

Item 5Ci.
BCWMC 12-17-15

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BARR

VIA Email

DRAFT: December __, 2015

Minnesota Pollution Control Agency
Voluntary Party Brownfields Program
520 Lafayette Road N
St. Paul, MN 55155

**Re: Voluntary Remediation Program Enrollment Application
Bassett Creek Main Stem Erosion Repair Project, Minneapolis, MN**

Dear MPCA Brownfield Staff:

On behalf of the Bassett Creek Watershed Management Commission (BCWMC), Barr is submitting the attached MPCA Brownfield application along with a Phase I Environmental Site Assessment and a Phase II Work plan in support of BCWMC's planned erosion repair project. At this time, the BCWMC is planning to have Barr conduct a Phase II soil investigation of the project area in January 2016 and we are seeking MPCA's technical review and approval of the enclosed Phase II work plan.

The results of the Phase II will be used to help inform BCWMC's upcoming feasibility study of creek bank repair and stabilization options. Once that effort is complete, Barr may be preparing a Response Action Plan for MPCA's review and approval later in 2016, if warranted. Please let me know if you have any questions about the enclosed information. We look forward to completing this Brownfield project with BCWMC and MPCA.

Sincerely,

Jennifer Brekken

M.S. Civil/Environmental Engineering

cc: Lois Eberhart, City of Minneapolis
Laura Jester, Bassett Creek Watershed Management Commission

Attachments

- Voluntary Remediation Program Enrollment Application
- Property Owner List
- Phase I Environmental Site Assessment
- Phase II Investigation Work Plan



Minnesota Pollution Control Agency
 520 Lafayette Road North
 St. Paul, MN 55155-4194

Voluntary Remediation Program Enrollment Application

Voluntary Brownfield Program

Doc Type: Voluntary Remediation Application

Instructions: Please complete this form to enroll in one of the Minnesota Pollution Control Agency (MPCA) services listed below:

MPCA Use Only	
Project ID:	

- 1) MPCA assistance for voluntary parties requesting technical review, investigation, and oversight under Minn. Stat. §§ 115B.17, subd. 14; 115B.175, except subdivision 6a; 115B.177; and 115B.178.
- 2) MPCA review of sites with petroleum contamination under Minn. Stat. §115C.03, subd. 9 (e.g., storage tank release site or a petroleum non-tank source).
- 3) MPCA review of investigation and response actions by Responsible Parties under Minn. Stat. §115B.175, subd. 6a.

For further information:

- **Voluntary Party Brownfield Program:** Contact Stacey Hendry-Van Patten at 651-757-2425, Andrew Nichols at 651-757-2612.
- **Voluntary Responsible Party Investigation and Remediation Program:** Contact Doug Beckwith at 1-218-302-6611, or Hans Neve at 651-757-2608.
- The MPCA can also be reached toll free at 1-800-657-3864.
 Minnesota Duty Officer 1-800-422-0798 or 651-649-5451 (24 hours a day - for notification of releases).

Scan and email the completed form to: Brownfields.PCA@state.mn.us

Note: The subject line of your Email *must* include the **Preferred Site Name** first, followed by the **report/document name** (example: *Smith Facility – Enrollment Application*). Failure to follow this protocol will result in a delay in processing your application.

***Fields/sections with an asterisk are mandatory and the application will not be processed if incomplete.**

*** Subject property information**

Preferred site name (≤ 4 words): Bassett Creek Main Stem

Previous MPCA site name (if known): _____

Previous MPCA site ID number (if known) _____

Address: multiple addresses - see attached list

City (or Township): Minneapolis County: Hennepin Zip: _____

Property Identification Number (PIN) 2802924210024, 2802924120024, 2102924430034, 2102924430118, 2102924430096,
 (if more than one, please list all): 2102924430119, 2102924430079, 2802924210006, 2802924210005, 2002924430138,
2002924430129, 2002924430013

Approximate property size: 10.5 acres

*** Applicant information**

Point of contact: _____ Title: _____

Organization: Bassett Creek Watershed Management Commission Phone: _____

Address: _____ Email: _____

City: _____ State: _____ Zip: _____

Applicant's consultant (List the name of your current environmental consultant, if applicable.)

