

**ENVIRONMENTAL COVENANTS AND LONG
TERM STEWARDSHIP
IN
SAINT LOUIS, MISSOURI**



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CONTEXT

- Successful Brownfield redevelopment often involves Risk Based Corrective Action (RBCA).
- Since properties are often only cleaned up to a level safe enough for the intended use, an Activity and Use Limitation (AUL) mechanism was needed to ensure that unacceptable human exposures and environmental damage don't happen in the future.
- In the long run, traditional cleanup may be faster and more cost-effective than the long-term expense of RBCA and Covenants; proper planning is essential.

ENVIRONMENTAL COVENANTS

- Long Term Stewardship (LTS) is required when contaminants exceed residential criteria
- Primary LTS tools:
 - Environmental Covenants (per Missouri Uniform Environmental Covenants Act - MOECA)
 - Existing rules
 - Other institutional controls
 - Zoning
- Sometimes include Operation & Maintenance Plans depending on circumstance (Asbestos, Lead Paint)
- Different than Deed Restrictions (Environmental Covenants run with the land)



Carondelet Coke

ENVIRONMENTAL COVENANTS

- Further guidance is available at <http://www.dnr.mo.gov/env/hwp/docs/MoECAcovenantwlogo2008-01.pdf>
- Environmental Covenants (aka Restrictive Covenants) are stand-alone documents recorded in chain of title, gives detailed information regarding AULs:
 - Use Restrictions (residential and groundwater)
 - Disturbance Restrictions
 - Construction Restrictions



Missouri
Department of
Natural Resources

(ABOVE SPACE RESERVED FOR RECORDER'S USE)

Document Title: Environmental Covenant
Document Date:
First Party: Missouri Department of Natural Resources, P.O. Box 176, 1101 Riverside Drive, Jefferson City, Missouri 65102
Second Party: _____
Legal Description: [address]

Covenant Cover Page

USE RESTRICTIONS (Residential)

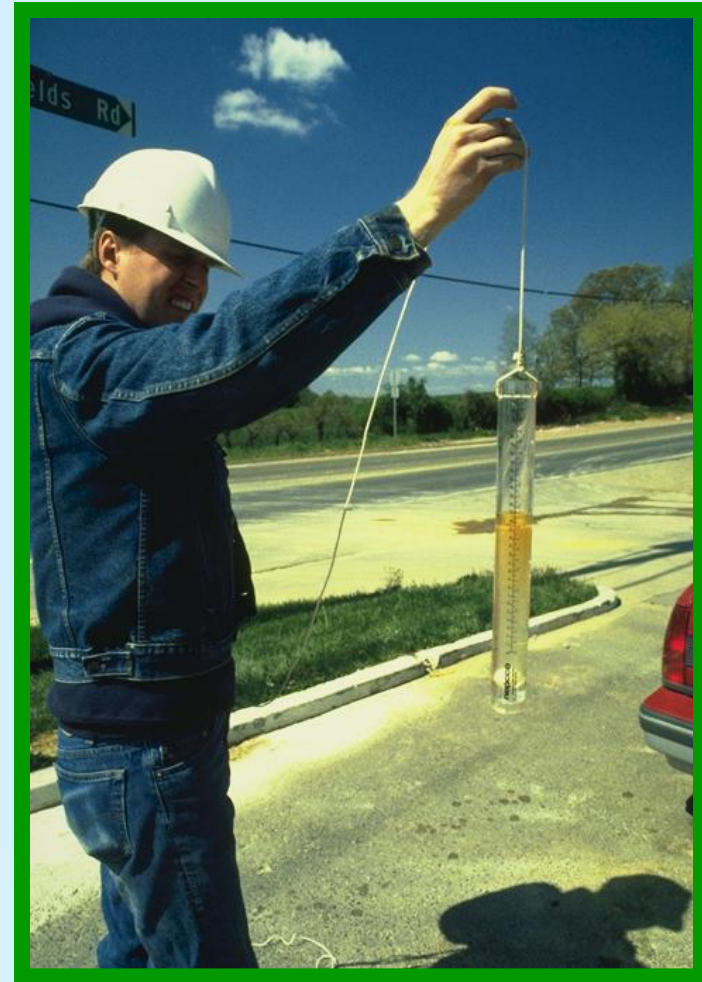
- **Restricted Residential Land Use** (multi-family such as apartments and condos)
- **Non-Residential Land Use** (all non residential uses permitted)
- **Non-Residential Land Use with Engineered Controls** (non-residential use permitted as long as specific engineering controls are in place)



Baden Apartments

USE RESTRICTIONS (Groundwater)

