

ENVIRONMENTAL OVERSIGHT COMMITTEE
Thursday, June 7, 2007
(9:00 AM)

Present: 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 Rosen, City Council
Jim Duistermars, City Council

General Discussion

Update regarding Hamlin-Adams Development:

Per Jim Anderson

- have received very few phone calls
- samples
 - found some things
 - have not found methane at a level to kick in add'l controls
 - could change at any time
- on schedule

Split samples sent to lab

- results in about two weeks

Last Thursday

- resident who abuts property
 - reported that about 10 feet off property
 - fresh dirt
 - concern about erosion
- contacted STS and AKT
 - smoothed out and tarped area
 - DEQ checked for erosion controls
- Jim Anderson met with property owner

As a result, current procedure

- walk property line to make sure no erosion problems

Jim Anderson is just there to observe

- he feels test sampling is moving slowly

Assume analysis reports will be received by end of July

Two weeks of Jim Anderson's being on site to observe

- cost of \$19,000 (paid by the City – not a pass-through cost)

Amount of monitoring expected with the next level

- when actual remediation happens, costs will be higher

City Council relying on EOC to make recommendation

- give some direction to Jim Anderson

Discuss split samples

- AKT on site all the time
- splitting samples with City
 - City doing it's own analysis

Does the City want to continue this practice through the next phase?

- will require a budget amendment this year and next year
- currently is carried as one line item under the P&D Department Budget
 - considering breaking this into a separate line item
 - separate for each of Madison Park and Hamlin/Adams
 - provide tracking of expenses for each project
- Consent obligated price
- Monitoring level outside normal practice

Current contract carries to August

- Contract runs to August; Budget will require amendment before that (currently being charged under Wetland Services)
 - includes Jim Anderson's contracted services
 - other services for other projects

Jim's contact will increase

- get new scope of services and costs
 - adjust for 2008
- P&D line item will not cover those costs

Could revise scope of Jim Anderson's services

- AKT is a responsible contractor
 - someone is there every day
- Jim's time on-site could be more random
 - going every day right now
 - many hours there while AKT working on the site
- cut down Jim's time on site.

Split sampling

- AKT is sending samples to an independent lab
- Perhaps split results
 - results sent to both AKT and STS at same time

- Rather than the City paying another lab to review samples
- What is actually necessary

Jim Anderson is happy with AKT's method of collecting samples

- currently samples are split
- Developer was not obligated to provide split samples
 - Developer was happy to comply with request

Use the same lab rather than send samples to a different lab

Independent review of reports

- different labs are used for different materials

Currently, if AKT working in two different areas of the site

- Jim Anderson and an associate are on site observing
 - does the City really need two people on site observing 100% of the activity

AKT has a reputation to uphold

- people on site are licensed
- AKT liable for any shortcomings in the work they do
- their reputation is behind the job they are doing

Could adjust

- one person watching activity on site
- use one lab

Can still get someone out to the site immediately if there is a concern

Does the City want to pay to maintain the perception the City is doing everything it can?

- spend dollars for perception's sake

Will ask Jim Anderson to put together cost estimates

- continual monitoring through remediation or additional testing phases

Staff will have discussion with Julie Jenuwine and Jean Farris

- budgeted dollars and scope of contract
 - justify budget increase from \$100,000 to \$400,000
- create separate line items for individual projects
 - will be able to see what is being spent

July meeting

- have scenario's to review

Formulate next Phase 381

- pass through costs to review this
 - costs could be extensive

Once testing is complete

- actual implementation of the plan
- use Jim Anderson's services for this

Probably end of July - results

- DEQ review and accept

If next phase 381 Plan

- DEQ will have 90 days to review
 - Ben Mathews has been routinely checking site
- DEQ has not received a formal submittal

Will they start implementation this year?

- anticipate will do this year
 - unless issues with the fenced in area occur
 - might need another 381 Plan
 - could have three 381 Plans, rather than two

After submission of phase 381 Plan

- if DEQ requires additional information
 - 90-day review clock starts over
- City reviews as well

Remediation testing:

- Will City do this for every project?
 - not all projects will have a Consent Judgment

Originally, to reduce costs, developer wanted to use City's consultant as well

- public perception changed that

Developer now has to use their own consultant

If City asks to monitor, can put in the 381 Plan

- City will have to pay

No recent contact between Developer (REI) and City

- probably won't be any until REI has something to submit
- speculate
 - perhaps developer does not want to compete for tenants with other site in the area
 - may want to wait for other projects in area to be finished

Consent Judgment requires remediation in 10 years

- four years into the Consent Judgment
 - could check with City Attorney to see if there are any specific time frames other than the 10 years
 - 10 years from Consent Judgment
 - or 10 years from commencement?

Discussion Regarding Proposal to Draft City Policy:

ASTI indicated cost would be around \$5,000 to prepare draft policy

- part of same budget being used for monitoring of Hamlin/Adams Development testing
- would require Budget Amendment
- would be similar to structure of Ann Arbor Policy
 - policy would be tailored to fit Rochester Hills
- include City Council, Brownfield Redevelopment Authority and EOC

ASTI is ready to provide shell document

- needs go ahead
- could have for the July EOC Meeting
- Budget Amendment will have to go to Council
 - EOC Members provide support for budget amendment

When receive sample document,

- email copy to EOC Members for review prior to July meeting

Discussion re appointment of BRA Member to EOC

- City Council would have to establish
 - amend original Council motion establishing EOC