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Brownfields – State and Local Assistance; Programs and Terms

This information brief describes the 19 different state and local programs available to assist with cleanup of brownfield properties. It also defines the terms used in brownfield statutes and programs.

It does not describe state or federal superfund programs, or the programs that deal with or provide assistance in pollution control and prevention, permitting, facility siting, waste management, or public safety.

The focus of brownfield cleanup programs is to enable and encourage clean up and redevelopment of contaminated commercial and industrial properties by local communities and private parties.

Most brownfields are not contaminated enough to immediately threaten public health or the environment, but are sufficiently contaminated as to cause serious concerns for potential developers regarding the possible environmental liability and/or the cost of redevelopment. Additionally, most of these sites would not be cleaned up by the Minnesota Pollution Control Agency (MPCA), the United States Environmental Protection Agency (USEPA), or by the responsible parties pursuant to an enforcement action because most of the sites are not identified as superfund sites. Instead, brownfield cleanups often are undertaken voluntarily by local communities and/or private parties who are not legally responsible for the contamination. Brownfield cleanup programs provide assistance and incentives to encourage the cleanup of these sites which might otherwise be left unused.

In contrast, superfund laws, such as the federal Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and the Minnesota Environmental Response and Liability Act (MERLA), focus on requiring the cleanup of contaminants on sites where the contaminant levels exceed specified legal limits and on assigning responsibility for the costs associated with such cleanups.¹ Cleanups performed pursuant to CERCLA and/or MERLA are

¹ 42 U.S.C. § 9601, et seq.; Minn. Stat. §§ 115B.01 to 115B.24

generally performed by one or more responsible parties pursuant to an enforcement action brought by the USEPA or by the MPCA. Where there is an immediate and substantial threat to public health, public welfare, or the environment, the USEPA or MPCA may perform the cleanup and seek reimbursement from the responsible parties.

- ▶ **Brownfields** are not defined in statute, but are generally understood to mean properties with actual or suspected contamination from a prior use that has resulted in the properties being abandoned, idled, or under used.
- ▶ **Superfund sites** are sites where contaminants exceeding the legal limit have been released. The responsible parties must clean up the superfund site or reimburse the government for its cleanup costs in accordance with the applicable state and federal superfund laws.

A variety of state and local programs exist to assist in the cleanup of brownfields.

There are many different state and local programs designed to assist local governments, businesses, and individuals in cleaning up brownfields so that the sites are suitable for redevelopment purposes. These programs provide financial, technical, and legal assistance for those seeking to cleanup and redevelop brownfields. The details of each of the programs is set forth below in the attached table.

Currently, these programs all function individually. In 1997, the legislature directed the Department of Trade and Economic Development (DTED) to report to the 1998 Legislature its recommendations for coordination of, or changes to, state and regional cleanup assistance programs to ensure "efficient and effective administration of these programs, and provide for an overall, coordinated state policy for the cleanup and redevelopment of contaminated properties." In summary, the report states that "overall, the current brownfield programs administered by various state agencies are working well" and recommends the creation of a Brownfield Coordinator position to be housed at the MPCA. The coordinator would help clients better understand available brownfield programs and guide them through the application process. To date, the legislature has not appropriated funds specifically for the Brownfield Coordinator position.

Tables

The following two tables describe brownfield cleanup programs and terms. The first table describes the different state and local programs available to assist with brownfield cleanup. The second table provides the definitions of key terms in brownfield and pollution statutes, and shows how, in some instances, the same term may have a different definition in one program than another.

Finally, a glossary of acronyms used in this information brief is on the last page.

