



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

MAR - 5 2019

REPLY TO THE ATTENTION OF

VIA ELECTRONIC MAIL AND
CERTIFIED MAIL 7017 3380 0000 7283 3097
RETURN RECEIPT REQUESTED

LU-16J

Mr. David Favero
RACER Trust
500 Woodward Avenue, Suite 2650
Detroit, Michigan 48226

Re: RACER Pontiac Centerpoint Campus, Pontiac Assembly Center, Former Pontiac Truck Group
Pontiac, Michigan
EPA ID: MID 005 356 902
RCRA §3008(h) Order Acknowledgement of Termination and Agreement on Record
Preservation and Reservation of Rights

Dear Mr. Favero:

Enclosed please find the Acknowledgement of Termination and Agreement on Record Preservation and Reservation of Rights signed by representatives of the RACER Trust and the U.S. Environmental Protection Agency, and then filed with the Regional Hearing Clerk of U.S. EPA, Region 5 on March 5, 2019.

If you have any questions, please contact Peter Ramanauskas of my staff at ramanauskas.peter@epa.gov or (312) 886.7890, or Robert M. Peachey of the Office of Regional Counsel at peachey.robert@epa.gov or (312) 353.4510.

Sincerely,

A handwritten signature in black ink, appearing to read "Jose G. Cisneros", is written over a horizontal line.

Jose G. Cisneros, Chief
Remediation and Reuse Branch
Land and Chemicals Division

Enclosure

ecc: Robert Peachey, EPA ORC
Peter Ramanauskas, EPA LCD

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5



In the Matter of:)
)
Revitalizing Auto Communities) Acknowledgement of Termination and
Environmental Response (RACER) Trust,) Agreement on Record Preservation and
successor via bankruptcy settlement to) Reservation of Rights
General Motors Corporation)
) U.S. EPA Docket No.:
Pontiac Centerpoint Campus /) RCRA-05-2007-0009
Pontiac Assembly Center)
Former Pontiac Truck Group) Proceeding under Section 3008(h) of the
Pontiac, Michigan) Resource Conservation and Recovery Act,
as amended, 42 U.S.C. § 6928(h)
EPA ID#: MID005356902)
)
Respondent.)
)

I. Jurisdiction

1. On May 24, 2007, the United States Environmental Protection Agency (U.S. EPA) and General Motors Corporation (GMC) filed an Administrative Order on Consent (2007 Consent Order) in this matter (U.S. EPA Docket Number RCRA-05-2007-0009). *See* Att. A (2007 Consent Order).
2. On June 1, 2009, GMC filed for bankruptcy pursuant to Chapter 11 of Title 11 of the United States Code. On July 5, 2009, GMC sold substantially all of its assets pursuant to 11 U.S.C. § 363, except for certain personalty and real property which GMC retained. The properties subject to the 2007 Consent Order were among the assets retained by GMC. Around the time of the assets sale, GMC renamed itself Motors Liquidation Company (MLC).
3. Pursuant to an Environmental Response Trust Consent Decree and Settlement Agreement in the case of *In re: Motors Liquidation Company*, Case No. 09-50026, which was

entered by the U.S. District Court for the Southern District of New York on March 29, 2011, MLC transferred, assigned, and delivered to the Revitalizing Auto Communities Environmental Response (RACER) Trust, with EPLET, LLC serving as the administrative trustee of RACER, all of its rights, title, and interest to the majority of the MLC personalty and real property, including the sum of parcels of real property, namely the tax parcels listed and illustrated in Attachment B (the "RACER Parcels"), subject to the 2007 Consent Order.

4. The 2007 Consent Order required GMC to perform corrective measures pursuant to Section 3008(h) of the Solid Waste Disposal Act, commonly referred to as the Resource Conservation and Recovery Act of 1976 (RCRA), as amended by the Hazardous and Solid Waste Amendments of 1984, 42 U.S.C. § 6928(h), at GMC's facility known as the Pontiac Centerpoint Campus, U.S. EPA No. MID005356902 (Facility). The corrective measures included implementation of a groundwater monitoring program at Area of Interest (AOI) #71 and AOI #53 to verify that concentrations of constituents remain stable or decline at the Facility boundary; recovery of light non-aqueous phase liquid (LNAPL) at AOI #53; and implementing and maintaining institutional controls to restrict use of the Facility to non-residential purposes and to prohibit potable groundwater use at the Facility from within the water table zone unless and until groundwater meets applicable performance standards. For more details, see 2007 Consent Order at § VI (Work To Be Performed).
5. Pursuant to Section III (Parties Bound) of the 2007 Consent Order, RACER, as a successor to or assign of MLC f/k/a GMC, is bound by that Order as it pertains to the RACER Parcels only. U.S. EPA has determined that the portions of the Facility that are not the RACER Parcels and that are not specifically covered by the August 3, 2006 Final

Decision and/or not subject to recorded use restrictions, i.e., the remainder of the Facility, are Corrective Action Complete without Controls.

