



Frequently Asked Questions About the Cleanup Phase

South Minneapolis Residential Soil Contamination Site
Minneapolis, Minnesota

November 2008

Contact information

For more information, comments or questions about the South Minneapolis Residential Soil Contamination site contact one of these EPA team members:

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weekdays

EPA Region 5

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Official documents about the site can be viewed at the following locations in Minneapolis:

Green Institute

2801 21st Ave. S., Suite 100

Minneapolis Police Department

Attn: Carla Nielson
1201-B E. Franklin Ave.

Minneapolis Central Library

300 Nicollet Mall, 2nd Floor

Minneapolis Public Library

East Lake Branch
2727 E. Lake St.

During October U.S. Environmental Protection Agency and Minnesota Department of Agriculture representatives were available at open house sessions in three locations in the South Minneapolis area. If you came out to meet with us we hope your issues, concerns and questions were addressed. But if you were unable to attend we wanted to share with you some of the common topics that were discussed.

Many of the South Minneapolis residents had the same questions about the cleanup activities that will be taking place next year. In this fact sheet EPA answers many of the most common inquiries:

1. *Why did I get a letter stating that my property has to be cleaned up and my neighbors did not? Or why are my sampling results so high and my neighbor's are very low?*

Despite all of our best efforts at answering that question we cannot say for certain why one property has high arsenic levels in the soil while a neighboring property does not. A possible answer may be that past property owners may have done something that affected arsenic levels in the soil.

EPA sampled soil for arsenic from more than 3,500 properties as part of its studies to determine how many locations were affected by contamination that may have come from the former pesticide manufacturing plant at 28th and Hiawatha. Sampling indicated the plant is not wholly responsible for all of the arsenic, especially highly elevated arsenic levels found farther away from the CMC Heartland Lite Yard property. Other possible sources of arsenic can include fertilizers or pesticides applied to lawns or gardens, coal ash disposed of on the property, or soil brought in as fill. Any number of scenarios exist that would explain the differences from yard to yard, and each yard may have different reasons for the levels that are present. However, we can say that the plant site had some effect on arsenic levels in the area. That gives EPA the authority to clean up the properties with high arsenic levels regardless of other contributing sources as long as the lot is within the designated sampling area.

2. *What happens if I don't sign the access consent form? What if my property is contaminated and I refuse to sign? Will I be forced by the government to have my yard cleaned up? Does signing the access consent form commit me to allowing the cleanup? May I change my mind?*

It is our hope we can work through any questions or concerns people have about the work so the cleanup can include all contaminated locations. Removing the arsenic pollution will help protect the future health of you and your family and should remove any environmental issues that might otherwise affect the value and marketability of your property.

We have already worked with close to 200 owners in the area to get cleanups completed and are confident we can address any concerns you might have. However, EPA has an obligation to complete a cleanup to protect the public health, even in cases when an owner will not voluntarily grant access. The Superfund law gives EPA the authority to issue an administrative order, or seek a court order, to require an owner to provide access so EPA can complete a cleanup. At this point we have not yet issued any orders at this site and have not yet decided if we will exercise that authority in the future.

We know there may be situations where complete cleanup may not be possible. An example would be where excavation work would damage a fragile foundation. In these cases EPA may look to place some type of notice or legally enforceable control, like a deed restriction, on the affected portion of a property. The notice or control would require the owner not to disturb the contaminated soil and to ensure future owners are aware of the contaminated soil and do not disturb it.

Anytime during the work you can change your mind and no longer agree to provide EPA access. It is fully within your rights to rescind your permission for access. EPA would continue to try to work through any issues that may have caused the change. However if we can't resolve the issues EPA may also decide to pursue other legal means, as discussed above, to obtain access.

3. *When are you going to start to clean up my yard?*

We don't have a schedule yet. There are a few important conditions that will determine the cleanup schedule. The earliest we could get the funding to start work would be summer 2009. During the next few months EPA will be reviewing all of its cleanup sites around the country and determining priorities.

Once we get funding the question will be which properties will be cleaned up first. This will largely depend on which blocks have the greatest number of access consent forms signed. To be more cost-effective, we want to schedule the cleanups so that all of the properties on a given block or section are done at the same time. So it is important for people to return the signed access forms as soon as possible, or contact us with questions, so that we can figure out the overall schedule for the cleanup.

4. *How much notice will I get before you the start the work in my yard? Will you just come out and start digging?*

You will be notified several weeks in advance.

Before any cleanup begins, we will meet with you to discuss your specific property and walk over it with you so you can identify any specific issues you might have. We will also use that time to gather information for a property drawing. We will videotape and photograph the property to document its original condition and give you a copy of that material. It can be used in case there is any question about how we've restored the property. We will also create an inventory of any plants that would need to be replaced. We will then come back right before the work is scheduled to start to go over our property drawing with you and get your approval to begin.

5. *How long will it take to get my property cleaned up once you begin the work?*

Once the actual clean up begins, it usually takes three to four days to finish and put the property back to its original condition (as much as practicable). It largely depends on the size of the property. Weather can also play a role, but we will try our best to not start on a property if we know bad weather will interfere.

6. *I want to plant some new flowers and plants – do I need to wait until after you have finished with the cleanup of my property?*

While we would prefer that people minimize their contact with the soil until we do the cleanup, we realize that is not always practical given the amount of time it might take to actually begin the cleanup. Generally, people can garden safely in the area as long as some common sense precautions are taken. A fact sheet that discusses the precautions you can follow can be found at epa.gov/region5/sites/cmcheartland/pdfs/fs-200605-english.pdf. If we have to remove any plants to do the cleanup, we will replace them at no cost to you.

