



Minnesota Pollution Control Agency

520 Lafayette Road North
St. Paul, MN 55155-4194

Voluntary Brownfield Program Enrollment Application Form

Voluntary Brownfield Program

Doc Type: Brownfield Application

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

- 1) Voluntary Brownfield Program for assistance with Brownfield redevelopment projects.
2) Expedited Review of a petroleum storage tank release site (e.g., leak site) or a petroleum non-tank source coordinated under the Voluntary Brownfield Program.
3) Responsible Parties under Minn. Stat. § 115B wishing to complete environmental investigation and, if needed, environmental remediation in a cooperative and timely manner.

Table with 2 columns: Project ID, MPCA Use Only

For further information:

- Voluntary Brownfield Program: Contact Stacey Hendry-Van Patten at 651-757-2425, or Gary Krueger at 651-757-2509.
Voluntary Responsible Parties: 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).

Scan and e-mail the completed form to: Brownfields.PCA@state.mn.us

Note: The subject line of your e-mail 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): Freeway Properties Inc
Previous site name (if known): same
Previous MPCA site ID number (if known) VP6680, Leak ID: 7919
Address: 7850 Dupont Avenue South
City (or Township): Bloomington County: Hennepin Zip: 55420
Public land survey coordinates: Qtr: NE Section: 4 Twshp: 27 Range: 24
Property Identification Number (PIN) (if more than one, please list all): 0402724120029
Approximate property size: 3.56 ac

* Applicant Information

Name: Michael Brady Title: Leasing & Acquisitions
Organization: HOM Furniture, Inc Phone: (763) 767-3771
Address: 10301 Woodcrest Drive NW E-mail: mbrady@homfurniture.com
City: Coon Rapids State: MN Zip: 55433

*Please provide one of the following. Do not include Social Security numbers on this form.

State taxpayer ID#: or Federal taxpayer ID#: 41-1411444

Other Parties to be Listed on the Letter(s) Requested

Name: Title:
Organization: Phone:
Address: E-mail (optional):
City: State: Zip:

*** Current Property Owner** (complete if different from applicant)

Name: Neil Peterson Title: _____
Organization: Freeway Properties Inc Phone: 952-941-1822
Address: 9640 Xylon Ave S E-mail: neilpetersonoffice@gmail.com
City: Bloomington State: MN Zip: 55438

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

Name: Loren Larson
Organization: Caltha LLP Phone: 612-386-6695
Address: 2125 Urbandale Ln N E-mail: llarson@calthacompany.com
City: Plymouth State: MN Zip: 55447

*** Spatial Data Information Requirement**

Site location point description (select one): Center of Site Main/Front Door Front Gate/Main Entrance
Latitude/Easting/X coordinate: 476644.75
Longitude/Northing/Y coordinate: 4967558.5
Collection method (select one): GPS-Survey Quality GPS-Receiver Interpolation DOQ
Collection date (enter into text box using format mm/dd/yyyy): 5/11/2015
Organization name of who collected spatial data: Caltha LLP
Organization type of who collected spatial data (select one):
 City office Developer State office
 County office Indian tribe Voluntary/Responsible party
 Consultant

*The *Spatial Data Requirements* document located on the MPCA website at: <http://www.pca.state.mn.us/programs/spatialdata.html> provides background information and a complete description of the spatial data.

*** Known or Suspected Contaminant Type**

- Petroleum *only*
 Non-Petroleum *only*
 Petroleum *and* Non-Petroleum

Section A - Voluntary Brownfield Program Assistance/Assurances

Description of applicant's request (select all that apply). See *Guidance Document c-brwnfld4-01 Brownfields Program Services* for detailed descriptions of available services.

Assistance for petroleum releases

- Review of a petroleum release investigation (tank and non-tank source)
 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#: 1. Leak ID: 7919,
2. Unidentified 560 gal UST removed June 27, 1996 (referred to in
RAP Implementation Report Section 3.7 -page 6; photo #10) and
3. Leak ID: 1226 (adjoining property)
 Off-site tank release determination letter. Suspected source MPCA ID#: _____
 File closure confirmation letter. MPCA ID#: _____

Assistance for non-petroleum releases

- Technical review or third-party only review.
 Lender Letter or Lender No Association Determination.
 No Association Determination.
• For a **No Association Determination** request, please include a Proposed Actions Letter that includes a statement on any association with the property and releases at the property by the party(s) requesting the determination, and a list of

the actions the party(s) intend/s to take at the site.

Retroactive No Association Determination.

• For a **Retroactive No Association Determination** request, please include:

1. A Past Actions Letter that includes a statement on any past association with the property and releases at the property by the party(s) requesting the determination, and a list of the actions the party(s) took at the site; and
2. A draft affidavit for each party requesting the determination, including a statement of the signing individual's relation to the party, and a statement that the party did not contribute or associate itself in any manner with the releases to be named in the determination.

No Action or No Further Action Letter.

Off-Site Source Determination under the Land Recycling Act (Minn. Stat. § 115B.177).

Certificate of Completion under the Land Recycling Act (Minn. Stat. § 115B.175).

Is an MPCA Brownfield Program response required for an Environmental Grant(s) application deadline?

(such as 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 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

Please carefully consider the language below and also the language in Minn. Stat. § 115B <https://www.revisor.mn.gov/statutes/?id=115B> in answering question #1.

