

Michigan Department of Environment, Great Lakes, and Energy



Results of the Fiscal Year 2021 Compliance Assistance and Long-Term Monitoring of Institutional Controls Study

Assessment of Land Use Restrictions in Genesee and Kent County

Ron Smedley, Brownfield Assessment and Redevelopment Section
Kevin Schrems, Compliance and Enforcement Section
Remediation and Redevelopment Division
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1. Background

The Michigan Department of Environment, Great Lakes, and Energy (EGLE) has records of approximately 1,400 Restrictive Covenants (RCs) recorded on property deeds in Michigan as part of remedial or corrective actions implemented under Part 201, Environmental Remediation, of the Natural Resources and Environmental Protection Act, Public Act 451 of 1994, as amended (NREPA). There are 4,965 RCs recorded under Part 213, Leaking Underground Storage Tanks, of NREPA. Both statutes have requirements for long-term monitoring and reporting for land or resource use restrictions when certain conditions are met.

Due to the large number of RCs in Michigan and the lack of a formal long-term monitoring program, EGLE's Remediation and Redevelopment Division (RRD) initiated a pilot project in 2017 that included developing a RC review process and using that process to evaluate RCs on a limited number of properties. This is the fifth review of recorded RCs/Groundwater Use Ordinances related to Part 201 and Part 213 facilities.

2. Project Objectives

As part of EGLE's work plan for the United States Environmental Protection Agency (U.S. EPA) 2021 Fiscal Year 128(a) Brownfield Grant, RRD proposed to conduct a review of RCs under Project Management Task 1. This task was performed to evaluate compliance and monitoring with RCs. This year's review focused on the oldest recorded restrictive covenants in RRD's land or resource use restriction registry located in Kent and Genesee Counties.

These two counties were selected as representative of urban-rural counties, each with central cities, providing a wide variety of land uses, nearby populations, and types of restrictions (land use, resource use, direct contact). The general population data for both Kent and Genesee County is provided in *Table 1*.

Table 1: Population and Demographic Data for Michigan and Selected Units of Government

Selected Local Units of Government	Population	Population Change 2010-19	Median Household Income	Poverty Rate	Median Value of Owner-Occupied Housing
Michigan	9,986,857	1.0%	\$57,144	13.0%	\$154,900
Kent County	656,955	9.0%	\$63,053	11.2%	\$173,700
Grand Rapids	201,013	6.9%	\$50,103	20.4%	\$143,400
Wyoming	75,667	4.9%	\$54,328	12.1%	\$127,700
Genesee County	405,813	-4.7%	\$48,588	16.6%	\$111,100
Flint	95,538	-6.6%	\$28,834	38.8%	\$29,500
Flint Charter Township	30,357	-5.4%	\$41,167	19.4%	\$89,600

The varied range and age of the restrictions in these counties allowed for a streamlined site selection process. The restrictions that were reviewed are provided in *Attachment 1: Site Review List*.

The primary objectives of this pilot project are to:

1. Determine if the oldest recorded RCs are being complied with by the current property owners
2. Determine whether the conditions of the RC were known by the current owners or lessees of the properties prior to EGLE providing that awareness
3. Determine whether the conditions of the RCs are in effect
4. Evaluate one specific RC within each county

A secondary objective of this RC compliance evaluation is to examine the proximity of properties with RCs to environmental justice (EJ) indicators. Michigan's definition of environmental justice is "the equitable treatment and meaningful involvement of all people, regardless of race, color, national origin, ability, or income and is critical to the development and application of laws, regulations, and policies that affect the environment, as well as the places people live, work, play, worship, and learn."

The Project Team decided to limit its evaluation in this report to showing the populations within a half mile radius of the RC sites. A more detailed evaluation will be conducted separately from this report, focusing on any issues of noncompliance with the RCs in these areas, and the potential exposure risks because of noncompliance.

3. Outputs and Outcomes

The outputs of this project are:

1. Project report
2. Database of site information
3. Update RRD's Remediation Information Data Exchange (RIDE) database with current property information
4. Individual checklists of properties selected for review

The following outcomes will continue to advance our ability to conduct long-term monitoring of RCs:

1. Increase the number of sites tracked for compliance in the LRUR database which can be analyzed in future years.
2. Expand outreach to new owners of sites that have restrictions. This is an important outcome of the review program, especially for the older RCs. Nearly all owners or contacts at the properties were provided copies of the RCs. Letters with a copy of the checklists will be sent to those owners with identified compliance issues.
3. Improve identification of sites with more complex restrictions, which may have the potential for impacting off-site properties through various exposure pathways and ensure that restrictions are protective of human health and the environment.
4. Evaluation of limited demographic/EJ data in areas surrounding RC sites and any compliance issues associated with those RCs. The U.S. EPA EJ Screen tool (EJ

Screen) was used to analyze EJ conditions within a 0.5-mile radius of the facility. The three primary EJ Screen reports were run for each of the sites being evaluated. The population data within 0.5 miles of the facilities being evaluated is summarized in *Chart 1* for Genesee County and *Chart 2* for Kent County.

4. Process

The reviews were conducted by the Grand Rapids and Lansing District Enforcement Coordinators, Nancy Johnson and Jaclyn Merchant. Ron Smedley and Kevin Schrems developed the project and analyzed the results.

The review team selected the oldest RCs recorded on 20 properties in Kent and Genesee Counties for examination. Site selection was done by running a query from the Known Environmental Response Mitigation Information Technology (KERMIT) database which tracks restrictions across the state. Sites that were duplicates from previous pilot projects were removed and replaced with the next RC on the list. The team used the processes described in the 2017 and 2018 reports to prepare a checklist for each review and conduct the site visit. Maps showing the general locations of sites within each county are included as *Map 1* and *Map 2*.

Both in-person site walks and less invasive visual reviews, restricted to publicly accessible areas, allowed flexibility in how the assessments were conducted. In addition, the team used site maps and street views from Google Earth to identify locations, site conditions, and land development over time. The field staff reviewed sites and procured access through phone calls and emails to property owners or business managers, where contact could be made through that process. On-site photos and discussions with owners/operators took place in most instances.

Data from the completed checklists was entered into the Land and Resource Use Restriction (LRUR) Access database. Use of the database allows for a consistent evaluation of site conditions and makes it easier to conduct calculations, sort data, and convert tables to Excel. *Attachment 2: Detailed Responses* shows the answers for each Compliance Monitoring Checklist (*Attachment 3*).

The Compliance and Enforcement Section or Field Operations Section will be sending review letters to the contact person at each site. The letters discuss the purpose of the project and describe the findings and remarks regarding property conditions at those properties with identified or potential compliance issues, as noted in the checklists. An example of the letter is included as *Attachment 4*. Additionally, the "Property Owners Guide to Restrictive Covenants Imposed at Sites of Environmental Contamination" (*Attachment 5*) will be included with the letter.

5. Data Analysis

According to the Land Resource and Use Restrictions Classification Totals by Program Statewide (*Attachment 6*) as of May 17, 2021, there were:

- 1,399 Part 201 restrictions encompassing 40,643 acres
- 4,965 Part 213 restrictions encompassing 10,703 acres

There are also 118 Part 111 (Hazardous Waste Management) restrictions encompassing 6,087 acres, 18 Other restrictions encompassing 3,678 acres, and eight Part 115 (Solid Waste Management) restrictions on 541 acres.

As of May 17, 2021, there were a total of:

- 663 recorded restrictions in the Grand Rapids District
- 169 recorded restrictions in Kent County, 25.5% of Grand Rapids District
- 440 recorded restrictions in the Lansing District
- 142 recorded restrictions in Genesee County, 32.3% of Lansing District

The average size of sites (both Part 201 and 213) in Genesee County is 1.09 acres and in Kent County it is 2.17 acres. The acreage of sites in Genesee and Kent Counties is shown in *Chart 3* and *Chart 4* respectively.

The number of restrictions filed per year from 1995 to 2020 is displayed graphically as *Chart 5: Part 201 and 213 Restrictions by Years Filed*.

The primary types of restrictive elements that are included in the sites which were reviewed included groundwater consumption, site specific, exposure barriers, and soil movement, amongst others. Older restrictions also had commercial, industrial, recreational, and residential categories associated with them. *Chart 6* shows the breakdown of the restrictive elements, while *Chart 7* shows the number of elements associated with each site.

Tracking ownership changes for properties with restrictions is a challenge for the RRD, but nonetheless important from a perspective of ensuring long-term compliance with the restrictions. Earlier studies indicated that the longer restrictions were in place, the less knowledge new owners had of what the restrictions meant, or how to comply with them. Owner awareness of restrictions associated with their property was evaluated and is summarized in Table 2. The data shows that for properties that changed ownership, only 21% of owners were aware of the restrictions on their property, as opposed to 31% awareness for properties that had not changed ownership.

Table 2: Owner Awareness of RCs/BEAs

Ownership Changed	Owner was aware before contact?	Owner Awareness % before contact	BEA Conducted where changed owner	BEA %
24	5	20.8%	12	50%
No Change in Ownership				
16	5	31.25%	-	-

The transfer of contaminated property is typically accompanied by the submittal of a Baseline Environmental Assessment (BEA) to EGLE. A BEA provides liability protection to the new owner or operator for contamination caused by others. In this study, 24 cases of ownership change were identified but only 12 BEAs were submitted to EGLE for those properties. This equates to 50% of the ownership changes taking place without the new owners possibly not understanding the site conditions or securing liability protection. Although property transactions include performing title search document history, it is reasonable to conclude that without performing a BEA, many property owners would also not otherwise know about the existence of a RC and thus not comply with the activity and use limitations contained therein.

During this study, nearly all owners or site representatives were provided with copies of the restrictions, greatly increasing the number of owners who were aware after contact.

Although knowledge or stated knowledge of restrictions seems to be at rates below 50%, those owners in substantial compliance with restrictions are at much higher rates. *Table 3: Percent of Sites in Compliance* shows that 90% of properties are generally compliant with specific restrictions. Sites are categorized as: 1. No evident compliance issues, 2. Noticeable conditions needing attention, and 3. Substantial non-compliance. No sites fell into the third category.

Table 3: Percent of Sites in Compliance

Restrictions substantially complied with (Category 1)	Restrictions substantially complied with %	Sites with one or more conditions needing attention (Category 2)	Sites with one or more conditions needing attention %
36	90%	4	10%

Zoning and land use types were evaluated by the team. Most sites conform to the current zoning classification for the area they are located, although specific zoning regulations were not reviewed. In Genesee County, 12 out of 20 sites excluded residential uses within the restrictions and in Kent County, 15 out of 20 sites excluded residential uses. *Chart 8* shows the primary land use types for sites in both counties.

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As evidenced previously, there were six BEAs associated with properties in Genesee County and six BEAs in Kent County (only the latest BEA was counted). However, the reviews noted 12 property ownership changes in Genesee and 12 property ownership changes in Kent.



Flint Fuel Stop, Inc. 1



Speedway #8749

Determining redevelopment of the properties was more nuanced than just evaluating ownership changes. Some properties had new construction, such as new gas stations at the former Flint Fuel Stop Inc., facility #7055, and the Speedway #8749, facility #9404, whereas others just had some improvements made, such as new pavement and building fascia at the former Caledonia Tractor and Equipment, facility #40751. Other than the four properties which were determined to be vacant (facility #2713, #36499, #41000001, and #11848), the majority of properties (36 of 40) were being actively used. There were two municipal, one school district, and two university/college properties in Kent County and four municipal, one school district, and one university property in Genesee County. One property in Grand Rapids, the former



Caledonia Tractor

GRF Industries (#41001212) was part of a brownfield tax increment financing redevelopment project, Icon on Bond¹.

The team attempted to locate the recorded restrictions on-line through the Kent and Genesee Counties Register of Deeds (RODs) webpages. In 14 cases, the restrictions were found under “miscellaneous deeds”. In 19 instances, the recorded restrictions were not found using on-line search records. Of those 19 where the restrictions could not be located, seven properties had changed hands, and of those, only one owner was aware of the restriction before being contacted by the reviewer. Five of the seven had BEAs.

6. Analysis/Lessons Learned and Questions for Future Study

Locating Filed Restrictions:

This review used the internet to look up RCs with the RODs on the county’s websites. This practice was available in the two counties selected, but not every county in Michigan has similar capability and some counties charge a document fee, even to the agency. The process was not without difficulty. It took time and effort to find the restrictions using various recording methods. The restrictions were not always consistently filed. The Department relies on the RODs to accurately file these documents/instruments for long-term protectiveness. Relying on a title search to pick up a document may not always be successful.

Possible explanations of owners not being aware of restrictions was because they either did not do a title search, the restriction did not show up in a title search, or the purchasers didn’t conduct a search because of how they bought the property (on contract or cash). The Environmental Mapper still has the sites listed, but not everyone knows that this is a source of information. EGLE’s Environmental Mapper is an online mapping application which allows a user to view sites of environmental contamination and leaking underground storage tank sites, and any land use or resource use restrictions imposed on a property that has been provided to the EGLE. A future project may order several title companies to perform title work for older RCs and see how, or if, the title history finds them.

Long-Term Relevancy:

Historically, there appears to be an assumption by liable parties and environmental consultants that placement of RCs was less expensive or caused less disturbance than response actions at the site. If environmental conditions change over time (through natural attenuation or supplementary treatment of the contamination), perhaps the

¹ Associated BEAs with Icon on Bond: RC-RRD-201-04-006 is for Union Foundry/GRF Industries/Skyline and is listed at 600 Bond Ave. The associated BEAs are for 538 Bond Avenue (B201403685) for Nassau Icon on Bond LLC, and 538, 600, and 601 Bond Avenue NW (B200301207GR) was for the Union Foundry LLC, Facility #41001212.

response actions would now be either less expensive or not necessary, therefore eliminating the need for certain restrictions. Owners may need to conduct sampling in the future, specifically where contamination was previously delineated in order to determine current levels and or migration of contamination. The Michigan Underground Storage Tank Authority (MUSTA) program might be used to meet some of the remediation and/or due care costs in the future.

This issue is currently beyond the scope of the report, but our suggestion is to begin conversation within the Institutional Control Technical and Program Support (IC TAPS) Team to determine if restrictions should be evaluated in the future and if the Department has the legal and human resource capacity to do this. A process may require that owners evaluate conditions every six to ten years as part of due care.

A primary example of where restrictions may be unnecessary is the placement of groundwater consumption restrictions. Of the 32 such restrictions, not one groundwater well was present at any of the sites. When the restrictions were filed, it would have been likely that these properties were required to utilize available municipal water. In urban areas, it might make more sense to first determine if municipal water is present and rely on a local ordinance that restricts the use of groundwater due to the presence of contamination rather than individual deed restrictions.

Documenting Site Conditions:

When reviewing the current condition of the RC, it would be helpful to see the condition the property at the time the restriction commenced. Requiring that photographs be submitted when a restriction is being filed would be helpful and should be considered. Having an initial baseline, EGLE could then follow up with additional photos at later dates to better track conditions. This might be specifically for protective covers, permanent markers, well locations, and land use.

