

SCANNED

ATTACHMENT A  
DISCLAIMERS

Seward Commons Redevelopment Site  
PIN 3602924220117  
MPCA Project Number VP22791 and PB3661

1. Reservation of Authorities

The MPCA Commissioner reserves the authority to take any appropriate actions with respect to any release, threatened release, or other conditions at the Site. The MPCA Commissioner also reserves the authority to take such action if the voluntary party does not proceed in the manner described in this letter or if actions taken or omitted by the voluntary party with respect to the Site contribute to any release or threatened release, or create an imminent and substantial danger to public health and welfare.

2. No MPCA Assumption of Liability

The MPCA, its Commissioner and staff do not assume any liability for any release, threatened release or other conditions at the Site or for any actions taken or omitted by the voluntary party with regard to the release, threatened release, or other conditions at the Site, whether the actions taken or omitted are in accordance with this letter or otherwise.

3. Letter Based on Current Information

All statements, conclusions and representations in this letter are based upon information known to the MPCA Commissioner and staff at the time this letter was issued. The MPCA Commissioner and staff reserve the authority to modify or rescind any such statement, conclusion or representation and to take any appropriate action under his authority if the MPCA Commissioner or staff acquires information after issuance of this letter that provides a basis for such modification or action.

4. Disclaimer Regarding Use or Development of the Property

The MPCA, its Commissioner and staff do not warrant that the Site is suitable or appropriate for any particular use.

5. Disclaimer Regarding Investigative or Response Action at the Property

Nothing in this letter is intended to authorize any response action under Minn. Stat. § 115B.17, subd. 12.

SCANNED

# Minnesota Pollution Control Agency

520 Lafayette Road North | St. Paul, Minnesota 55155-4194 | 651-296-6300  
800-657-3864 | 651-282-5332 TTY | www.pcas.state.mn.us | Equal Opportunity Employer



July 16, 2013

Mr. Brian Miller  
Seward Commons LLC  
2619 East Franklin Avenue  
Minneapolis, Minnesota 55406

RE: Seward Commons Redevelopment Site, 2200 Snelling Avenue, Minneapolis  
MPCA Project Number VP22791 and PB3661  
PIN 3602924220117  
Response Action Plan Amendment Approval

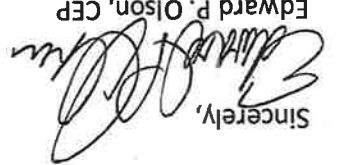
Dear Mr. Miller:

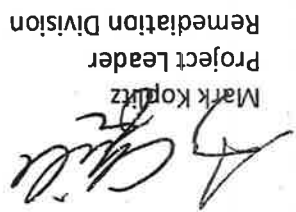
The Minnesota Pollution Control Agency (MPCA) staff in the Voluntary Investigation and Cleanup (VIC) Unit and Petroleum Brownfields (PB) Program has reviewed the "Amendment to the Response Action Plan/Construction Contingency Plan," (RAP Amendment) prepared by Liesch Associates, Inc. (Liesch), dated June 21, 2013. The RAP Amendment was submitted for the Seward Commons Site at the address referenced above, and specifically the 0.62-acre area with common address of 2304 Snelling Avenue and PIN referenced above (the Site).

The RAP Amendment is a letter which describes the need to over-excavate along the west boundary of the Site. The Site excavation work will allow for temporary timber shoring to be placed approximately 4 feet west and north of the Site and Property line, a combined distance of approximately 170 linear feet in the Metro Transit right-of-way. The RAP Amendment describes the provision for Seward Commons LLC to be given a construction easement for the excavation work that will be conducted in accordance with the MPCA RAP approval issued on October 26, 2011.

Based upon review of the Site documents, the RAP Amendment is hereby approved. All other conditions or RAP Modifications issued in the October 26, 2011 RAP approval, remain.

This letter is subject to the disclaimers listed in Attachment A. If you have any questions or comments please contact Ed Olson at 651-757-2627, Mark Kopitz at 651-757-2502 or Mike Connolly, VIC/PB Hydrogeologist at 651-757-2287.

