

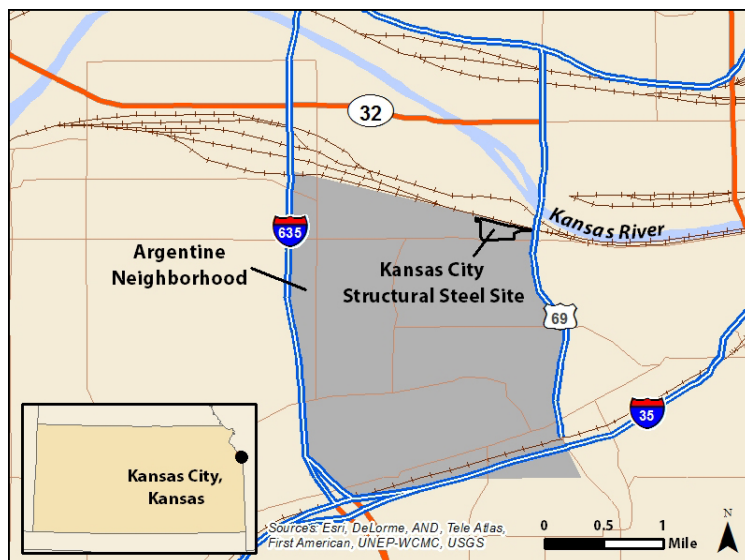
### Introduction

For over 100 years, smelting and fabrication operations produced steel at the Kansas City Structural Steel site in the closely-knit Argentine neighborhood in Kansas City, Kansas. In the early 1900s, the smelter was the largest silver and lead smelter in the world. Following the plant’s closure in the 1980s and the discovery of contamination, the neighborhood struggled with unemployment and the community looked for ways to return the area to productive use.

After EPA-led cleanup efforts in the 1990s, initial redevelopment ideas did not make it past the planning stages, plagued by financing issues, liability concerns and other challenges. Finally, neighborhood organizations and the local government’s Board of Commission worked with retailers, developers, EPA and the Kansas Department of Health and Environment (KDHE) to make commercial redevelopment happen. The project’s community revitalization has become “a fantastic story,” in the words of Doug Bach, County Administrator for the Unified Government of Wyandotte County and Kansas City, Kansas. Collaborative efforts created jobs and paved the way for additional commercial development on site and nearby.

As of 2015, following years of cleanup, community meetings, discussions with developers, industrial and retail companies, and marketing efforts, stakeholders’ hard work has come to fruition:

- La Plaza Argentine, a new shopping center on site, has an anchor tenant, a 41,000-square-foot Wal-Mart neighborhood market.
- The market provides about 95 full-time and part-time jobs, providing annual employment income to the local community.
- In a community once considered a food desert, the site now supports one of only two grocery stores in the area.



Located south of the Kansas River in the eastern part of Kansas City, Kansas, the historic Argentine neighborhood has more than 10,000 residents.

- As of 2015, the site’s appraised market value is almost \$5.3 million.
- The project has attracted interest from several other companies. Negotiations for these businesses to locate on site are ongoing.

This case study explores the efforts and partnerships that have led to the successful reuse and ongoing redevelopment of the Kansas City Structural Steel site. The following pages discuss cleanup and redevelopment activities and the efforts of site stakeholders to bring stores and businesses to the site. The case study provides detailed information and lessons learned for companies, local governments, communities and developers interested in commercial development opportunities at Superfund sites and other blighted properties.



