

# HAZELWOOD INTERIM STORAGE SITE/ FUTURA COATINGS COMPANY



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# OVERVIEW

- Site Information
  - Site History
  - USACE Remedial Activities
  - Property Description
  - Futura Inaccessible soils
- Institutional Controls Implementation Plan
- Futura Site Management Plan
- Unified Environmental Covenant (UECA)
  - Key Points of UECA
- Missouri Environmental Covenant Act (MOECA)
  - Parties to an Environmental Covenant
- Futura Environmental Covenant
- Challenges

# SITE HISTORY

- In 1966, uranium residues from the St. Louis Airport Site (SLAPS) were sold to a private party and transported to 9200 Latty Ave. (Futura).
- Commercial processing of the residues took place from 1967-1971.
- The wastes from this process were stored at the adjacent property at 9170 Latty Ave. (HISS)
- In 1984, HISS/Futura was added to FUSRAP.
- In 1989, HISS/Futura was added to the National Priorities List (NPL).

# USACE REMEDIAL ACTIVITIES

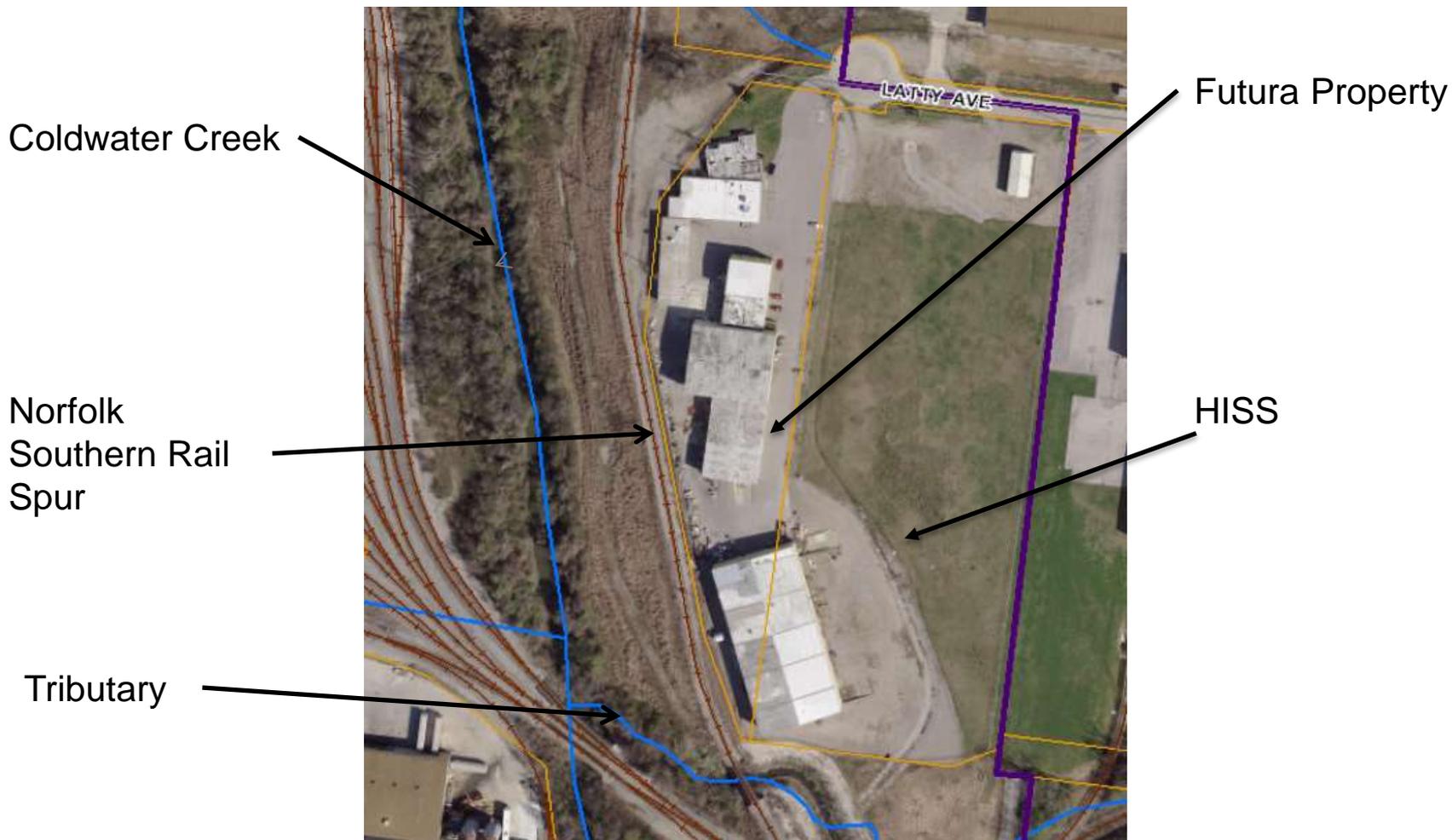
- USACE conducted remedial activities (RA) in accordance with the North County Record of Decision 2005 (ROD) which calls for in part:
  - 1) the excavation and off-site disposal of accessible soils;
  - 2) removal of contaminated soils from the surfaces of buildings and structures; and
  - 3) imposition of land use restrictions for inaccessible areas under roads, active rail lines and other permanent structures where the residual condition is not consistent with unlimited use and unrestricted exposure (UUUE).
- HISS/Futura accessible soils and structures were remediated between 2007-2014.
- The Post Remedial Action Reports for accessible soils have been issued.
- Inaccessible areas with contamination in excess of ROD (USACE 2005) remedial goals remain and require the imposition of land use controls.