Sincerely,  
  
Edward P. Olson, CEP  
Project Manager  
Remediation Division  
EO:MK:jmp

  
Mark Kopitz  
Project Leader  
Remediation Division

cc: Aaron Benker, Liesch Associates Inc.  
Tom Frame, City of Minneapolis  
Clausius Toussaint, Metro Transit  
David Jaeger, Hennepin County

Attachment

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Minnesota Pollution Control Agency



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October 25, 2013

Mr. Brian Miller  
Seward Commons LLC  
2619 East Franklin Avenue  
Minneapolis, MN 55406

RE: Approval of Response Action Plan and Construction Contingency Plan

Site: Seward Commons Redevelopment - Phase 3 Development

2200-2218 Snelling Avenue, Minneapolis

MPCA VIC Project Number: VP22791

MPCA PB Site ID#: PB3661

PIN: 3602924220045, 3602924220046, 3602924220047, 3602924220048 and 3602924220049

Dear Mr. Miller:

The Minnesota Pollution Control Agency (MPCA) staff in the Voluntary Investigation and Cleanup (VIC) Program and the Petroleum Brownfields Program has reviewed the "Response Action Plan and Construction Contingency Plan" (RAP/CCP) dated September 2013. The RAP/CCP was prepared and submitted on your behalf by Wenck Associates, Inc. (Wenck) for the Seward Commons Redevelopment site - Phase 3 Development area located at the address referenced above (the Site).

The 1.01-acre Site is comprised of 5 parcels and a portion of the adjoining intersection of 22<sup>nd</sup> Street and Snelling Avenue. The Site is part of the former Bystrom Brothers industry property, where for more than sixty years metal turning and machine products manufacturing had taken place. Most recently, the former Bystrom buildings have been used by small business tenants until Site redevelopment.

Several environmental investigations have been conducted at the Site beginning in 2006, including the completion of soil borings and groundwater monitoring wells. The most recent investigation was conducted during February 2012. On-site soil, soil gas and groundwater samples were collected and analyzed for Volatile Organic Compounds (VOCs), Polynuclear Aromatic Hydrocarbons (PAHs), Resource Conservation and Recovery Act metals, Diesel Range Organic (DRO) compounds and Gasoline Range Organic (GRO) compounds. Contaminant detections included VOCs, PAHs, metals, and petroleum compounds in the soil, soil gas and groundwater at concentrations exceeding the MPCA soil reference values (SRVs) for residential land use, the MPCA residential intrusion screening values and the Health Risk Limits established by the Minnesota Department of Health, respectively.

VIC staff understands that Seward Commons, LLC intends to raze the Site in order to complete remediation and redevelopment of the Site. All Site fill soils and native soils to a depth of up to 12 feet below grade (fbg) will be removed for new construction. Contaminated soil will be managed as follows. The majority of soil in the 0-6 fbg zone, estimated at 17,000 tons, is expected to exhibit contaminant concentrations exceeding MPCA's Tier I soil leaching values, residential SRVs and/or DRO/GRO PID screening limit of 10 parts per million, and will be excavated for transport to a Subtitle D Landfill.

SCANNED

Mr. Brian Miller  
Page 2  
October 25, 2013

Excavated soils found to exhibit contaminant concentrations less than the above criteria may be reused on-site or managed as beneficial fill at an off-site commercial development project. Cleanup confirmation sampling will be completed in accordance with established MPCA remediation guidance.

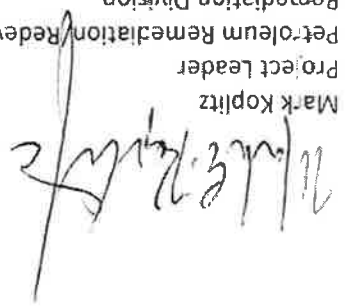
Based upon review of the Site documents, the RAP/CCP is hereby approved with the modifications provided in Attachment B. This RAP/CCP approval is contingent on the Applicant obtaining all other MPCA, state, federal and local government permit requirements.

This letter is subject to the disclaimers listed in Attachment A. If you have any questions or comments, please contact Ed Olson, Project Manager, at 651-757-2627 or Mark Kopitz, Project Leader, at 651-757-2502.

Sincerely,



Edward P. Olson, CEP  
Project Manager  
Site Remediation/Redevelopment Section  
Remediation Division



Mark Kopitz  
Project Leader  
Petroleum Remediation/Redevelopment Section  
Remediation Division

EO:MK:jmp

Attachments

cc: Tom Frame, City of Minneapolis  
John Evans, Hennepin County  
Aaron Benker, Wenck Associates, Inc.

