

RESOLUTION NO. 22-PT-17
PRESENTED TO THE BOARD – JULY 14, 2022

TO: PORT AUTHORITY COMMISSION AND
NEAL RICHARDSON, EXECUTIVE DIRECTOR

FROM: JAMES MORROW, ASSISTANT CITY COUNSELOR

RE: RESOLUTION AUTHORIZING RECOMMENDATION THAT THE BOARD OF
PUBLIC SERVICE APPROVE AN UP-TO-ONE-YEAR PERMIT FOR THE
UNITED STATES ARMY CORPS OF ENGINEERS TO ACCESS PROPERTY
LEASED BY THE CITY OF ST. LOUIS TO THE KIESEL COMPANY TO TEST
AND SAMPLE FOR RADIOLOGICAL CONTAMINANTS

EXECUTIVE SUMMARY

The Kiesel Company (“Kiesel”) leases certain land from the City of St. Louis (“City”) in the Port District. In the 1940s and 1950s, the Mallinckrodt manufacturing complex adjacent to this property processed radioactive material under contract with the federal government. The United States Army Corps of Engineers (“USACE”) periodically samples such sites for radiological contaminants. Kiesel has consented to grant USACE a one (1) year right of access on its leased property, and this Resolution seeks approval to recommend an up-to-one-year BPS permit with conditions so USACE may begin its sample and testing operations.

BACKGROUND

From 1942 through 1957, the former Mallinckrodt manufacturing complex located between I-70 and the Mississippi River, just south of the McKinley Bridge, processed radioactive ore under contract with the Manhattan Engineer District and Atomic Energy Commission during the development of atomic weapons. The site was decontaminated according to the standards of the day. However, today's cleanup standards are much more stringent, requiring additional cleanup.

USACE’s Formerly Utilized Sites Remedial Action Program (“FUSRAP”) is an environmental remediation program to address radiological contamination generated by activities of the Manhattan Engineer District and the Atomic Energy Commission. The St. Louis Downtown Site covers the Mallinckrodt complex and adjacent properties, including property owned by the City and leased to Kiesel along Branch Street and Dock Street, as identified in the attached Exhibit A.

USACE has approached the Port Authority and Kiesel requesting access to the property in Exhibit A to conduct FUSRAP sampling and testing. Kiesel has consented to grant USACE a one (1) year right of access for this purpose. USACE still seeks the consent of the property owner, and staff proposes the Port Commission recommend the Board of Public Service grant USACE an up-to-one-year permit with conditions as outlined in Exhibit A.

REQUESTED ACTION

Request approval of Resolution No. 22-PT-17 by the Port Commission.

NOW, THEREFORE, BE IT RESOLVED BY THE PORT AUTHORITY BOARD OF COMMISSIONERS AS FOLLOWS:

1. The Board of Commissioners of the Port Authority hereby approves a recommendation to the Board of Public Service of the City of St. Louis for an up-to-one-year BPS permit with conditions substantially similar to Exhibit A for the United States Army Corps of Engineers to access City of St. Louis property within the boundaries identified on Exhibit A on the unimproved wharf for the purposes of conducting FUSRAP sampling and testing.
2. The Executive Director or his designee is hereby authorized and directed to take all actions necessary and proper to implement the intent of this Resolution.
3. This Resolution shall take effect and be in full force immediately after its passage and approval by the governing body of the Authority.

ADOPTED this 14th day of July, 2022.

THE PORT AUTHORITY OF THE
CITY OF ST. LOUIS, MISSOURI

By: _____

Title: _____

(SEAL)

ATTEST

By: _____

Title: _____

**PERMIT CONDITIONS FOR UNITED STATES ARMY CORP OF ENGINEERS
FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM
SAMPLE COLLECTION AND TESTING**

This permit is granted to the United States of America (the “Government”), its agents, employees, representatives, contractors, subcontractors, and assigns, for purposes of performing surveys and investigations, collecting samples and making test borings, and restoring the property to its previous condition as may be necessary and incident to implementation of the Formerly Utilized Sites Remedial Action Program (“FUSRAP”) for a period not to exceed **one (1) year** beginning with date of this permit on the land identified in Exhibit A hereto (the “Property”).

1. The Government will notify the Tenant(s) listed below prior to entry onto the Property. Contact Information of Tenant(s):

Tenant: The Kiesel Company
Point of Contact: Craig Gooden
Address: 4801 Fyler Avenue
St. Louis, MO 63116
E-mail: craig.gooden@kieselco.com
Office: (314) 421-0328
Cell: (314) 568-4486

Tenant: The Kiesel Company
Point of Contact: Larry Gooden
Address: 4801 Fyler Avenue
St. Louis, MO 63116
E-mail: larry.gooden@kieselco.com
Office: (314) 351-5500

2. This Permit includes the right to ingress and egress on other lands of the City of St. Louis provided that such ingress and egress is necessary and not otherwise conveniently available to the Government.

3. All tools, equipment, and other property taken or placed upon the Property by the Government shall remain the property of the Government and will be removed on a daily basis.

4. The Government shall have the right to patrol and police the Property while performing surveys and investigations, collecting samples and making test borings, and restoring the premises.

5. If any action of the Government in the exercise of the rights granted herein results in damage to the real property, the Government will, in its sole discretion, either repair such damage or make an appropriate settlement with the City of St. Louis. In no event shall such repair or settlement exceed the fair market value of the fee simple title to the real property at the time immediately preceding such damage. The Government's liability under this clause is subject to the availability of appropriations for such payment, and nothing contained in this agreement may be considered as implying that Congress will at a later date appropriate funds sufficient to meet any deficiencies. The provisions of this clause are without prejudice to any rights the City of St. Louis may have to make a claim under applicable laws for any damages other than those provided for herein.

[SIGNATURES ON FOLLOWING PAGE]

THE CITY OF ST. LOUIS,
acting by and through the Board of Public Service

By: _____ Date: _____
Richard T. Bradley
President
Board of Public Service

UNITED STATES OF AMERICA

By: _____ Date: _____
Melissa Lynn Hoerner
Real Estate Contracting Officer
Chief, Real Estate Division

Resolution 22-PT-17
Exhibit A

Exhibit "A"

11 Dock Street, St. Louis, MO

Portion of 1 Branch Street, St. Louis, MO 63147

Portion of land from the Mississippi River to the Eastern Boundary Line of 1 Branch Street, St. Louis, MO 63147

