



FROM THE OFFICE OF THE CITY MANAGER
CITY HALL -- THIRTEENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1695
(316) 268-4351

June 2018

TO: Property Owners/Interested Parties in Gilbert-Mosley Area

RE: City of Wichita's Certificate and Release of Environmental Liability Program

The City of Wichita has implemented a program to conduct investigations and remediate the groundwater contamination found within an area named the Gilbert-Mosley Site. The site is located in downtown Wichita, Kansas and encompasses approximately 3,850 acres of land – *see attached map*. Land use within the site is diversified and includes residential, commercial, recreational, and industrial properties. The groundwater contamination in the site consists primarily of chlorinated solvents, with trichloroethene (TCE) and perchloroethene (PCE) most commonly detected. The site was initially identified in 1986 through a Resource Conservation and Recovery Act (RCRA) hazardous waste compliance inspection performed by the Kansas Department of Health and Environment (KDHE).

The City of Wichita's program is possible through the establishment of a Settlement Agreement (April 1991) with KDHE under which the City of Wichita agreed to conduct a remedial investigation, a feasibility study and certain remedial actions with the understanding that the City would recover costs from parties responsible for the contamination. Since finalizing the settlement agreement, the City has completed the Remedial Investigation Report (finalized in January 1994) and the Feasibility Study (finalized in April 1994). KDHE issued the Corrective Action Decision for Interim Ground Water Remediation (CAD) in September 1994. In 1995, the City completed the pre-design investigations and report required by KDHE, which differentiated six contaminant plumes within the Site, and on October 5, 2000 KDHE approved the City's document, *'Gilbert and Mosley Site Final Design Report, Final Interim Groundwater Remediation Plan for Plumes ABE'*. The Remedial Action Work plan followed and was approved by KDHE on March 1, 2001. Construction of the Gilbert and Mosley Remediation System for Plumes ABE was completed by the City of Wichita in December of 2002 and is currently operational.

Additional efforts are being made to locate, and remediate any sources of contamination, ensuring that further contamination does not continue. The investigations are part of a continuing program to identify property owners and occupiers who may have contributed to the pollution in the area.

Prior to the City of Wichita's acceptance of responsibility for the investigation and cleanup, property values had declined and lending institutions were reluctant to make loans because of the potential for incurring cleanup liability. Since August 1991, almost

all financial institutions have resumed loaning funds to qualified applicants that have been certified as "innocent" property owners (those not contributing to pollution) in the area. The City continues to accept applications for Certificates and Release of innocent property owners and other interested parties in the Gilbert-Mosley Area.

The Certificate and Release program applies to property holders within the boundaries of the Gilbert-Mosley Area as shown on the map. Generally, Certificates and Releases are meant to facilitate property transactions; however, all persons with an interest in property are eligible to apply. Qualifying property holders must complete the enclosed **Application** and an **Environmental Disclosure Form**. It is important to note that Business and Residential Environmental Disclosure Forms are different and the instructions of "how" to fill out an application are on the following pages. If you have any questions about the Application, Disclosure Form, or the Certificate and Release process, please contact the **Division of Environmental Health – Environmental Assessment and Remediation Section @ 316-268-8351**.

While the contamination discovered in connection with a particular property does not necessarily preclude issuance of a Certificate and Release, it may complicate the investigation and lengthen the time necessary to process the application. *It is imperative that the information provided in the Application and Disclosure Form be accurate and complete. False or misleading information will result in the revocation of the Certificate and Release.* Certificates and Releases are based on the conditions portrayed in the application, all information submitted with the application, and the conditions reported by the applicant. Certificates cannot certify future events or applicants, and the certificates are not transferable. You may contact the Division of Environmental Health office for further information.