**ATTACHMENT A**

**DISCLAIMERS**

Seward Commons Redevelopment

MPCA Project Number VP22791

MPCA PB Site ID#: PB3661

PIN: 3602924220045, 3602924220046, 3602924220047, 3602924220048 and 3602924220049

**1. Reservation of Authorities**

The Minnesota Pollution Control Agency (MPCA) Commissioner reserves the authority to take any appropriate actions with respect to any release, threatened release, or other conditions at the Site. The MPCA Commissioner also reserves the authority to take such actions if the voluntary party does not proceed in the manner described in this letter or if actions taken or omitted by the voluntary party with respect to the Site contribute to any release or threatened release, or create an imminent and substantial danger to public health and welfare.

**2. No MPCA Assumption of Liability**

The MPCA, its Commissioner and staff do not assume any liability for any release, threatened release or other conditions at the Site or for any actions taken or omitted by the voluntary party with regard to the release, threatened release, or other conditions at the Site, whether the actions taken or omitted are in accordance with this letter or otherwise.

**3. Letter Based on Current Information**

All statements, conclusions and representations in this letter are based upon information known to the MPCA Commissioner and staff at the time this letter was issued. The MPCA Commissioner and staff reserve the authority to modify or rescind any such statement, conclusion or representation and to take any appropriate action under his authority if the MPCA Commissioner or staff acquires information after issuance of this letter that provides a basis for such modification or action.

**4. Disclaimer Regarding Use or Development of the Property**

The MPCA, its Commissioner and staff do not warrant that the Site is suitable or appropriate for any particular use.

**5. Disclaimer Regarding Investigative or Response Action at the Property**

Nothing in this letter is intended to authorize any response action under Minn. Stat. § 115B.17, subd. 12.

Spreadsheet (located at: <http://www.pca.state.mn.us/publications/c-s4-04.xls>).

- Spatial data locations shall be provided for essential Site field locations (i.e. residual soil contamination, and confirmation sample locations) using the MPCAs Spatial Reporting
- Sec. 4.1 Vapor Mitigation - A RAP/CCP Addendum shall be provided 30 days in advance of construction with response action details to ensure complete control of the vapor intrusion pathway.
- A Response Action Implementation Schedule for project timeline shall be submitted 30 days in advance of construction.
- Institutional Controls - an additional institutional control may be needed to complete response action implementation. For example, the institutional control filed in April 2007 does not include risk management for the vapor intrusion pathway.
- Sec. 4.2.3 ASBESTOS - and Sec. 4.2.4 UNDERGROUND STORAGE TANKS - and Sec. 5.5 SITE HAZARD EVALUATION ACTIVITIES - Notifications for any previously unidentified release, asbestos, buried container or tank, and/or disposal dry well discovery shall include notifying the MN Duty Officer and the MPCA staff.
- Sec. 4.2 SOIL MONITORING AND SOIL SCREENING ACTION LIMITS - and Sec. 5.7.2 Soil Segregation and Sampling - Any excavated soil that is proposed for use as unregulated fill shall be stockpiled in containment (using under liner, cover, and berms) for determining disposition. The stockpiled soil shall be sampled according to the MPCA's risk-based site evaluation guidance and analyzed to determine compliance with MPCA's guidance document "Best Management Practices for the Off-Site Reuse of Unregulated Fill" (c-rem1-01).

PIN: 3602924220045, 3602924220046, 3602924220047, 3602924220048 and 3602924220049

Seward Commons Redevelopment  
MPCA Project Number VP22791  
MPCA PB Site ID#: PB3661

**RAP/CCP MODIFICATIONS**

**ATTACHMENT B**



Minnesota Pollution Control Agency

SCANNED

January 16, 2013

Ms. Mary Novak  
Project Pride for Living, Inc.  
1035 E Franklin Avenue  
Minneapolis, MN 55404

RE: Completion of Voluntary Response Actions for Petroleum Contamination  
Site: Seward Phase I Redevelopment Site, 2312 Snelling Avenue, Minneapolis  
Site ID#: PB3661

Dear Ms. Novak:

The Minnesota Pollution Control Agency (MPCA) Petroleum Brownfields Program (PBP) staff has reviewed the following documents describing your management of petroleum impacted soils as part of voluntary cleanup work completed at the above-referenced site:

- "Response Action Plan Implementation Report" dated November 30, 2012, prepared by Liesch Associates, Inc.