State and Local Brownfield Programs				
Type of Assistance	Program	Minnesota Statutes	Administrator(s)	Description and Criteria
Loans	Small Business Environmental Improvement Loans	§§ 116.993 116.994	Minnesota Pollution Control Agency (MPCA) Contact: Charlie Kennedy, (651) 297-8615 (800) 985-4247 www.pca.state.mn.us/programs/index.html	<ul style="list-style-type: none"> ▶ Provides low-interest loans to small businesses with less than 50 full-time employees ▶ Loan money is for the purchase of capital equipment that will meet or exceed environmental rules or regulations, or for investigation and cleanup of contaminated sites ▶ Loan of between \$1,000 and \$50,000 from the environmental fund with a payment term of not more than seven years
	Tank Replacement Loan Program	§ 116J.57	Department of Trade and Economic Development (DTED) Contact: Meridith Udoibok (651) 297-4132 www.dted.state.mn.us	<ul style="list-style-type: none"> ▶ Small gasoline retailers may receive loans of up to \$10,000 (with an interest rate not to exceed 3 percent and a term not to exceed seven years) towards the purchase of new tanks. DTED administers the loan program with funds from a standing legislative appropriation of petrofund revenues in an amount sufficient for the program
	Duluth Brownfield Redevelopment Revolving Loan Fund	EPA Cooperative Agreement	The Northern Group (Loan Administrator) Contact: Bob Palmquist (218) 722-5545 MPCA Contact: Kristin Lukes (651) 296-8407	<ul style="list-style-type: none"> ▶ Provides low-interest loans to private for-profit business, private nonprofit organizations, and public entities (excluding state and federal agencies) for cleanup of contaminated sites in the city of Duluth ▶ Up to 17-year loans of between \$10,000 and \$200,000 from a revolving fund

State and Local Brownfield Programs

Type of Assistance	Program	Minnesota Statutes	Administrator(s)	Description and Criteria
Grants	Resources for Redevelopment (R4R)	N/A	<p>Minnesota Environmental Initiative (MEI)/MPCA</p> <p>Contact: Brian Lammers (MEI) (651) 334-3388</p> <p>Karen Kromar (MPCA) (651) 297-3080</p>	<ul style="list-style-type: none"> ▶ Nonprofit organizations can receive grants for environmental investigations conducted in accordance with the Voluntary Investigation and Cleanup Program. (See VIC description on page 10.) Past grants have between \$5,000 and \$10,000. MEI helps grantees find pro bono professional services (legal and technical environmental) ▶ The Resources for Redevelopment grant award must be matched by private sources ▶ Funds provided through a grant from the Ford Foundation ▶ Applications are evaluated on a rolling basis
	Tax Base Revitalization Account	§ 473.252	<p>Metropolitan Council evaluates and ranks applications for grants</p> <p>MPCA approves response action plans</p> <p>Contact: Wayne Nelson (651) 602-1406</p>	<ul style="list-style-type: none"> ▶ Metropolitan Council makes grants to metropolitan area cities, counties, or development authorities for the cleanup of “polluted” lands ▶ Funds are provided only to projects in cities that participate in the Metropolitan Livable Communities Housing Incentives Program ▶ Metropolitan Council ranks proposals based on a series of criteria ▶ Funding is from a metropolitan area property tax imposed by the Metropolitan Council, between \$5 million and \$7 million per year ▶ Grants under this program may be counted toward part of the local match requirement of DTED’s Contamination Cleanup Development Program

State and Local Brownfield Programs				
Type of Assistance	Program	Minnesota Statutes	Administrator(s)	Description and Criteria
<i>Grants (cont.)</i>	Contamination Cleanup Development Program	§§ 116J.551 to 116J.558	DTED Subject to technical review by the MPCA Contact: Meredith Udoibok, (651) 297-4132 www.dted.state.mn.us	<ul style="list-style-type: none">▶ Development authorities (cities, counties, port authorities, housing and redevelopment authorities, and economic development authorities) are eligible. Private individuals may also be eligible if working with development authority▶ Grants may be used for the cleanup of contaminated land, as well as site acquisition, demolition of existing improvements, and installation of public improvements necessary to implement the cleanup plan▶ Grants can provide up to 75% of overall project costs▶ Development authority must provide at least 25% of overall project cost (at least 12% of that from general funds). Projects in the Twin Cities metropolitan area may use funds from the Tax Base Revitalization Account for part of the match▶ Funding provided by legislative appropriation. For the fiscal years 1998-99, \$19.4 million will be available (of which \$12.4 million is from the petrofund, and designated only for cleanup of petroleum contamination) for this program and the Contamination Investigation and RAP Development Program