Mail your completed application and disclosure form to:

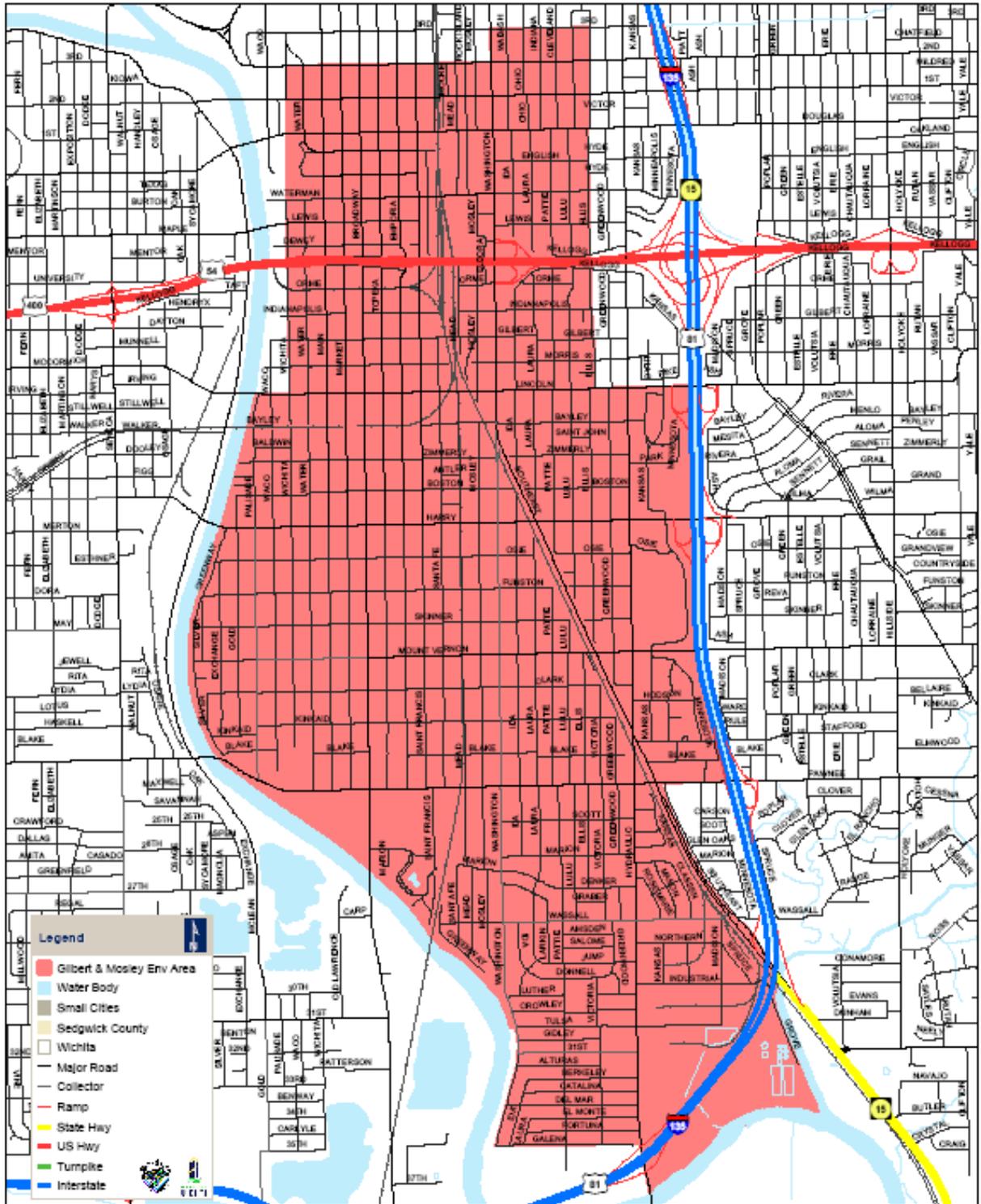
**Gilbert-Mosley Area Groundwater Project
C/O Division of Environmental Health
1900 East 9th Street
Wichita, KS 67214-3198**

Thank you for your cooperation.

City of Wichita

Enclosures

Gilbert & Mosley Environmental Area



Software: ArcGIS 10.1
 Reference: Kansas Dept of Transportation
 Date: 10/1/2011
 Map Data Source: Kansas Dept of Transportation
 Road Information provided by City of Wichita GIS and Sedgwick County GIS
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It is understood that while the City of Wichita, Kansas, is providing this information, it is not intended to be used as a basis for any legal action or liability. The City of Wichita, Kansas, is not responsible for any errors or omissions in this information. The City of Wichita, Kansas, is not responsible for any damages or losses resulting from the use of this information. The City of Wichita, Kansas, is not responsible for any actions taken based on this information. The City of Wichita, Kansas, is not responsible for any actions taken based on this information.