## Site History, Contamination and Cleanup

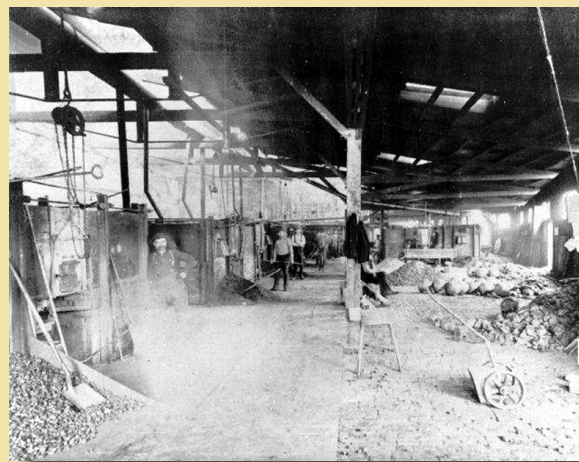
The Kansas City Structural Steel site covers 22 acres. For over a century, smelting and refining companies operated there. Beginning in 1880, the Kansas City Consolidated Smelting and Refining Company and its successor – the American Smelting and Refining Company (ASARCO) – operated the Argentine Smelter. The smelter processed raw ore to produce various refined products, including gold, silver and lead. At the time, the Argentine Smelter was one of the most productive silver and lead smelters in the world. In 1898, it was responsible for about 8 percent of the U.S. gold production, 13 percent of the U.S. silver production and 20 percent of the U.S. lead production.

The Argentine Smelter ran until 1901, when increasing freight costs led to its closure. Between 1901 and 1984, the Kansas City Structural Steel Company produced steel products for bridges, buildings and other structures on site. In 1984, BancAmerica Commercial Corporation (BancAmerica) acquired the property and leased it to the Mosher Steel Company. Metal fabrication at the plant continued until March 1987, when the plant was partially dismantled and permanently closed.

Contamination from historical site operations posed a risk to public health and the environment. Site investigations by EPA in the late 1980s confirmed that metals and lead in surface soils and airborne dust could create unacceptable health risks for off-site residents and future on-site workers. EPA concluded that the contamination needed to be cleaned up. After the facility shut down, EPA began identifying the site's potentially responsible parties. In 1990 and 1991, EPA issued Administrative Orders on Consent to the site owner, BancAmerica, and the Kansas City Structural Steel Company to conduct the cleanup. They agreed to perform cleanup activities with EPA oversight.

Starting in 1993, demolition crews tore up asphalt and demolished buildings and structures. After decontaminating railroad tracks, ties and spikes, the company removed the items for resale and recycling. Workers then excavated soils and debris with high levels of lead and consolidated highly contaminated materials in an on-site disposal cell. A 4-foot cap of clean fill was placed over the entire site. Land use controls – also called institutional controls (see page 4) – were put in place to make sure future uses would be compatible with the remedy. At least 4 feet of clean fill must remain below the finished grade. Buildings cannot have basements, crawl spaces cannot be more than 2 feet below the finished grade, and foundations and support structures cannot extend below the 4-foot clean fill barrier. Lastly, the site's consolidated fill area must remain fenced off.

Site cleanup finished in 1995.



*Facility smelter and refinery operations, 1899. (Source: [www.mypresentpast.com](http://www.mypresentpast.com))*

# Project History

## 1993-1995

### *Getting Started*

The Kansas City Structural Steel site was a community hub for decades, employing several generations of area residents. Located at the northern gateway of the Argentine neighborhood, the facility played a major role in the daily lives of most residents. Many employees walked to work and came home for lunch breaks. When plant operations ended, workers had to look much further afield for employment opportunities. It was a difficult transition for many. Nothing on the horizon came close to filling the employment gap left by the plant's closure.

By the early 1990s, several community-based groups had been working steadily to find new opportunities for the Argentine neighborhood. The nonprofit organization El Centro has helped area residents for nearly 40 years, working to “strengthen communities and improve the lives of Latinos and others through educational, social and economic opportunities.” The organization saw the site's availability following cleanup as a major opportunity to attract employers and businesses to the area. The group purchased the site property from BancAmerica in 1995.

As part of the acquisition process, El Centro entered into a Prospective Purchaser Agreement (PPA) with EPA to address its liability concerns and ensure the long-term protectiveness of the remedy. The agreement required that El Centro provide EPA with access to the site and perform operation and maintenance activities. These included maintaining the protective cover and complying with all institutional controls.

