



HYDROGEOLOGISTS ■ ENGINEERS ■ ENVIRONMENTAL SCIENTISTS

December 17, 2012

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

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

RE: Revised - Implementation Report Submittal Seward Commons Phase I-PPPL -- 2312 Snelling Avenue, Minneapolis, Minnesota (the Property). VIC Site ID: VP28370 and PB Site ID: PB3661/4155

Dear Ms. Hendry-Van Patten and Mr. Olson:

This letter is submitted to the Minnesota Pollution Control Agency's (MPCA) to request review of the enclosed Revised - Response Action Plan/Construction Contingency Plan Implementation Report dated November 30, 2012. The revised RAP/CCP provides the following revisions:

- The site address was revised from 2310 Snelling Avenue to 2312 Snelling Avenue to conform to previous VIC Program site addresses recorded for the Project.
- Revised Figure 4 in Appendix A to document the location of sample S-1.
- Inclusion of the June 29, 2012 MPCA VIC/PB Programs Approval of the RAP/CCP Amendment in Appendix B.
- Update of Table 1 in Appendix F to provide the MPCA's SLV and SRV for BaP equivalents as well as update of the BaP Equivalent discussion on Page 10 of the RAP text.
- Inclusion of all chain of custody forms in Appendix G.
- The attached CD provides a PDF copy of the revised RAP/CCP report as well as provides the electronic copies of the waste disposal manifests.

Please feel free to contact me at (763) 489-3147.

Sincerely,

LIESCH ASSOCIATES, INC.


Aaron Benker
Project Manager

cc: Mary Novak, PPL

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**RESPONSE ACTION PLAN
IMPLEMENTATION REPORT
SEWARD COMMONS PHASE I PPL
REDEVELOPMENT
2312 SNELLING AVENUE
MINNEAPOLIS, MINNESOTA 55406**

Prepared for:

**PPL TOUCHSTONE LLC;
TOUCHSTONE COMMUNITY LIMITED
PARTNERSHIP; AND
PPL SERVICE CORPORATION
1035 EAST FRANKLIN AVENUE
MINNEAPOLIS, MINNESOTA 55404**

November 2012

Prepared by:

Liesch Companies



MINNEAPOLIS ■ MILWAUKEE ■ PHOENIX ■ LOS ANGELES ■ ST. PAUL

RESPONSE ACTION PLAN IMPLEMENTATION REPORT
SEWARD COMMONS PHASE I PPL REDEVELOPMENT

2312 SNELLING AVENUE
MINNEAPOLIS, MINNESOTA 55406

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PPL TOUCHSTONE LLC;
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MINNEAPOLIS, MINNESOTA 55404

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NOVEMBER 30, 2012

LIESCH PROJECT NUMBER: 6202576.08
PBP SITE ID: PB3661

This report was prepared by me
or under my direct supervision.



Aaron Benker
Project Manager



Dana J. Wagner, CHMM
Principal

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1.0 INTRODUCTION

1.1 PURPOSE

Liesch Associates, Inc. (Liesch) was retained by PPL Touchstone, LLC (Touchstone) to prepare this Response Action Plan/Construction Contingency (RAP/CCP) Implementation Report (Implementation Report) documenting Minnesota Pollution Control Agency (MPCA) approved RAP activities related to the site improvements completed for the Seward Commons Phase I-PPL Redevelopment Project addressed as 2312 Snelling Avenue, Minneapolis, Hennepin County, Minnesota PIN#s 3602924220116 and 3602924220115 (the Property). The Property consists of approximately 30,260 square feet (0.69 acres). The Property is located in the NW ¼ of the NW ¼ of Section 36, Township 29 North, Range 24 West. **Figure 1** in **Appendix A** illustrates the location of the Property and **Figure 2** in **Appendix A** depicts the Property prior to redevelopment. The Property has been enrolled in the Minnesota Pollution Control Agency's (MPCA) Voluntary Investigation and Cleanup (VIC) Program as project number VP28370 and the MPCA's Petroleum Brownfields Program project number PB4155.

The Property is part of a larger parcel commonly referred to as the Seward Commons Site (former Bystrom Brothers site), 2200 Snelling Avenue, consisting of approximately 3.85 acres of land. The Property was formerly occupied by an asphalt parking lot and the south-easternmost portion of a building called the "700 E-Tech Building", which was demolished in May 2012. The former 700 E-Tech Building was constructed in 1948 and had concrete block exterior walls, flat asphalt roof and a concrete slab floor. The former 700 E-Tech Building was demolished in preparation of redevelopment of the Property as well a proposed development of land to the north of the Property in the year 2013. The portion of the former 700 E-Tech Building which was located on the Property consisted of office space. The west and south portions of the Property were formerly used as a parking lot and as a storage lot for vehicles, dumpsters, and miscellaneous equipment.

The Property is bounded to the north by a vacant lot with warehouse buildings beyond. The Property is bounded to the south by 24th Street with a commercial site occupied by W.W. Johnson food company beyond; to the west by Hiawatha Light Rail Line, to the east by Snelling Avenue with sites occupied by A-Craft Windows, Morning Star coffee company, and Capital Distribution beyond.