**INSTRUCTIONS AND PROCESSING INFORMATION FOR CERTIFICATE
AND RELEASE
CITY OF WICHITA
GILBERT-MOSLEY REDEVELOPMENT DISTRICT**

1. RELEASE APPLICATION PACKETS - Release applications (packets) are available at the Office of Environmental Health or on-line at the City of Wichita's web site – <http://www.wichita.gov/PWU/Pages/EAR.aspx>

2. PACKET CONTENT - Informational packets include:
(1) Transmittal letter/instructions; (2) Map of the Gilbert- Mosley area; (3) Processing Procedures/instructions; (4) Application for Certificate and Release for environmental conditions; and (5) Environmental Disclosure Forms for residential and commercial/industrial applicants.

3. APPLICATION - All application questions must be answered and the application (Pages 1-4) must be signed and notarized before the application can be processed. Applicants may call the Division of Environmental Health – Environmental Assessment and Remediation Section (316-268-8351) for application related questions or to check the status of their application.

4. DISCLOSURE FORM - It is important to remember that there are different disclosure forms for residential (page R1- R2) and commercial/industrial applicants (C1- C5); you should submit one or the other forms, not both. Applicants with residential property which has been used as commercial/industrial must complete the commercial/industrial disclosure form (C1-C5). Property Geo Code Number and legal description of the property can be found on your property tax receipt, or by calling the county clerk (316-660-9200).

5. COMPLETED PACKET - Packets may be delivered or mailed to the Division of Environmental Health for review. Please make a copy of the application and disclosure forms, for your own files, before returning the completed originals to Environmental Health.

**Gilbert Mosley
C/o Division of Environmental Health - EAR Section
1900 Fast Ninth
Wichita KS 67214**

6. REVIEW PROCESS - Packets will be initially reviewed to ensure that the Application for Certificate/Release and the Environmental Disclosure form have been fully completed, signed and notarized. Applicants will be notified if their application is incomplete or further information is required. Existing Environmental Services data will be checked for environmental conditions at the property including environmental activities, incidents or occurrences that are part of the record (underground storage tanks, hazardous spills, Resource Conservation and Recovery Act facility, etc.). The Environmental Disclosure Form will be reviewed by Environmental Health for indicators of hazardous material releases or potential for release. Outside reviews by the City's consultant will be requested in situations where earlier reviews warrant additional investigation. When warranted, a site visit will be conducted to investigate and document

environmental conditions. The Kansas Department of Health and Environmental (KDHE) Health Site Assessment Guidelines will be used to gather and record data. By submitting an application and obtaining a release, the applicant grants to the City a reasonable right of access to the property to conduct tests relative to the groundwater contamination. (See ¶ 7 of application)

7. EVALUATION AND RECOMMENDATION - Once the review is complete, a recommendation for final disposition will be made by Environmental Health. A release number will be assigned to locations awarded a Certificate and Release for Environmental Conditions. Disposition of all applications will be recorded and records will be maintained by Environmental Health.

8. PUBLICATION OF RELEASE - Prior to preparation of the Certificate and Release, information as to intent to release will be published once in the official City newspaper.

9. CERTIFICATE AND RELEASE - Certificate and Release for Environmental Conditions will be forwarded for the signature of the City Manager and City Clerk.

10. RECORD OF RELEASE - One copy of the Certificate and Release will be retained by the Department of Environmental Services. Applicants can file a copy of the Certificate with the Sedgwick County Register of Deeds.

11. PROCESSING TIME - Processing time will vary according to the type of application (residential or commercial/industrial) and the complexity of environmental conditions. All applications will require a minimum of thirty days. Businesses that handle hazardous materials or use them in manufacturing processes will require a more detailed investigation. Applicants with a property transaction pending (buy, sell, develop) will be handled expeditiously, but full review will not be minimized.