Based on the information provided, MPCA staff have concluded that soils were managed as proposed in the plan approved by MPCA PBP staff. Thank you for your participation in the Petroleum Brownfields Program. If you have any questions regarding this letter, please call Mark Kopitz at 651-757-2502.

Sincerely,

Mark Kopitz  
Project Leader  
Petroleum Remediation Section  
Remediation Division

Bassou Ouligout  
Hydrogeologist  
Petroleum Remediation Section  
Remediation Division

MEK:BO:tf

cc: Aaron Benker, Liesch Associates, Inc., Plymouth

**SCANNED**

Minnesota Pollution Control Agency



October 28, 2011

Mr. Brian Miller  
Seward Commons, LLC  
2619 E Franklin Avenue  
Minneapolis, MN 55406

RE: Approval of Voluntary Response Actions for Petroleum Contamination  
Site: Seward Commons Redevelopment Site, Phase 2 Redevelopment Area, 2200 Snelling Avenue,  
Minneapolis  
Site ID#: PB3661

Dear Mr. Miller:

The Minnesota Pollution Control Agency (MPCA) Petroleum Brownfields Program (PBP) staff has reviewed the following documents regarding your intent to investigate and manage all petroleum contaminated soils for the project/property located at 2200 Snelling Avenue, Minneapolis (the Site)

- Soil Assessment Report, Seward Commons Phase 2 Development, 2304 Snelling Avenue, Minneapolis, Minnesota, prepared by Braun Intertec and dated May 23, 2011 (Braun Soil Assessment)
- Amended RAP/CCP, Seward Commons Phase 2 Development, 2304 Snelling Avenue, Minneapolis, Minnesota, prepared by Liesch and dated September 23, 2011 and Revised October 19, 2011 (Amended RAP)

Based on the information provided, MPCA PBP staff approves the above-referenced plan as proposed with the following comments and modifications:

1. Petroleum contaminated soils at or greater than 10 PPM (PID) encountered during the installation of underground utilities should be removed and properly managed as part of the voluntary plan. If contamination remains at or above 10 PPM a vapor barrier is required.
2. Any petroleum contaminated soils removed from the site must be treated or disposed of in a method approved by the MPCA. Petroleum contaminated soils transported to an approved landfill must be in compliance with all state and local permits. Please include all transportation and handling manifests for such soils within the final implementation report.
3. Imported fill materials shall be from a native source and/or free from debris, asbestos-containing material, visual staining, and chemical odor; no organic vapors above background, as measured by a photoionization detector (PID); for Petroleum-Impacted soil less than 10 mg/kg diesel organics (DRO)/gasoline range organics (GRO); and for contaminants detected in soil less than the MPCA's Residential Soil Reference Values (SRVs) and Tier 1 soil leaching values (SLVs). Soils that do not meet this definition may not be used at the discretion of the contractor or other project personal.
4. The PBP does not provide review and/or approval for the discharge and/or treatment of ground water, storm water or any other dewatering action.
5. This DRAP approval is contingent on the Applicant obtaining all other MPCA, state, federal and local government permit requirements.



SCANNED

Mr. Brian Miller  
Page 2  
October 28, 2011

The MPCCA requires a release site be investigated to define the extent and magnitude of petroleum contamination. If not yet completed, you will be required to take the steps necessary to investigate the release in accordance with MPCCA guidance documents. This step includes a site investigation to define the full extent and magnitude of soil and/or ground water contamination caused by the release.

Approval assumes that an implementation report will be provided to the MPCCA summarizing the voluntary cleanup work once completed. This report should include all necessary components as described in part V of MPCCA Guidance Document 5-03, "Petroleum Brownfields Program Voluntary Response Action Plan." If subsequently obtained information indicates that the proposed activities are inappropriate or inadequate, the MPCCA may request modifications in the proposed work.

If the implementation report will not be submitted within six months of the date of this letter, please notify the MPCCA Petroleum Brownfields Program project manager of the status of the development. The Applicant's failure to submit the implementation report or to inform the MPCCA of the status of the development may result in the MPCCA revoking the RAP approval or pursuing additional actions as appropriate to protect public health and the environment.