Tracking Ownership and Redevelopment:

Tracking ownership changes at RC sites will ensure better compliance rates. The Department can do this in RIDE by updating owner information as BEAs are submitted or when brownfield redevelopment incentives (any state funding source or use of Tax Incremental Financing) are provided to developers. Links to other public information in local or county property databases, such as the State Equalized Value, and property improvements would provide better long-term tracking.

Improve linkage between RC sites and BEAs:

Several sites have been redeveloped without any BEAs being submitted. For some of these, the purchase of the properties may have been conducted with cash, not requiring due diligence on the part of financing companies/banks. Property owners may be unaware of the restrictions, as shown by a relatively large percentage (75%) of them not knowing about the RCs or not understanding the elements of the restriction until explained by the reviewers. The fact that 24 properties had new owners since the

restrictions were filed, with only 12 BEAs for those properties, may illuminate a gap in the Department's ability to track properties over time.

The team has generated several questions over the course of the LRUR reviews that need more investigation:

- A. What is the relevance of RCs over time? Do changes in property use/redevelopment make some RCs irrelevant?
- B. Are older restrictions still applicable to current property uses or changes in zoning?
- C. Have resource use restrictions been usurped by the presence of public utilities, specifically municipal water supplies?
- D. After X years, should property conditions be re-evaluated? The team recommends that every six to ten years, or upon receipt of a BEA that the property conditions be re-evaluated.
- E. How are due care obligations adequate to protect the users of the property vs. the use of restrictions alone, or in concert with due care?

7. Example Property Issue (case study) from District Offices

Genesee County - Analysis of Residential Property with General Motors Corporation (GM) RC:

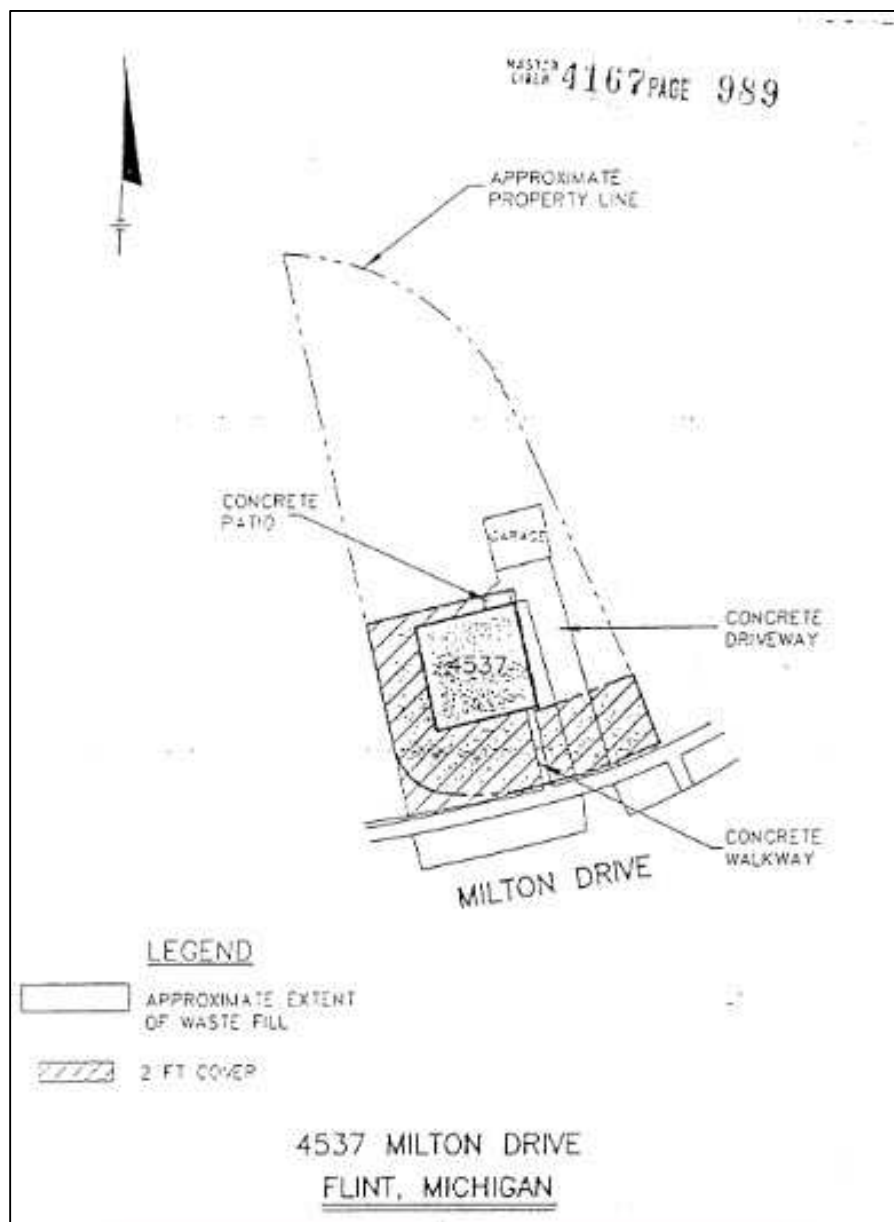
The property located at 4537 Milton Drive, Flint (Milton home) is a residential home with a basement and appeared to be occupied at the time of inspection. The Milton home is the location of historic contamination associated with GM activities including waste fill



disposed of at the Milton home property. Contaminants include carcinogenic polycyclic aromatic hydrocarbons, chlorinated volatile and semi-volatile organic compounds, metals, leads, non-petroleum hydrocarbons, and pesticides or herbicides. The contaminated fill was largely limited to the west and

south of the property. After the release, GM excavated some of the waste fill to a depth

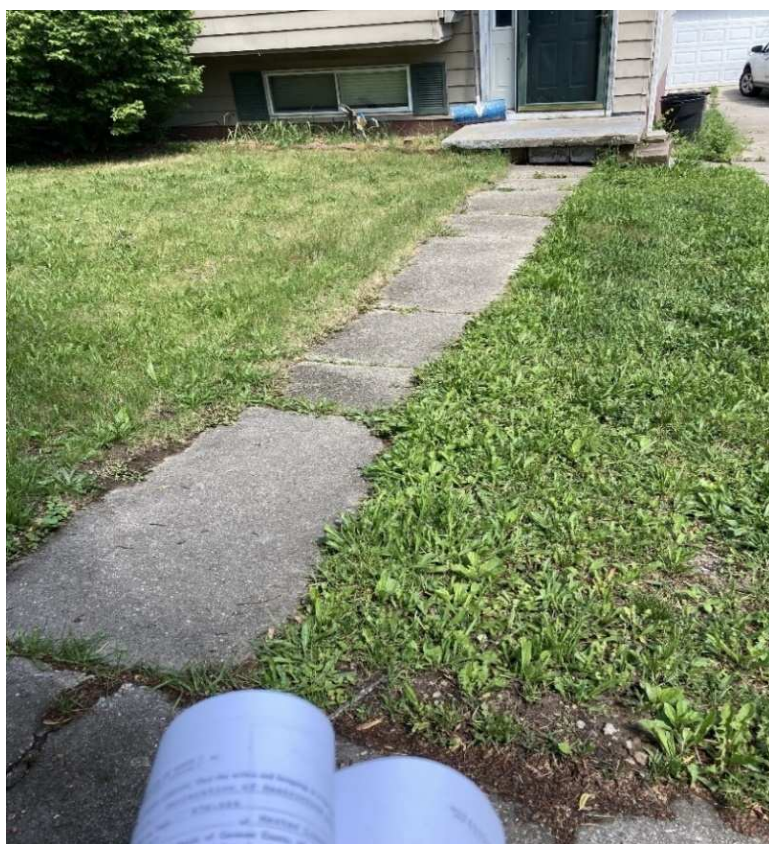
of approximately two feet below grade and backfilled the area with sand and topsoil. Grass seed was then planted. Subsurface waste remained at the property, as shown in the figure below. Contamination is located at least two feet below the surface and may exist below the basement floor, behind the basement walls, below the exterior ground surface, concrete patio, and the front steps and walkway.



Pictured Above – property features in relation to engineered barrier (cover).

A RC was placed on the Milton home property in May of 1999 as part of a Remedial Action Plan. The RC included the following resource use restrictions:

1. Prohibit excavation or related activities that could affect the integrity of the concrete patio, the front steps and walkway, the basement floor, and the basement walls below the exterior ground surface, unless otherwise approved by [EGLE], except that excavation is allowed to a depth of two feet within the remaining areas within the "Limits of Deed Restriction."
2. Prohibit extraction of, any use or any activity in groundwater beneath the Property.
3. The Owner shall avoid any direct contact with any underlying potentially contaminated soils, and shall properly maintain the concrete patio, the front steps and walkways, basement floor, the basement walls below the exterior ground surface, any landscaping, lawn, or other ground cover, repair any damaged or eroded areas, and perform all operation and maintenance activities set forth in Attachment B (Operation and Maintenance Plan) with respect to the Property.



An inspection was conducted of the property from the sidewalk on June 3, 2021, by Jaclyn Merchant, EGLE District Enforcement Coordinator. The Milton home appeared occupied, but no one answered the door when knocked. Online property information software showed that a company, RR 1238 Pinehurst LLC, was the property owner at the time of inspection. Ms. Merchant was unable to reach the property owner.

Upon inspection it was clear that the concrete walkway, stairs, and patio were in poor condition. The property did not appear to be very well maintained. It was unknown if

any improvements were made to the property, nor what condition the basement was in.

Kent County - Analysis of Former Gas Station and Notice of Rescission:



During the review of Kent County Register of Deeds records (filed within the last 30 years) for the property associated with the Former United Station #6267 site at 346 Fulton Avenue SW, Grand Rapids, the documents presented included the State initiated restrictive covenant (filed in 2002 and the only restrictive covenant noted) and an “agreement Terminating Restrictive Covenants”

filed in 2012. This last “agreement” contained language that stated that previous owners “....desired to terminate the Restrictions so that the property is free of the Restrictions”. In following up with the attorney who drafted this “agreement” (the present property owner’s attorney), he indicated that there was language placed in the body of a previous warranty deed that restricted the use of the property, and that those were the restrictions that were being terminated. He also indicated that it was his understanding that the property was no longer contaminated but said that the restrictive covenant initiated by the state back in 2002 would not be affected by a legal reading of the “agreement”.

When questioned about a lay persons understanding of what was implied with the language of the “agreement”, the attorney indicated that any real estate attorney doing work in downtown Grand Rapids would be able to decipher what the “agreement” implied.



To ensure that the present property owner (Grand Valley State University) and all future owners of the property are aware of the restrictions (present owner’s

representative was not aware of the restrictions prior to being informed and was doing earthwork on the property at the time of being informed), the State is drafting a restrictive covenant for placement on the deed reiterating the restrictions still in effect on the property due to the contamination that remains.

Charts

1. Genesee County Population within ½ Mile
2. Kent County Population within ½ Mile
3. Acreage of Sites in Genesee County
4. Acreage of Sites in Kent County
5. Years of Registrations
6. Types of Restrictive Elements
7. Number of Restrictive Elements per Site
8. Land Use Types

Chart 1: Population within 1/2 Mile of Sites in Genesee County

ID	Reference Number	County	Facility Name	Facility ID	Site ID	Property Description	Population Within Half Mile
3	RC-RRD-213-05-019	Genesee	Genesee County Rd. Commission	00000932		Genesee County Rd. Commission	209
14	RC-RRD-213-01-008	Genesee	Allen's Cleaners	00036499		On-Site	385
4	RC-RRD-213-05-031	Genesee	Genesee Ceramic Tile Dist Inc	00007255		on-site location	493
1	RC-RRD-213-05-030	Genesee	Flint Service Center	00017430		Flint Service Center	540
11	RC-RRD-213-04-167	Genesee	Owen Road Amoco #21	00005664		Owen Road Amoco #21	570
19	RC-RRD-213-09-075	Genesee	GM Truck & Bus Group-Flint Metal	00017247		On-site location	575
8	RC-RRD-213-05-028	Genesee	Charter Township of Genesee	00000191		Charter TWP of Genesee	592
13	RC-RRD-213-04-163	Genesee	Flint Fuel Stop Inc	00007055		Flint Fuel Stop Inc	829
20	RC-RRD-213-05-229	Genesee	Speedway #8749	00009404		On-Site	879
16	RC-RRD-213-03-022	Genesee	Former Speedway LLC #8757	00008091		On-Site	1114
17	RC-RRD-213-03-003	Genesee	TPI Petroleum/Total Station #2023 - RESCINDED	00016380		On-site	1401
5	RC-RRD-213-05-046	Genesee	Kettering University	00015896		Kettering University	1706
15	RC-RRD-213-04-147	Genesee	Mt. Morris Consolidated Schools	00035507		Mt. Morris Consolidated Schools	2020
6	RC-RRD-213-05-034	Genesee	Genesee County Rd. Commission	00000936		Genesee County Rd. Commission	2124
10	RC-ERD-98-013	Genesee	Windiate Park	25000689	25000689	Off-site location	2422
18	RC-RRD-213-04-820	Genesee	Speedway #6254	00017024		On-site	2729
9	RC-RRD-213-05-024	Genesee	Speedway #8753	00016957		Offsite	2956
2	RC-RRD-213-05-195	Genesee	Bobs Car Wash	00001598		Bobs Car Wash	3234
12	RC-RRD-213-04-162	Genesee	Cotharin & Cameron Cleaners	00002713		Cotharin & Cameron Cleaners	4505
7	RC-RRD-213-04-158	Genesee	Admiral Petroleum #123	00012339		Admiral Petroleum #123	4919
				Average			1710