**CITY OF WICHITA
GILBERT-MOSLEY REDEVELOPMENT DISTRICT
APPLICATION FOR CERTIFICATE AND RELEASE
FOR ENVIRONMENTAL CONDITIONS**

1. COMES NOW,

(Insert legal name of party seeking certificate)

(Insert full current mailing address of applicant)

(“Applicant”) and hereby certifies to the City of Wichita, Kansas, as follows:

2. That the Applicant seeks a Certificate and Release for Environmental Conditions for the property located at:

(Insert street address of property within the Gilbert and Mosley Site area)

3. That the Applicant is the owner, operator, or holder of a security interest or other equitable interest in the above-described property, and that the interest held in the property is: _____

(State whether owner, operator, lender, or other -- describe fully)

The Owner of Record is: _____

(If different than Applicant)

4. That the Applicant has personally inspected the property described in statement #2 above, and has made all reasonable inquiry into the current uses of the property, and has determined that one of the following conditions apply: **(circle appropriate letters)**

a) **Residential.** The property is a residential use property and is not and has not been used for commercial or industrial uses.

b) **Commercial or Industrial.** The property is or has been used for a commercial or industrial use. The Applicant states that it has undertaken a diligent inquiry of the environmental condition of the property, and to the personal knowledge of the Applicant, provided all information requested on the attached Environmental

Disclosure Form and a copy of any environmental investigation reports performed on the property is enclosed herewith, and based upon the information identified therein, that such property during the period of interest of the Applicant is not, or has not been, the source of any release or threat of release of hazardous substances (as defined by Federal or State law or regulation), hazardous wastes, toxic chemicals, petroleum or petroleum products or other pollutants or contaminations (“Hazardous Substances”) regulated under Federal, State, or Local Statutes, ordinances, regulations or guidelines (“Environmental Laws”).

- c) **Lender.** The Applicant is a lender on the property and has provided in good faith and to the best of its knowledge all additional information available to the Applicant concerning the environmental conditions of the property. Applicant is not liable or responsible for the submission of any false or misleading information, prepared or submitted by others relative to this property unless Applicant knows, or has reason to know, such information to be false or misleading.
5. That the Applicant makes this certification in anticipation of the benefits of a Certificate and Release for Environmental Conditions which may be granted to the Applicant by the City of Wichita and on behalf of the Kansas Department of Health and Environment (“KDHE”) under the authority of a Settlement Agreement of March 26, 1991, between the City and KDHE (“City/KDHE Agreement”), and acknowledges that, if the facts stated herein or any information provided in connection herewith are found to be false or misleading, the Certificate and Release for Environmental Conditions will be null and void and of no effect, and the Applicant may be subject to penalty of law for providing false statements.
6. That the Applicant acknowledges and agrees that the KDHE's release and covenant not to sue provided in the City/KDHE Agreement is applicable and enforceable only if certain obligations of the City thereunder are being met and if such obligations have not become void or unenforceable by the operation of law, by the terms of this Agreement, or for any other reason.
7. That the Applicant agrees to grant to the City of Wichita, its agent, consultants, or persons working in cooperation with it, whatever reasonable access is necessary for the completion of the activities contemplated in the City/KDHE Agreement and in accordance with paragraph 52 of that Agreement, provided that such grant of access is to the extent of the Applicant's authority to grant access and the Applicant has no obligation to obtain any such authority it does not now possess. Any test results obtained from the Applicant's property under this paragraph will be made available to the Applicant upon reasonable request.
8. This Application is provided solely for the benefit of the City of Wichita and is furnished to induce the City to issue a Certificate and Release for Environmental Conditions. Nothing herein is intended to provide to any other party any third party beneficiary rights or causes of action.

9. This Application is submitted with the understanding that in order to review and act upon the Application the City of Wichita may require additional information reasonably related to the environmental condition of the property or the corporate predecessors of Application.

IN WITNESS WHEREOF, I have hereunto affixed my signature on the date shown.

Name: _____
(Signature)

Name: _____
(Print or type)

(Title of signee)

Mailing Address (print or type)

Date: _____

Subscribed and sworn to before me this _____ day of _____ 20_____.

Notary Public

My appointment expires: _____

**RESIDENTIAL ENVIRONMENTAL DISCLOSURE FORM
GILBERT MOSLEY
REDEVELOPMENTAL DISTRICT
CITY OF WICHITA**

This form is for residential property only and must accompany an Application for Certificate and Release for Environmental Conditions and all information hereon or attached is made a part of the Application. Please answer the following questions to the best of your knowledge; answer by circling NO or YES and then write in the space provided to "Explain" your answer where indicated.

Name of Applicant _____ **Date** _____

Phone Number _____ **Property Geo Code No.** _____

Legal Description of Property: _____

(1) Has this property ever been used for anything other than residential uses?