El Centro began looking for a development partner. There were two primary criteria – a community focus and the capacity to work within the requirements of the site's institutional controls.

## 1995-2010

### *Generating Project Support*

Despite the site's location near several major highways and the Burlington Northern Santa Fe rail line, El Centro had a difficult time marketing the property. The site sat vacant for over a decade while the organization looked for a developer with the requisite expertise and interest in community priorities.

EPA offered to provide support for the redevelopment planning process in 2005. A preliminary reuse assessment to identify reasonable and protective future uses for the site followed. The



*The site after cleanup and before redevelopment.*

## **The Bigger Picture: EPA and Reuse**

Efforts to address future land use considerations at the Kansas City Structural Steel site fit in well with emerging nationwide interest in the revitalization of contaminated areas, including Superfund sites. With the creation of EPA's Superfund Redevelopment Initiative in 1999 and its Land Revitalization Agenda in 2003, EPA's Office of Solid Waste and Emergency Response launched a new EPA initiative focusing on promoting land reuse and revitalization at contaminated sites.

In 2002, the Small Business Liability and Brownfields Revitalization Act also became law. The Act was designed to make the acquisition and redevelopment of contaminated properties such as Superfund sites easier by addressing the liability concerns associated with these sites. EPA's Office of Site Remediation Enforcement has a team devoted to facilitating and implementing these liability protections. See the Resources section for more information.

## Did You Know?

The Argentine neighborhood was named after the smelter that provided the community with jobs and income for decades.

“This community takes great pride in their religion, family and history,” said District 3 Commissioner Ann Murguia.

## Food Deserts

Urban neighborhoods and rural towns without ready access to fresh, healthy and affordable food are sometimes called “food deserts.” Instead of grocery stores, these communities may have fast food restaurants and convenience stores that offer few healthy, affordable food options. The lack of access contributes to a poor diet and can lead to higher levels of obesity and other diet-related diseases such as diabetes and heart disease

## Institutional Controls (ICs): A Brief Overview\*

- ICs are legal and administrative tools used to maintain protection of human health and the environment at sites. They do not involve construction or physical changes to a site.
- ICs play an important role when a cleanup is conducted and when it is too difficult or too costly to remove all contamination from a site.
- ICs are designed to lower the potential for people and the environment to be exposed to contamination.
- There are four types of ICs: government controls (local laws or permits), proprietary controls (private property use restrictions), enforcement tools (consent decrees; unilateral orders), and informational devices (deed notices; public advisories).
- ICs are usually most effective when layered (i.e., multiple ICs of different types working together) to improve protectiveness.
- Seeking community input and involvement can maximize the effectiveness of ICs.
- Most cleanups will need to use a combination of engineered remedies and ICs. ICs provide an additional level of safety and help to make sure a site’s remedy remains securely in place.

\* Information adapted from EPA’s Citizen’s Guide to Understanding Institutional Controls

process brought more stakeholders and prospective developers to the table. Companies proposed wheel manufacturing, steel manufacturing, countertop manufacturing, a golf driving range academy, residential development and other land uses.

However, most of these projects lacked community support. Others were not compatible with the site’s institutional controls. EPA site staff understood that community support for any project was essential. “When proposals came through, we told companies they had to have the community on board,” recalled EPA site attorney Bob Richards. “EPA respects the local process and people should be able to determine the character of their land.”

Ann Murguia, District 3 Commissioner and Executive Director of the Argentine Neighborhood Development Association (ANDA), noticed a distinct trend – while community members valued the site’s history, most felt that it was time to go in a new direction. “The community was loud and clear – they did not want heavy industrial uses along the gateway to our neighborhood,” she recalled. “Heavy industrial uses would be worse than an unused property. The community wanted something bigger and better.”

Community consensus was steadily building around the area’s preferred future use. A 2008 survey found that most residents wanted to see commercial redevelopment at the site, and 68 percent of respondents wanted a grocery store. In recent years, the Argentine neighborhood had become a food desert; access to groceries had become difficult after several stores closed and healthy food options were increasingly scarce.

