

# Landmark Environmental LLC

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April 2, 2007

Mr. Ed Olson and Ms. Jennifer Haas  
Minnesota Pollution Control Agency  
Voluntary Investigation & Cleanup Program  
520 Lafayette Road  
St. Paul, Minnesota 55155

**Re: Proposed Actions Letter – Request for a No Association Determination  
219 and 223 First Avenue S.W., Rochester, Minnesota**

Dear Mr. Olson and Ms. Haas:

Landmark Environmental LLC (“Landmark”) has prepared this letter to request that the Minnesota Pollution Control Agency (“MPCA”) Voluntary Investigation and Cleanup (“VIC”) Program issue a determination under Minn. Stat. §115B.178 (“No Association Determination”) that proposed actions with respect to the above referenced Property will not constitute conduct associating the City of Rochester and its Economic Development Authority with the release or threatened release of hazardous substances, pollutants, or contaminants identified at the Property. The Property location is shown on Figure 1 attached to this letter.

The City of Rochester (“City”) has signed a purchase agreement to acquire the above referenced 219 First Avenue parcel, and the Rochester Economic Development Authority (“EDA”) has signed a purchase agreement to acquire the 223 First Avenue parcel (collectively the 219 and 223 parcels are referred to as “Property”). The City intends to immediately transfer the 219 First Avenue parcel to the Rochester Economic Development Authority (“EDA”).

The EDA plans to develop the Property into a biotechnical research facility pursuant to a Voluntary Response Action Plan (“VRAP”) and Environmental Contingency Plan (“ECP”) approved by the MPCA. The EDA intends to complete the ongoing response actions for the former dry cleaner release at the Property and lease the developed Property to various tenants.

## **Background**

Environmental investigations and response actions have been and continue to be conducted on the northern portion of the Property (“the 219 Parcel”). Copies of the environmental reports related to these investigation and response actions were submitted to the MPCA, VIC Program for review and approval. On behalf of the City and EDA, Landmark recently completed a Phase I Environmental Assessment (“Assessment”) and a Supplemental Phase II Environmental Investigation (“Supplemental Investigation”). The Assessment Report and the Supplemental Investigation Report have been submitted to the MPCA for review and approval. Based on the analytical results from the previous investigations and the Supplemental Investigation, arsenic and polynuclear aromatic hydrocarbons (“PAHs”) were detected in soil samples collected on the Property and volatile organic compounds (“VOC”) were detected in the groundwater under the Property.

### **Proposed Actions**

The proposed actions ("Proposed Actions") for which the City and the EDA are seeking a No Association Determination from the VIC Program are generally described as follows:

1. The City and EDA plan to acquire the parcels of Property from Rochester DC, LLC and Mayo Clinic Rochester. The title to the 219 parcel will then be transferred to the EDA.
2. The EDA will undertake various actions to cause the MPCA-approved VRAP and ECP to be implemented and to cause a commercial building to be constructed on the Property. The redevelopment activities are expected to include sub-grade excavations, installation of associated utilities and a basement. The VRAP and the ECP will be submitted to the MPCA, VIC Program for review and approval in the near future. The EDA will require that the construction contractor comply with the applicable terms and conditions of the VRAP and the ECP.
3. The EDA will engage in all activities associated with ownership, management, maintenance, and leasing of the Property for use primarily by businesses in the biotechnical field, including research and development companies

### **Identified Release**

For purposes of defining the compounds constituting the Identified Release in soil for which the City and the EDA are seeking a No Association Determination, Landmark proposes that VOCs in groundwater and PAHs and arsenic in soil be considered the Identified Release.

We appreciate your assistance on this project. If you have any questions, please contact me at [khaberman@landmarkenv.com](mailto:khaberman@landmarkenv.com) or at (952) 887-9601 (ext. 208).