NO YES

***If yes, please complete the Commercial/industrial Environmental Disclosure Form.

(2) Other than the general Gilbert Mosley groundwater contamination, are there any apparent or suspected areas of contamination of the property, including within buildings or other structures? NO YES If yes, please explain: _____

(3) Other than the general Gilbert Mosley groundwater investigation, has this property been the subject of any environmental investigations by the U.S. Environmental Protection Agency (EPA), Kansas Department of Health and Environment (KDHE), City of Wichita, Division of Environmental Health or other regulatory agency?

NO YES ***If yes, please explain or provide copy of report: _____

(4) Is there a water well on this property? NO YES

If yes, has this well been tested? NO YES

If tested, was this well found to contain hazardous substances? NO YES

If yes, please explain or provide a copy of the report: _____

(5) Is there a sump pit and/or pump on the property? NO YES

If yes, where is it located on the property and where does it discharge? _____

(6) Has this property ever been used for storage or disposal of any hazardous substance (as defined in the application) other than incidental household products? NO YES
If yes, please explain: _____

(7) To the best of your knowledge, are there any environmental-related problems associated with this property that have not been discussed above? NO YES
If yes, please explain: _____

(8) Is a loan pending based on the Release for Environmental Condition? NO YES
Is there a sale pending the Release for Environmental Conditions? NO YES
If yes, please indicate the closing date _____
Other comments: _____

**COMMERCIAL/INDUSTRIAL ENVIRONMENTAL DISCLOSURE FORM
GILBERT MOSLEY REDEVELOPMENT DISTRICT
CITY OF WICHITA**

Please answer the following questions to the best of your knowledge; **circling YES or NO**. "Explain" your answer where indicated. This form is for Commercial/Industrial property only, and to be submitted in connection with an Application for Certification and Release for Environmental Conditions. All information hereon or attached hereto is made a part of the Application. This form may be electronically reproduced to facilitate answering the questions and/or additional pages may be attached to provide the information requested.

Name of Applicant _____ **Date** _____

Business Phone _____ **OR Contact Number** _____

Legal Description of Property _____

_____ **Geo Code #** _____

Street Address of Property _____

(1) GENERAL INFORMATION: Please use the following to detail the history of property use.

(a) SITE OWNERS

<u>OWNER</u>	<u>DATES</u>	<u>TYPE OF BUSINESS/SITE USE</u>
_____	From: _____ To: Present _____	_____
_____	From: _____ To: _____	_____
_____	From: _____ To: _____	_____

(b) SITE OCCUPANTS

<u>OCCUPANTS/LESSEES</u>	<u>DATES</u>	<u>TYPE OF BUSINESS/SITE USE</u>
_____	From: _____ To: Present _____	_____
_____	From: _____ To: _____	_____
_____	From: _____ To: _____	_____

(c) Has this property been the subject of any environmental investigations by the KDHE, EPA, or other regulatory agency? YES NO Unknown

If yes, please explain or provide copy of documents. _____

(d) Have there been any notices, orders, reports, etc., from or to any regulatory agency relating to the property and its uses? YES NO Unknown

If yes, please explain or provide copy of documents. _____

(e) Has any type of environmental study been performed on this property?

YES NO Unknown

***If yes, please identify and include a copy of the report.

(2) DISPOSAL OF WASTES:

(a) Are liquid or sludge wastes generated and/or stored on property?

YES NO Unknown ***If no, please proceed to # (3)

(b) What do the liquid wastes consist of _____

(c) Has any type of characterization of them liquid wastes been conducted?

YES NO Unknown ***If yes, include copy of results.

(3) STATUS OF POSSIBLE CONTAMINATION OF THE SITE:

(a) Has any hazardous substance (as defined in the application) been disposed of on the property?

YES NO Unknown ***If yes, please explain. _____

(b) Has the property ever been owned by any entity that used hazardous substances on the site?

YES NO Unknown ***If yes, please explain. _____

(c) Provide information concerning any release of hazardous substances from or onto the property, of which you are aware, by any prior owner or occupant. _____

(d) Are there any apparent or suspected areas of contamination on the property, including within any buildings or other structures?

YES NO ***If yes, please explain _____

(e) Have all hazardous substances disposed of on the property or transported for disposal from the property been disposed of in compliance with federal, state and local requirements?