While planning efforts and community engagement efforts were productive, the project continued to face other challenges. In 2010, El Centro was unable to continue making property tax payments, citing the unexpectedly long developer search process and the property’s operation and maintenance costs. The property’s tax delinquency would potentially mean higher redevelopment costs for prospective purchasers.

## 2010-2013

### *Finding the Right Fit*

Neighborhood organizations and the local government continued to seek out companies that could bring jobs and income back to the area. In 2012, local reuse champion Ann Murguia helped bring the Argentine neighborhood to the attention of several companies, including Wal-Mart. Around the same time, ANDA was approached by the Lane4 Property Group (Lane4), a local development firm. The group develops mixed-use and private properties, with a focus on infill sites. Lane4 was interested in forming a partnership to bring a Wal-Mart store to the site as part of a larger commercial center called La Plaza Argentine. “It was one of those unique moments where we were able to pair an understanding of the area with the potential tenant,” said Lane4 partner Hunter Harris.



Lane4 Property Group's plans for the site would add infrastructure such as parking lots, buildings and green space to the property as well as a neighboring property to the east. (Source: Lane4 Property Group)

Development discussions continued. Lane4 formed a limited liability company called Argentine Retail Developers to purchase the tax delinquent property from El Centro. The developers knew that the property came with use restrictions and reached out to EPA as planning began. “EPA received us with open arms,” recalled Hunter Harris. “They communicated effectively with challenges and potential solutions, including the proper process for proceeding with redevelopment as pertained to any environmental concerns.”

Early in the process, Lane4 and EPA hosted several public meetings at a local library to discuss the project, addressing topics ranging from contamination and public safety to traffic patterns. “We wanted to alleviate these concerns early on and also have the community learn about the development,” said Hunter Harris. “The community was exceptionally supportive.”

## 2013-2014

### *Marketing the Site – Wal-Mart Comes to Argentine*

The acquisition process began in May 2013 and was finalized in March 2014, when El Centro sold the property to Argentine

Retail Developers for the purpose of developing the Wal-Mart neighborhood market. Wal-Mart was one of the few companies that came to the area without the aid of development grants. The company agreed to come to the site and lease the property rather than purchasing it as a way to deal with liability concerns. “They took a risk,” said Ann Murguia. “They were great to work with and very community friendly.”

EPA transferred the PPA to the new owner and KDHE agreed to provide oversight by having Argentine Retail Developers enroll in a state program, the Kansas Environmental Use Control (EUC) program. The program tracks and provides oversight of institutional controls at sites where contamination remains in place at levels that prohibit unrestricted use. “When land use restrictions need to be in place, enrollment in this program can help facilitate reuse,” said Maggie Weiser, the program’s Unit Manager. “It limits the seller’s liability because it discloses the contamination.”

## Term to Know: Environmental Use Controls (EUCs)

An Environmental Use Control (EUC) is a type of institutional control (see page 4). An EUC:

- Can be voluntarily applied to a property by the landowner to ensure adequate protection of public health and the environment from contamination on the subject property.
- Provides a landowner relief from environmental liability concerns.
- Can make property more attractive to redevelopment or prospective buyers.
- Should run with the property and bind the landowner and any subsequent owners, lessees, and other users of the property.

KDHE's Environmental Use Control and Information Management Unit provides EUC oversight through its EUC program.

Enrolling in the program helped strengthen the site's institutional controls by updating agreements and permanently recording use restrictions with Wyandotte County. Argentine Retail Developers entered the state program when it acquired the site property. KDHE recorded new deed restrictions in 2014 and put a long-term care agreement in place for future site inspections. "It is a success story for both sides," stated Maggie Weiser. "The relationship between the Argentine Retail Developers and KDHE has been a good one."

Construction of La Plaza Argentine took about six months and started in March 2014. Construction crews were careful to abide by environmental use controls, took efforts to suppress dust, brought in additional clean fill material when needed and kept all contaminated materials under the cap.