State and Local Brownfield Programs				
Type of Assistance	Program	Minnesota Statutes	Administrator(s)	Description and Criteria
<i>Grants (cont.)</i>	Contamination Investigation and RAP Development Program	§§ 116J.551 to 116J.558	DTED Subject to technical review by the MPCA Contact: Meredith Udoibok, (651) 297-4132 www.dted.state.mn.us	<ul style="list-style-type: none">▶ Development authorities (cities, counties, port authorities, housing and redevelopment authorities, and economic development authorities) are eligible. Private individuals may also be eligible if working with a development authority▶ Grants may be used for contamination investigations and the development of a Response Action Plan (RAP)▶ Grants can provide up to 75% of overall project costs or \$50,000 whichever is less▶ Development authority must provide at least 25% of overall project cost (at least 12% of that from general funds)▶ Funding provided by legislative appropriation. For the fiscal years 1998-99, \$19.4 million will be available (of which \$12.4 million is from the Petrofund, and designated only for cleanup of petroleum tank releases) for this program and the Contamination Cleanup Development Program

State and Local Brownfield Programs				
Type of Assistance	Program	Minnesota Statutes	Administrator(s)	Description and Criteria
<i>Grants (cont.)</i>	Redevelopment Grant	§§ 116J.562 to 116J.567	DTED Contact: Meredith Ubolbok (651) 297-4132 www.dted.state.mn.us	<ul style="list-style-type: none">▶ Development authorities (cities, counties, port authorities, housing and redevelopment authorities, and economic development authorities) are eligible▶ Grant dollars can be used for the costs of land acquisition, demolition, infrastructure improvements, ponding, and other environmental infrastructure▶ If the applicants for grants exceed the available appropriations, grants shall be made for sites, that in DTED's opinion, provide the highest return in public benefits for the public costs incurred. In making this judgment, DTED shall give priority to projects that 1) are being done in conjunction with contamination cleanup projects; 2) are consistent with the tax increment financing requirements; 3) have redevelopment potential; 4) are close to public transportation if in the metropolitan area; or 5) involve multiple jurisdictions and take into account the need for affordable housing, transportation, and environmental impact▶ Grants pay up to 50% of redevelopment costs for a qualifying site. There is a 50% local match from the eligible applicant. At least 25% of available funds must be awarded to applicants outside the metropolitan area unless sufficient applications are not received

State and Local Brownfield Programs				
Type of Assistance	Program	Minnesota Statutes	Administrator(s)	Description and Criteria
<i>Cleanup Cost Reimbursement</i>	Petroleum Tank Release Cleanup Account (Petrofund)	§§ 115C and 116J.57	Cleanup must be approved by MPCA Department of Commerce must find that costs incurred were reasonable Contact: John Houck (651) 297-4203 www.commerce.state.mn.us	<ul style="list-style-type: none">▶ Parties who undertake cleanup programs at sites which have been contaminated by petroleum as a result of a tank spill or leak may generally receive up to 90% reimbursement of eligible costs▶ Small gasoline retailers (less than 250,000 gallons dispensed in a calendar year) with only one location can receive up to 95% reimbursement including tank removal costs regardless of whether there has been a petroleum release at the facility▶ Small business owners with less than \$250,000 in sales who did not dispense fuel and whose tanks have never been registered can receive up to 90% reimbursement including tank removal regardless of whether a petroleum release has occurred at the site▶ Eligible costs include corrective action costs, third-party damages, up to 180 days of interest costs incurred from financing cleanup, and pre-removal site assessment costs, but not tank removal costs except for small business owners and small gasoline retailers as described above▶ All corrective action costs must be competitively bid▶ Parties must use contractors and consultants that are registered with the Petrofund Board