Sincerely,

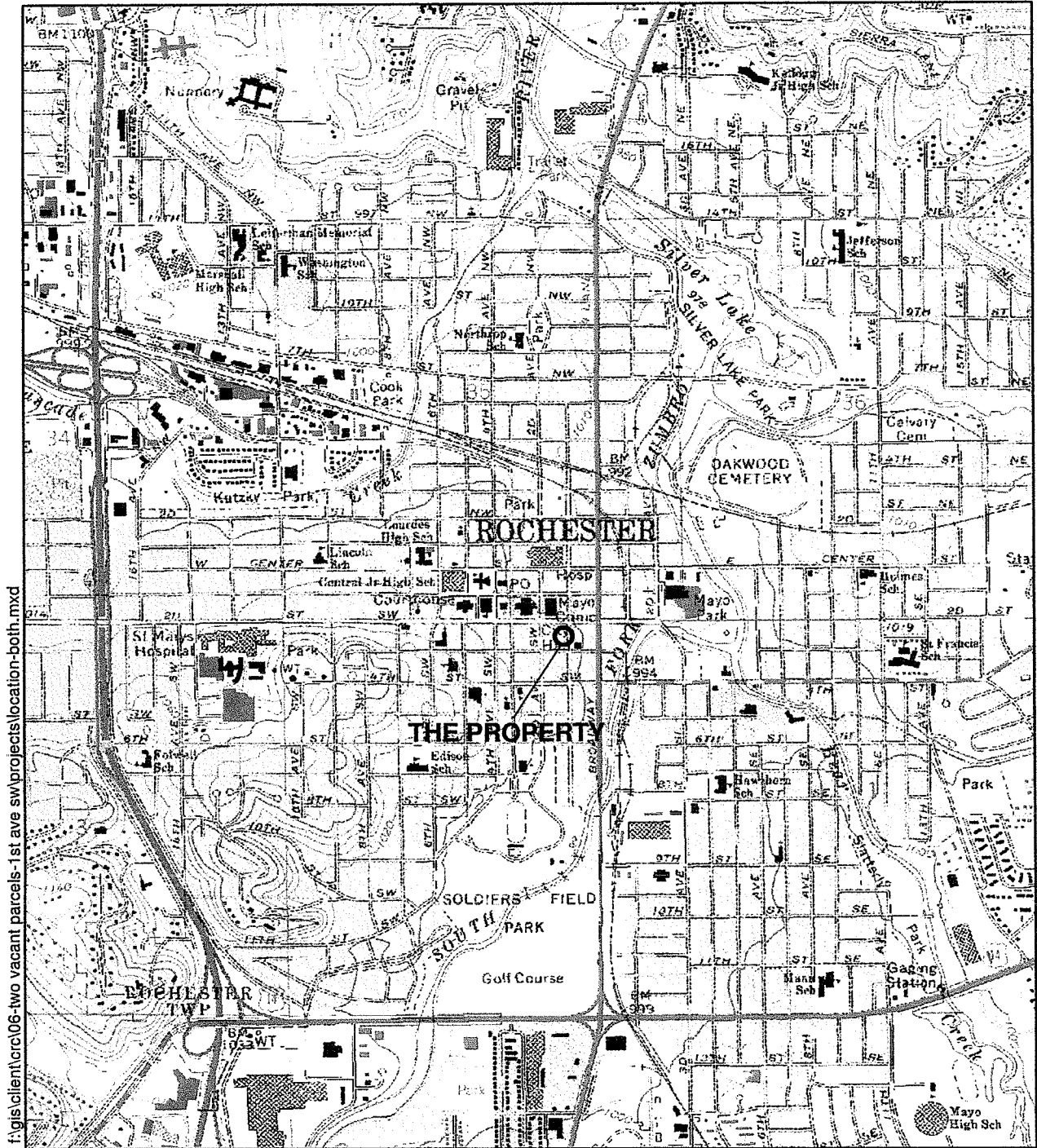


Ken Haberman

Enclosure (1)

Cc: Doug Knott

Nancy Quattlebaum Burke



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Source: Rochester, Minnesota Topographic Quadrangle, 7.5-Minute Series



2,000 1,000 0 2,000 Feet



FIGURE 1

PROPERTY LOCATION MAP  
219 and 223 1ST Avenue Southwest  
Rochester, Minnesota