



Michigan Department of Environmental Quality
Remediation and Redevelopment Division

Form EQP3887 is to be used for the Notice of Aesthetic Impact. 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. Scroll down and click on Operational Memoranda, Cleanup Requirements, Forms, and Guidance. Proceed to click on Operational Memorandum No. 6.

Notice of Aesthetic Impact-Closure Report EQP3887 (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 AESTHETIC IMPACT

MDEQ Reference No. NAI-RRD-213-_____

This Notice of Aesthetic Impact (Notice) was recorded with the _____ County Register of Deeds to protect public health, safety, and welfare, and the environment by describing environmental conditions existing at the property located at _____ and legally described in the attached Exhibit 1 (Property).

The Property is associated with _____ for which a Closure Report (CR) was conducted 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 CR dated _____. A copy of the CR is available from the Michigan Department of Environmental Quality (MDEQ) Remediation and Redevelopment Division District Office.

The CR required the recording of this Notice with the _____ County Register of Deeds to notify the public of environmental conditions at the Property which exceed the aesthetic criteria established pursuant to Section 21304a(2) of the NREPA. This Notice is based upon information available at the time the CR was implemented by _____. Failure of the corrective action to achieve and maintain the criteria and requirements specified in the CR; future changes in the environmental condition of the Property or changes in the cleanup criteria developed under Section 21304a(2) of the NREPA; or the discovery of environmental conditions at the Property that were not accounted for in the CR may result in this Notice not protecting public health, safety, and welfare, and the environment _____.

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 titleholder of all or any portion of the Property.

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 ACS 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. _____

In accordance with the CR, _____, _____, has determined that _____.

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 CR, 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 CR.

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 CR 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 independently enforce 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 Aesthetic Impact, MDEQ Reference No. NAI-RRD-213-_____, to be executed on this _____.

By: _____
Signature

Name: _____
Print or Type Name

Title

STATE OF _____
COUNTY OF _____

Notary Public Signature

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

CONSENT OF OWNER

I, _____, the current and legal Owner of the Property, do hereby consent to the recording of this Notice of Aesthetic Impact and authorize _____ to file this Notice of Aesthetic Impact with the _____ County Register of Deeds for recording:

By: _____
Signature

Name: _____
Print or Type Name

Its: _____
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 AESTHETIC IMPACT