## Terms to Understand

**Tax Increment Financing District:** A defined geographic area from which new incremental property and/or sales tax revenues resulting from new development can be captured to fund eligible project costs.

**Community Improvement District:** A special taxing district whereby landowners request either the levy of special assessments or up to 2 percent increase in sales tax. (<http://www.wycokck.org/economic/>)



The Kansas City Area Transportation Authority added a Metro bus stop near the Wal-Mart neighborhood market. The new metro stop at La Plaza Argentine will help shoppers and area employees travel to and from the commercial hub.

In support of the project, the Unified Government of Wyandotte County and Kansas City, Kansas created a tax-increment financing district and a community improvement district. These steps allowed sales and property taxes generated by the new commercial center to ultimately help finance its construction.

## September 2014+

### Celebrating Success

Wal-Mart held the grand opening in September 2014. Open 24 hours a day, seven days a week, the market includes a garden center, grocery, pharmacy and parking. It employs about 95 people. "We are excited to open a new Wal-Mart neighborhood market in Kansas City," said store manager Deryk Cogdill. "We are happy to be a part of this community."

At the grand opening, EPA Region 7 Administrator Karl Brooks presented the Region's Leading Environmentalism and Forwarding Sustainability (L.E.A.F.S.) award to Wal-Mart and ANDA for their reuse efforts.

Construction efforts even included a new bus stop near the shopping center. "We expect the new service to improve the quality of life for the citizens in our Kansas City, Kansas neighborhoods," Ann Murguia said. The bus stop is part of a new route going through the area, connecting the Argentine community and the nearby Rosedale community to La Plaza Argentine as well as providing much-needed access to University of Kansas Medical Center six days a week. The Unified Government of Wyandotte County and Kansas City, Kansas is funding the new bus route and Kansas City Area

Transportation Authority (KCATA) is operating it. “The Metro is looking forward to providing more access to jobs, healthcare and shopping in the Kansas City, Kansas neighborhoods,” said KCATA General Manager Mark Huffer. “We applaud the citizens of these neighborhoods for working to bring transit service to their neighborhoods, providing important access to opportunities for area residents and employees.”

Looking forward, commercial growth at the site is expected to continue. Construction efforts have begun and several site properties have been cleared in preparation of redevelopment. Argentine Retail Developers has donated several acres of site property to the local government for construction of a police station. Training programs are scheduled to start at the station in 2016.

Four other parcels are ready for commercial redevelopment at La Plaza Argentine, with negotiations underway to bring two restaurants to the site. To help maximize the property’s appeal, ANDA is also pursuing state and federal grants that provide financial assistance and other benefits to companies locating in underserved communities. A \$600,000 Community Economic Development Healthy Food Finance Initiative Grant awarded to ANDA in 2013 helped bring a Save-A-Lot grocery to a nearby property.

## The L.E.A.F.S. Award

EPA Region 7 gave out the first L.E.A.F.S. award in 2012. It recognizes responsible parties, developers, site owners, nonprofits, local governments or community members demonstrating excellence in working cooperatively with Region 7 on Superfund redevelopment projects that integrate remedy and reuse and use creative thinking in implementing sustainable practices to benefit the community.



The Wal-Mart neighborhood market is the commercial anchor for La Plaza Argentine. The 41,000-square-foot business is located on the western edge of the site and is the first of several planned projects in the development.



Community members attending the grand opening of the Wal-Mart neighborhood market on site in September 2014.





La Plaza Argentine's first tenant, the Wal-Mart neighborhood market, has increased community access to fresh produce and other groceries.

