

**City of Rochester Hills  
Department of Planning**

**STAFF REPORT TO THE BROWNFIELD REDEVELOPMENT AUTHORITY**

March 7, 2008

| <b>381 WORK PLAN<br/>HAMLIN AND ADAMS</b> |                                      |
|---|--------------------------------------|
| <b>APPLICANT</b>                          | Hamlin Adams Properties, LLC         |
| <b>LOCATION</b>                           | Northeast corner of Hamlin and Adams |
| <b>SIDWELL</b>                            | 15-29-101-022; 15-29-101-023         |
| <b>FILE NO.</b>                           | 03-013                               |
| <b>LAND USE</b>                           | Consent Agreement                    |
| <b>STAFF</b>                              | Derek Delacourt                      |
| <b>REQUEST</b>                            | Review of Phase II 381 Work Plan     |

**SUMMARY**

The applicant is requesting that the Authority review the proposed Work Plan related to the remediation of the site. A Consent Judgment entered into by the applicant and the City governs the uses and proposed remediation of the site. The Authority previously approved a Tax Increment Finance (TIF) plan that is still in good standing. The TIF plan approves an estimated 4.6 million in estimated eligible activities. It estimates 19.3 million dollars in total investment and 168,000 square feet of mixed-use development.

The applicant previously appeared before the BRA on February 21, 2008 for review of the proposed plan. At that meeting there were several issues that the Authority requested be addressed prior to submission to the DEQ.

**REMEDICATION**

At the previous meeting several issues were discussed related to STS's February 14, 2008 review memo. Since that meeting the applicant has provided a revised plan to address those issues. Please refer to the attached plan and STS letter dated March 6, 2008 for full review comments. Issues related specifically to the proposed 381 plan (specifically identified as items 1-4 in the STS letter) should be explained to the satisfaction of the Authority and any necessary language

changes made and reviewed by the City's Environmental Consultant prior to submittal to the DEQ.

## **EPA**

There was extensive discussion at the previous meeting regarding the jurisdiction and approval of the EPA as it relates to the Consent Judgment. Staff, the City Attorney, and a representative from the DEQ held a conference call with the TSCA division of the Region 5 office on Friday February 29, 2008. They indicated to us, that as of that phone call, they had not made a determination regarding jurisdiction and that no decision regarding the pre or post 1978 question had been answered to their satisfaction. They requested that additional summary information regarding the history of the site be provided to them, that information was sent via email by STS.

The applicant provided Staff, and asked that it be included in your packet, an email that appears to route through the Brownfield and NPL Reuse Section of the EPA to the RCRA section of Region 5. To Staff it appears that email may remove the involvement from those specific areas of the EPA but that no judgment had been made regarding the TSCA section. Per a phone conversation with EPA Staff in the TSCA section on Wednesday February 5, 2008 no final decision had been made regarding jurisdiction. We will continue to attempt to have resolution to this issue prior to the meeting.

## **CONSTRUCTION**

The applicant has provided additional information regarding the construction/engineering of the remediation. However, Staff and the City's Environmental Consultant are not yet completely satisfied with the details as provided. Although not entirely a 381 issue, it is important that the City is assured that the remediation can be safely constructed. Staff is requesting that prior to any remediation activity taking place, detailed construction/engineering drawings be submitted to the City for review.

## **CITY COUNCIL**

The Consent Judgment indicates that the combination of soil removal and encapsulation, as proposed, be mutually agreeable to both the applicant and the City. Staff has reviewed the Work Plan and agrees that the basis of design falls within the intent of the Consent, if it receives all necessary outside agency approvals. However, it is Staff's opinion that it's both the BRA and City Council that determine if the proposed design is agreeable. Staff recommends that, prior to submittal to the DEQ, the applicant review the proposed plan with Council at the earliest available City Council Meeting.

## **RETENTION**

Included in the packet is information from the applicant related to the proposed stormwater retention cost item in the plan. The information includes several conceptual designs for the proposed system. The applicant is asserting that the system identified as option 2 in the material would be their preferred method of detention but because of the environmental issues associated with the site that option 3 or 4 are necessary. The cost of the eligible activity is proposed as the difference in cost between option's 2 and 3, approximately \$660,000. As a cost item, it appears that the proposed amount is reasonable. Without a full set of engineering plans being submitted for review, a full verification is not possible. It is Staff's opinion that the information provided is reasonable for the inclusion of the cost item in the 381 Plan. However, Staff has not yet agreed with the proposed location and design of the system. The Consent Judgment requires certain conditions to be met prior to allowing the proposed location of the system. Prior to final approval of the location, the applicant will be required to demonstrate that all of those have been met. The approved BRA plan includes a cost item of \$900,000 for a liner and cap related to a subsurface stormwater management system. The applicant is proposing that the current system meets the intent of that item and should be considered an eligible expense.

## **POTENTIAL MOTION**

The motion below is provided in the instance the Authority decides to take action at the meeting. The motion provided is based on information known at this time and may change prior to the meeting. The City Attorney will review the proposed motion, and any changes or additional recommendations will be provided the night of the meeting.

**MOTION** by \_\_\_\_\_, seconded by \_\_\_\_\_, in the matter of City File No. 03-013 (Hamlin / Adams Brownfield), the City of Rochester Hills Brownfield Redevelopment Authority **ACCEPTS AND DIRECTS STAFF TO SUBMIT the SECOND 381 WORK PLAN TO THE DEQ**, subject to the following conditions:

### **CONDITIONS:**

1. That all 381 Work Plans for the site are required to be reviewed and accepted by the City's Brownfield Redevelopment Authority prior to submittal to the Department of Environmental Quality (DEQ).
2. That prior to any work associated with this plan being conducted on the site, that the issues related to EPA jurisdiction and any associated approval be resolved to the City's satisfaction.
3. That prior to submittal of the Plan to the DEQ, the applicant present the proposed remediation to City Council.

4. That a full and complete revised 381 Work Plan be provided to Staff addressing the remaining issue related to the Plan, as identified in the STS letter dated March 6, 2008, prior to submittal to the DEQ.
5. That if the extent of Due Care activities related to the subject site is altered or revised due to a change to the proposed development plans or proposed use of the site, the applicant shall submit an amended BRA Plan to the Brownfield Redevelopment Authority.

Attachments: Second 381 Work Plan  
PEA 03-03-08 Stormwater Detention Estimates  
03-06-08 STS Review Letter