



ALL-AGENCY CLE

MSBA ENVIRONMENTAL, NATURAL RESOURCES & ENERGY COUNCIL

ENVIRONMENTAL LAW & TRANSPORTATION

We all have a stake in **A**  **B**



NOTES

1. MnDOT overview
2. Environmental trends at MnDOT

Minnesota

Crafting a Transportation
Vision for Generations



BY THE NUMBERS



5,000



256k



4,900



11,481



\$3.3B



MNDOT PRACTICE AREAS

Administrative Law

Civil & Human Rights

Contracts Law

Construction Law

Intellectual Property

International Law

Employment, Benefits, and Labor

Energy Law & Natural Resources

Environmental Law

Intellectual Property

Legislative & Rulemaking

Privacy & Data Security

Public Finance

Real Estate

Tribal & Indigenous Law

Transportation

- Aviation
- Commercial Vehicle
- Freight
- Rail
- Transit



ENVIRONMENTAL TRENDS AT MNDOT

1. Climate change
2. Pollinators
3. Soil imports
4. EDD policy
5. Highway spills



Climate Change Is Turning 500-Year Floods Into 24-Year Ones

Rising sea levels and an increase in large storms will continue to threaten the Atlantic coast

Climate change



The White House plan to save the monarch butterfly: Build a butterfly highway

By Sarah Kaplan May 21, 2015



Pollinators

The U.S. Fish and Wildlife Service announced new steps to reverse the decline of the monarch butterfly, including efforts to restore more than 200,000 acres of habitat along the Interstate 35 corridor from Texas to Minnesota. (Reuters)

Traffic on Interstate 35 is about to get a lot ... buggier.

That's thanks to President Obama, newfound friend to imperiled pollinators everywhere, and his [strategy](#) for protecting the nation's insects. Among the proposals is a plan to create a pollinator highway along the I-35 corridor, which extends from





Best Management Practices for the Off-Site Reuse of Unregulated Fill

Remediation Division

This document defines **unregulated fill** and provides guidance from the Minnesota Pollution Control Agency (MPCA) Remediation Division regarding Best Management Practices for its off-site reuse.

Off-site reuse of excess soil as fill or aggregate is a common practice at many development and road construction projects. If no known or potential sources of contamination are identified during environmental due diligence and subsequent field observations, then sampling of excess soil for laboratory analysis is not necessary. However, when excess soil originates from a site with known or potential sources of contamination, characterization of the soil is warranted prior to off-site reuse in order to ensure the protection of public health and the environment.

If contamination is detected in the soil, the unregulated fill criteria and best management practices described herein provide a framework for making good decisions about the off-site reuse of the soil. If the soil does not meet the criteria for unregulated fill, the soil should be managed or disposed of in accordance with applicable regulations.

Definition of unregulated fill

Unregulated fill, for the purpose of this guidance, is defined as excess soil in which a release of contaminants has been identified at concentrations less than the MPCA's most conservative risk-based values (see complete criteria on the next page). Thus, the identified contaminants in the fill are present at concentrations that are not of regulatory concern to the MPCA. Unregulated fill is not a solid waste.*

Exclusions

1. Some excess soil and other material generated at a redevelopment site is regulated as either solid or hazardous waste and must be managed according to applicable solid or hazardous waste laws, including:
 - Soil that is characteristically hazardous or contaminated due to a release of a listed hazardous waste, as defined in Minn. R. ch. 7045. Such soil must be managed in accordance with the requirements of the MPCA's Resource Conservation and Recovery Act (RCRA) program.
 - Waste material such as salvaged bituminous, crushed concrete, bricks, fly ash, etc. proposed to be reused as fill. The beneficial reuse of solid wastes is governed by Minn. R. 7035.2860. Information regarding the beneficial reuse of solid wastes can be found on the MPCA's website at <http://www.pca.state.mn.us/waste/sw-utilization.html>.
2. The management and reuse of dredged material may be regulated by permit or subject to other regulations. Information about the management of dredged materials can be found on the MPCA's website at <http://www.pca.state.mn.us/water/dredgedmaterials.html>.

Soil imports





MnDOT Policies

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Environmental Due Diligence for Property Acquisition

MnDOT Policy OP009

[View/print signed policy \(PDF\)](#)

Policy statement

The Minnesota Department of Transportation (MnDOT) must perform an Environmental Due Diligence (EDD) evaluation each time MnDOT acquires real property.

The EDD evaluation is a risk management tool that guides decisions regarding MnDOT acquisition of properties through consideration of the project needs, the short- and long-term environmental risks associated with historical chemical use or disposal of solid waste at the project.

The Environmental Investigation Unit (EIU), Office of Environmental Stewardship must complete the EDD evaluation prior to an offer to the landowner for the property acquisition.

Policy contents

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- [Reason for policy](#)
- [Who needs to know this policy](#)
- [Procedures](#)
- [Definitions](#)
- [Responsibilities](#)
- [Related information](#)
- [History](#)
- [Ownership](#)

EDD policy



Highway 7 back open after semi crash



Truck accident in west metro closes Highway 7

Highway spills





THANK YOU

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