- **No Drilling or Use of Groundwater** (owner responsible for preventing use, exposure)
- **No Drilling or Use of Groundwater; Engineered Controls for Groundwater** (as above, plus maintenance of engineering controls required)
- City of St. Louis has in place a local groundwater ordinance prohibiting use (institutional control)



Groundwater Bailer

DISTURBANCE RESTRICTIONS

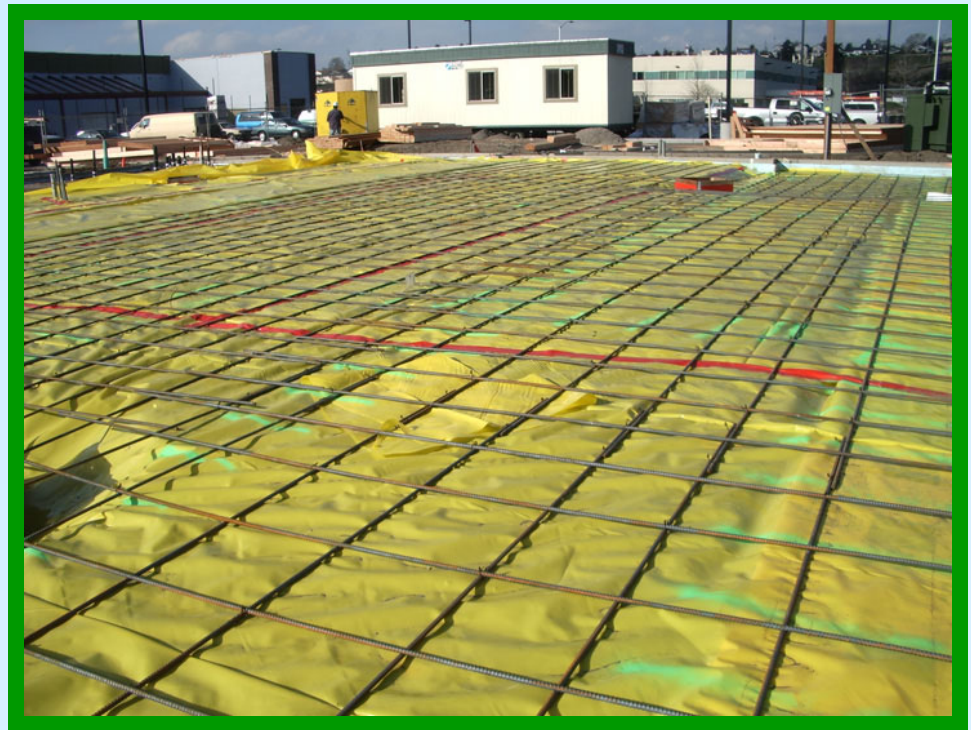


2848 N. Kingshighway

- **No Disturbance of Soil** (no soil disturbance of any kind without DNR permission)
- **Disturbance of Soil Permitted Under Approved Soil Management Plan** (soil disturbance o.k. if part of DNR-approved soil management plan)

CONSTRUCTION RESTRICTIONS

- **No Buildings May be Constructed on Property**
(requires written permission of DNR before construction is permitted)



Vapor Barrier

Bee Hat Building



O&M Plan for Encapsulated Lead Paint

Cannon Design Powerhouse



O&M Plan for Glazed Over Lead Paint, Non-Residential
Covenant for Subsurface Lead

Dr. Martin Luther King Jr. Plaza



Non-Residential
Covenant, Lead and
Petroleum in Soil



St. Louis Commerce Center



Non-Residential, No Drilling or Use of Groundwater, Lead and Petroleum in Soil and Groundwater

Former Wintz Trucking



Non-Residential, Metals, Semi-Volatile and Volatile Organic Compounds in Surface Soil

Projects In-Progress



St. Louis Army Ammunition Plant



Carondelet Coke



Porter Oil

St. Louis Stats:



Renaissance Grand

- 304 Sites enrolled in B/VCP
- 157 have received Certificates of Completion
- 49 have Covenants and/or O&M Plans in-place

Lessons Learned:



Continental Building

- Leave Enough Time for Cleanup Planning
- Physical Cleanup Can be Much Faster than MRBCA Assessments and MOECA Covenants
- Anticipate LTS Costs Going Forward
- DNR Likes it When You Exceed Minimum Cleanup Standards

Parting Thoughts

- MO-DNR is moving towards developing a web-based information system (for all programs).
- Look for fees to increase (\$5,000 minimum fee often does not cover information management and follow-up expenses).
- MO-DNR needs a permanent mechanism to protect fees deposited into Hazardous Waste Fund

QUESTIONS?



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<http://stlouis.missouri.org/sldc/brownfield/index.html>

