

ENVIRONMENTAL OVERSIGHT COMMITTEE
Thursday, December 7, 2006
(9:00 AM)

Present: Jim Rosen, City Council
Ravi Yalamanchi, City Council
Derek Delacourt, Deputy Director, Planning & Development Department
Paul Davis, City Engineer, Department of Engineering Services
Roger Moore, Professional Surveyor, Department of Engineering Services

Absent: Jim Duistermars, City Council

General Discussion

Next step on Hamlin/Adams Brownfield:

Brownfield Plan approved by City Council on November 29, 2006; 381 Work Plan to be revised per conditions

- When revised 381 Work Plan received, it will be reviewed by the City's consultants, City Staff, and City Attorney
- When the reviews have been completed, 381 Work Plan will be submitted to the DEQ
 - Added air quality testing, as identified by STS, to Work Plan
- DEQ has 90 days to review
 - Will either approve or require additional detail, specifications or investigation
 - Once approved by DEQ, school tax capture portion will be approved
- Although DEQ has been working closely with the parties on this plan, the DEQ will require a formal submission prior to providing a formal response

Potential time frame of this Project:

- Mid December Plan submitted to DEQ
- Mid March DEQ 90-day review period ends
- Late March/Early April Site investigation could begin
 - Air Quality testing
 - May have results in early April
 - Informal update could be provided by City consultant
- July/August Clean-up Plan prepared

How did the Brownfield process go?

- Relatively smooth through Brownfield Redevelopment Authority and City Council
 - Just air quality issue
 - Brownfield Authority made it clear – expected air quality in plan
- 381 Work Plan was included, which is out of the ordinary for a Brownfield Plan
 - Normally, Brownfield Plan would be reviewed by Authority
 - No 381 Work Plan would be submitted at this time
 - Brownfield Plan would be based on a Baseline Environmental Assessment (BEA) having been completed
 - BEA would establish the site as a facility
- Once DEQ received the Brownfield Plan, then Work Plan would be prepared

In the Hamlin/Adams Brownfield Project, there was enough information available to prepare the 381 Work Plan, which is not the usual process

Air Quality is normally done at the site during investigation, monitored by the DEQ

- If problem occurs, it is dealt with immediately at the site
- In Hamlin/Adams Brownfield
 - Added an additional base line test
 - DEQ is not sure what information they will get, but was not opposed to additional testing
 - Jim Anderson provided an outline, and the developer agreed
- Something like this would normally occur in the 381 Work Plan phase of the process

When a 381 Work Plan is submitted for the next phase:

- will be reviewed by City Consultant and City Staff
 - if acceptable, will go to Brownfield Authority for review
 - if approved, will be submitted to the DEQ
 - City Council will be provided with information updates
- If the DEQ requests changes, will go back to Brownfield Authority for review
 - If just minor detail changes, City Consultant will review and submit back to DEQ
 - Brownfield Authority will be updated

When next phase 381 Work Plan is submitted, will follow the same process

How does the Brownfield Authority understand and know what to look for?

- Use best judgment
 - Rely on consultants
 - Rely on Assessing Staff for millage rates

Usual Brownfields are sites such as: gas stations
 dry cleaners
 old industrial buildings

The City has just gone through two very different types of Brownfields.

Adams/Hamlin

- adjacent to the River
 - what is known about the groundwater
 - is anything leaving the site
 - if it is, will require remediation to stop

Adams/Hamlin process was equal to the REI process

- REI had an initial 381 Work Plan (was not phased)
- DEQ reviewed the Plan and sent out their review comments
 - REI continues to work with the DEQ

Official Process:

- City received response letter from the DEQ
- City Council approved the site plan
 - with conditions – prior to permitting
- DEQ approved the Plan
 - DEQ issued its changes

After initial 381 Work Plan submitted to the DEQ, DEQ required more

- Developer brought in a different team
 - New team took the project apart and decided to proceed in a different way
 - Not as much excavation
- Need to resubmit plan, and DEQ needs to review
 - DEQ discussion would be:
 - whether better to excavate and build, or cap and build over

REI Consent Judgment – brownfield and site plan processes will move simultaneously

- submitted Plan to DEQ (initial 381 Work Plan)
 - looking at better way to do work
 - investigation and clean up in one plan
- Brownfield Authority accepted and submitted

Brownfield Plans:

- go through review process with City's consultant, or
- rely on DEQ

Courses in Brownfield development

- taxes
- environmental remediation
- there are brownfield conferences and seminars

Status of REI development:

- re-evaluating
 - met with City Council on August 30th
- need to submit revised Site Plan or revised 381 Work Plan
- developer scheduled a December meeting with the DEQ
 - coordinated among DEQ Departments
 - SRF, grants and loans, RRD
- went to Oakland County Drain Commission and submitted Petition
 - Oakland County accepted the Petition
 - County Commission has to approve the bonding
- trying to line up funding
 - would need to get assistance from the City or the County
 - City said no

State Revolving Funds (SRF) are not for private developers, but for municipalities

- created to correct environmental problems for municipalities
 - such as a wastewater treatment plant that requires repair
 - allows municipality to fix now and pay later
- REI developer trying to take advantage of funds that have not been used
 - would need City or County to submit
- Drain Board would require a 485 Plan

Drain Commission McCulloch has been trying to expand the SRF Fund

City Council approved the Petition, asked County to consider

- clean up would be paid for by the SRF and repaid
- City Council would issue and would be the “loaner”

Establish a Drainage District that would include cleanup

- Debt retained with the City’s full faith and credit
 - Development Agreement between REI and the Oakland Co. Drain Board
 - Can’t fall back on the City to repay

Oakland County Drain Board held a Public Hearing and accepted the Petition

- October 17, 2006

Normally, the City wants the Drain Board to fix drain problems

What next for Hamlin/Adams Project

- wait for comments back from the DEQ

If a project did not develop, could the City and/or the DEQ stabilize the site?

- City does not own the property
 - would need permission to enter
- would City want to assume liability for the site or the remediation
- Developer would owe “due diligence” on the site

- Developer had to do due diligence to purchase the property
 - this would be outside the City's purview
- DEQ has gone to court to gain access to sites

Would be good to understand the DEQ's process

- could schedule a general discussion with DEQ representatives
 - would not discuss any site specific projects

Discussion Items for Future EOC Meetings:

1. Develop Policy statement

- City Council to work toward policy
 - Perhaps a joint meeting with Brownfield Authority
 - hold discussions with both Boards
- Should there be a policy?
 - By February or March, may have results from Hamlin/Adams site investigation

Policy

- does the City just leave it up to the DEQ?
- should the City ask for more?
- goal of policy
 - look out for the City and the big picture
- should City do due diligence and be ready
- if developer knows what the City is looking for, would be better for everyone

EOC would only make recommendation on a policy

- City Council would establish policy

2. Updates on existing Projects

3. Tom Wackerman, ASTI, will be giving a presentation to the Brownfield Authority in January, 2007

- could ask Tom to come back before the EOC to discuss policy
- could include Brownfield Authority in any policy discussions
 - add a couple Brownfield Authority members to EOC Committee (would be informal)

4. DEQ Process

Next Meeting: Thursday, January 4, 2007 at 9:00 AM