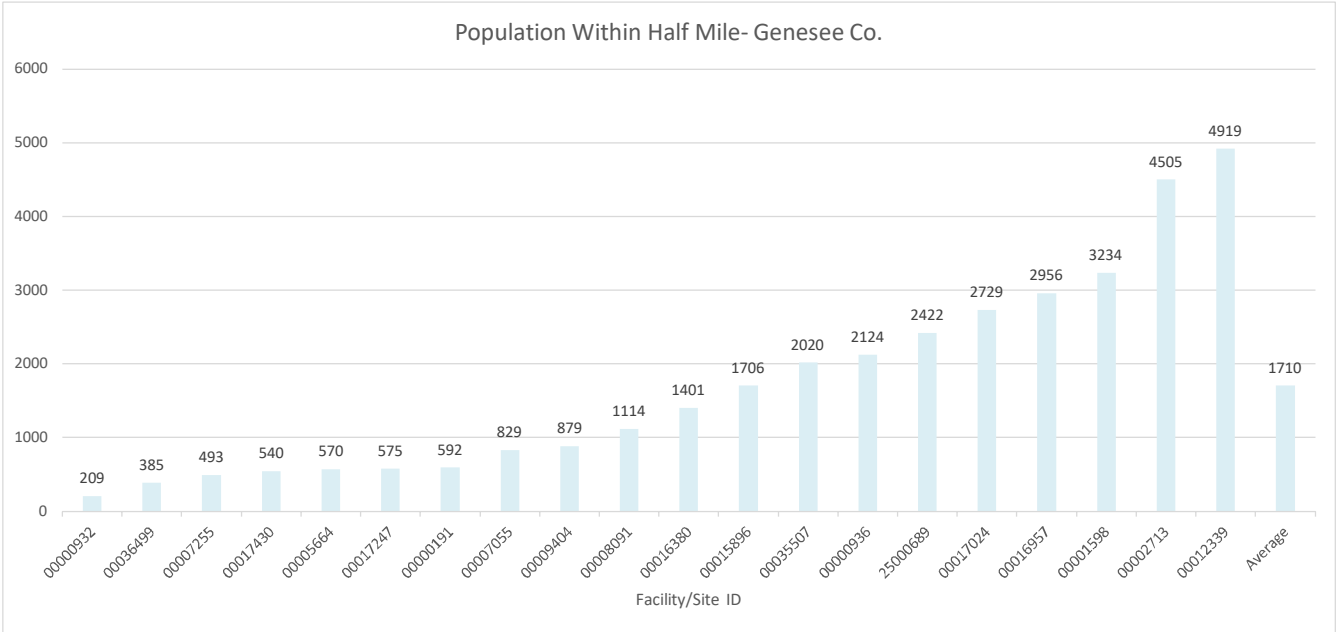


Chart 2: Population within 1/2 Mile of Sites in Kent County

ID	Reference Number	County	Facility Name	Facility ID	Site ID	Property Description	Population Within Half Mile
40	RC-RRD-213-05-125	Kent	Crystal Flash - Lowell Bulk Plant	00005279		Crystal Flash - Lowell Bulk Plant	45
37	RC-RRD-213-04-439	Kent	Grand Rapids Wastewater Treatment Plant	05002427		Grand Rapids Wastewater Treatment Plant	380
38	RC-RRD-213-04-437	Kent	Caledonia Tractor and Equip (Former)	00040751		On-site location	398
27	RC-RRD-213-04-403	Kent	Caledonia Community Schools Transportation Garage	00006495		Caledonia Community Schools Transportation Garage	465
34	RC-RRD-213-04-434	Kent	Amoco Service Station #5878	00005657		Amoco Service Station #5878	843
23	RC-RRD-213-04-446	Kent	Lowell, City of, Department of Public Works	00033426		Lowell, City of, Department of Public Works	907
26	RC-RRD-213-04-409	Kent	Falcon Foam Corporation (Formerly Falcon Mfg)	00011303		Falcon Foam Corporation (Formerly Falcon Mfg)	1046
35	RC-RRD-201-99-001	Kent	Organic Chemicals, Inc.	41000051	41000051	Organic Chemicals, Inc.	1234
30	RC-ERD-201-01-009	Kent	Mich Con MGP - Annex Property	41000045	41000045	On-Site	1952
31	RC-ERD-01-013	Kent	Able Finishing Company	41000001	41000001	Description	2304
32	RC-RRD-213-04-426	Kent	United Station #6267 (Former)	00011848		United Station #6267 (Former)	2771
39	RC-RRD-201-06-005	Kent	GRF Industries Inc	41001212	41001212	Former Grand Rapids Foundry Industries	2799
21	RC-RRD-201-04-026	Kent	No-Am Corporation	41000768	41000768	No-Am Corporation	3477
29	RC-RRD-213-04-420	Kent	Shell Service Station (Former) Wic# 521-5000-0041	00010531		Shell Service Station (Former) Wic# 521-5000-0041	3677
36	RC-RRD-213-04-413	Kent	Georgia-Pacific Distribution Center	00000003		Georgia-Pacific Distribution Center	3848
33	RC-RRD-213-04-400	Kent	Calvin College	00000331		Calvin College	4093
22	RC-RRD-213-04-457	Kent	Mobil Service Station 04-KAQ	05001762		Mobil Service Station 04-KAQ	4123
28	RC-RRD-213-04-451	Kent	Marathon #2815	00018171		Marathon #2815	4411
24	RC-RRD-213-04-430	Kent	Boulevard Center	00003786		Boulevard Center	4763
25	RC-RRD-213-04-398	Kent	Service Station #0020	00005704		Service Station #0020	6940
				Average			2524

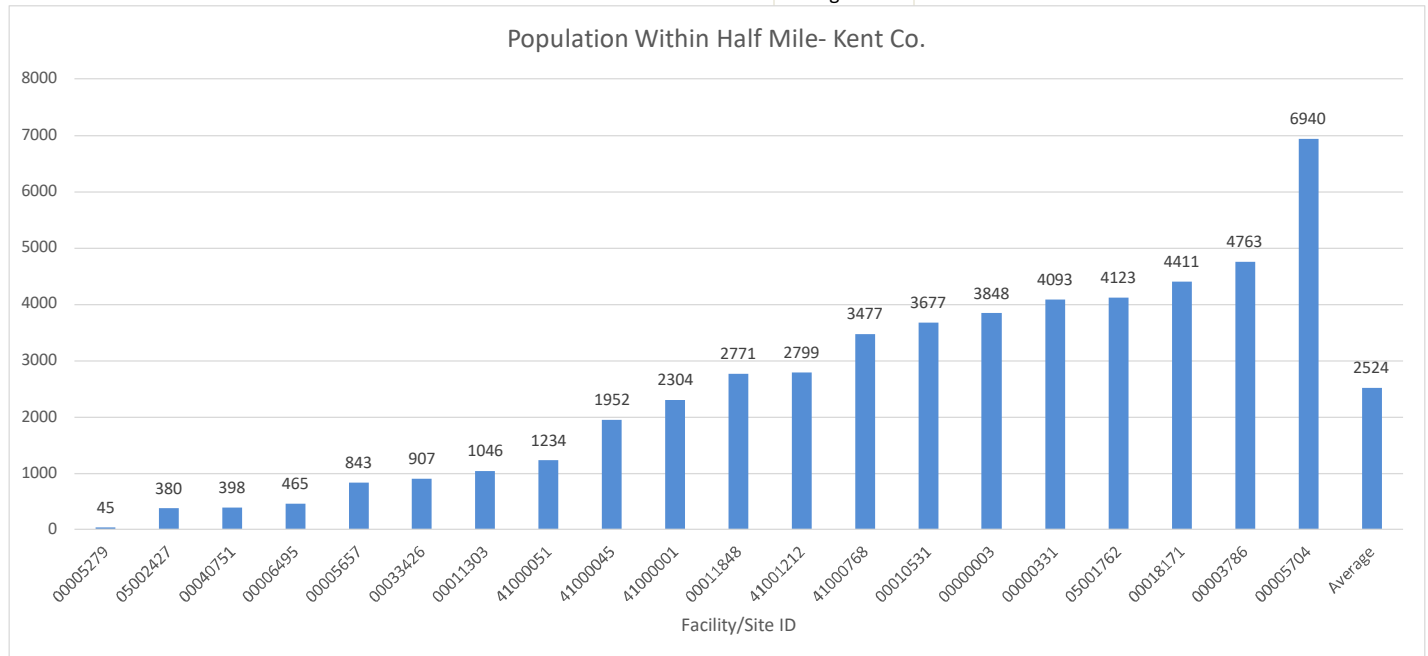


Chart 3: Acreage of Sites in Genesee County

ID	Reference Number	District	County	Facility Name	Facility ID	Site ID	Property Description	Acreage	Land Use Type
16	RC-RRD-213-03-022	Lansing	Genesee	Former Speedway LLC #8757	00008091		On-Site	0.0003	Commercial
5	RC-RRD-213-05-046	Lansing	Genesee	Kettering University	00015896		Kettering University	0.0031	Residential
19	RC-RRD-213-09-075	Lansing	Genesee	GM Truck & Bus Group-Flint Metal	00017247		On-site location	0.0433	Industrial
1	RC-RRD-213-05-030	Lansing	Genesee	Flint Service Center	00017430		Flint Service Center	0.2365	Industrial
10	RC-ERD-98-013	Lansing	Genesee	Windiate Park	25000689	25000689	Off-site location	0.25	Residential
12	RC-RRD-213-04-162	Lansing	Genesee	Cotharin & Cameron Cleaners	00002713		Cotharin & Cameron Cleaners	0.2848	Commercial
17	RC-RRD-213-03-003	Lansing	Genesee	TPI Petroleum/Total Station #2023 -	00016380		On-site	0.3307	Commercial
7	RC-RRD-213-04-158	Lansing	Genesee	Admiral Petroleum #123	00012339		Admiral Petroleum #123	0.4031	Commercial
14	RC-RRD-213-01-008	Lansing	Genesee	Allen's Cleaners	00036499		On-Site	0.4643	Commercial
3	RC-RRD-213-05-019	Lansing	Genesee	Genesee County Rd. Commission	00000932		Genesee County Rd.	0.5067	Unknown
13	RC-RRD-213-04-163	Lansing	Genesee	Flint Fuel Stop Inc	00007055		Flint Fuel Stop Inc	0.5756	Commercial
18	RC-RRD-213-04-820	Lansing	Genesee	Speedway #6254	00017024		On-site	0.605	Commercial
8	RC-RRD-213-05-028	Lansing	Genesee	Charter Township of Genesee	00000191		Charter TWP of Genesee	0.7368	Residential
11	RC-RRD-213-04-167	Lansing	Genesee	Owen Road Amoco #21	00005664		Owen Road Amoco #21	0.8149	Commercial
20	RC-RRD-213-05-229	Lansing	Genesee	Speedway #8749	00009404		On-Site	0.9182	Commercial
2	RC-RRD-213-05-195	Lansing	Genesee	Bobs Car Wash	00001598		Bobs Car Wash	1.1474	Commercial
4	RC-RRD-213-05-031	Lansing	Genesee	Genesee Ceramic Tile Dist Inc	00007255		on-site location	1.3434	Residential
15	RC-RRD-213-04-147	Lansing	Genesee	Mt. Morris Consolidated Schools	00035507		Mt. Morris Consolidated	1.7676	Residential
9	RC-RRD-213-05-024	Lansing	Genesee	Speedway #8753	00016957		Offsite	4.0296	Residential
6	RC-RRD-213-05-034	Lansing	Genesee	Genesee County Rd. Commission	00000936		Genesee County Rd.	7.3287	Commercial
Average								1.0895	

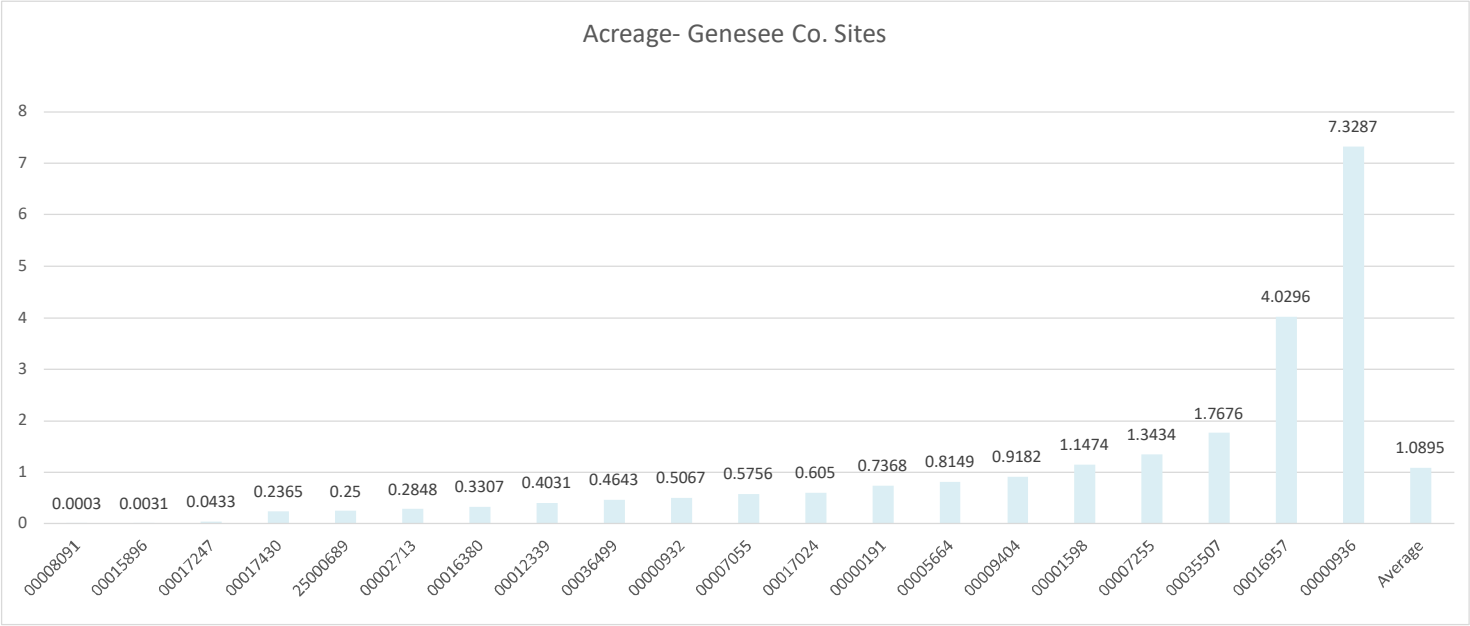


Chart 4: Acreage of Sites in Kent County

ID	Reference Number	District	County	Facility Name	Facility ID	Site ID	Property Description	Acreage	Land Use Type
25	RC-RRD-213-04-398	Grand Rapids	Kent	Service Station #0020	00005704		Service Station #0020	0.1473	Commercial
31	RC-ERD-01-013	Grand Rapids	Kent	Able Finishing Company	41000001	41000001	Description	0.17	Commercial
27	RC-RRD-213-04-403	Grand Rapids	Kent	Caledonia Community Schools Transportation Garage	00006495		Caledonia Community Schools Transportation Garage	0.1748	Commercial
32	RC-RRD-213-04-426	Grand Rapids	Kent	United Station #6267 (Former)	00011848		United Station #6267 (Former)	0.2627	Vacant
40	RC-RRD-213-05-125	Grand Rapids	Kent	Crystal Flash - Lowell Bulk Plant	00005279		Crystal Flash - Lowell Bulk Plant	0.3104	Commercial, Industrial
28	RC-RRD-213-04-451	Grand Rapids	Kent	Marathon #2815	00018171		Marathon #2815	0.4883	Commercial
22	RC-RRD-213-04-457	Grand Rapids	Kent	Mobil Service Station 04-KAQ	05001762		Mobil Service Station 04-KAQ	0.5045	Commercial
24	RC-RRD-213-04-430	Grand Rapids	Kent	Boulevard Center	00003786		Boulevard Center	0.6414	Residential
21	RC-RRD-201-04-026	Grand Rapids	Kent	No-Am Corporation	41000768	41000768	No-Am Corporation	1.0205	Industrial
38	RC-RRD-213-04-437	Grand Rapids	Kent	Caledonia Tractor and Equip (Former)	00040751		On-site location	1.2583	Commercial
39	RC-RRD-201-06-005	Grand Rapids	Kent	GRF Industries Inc	41001212	41001212	Former Grand Rapids Foundry Industries	1.29	Residential, Commercial
34	RC-RRD-213-04-434	Grand Rapids	Kent	Amoco Service Station #5878	00005657		Amoco Service Station #5878	1.6731	Commercial
29	RC-RRD-213-04-420	Grand Rapids	Kent	Shell Service Station (Former) Wic# 521-5000-0041	00010531		Shell Service Station (Former) Wic# 521-5000-0041	2.0661	Commercial
23	RC-RRD-213-04-446	Grand Rapids	Kent	Lowell, City of, Department of Public Works	00033426		Lowell, City of, Department of Public Works	2.2151	Residential
37	RC-RRD-213-04-439	Grand Rapids	Kent	Grand Rapids Wastewater Treatment Plant	05002427		Grand Rapids Wastewater Treatment Plant	2.5483	Industrial
33	RC-RRD-213-04-400	Grand Rapids	Kent	Calvin College	00000331		Calvin College	2.6811	Commercial
26	RC-RRD-213-04-409	Grand Rapids	Kent	Falcon Foam Corporation (Formerly Falcon Mfg)	00011303		Falcon Foam Corporation (Formerly Falcon Mfg)	6.1095	Industrial
36	RC-RRD-213-04-413	Grand Rapids	Kent	Georgia-Pacific Distribution Center	00000003		Georgia-Pacific Distribution Center	6.5268	Industrial
30	RC-ERD-201-01-009	Grand Rapids	Kent	Mich Con MGP - Annex Property	41000045	41000045	On-Site	10.0012	Industrial
35	RC-RRD-201-99-001	Grand Rapids	Kent	Organic Chemicals, Inc.	41000051	41000051	Organic Chemicals, Inc.	3.3073	Commercial, Industrial
Average								2.1698	

