was recorded with the \_\_\_\_\_ County Register of Deeds to protect public health, safety, and welfare, and the environment by prohibiting uses of the property located in \_\_\_\_\_ and legally described in the attached Exhibit 1 (Property) that are inconsistent with the environmental condition of the Property.

The Property is associated with \_\_\_\_\_ for which a Final Assessment Report (FAR) was completed under Part 213, Leaking Underground Storage Tanks, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA), MCL 324.21301 *et seq.* Corrective actions that were implemented to address environmental contamination are fully described in the FAR dated \_\_\_\_\_. A copy of the FAR is available from the Michigan Department of Environmental Quality (MDEQ) Remediation and Redevelopment Division District Office.

The FAR required the recording of this Notice with the \_\_\_\_\_ County Register of Deeds to assure that the use of the Property is consistent with the exposure assumptions used to develop the \_\_\_\_\_ cleanup criteria employed by the FAR pursuant to Section 21304a(2) of the NREPA and the RBCA process. This Notice is based upon information available at the time the FAR was implemented. Failure of the corrective action to achieve and maintain the cleanup criteria and requirements specified in the FAR; future changes in the environmental condition of the Property or changes in the cleanup criteria developed under Section 21304a(2) of the NREPA; the discovery of environmental conditions at the Property that were not accounted for in the FAR; or use of the Property in a manner inconsistent with the restrictions described below may result in this Notice not being protective of public health, safety, and welfare, and the environment. The restrictions contained in this Notice are based upon information available at the time the FAR was implemented by \_\_\_\_\_.

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### Definitions

For the purposes of this Notice, the following definitions shall apply:

“MDEQ” means the Michigan Department of Environmental Quality, its successor entities, and those persons or entities acting on its behalf.

“Owner” means at any given time the then-current title holder of all or any portion of the Property.

“RBCA” means the American Society for Testing and Materials (ASTM) document entitled, “Standard Guide for Risk-Based Corrective Action Applied at Petroleum Release Sites,” Designation E 1739-95.

All other terms used in this document which are defined in Part 3, Definitions, of the NREPA; Part 213 of the NREPA; Part 201, Environmental Remediation, of the NREPA; or the Part 201 Administrative Rules (Part 201 Rules), 1990 AACS R 299.5101 *et seq.*, shall have the same meaning in this document as in Parts 3, 213, and 201, and the Part 201 Rules, as of the date this Notice is filed.

### Summary of Corrective Actions

\_\_\_\_\_

THEREFORE,

#### 1. Declaration of Land Use Restrictions

a. Prohibited Land Uses. In accordance with the FAR, \_\_\_\_\_, \_\_\_\_\_, covenants that the Property is subject to the following restriction:

(1) The Owner shall prohibit all uses of \_\_\_\_\_ that are not compatible with the \_\_\_\_\_ uses allowed under Section 21304a(2) of the NREPA, and generally described in the “Description of Allowable Uses,” attached as Exhibit 3. \_\_\_\_\_. Cleanup criteria for land use-based corrective actions are located in the Government Documents Section of the Library of Michigan.

b. Owner Acknowledgements. The Owner also acknowledges that:

(1) If there is any proposed change in the land use at any time in the future, that change may necessitate further evaluation of potential risks to the public health, safety, and welfare, and to the environment and that the MDEQ must be contacted regarding any proposed change in the land use.

\_\_\_\_\_

2. MDEQ Access. The Owner grants to the MDEQ and its designated representatives the right to enter the Property at reasonable times for the purpose of determining and monitoring compliance with the FAR, including the right to take samples, inspect the operation and maintenance of the corrective action measures and inspect any records relating to them, and to perform any actions necessary to maintain compliance with Part 213 and the FAR.

3. Conveyance of Property Interest. A conveyance of title, easement, or other interest in the Property shall not be consummated by the Owner without adequate and complete provision for compliance with the terms of the FAR and this Notice. A copy of this Notice shall be provided to all future owners, heirs, successors, lessees, easement holders, assigns, and transferees by the person transferring the interest in accordance with Section 20116(3) and Section 21310a(2)(c) of the NREPA.

4. Audits Pursuant to Section 21315 of the NREPA. This Notice is subject to audits in accordance with the provisions of Section 21315 of the NREPA, and such an audit may result in the finding by the MDEQ that this Notice is not protective of the public health, safety, and welfare, and the environment.
5. Term of Notice. This Notice shall run with the Property and is binding on the Owner; future owners; and their successors and assigns, lessees, easement holders, and any authorized agents, employees, or persons acting under their direction and control. This Notice may only be modified or rescinded with the written approval of the MDEQ.
6. Enforcement of Notice. The State of Michigan, through the MDEQ, and \_\_\_\_\_ may individually enforce the restrictions set forth in this Notice by legal action in a court of competent jurisdiction.
7. Disclaimer. This Property contains regulated substances in excess of the concentrations developed as the unrestricted residential criteria under Section 21304a(2) of the NREPA. The MDEQ recommends that prospective purchasers or users of this Property undertake appropriate due diligence prior to acquiring or using this Property and undertake appropriate actions to comply with the requirements of Section 20107a of the NREPA.
8. Severability. If any provision of this Notice is held to be invalid by any court of competent jurisdiction, the invalidity of that provision shall not affect the validity of any other provision of this Notice, which shall continue unimpaired and in full force and effect.
9. Authority to Execute Notice. The undersigned person executing this Notice is the Owner, or has the express written permission of the Owner, and certifies that he or she is duly authorized to execute and record this Notice.

IN WITNESS WHEREOF, \_\_\_\_\_ has caused this Notice of Corrective Action, MDEQ Reference No. NCA-RRD-213-\_\_\_\_\_, to be executed on this \_\_\_\_\_ .

\_\_\_\_\_

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
Notary Public Signature

\_\_\_\_\_  
Notary Public, State of \_\_\_\_\_  
County of \_\_\_\_\_  
My commission expires: \_\_\_\_\_  
Acting in the County of \_\_\_\_\_

Drafted by: \_\_\_\_\_

Name: \_\_\_\_\_

Company: \_\_\_\_\_

Address: \_\_\_\_\_

**CONSENT OF OWNER**

I, \_\_\_\_\_, the current and legal Owner of the Property, do hereby consent to the recording of this Notice of Corrective Action and authorize \_\_\_\_\_ to file this Notice of Corrective Action with the \_\_\_\_\_ County Register of Deeds for recording:

\_\_\_\_\_

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
Notary Public Signature

\_\_\_\_\_  
Notary Public, State of \_\_\_\_\_

County of \_\_\_\_\_

My commission expires: \_\_\_\_\_

Acting in the County of \_\_\_\_\_

**EXHIBIT 1**

**LEGAL DESCRIPTION OF PROPERTY**

**EXHIBIT 2**

**SURVEY OF THE PROPERTY**

**OR**

**SURVEY OF THE PROPERTY AND LIMITS OF LAND USE RESTRICTIONS**

**EXHIBIT 3**

**DESCRIPTION OF ALLOWABLE USES**