## Timeline of Events

1880	Kansas City Consolidated Smelting and Refining Company opens Argentine Smelter and begins lead and silver smelting.
1898	Argentine Smelter produces about one-twelfth of all gold, one-eighth of all silver and one-fifth of all lead in United States.
1901	Kansas City Consolidated Smelting and Refining Company ends silver and lead smelting operations.
1907	Kansas City Structural Steel Company acquires site property and begins steel production.
1984	BancAmerica Commercial Corporation acquires site property and leases facility to Mosher Steel Company.
1987	All site operations end.
Feb. 1990	EPA Region 7 issues Administrative Order on Consent ordering site owner to conduct removal action.
Dec. 1991	EPA Region 7 issues Administrative Order for Removal Response Activities to Kansas City Structural Steel.
1993-1995	Removal action excavates, consolidates and caps contaminated materials and demolishes on-site buildings.
Apr. 1995	Operation and maintenance plan finalized following cleanup.
Oct. 1995	El Centro acquires site property, signs PPA with EPA.
2005	EPA-facilitated reuse discussions identify reasonable and protective future uses for site.
2013	Lane4 Property Group expresses interest in developing shopping center on site property.
2014	El Centro sells site property to Argentine Retail Developers.
Jan. 2014	EPA transfers 1995 PPA to Argentine Retail Developers.
Feb. 2014	Site enrolled in Kansas EUC program.
Mar. 2014	Lane4 Property Group breaks ground on La Plaza Argentine shopping center.
Jun. 2014	New bus route connects site and Argentine neighborhood to hospital, shopping outlets and other areas of Kansas City.
Sept. 2014	Grand opening of Wal-Mart neighborhood market; EPA Region 7 presents L.E.A.F.S. award to Wal-Mart and ANDA.

# Lessons Learned

Project partners agree that a combination of significant factors have contributed to the site's cleanup and successful redevelopment.

- The area's location near residential properties, highways and a rail line meant it was an attractive site for redevelopment.
- Working with local transportation agencies to bring new transportation services can link neighborhoods and employees with new businesses.
- Local reuse champions, including the District 3 Commissioner, ANDA and Lane4 Property Group, energetically and relentlessly pursued the property's redevelopment early on and over the long term, bringing interested companies and developers to the table.
- Developers worked with EPA and KDHE to ensure the remedy was compatible with site construction efforts.
- EPA and KDHE are engaged partners who understood the community's redevelopment priorities in the context of the property's cleanup and availability for reuse.
- All parties involved continue to be patient and flexible, recognizing that cleanup and redevelopment are complex processes reliant on available resources, multiple partners, cleanup requirements, market conditions and other factors.

## ***The Bigger Picture***

While these conditions created an ideal climate for the successful reuse of the Kansas City Structural Steel site, there were also a range of broader lessons learned that can help guide similar projects at contaminated lands across the country.

## ***Redevelop contaminated lands one step at a time.***

Communities unfamiliar with contaminated lands are often unsure of how to approach redevelopment projects for these properties. In Kansas City, Kansas, EPA initiated early conversations with the local government and the community. With a clear understanding of the types of reuses that would be compatible with the site's remedy, the community was able to then reach out to potential development partners as well as regional organizations, state agencies and the state legislature, area businesses and consultants to identify resources, create a partnership network and build capacities.

## ***Recognize the leadership role of local governments.***

As the organizations responsible for their communities' general welfare, local governments are particularly well positioned to host redevelopment projects, bring together diverse stakeholders to discuss reuse opportunities, and use planning tools and incentives to foster positive site outcomes. In the Argentine neighborhood, redevelopment challenges included limited resources, finding companies willing to locate in an underserved community, and the need for a developer partner able to work within the requirements of the site's institutional controls. The Board of Commission and ANDA spearheaded the site's later redevelopment outreach efforts. "If you care about the future of your neighborhood, you have to be resolute," said District 3 Commissioner Ann Murguia. "Don't take no for an answer. Bring companies and investors to your neighborhood, show them the people they can help, face to face." Murguia and the Board conducted extensive outreach to raise the community's profile and publicize its need for new commercial development.

## ***Collaborate and build community relationships and partnerships.***

Community-based reuse planning processes can be most effective when they engage diverse stakeholders, including site owners and responsible parties, and are based on detailed site and community information, and lead to implementable strategies and next steps. As EPA Region 7 Administrator Karl Brooks noted at the Wal-Mart market's grand opening, "this site's new future is taking shape because EPA partnered with local governments, innovative businesses and the State of Kansas to use flexible cleanup laws for the Argentine community."