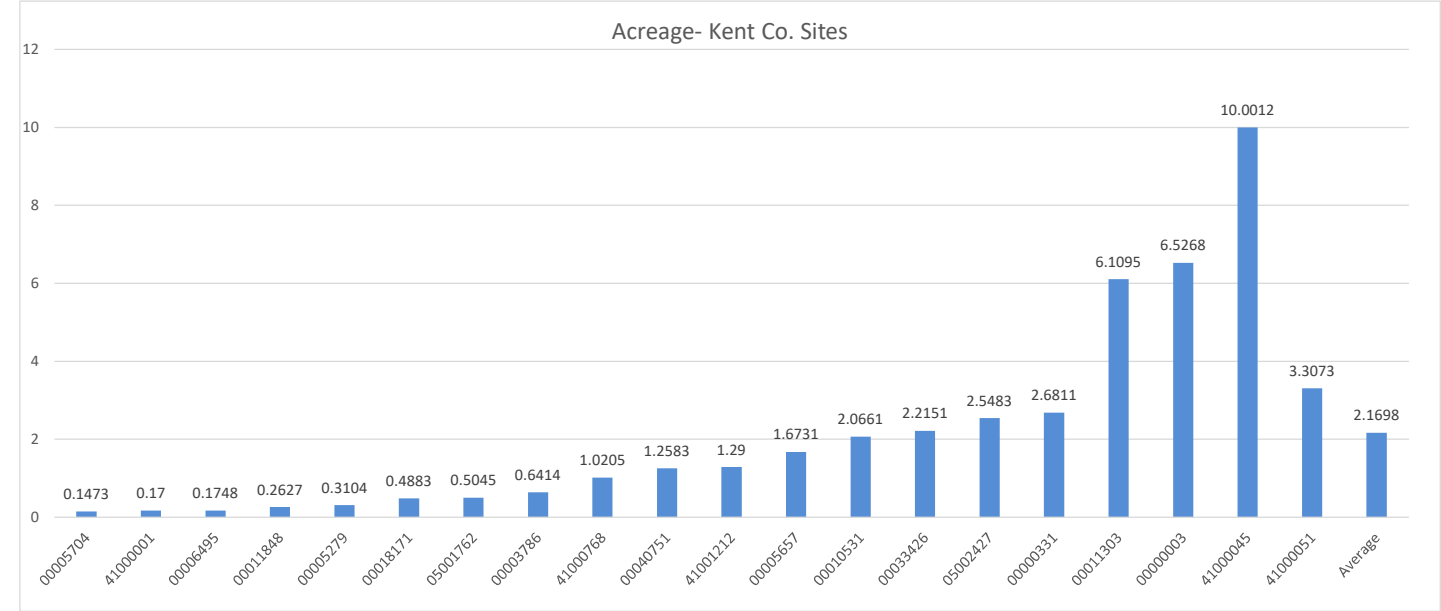


Chart 5: Part 201 and 213 Restrictions by Years Filed

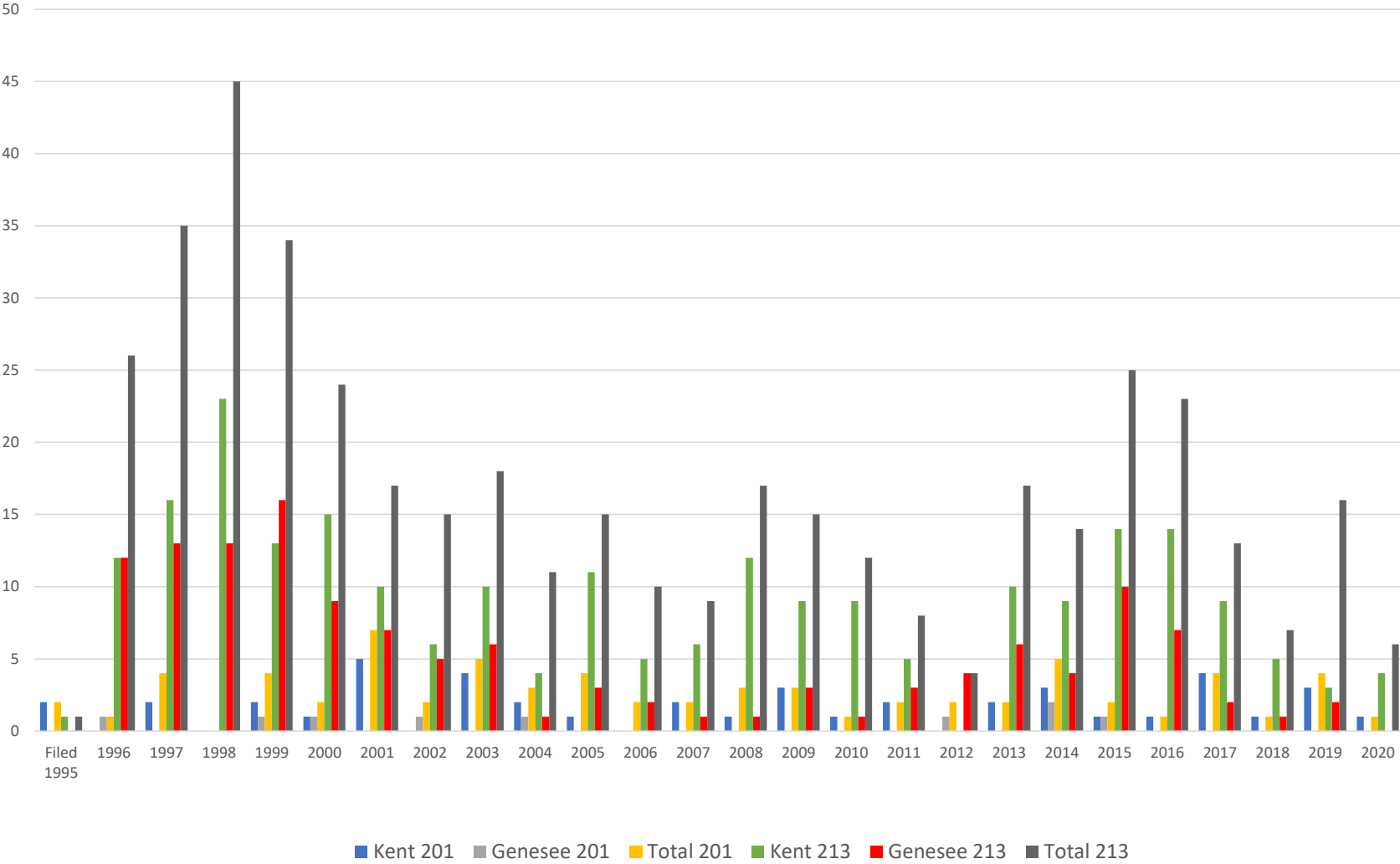


Chart 6: Types of Restrictive Elements

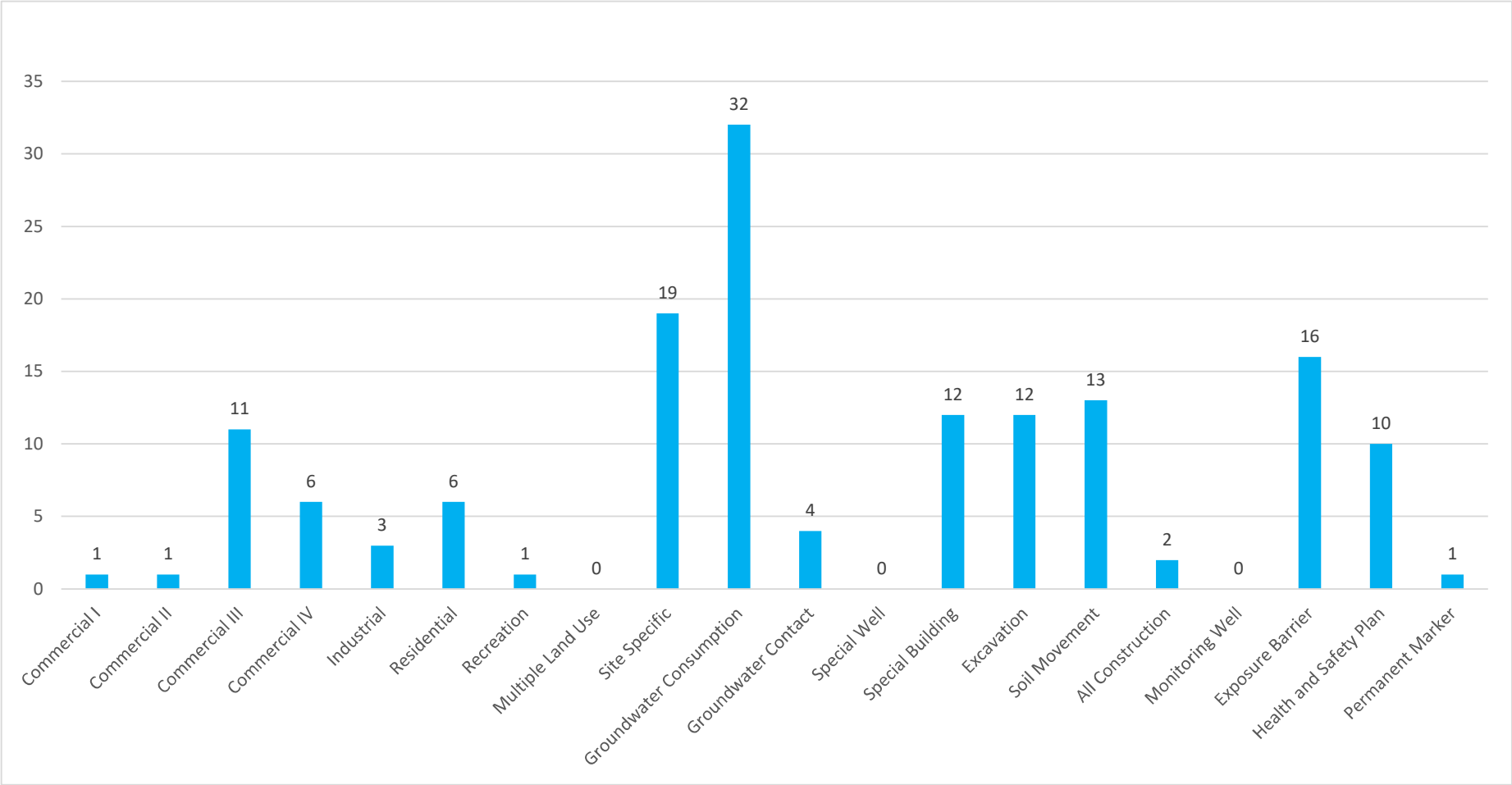
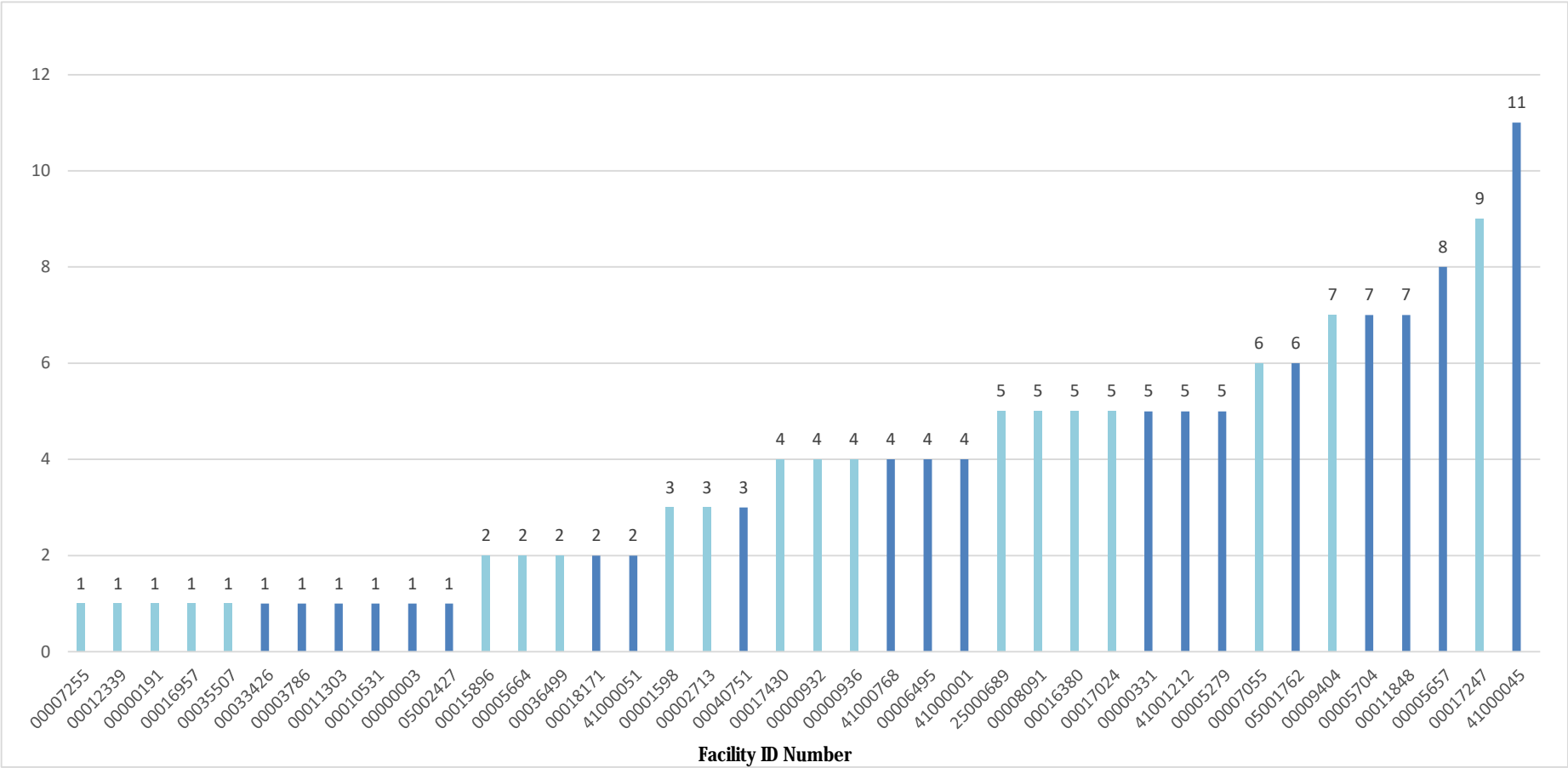
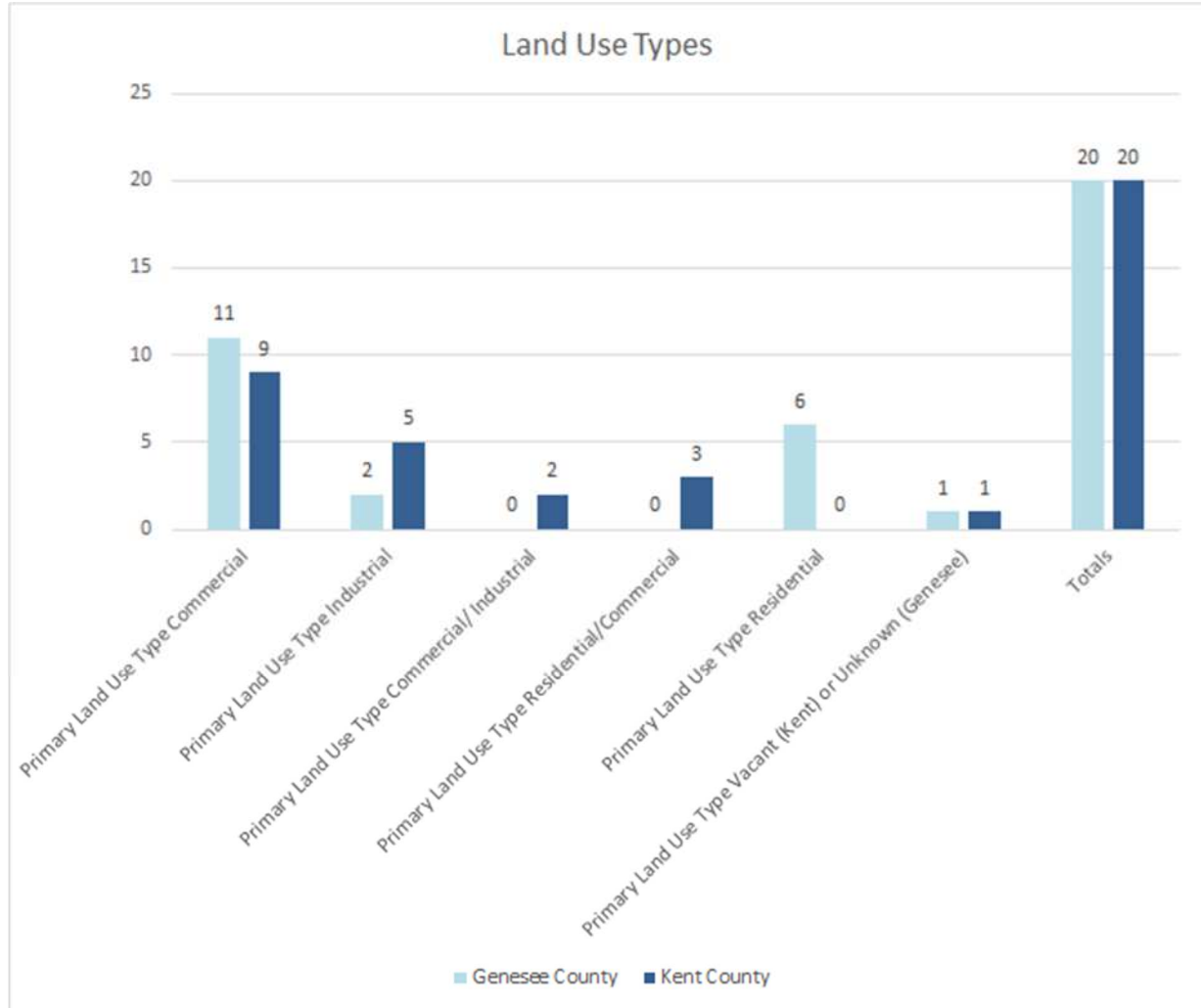