Name: Jennifer Brekken

Organization: Barr Engineering Co Phone: 952-832-2700

Address: 4300 MarketPointe Drive, Suite 200 Email: jbrekken@barr.com

City: Minneapolis State: MN Zip: 55435

*** Current property owner** (complete if different from applicant)

Name: Multiple Owners - see attached list Title: _____

Organization: _____ Phone: _____

Address: _____ Email: _____

City: _____ State: _____ Zip: _____

Parties to be listed on assistance and/or assurance letter(s)

Name: Bassett Creek Watershed Management Commission, City of Minneapolis Title: _____
Organization: _____ Phone: _____
Address: _____ Email (optional): _____
City: _____ State: _____ Zip: _____
Relationship of party to subject property: _____

* Spatial data information requirement

Site location point description (select one): Center of site Main/Front door Front gate/Main entrance

Latitude (decimalized): 44.97639

Longitude (decimalized): -93.29939

* Known or suspected contaminant type

- Petroleum **only**
 Hazardous Substance or Pollutant or Contaminant **only**
 Petroleum **and** Hazardous Substance or Pollutant or Contaminant

Section A - Assistance requested

Description of applicant's request (select all that apply). Refer to the *Brownfield Program Services* guidance document (c-brwnfld4-01) for detailed descriptions of available services on the MPCA Brownfields webpage at <http://www.pca.state.mn.us/lupg7f9>.

Assistance for petroleum releases

- Review of a petroleum release investigation (tank and non-tank source) (Minn. Stat. §115C.03, subd. 9)
 Technical review of a Response Action Plan (RAP) for a petroleum impacted property
 Liability assurance letters (Minn. Stat. § 115C.03, subd. 9C)
 General liability Letter. MPCA ID#: _____
 Tank removal verification letter. MPCA ID#: _____
 Off-site tank release determination letter. Suspected source MPCA ID#: _____
 File closure confirmation letter. MPCA ID#: _____

Assistance for releases of hazardous substances or pollutants or contaminants

- Technical review or third-party only review. (Minn. Stat. §115B.17, subd. 14)
 Lender Letter or Lender No Association Determination. (Minn. Stat. §115B.178)
 No Association Determination. (Minn. Stat. §115B.178, subd. 1(a))
 - For a No Association Determination request, please submit to the MPCA a letter that describes any association the applicant has with the property or releases at the property, and a list of the actions the party intends to take at the site. Retroactive No Association Determination. (Minn. Stat. §115B.178, subd. 1(b))
 - For a Retroactive No Association Determination request, please submit to the MPCA an Affidavit that describes any past association the applicant has with the property or releases at the property, a list of the actions the applicant took at the site, a statement that the applicant did not contribute or associate itself in any manner with the releases to be named in the determination, and a statement of the signing individual's relation to the applicant. No Action or No Further Action Letter.
 Off-Site Source Determination. (Minn. Stat. §115B.177).
 Certificate of Completion. (Minn. Stat. §115B.175).

Assistance for Environmental Grant(s) application deadline

Is MPCA review required for an Environmental Grant(s) application deadline? (e.g., Minnesota Department of Employment and Economic Development (DEED), Metropolitan Council, or County cleanup grants) For a list of grant sources, please see the *Brownfield Resource Guide* located on the MPCA Brownfields webpage at <http://www.pca.state.mn.us/lupg7f9>.

- Yes
 No or unknown at this time.

Section B - Responsible party status for a non-petroleum release

Overview. A person who is responsible for a release or threatened release of hazardous substances or pollutants or contaminants may undertake response actions under a voluntary response action plan (RAP) approved by the Agency. Minn. Stat. §115B.175, subd. 6a allows a responsible person to obtain assurances for persons who acquire real property after approval of the voluntary RAP, provide financing for response actions or development at the real property after approval of the RAP, and successors or assigns of such persons. The responsible person is eligible to obtain for itself a formal letter from the MPCA indicating that no action or no further cleanup action is required if the RAP fully addresses releases or threatened releases at or originating from the real property.

Reservation of Rights. A person seeking to address contamination under this provision is not required to waive defenses that the person may have to their designation as a responsible person. However, if the MPCA obtains evidence (through the RAP or other means) that indicates that additional actions are necessary to address contamination at or originating from the property, the MPCA reserves the right to require the responsible person to complete remediation of the site, including actions necessary to address all contamination at or originating from the real property.

Remedial Investigation (check at least one for each media)

To be eligible to receive a No Further Action Letter, the responsible person must submit a Remedial Investigation supporting its responses to the questions below unless such documentation is submitted in conjunction with the required Phase I ESA document (see Part C below). If the information is not known, check the box indicating when the work plan will be submitted.