7. *I have a lot of flowers and a big garden in my yard – are you going to replace them all?*

During our meeting with you before the work starts, we will take photographs of your property. We will also prepare an inventory of the plants that will need to be replaced, which we will ask you to approve before we begin. Before we say the work is completely finished we will do everything we can to put your yard back to its original condition as much as practicable. If we do need to replace flowers, trees, plants and other

vegetation, they will be replaced with nursery-grade items so it is possible the greenery will not all be as mature as what was previously growing.

8. *I have a very large old tree in my yard – will it get destroyed? Will you replace my trees?*

We appreciate the importance of your mature trees and will do everything we can to prevent damage. If we have to remove soil from around a tree we will dig by hand so the roots will be undisturbed. This is something we can discuss with you during our initial meeting. If for some reason a tree has to be removed we will have to replace it with a nursery-grade tree.

9. *How does the cleanup affect my property value? What are the implications if we sell our home? What about prospective buyers, do we have to disclose that our property was cleaned up?*

There is no way for EPA to predict the affect of a cleanup on property values because there are so many factors involved. However, generally it is our experience that if property values are affected by a cleanup they quickly recover.

A Minneapolis ordinance (Minneapolis Code of Ordinances Title 12, Chapter 248 Truth in Sale of Housing Section 248.30) requires sellers to disclose that a property was cleaned up. But at the completion of our work EPA will provide the owner with a letter certifying that all work is complete, which will include the results of any testing and a figure showing the areas excavated.

Owners should also be aware that Minneapolis requires landlords to share arsenic testing results with renters.

10. *Where do you take the contaminated soil? What happens to it?*

The contaminated soil is taken by truck to an off-site landfill for disposal. We don't know yet which landfill will be used for this work, but the facility will be designed to safely hold contaminated material.

11. *How do I know that you are putting clean (uncontaminated) soil back on my property?*

EPA will test the soil before it is brought to your property to make sure it is clean. We will not only test it for arsenic but also for a complete list of other pollutants such as metals and organic contamination.

A copy of those results will be provided to you in the closeout letter for your property.

12. *If I live outside the cleanup area, can I be comfortable that my property is okay?*

Without sample results from your specific property we cannot fully answer this question. What we can say is that if you are outside of our sampling area your property would not have been affected by contamination from the pesticide plant that was formerly located at 28th and Hiawatha. We can also say that about 80 percent of the properties we tested in the study area did not have elevated arsenic levels. However, our sampling did show that some other factors may have affected arsenic levels at some properties, and these factors could also exist outside of our study area. EPA's Superfund program only has legal authority to investigate and address those areas that may have been affected by releases from the former pesticide plant, so we cannot test any farther out from the plant location than we did. We suggest that people in any area follow the suggestions on how to avoid soil contaminants in the fact sheet found at epa.gov/region5/sites/cmcheartland/pdfs/fs-200605-english.pdf.

13. *Is it a problem if I give plants away from my contaminated yard?*

As a general precaution to minimize contact with the contaminated soil we would not encourage the sharing of yard materials. However, if you are only sharing a few plants the amount of dirt attached to each plant is minimal and should not cause a problem. You should try to follow the suggestions on how to minimize contact with soil contaminants discussed in the fact sheet found at epa.gov/region5/sites/cmcheartland/pdfs/fs-200605-english.pdf.

14. *Are you going to excavate my driveway or sidewalk?*

No, we will not excavate any driveways or sidewalks.

15. *How close to my house will you be digging?*

We will stay at least one foot away from foundations.

16. *Will you move fences?*

Fences may need to be temporarily moved to do the work, but we want to avoid that if possible. If we have to move a fence we will put it back up. If we cannot move it without serious damage we will replace it.

17. *Will I get a letter or some type of proof that my yard is no longer contaminated?*

Yes. When we are done with the work we will give you a closeout letter that says the property is not contaminated with arsenic. It will contain sample results and a drawing showing the area that was excavated. It will also contain sample results for the clean soil that was used to backfill the excavation. The closeout letter will also ask you to confirm the property has been adequately restored.

We believe this is unlikely, but in very rare cases it may not be possible to excavate all of the contamination. In those cases we will ask that some type of legal notice or deed restriction be placed on the property. The notice would let people know that the contamination is present and prevent people from digging into the pollution.

18. *I bought a property that is part of the cleanup, and I want to build a new building. Can I go ahead with the work if I dig up the dirt myself?*

Sorry, but because the property is part of the Superfund site, that type of construction work cannot happen without EPA's prior approval. If you wish to do the cleanup yourself, you will have to contact EPA's Tim Prendiville at 312-886-5122. Some form of legal agreement would need to be put in place both for your legal protection and so EPA can make sure the cleanup is done properly.

Access agreements

EPA sent out around 475 letters and access agreements to property owners where arsenic levels in their yards were high enough to include in the next cleanup phase. If you received this letter and access agreement and have not returned the signed agreement, EPA is asking that you send it as soon as possible. Access agreements should be sent to EPA's Tim Prendiville (address on the front page).

Additional questions or concerns

If you have any additional questions not answered in this fact sheet, please contact Cheryl Allen or Tim Prendiville (contact information on the front page of this fact sheet).

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La Hoja de Información está disponible en español en la página de Internet de EPA: www.epa.gov/region5/sites/cmcheartland. Si desea que se le envíe una copia, por favor comuníquese con Cheryl Allen al 312-353-6196 or allen.cheryl@epa.gov.

**South Minneapolis Neighborhood Soil Contamination Site:
Frequently Asked Questions**