State and Local Brownfield Programs				
Type of Assistance	Program	Minnesota Statutes	Administrator(s)	Description and Criteria
<i>Cleanup Cost Reimbursement (cont.)</i>	Dry Cleaner Environmental Response and Reimbursement Account	§§ 115B.47 to 115B.51	MPCA Program Funding Contact: Dale Trippler (651) 296-7746 Application Contact: Karen Kromar (651) 297-3080 www.pca.state.mn.us	<ul style="list-style-type: none"> ▶ Only dry cleaning facilities are eligible ▶ Funds are provided by fees paid by dry cleaners and sellers of dry cleaning solvents ▶ Dry cleaning facility owners are responsible for first \$10,000 of investigation and cleanup costs, but can be reimbursed for reasonable costs incurred in excess of this amount ▶ Authorizes MPCA to cleanup contaminated dry cleaning sites using money in this account, or reimburse owners of such sites for cleaning up the site themselves, subject to an MPCA-approved response plan ▶ No more than 20% of the balance in the Dry Cleaner Environmental Response and Reimbursement Account may be used to reimburse costs for a single site in a single year (sites can apply for reimbursement over several years)
	Agricultural Chemical Response and Reimbursement Account (ACRRA)	§§ 18E.01 to 18E.06	Minnesota Department of Agriculture (MDA) Contact: Paul Liemandt (651) 297-4872 www.mda.state.mn.us	<ul style="list-style-type: none"> ▶ Provides 90% of the total corrective action costs between \$1,000 and \$100,000, and 100% of those costs between \$100,000 and \$200,000 ▶ Funds may be used to clean up sites contaminated by agricultural chemicals ▶ Only corrective action costs are eligible ▶ ACCRA Board will pay costs up front under certain conditions; otherwise will provide reimbursement only ▶ Money provided by annual fees paid by pesticide and fertilizer manufacturers, distributors, applicators and dealers

State and Local Brownfield Programs				
Type of Assistance	Program	Minnesota Statutes	Administrator(s)	Description and Criteria
<i>Technical Assistance and Liability Assurance</i>	Voluntary Investigation and Cleanup Program (VIC)	§ 115B.175 to § 115B.178	MPCA Contact: Greg Ruff (651) 296-8609 www.pca.state.mn.us	<ul style="list-style-type: none"> ▶ Provides fee-based technical services to persons involved in cleanup of non-petroleum contaminated property, including technical review of cleanup plans and activities ▶ May also provide varying levels of protection against liability under Minn. Stat. §§ 115B.01 to 115B.18 (state superfund law) if the party undertakes and completes cleanup under an MPCA-approved voluntary response plan
	Voluntary Petroleum Investigation and Cleanup Program (VPIC)	§ 115C.03	MPCA Contact: Greg Ruff (651) 296-8609 Laurie Kania (651) 297-8600 www.pca.state.mn.us	<ul style="list-style-type: none"> ▶ Provides fee-based technical services to persons involved in cleanup of petroleum contaminated property, including technical review of cleanup plans and activities ▶ May also provide protection against liability under Minn. Stat. § 115C.021 for lenders, mortgagors, purchasers, and owners who are not responsible parties.
	Voluntary Cleanup/Technical Assistance Program (VCTAP)		MDA Contact: Roger Macedanz (651) 282-2697 www.mda.state.mn.us	<ul style="list-style-type: none"> ▶ Provides technical assistance to landowners, and oversight of site investigations and cleanup of sites contaminated with agricultural chemicals on a fee basis ▶ May also provide varying levels of protection against liability under Minn. Stat. §§ 115B.01 to 115B.18 if party undertakes and completes cleanup under an MDA-approved voluntary response plan
	Property Transfer File Evaluation Program		MPCA Contact: Carole Nelson (651) 297-1796 www.pca.state.mn.us	<ul style="list-style-type: none"> ▶ Provides fee-based information services about the contamination history of property and surrounding areas