Soil contamination

- There is no soil contamination above MPCA's risk-based screening values
- The extent and magnitude of soil contamination has been defined
- A work plan to define the extent and magnitude of soil contamination will be submitted before: _____
(mm/dd/yyyy)
- A Remedial Investigation Report defining extent and magnitude will be submitted before: _____
(mm/dd/yyyy)

Groundwater contamination

- There is no groundwater contamination above the MPCA or MDH risk-based screening values.
- The extent and magnitude of groundwater contamination has been defined.
- A work plan to define the extent and magnitude of groundwater contamination will be submitted before: _____
(mm/dd/yyyy)
- A Remedial Investigation Report defining extent and magnitude will be submitted before: _____
(mm/dd/yyyy)

Soil gas contamination

- There is no soil gas contamination above the MPCA screening criteria.
- The extent and magnitude of soil gas contamination has been defined.
- A work plan to define the extent and magnitude of soil gas contamination will be submitted before: _____
(mm/dd/yyyy)
- A Remedial Investigation Report defining extent and magnitude will be submitted before: _____
(mm/dd/yyyy)

Surface water and sediment contamination (check yes or no for each question below)

- Is there potential for surface water contamination? Yes No
- Is there potential for sediment contamination? Yes No

Response actions

Response Action Plan. If the MPCA determines that response actions are necessary to manage risk to human health or the environment posed by the identified releases, the applicant must prepare a Response Action Plan (RAP) within 90 days of MPCA approval of a Remedial Investigation Report. The RAP must provide a detailed design and schedules for implementation of actions to remedy the releases of hazardous substances at and from the site. The MPCA will review and comment on or approve the RAP within 60 days of submittal. The MPCA may require amendments to the RAP as new information becomes available during the investigation and response process. If the applicant fails to complete the RAP according to the approved schedule or submit amendments to the RAP as necessary to address contamination, the MPCA reserves the right to terminate the voluntary remediation. The MPCA reserves the right, following procedures established in Minn. Stat. ch. 115B, to require the responsible person to complete the RAP.

Environmental covenant

If residual contamination at the site warrants activity/land use restrictions or affirmative obligations (e.g., continued monitoring or operation/maintenance of a remedial system), the MPCA may require the applicant to file an environmental covenant. The MPCA will not issue a No Action or No Further Action letter until the environmental covenant is filed with the appropriate Office of the County Recorder or County Assessor.

Affidavit of hazardous substances

Before any transfer of property that was used as the site of a hazardous waste disposal facility or is subject to extensive contamination by release of a hazardous substance, the owner must record an Affidavit of Hazardous Substances. The MPCA will not issue a No Action or No Further Action letter until the Affidavit of Hazardous Substances is filed with the appropriate Office of the County Recorder or County Assessor.

Section C - Phase I and review information

Brownfield Program Review Timeframe

Program applicants should budget 30 working days in project schedules for MPCA to respond to submittals. **The 30 working-day review timeframe begins when everything that is needed for MPCA review has been submitted.** The MPCA will endeavor to provide a response to submittals within 30 working days.

Phase I Environmental Assessment Reports

A Phase I Environmental Site Assessment (Phase I ESA) prepared in accordance with the All Appropriate Inquiry (AAI) standard as per 40 C.F.R. Part 312 must be provided with this application unless the application is only for technical assistance or one of the following services/letters: Expedited review of a petroleum tank release site; Lender Letter; Tank Removal Verification and/or General Liability Letter.

The MPCA will not accept Phase I ESAs older than one year from the date of submittal of this application. In some cases Phase I ESAs older than one year can be submitted with a Phase I ESA update. MPCA staff may request information beyond the minimum requirements when needed to support review and approvals requested by the applicant.

Section D - Submittal requirements

List all reports submitted with this application (report title, author, and date):

Phase I Environmental Site Assessment, Bassett Creek Main Stem Erosion Repair Project

Bassett Creek from Cedar Lake Road to Dupont Avenue N/2nd Avenue N, plus Fruen Mill Site, Minneapolis, Minnesota

Prepared by Barr Engineering Co. for Bassett Creek Watershed Management Commission, December 2015

Environmental Investigation Work Plan, Bassett Creek Main Stem Erosion Repair Project

Cedar Lake Road to Dupont Avenue N/2nd Avenue N, plus Fruen Mill Site, Minneapolis, Minnesota

Prepare by Barr Engineering Co. for Bassett Creek Watershed Management Commission, December 2015

Note: Submit one electronic copy of each report or supporting document. The preferred electronic file format is Adobe Acrobat portable document format (PDF). Each report or document should be submitted as a separate PDF file (i.e., separate PDFs must be first combined in the correct order as one file for each report/document submitted). **All email subject lines** must adhere to the following protocol: the Preferred Site Name must be listed **first** followed by the report/document name. The application and accompanying document(s)/report(s) **must** be submitted to: Brownfields.PCA@state.mn.us. Documents submitted not following these guidelines will result in a delay in processing your application. Documents submitted to the MPCA are considered public unless otherwise classified by the Minnesota Data Practices Act. Requests to classify documents as non-public must be submitted to the MPCA in writing following the procedures established in Minn. R. 7000.1300.