The responsibility for implementing the Petroleum Brownfields approved plan fully lies with the Applicant. This letter does not apply to other types of contamination, if present, at the site. Approval of this plan does not suggest that any of the costs incurred will be eligible for reimbursement from the PetroBoard. Please be advised that the determination made in this letter is subject to the disclaimers found in Attachment A. If you have any questions regarding this letter, please call Mark Kopplitz at 651-757-2502 or staff hydrogeologist Bassou Oulgout at 651-757-2632.

Sincerely,

Mark Kopplitz  
Project Leader  
Petroleum Remediation Section  
Remediation Division  
Bassou Oulgout  
Hydrogeologist  
Petroleum Remediation Section  
Remediation Division

MEK:BO:tf

Enclosure

cc: Aaron Benker, Liesch Associates, Inc., Plymouth

SCANNED

# Voluntary Brownfields Programs Enrollment Application Form

Voluntary Investigation and Cleanup (VIC) and Petroleum Brownfields Program (PBP)

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



APR 01 2009

Please complete this form to enroll in either or both of the Minnesota Pollution Control Agency (MPCA) Voluntary Brownfields Programs (Voluntary Investigation & Cleanup [VIC] and Petroleum Brownfields Program [PBP]), pursuant to Minn. Stat. § 115B.17, subd. 14 (or the Land Recycling Act of 1992, as amended) and Minn. Stat. § 115C.03, subd. 9. For questions regarding the VIC Program, please call Patrice Jensen at 651-757-2465. For questions regarding the Petroleum Brownfields Program, please call Stacey Hendry-Van Patten at 651-757-2425. The MPCA can also be reached toll free at 1-800-657-3864.

Mail the completed form to:

Stacey Hendry-Van Patten  
Minnesota Pollution Control Agency  
520 Lafayette Road North  
St. Paul, Minnesota 55155-4194

\*Fields with an asterisk are mandatory. The application will not be processed if fields are incomplete.

MPCA site ID number (if known):

PB3661

## \* Subject Property Information

Preferred Site Name (5-4 words): Seward Commons Bystrom Redevelopment Phase I-PPL  
Previous Site name (if known): Bystrom Brothers Site

Address: 2200 Snelling Avenue, 2310 Snelling Ave  
City (or Township): Minneapolis  
County: Hennepin  
Zip: 55404  
Public land survey coordinates: Qtr: NW Section: 36 Twpshp: 29 N Range: 24 W  
Approximate property size: 3.85  
Phone: NA

## \* Applicant Information

Name: Brian H. Miller  
Title: Executive Director  
Organization: Seward Commons, LLC  
Phone: 612-338-8729 ext.107  
Fax: (612) 399-0739  
Address: 2619 East Franklin Avenue  
City: Minneapolis  
State: MN  
Zip: 55406  
E-mail: brian@sewardredesign.com  
(optional):

\* Please provide one of the following:

State taxpayer ID#: applied for 03-7290844  
Federal taxpayer ID#: applied for

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

Name: Damon Peters  
Title: Vice President  
Organization: M & I Marshall & Ilsley Bank  
Phone: (612) 904-8795  
Address: 651 Nicollet Avenue, Suite 301  
City: Minneapolis  
State: MN  
Zip: 55402-1613  
E-mail: damon.peters@micorp.com  
(optional):

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

Name: Scott Tankenoff Title: President  
Organization: 2200 Minnehaha, LLC Phone: (612) 371-0123  
Address: 2424 Kennedy Street NE (optional): scott@hillcrestdevelopment.com  
City: Minneapolis State: MN Zip: 55413

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

Name: Aaron Benker/Dana Wagner Phone: (763) 489-3100 Fax: (763) 489-3101  
Organization: Liesch Associates, Inc. (optional): aaronb@liesch.com/danaw@liesch.com  
Address: 13400 15<sup>th</sup> Avenue North  
City: Plymouth State: MN Zip: 55441

**Applicant's Attorney** (List the name of your current legal counsel, if applicable.)

Name: Peter Berrie Phone: (612) 766-7080 Fax: \_\_\_\_\_  
Organization: Faegre and Benson (optional): Berrie@faegre.com  
Address: 2200 Wells Fargo Center, 90 South Seventh Street  
City: Minneapolis State: MN Zip: 55402-3901

**\* Spatial Data Information Requirement** (VIC only)

Site location point description (select one):  Center of Site  Main/Front Door  Front Gate/Main Entrance  
Latitude/Easting/X coordinate: 480,700 E  
Longitude/Northing/Y coordinate: 4,97,8,631 N  
Collection method (select one):  GPS-Survey Quality  GPS-Receiver  Interpolation DOQ  
Collection date (enter into text box using format M/D/YYYY): 12/12/2006  
Organization name of who collected spatial data: Liesch Associates, Inc.  
Organization type of who collected spatial data (select one):  
 City office  State office  Indian tribe  Developer  
 County office  Consultant  
 Voluntary/Responsible party

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

**Attachments to the Application Form**

Please list any reports, maps, or other attachments to this form (use separate page if necessary). All documents submitted to the MPCA for use in this program 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.