State and Local Brownfield Programs				
Type of Assistance	Program	Minnesota Statutes	Administrator(s)	Description and Criteria
<i>Technical Assistance and Liability Assurance (cont.)</i>	Site Assessment Unit	§§ 115B.01 to 115B.18	MPCA Contact: Tom Whear (651) 296-7349	<ul style="list-style-type: none"> ▶ Provides partial site characterization to stimulate developer interest at abandoned or tax-forfeit sites. Limited enrollment due to funding. Subsequent enrollment in the MPCA's VIC program required.
<i>Tax Assistance</i>	Contamination Taxes	§§ 270.91 to 270.98	Minnesota Department of Revenue Response action plans must be approved by MPCA or MDA Contact: Rich Gardner (651) 296-3155	<ul style="list-style-type: none"> ▶ Provides for a reduction in the property tax on contaminated property, to as low as 12.5% of total property tax ▶ In order to get the reduced rate, must have a response action plan approved under Minn. Stat. ch. 115B by the MPCA or under Minn. Stat. ch. 18D by the MDA, and have begun work on the plan; or if the contamination is asbestos, an asbestos-abatement plan must be in place and work begun ▶ Proceeds of property tax deposited into the Contaminated Site Cleanup and Development Account in the state general fund, to be used for Contamination Cleanup Grants [Contamination tax revenues were \$635,000 in 1995 (the first year of the tax) and \$508,000 in 1996]
	Tax Increment Financing (TIF)	§§ 469.174 to 469.179	TIF districts approved by legislature Development Action Response Plans must be approved by the MPCA Contact: Local unit of government	<ul style="list-style-type: none"> ▶ Uses property taxes generated by the increase in value created by cleanup to pay down the cost of cleanup ▶ TIF funds can be used to prepare and implement response plan for removing or remediating contamination ▶ Can be used to remove or remediate either hazardous substances, and pollutants or contaminants under 115B, or petroleum contamination under 115C.

State and Local Brownfield Programs

Type of Assistance	Program	Minnesota Statutes	Administrator(s)	Description and Criteria
Tax Assistance (cont.)	Hennepin and Ramsey Counties' Environmental Response Fund	§§ 383A.80 to 383A.81, 383B.80 to 383B.81	Contacts: Hennepin County Greg Lie (612) 348-2556 Ramsey County Lee Holden (651) 773-4457	<ul style="list-style-type: none">▶ If established by the county, funded by a 0.01% mortgage or deed tax, which may be used to secure bonds issued▶ Authority to impose the tax expires January 1, 2003▶ Provides funds for the county to acquire polluted or contaminated properties, indemnify purchasers of properties from pollution-related liability, clean up polluted land, or develop the property for private or public uses▶ County must seek matching funds▶ First priority in Hennepin County is NL Industries/Tara Corporation/Golden Auto site in St. Louis Park, and first priority in Ramsey County is Dale Street Shops and Maxon Steel

The next table provides the statutory definitions of key terms in brownfield and pollution statutes. It shows how the same term may have a different definition under one agency or program than another.

Terms and Definitions			
Term	Definition	Program, Agency	Minnesota Statutes
1. Hazardous Waste	<p>Any refuse, sludge, or other waste material or combinations of refuse, sludge, or other waste materials in solid, semisolid, liquid, or contained gaseous form which because of its quantity, concentration, or chemical, physical, or infectious characteristics may (a) cause or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness; or (b) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.</p> <p>Categories of hazardous waste materials include, but are not limited to: explosives, flammables, oxidizers, poisons, irritants, and corrosives.</p> <p>Hazardous waste does not include source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954, as amended.</p>	Minnesota Pollution Control Agency (MPCA)	§ 116.06 , subd. 11
2. Hazardous Waste	As defined in § 116.06 , subd. 11 (# 1 above)	MPCA, Waste Management	§ 115A.03 , subd. 13
3. Hazardous Waste	<p>(a) Any hazardous waste as defined in Minn. Stat. § 116.06, subd. 11 (# 1 above), and any substance identified as a hazardous waste pursuant to rules adopted by the MPCA under Minn. Stat. § 116.07; and</p> <p>(b) Any hazardous waste as defined in the Resource Conservation and Recovery Act, under 42 U.S.C. § 6903, which is listed or has the characteristics identified under 42 U.S.C. § 6921, not including any hazardous waste the regulation of which has been suspended by act of Congress.</p>	Minnesota Environmental Response and Liability Act - state superfund law (MERLA)	§ 115B.02 , subd. 9

