



From: Sara Roediger, Director
To: Brownfield Redevelopment Authority (BRA)
Date: April 8, 2021
Re: Act 381 Work Plan Amendment #1
Legacy of Rochester Hills (City File No. 17-043)

The City of Rochester Hills submitted the Act 381 Work Plan for the environmental cleanup efforts for the Legacy of Rochester Hills, to the Michigan Department of Environment, Great Lakes, and Energy (EGLE) which was approved on June 14, 2018. Work subsequently began in late June of 2018 consistent with the approved plans. The City has been working with the applicant since the project began to ensure the safe remediation of this site. We were notified in 2019 that the applicant ran into some challenges when attempting to construct the slurry wall on parcel B and that the originally proposed method for construction would need to be modified. Clean up of this property always has been, and continues to be, the City's first and foremost concern, and City staff and consultants have worked with the applicant and their team to ensure that the proposed modifications to the approved Act 381 Work Plan are consistent with the level of clean up as required as part of the original approval.

The city is in receipt of the Act 381 Work Plan Amendment #1 for the Legacy Rochester Hills project from AKT Peerless dated March 8, 2021 on behalf of LRH Development, LLC, which is attached for your review. ASTI Environmental, the City's environmental consultant, has reviewed the request which is detailed in the attached March 26, 2021 memo. ASTI has found that the request is in compliance with the approved Brownfield Plan, consent judgment, 1996 PA 381 (Act 381) at the time of the Brownfield Plan approval, and generally accepted practices and therefore recommends that the amended 381 Work Plan be submitted to EGLE for review and approval with the following conditions:

1. Operation and maintenance obligations for Parcel B will continue well beyond the 24-year period stated in the Amended 381 Work Plan, and are a critical component of maintaining the remedy and providing public access to Parcel B. Therefore:
 - a. to be explicit about requiring operation and maintenance beyond the duration of the Amended 381 Work Plan, ASTI recommends that the description "for at least a total of 30 years" be removed from Section 3.1.1.7; and
 - b. to assure the maximum duration for operation and maintenance on Parcel B, cost should not be reallocated to other eligible activities but should remain at the amount of \$900,000 as indicated in the Brownfield Plan, and reimbursement should be assumed annually for a full 30 years; and
 - c. to illustrate reimbursement to the Applicant for operation and maintenance in Parcel B for 30 years, the assumed duration of the tax capture table be extended to 30 years, with annual reimbursement of \$30,000 to cover this expense in years 25 to 30 and that the LBRF be extended during that period, but that there be no change in the total amount approved for reimbursement or the total duration of reimbursement for all other costs.

MOTION by _____, seconded by _____, in the matter of City File No. 17-043, the Brownfield Redevelopment Authority approves staff to submit the amended 381 Work Plan to EGLE for review and approval with the following conditions:

1. Operation and maintenance obligations for Parcel B will continue well beyond the 24-year period stated in the Amended 381 Work Plan, and are a critical component of maintaining the remedy and providing public access to Parcel B. Therefore:
 - a. to be explicit about requiring operation and maintenance beyond the duration of the Amended 381 Work Plan, ASTI recommends that the description “for at least a total of 30 years” be removed from Section 3.1.1.7; and
 - b. to assure the maximum duration for operation and maintenance on Parcel B, cost should not be reallocated to other eligible activities but should remain at the amount of \$900,000 as indicated in the Brownfield Plan, and reimbursement should be assumed annually for a full 30 years; and
 - c. to illustrate reimbursement to the Applicant for operation and maintenance in Parcel B for 30 years, the assumed duration of the tax capture table be extended to 30 years, with annual reimbursement of \$30,000 to cover this expense in years 25 to 30 and that the LBRF be extended during that period, but that there be no change in the total amount approved for reimbursement or the total duration of reimbursement for all other costs.