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# PROPERTY DESCRIPTION



# INACCESSIBLE SOILS

- Approximately 16,000 cubic yards of contaminated inaccessible soils are located under the Futura Buildings and along the fence line behind Futura.
- Although contaminated levels are above cleanup goals, the inaccessible soils are protective in their current configuration.
- The soils do not present an unacceptable risk under current and reasonable land use scenarios, provided controls are maintained.
- Land use restrictions are necessary to maintain long-term protectiveness.
- Radon monitoring is ongoing in the buildings to verify no unacceptable risks are present.



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# Futura Inaccessible Soils



Dark brown areas indicate the Inaccessible soils under buildings. Lighter areas bordering buildings indicate halo around the inaccessible soils.

Contamination under these utility poles will be remediated this fall.

Contamination under Futura fence cannot be remediated because of railroad restrictions.

Railroad tracks and corridor VP40A (partial)



# INSTITUTIONAL CONTROLS IMPLEMENTATION PLAN FOR THE NORTH COUNTY SITES

## Brief Overview of the Plan:

- Assists in establishing and documenting activities necessary to implement and ensure long-term stewardship.
- Outlines land use controls selected for each property at the North St. Louis County Sites that have residual inaccessible contamination remaining.
- Describes and provides guidance for land use controls that
  - ensures protection of public health and the environment
  - eliminates or minimizes mobility of contaminated soil
  - restricts a change in land use.



# FUTURA SITE MANAGEMENT PLAN

- Describes the implementation procedures that are required by the Environmental Covenant.
- Specifies the general methods necessary to ensure compliance with the land use controls required to prevent and/or control human exposure to the Site contaminants.
- Describes the Land Use Controls, Monitoring, Maintenance and Inspection/Reporting Methods for Futura.
- Compliance with this plan is required until such a time as site remedies/corrective measures have been completed and a Site Management Plan is no longer necessary.



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# UNIFORM ENVIRONMENTAL COVENANT ACT

- An Uniform Environmental Covenant Act (UECA) is an agreement that:
  - Is defined by statute.
  - Provides for the long-term enforcement of clean-up controls where contamination remains in place.
  - Is binding on subsequent purchasers.
  - Is recorded in local land records.
  - Establishes requirements for an environmental covenant.
  - Adopted by 25 states and territories and was introduced by an additional state in 2018.
  - Provides a mechanism to ensure land use controls are reliable and enforceable for as long as necessary.
  - Returns previously contaminated property to the stream of commerce, by allowing property owners to engage in responsible risk-based cleanups and then transfer or sell the property subject to approved controls.



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# UNIFORM ENVIRONMENTAL COVENANT ACT

- Provides for the enforcement of activity and use restrictions by a broad array of interested parties.
- Requires a state or federal environmental agency be a signatory to the covenant.
- Protects valid environmental covenants from being inadvertently extinguished by application of other laws.
- Subsequent purchasers would be subject to controls, but would do so with actual knowledge.
- Does not - specify cleanup standards.
- Does not - establish liability.
- Does not - force any existing property owner to agree to long-term use controls – agreements are voluntary.

# MISSOURI ENVIRONMENTAL COVENANT ACT

- The Missouri Environmental Covenants Act (MOECA) became effective in 2008, RSMo Section 260.1000 et., seq.
- Is substantially similar to the UECA .
- Is implemented as a Long-Term Stewardship tool for Missouri's Risk-Based Corrective Action Program.
- Creates a uniform standard for environmental covenants.
  - The Missouri Department of Natural Resources (MDNR) drafted templates to be used in creating environmental covenants.
- Directs MDNR to create a public database of properties that have restrictions: <https://dnr.mo.gov/ESTART/>.
- Requirements for notice following property transfer, proposed changes in use, applications for building permits, or proposals for site work affecting site contamination.
- Requires rights of access.
- Provides a narrative description of contamination and the remedy.
- Provides limitations on amendment and termination.
- Explains the rights of the Holder and rights of enforcement.

# MISSOURI ENVIRONMENTAL COVENANTS ACT

## Environmental Covenant Requirements:

- Must state that it is an environmental covenant created in accordance with MOECA.
- Must provide legal description of property.
- Must identify the Activity and Use Limitations (AULs).
  - The MOECA templates provide sample language for AULs.
- Must identify every Holder.
- Must be signed by the Department, every Holder, and every Owner of the fee simple of the real property subject to the covenant, unless waived by the Department.
- Must identify the name/location of any administrative record for the response action reflected in the environmental covenant.



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# FUTURA ENVIRONMENTAL COVENANT

- The Draft Futura Environmental Covenant generally follows the MOECA template.
- The MOECA template was revised to document response action conducted in accordance with the North St. Louis County Sites Record of Decision as opposed to Missouri Risk Based Corrective Action Rules.
- Incorporates a site management plan to guide future site activities.
- Identifies three (3) activity use limitations:
  - Soil Restrictions
    - Non-Residential Use with Engineered Controls
    - Soil Disturbance Restriction
    - Maintenance or Replacement of Cover Material
    - Worker Notice and Safety Precautions.
  - No Drilling of Wells or Use of Groundwater Restrictions.
  - Radon Monitoring.



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# CHALLENGES

- **Real Estate**
  - Futura is a privately owned property. Limited resources are available to accurately appraise the property with contamination still present and restrictions (ICs/ECs) on the property.
  - Contamination is located around and under buildings, along a fence line. What is the best way to document area subject to restriction?
- **Party Identification**
  - Which Agencies/Entities will be required to sign the Environmental Covenant?
  - Who will be listed as the “Holder”? The Holder is the Environmental Covenant Grantee and has the ability to enforce.
  - Which Agency is considered the “Department”? The Department “approves” the environmental Response Action. Does it make a difference if the site is on the NPL?



# CHALLENGES

- Long Term Maintenance
  - Who has long-term financial responsibility for maintenance of the land use controls on the property?
  - Who should receive “Notice” of changes per the Environmental Covenant or Site Management Plan and what is the process?
  - Who is responsible for utility support if the owner performs in-situ activities under the buildings?