Terms and Definitions

Term	Definition	Program, Agency	Minnesota Statutes
4. Hazardous Waste	Same as § 115B.02 , subd. 9 (#3 above)	Harmful Substance Compensation Board	§ 115B.25 , subd. 7b
5. Hazardous Waste	Any substance identified or listed as hazardous waste in the rules adopted under Minn. Stat. § 116.07 , subd. 4	Minnesota Department of Agriculture (MDA), Pesticide Control	§ 18B.01 , subd. 11
6. Hazardous Waste	Any substance identified or listed as hazardous waste in the rules adopted under Minn. Stat. § 116.07 , subd. 4	MDA, Chemical Liability	§ 18D.01 , subd. 5
7. Hazardous Substance	(a) Any commercial chemical designated pursuant to the Federal Water Pollution Control Act, under 33 U.S.C. §1321(b)(2)(A) ; (b) Any hazardous air pollutant listed pursuant to the Clean Air Act, under 42 U.S.C. § 7412 ; and (c) Any hazardous waste (as defined in § 115B.02 , subd. 9 (#3 above)). Hazardous substance does not include natural gas, natural gas liquids, liquefied natural gas, synthetic gas usable for fuel, or mixtures of such synthetic gas and natural gas, nor does it include petroleum, including crude oil, or any fraction thereof, which is not otherwise a hazardous waste.	MERLA	§ 115B.02 , subd. 8
8. Pollutant or Contaminant	Any element, substance, compound, mixture, or agent, other than a hazardous substance, which after release from a facility and upon exposure of, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, will or may reasonably be anticipated to cause death, disease, behavioral abnormalities, cancer, genetic mutation, physiological malfunctions (including malfunctions in reproduction), or physical deformations, in the organisms or their offspring. Pollutant or contaminant does not include natural gas, natural gas liquids, liquefied natural gas, synthetic gas usable for fuel, or mixtures of such synthetic gas and natural gas.	MERLA	§ 115B.02 , subd. 13
9. Contaminant	A hazardous substance or a pollutant or contaminant as those terms are defined in Minn. Stat. § 115B.02	DTED Contamination Cleanup Grants	§ 116J.552 , subd. 3

Terms and Definitions			
Term	Definition	Program, Agency	Minnesota Statutes
10. Contaminant	A harmful substance as defined in Minn. Stat. § 115B.25 , subd. 7a (#11 below)	Minnesota Department of Revenue, Contamination Tax	§ 270.92 , subd. 3
11. Harmful Substance	(1) Any commercial chemical designated under the Federal Water Pollution Control Act, 33 U.S.C. § 1321(b)(2)(A) ; (2) Any hazardous air pollutant listed under the Clean Air Act, 42 U.S.C. § 7412 ; (3) Any hazardous waste; (4) Petroleum as defined in Minn. Stat. § 115C.02 , subd. 10; and (5) Pesticide as defined in Minn. Stat. ch. 18B , or fertilizer, plant amendment, or soil amendment as defined in Minn. Stat. § 18C.005	Harmful Substance Compensation Board	§ 115B.25 , subd. 7a
12. Release	Any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment which occurred at a point in time, or which continues to occur. Release does not include: (a) Emissions from the engine exhaust of a motor vehicle, rolling stock, aircraft, watercraft, or pipeline pumping station engine; (b) Release of source, by-product, or special nuclear material from a nuclear incident, as those terms are defined in the Atomic Energy Act of 1954, under 42 U.S.C. § 2014 , if the release is subject to requirements with respect to financial protection established by the federal nuclear regulatory commission under 42 U.S.C. § 2210 ; (c) Release of source, by-product, or special nuclear material from any processing site designated pursuant to the Uranium Mill Tailings Radiation Control Act of 1978, under 42 U.S.C. § 7912(a)(1) or § 7942(a) ; or (d) Any release resulting from the application of fertilizer or agricultural or silvicultural chemicals, or disposal of emptied pesticide containers or residues from a pesticide as defined in Minn. Stat. § 18B.01 , subd. 18.	MERLA	§ 115B.02 , subd. 15