Chart 7: Number of Restrictive Elements Per Site



Light Blue- Genesee County
Dark Blue- Kent County

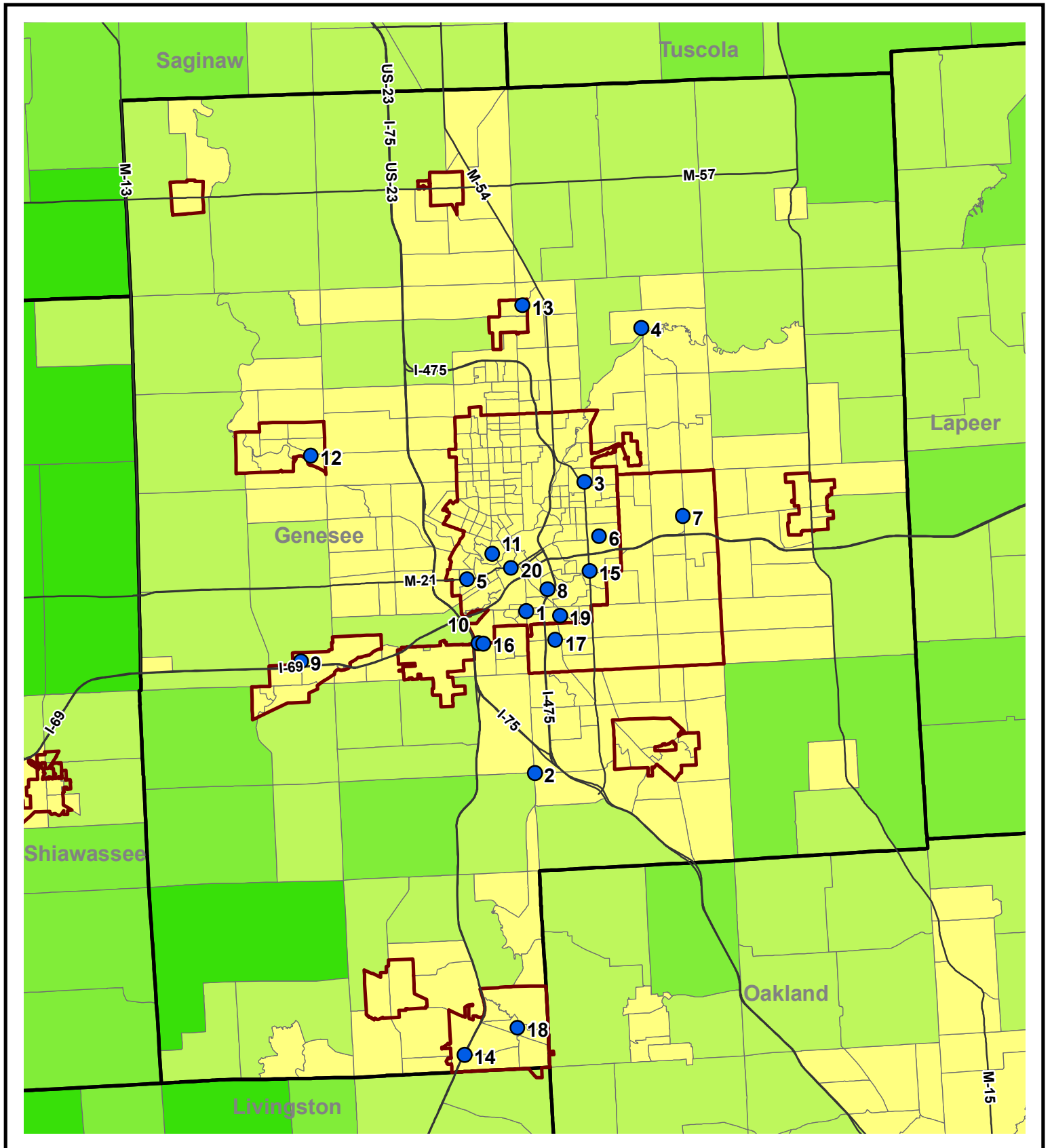
Chart 8: Land Use Types



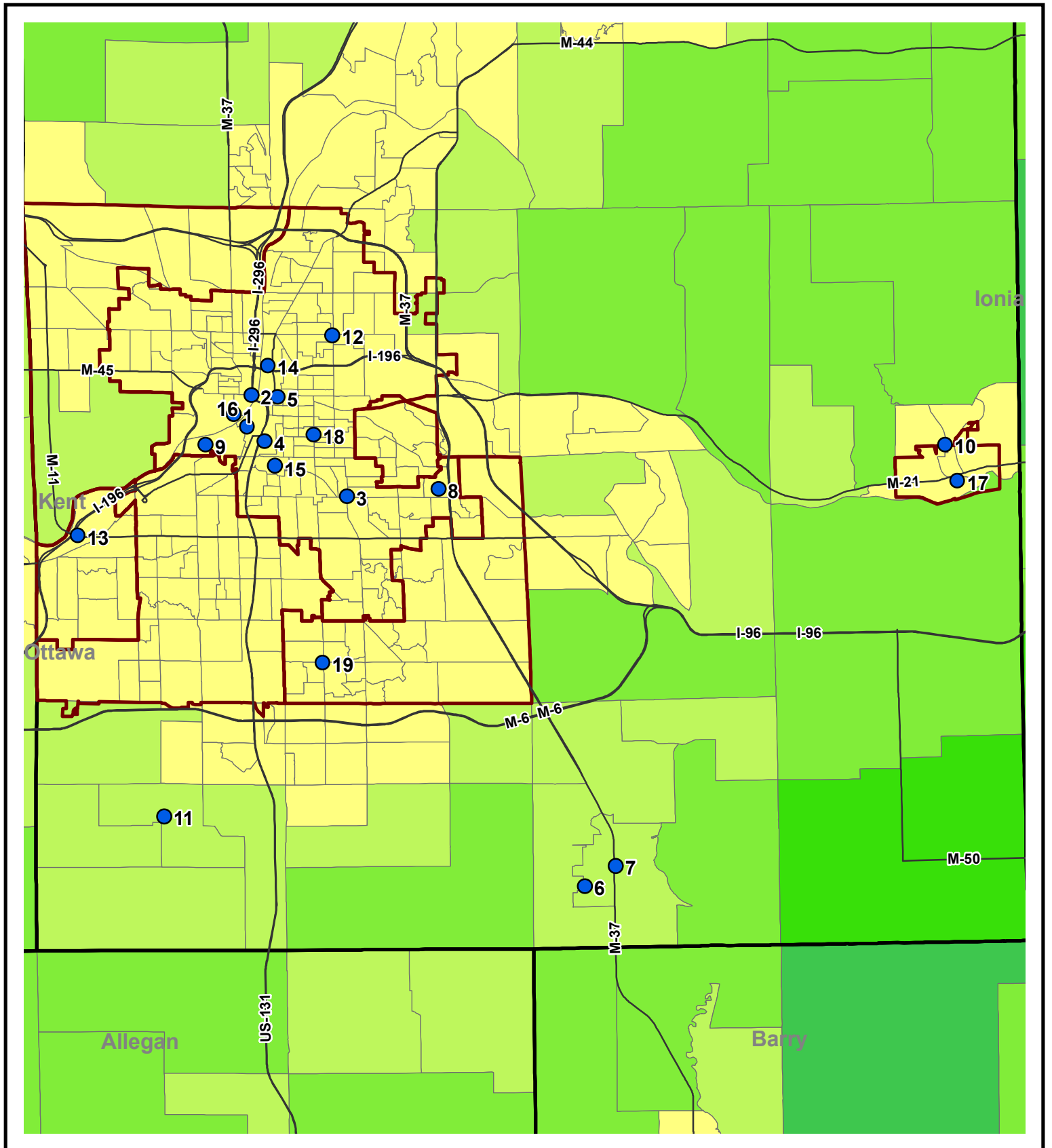
Maps

1. 2021 Genesee County Site Reviews
2. 2021 Kent County Site Reviews

2021 Genesee County Site Reviews



2021 Kent County Site Reviews



Attachments

1. Site Review List
2. Detailed Responses Table
3. RC Compliance Monitoring Checklist
4. Template of Letter Sent to Owners
5. Property Owner's Guide to RCs
6. Land and Resource Use Restrictions Classifications

