

## **RAP Implementation Policy Discussion**

**Issue:** Consistency in the approval or denial of RAP Implementation Reports in situations where all other outstanding work is satisfactorily completed, but the Real Property Notification/ Affidavit or Environmental Covenant (as a component of the RAP) remains to be filed on the property deed.

**Background and Discussion:** In some situations, a Voluntary Party may request approval of the RAP Implementation Report when all tasks have been completed with the exception of filing an approved Affidavit or Environmental Covenant on the property deed. They may request approval as this sends a message to interested parties that the VP has completed Site remediation activities. For example, DEED and Met Council require the VP to demonstrate that grant funds have been spent properly before closing out a project. Part of the process is receiving a copy of the VIC assurance or at the very least a RAP Implementation Report approval letter. If a client cannot produce any of these documents, DEED and Met Council cannot be certain that the cleanup was conducted properly. Lack of documentation of a proper cleanup has the potential to jeopardize grant funds or may result in revoking of grant funds. In an effort to resolve grant requirements or other reasons, a VP may try to influence the staff to approve a RAP Implementation Report without having filed the Affidavit or MPCA approved Environmental Covenant.

**Coordination:** This issue was discussed with VIC staff (including Jonathan Smith representing Duluth), supervisors and manager. The majority believe that a unified policy is needed.

**Action Step:** A policy stating that MPCA will not approve RAP Implementation Reports when an MPCA approved Affidavit or Environmental Covenant (as a component of the approved RAP) has not been filed on the property deed for the Site.