Terms and Definitions

Term	Definition	Program, Agency	Minnesota Statutes
13. Release	<p>Same as § 115B.02, subd. 15, excluding paragraph (d) (#12 above), but stating that “release” does not include:</p> <p>(d) Discharges or designed venting of petroleum from a tank allowed under the rules of the pollution control agency; or</p> <p>(e) The use of a pesticide, fertilizer, plant amendment, or soil amendment in accordance with its labeling</p>	Harmful Substance Compensation Board	§ 115B.25 , subd. 9
14. Release	A spilling, leaking, emitting, discharging, escaping, leaching, or disposing of petroleum from a tank into the environment whether occurring before or after June 4, 1987, but does not include discharges or designed venting allowed under MPCA rules.	MPCA, Petroleum Tank Release Cleanup Act – Petrofund	§ 115C.02 , subd. 12
15. Release	The placement or use of a genetically engineered organism outside a contained laboratory, greenhouse, building, structure, or other similar facility, or under other conditions not specifically determined by the commissioner to be adequately contained.	MDA, Pesticide Control	§ 18B.01 , subd. 22a
16. Release	Same as § 18B.01 , subd. 22a (#15 above)	MDA, Fertilizer, Soil Amendment, and Plant Amendment Law	§ 18C.005 , subd. 27a
17. Remedy or Remedial Action	Those actions consistent with permanent remedy taken instead of, or in addition to, removal actions in the event of a release or threatened release of a hazardous substance, or a pollutant or contaminant, into the environment, to prevent, minimize, or eliminate the release in order to protect the public health or welfare or the environment. (Definition also includes a nonexclusive list of actions.)	MERLA	§ 115B.02 , subd.16

Terms and Definitions

Term	Definition	Program, Agency	Minnesota Statutes
18. Remove or Removal	<p>(a) The cleanup or removal of a released hazardous substance or a pollutant or contaminant from the environment;</p> <p>(b) Necessary actions taken in the event of a threatened release of a hazardous substance or a pollutant or contaminant, into the environment;</p> <p>(c) Actions necessary to monitor, test, analyze, and evaluate a release or threatened release of a hazardous substance or a pollutant or contaminant;</p> <p>(d) Disposal or processing of removed material; or</p> <p>(e) Other actions necessary to prevent, minimize, or mitigate damage to the public health or welfare or the environment which may otherwise result from a release or threatened release.</p> <p>Remove or removal includes, but is not limited to, security fencing or other measures to limit access, provision of alternative water supplies, temporary evacuation and housing of threatened individuals not otherwise provided for, action taken pursuant to the Federal Superfund Act, under 42 U.S.C. § 9604(b), and any emergency assistance which may be provided under the Disaster Relief Act of 1974, 42 U.S.C. § 5121 et seq.</p>	MERLA	§ 115B.02 , subd. 17
19. Respond or Response	Remove, removal, remedy, and remedial action.	MERLA	§ 115B.02 , subd. 18
20. Removal, Remedy, Remedial Action, Response, Hazardous Substance, and Pollutant or Contaminant	These terms have the meanings given them in Minn. Stat. § 115B.02 . The term "petroleum" has the meaning given in Minn. Stat. § 115C.02 .	Tax Increment Financing - TIF	§ 469.174 , subd. 18
21. Corrective Action	An action taken to minimize, eliminate, or clean up a release to protect the public health and welfare or the environment.	MPCA, Petrofund	§ 115C.02 , subd. 4

