

**City of Rochester Hills  
Department of Planning**

**STAFF REPORT TO THE BROWNFIELD REDEVELOPMENT AUTHORITY**

February 15, 2008

<b>381 WORK PLAN 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 proposed plan appears to be consistent with the Consent Judgment and Act 381. However, it is Staff's opinion that there are several outstanding issues that need to be addressed prior to acceptance and submittal to the DEQ.

**REMEDICATION**

The Work Plan is proposing a combination of removal of contaminated soil along with encapsulation in place of what is to remain, if agreed to by Environmental Protection Agency (EPA). The attached Plan provides an explanation of what is proposed. Staff has requested the applicant to provide a detailed presentation of the investigation and proposed remediation the night of the meeting.

## **ISSUES**

The Consent Judgment in several places contemplates the involvement with, and or approval of the 381 Work Plan by the Environmental Protection Agency (EPA). The applicant has maintained that the site is exempt from EPA review, or is not required to have EPA approval, prior to the 381 Work Plan being submitted to the Michigan Department of Environmental Quality (DEQ). To this point, neither Staff nor the City's Environmental Consultant has received any indication that this site is exempt from EPA review. Staff, the applicant and consultants for both parties conducted a conference call with a representative of the EPA on February 11, 2008. The representative asked that the applicant provide additional information prior to making a decision.

It is unclear how the applicant is proposing to engineer the remediation as proposed, specifically during the construction of the walls encapsulating soil that is to remain on site. Staff is concerned with how this will be accomplished. It is not a formal requirement of the Plan but we would ask that the applicant provide information to the City's Engineering Staff indicating how and when this issue will be addressed.

Staff still has several questions regarding how the Site will be controlled during remediation. Most of those issues are identified in the attached STS review letter of the current Work Plan. Staff requests that the applicant indicate how and when they propose to address these issues.

There are several requirements for review and approval of this remediation contemplated in the Consent Judgment, several outside of the normal Brownfield process. Staff requests the applicant provide a schedule and order in which they seek to involve and receive approval from all agencies for all required information.

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.

## **RECCOMENDATION**

Staff has reviewed the proposed 381 Work Plan for technical compliance (please refer to attached STS letter for full review comments). The proposed basis of design of the remediation appears to meet the technical requirements of the Consent, if agreed to by the City. It is appropriate, at this point in the process, for the applicants to review the investigation of the site and the proposed remediation with the Brownfield Authority. Without input from the BRA it would be difficult for Staff to provide additional input to the applicant. Also, it would not be reasonable to request the additional information and level of detail from the applicant without consensus from the BRA on the proposed basis of design.

We will continue to work with the applicant prior to the meeting to answer remaining questions and provide additional detail to the Authority.

Based on the above stated reasons and the comments of the attached review letter, Staff recommends the Authority withhold any action on the proposed 381 Work Plan.

Attachments: 381 Work Plan  
Brownfield Plan  
Consent Judgment  
February 14, 2008 STS Review Letter  
Brownfield Authority Motion approving the Brownfield Plan  
09-28-06 BRA Minutes (Approve initial 381 Work Plan)  
09-18-03 BRA Minutes (Approve Brownfield Plan)  
11-15-06 CC Minutes (Brownfield Plan Discussion)  
11-29-06 CC Minutes (Approve Brownfield Plan)