Attachment 1: Site Review List

Reference #	District	County	Facility Name	Address	SID ID #	Facility #	Acreage	Deed Registered	Township	Zipcode
RC-RRD-213-05-030	Lansing	Genesee	Flint Service Center	3201 East Court Street	00017430		0.2365	11/18/1996	Flint	48506
RC-RRD-213-05-195	Lansing	Genesee	Bobs Car Wash	3320 Western Avenue	00001598		1.1474	1/10/1997	Flint	48506
RC-RRD-213-05-019	Lansing	Genesee	Genesee County Rd. Commission	4150 Morrish Road	00000932		0.5067	9/10/1997	Swartz Creek	48473
RC-RRD-213-05-031	Lansing	Genesee	Genesee Ceramic Tile Dist Inc	1307 N Belsay Rd	00007255		1.3434	10/27/1997	Burton	48509
RC-RRD-213-05-046	Lansing	Genesee	Kettering University	North Chevrolet Ave & West Third Ave	00015896		0.0031	7/2/1998	Flint	48504
RC-RRD-213-05-034	Lansing	Genesee	Genesee County Rd. Commission	211 West Oakley Street	00000936		7.3287	8/11/1998	Burton Township	48503
RC-RRD-213-04-158	Lansing	Genesee	Admiral Petroleum #123	3913 Fenton Road	00012339		0.4031	11/19/1998	Flint	485072468
RC-RRD-213-05-028	Lansing	Genesee	Charter TWP of Genesee	7244 North Genesee Road	00000191		0.7368	2/18/1999	Genessee Township	48437
RC-RRD-213-05-024	Lansing	Genesee	Speedway #8753	1420 East Bristol Road	00016957		4.0296	5/10/1999	Burton	48375
RC-ERD-98-013	Lansing	Genesee	Windiate Park	4537 Milton Drive		25000689	0.25	5/27/1999	Flint	48507
RC-RRD-213-04-167	Lansing	Genesee	Owen Road Amoco #21	3238 Owen Road	00005664		0.8149	6/14/1999	Fenton	48430
RC-RRD-213-04-162	Lansing	Genesee	Cotharin & Cameron Cleaners	3113 Corunna Road	00002713		0.2848	8/3/1999	Flint	485033259
RC-RRD-213-04-163	Lansing	Genesee	Flint Fuel Stop Inc	1330 West Court Street	00007055		0.5756	2/16/2000	Flint	48503
RC-RRD-213-01-008	Lansing	Genesee	Allen's Cleaners	1020 East Grand Blanc Road	00036499		0.4643	5/31/2001	Grand Blanc	48439
RC-RRD-213-04-147	Lansing	Genesee	Mt. Morris Consolidated Schools	T8N - R7E SEC 6	00035507		1.7676	6/13/2002	Mt. Morris	48458
RC-RRD-213-03-022	Lansing	Genesee	Former Speedway LLC #8757	1413 Flushing Road	00008091		0.0003	3/25/2003	Flushing	48433
RC-RRD-213-03-003	Lansing	Genesee	TPI Petroleum/Total Station #2023 - RESCINDED	603 North Leroy Road	00016380		0.3307	9/23/2003	Fenton	484302735
RC-RRD-213-04-820	Lansing	Genesee	Speedway #6254	2061 South Dort Highway	00017024		0.605	5/11/2004	Flint	48503
RC-RRD-213-09-075	Lansing	Genesee	GM Truck & Bus Group-Flint Metal	G-2238 West Bristol Road	00017247		0.0433	6/30/2005	Flint	48507
RC-RRD-213-05-229	Lansing	Genesee	Speedway #8749	G-2169 West Bristol Road	00009404		0.9182	12/12/2005	Flint	48507
RC-RRD-201-04-026	Grand Rapids	Kent	No-Am Corporation	329 Summer Street, NW		41000768	1.0205	5/17/1995	Grand Rapids	49504
RC-RRD-213-04-457	Grand Rapids	Kent	Mobil Service Station 04-KAQ	1155 Fuller Avenue, NE	05001762		0.5045	10/4/1996	Grand Rapids	49503
RC-RRD-213-04-446	Grand Rapids	Kent	Lowell, City of, Department of Public Works	217 South Hudson Street, SE	00033426		2.2151	12/31/1996	Lowell	49331
RC-RRD-213-04-430	Grand Rapids	Kent	Boulevard Center	26 Sheldon Boulevard SE	00003786		0.6414	12/18/1996	Grand Rapids	49503
RC-RRD-213-04-398	Grand Rapids	Kent	Service Station #0020	801 Franklin Street S.E.	00005704		0.1473	11/18/1997	Grand Rapids	49507
RC-RRD-213-04-409	Grand Rapids	Kent	Falcon Foam Corporation (Formerly Falcon Mfg)	8246 Byron Center Avenue	00011303		6.1095	1/29/1999	Byron Center	49315
RC-RRD-213-04-403	Grand Rapids	Kent	Caledonia Community Schools transportation Garage	330 Johnson Road	00006495		0.1748	3/23/2000	Caledonia	49316
RC-RRD-213-04-451	Grand Rapids	Kent	Marathon #2815	1405 Burton Street SE	00018171		0.4883	8/1/2000	Grand Rapids	49507
RC-RRD-213-04-420	Grand Rapids	Kent	Shell Service Station (Former) Wic# 521-5000-0041	5225 Eastern Avenue	00010531		2.0661	6/15/2001	Kentwood	49508
RC-ERD-201-01-009	Grand Rapids	Kent	Mich Con MGP - Annex Property	634 Godfrey		41000045	10.0012	6/25/2001	Grand Rapids	49503
RC-ERD-01-013	Grand Rapids	Kent	Able Finishing Company	343 Straight Avenue, SW		41000001	0.17	10/16/2001	Grand Rapids	49504
RC-RRD-213-04-426	Grand Rapids	Kent	United Station #6267 (Former)	346 West Fulton Street	00011848		0.2627	6/5/2002	Grand Rapids	49504
RC-RRD-213-04-400	Grand Rapids	Kent	Calvin College	3201 Burton Street, SE	00000331		2.6811	9/13/2002	Grand Rapids	49546
RC-RRD-213-04-434	Grand Rapids	Kent	Amoco Service Station #5878	3935 28th Street SW	00005657		1.6731	12/13/2002	Grandville	49418
RC-ERD-02-004	Grand Rapids	Kent	Kessler Property	1405 South Division		41000169	0.86	1/3/2003	Grand Rapids	49507
RC-RRD-213-04-413	Grand Rapids	Kent	Georgia-Pacific Distribution Center	825 Buchanan Avenue	00000003		6.5268	1/31/2003	Grand Rapids	49507
RC-RRD-213-04-439	Grand Rapids	Kent	Grand Rapids Wastewater Treatment Plant	1300 Market Avenue, SW	05002427		2.5483	5/5/2003	Grand Rapids	49503
RC-RRD-213-04-437	Grand Rapids	Kent	Caledonia Tractor and Equip (Former)	9210 Cherry Valley Ave, SE	00040751		1.2583	1/9/2004	Caledonia	49316
RC-RRD-201-06-005	Grand Rapids	Kent	GRF Industries Inc	600 Bond Avenue		41001212	1.29	4/12/2004	Grand Rapids	49503
RC-RRD-213-05-125	Grand Rapids	Kent	Crystal Flash - Lowell Bulk Plant	1102 Lincoln Lake Avenue	00005279		0.3104	1/25/2005	Lowell	49331

Attachment 2: Detailed Responses

ID	Reference Number	County	Facility Name	Facility ID	Site ID	Property Description	Acreage	Square Mileage	Date Recorded with ROD	Land Use Restriction Type	Program Type	Commercial I	Commercial II	Commercial III	Commercial IV	Industrial	Residential	Recreation	Multiple Land Use	Site Specific	Groundwater Consumption	Groundwater Contact	Special Well	Special Building	Excavation	Soil Movement	All Construction	Monitoring Well	Exposure Barrier	Health and Safety Plan	Permanent Marker	Address 1	Address 2	Township		
1	RC-RRD-213-05-030	Genesee	Flint Service Center	00017430		Flint Service Center	0.2365	0.0003	11/18/1996	11	3	0	0	0	0	0	0	0	0	1	1	0	0	0	1	0	0	0	0	1	0	3201 East Court Street		Flint		
2	RC-RRD-213-05-195	Genesee	Bobs Car Wash	00001598		Bobs Car Wash	1.1474	0.0018	1/10/1997	11	3	0	0	0	0	0	0	0	0	1	0	0	0	0	1	0	0	0	0	1	0	0	3320 Western Avenue		Flint	
3	RC-RRD-213-05-019	Genesee	Genesee County Rd. Commission	00000932		Genesee County Rd. Commission	0.5067	0.0007	9/10/1997	11	3	0	0	0	0	0	0	0	0	1	1	0	0	0	0	0	0	0	0	1	1	0	4150 Morrish Road		Swartz Creek	
4	RC-RRD-213-05-031	Genesee	Genesee Ceramic Tile Dist Inc	00007255		On-site location	1.3434	0.0021	10/27/1997	11	3	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	1307 North Belsay Road		Burton	
5	RC-RRD-213-05-046	Genesee	Kettering University	00015896		Kettering University	0.0031		7/2/1998	11	3	0	0	0	0	0	0	0	0	1	0	0	0	0	0	1	0	0	0	0	0	0	North Chevrolet & West Third Avenue	1700 West Third Street	Flint	
6	RC-RRD-213-05-034	Genesee	Genesee County Rd. Commission	00000936		Genesee County Rd. Commission	7.3287	0.0114	8/11/1998	11	3	0	0	0	0	0	0	0	0	1	1	0	0	0	0	0	0	0	0	1	1	0	211 West Oakley Street		Burton Township	
7	RC-RRD-213-04-158	Genesee	Admiral Petroleum #123	00012339		Admiral Petroleum #123	0.4031	0.0006	11/19/1998	11	3	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3913 Fenton Road		Flint	
8	RC-RRD-213-05-028	Genesee	Charter Township of Genesee	00000191		Charter TWP of Genesee	0.7368	0.0011	2/18/1999	11	3	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	7244 North Genesee Road		Genesee Township	
9	RC-RRD-213-05-024	Genesee	Speedway #8753	00016957		Offsite	4.0296	0.0062	5/10/1999	11	3	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	1420 East Bristol Road		Burton	
10	RC-ERD-98-013	Genesee	Windiate Park		25000689	Off-site location	0.25	0	5/27/1999	11	2	0	0	0	0	0	1	0	0	0	1	0	0	0	0	1	1	0	0	1	0	0	4537 Milton Drive		Flint	
11	RC-RRD-213-04-167	Genesee	Owen Road Amoco #21	00005664		Owen Road Amoco #21	0.8149	0.0012	6/14/1999	11	3	0	0	1	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	3238 Owen Road		Fenton	
12	RC-RRD-213-04-162	Genesee	Cotharin & Cameron Cleaners	00002713		Cotharin & Cameron Cleaners	0.2848	0.0004	8/3/1999	11	3	0	0	0	0	0	0	0	0	1	0	0	0	1	0	1	0	0	0	0	0	0	3113 Corunna Road		Flint	
13	RC-RRD-213-04-163	Genesee	Flint Fuel Stop Inc	00007055		Flint Fuel Stop Inc	0.5756	0.0008	2/16/2000	11	3	0	0	1	1	0	0	0	0	0	0	0	0	0	1	0	1	0	1	1	0	1	1330 West Court Street		Flint	
14	RC-RRD-213-01-008	Genesee	Allen's Cleaners	00036499		On-Site	0.4643	0.0007	5/31/2001	11	3	0	0	0	0	0	0	0	0	1	1	0	0	0	0	0	0	0	0	0	0	0	1020 East Grand Blanc Road		Grand Blanc	
15	RC-RRD-213-04-147	Genesee	Mt. Morris Consolidated Schools	00035507		Mt. Morris Consolidated Schools	1.7676	0.0027	6/13/2002	11	3	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	T8N - R7E SEC 6	12356 Walter Street	Mt. Morris	
16	RC-RRD-213-03-022	Genesee	Former Speedway LLC #8757	00008091		On-Site	0.0003	0.2526	3/25/2003	11	3	0	0	0	0	0	1	0	0	1	1	0	0	1	0	1	0	0	0	0	0	0	1413 Flushing Road		Flushing	
17	RC-RRD-213-03-003	Genesee	TPI Petroleum/Total Station #2023 - RESCINDED	00016380		On-site	0.3307	0.0005	9/23/2003	11	3	0	0	1	0	0	0	0	0	1	1	0	0	1	1	0	0	0	0	0	0	0	603 North Leroy Road		Fenton	
18	RC-RRD-213-04-820	Genesee	Speedway #6254	00017024		On-site	0.605	0.0009	5/11/2004	11	3	0	0	1	1	0	0	0	0	1	1	0	0	1	1	0	0	0	0	0	0	0	2061 South Dort Highway		Flint	
19	RC-RRD-213-09-075	Genesee	GM Truck & Bus Group-Flint Metal	00017247		On-site location	0.0433	0.0001	6/30/2005	11	3	0	0	0	0	0	1	0	0	1	1	0	0	1	1	1	1	1	0	1	1	0	G-2238 West Bristol Road		Flint	
20	RC-RRD-213-05-229	Genesee	Speedway #8749	00009404		On-Site	0.9182	0.0014	12/12/2005	11	3	0	0	1	1	0	0	0	0	1	1	0	0	1	1	0	0	0	0	1	0	0	G-2169 West Bristol Road		Flint	
21	RC-RRD-201-04-026	Kent	No-Am Corporation		41000768	No-Am Corporation	1.0205	0.0015	5/17/1995	11	2	0	0	0	0	1	0	0	0	0	0	1	0	0	0	0	1	0	0	0	1	0	0	329 Summer Street, NW		Grand Rapids
22	RC-RRD-213-04-457	Kent	Mobil Service Station 04-KAQ	05001762		Mobil Service Station 04-KAQ	0.5045	0.0007	10/4/1996	11	3	0	0	1	0	0	0	0	0	0	0	0	1	0	1	0	1	0	0	1	1	0	1155 Fuller Avenue, NE		Grand Rapids	
23	RC-RRD-213-04-446	Kent	Lowell, City of, Department of Public Works	00033426		Lowell, City of, Department of Public Works	2.2151	0.0034	12/31/1996	11	3	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	217 South Hudson Street, SE		Lowell	
24	RC-RRD-213-04-430	Kent	Boulevard Center	00003786		Boulevard Center	0.6414	0.001	12/18/1996	11	3	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	26 Sheldon Boulevard SE		Grand Rapids	
25	RC-RRD-213-04-398	Kent	Service Station #0020	00005704		Service Station #0020	0.1473	0.0002	11/18/1997	11	3	0	0	1	0	0	0	0	0	1	1	0	0	1	1	1	1	0	0	1	0	0	801 Franklin Street SE		Grand Rapids	
26	RC-RRD-213-04-409	Kent	Falcon Foam Corporation (Formerly Falcon Mfg)	00011303		Falcon Foam Corporation (Formerly Falcon Mfg)	6.1095	0.0095	1/29/1999	11	3	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	8246 Byron Center Avenue		Byron Center	
27	RC-RRD-213-04-403	Kent	Caledonia Community Schools Transportation Garage	00006495		Caledonia Community Schools Transportation Garage	0.1748	0.0002	3/23/2000	11	3	0	0	0	0	0	0	0	0	1	1	0	0	0	0	1	0	0	1	0	0	0	330 Johnson Road		Caledonia	
28	RC-RRD-213-04-451	Kent	Marathon #2815	00018171		Marathon #2815	0.4883	0.0008	8/1/2000	11	3	0	0	0	0	0	0	0	0	0	1	0	0	1	0	0	0	0	0	0	0	0	1405 Burton Street SE		Grand Rapids	
29	RC-RRD-213-04-420	Kent	Shell Service Station (Former) Wicor 521-5000-0041	00010531		Shell Service Station (Former) Wicor 521-5000-0041	2.0661	0.0032	6/15/2001	11	3	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	5225 Eastern Avenue		Kentwood	
30	RC-ERD-201-01-009	Kent	Milch Con MGP - Annex Property		41000045	On-Site	10.0012	0.0156	6/25/2001	11	2	1	1	1	1	0	1	1	0	1	1	0	0	0	0	1	0	0	1	1	0	0	634 Godfrey	525 Oakland	Grand Rapids	
31	RC-ERD-01-013	Kent	Able Finishing Company		41000001	Description	0.17	0	10/16/2001	11	2	0	0	0	0	0	0	0	0	0	1	0	0	0	1	1	0	0	0	0	1	0	343 Straight Avenue SW		Grand Rapids	
32	RC-RRD-213-04-426	Kent	United Station #6267 (Former)	00011848		United Station #6267 (Former)	0.2627	0.0004	6/5/2002	11	3	0	0	1	1	0	0	0	0	1	1	0	0	1	1	1	1	0	0	0	0	0	346 West Fulton Street		Grand Rapids	
33	RC-RRD-213-04-400	Kent	Calvin College	00000331		Calvin College	2.6811	0.0041	9/13/2002	11	3	0	0	0	0	0	0	0	0	0	1	1	0	0	0	0	1	0	0	1	1	0	3201 Burton Street SE		Grand Rapids	
34	RC-RRD-213-04-434	Kent	Amoco Service Station #5878	00005657		Amoco Service Station #5878	1.6731	0.0026	12/13/2002	11	3	0	0	1	1	1	0	0	0	1	1	1	0	1	0	0	0	0	0	1	0	0	3935 28th Street SW		Grandville	
35	RC-RRD-201-99-001	Kent	Organic Chemicals, Inc.		41000051	Organic Chemicals, Inc.	3.3073	0	12/27/1999	11	0	0	0	0	0	0	1	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	3291 Chicago Drive SW		Grandville	
36	RC-RRD-213-04-413	Kent	Georgia-Pacific Distribution Center	00000003		Georgia-Pacific Distribution Center	6.5268	0.0102	1/31/2003	11	3	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	825 Buchanan Avenue		Grand Rapids	
37	RC-RRD-213-04-439	Kent	Grand Rapids Wastewater Treatment Plant	05002																																

