

# Petroleum Brownfield Program



# PB Program Status

- Program was created in 1992
- Approximately 200 new PB sites in the last 12 months (225 new sites per year on average)
- More than 9000 acres have been returned to beneficial use
- Over 150 assurances and 92 response action approvals for development were issued in the last 12 months
- In March 2010, MPCA's Remediation Division reorganized. Barb Jackson is now the PB Program Supervisor.

# What does the PB Program do?

- **Facilitates property transfer at petroleum impacted sites.**
- **Provides oversight of investigation and cleanup of petroleum contamination.**
- **Provides technical review and approval of response action plans when re-developing petroleum impacted properties.**
- **Offers liability assurances for petroleum contamination that originated from a tank.**
  - **Minn. Stat. 115C-Petroleum Tank Release Cleanup Act**
- **Reviews within 30 days**
- **Fee-for-service program; \$125 per hour**

# Who's Eligible?

- **Property owners and Prospective purchasers**
- **Responsible parties who wish to expedite reviews and/or redevelop their properties.**
- **Lenders & Developers**
- **Tribes**
- **Local Government**

# Types of Sites

- **Gas and Service Stations**
- **Petroleum Bulk Facilities**
- **Industrial, Commercial and Mixed Use**
- **Residential**
- **Green Space**
- **Conversion of One Use to Another**

# Petroleum Liability Assurances Available

- **General Liability Determination**
- **Tank Removal Verification**
- **Closure Confirmation Determination**
- **Off-site Source Determination**

# General Liability

- **Minn. Stat. 115C definition of a “responsible party”**
- **If a person comes into possession of a property after the tanks from which the release occurred have been removed, that person is not a responsible party and cannot be ordered to take corrective action under this statute.**
- **Non-responsible parties only**
- **Available at open and closed tank release sites**

# Tank Removal Verification

- **Verifies storage tanks from which the release occurred have been removed and/or properly abandoned in place.**
- **Verifies an interested party will not be held responsible for the petroleum release from these tanks.**
- **Non-responsible parties only**
- **Available at open and closed tank release sites**



# Closure Confirmation

- **Petroleum release site has been previously closed.**
- **New information has been collected since closure.**
- **Serves to add and compare new information to the closed file and confirms the closure status is still valid.**

# Off-Site Source Determination

- **Must show that no on-site sources exist.**
- **Off-site source of the petroleum release required.**
- **Borings and/or monitoring wells likely required to show contamination has migrated on-site.**

# Expedited Reviews

- **Leaking petroleum tank sites (leaksites)**
- **Petroleum contamination that did NOT originate from a tank**
- **Complete soil, groundwater, and/or soil gas investigation required**
- **Receptor survey required**

# Response Action Plans

- All persons must properly manage contaminated soil or water they uncover or disturb even if they are not responsible for the contamination.
- Provisions in development plans describing how they will manage petroleum contamination if encountered.
- Includes:
  - Soil and water management and disposal plan
  - Engineered controls to prevent further spreading and/or vapors from entering buildings and utility shafts.
  - Soil reuse as controlled fill on-site for cost savings.
- Approval offers a level of protection that actions are what the MPCA will require.

# Tips to move through Petroleum Brownfield Program more efficiently

- **Ask a lot of questions of your consultant and government agencies, review the MPCA Brownfield guidance documents- know what is required to develop a site.**
- **Make sure that investigations are complete - no surprises.**
- **Submit all necessary reports and information when seeking assistance.**
- **Maintain good communication with PB Program staff and your consultant.**
- **Determine the level of attorney involvement needed. Legal advice should address liability risk.**