Development Response Action Plan and Construction Contingency Plan, Seward Commons Bystrom Redevelopment Phase I-PPL, 2310 Snelling, Minneapolis, Minnesota, prepared by Liesch for Seward Commons, LLC and Dated March 30, 2009

Proposed Actions Letter, Seward Commons Redevelopment, 2200 Snelling Avenue, Minneapolis, Minnesota, dated March 30, 2009

- Certificate of Completion under the Land Recycling Act (Minn. Stat. § 115B.175).
  - Off-Site Source Determination or Agreement under the Land Recycling Act (Minn. Stat. § 115B.177).
  - No Action Agreement or Covenant Not to Sue.
  - No Action or No Further Action Letter.
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. An 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.
- 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) intends to take at the site.
  - 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. An 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 Association Determination or Retroactive No Association Determination.
  - Technical review or third-party review only.
- ✓ **Section B- VIC Program Assistance/Assurances - Description of applicant's request (select all that apply)**  
 (See Guidance Document #1 and #4 MPCA Voluntary Investigation and Cleanup for a detailed description of the following services.)

- General liability Letter.
  - Tank Removal Verification Letter. MPCA ID# \_\_\_\_\_
  - Off-site Tank Release Determination Letter. Suspected source MPCA ID# \_\_\_\_\_
  - File Closure Confirmation Letter. MPCA ID# \_\_\_\_\_
- ✓ **Section A- PBP Assistance/Assurances - Description of applicant's request (select all that apply)**  
 (See Guidance Document 5-02 Petroleum Brownfields Program General Information for a detailed description of the following services.)
- Expedited Review of a petroleum storage tank release site (e.g. leak site) or a petroleum non-tank source
  - Technical review of a DRAP for a petroleum impacted property (Note: need 45 days for Grants)
  - Liability Assurance Letters (Minn. Stat. § 115C.03, subd. 9C).

- ✓ **\* Known or Suspected Contaminant Type** (select all that apply)
- Petroleum only (PBP) - complete Section A (submit one paper report copy and one copy on CD)
  - Non-Petroleum only (VIC) - complete Section B (submit one paper report copy and one copy on CD)
  - Petroleum and Non-Petroleum (Both) - complete Section's A and B
- (Note: you must submit two paper report copies and two copies on CD of all necessary reports)

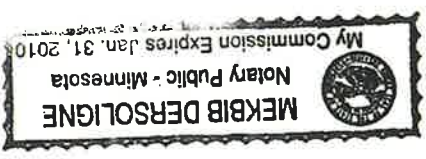
**\* Certification**

The applicant or other person signing below (Agent):

- certifies that the applicant 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 knowledge;
- hereby asks the MPC A Commissioner for assistance as requested by this application. The applicant understands this assistance may include the review of MPC A records and files, and review and approval of investigation plans and reports as well as response action plans and oversight of implementation actions;
- understands that the applicant must pay the MPC A Commissioner for the MPC A'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 \$150.00 per hour. The applicant understands that the MPC A Commissioner will send invoices for these costs and that failure to pay the MPC A's costs in a timely manner may result in the MPC A Commissioner taking appropriate administrative or legal action against the applicant; and,
- hereby agrees to pay the costs of the MPC A to provide services to the applicant as requested in this application. Furthermore, if the form is completed by an Agent of the applicant, that person certifies that he/she has the authority to submit this application on behalf of the applicant named herein.

Name (print): Brian H. Miller Title: Executive Director  
Signature: *Brian H. Miller* Date: March 27, 2009

Subscribed and sworn to before me this: 27<sup>th</sup> day of March, 2009  
Notary Public *[Signature]*



To request state assistance or report petroleum or hazardous materials spill call the Minnesota Duty Officer at 1-800-422-0798 or 651-649-5451 (24 hours a day).