Attachment 2: Detailed Responses

ID	Zipcode	Population Within Half Mile	Property Tax ID	Access Requested	Date Access Granted	Land Use Type	Secondary Land Use Type	Surrounding Land Use Type	Property Ownership Change	Zoning Excludes Residential Use?	Zoning Same as When Filled?	Recorded at ROD?	Recorded Restriction Located?	Describe How Recorded	Protective Structure	PS Functional Integrity	Free of Erosion/ Cracks	Water Wells Present	Verify Presence of Wells	Are Wells Being Used in Compliance with Restrictions?	Unauthorized Construction or Excavation?	Exposure Barrier Other Than Concrete, Asphalt or Gravel?	Ruts, Impacts, Incursions Visible	Permanent Markers, Exposure Barriers, MWs in Place?	Site Security Measures in Place and Working?	Measures Include	Property Owner Aware Prior to Contact?	Remarks	Improve-ments Made	Need for Repairs	
1	48506	540	41-09-326-023	TRUE	6/16/2021	Industrial		Residential, Commercial, Industrial	FALSE	Yes	unknown	TRUE	No	Not found	NA	NA	NA	No	Wellgic	NA	No	NA	NA	NA	NA	Yes	See checklist	See checklist	Pavement in good condition		
2	48506	3234	41-04-104-001	FALSE		Commercial		Residential, Commercial	TRUE	Yes	unknown	FALSE	No	Not found	Yes	No	No	No	Wellgic	NA	Yes	No	Yes	NA	Fences, gates	No	See checklist	See checklist	Asphalt in disrepair		
3	48473	209	58-35-576-020	TRUE	5/4/2021	Unknown		Residential, Industrial	FALSE	No	unknown	FALSE	No		Yes	No	No	No	Wellgic	NA	Yes	No	NA	Yes	NA	Fences, gates	No	See checklist	See checklist	Yes	
4	48509	493	59-11-526-019	FALSE		Residential		Residential, Industrial	TRUE	Yes	unknown	TRUE	Yes	Misc. Deeds	No	NA	NA	No	Wellgic	NA	NA	NA	NA	NA	NA	No	See checklist	See checklist	Improvements made to property		
5	48504	1706	40-14-278-001	TRUE	5/27/2021	Residential		Residential, Commercial	FALSE	No	unknown	TRUE	No	Not found	NA	NA	NA	NA		NA	NA	NA	NA	NA	NA	NA	Yes	See checklist	See checklist	Possible addition to the building, small area restricted.	
6	48503	2124	41-19-256-006	TRUE	5/4/2021	Commercial		Residential, Commercial	FALSE	No	unknown	TRUE	Yes		Yes	No	No	No	Wellgic	NA	Yes	Yes	Yes	No	Yes	Fences, gates	No	See checklist	See checklist	asphalt repair needed	
7	485072468	4919	41-30-103-003	TRUE	5/27/2021	Commercial		Residential, Commercial	TRUE	No	unknown	TRUE	Yes	Misc. Deeds	NA	NA	NA	No	Wellgic	NA	NA	NA	NA	NA	No	NA	Yes	See checklist	See checklist	asphalt is not relevant cover	
8	48437	592	11-11-551-001	TRUE	5/4/2021	Residential	Agricultural	Residential	FALSE	No	unknown	TRUE	No	Not listed on BSA website	NA	NA	NA	No	Wellgic	NA	No	NA	NA	NA	NA	NA	No	See checklist	See checklist	Property is in good repair.	
9	48375	2956	59-31-528-067	FALSE		Residential		Residential, Commercial, Industrial	FALSE	No	unknown	FALSE		Not found	NA	NA	NA	No	Wellgic	NA	NA	NA	NA	NA	NA	NA	Yes	See checklist	See checklist	Groundwater restriction complied with.	
10	48507	2422	41-29-152-050	FALSE		Residential		Residential	TRUE	No	Yes	TRUE	Yes	Misc. Deeds	Yes	No	No	No	Wellgic	NA	NA	No	NA	NA	NA	NA	No	See checklist	See checklist	Unknown property improvements, cracked pavement.	
11	48430	570	53-34-526-034	FALSE		Commercial		Residential, Commercial, Industrial	TRUE	Yes	unknown	TRUE	Yes	Misc. Deeds	No	NA	NA	No	Wellgic	NA	NA	NA	NA	NA	NA	NA	No	See checklist	See checklist	New gas station by new owner.	
12	485033259	4505	40-23-105-003	TRUE	5/10/2021	Commercial		Residential, Commercial	TRUE	Yes	unknown	TRUE	Yes	Misc. Deeds	No	NA	NA	No	Wellgic	NA	No	NA	NA	NA	NA	NA	No	See checklist	See checklist	Building in bad shape.	
13	48503	829	40-13-402-045	TRUE	5/10/2021	Commercial		Residential, Commercial	TRUE	Yes	unknown	TRUE	Yes	Misc. Deeds	NA	NA	NA	No	Wellgic	NA	NA	NA	No	NA	NA	NA	No	See checklist	See checklist	Covered with concrete and asphalt.	
14	48439	385	12-19-100-002	FALSE		Commercial		Residential, Commercial	TRUE	Yes	unknown	TRUE	No	Not found	NA	NA	NA	No	Wellgic	NA	NA	NA	NA	NA	NA	NA	No	See checklist	See checklist	Cound not reach owner, vacant lot now.	
15	48458	2020	57-06-300-024	TRUE	6/16/2021	Residential		Residential, Agricultural	FALSE	No	unknown / likely	TRUE	No	Not found	NA	NA	NA	No	Wellgic	NA	No	NA	NA	NA	NA	NA	No	See checklist	See checklist	No construction in restricted area	
16	48433	1114	55-36-532-002	FALSE		Commercial		Residential, Commercial	TRUE	Yes	unknown	TRUE	Yes	Misc. Deeds	NA	NA	NA	No	Wellgic	NA	No	NA	NA	NA	NA	NA	NA	See checklist	See checklist	No repairs needed for compliances.	
17	484302735	1401	53-25-556-018	TRUE	5/24/2021	Commercial		Recreational, Commercial	TRUE	Yes	unknown	TRUE	Yes	Misc. Deeds	NA	NA	NA	No	Wellgic	NA	No	NA	NA	NA	NA	NA	NA	Yes	See checklist	See checklist	No repairs necessary related to the restriction.
18	48503	2729	41-16-351-010	TRUE	5/27/2021	Commercial		Commercial, Industrial	TRUE	Yes	unknown	TRUE	Yes	Misc. Deeds	NA	NA	NA	No	Wellgic	NA	NA	NA	NA	NA	NA	NA	No	See checklist	See checklist	No repairs needed.	
19	48507	575	40-26-400-001	TRUE	6/15/2021	Industrial		Residential, Commercial, Industrial	FALSE	Yes	unknown	TRUE	Yes	Misc. Deeds	Yes		No	No	Wellgic	NA	Yes	Yes	Yes	No	NA	NA	Yes	See checklist	See checklist	Removal of UST and paving.	
20	48507	879	07-35-526-018	TRUE	5/24/2021	Commercial		Commercial, Industrial	TRUE	Yes	unknown	TRUE	Yes	Misc. Deeds	Yes	Yes	Yes	No	Wellgic	NA	Yes	No	NA	Yes	NA	NA	Yes	See checklist	See checklist	Pavement and islands new, all new in 2018.	
21	49504	3477	41-13-25-130-010	FALSE		Industrial		Commercial, Industrial	FALSE	Yes	Yes	TRUE	No	Not found	Yes	Yes	Yes	No	Wellgic	NA	No	No	NA	Yes	NA	NA	NA	No	See checklist	See checklist	No issues present
22	49503	4123	41-14-20-127-085	FALSE		Commercial		Commercial	TRUE	Yes	Yes	TRUE	No	Not found	Yes	Yes	Yes	No	Visual	NA	No	No	No	Yes	NA	NA	NA	Yes	See checklist	See checklist	CVS and surrounding parking lot constructed
23	49331	907	41-20-02-452-009	TRUE		Residential	Commercial	Commercial, Vacant	FALSE	Yes	Yes	TRUE	No	Not found	NA	NA	NA	No	Visual	NA	No	NA	NA	NA	NA	NA	No	See checklist	See checklist	Maintenance building, RC emailed to DPW.	
24	49503	4763	41-14-30-302-005	FALSE		Residential	Commercial	Residential, Commercial	TRUE	No	Yes	TRUE	No	Not found	NA	NA	NA	No	Wellgic	NA	No	NA	NA	NA	NA	NA	NA	No	See checklist	See checklist	No change in building function or use.
25	49507	6940	41-14-32-154-039	FALSE		Commercial		Residential, Commercial	TRUE	Yes	Yes	TRUE	No	Not found	Yes	Yes	Yes	No	Visual	NA	No	NA	NA	NA	NA	NA	NA	NA	See checklist	See checklist	American Gas and Oil, gas station, no improvements necessary.
26	49315	1046	41-21-15-301-013	FALSE		Industrial		Commercial, Industrial, Vacant	FALSE	NA	Yes	TRUE	No	Not found	No	NA	NA	No	Wellgic	NA	NA	NA	NA	NA	NA	NA	No	See checklist	See checklist	No new structures, tank basin covered in grass.	
27	49316	465	41-23-29-100-009	FALSE		Commercial		Residential, Commercial	FALSE	No	Yes	TRUE	Yes	Date and Name search	Yes	Yes	Yes	No	Visual	NA	No	NA	NA	NA	NA	NA	No	See checklist	See checklist	No issues present	
28	49507	4411	41-18-05-461-013	FALSE		Commercial		Residential, Commercial	TRUE	Yes	Yes	TRUE	No	Deed Miscellaneous	No	NA	NA	No		NA	No	NA	NA	NA	NA	NA	No	See checklist	See checklist	No issues present with condition of property, owner not able to be reached.	
29	49508	3677	41-18-31-229-001	FALSE		Commercial		Commercial	TRUE	Yes	Yes	TRUE	Yes	Deed Miscellaneous	NA	NA	NA	No	Visual	NA	NA	NA	NA	NA	NA	NA	No	See checklist	See checklist	No issues present	
30	49503	1952	41-13-36-176-038	FALSE		Industrial		Residential, Recreational, Industrial	FALSE	Yes	Yes	TRUE	Yes	Filing date and name	Yes	Yes	Yes	No	Wellgic	NA	No	No	NA	Yes	NA	NA	NA	Yes	See checklist	See checklist	No issues present, NFA for former owner
31	49504	2304	41-13-26-484-014	FALSE		Commercial		Residential, Commercial	TRUE	Yes	Yes	TRUE	No	Not found	NA	NA	NA	No	Wellgic	NA	No	NA	NA	NA	NA	NA	NA	NA	See checklist	See checklist	Vacant lot, new owner not contacted
32	49504	2771	41-13-25-330-001	FALSE		Vacant		Residential, Commercial, Vacant	TRUE	Yes	Yes	TRUE	No	Not found	No	NA	NA	No	Visual	NA	NA	NA	NA	NA	NA	NA	NA	No	See checklist	See checklist	No issues present, vacant lot, regrading occurring.
33	49546	4093	41-18-02-151-004	TRUE	7/13/2021	Commercial		Residential, Recreational, Vacant	FALSE	No	Yes	TRUE	No	Not found	Yes	Yes	Yes	No	Visual	NA	No	No		NA	NA	NA	NA	No	See checklist	See checklist	No issues present, pavement in good condition
34	49418	843	41-17-08-351-009	FALSE		Commercial		Commercial	TRUE	Yes	Yes	TRUE	Yes	Building Restrictions and/or Covenants	Yes		No	Visual	NA	No	No	NA	NA	NA	NA	NA	Yes	See checklist	See checklist	New station/building, no inconsistencies with RC.	
35	49418	1234	41-17-08-426-003	FALSE		Commercial, Industrial		Commercial, Industrial	TRUE	Yes	Yes	TRUE	Yes	Misc. Deeds	NA	NA	NA	No	Verbal	NA	No	NA	NA	NA	NA	NA	No	See checklist	See checklist	Light industrial, working with Superfund to determine purpose of RC on this parcel.	
36	49507	3848	41-13-36-403-003	FALSE		Industrial		Industrial	TRUE	Yes	Yes	TRUE	Yes	Search of address	NA	NA	NA	No	Wellgic	NA	No	NA	NA	NA	NA	Fences, gates	NA	See checklist	See checklist	No issues present, used for storage of building products, fenced.	
37	49503	380	41-13-35-300-009	TRUE	7/8/2021	Industrial		Industrial, Vacant	FALSE	Yes	Yes	TRUE	Yes	Building Restrictions and/or Covenants	NA	NA	NA	No	Visual	NA	No	NA		NA	NA	NA	No	See checklist	See checklist	No issues present, former UST location.	
38	49316	398	41-23-28-100-009	FALSE		Commercial		Agricultural, Commercial	TRUE	Yes	Yes	TRUE	Yes	Date recorded and name	NA	NA	NA	No	Visual	NA	No	NA	NA	NA	NA	NA	No	See checklist	See checklist	No issues present.	
39	49503	2799	41-13-24-436-002	FALSE		Residential, Commercial		Residential, Commercial, Vacant	TRUE	No	Yes	TRUE	Yes	Building Restrictions and/or Covenants	Yes	Yes	Yes	No	Wellgic	NA	No	No	NA	NA	NA	NA	NA	NA	See checklist	See checklist	No issues present, brownfield redevelopment site.
40	49331	45	41-16-35-351-028	TRUE	7/8/2021	Commercial, Industrial		Commercial	FALSE	Yes	Yes	TRUE	No	Not found	Yes	Yes	Yes	No	Wellgic	NA	No	No		Yes	NA	NA	NA	No	See checklist	See checklist	No issues present

Attachment 3: RC Compliance Monitoring Checklist

MICHIGAN DEPARTMENT OF ENVIRONMENT, GREAT LAKES, AND ENERGY – REMEDIATION AND REDEVELOPMENT DIVISION
PO BOX 30426, LANSING, MI 48909-7926, Phone 517-284-5087, Fax 517-241-9581

