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Environmental trustee finds time for reflection at Oklahoma Brownfields Conference

Marc Weinreich, environmental remediation trustee, made “Recovering from Our Industrial Past: Redeveloping Heavily Contaminated Properties,” a session for reflection, not just more data, at the Oklahoma Brownfields Conference.

By **Richard Mize** | Published: May 26, 2012  0

Experts at the Oklahoma Brownfields Conference had me scribbling notes and processing the data of the moment.

But Marc Weinreich got me to thinking. He got me to thinking about the present as well as the future of contaminated land — of brownfields (technically, former industrial or commercial sites with a future affected by real or perceived environmental contamination).

The name of the session set the tone for reflection: “Recovering from Our Industrial Past: Redeveloping Heavily Contaminated Properties.” It does have a certain prophetic ring to it.

Weinreich compared land in recovery to people in recovery from substance abuse — and to help people get their heads wrapped around it, he started out by asking a question that can put a lump in your throat, depending on your frame of mind, who you know and your own life experience.

Many of us, he pointed out, know someone in recovery from alcohol or drugs — or food or gambling or pick something else that usually involves 12 steps. But how many of us know someone who has succeeded, graduated or otherwise come out of recovery? None, probably, because for most people recovery is a healing way of life, not a series of treatments that ends when a patient gets well.

Some properties are like hard drinkers who find a reason to quit — and do, in one or two steps, not 12.

The former brownfield under the new Devon Energy Corp., for example, to lean on the metaphor, was a hard drinker — a sloppy consumer, for decades, of gasoline and oil

supplied by previous owners and users. Devon gave the parcel a reason to shape up — Devon shaped it up, in fact.

But some lands are in long-term care — and will be for lifetimes.

Weinreich skimmed the details of his PowerPoint slides and stuck to that big picture. It makes sense. That's where he lives: in big slow-moving pictures that project into the misty future. He is co-founder and vice president of Greenfield Environmental Trust Group Inc., and vice president of Resources for Responsible Site Management Inc. in Salt Lake City, Utah.

He's managing principal and trustee of four environmental response trusts that control billions of dollars as they manage remediation and disposition 500-plus state and federal Superfund sites and other contaminated properties.

Close to home, he is chairman of the Anadarko Litigation Trust Advisory Board, charged with prosecuting a \$15.5 billion lawsuit against Anadarko Petroleum in connection with the spinoff of Tronox from Kerr-McGee Corp. and alleged fraudulent conveyance of polluted land — including large sites at Cushing and Cleveland, OK.

Amid discussion of legacy liability — that is, liability for pollution that is attached to land — Weinreich wanted to know: Can we give more thought to legacies of practices and attitude?

“I would like to see a conference on a brownfield prevention program,” he said. “Is there any way to front-end this?”

Yes, he said, redeveloping formerly abused property requires dealing with stigma, uncertainty and incredibly complex transaction structures, often with “gridlocked stakeholders.” He is a trustee; he pointed out trust must be involved.

Tough projects, he said, require multidisciplinary executive leadership; a focus on real estate rather than false fears; a culture of responsibility and personal and professional accountability; trusting relationships among stakeholders; contractors with shared values; as well as directly practical approaches such as matching a given polluted site with a likely prototypical end-user early on to transform market perception of the property.

It's worth it, Weinreich said, to “leave a legacy behind of something that is better than what we've received.”

Preach it.