6. Pursuant to Section XVII (Termination and Satisfaction) of the 2007 Consent Order, RACER requested a RCRA Corrective Action Complete with Controls Determination in June 2011. U.S. EPA issued the Determination on April 23, 2015, conditioned on RACER's continuing obligations to maintain institutional controls at the RACER Parcels, to expressly name U.S. EPA as a third-party beneficiary in any instrument transferring complete or partial possession or ownership of the RACER Parcels, and to record such instruments with the Oakland County Register of Deeds (with notice to U.S. EPA before conveyance).
7. Pursuant to Section XVII (Termination and Satisfaction) of the 2007 Consent Order, that Consent Order may be terminated when RACER demonstrates to the satisfaction of U.S. EPA that the terms of that Consent Order, as such terms pertain to the RACER Parcels, have been satisfactorily completed.

II. Acknowledgement of Termination and Agreement on Record Preservation and Reservation of Rights

8. Based upon the information presently available to U.S. EPA and RACER's affirmation of its continuing obligation to preserve all records under Section VIII of the 2007 Consent Order pertaining to the RACER Parcels, to maintain any necessary institutional controls or other long-term measures, and of U.S. EPA's reservation of rights under Section XIII of the 2007 Consent Order, U.S. EPA acknowledges that the terms of the 2007 Consent Order have been satisfactorily completed.
9. RACER agrees and acknowledges that it will meet its continuing obligations under Section VIII (Record Preservation) of the 2007 Consent Order by preserving records

covered by that Consent Order, provided, however, that such records shall be limited to the RACER Parcels.

10. RACER has made several Declaration of Restrictive Covenants (Restrictive Covenants) that contain land use and resource use restrictions pertaining specifically to the RACER Parcels. *See* Att. C for a list of Restrictive Covenants for RACER Parcels (Restrictive Covenants). RACER agrees and acknowledges that it will meet its continuing obligations under the Restrictive Covenants.

11. RACER agrees and acknowledges that termination of the 2007 Consent Order does not limit or in any way affect the reservation of rights set forth in Section XIII (Reservation of Rights) of that Consent Order as such reservation of rights pertains to the RACER Parcels.

12. The undersigned representative of both RACER and U.S. EPA certifies that he or she is authorized to enter into the terms and conditions of this Acknowledgement of Termination and Agreement on Record Preservation and Reservation of Rights and to execute and bind legally such Party to this document.

III. Effective Date

This Acknowledgement of Termination and Agreement on Record Preservation and Reservation of Rights shall be effective upon the date it is signed by U.S. EPA.

IT IS SO AGREED:

REVITALIZING AUTO COMMUNITIES
ENVIRONMENTAL RESPONSE TRUST

By: EPLET, LLC, acting solely in its
representative capacity as Administrative
Trustee

DATE: 12-19-18

By: 

Elliott P. Laws, not individually,
but acting solely in his capacity as
Managing Member

DATE: 2-15-19

BY: 

Tinka Hyde, Director
Land and Chemicals Division
U.S. EPA, Region 5

In the matter of: **RACER Trust, successor via bankruptcy settlement to General Motors Corporation, Pontiac Centerpoint Campus / Pontiac Assembly Center, Former Pontiac Truck Group, Pontiac, Michigan**
EPA ID: MID 005 356 902

Docket Number: **RCRA-05-2007-0009**

CERTIFICATION OF SERVICE

I certify that a true and correct copy of the forgoing
Administrative Order on Consent Termination Letter
was sent this day in the following manner to the addressees:

Copy by Certified Mail
Return-receipt:

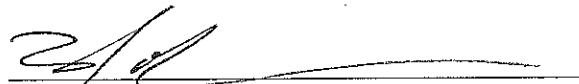
Certified Mail # 7017 3380 0000 7283 3097
Mr. David Favero
RACER Trust
500 Woodward Avenue, Suite 2650
Detroit, Michigan 48226

Copy by e-mail to
Regional Judicial Officer

Ann Coyle
coyle.ann@epa.gov

Dated:

Mar 5, 2019


Kajsia A Johnson
Remediation and Reuse Branch, Region 5