Section E - Reservation of rights

The protection from liability provided by MPCA documents issued as provided under this application does not apply to:

- (1) A person who aggravates or contributes to a release or threatened release that was not remedied under an approved voluntary response action plan;
- (2) A person who was responsible under sections 115B.01 to 115B.18 for a release or threatened release identified in the approved voluntary response action plan before taking an action that would have made the person subject to the protection under subdivision 6 or 6a; or

- (3) A person who obtains approval of a voluntary response action plan for purposes of this section by fraud or misrepresentation, or by knowingly failing to disclose material information, or who knows that approval was so obtained before taking an action that would have made the person subject to the protection under subdivision 6 or 6a.

Nothing in this section affects the authority of the agency or commissioner to exercise any powers or duties under Minn. Stat. ch. 115B or other law with respect to any release or threatened release, or the right of the agency, the commissioner, or any other person to seek any relief available under this chapter against any party who is not subject to the liability protection provided under this section.

Section F - Agreement for reimbursement of MPCA costs

By submitting this application, the applicant agrees to pay the MPCA for the MPCA's costs for providing assistance under this Application pursuant to Minn. Stat. §115B.17, subd. 14 and/or Minn. Stat. §115C.03, subd. 9, including review of MPCA records and files, investigation plans, reports and RAPs, and activities associated with development of requested assurances or no action documents. The current fee is \$125.00 per hour. The applicant agrees that the applicant will pay the MPCA's costs within 30 days of receipt of an invoice for the costs. The applicant must notify the MPCA within 20 days of receipt of the invoice if any costs are disputed. The applicant agrees that failure to dispute costs by this time constitutes waiver of its right to dispute the costs, and the applicant agrees to pay all undisputed costs promptly. The MPCA will send invoices to a voluntary party applicant on a monthly basis and to a responsible party applicant on an annual basis. The applicant agrees that failure to pay the MPCA's costs in a timely manner may result in the MPCA terminating its review, declining to issue requested documents or assurances, and taking appropriate administrative or legal action to recover unpaid invoices from the applicant, which may include costs and legal fees associated with collection of the debt.

Certification

The **applicant** or other **authorized person** signing below on behalf of applicant (Agent):

- certifies that the **applicant** and/or **authorized person** has read and is familiar with the information on this form and all attached documents, and that the submitted information is true, accurate, and complete to the best of the **applicant's** and/or **authorized person's** knowledge; and
- certifies that the undersigned has the authority to bind the party represented, their agents, successors, and assigns.

Name (print): _____ Title: _____
Organization name: _____
Signature: _____ Date (mm/dd/yyyy): _____

**List of Property Owners, Parcel IDs and Addresses
Bassett Creek Main Stem**

PID: 2002924430129

2700 2nd Ave N
Minneapolis, MN 55405

Owner: *Minneapolis Park and
Recreation Board

PID: 2102924430118

105 Fremont Ave N
Minneapolis, MN 55405

Owner: City Of Minneapolis

PID: 2002924430138

303 Thomas Ave N
Minneapolis, MN 55405

Owner: **June Capital, LLC

PID: 2102924430119

1001 2nd Ave N
Minneapolis, MN 55405

Owner: Mpls Board Of Edu. Sp Dist 1

PID: 2002924430013

2603 2nd Ave N
Minneapolis, MN 55405

Owner: Hennepin Forfeited Land

PID: 2102924430096

1129 2nd Ave N
Minneapolis, MN 55405

Owner: City Of Minneapolis

PID: 2802924210024

10 Cedar Lake Rd N
Minneapolis, MN 55405

Owner: *Minneapolis Park and
Recreation Board

PID: 2102924430079

180 Humboldt Ave N
Minneapolis, MN 55405

Owner: Michael S Minter Trustee

PID: 2802924120024

50 Dupont Ave N
Minneapolis, MN 55405

Owner: City Of Minneapolis

PID: 2802924210006

156 Irving Ave N
Minneapolis, MN 55405

Owner: Pioneer Industries Inc

PID: 2102924430034

101 Fremont Ave N

Owner: City Of Minneapolis

PID: 2802924210005

155 Irving Ave N

Owner: Richard O Hanousek

Source:

<https://gis.hennepin.us/property/map/>
12/2/2015

*"City Of Mpls Park Board" named on county website

**"Frueen Mill Partners Llc" named on county website. New owner name obtained from Jeff Wallis,
Developer with AtGlenwood