February 1, 2007

Mr. Scott Tankenoff  
2200 Minnehaha, LLC  
2424 Kennedy Street NE  
Minneapolis, MN 55413

RE: Petroleum Release Site File Closure  
Site: Bystrom Brothers, Inc., 2200 Snelling Avenue, Minneapolis  
Site ID#: PB3661

Dear Mr. Tankenoff:

The Minnesota Pollution Control Agency (MPCA) Petroleum Brownfields Program staff has determined that your investigation and/or cleanup has adequately addressed the petroleum contamination associated with a French floor drain at the above-referenced site. This determination is based on information provided in the following document:

- French Drain Letter/Report dated January 5, 2007, prepared by Liesch Associates, Inc.
- Groundwater Monitoring Well Sampling dated January 3, 2007, prepared by Liesch Associates, Inc.

Based on the information provided, MPCA staff has closed the release site file. Closure of the file means that the MPCA staff does not require any additional investigation and/or cleanup work at this time or in the foreseeable future in response to the identified petroleum contamination. Please be aware that file closure does not mean that petroleum contamination has been removed from this site. However, the MPCA has concluded that the remaining petroleum contamination does not appear to pose a threat to public health or the environment.

The MPCA reserves the right to reopen this file and to require additional investigation and/or cleanup work if new information or changing regulatory requirements make additional work necessary. If you or other parties discover additional contamination (either petroleum or non-petroleum) that was not previously reported to the MPCA, Minnesota law requires that the MPCA be immediately notified.

DEMAAS

Mr. Scott Tankenoff

Page 2

February 1, 2007

You should understand that this letter does not release any party from liability for the petroleum contamination under Minn. Stat. ch. 115C (2004) or any other applicable state or federal law. In addition, this letter does not release any party from liability for non-petroleum contamination, if present, under Minn. Stat. ch. 115B (2004), the Minnesota Superfund Law.

If future development of the site or the surrounding area is planned, it should be assumed that petroleum contamination may be present. Property with petroleum contamination to soil or ground water may cause on-site vapor risks to future occupants. The MPCA can assist you with environmental risk and development plan review. MPCA Petroleum Brownfields staff will review and approve plans for property development. If petroleum contamination is encountered during future development work, the MPCA staff should be notified immediately. Approval of this plan does not suggest that any of the costs incurred will be eligible for reimbursement from the PetroBoard.

For specific information regarding petroleum contamination at this site, please call the Petroleum Remediation File Request Program at 651/297-8499. Thank you for your response to this petroleum release and for your cooperation with the MPCA to protect public health and the environment. If you have any questions regarding this letter, please call Mark Koplitz at 651/296-7999.

Sincerely,

*for*  
*Mark Koplitz*

Mark Koplitz  
Project Leader  
Petroleum Remediation Program  
Petroleum and Closed Landfill Section  
Remediation Division

MK:tf

cc: Aaron Benker, Liesch Associates, Inc., Plymouth

SCANNED

Minnesota Pollution Control Agency

520 Lafayette Road North | St. Paul, Minnesota 55155-4194 | 651-296-6300  
800-657-3864 | 651-282-5332 TTY | www.pca.state.mn.us | Equal Opportunity Employer



March 7, 2012

Mr. Brian Miller  
Seward Commons, LLC  
2619 East Franklin Avenue  
Minneapolis, MN 55406

RE: Seward Commons Redevelopment Site, 2200 Snelling Avenue, Minneapolis  
MPCA Project Number VP22791

Work Plan Approval-Soil Investigation at Phase 3 Development

Dear Mr. Miller:

*PB 5061*

The Minnesota Pollution Control Agency (MPCA) staff in the Voluntary Investigation and Cleanup (VIC) Unit has reviewed the "Revised Work Plan for Additional Environmental Investigation; Seward Commons - Phase 3 Development" (Work Plan), for the Seward Commons Redevelopment site at the address referenced above (the Site) and specifically the area comprised of 11 parcels with addresses along Snelling Avenue, 22<sup>nd</sup> Street and Minnehaha Avenue (approx. 2.46-acres). The Work Plan, prepared by Braun Intertec (Braun) and dated January 27, 2012, is for an in-situ soil characterization assessment of fill/soils to be managed during residential development which is scheduled for completion in March 2012. The Work Plan results will be used to develop Response Action Plans and Construction Contingency Plans (RAP/CCP). The Work Plan is similar to the previous in-situ soil characterization assessments of both the Phase 1 and Phase 2 development of the site. The Work Plan proposes advancement of 42 soil probes to the depth of 12 feet below grade, with samples collected and analyzed for contaminants of concern in an effort to better characterize fill soils. VIC staff understands the Work Plan will be completed with the submittal of an investigation report by the end of March 30, 2012.