The timing of reuse conversations and efforts are also important. Even if early discussions are productive, it may take time for a project to ripen and become financially feasible. Early reuse discussions for the site were informative but did not yield immediate results. Once Lane4 Property Group and Wal-Mart were involved, reuse discussions moved forward again, making sure the companies, site agencies, local organizations and the community were on the same page.

## ***Identify partnership roles and responsibilities, engage diverse expertise and establish reasonable redevelopment expectations for the process.***

Local government staff recognized area needs, and relied on the developers and EPA regional counsel for legal, technical and engineering expertise to make the commercial reuse project happen. The community's resulting redevelopment plans are grounded in cleanup and market considerations,

reasonably anticipating the types of land uses that could be located at the property in the future. It took several different parties, each providing separate strengths, to bring the project to fruition. The District 3 Commissioner and ANDA understood community needs and priorities as well as local government resources. Lane4 Property Group knew how to tackle local development projects. Wal-Mart saw a market opportunity in an underserved community. EPA and KDHE understood the site's remedy and how institutional controls could ensure it remained protective of human health and the environment.

***Think long term.***

It can take many years to remediate contamination that has accumulated over decades of site activities. However, this lengthy process also provides a time window for site stakeholders to build partnerships and identify resources, coordinate with the EPA and state agencies, and develop a strategy for returning a site to use while protecting future users. Even after a site is remediated, it can take time and the right economic climate to attract parties interested in reusing the area. Persistent outreach and long-term community support throughout all phases are both vitally important.

***Look to the future, recognize the past.***

For most of its history, the Argentine neighborhood was an industrial community. Approaching the redevelopment process, the local government and the community recognized

that times had changed. The neighborhood still needed jobs but sought future uses that would be more compatible with community priorities and improve quality of life. A commercial center that included a grocery store reflected the community's updated needs. By bringing jobs and commercial activity to the site, the Argentine neighborhood has built a strong foundation for the future.

## Conclusion

The redevelopment of the Kansas City Structural Steel site illustrates how community leadership and collaborative partnerships with EPA and state agencies, local developers and businesses can result in community revitalization and the protection of public health and the environment. Today, the La Plaza Argentine project has achieved several major milestones. The Wal-Mart neighborhood market provides employment opportunities, retail and grocery amenities, and property and sales tax revenues. Negotiations to bring two restaurants to two of the commercial lots on site and construction of the new police station is in the planning stages. In 2015 and beyond, as development continues, increased tax revenues will continue to benefit the community. The estimated total property value of the site's parcels totaled almost \$5.3 million in 2015.

In the Argentine neighborhood in Kansas City, Kansas, local government officials, community organizations, responsive developers, EPA, KDHE and a cooperative retailer collaborated to make this much-needed project happen. This teamwork has led to new economic opportunities and community-wide benefits, providing a success story and lessons learned for other communities across the country.



*Site stakeholders participating in the ribbon-cutting ceremony during Wal-Mart's grand opening in September 2014.*

# A New Community Gateway: Commercial Redevelopment at a Former Smelter

KANSAS CITY STRUCTURAL STEEL IN KANSAS CITY, KANSAS

## Sources

Images and maps for this case study are from EPA Region 7, LANE4 Property Group and site visits.

## Resources

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[www.wycokck.org](http://www.wycokck.org)

Board of Commission, Kansas City, Kansas:

[www.wycokck.org/InternetDept.aspx?id=5782&menu\\_id=1278&banner=15284](http://www.wycokck.org/InternetDept.aspx?id=5782&menu_id=1278&banner=15284)

City Data website:

[www.city-data.com/neighborhood/Argentine-Kansas-City-KS.html](http://www.city-data.com/neighborhood/Argentine-Kansas-City-KS.html)

El Centro:

[www.elcentroinc.com/about-us](http://www.elcentroinc.com/about-us)

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KDHE:

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