DECLARATION OF RESTRICTIVE COVENANT COMPLIANCE MONITORING CHECKLIST

SECTION I. PROPERTY INFORMATION		EGLE RC REFERENCE NO:	
EGLE District Office: <input type="checkbox"/> Bay City <input 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"/> Marquette <input type="checkbox"/> Warren			
Site or Facility Name:		EGLE Site or Facility ID No:	
Current Business Name at Property (if applicable):			
Site or Facility Street Address:			
City:		Zip:	County:
Property Tax ID No(s):			
Contact Person:		Phone:	Fax/E-mail:
Contact Person Street Address:			
City:		Zip:	County: State:
Property Access Requested? <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> DENIED		Property Access Granted Date:	
Land use type (<i>check all that apply</i>) <input type="checkbox"/> Residential <input type="checkbox"/> Recreational <input type="checkbox"/> Agricultural <input type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input type="checkbox"/> Vacant			
Surrounding Land Use Type (<i>check all that apply</i>) <input type="checkbox"/> Residential <input type="checkbox"/> Recreational <input type="checkbox"/> Agricultural <input type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input type="checkbox"/> Vacant			
Has property ownership changed since the restriction was recorded? <input type="checkbox"/> YES <input type="checkbox"/> NO <i>If yes, note details in Section III. Remarks.</i>			
Property zoning excludes residential use. <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A			
Property zoning is the same since the recording of the restrictive covenant. <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A			
The restriction is recorded at the county register of deeds. <input type="checkbox"/> YES <input type="checkbox"/> NO			
The recorded restriction was located upon inquiry (property records search). <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A Please describe how the recorded instrument was filed/characterized in the register of deeds records (example: miscellaneous document, restriction, etc.)			
SECTION II. VERIFICATION OF RESTRICTIONS: <i>Indicate if the terms of the approved remedial or corrective action are being met by clicking YES, NO, or N/A. N/A indicates this restriction does not apply to the property. If the answer is NO, please explain in Section III. Remarks.</i>			
Restrictions presented in RC (<i>check all that apply</i>): <input type="checkbox"/> Land Use <input type="checkbox"/> Groundwater <input type="checkbox"/> Direct Contact/Exposure Barrier <input type="checkbox"/> Vapor Intrusion <input type="checkbox"/> Infiltration Barrier <input type="checkbox"/> Other:			
Protective structure (engineered barriers such as caps, berms, buildings, etc.) on-property? <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A			
Protective structures have retained their functional integrity. <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A			
Is the protective structure free of erosion cracks or other evidence of degradation? <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A			
Are water wells present on the property? <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A			
Method Used to Verify Presence of Wells (e.g. Wellogic):			
If water wells are present at the property, are they being used in compliance with the restrictions? <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A			
Has obvious unauthorized construction or excavation occurred? <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A			
Was an exposure barrier other than concrete, asphalt, or gravel used? <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A If yes, are there any ruts, surface impact, erosion or non-compliant incursions visible? <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A			
All permanent markers, exposure barriers, and monitoring wells are in place as designed. <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A			
Site security measures are in place and in working condition. <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A			
Site security measures include: (<i>check all that apply</i>) <input type="checkbox"/> signs <input type="checkbox"/> fences <input type="checkbox"/> gates <input type="checkbox"/> security guard <input type="checkbox"/> N/A			
Is the property owner (identified in Section I./III.) aware of restrictions and what they mean? <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A <i>If the property owner was not able to be contacted, please describe who was contacted and that individual's awareness of the restriction in Section III. Remarks.</i>			

Attachment 3: RC Compliance Monitoring Checklist

MICHIGAN DEPARTMENT OF ENVIRONMENT, GREAT LAKES, AND ENERGY – REMEDIATION AND REDEVELOPMENT DIVISION
PO BOX 30426, LANSING, MI 48909-7926, Phone 517-284-5087, Fax 517-241-9581

DECLARATION OF RESTRICTIVE COVENANT COMPLIANCE MONITORING CHECKLIST

SECTION III. REMARKS:

Provide new owner/lessee information, if a change has occurred, if the property currently being leased or purchased on land contract, or other comments.

SECTION IV: CURRENT PROPERTY DESCRIPTION

Briefly describe the current conditions and use of the property.

Describe any improvements made to the property, including new structures since the RC was recorded. Include a description of any building or activity that appears to be inconsistent with the approved land use restrictions.

Describe any need for repairs to protective structures, security measures, monitoring stations, permanent markers, or other features. Include observation of erosion, cracking, weed control, settlement, subsidence, excessive burrowing, etc.

***please take pictures (signed by photographer, dated, and direction the photographer was facing) to include in report

SECTION V: EGLE INFORMATION

EGLE STAFF:

EVALUATION COMPLETED DATE:

EGLE STAFF SIGNATURE:

Attachment 4: Template of Letter Sent to Owners

[insert date]

[Mr./Ms.][First][Last]
[Title][Company]
[Address]
[City], Michigan [Zip]

Dear [Mr./Ms.] or [First] [Last]:

SUBJECT: Restrictive Covenant – **[insert EGLE Reference Number] for the [insert Facility name, description, address or other identifier]; EGLE Facility ID No. [insert Facility ID No]**

The Michigan Department of Environment, Great Lakes, and Energy (EGLE) recently performed an evaluation of the restrictive covenant (RC) in place at the **[insert Facility name]**. The RC was placed on the property located at **[insert address of Facility]** and was recorded with the **[insert county name]** County Register of Deeds to ensure protection of public health, safety, and welfare.

EGLE conducted an evaluation of randomly selected RCs out of nearly 3500 RCs recorded statewide. The purpose of the evaluation is to: 1) verify that the RC is properly recorded with the register of deeds; 2) determine if the current property owner is aware of the RC; and 3) determine if conditions at the property reflect the restrictions required in the RC. The evaluation found that: **1) [insert “the RC is/is not properly recorded”]; 2) [insert “the property owner was/ was not aware of the conditions of the RC at the time of review”]; and 3) [option A – “conditions at the property substantially complied with the restrictions contained in the RC”; option B - One or more conditions at the property may require your attention as identified in the enclosed Declaration of Restrictive Covenant Compliance Monitoring Checklist (Checklist)].**

For your review and records, enclosed is a copy of the Checklist and the Property Owner’s Guide to Restrictive Covenants Imposed at Sites of Environmental Contamination. If **you** have questions regarding the Checklist, please contact **[insert name]**, Project Manager, at **[insert phone number]** or via email at **[insert email address]**. If you would like a copy of the RC, or would like to learn more about Environmental Mapper, please contact Ron Smedley, Brownfield Coordinator at 517-284-5153 or via email at smedleyr@michigan.gov.

Sincerely,

[insert full name], Project Manager
[insert district office name]
Remediation and Redevelopment Division
[insert telephone number]

Enclosures

cc: Kevin Schrems, EGLE
Ron Smedley, EGLE



PROPERTY OWNER'S GUIDE TO RESTRICTIVE COVENANTS IMPOSED AT SITES OF ENVIRONMENTAL CONTAMINATION

Guidance

What is a Restrictive Covenant?

Restrictive covenants or deed restrictions are legal instruments recorded with the county register of deeds and are used to impose land use or resource use restrictions where environmental contamination is present at a particular property. Restrictive covenants serve three purposes: 1) inform prospective owners or tenants of the environmental conditions of the property 2) ensure the long-term compliance with use restrictions that are necessary to prevent unacceptable exposure to environmental contamination and 3) maintain the integrity of the remedy over time. Restrictive covenants may only be placed on a property deed with written consent of the property owner.

Restrictive covenants may be used in conjunction with engineering controls, which are physical controls that prevent human exposure to, or migration of, contamination. These controls limit direct contact with contaminated areas, reduce exposures, and control migration of contaminants through environmental media. Examples of engineering controls include capping (pavement, clean soil, gravel, etc.), vapor mitigation systems, containment, slurry walls, extraction wells, and treatment methods that minimize the spread of contamination.

Why are Restrictive Covenants Necessary?

Michigan's environmental remediation programs authorize the Michigan Department of Environmental Quality to set cleanup standards by considering how the contaminated land will be used in the future. Michigan's cleanup standards are risk-based and reflect the potential for human health or ecological risks from exposure to hazardous or regulated substances at contaminated sites. Thus, a person may rely upon the imposition of land use or resource use restrictions, through instruments such as restrictive covenants, to manage risk by preventing exposure to environmental contamination left in-place at a property. For example, if corrective action has been completed at a property and the level of contaminants in the groundwater are in excess of drinking water cleanup criteria, the responsible party may prepare and record a restrictive covenant which prohibits the use of potable water wells on the property, thus preventing the risk of potential exposure to contamination remaining in the groundwater.



Construction of a soil cover (exposure barrier) over the former Linden Road Landfill in Flint Charter Township (Genesee Co.).



Saturday morning soccer games are played on the site of the former Linden Road Landfill. A restrictive covenant is recorded on the property deed to prohibit excavation or other soil disturbance activities below the cover.

Property Owner's Guide to Restrictive Covenants – Fact Sheet

What are the Benefits of Restrictive Covenants?

Restrictive covenants help reduce or eliminate the risks of people coming in contact with contamination, and may also protect expensive cleanup equipment from damage. A restrictive covenant remains in the “chain of title” for the particular property forever, or until it is determined that the hazardous or regulated substances no longer present an unacceptable risk to the public health, safety, or welfare, or the environment. With this benefit of “running with the land”, the instrument reliably provides knowledge of the environmental conditions and restrictions to current and future persons who own or have an interest in the property through property transactions. Finally, the use of restrictive covenants can allow and promote a previously undeveloped or abandoned property to be returned to a safe and productive reuse.

What Types of Land or Resource Use Restrictions May be Imposed by Restrictive Covenants?

Restrictions commonly imposed in restrictive covenants to reduce or eliminate unacceptable exposure risk to hazardous or regulated substances include:

- Restrict land use to nonresidential (e.g. commercial or industrial) uses.
- Prohibit the construction or use of drinking water wells on the property.
- Prohibit or limit excavation activities on the property.
- Prohibit the construction or use of buildings or allow construction of a building after an evaluation is made to determine if a vapor mitigation system is necessary or, if installed, to ensure it is being maintained.

What Does it Mean to Me as a Property Owner?

If you have knowledge that the property you own or operate is contaminated, you have “due care” obligations, even if you aren’t responsible for the contamination. “Due care” means that an owner or operator of contaminated property must take steps to prevent unacceptable exposures to the contamination, or doing things that worsen the contamination. Under a restrictive covenant, you are obligated to:

- Comply with any land use or resource use restrictions created or relied upon in connection with the response or corrective action activities at the property.
- Do nothing to hinder those restrictions as applied to the response or corrective activities at the property.

Where Can I Find More Information?

Multiple sources of information are available if you have questions about restrictive covenants related to your property, your neighbor’s property, or other property in your community. Your county Register of Deeds office holds all documents, including restrictive covenants, recorded on a particular property.

The Michigan Environmental Mapper (www.mcgi.state.mi.us/environmentalmapper) allows you to view sites of contamination and underground storage tank sites, and any land use or resource use restrictions (including restrictive covenants), that the Michigan Department of Environmental Quality is aware of, imposed on a property. The user can display the sites based on search criteria by city, county, Michigan Department of Environmental Quality district, and Michigan legislative district. In addition the user can view sites within a certain distance of a location, a land lot, or a stream segment. The results can be printed, with the map, or exported to an Excel spreadsheet.

In addition, Remediation and Redevelopment Division field staff located at Michigan Department of Environmental Quality offices statewide can provide information regarding specific properties. The field staff are the first line of contact with citizens, the business community, industry, and local units of government for prompt customer service about the Environmental Remediation and Leaking Underground Storage Tank programs.

**MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY
REMEDATION AND REDEVELOPMENT DIVISION**

Date: 05/17/2021

Source: ERNIE

Land Resource and Use Restrictions Classification Totals by Program

Page: 1 of 3

State-wide

Program: Part 111 **Program Total:** 118 **Acres:** 6,087.2056 **Square Miles:** 9.4875

Restriction Classification	Restriction Count
All Construction	10
Commercial I	4
Commercial II	8
Commercial III	10
Commercial IV	9
Excavation	41
Exposure Barrier	46
Groundwater Consumption	65
Health And Safety Plan	11
Industrial	14
Monitoring Well	17
Permanent Marker	15
Recreation	4
Residential	45
Site Specific	68
Soil Movement	44
Special Building	23
Special Well	3

Program: Part 201 **Program Total:** 1399 **Acres:** 40,643.3061 **Square Miles:** 68.1318

Restriction Classification	Restriction Count
All Construction	48
Commercial I	24
Commercial II	61
Commercial III	80
Commercial IV	83
Excavation	336
Exposure Barrier	285
Groundwater Consumption	645
Health And Safety Plan	120
Industrial	200
Monitoring Well	56
Multiple Land Use	10
Permanent Marker	140
Recreation	56

* Note: For a detailed listing of the multiple restriction types within each program, refer to Land Use Restrictions Totals.

**MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY
REMEDATION AND REDEVELOPMENT DIVISION**

Date: 05/17/2021
Source: ERNIE

Land Resource and Use Restrictions Classification Totals by Program Page: 2 of 3

State-wide

Program: Part 201 Program Total: 1399 Acres: 40,643.3061 Square Miles: 68.1318

Restriction Classification	Restriction Count
Residential	221
Site Specific	520
Soil Movement	240
Special Building	238
Special Well	61

Program: Part 213 Program Total: 4965 Acres: 10,702.8203 Square Miles: 21.2924

Restriction Classification	Restriction Count
All Construction	96
Commercial I	130
Commercial II	163
Commercial III	863
Commercial IV	407
Excavation	553
Exposure Barrier	736
Groundwater Consumption	2120
Health And Safety Plan	158
Industrial	171
Monitoring Well	93
Multiple Land Use	1
Permanent Marker	59
Recreation	106
Residential	601
Site Specific	1610
Soil Movement	429
Special Building	975
Special Well	163

Program: Other Program Total: 18 Acres: 3,677.6677 Square Miles: 5.7463

Restriction Classification	Restriction Count
All Construction	2
Excavation	3
Exposure Barrier	2
Groundwater Consumption	5
Health And Safety Plan	1

* Note: For a detailed listing of the multiple restriction types within each program, refer to Land Use Restrictions Totals.

**MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY
REMEDATION AND REDEVELOPMENT DIVISION**

Date: 05/17/2021
Source: ERNIE

Land Resource and Use Restrictions Classification Totals by Program Page: 3 of 3

State-wide

Program: Other Program Total: 18 Acres: 3,677.6677 Square Miles: 5.7463

Restriction Classification	Restriction Count
Monitoring Well	1
Permanent Marker	1
Site Specific	9
Soil Movement	2

Program: Part 115 Program Total: 8 Acres: 541.4841 Square Miles: 0.8457

Restriction Classification	Restriction Count
All Construction	1
Excavation	4
Exposure Barrier	2
Groundwater Consumption	4
Health And Safety Plan	1
Industrial	1
Permanent Marker	2
Site Specific	4
Soil Movement	3

* Note: For a detailed listing of the multiple restriction types within each program, refer to Land Use Restrictions Totals.