Under Minn. Stat. § 115B.03, a person or organization is a Responsible Party if they:

- (1) *owned or operated the facility: (facility has a very broad definition which includes property, building, equipment etc.)*
 - (i) *when the hazardous substance, or pollutant or contaminant, was placed or came to be located in or on the facility;*
 - (ii) *when the hazardous substance, or pollutant or contaminant, was located in or on the facility but before the release; or*
 - (iii) *during the time of the release or threatened release;*
- (2) *owned or possessed the hazardous substance, or pollutant or contaminant, and arranged, by contract, agreement or otherwise, for the disposal, treatment or transport for disposal or treatment of the hazardous substance, or pollutant or contaminant; or*
- (3) *knew or reasonably should have known that waste the person accepted for transport to a disposal or treatment facility contained a hazardous substance, or pollutant or contaminant, and either selected the facility to which it was transported or disposed of it in a manner contrary to law.*

1. Is the applicant a potential responsible party for the non-petroleum release under Minn. Stat. § 115B.03? Yes No

The remainder of Section B is only to be completed by applicants that are Responsible Persons under Minn. Stat. ch. 115B.

Minn. Stat. ch. 115B allows for voluntary response actions by a Responsible Party (RP) without the full formal oversight procedures of Minn. Stat. ch. 115B. Those voluntary response actions must meet the same standards for protection that apply to the sites undergoing full and formal oversight.

Under the Cooperative Cleanup Process a cooperative RP and MPCA agree on shared expectations for a full and timely cleanup. The RP also agrees to reimburse the MPCA costs related to the site. If the RP completes a full and timely investigation and cleanup, the MPCA will not list the site on the Minnesota Environmental Response and Liability Act (MERLA) Permanent List of Priorities, issue a MERLA Request for Response Action, refer the site to the U.S. Environmental Protection Agency, or pursue the other formal processes for compelling and overseeing the RP's investigation and response action. When the cleanup is done, the RP can expect a formal letter from MPCA that no further cleanup is required. An RP is not eligible for the full set of assurances possible for a non-responsible party.

Responsible parties are required to delineate the extent and magnitude of all releases to site soils, groundwater, soil gas, surface water and sediment. To remain in the Cooperative Cleanup Process, investigation and remediation must be progressing in an expeditious timeframe.

Remedial investigation (check at least one for each media)

The applicant understands that the Remedial Investigation may lead to the need for additional investigation and/or response action.

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)

Work to define extent and magnitude is underway a report of this work 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 on and off the site has been defined.
- A work plan to define the extent and magnitude of groundwater contamination will be submitted before: _____
(mm/dd/yyyy)
- Work to define extent and magnitude is underway and a report of this work 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 on and off the site has been defined.
- A work plan to define the extent and magnitude of soil gas contamination will be submitted before: _____
(mm/dd/yyyy)
- Work to define extent and magnitude is underway and a report of this work 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 will prepare a Response Action Plan within 90 days of MPCA approval of a Remedial Investigation Report. The Response Action Plan will follow MPCA guidance and will 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 Response Action Plan within 60 days of submittal. The parties understand that there may have to be additional Response Action Plans prepared for releases at/from the site as new information becomes available during the investigation and response process.

Response Actions. The applicant will implement and complete response actions according to and by the schedules within an approved Response Action Plan, including any monitoring or operation and maintenance required for the response action.

Institutional Controls

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 an institutional control to be filed for the property prior to site closure. Before the MPCA will issue a no action or no further action document, any required institutional controls or other actions to maintain the response action need to be implemented and filed with the appropriate Office of the County Recorder or County Assessor.

Section B of this application constitutes a voluntary agreement between the MPCA and the applicant. The purpose of the agreement is to outline the investigations and response actions and timelines that MPCA and the applicant agree will be required at the site. By submitting this application the applicant does not admit the validity of any of the facts or assertions herein and retains all right of defense in future actions. By accepting this application the MPCA does not waive any claims, causes of action, or authorities if the applicant fails to comply with the conditions or timeframes as stated above, or if releases or conditions currently unknown to the parties are discovered at the site. The definitions provided in Minn. Stat. §115B.02 apply to the terms used in this agreement. This Section does not supersede any existing agreement between the MPCA and the applicant nor any future agreement between MPCA and the applicant. This application is not intended to and does not create any right or benefit, substantive or procedural, enforceable by law or equity against MPCA, the officers or employees therein, or any other person.

Section C - Additional 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 Voluntary Brownfield Program 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. The MPCA will also not accept Phase I ESAs that are not prepared in accordance with the AAI standard. 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 1 Environmental Site Assessment, Caltha LLP, April 29, 2015

Response Action Implementation-Freeway Properties Site, Bloomington, MN. Re/Spec Inc, December 12, 1996

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 e-mail 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.

Reimbursement of MPCA Costs

Applicant understands that they must pay the MPCA Commissioner for the MPCA's costs of providing this assistance under Minn. Stat. § 115B.17 subd. 14. and/or Minn. Stat. § 115C.03 subd. 9. The current fee is \$125.00 per hour. The *applicant* understands that the MPCA Commissioner will send invoices for these costs and that failure to pay the MPCA's costs in a timely manner may result in the MPCA Commissioner taking appropriate administrative or legal action against the *applicant*.

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.
- Hereby asks the MPCA Commissioner for assistance as requested by this application. The **applicant** and/or **authorized person** understands this assistance may include the review of MPCA records and files, and review and approval of investigation plans and reports as well as response action plans and oversight of implementation actions.

Name (print): Michael Brady

Title: Leasing & Acquisitions

Organization name: HOM Furniture, Inc

Signature: 

Date (mm/dd/yyyy): 05/15/2015