YES NO Unknown

***If yes, give name, phone number and contact person, for each transporter utilized.

(f) If disposal of hazardous substances occurred on the property, state the date, method and location of such disposal _____

(g) Has there been any test for, or specific knowledge of, contamination of subsurface soils or groundwater on your property?

YES NO Unknown ***If yes, include copy of results.

(h) Have any hazardous substances been spilled or accidentally leaked from containers or equipment on the property?

YES NO Unknown ***If yes, please explain _____

(i) Has there ever been a PCB leak, spill, or other contamination affecting the property?

YES NO Unknown ***If yes, please describe. _____

(4) STATUS OF USAGE OF CHEMICALS:

(a) During the period of your ownership or occupancy of the property, have chemicals been used or stored on the property?

YES NO Not Applicable ***If yes, please identify any and all chemicals used in connection with business activities. For each chemical identified, state: the quantity used; how and where it is stored; and how it was disposed after use. _____

(b) If chemicals are stored on property, have all necessary reports been filed with OSHA, EPA, and other federal, state and local authorities?

YES NO Unknown ***If yes, please explain _____

(c) If such reports were filed, do they meet federal, state and local requirements?

YES NO Unknown
State the names of individuals familiar with the filings and the location of the files.

(5) STATUS OF WATER POLLUTION CONTROL:

(a) Does the facility have any wastewater?

YES NO Unknown ***If yes, how is it managed or treated at present? In the past? _____

(b) Are there any pits, ponds, lagoons, tanks, oil/water separator tanks, or mud pits on the property?

YES NO Unknown ***If yes, indicate how and when the structures were used, and what compounds have been stored or discharged to them. _____

(c) Is the property connected to the City sewage treatment system?

YES NO

(d) Is there a pollution control permit from federal, state or local authorities for any such discharge?

YES NO Unknown
***If yes, please explain which agency the permit is with. _____

(e) Does the property have any records of water pollution discharges?

YES NO Unknown
Explain the location of such records and the individuals familiar with them. _____

(f) Is there now or has there been a NPDES permit for the property?

YES NO Unknown

(g) Is there any sludge accumulated from any water pollution activities?

YES NO Unknown ***If yes, where?

6) COMPLIANCE WITH REQUIREMENTS FOR PETROLEUM PRODUCTS

(a) Are any petroleum products stored at the facility?

YES NO Unknown ***If yes, how much and where are they stored? _____

(b) Are there any underground storage tanks at the property?

YES NO Unknown

- Have they been registered with the Kansas Department of Health and Environment of other state, federal, or local agency?

YES NO ***If registered, please attach a copy of the State Certificate.

(c) If applicable, please describe the location, age, construction, size and condition, of any underground storage tanks at the property. For each such underground storage tank, identify the petroleum product, solvent or other chemical that is being stored or was stored in the tank. _____

(d) Have the tanks been tested?

YES NO Unknown

***If yes, please provide a copy of the results.

***If no – please explain why they have not been tested. _____

(e) Have any underground storage tanks been removed from, closed in place or abandoned at the property?

YES NO Unknown ***If yes, please describe _____

(f) Have any tanks presently or previously located at the property leaked or spilled?

YES NO Unknown ***If yes, please describe. _____

(7) ARE THERE ANY WATER-WELLS ON THE PROPERTY?

YES NO ***If yes, for each well answer the following:

(a) Has this well been tested for water quality or presences of hazardous substances?

YES NO Unknown

(b) If yes, was this well found to contain hazardous substances?

YES NO Unknown ***If yes, please explain and/or provide a copy of the results. _____

(c) If known, what was the water-well used for in the past?

Drinking Irrigation Manufacturing Cooling System Other

(d) What is the water-well used for currently?

Drinking Irrigation Manufacturing Cooling System Other

(8) Is there a sump pit/sump pump on the property?

YES NO Unknown

***If yes, where is it located on the property, and where does it discharge? _____

(9) Is applicant the corporate successor of any other entity that was located on or owned the property?

YES NO Unknown

***If yes, list those corporate predecessors. _____

(10) Is a loan pending based on the Release for Environmental Condition?

YES NO

*** If yes, please indicate closing date _____.

(11) Is there a sale pending the Release for Environmental Conditions?

YES NO

***If yes, please indicate closing date _____.

Other comments: