

# *Cleanup Enforcement in Action:* Cleanup and Redevelopment Support Economic Success for a Community in North Kansas City, Missouri

## The Value of Environmental Enforcement

At the Armour Road Superfund site, the U.S. Environmental Protection Agency (EPA), the city of North Kansas City (City) and potentially responsible parties (PRPs) used enforcement tools to identify and conduct cleanup activity that will address community priorities and facilitate safe redevelopment of the site. This case study illustrates how the Superfund enforcement program works collaboratively with responsible parties, state and local governments, and stakeholders to the benefit of the community.

Early and ongoing communication between the EPA Region 7 Superfund enforcement program (serving Iowa, Kansas, Missouri, and Nebraska) and the PRPs resulted in an agreement that expedited cleanup work at the site and a faster return to beneficial use of the property. Along with the agreement, the EPA used comfort letters to address the liability concerns of nearby businesses and prospective developers. The EPA has remained involved throughout the site cleanup process and supports continued beneficial reuse.

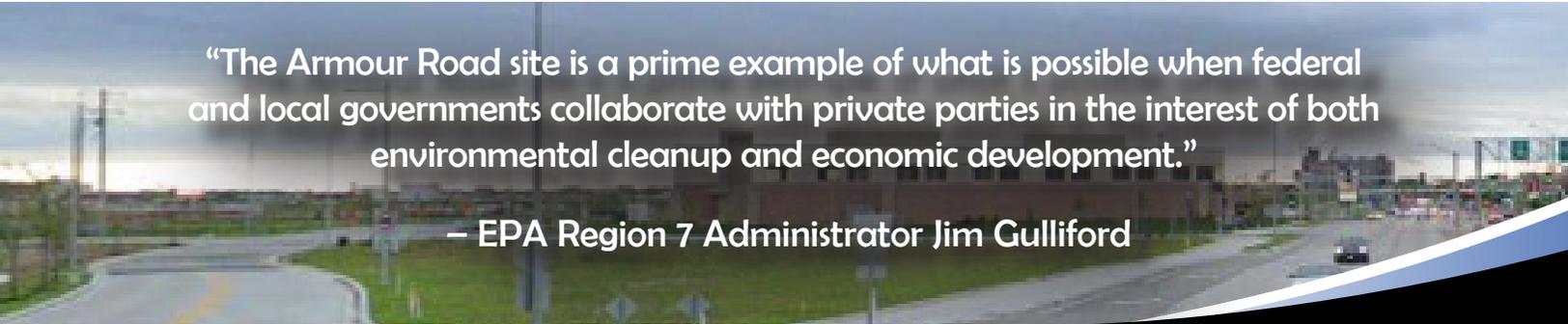
Today, the site is already providing economic benefits for the North Kansas City community, even as the team continues planning efforts for groundwater cleanup. On-site businesses now provide benefits to the City and surrounding community by creating dining options, health services, local employment opportunities, and tax revenue. The redevelopment and resulting influx of commercial and healthcare services have created a viable, sustainable commercial corridor. Additional development is planned for the future.

## Environmental Enforcement Benefits the Community

Environmental and public health factors affect people most significantly where they live. The EPA works to provide strong, effective enforcement support to all communities. As the Agency implements environmental and public health improvements across the country, the EPA is looking for new ways to assist communities in environmentally overburdened, underserved, and economically disadvantaged areas where the needs are greatest.

### Innovative Enforcement Actions Support Reuse and Economic Revitalization

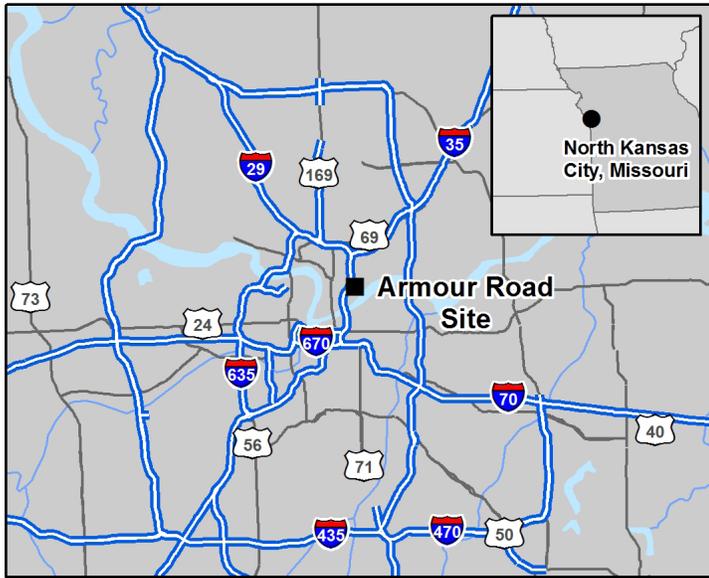
EPA's use of enforcement actions and redevelopment tools attract redevelopment to a contaminated property and help transform properties from liabilities into community assets.



“The Armour Road site is a prime example of what is possible when federal and local governments collaborate with private parties in the interest of both environmental cleanup and economic development.”

– EPA Region 7 Administrator Jim Gulliford

The site's location in North Kansas City, Missouri.



0 5 10 20 Miles

Sources: Esri, DeLorme, AND, Tele Atlas, First American, UNEP-WCMC and USGS.

## Facility Overview

North Kansas City, Missouri, is home to over 4,000 people. It is located just north of downtown Kansas City, across the Missouri River. The 1.8-acre Armour Road site property sits at the gateway to North Kansas City, just northwest of a railroad and near Interstate 29. From the 1920's to 1986, various companies made and blended herbicides that were used by multiple railroad companies to control vegetation along railroad tracks.

Facility operations resulted in soil and groundwater contamination. An environmental assessment conducted in 1989 identified arsenic contamination, which prompted the Missouri Department of Natural Resources (MDNR) to investigate site conditions. Companies that owned the facility from the 1920's to 1986 include: Reade Manufacturing (1920s – 1968), which later leased the facility to U.S. Borax (1963 – 1968), which was purchased and operated by Horne and Boatright Company (HABCO) (1968 – 1986), which formed an entity called KC 1986 to sell the property in 1986. KC 1986 later sold the property to North Kansas City.

## Project History and Enforcement History

1989 – 2006

### Site Characterization and Early Removal Actions

Based on four years of investigations (1989 – 1993), confirming high levels of arsenic in the soil, in April 1996, MDNR referred the site to the EPA's regional office. One month later, the EPA took emergency action to place a geotextile membrane – a liner to prevent the spread of contamination – over the contaminated soil and fenced the property. In December 1996, an administrative order on consent for an engineering evaluation/cost analysis (EE/CA) was entered between EPA and US Borax. The EPA listed the Armour Road site on the Superfund program's National Priorities List (NPL) in May 1999.

The EE/CA was completed in February 2002. After the EE/CA, U.S. Borax led the removal actions to address



The 2004 to 2006 removal action.

## Comfort Letters/Status Letters

A comfort/status letter is intended to address liability concerns at a site by providing information about the cleanup status and likelihood of the EPA's involvement at a site. Comfort/status letters may address the following:

- Status of the site;
- Future anticipated actions at the site;
- Available liability protections;
- Reasonable steps to stop any on-going releases and prevent future releases; and
- The status of any EPA liens.

Learn more about comfort/status letters at <https://www.epa.gov/enforcement/comfortstatus-letters-guidance>.



*Current site conditions.*

short-term cleanup priorities in two separate phases. Phase 1 removed the building and foundation to an off-site permitted landfill for disposal from August 2004 to October 2004. Phase 2 excavated and disposed of contaminated soil beneath the site property from March 2005 to April 2006. Excavated soil was treated and transported to an off-site permitted landfill for disposal.

North Kansas City acquired the property at auction in 2004. With growing development interest in areas around the site and the property's ideal location in the community, the City prioritized its support for the site's cleanup and redevelopment. To assist the City's cleanup and reuse planning the EPA provided a comfort letter.

Throughout the cleanup and redevelopment planning process, the EPA provided comfort letters to other potential developers, neighboring businesses, and other site stakeholders to help them make informed decisions regarding the property's cleanup status and Superfund's liability protections. The comfort letters helped facilitate redevelopment. A restaurant and orthopedic office now operate on the once-vacant site and are catalysts for commercial and residential redevelopment in the surrounding area as well.

## 2009 – 2017

### An Innovative Approach to Long-Term Cleanup

For the site's ongoing cleanup, the EPA and U.S. Borax entered into a consent decree to conduct a remedial investigation/feasibility study in 2009. During the investigation period, Rio Tinto, an international mining company, acquired U.S. Borax in the 1960's and became the parent company of U.S. Borax. U.S. Borax continues to operate today as a wholly owned subsidiary of Rio Tinto, while Rio Tinto is now the responding party to the consent decree, following corporate reorganization with Rio Tinto.

Supporting efforts to make sure cleanup work moved forward to prepare the site for reuse, the EPA worked with the PRPs and the City and discussed alternative approaches to address the remaining site cleanup. In 2016, Rio Tinto began a voluntary soil response action at other portions of the site with EPA oversight and the Agency paused the feasibility study. After the voluntary soil response action (soil excavation) was completed in January 2017, the EPA continued with the feasibility study to evaluate the site's contamination. The feasibility study is ongoing.

## 2015 – 2019

### Working Together to Facilitate Redevelopment

Before and during cleanup, the EPA and Rio Tinto worked closely with the City to coordinate cleanup planning and activities with commercial redevelopment plans. Before returning the site to reuse, Rio Tinto worked with the City to install a new utility infrastructure for future development. Rio Tinto then completed the voluntary response action. This coordination literally laid the groundwork for redevelopment opportunities at the site.



*A restaurant and medical building that now operate at the site.*



*City of North Kansas City Mayor Don Stielow and EPA Region 7 Administrator Jim Gulliford at the L.E.A.F.S. award ceremony.*

To support future development of a sustainable and viable commercial area, the EPA’s regional office site team worked with Rio Tinto and the Missouri Department of Transportation (MDOT) to construct a temporary access road across the site property. The temporary access road was converted to an entryway for the main road through the redevelopment project and represents a collaborative process among the EPA’s site team, the City, the MDOT, MDNR, responsible parties, and other stakeholders.

“The cleanup of this site has brought tremendous growth and opportunity to the area, bringing new businesses and a substantial number of jobs.”

– EPA Region 7 Administrator  
Jim Gulliford

## Redevelopment Success and the L.E.A.F.S. Award

In September 2019, the EPA Region 7 office presented its Leading Environmentalism and Forwarding Sustainability (L.E.A.F.S.) Award to the City and Rio Tinto in recognition of responsible reuse through innovative thinking, sustainable practices, and environmental stewardship. The EPA Region also recognized MDNR for its partnership and involvement at the site.

## Enforcement Makes a Difference

EPA’s enforcement program has helped make a difference in thousands of communities impacted by hazardous waste contamination. At sites such as the Armour Road site, the enforcement program helps ensure responsible parties perform and pay for prompt and protective cleanups and facilitate revitalization through the use of enforcement tools. Significant and sustained cooperation and communication among the EPA, state agencies, responsible parties, and the City enabled timely site cleanup and early consideration of redevelopment possibilities that laid a strong foundation for future growth at and near the site.

### For More Information, Contact:

Elisabeth Freed  
Office of Site Remediation Enforcement  
U.S. Environmental Protection Agency

[freed.elisabeth@epa.gov](mailto:freed.elisabeth@epa.gov) | (202) 564-6331