Terms and Definitions

Term	Definition	Program, Agency	Minnesota Statutes
22. Corrective Action	An action taken to minimize, eliminate, or clean up an incident.	MDA, Pesticide Control	§ 18B.01 , subd. 6b
23. Corrective Action	Same as in § 18B.01 , subd. 6b (#22 above)	MDA, Chemical Liability	§ 18D.01 , subd. 4
24. Incident	<p>A flood, fire, tornado, transportation accident, storage container rupture, leak, spill, emission discharge, escape, disposal, or other event that releases or immediately threatens to release a <i>pesticide</i> accidentally or otherwise into the environment, and may cause unreasonable adverse effects on the environment.</p> <p>"Incident" does not include a release from normal use of a <i>pesticide</i> or practice in accordance with law.</p>	MDA, Pesticide Control	§ 18B.01 , subd. 12
25. Incident	Substantially similar to § 18B.01 , subd. 12 (#24 above), except applies to "agricultural chemical," not "pesticide"	MDA, Chemical Liability	§ 18D.01 , subd. 6
26. Cleanup Costs	The costs of developing and implementing a response action plan, but does not include implementation costs incurred before the award of a grant unless the application for the grant was submitted within 180 days after the response action plan was approved by the commissioner of the MPCA.	DTED Contamination Cleanup Grants	§ 116J.552 , subd. 2
27. Project Costs	Includes cleanup costs for the site and the cost of related site acquisition, demolition of existing improvements, and installation of public improvements necessary for the development authority to implement the response action plan.	DTED Contamination Cleanup Grants	§ 116J.552 , subd. 7
28. Response Action Plan	A response action plan approved by the Commissioner of the MPCA, including a "development action response plan" that meets the requirements of Minn. Stat. § 469.174 , subd. 17 (TIF); and a "voluntary response action plan" under Minn. Stat. § 115B.175 , subd. 3 (MERLA).	DTED Contamination Cleanup Grants	§ 116J.552 , subd. 8

Terms and Definitions

Term	Definition	Program, Agency	Minnesota Statutes
29. Development Action Response Plan	<p>A plan or proposal for removal actions or remedial actions if the plan or proposal is submitted to the MPCA and the recommended actions are approved in writing by the MPCA commissioner as reasonable and necessary to protect the public health, welfare, and environment.</p> <p>The commissioner shall review the development action response plan and approve, modify, or reject the recommended actions within 60 days after submission of the plan (or revised plan) by the authority.</p> <p>The commissioner shall notify the authority in writing of the decision on the recommended actions within 30 days after the decision and, if the recommended actions are rejected, shall specify the reasons for rejection.</p>	TIF	§ 469.174 , subd. 17
30. Response Plan	<p>(1) A development action response plan, as defined in Minn. Stat. § 469.174, subd. 17;</p> <p>(2) a response action plan under Minn. Stat. ch. 115B or a corrective action plan under Minn. Stat. ch. 18D;</p> <p>(3) a plan for corrective action approved by the Commissioner of Agriculture under Minn. Stat. § 18D.105; or</p> <p>(4) a plan for corrective action approved by the Commissioner of the MPCA under Minn. Stat. § 115C.03.</p>	Minnesota Department of Revenue, Contamination Tax	§ 270.92 , subd. 6

Glossary of Acronyms

DTED - Department of Trade and Economic Development

MDA - Minnesota Department of Agriculture

MERLA - Minnesota Environmental Response and Liability Act

MPCA - Minnesota Pollution Control Agency

TIF - Tax Increment Financing

USEPA - United States Environmental Protection Agency