Based upon staff review of the Site documents, the Work Plan is hereby approved pursuant to Minn. Stat. § 115B.17-- STATE RESPONSE TO RELEASES, subd. 14 Requests for review, investigation, and oversight.

This letter is subject to the disclaimers listed in Attachment A. If you have any questions or comments please contact me at 651-757-2627 or Mike Connolly, Hydrogeologist at 651-757-2287.

Sincerely,  
*Edward P. Olson*

Edward P. Olson, CEP  
Project Leader

VIC & Emergency Response Section  
Remediation Division

EPO:jmp

Attachment

cc: Jennifer Force, Braun Intertec

Aaron Benker, Liesch Associates, Inc.

Steve Maki, City of Minneapolis

David Jaeger, Hennepin County

Mark Kopitz, MPCA



ATTACHMENT A  
DISCLAIMERS  
Seward Commons Redevelopment Site  
MPCA Project Number VP22791

1. Reservation of Authorities  
The MPCA Commissioner reserves the authority to take any appropriate actions with respect to any release, threatened release, or other conditions at the Site. The MPCA Commissioner also reserves the authority to take such actions if the voluntary party does not proceed in the manner described in this letter or if actions taken or omitted by the voluntary party with respect to the Site contribute to any release or threatened release, or create an imminent and substantial danger to public health and welfare.
2. No MPCA Assumption of Liability  
The MPCA, its Commissioner and staff do not assume any liability for any release, threatened release or other conditions at the Site or for any actions taken or omitted by the voluntary party with regard to the release, threatened release, or other conditions at the Site, whether the actions taken or omitted are in accordance with this letter or otherwise.
3. Letter Based on Current Information  
All statements, conclusions and representations in this letter are based upon information known to the MPCA Commissioner and staff at the time this letter was issued. The MPCA Commissioner and staff reserve the authority to modify or rescind any such statement, conclusion or representation and to take any appropriate action under his authority if the MPCA Commissioner or staff acquires information after issuance of this letter that provides a basis for such modification or action.
4. Disclaimer Regarding Use or Development of the Property  
The MPCA, its Commissioner and staff do not warrant that the Site is suitable or appropriate for any particular use.
5. Disclaimer Regarding Investigative or Response Action at the Property  
Nothing in this letter is intended to authorize any response action under Minn. Stat. § 115B.17, subd. 12.

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HYDROGEOLOGISTS ■ ENGINEERS ■ ENVIRONMENTAL SCIENTISTS

RECEIVED

JAN 10 2007

January 9, 2007

Mark Koplitz

Petroleum Brownfields Program

Minnesota Pollution Control Agency

520 Lafayette Road North

St. Paul, Minnesota 55155-4194

PA#3661

RE: Brothers Property - 2200 Snelling Avenue, Minneapolis, Minnesota (the Property)

Dear Mr. Koplitz:

Enclosed for your files are the following environmental reports prepared for the Property by Liesch. Liesch understands that the Petroleum Brownfields Program (PBP) Program has issued closure for this site as Non-Tank Leak #16407. Please add these reports to your project file. The reports include the following:

- Groundwater Monitoring Well Sampling, Bystrom Brothers, 2200 Snelling Avenue, Minneapolis, Minnesota 55404, prepared by Liesch for 2200 Minnehaha, LLC and Seward Redesign, dated January 3, 2007
- French Drain Cleaning, Sampling and Abandonment Summary Letter prepared by Liesch for Bystrom Brothers and dated January 5, 2007

If you have any questions, please contact me at (763) 489-3147.

Sincerely,

LIESCH ASSOCIATES, INC.

Aaron Benker

Project Principal

cc: Scott Tankenoff, 2200 Minnehaha, LLC  
Brian Miller, Seward Redesign

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www.liesch.com

LIESCH ASSOCIATES, INC. ■ 13400 15TH AVENUE NORTH ■ MINNEAPOLIS, MN 55441 ■ 763/489-3100 ■ FAX: 763/489-3101