

Andrew Bracker

From: Klein, Susan <Klein.Susan@epa.gov>
Sent: Wednesday, August 27, 2014 12:52 PM
To: Andrew Bracker
Cc: Thomas Hobley
Subject: FW: Request for Concurrence: Post-award Site Eligibility Determination for Former Rock Island Rail Corridor, (CA No. BF97722301)

From: Richards, Robert
Sent: Wednesday, August 27, 2014 12:39 PM
To: Klein, Susan
Subject: RE: Request for Concurrence: Post-award Site Eligibility Determination for Former Rock Island Rail Corridor, (CA No. BF97722301)

I concur.

Robert W. Richards, Attorney
U.S. Environmental Protection Agency
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Lenexa, Kansas 66219

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913/551-7502

From: Klein, Susan
Sent: Wednesday, August 27, 2014 12:32 PM
To: Richards, Robert
Subject: Request for Concurrence: Post-award Site Eligibility Determination for Former Rock Island Rail Corridor, (CA No. BF97722301)
Importance: High

SUBJECT: Post-award site eligibility determination, pursuant to ORC consultation process
City of Kansas City, MO Recipient
Jackson County, MO Subrecipient and Coalition Member
Land Clearance for Redevelopment Authority of Kansas City, MO (LCRA), Coalition Member
Former Rock Island Rail Corridor,
Jackson County, MO

From: Susan Klein
Brownfields Project Officer

Through: Robert Richards,
Attorney, Office of Regional Counsel

To: City of Kansas City, Missouri, Brownfield Assessment Coalition cooperative agreement file (CA no. BF97722301)

The following is a post-award site eligibility review for the brownfield assessment coalition hazardous substances assessment cooperative agreement (CA) under CERCLA § 104(k) with the referenced recipient and agreement numbers. This review has been done pursuant to the Region 7 Brownfields post-award site eligibility determination process (revised March, 2010). This review is solely for the properties associated with former Rock Island Rail Corridor site referenced above, described below and as outlined in the attached maps. I request your concurrence in reply email.

The former Rock Island Rail Corridor (Corridor), the subject site, is a 17.7-Mile former Chicago, Rock Island & Pacific Railroad Right-of-Way (ROW) Corridor located in Jackson County, Missouri. The Corridor runs through or is adjacent to portions of Kansas City, Raytown, Unity Village, and Lee's Summit. The ROW is currently owned by the Union Pacific Railroad (UP) and a records search as indicated that the site has been owned by UP at least since 2014.

A Coalition subgrant will be issued to Jackson County (Coalition Member) for the purpose of performing an area-wide Phase I Environmental Site Assessment (ESA) Update, multiple Phase II ESAs, risk assessment and remedial design tasks to facilitate acquisition, planning and long-term development of the right-of-way for public transit and trail development. The Corridor will be developed initially as a bicycle and pedestrian trail, preserving the ROW for potential future urban rail transit use.

The Corridor is approximately 330 acres of inactive railroad ROW, stretching from near the intersection of Raytown Road and Stadium Drive in southeastern Kansas City at Mile Post (MP) 288.3 to just north of Greenwood, Missouri at MP 270.6 (see attached). The average width of the corridor is approximately 100 feet but the width fluctuates from between 50 to 200 feet. The Corridor is within the jurisdiction of the coalition member and subrecipient, Jackson County, Missouri.

Generally overgrown with vegetation, trash and debris including tires and piles of railroad timbers are scattered within the Corridor. Girder bridges and platforms, wooden railroad ties, railroad tracks, tunnels and concrete bridges over ditches, unimproved footpaths and vehicle access roads are all located within portions of the Corridor. Except for the remaining track, bridges and tunnels, the Corridor includes no permanent structures. The Corridor is generally bounded by 532 parcels that include retail businesses, warehouses, light industrial and commercial, residential housing, agriculture and wooded areas. Two Phase I ESAs were conducted through the Corridor in late 2011 and May 2012. These inquiries identified a number of recognized environmental conditions (RECs). In general, RECs were identified related to railroad operations and structures, adjacent properties, and encroachments. Contaminants of concern include lead, arsenic and other metals in surface soils; volatile and semi-volatile organic compounds and poly-aromatic hydrocarbons related to the use of creosote treated ties, herbicides, and petroleum-based fuels and lubricants, and solvents. Lead in surface soils from lead-based paint removed or degraded on site improvements (bridges, etc.) and from road ballast is a concern.

The site was screened against the Agency's Enforcement and Compliance History Online (ECHO) database and the Agency's Envirofacts website. No facilities were identified within Corridor. The Corridor. The site is a Brownfields site within the definition of CERCLA § 101(39)(A) and is not excluded under any exclusion listed under CERCLA § 101(39)(B).

Jackson County has entered an agreement with UP for access to perform the assessment and the right to purchase the Corridor. In the award of this grant, a determination was previously made that the recipient and coalition partners, including the subrecipient Jackson County, are eligible entities for funding. Further, the recipient and the recipient's coalition partners have never owned the Corridor and did not generate, operate, dispose, transport, or arrange for disposal of hazardous substances at the properties, and are not affiliated with any party that did so. As units of local government, or as a quasi-governmental agency, the Coalition partners have entered into agreements or relationships, from time to time, with the site owner, Union Pacific. None of these agreements or relationships directly concern the subject property, other than the County's negotiations for access to the Corridor in advance acquisition as a bona fide prospective purchase. Further, none of these agreements or relationships concern the generation, operation, disposal, transport or arrangement for disposal of hazardous substances at the subject property. Thus it appears that neither the recipient nor it's the coalition partners are potentially responsible parties for the site pursuant to CERCLA § 107.

In conclusion, I have reviewed the property identified above and have determined that it is eligible for Brownfields funding under the referenced cooperative agreement.