

MPCA Brownfield Process and Brewery Redevelopments

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MPCA Voluntary Investigation and
Cleanup Program

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Brownfields Process

- Streamlined for quicker completion than standard Superfund Program
- Flexible to meet redevelopment needs
- Best success usually achieved when prior work is done and the program process is followed

Prior to Entering Brownfield Programs

- Hire an Environmental Consultant
- Complete a Phase I Environmental Site Assessment
- Complete an initial Phase II Investigation, if not using municipal water supply check quality of aquifer for contaminants in addition to U.S. Food and Drug Administration requirements

Prior to Entering Brownfield Programs

- Choose one or more appropriate Brownfields Programs based on past land use and contaminants detected
 1. AgVIC (Minnesota Dept. of Agriculture)
 2. Petroleum Brownfields (MPCA)
 3. Voluntary Investigation and Cleanup (MPCA)
 4. Cooperative Responsible Party (MPCA)

Prior to Entering Brownfields Programs

- Know what Assurances are needed
 - ❖ Experienced environmental attorney or consultant can help
 - ❖ Lender may have requirements
 - ❖ MPCA and MDA websites
 - ❖ Contact MPCA or MDA

Prior to Entering Brownfield Programs

- Develop a redevelopment plan, some helpful information:
 - ❖ Building use, foundations, locations
 - ❖ Asphalt and cement pavement areas, patios
 - ❖ Stormwater features
 - ❖ On-site wastewater treatment
 - ❖ Greenspace use, landscaping
 - ❖ Utility corridors
 - ❖ Future additions

Enter Brownfields Programs

- Enrollment Applications on MDA and MPCA Websites
- All MPCA Voluntary Remediation Programs covered in one application
- Include the Phase I Report (less than 1 year old)
- Include a cover letter or if appropriate a Proposed/Past Actions letter

VIC Program No Association Determinations

- Proposed/Past Actions Letter, include a brief description:
 - ❖ Request for No Association for Proposed Actions, Lender No Association Determination and/or Retroactive No Association Determination for Past Actions
 - ❖ Past, current and planned future property use
 - ❖ Proposed and/or past actions
 - ❖ Current land use restrictions
 - ❖ Contaminants detected (Identified Release)
 - ❖ An affidavit of non-association with release for Retroactive NAD
 - ❖ Contact information (address) of assurance recipients

Additional Investigation

- Additional investigation may be necessary
- The amount of investigation needed depends on:
 - ❖ Complexity and information available on past land use
 - ❖ Features of the redevelopment
 - ❖ Types of Assurances requested

Identified Release Documentation

- No Association Determinations, No Action Determinations (Release)
 - ❖ Man-made contaminants
 - ❖ Contaminants at levels higher than background and associated with past use or urban fill
- No Action Further Action Determinations (Significant Release)
 - ❖ Contaminants at levels above risk-based criteria and background, and associated with past use of urban fill

If a Cleanup is Necessary

- Response Action Plan should be submitted for review and approval prior to conducting cleanup or construction
- Response Action Plan Implementation Report is needed to document what actions were taken and what environmental condition the property is in after the cleanup

Assurance Conditions

- Assurances have standard disclaimers as an attachment
- Examples of site-specific conditions :
 - ❖ Reporting any additional contamination or wastes encountered during redevelopment or future use
 - ❖ Additional investigation or monitoring during redevelopment or future use
 - ❖ Recording institutional controls with county

Institutional Controls

- Institutional Controls are used when there is remaining contamination and property use restrictions are necessary to protect human health, welfare and/or the environment
- Environmental Covenants and Affidavits
 - ❖ Always use the templates available on MPCA website for properties in MPCA programs
 - ❖ Have the MPCA review the IC before signing and recording with the county

Help is Available

- Program guidance is available on MPCA and MDA websites
- Technical Assistance and Program Information are available from the program staff throughout the project
- MPCA Small Business Program can help identify necessary permits and opportunities for green and low impact development