The development response actions were completed in accordance with the following documents:

The following Environmental Reports were prepared for the Bystrom Site by others:

- Phase I Environmental Site Assessment for Bystrom Brothers Property, 22nd Street East and

Snelling Avenue, Minneapolis, Minnesota 55404, prepared by Vieau Associates, Inc. for Spectrum Commercial Services Company, dated March, 2005 (the 2005 ESA)

- Phase II Investigation, Bystrom Brothers, 2200 Snelling Avenue, Minneapolis, MN 55404, prepared by Vieau Associates, Inc. for Bystrom Brothers Inc. c/o US Trust, dated March 22, 2006 (Vieau Phase Two ESA)

The following Environmental Reports were prepared for the Bystrom Site by Liesch:

- Phase One Environmental Site Assessment for Bystrom Brothers, 2200 Snelling Avenue, Minneapolis, Minnesota 55404, prepared by Liesch for 2200 Minnehaha, LLC and Seward Redesign, dated December 11, 2006 (Liesch ESA)
- Limited Phase Two Environmental Site Assessment, Bystrom Brothers, 2200 Snelling Avenue, Minneapolis, Minnesota 55404, prepared by Liesch for 2200 Minnehaha, LLC and Seward Redesign, dated December 11, 2006 (Liesch Phase Two ESA)
- Sub-Surface Soil Gas Assessment, Bystrom Brothers, 2200 Snelling Avenue, Minneapolis, Minnesota 55404, prepared by Liesch for 2200 Minnehaha, LLC and Seward Redesign, dated December 11, 2006 (Liesch Soil Gas Assessment)
- 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 (Groundwater Monitoring Report)
- French Drain Cleaning, Sampling and Abandonment Summary Letter prepared by Liesch for Bystrom Brothers and dated January 5, 2007 (French Drain Sealing Letter)
- Response Action Plan and Construction Contingency Plan, prepared by Liesch Associates for Seward Commons, LLC, dated March 30, 2009 (the Liesch RAP/CCP);
- Letter to Mr. Brian H. Miller of Seward Commons, LLC., from Mr. Mark Koplitiz at the Minnesota Pollution Control Agency (MPCA), RE: Approval of Voluntary Response Actions for Petroleum Contamination, Site: Seward Commons, Bystrom Redevelopment Phase I-PPL, 2310 Snelling Avenue Minneapolis, MN, PBP Site ID#: PB3661, dated April 24, 2009 (PBP RAP Approval Letter).
- Work Plan for In-Situ Soil Characterization Assessment for Seward Commons Phase I-PPL, 2310 Snelling Avenue, Minneapolis, Minnesota 55406 (“Phase I” or the “Property”).
- In-Situ Soil Characterization Assessment, Seward Commons Phase I PPL, 2310 Snelling Avenue, Minneapolis, Minnesota 55404, prepared by Liesch for Seward Commons, LLC, dated March 26, 2010 (the Assessment)
- Letter to Mr. Brian H. Miller of Seward Commons, LLC., from Mr. Mark Koplitiz at the Minnesota Pollution Control Agency (MPCA), RE: Development Response Action Plan and Construction Contingency Plan Approval, Site: Seward Commons Redevelopment Site, Phase I-PPL Property, 2200 Snelling Avenue, Minneapolis, MN, VP Site ID#: VP22791, dated April 29, 2010 (VIC CCP Approval Letter).

- Letter to Mr. Edward Olson of Minnesota Pollution Control Agency, from Mr. Aaron Benker at Liesch Associates (Liesch), RE: In-Situ Soil Characterization Assessment, Site: Seward Commons Redevelopment Site, Phase I-PPL Property, 2310 Snelling Avenue, Minneapolis, MN, 55406, dated April 15, 2010 (“Phase I” or the “Property”).
- Amendment to the Response Action Plan/Construction Contingency Plan for the former Seward Commons Phase I-PPL – 2312 Snelling Avenue, Minneapolis, Minnesota (the Property) VIC Program ID#VP28370 and PB Program ID PB3661, dated June 20, 2012 (RAP/CCP Amendment)
- Letter to Ms. Mary Novak of Project for Pride in Living, Inc., from Mr. Mark Kopnitz and Edward Olson at the Minnesota Pollution Control Agency (MPCA), RE: Development Response Action Plan and Construction Contingency Plan Amendment Approval, Site: Seward Commons Phase I Redevelopment Site, 2312 Snelling Avenue, Minneapolis, MN, Site ID#: VP28370 and PB4155, dated June 29, 2012 (RAP/CCP Amendment Approval Letter).

A copy of the RAP/CCP and the VIC and PBP Approval Letters are included in **Appendix B**. Based on the information provided in the documentation listed above, Liesch conducted oversight of environmental response actions at the Property in accordance with the approved RAP/CCP and RAP/CCP Approval Letter. Based upon the successful completion of the development response actions, Liesch is requesting an implementation approval and No Further Action Letter.

1.2 BACKGROUND INFORMATION

The Property is part of the larger Bystrom Site, which was owned from the 1940s until 2007 by Bystrom Brothers, a metal turning manufacturer of machine products, components and assemblies that has since gone out of business. The main metal machining operations were conducted at 2200, 2206 and 2215 Snelling Avenue. Bystrom operated approximately 50 automatic spindle-turning machines and several CNC machines. The metal turning operations used raw steel and brass that was shipped to the Property in the form of bar stock. The bar stock was machined using cutting oil products and Stoddard solvents. Metal cuttings, shavings and scrap were collected in small wheeled bins, and processed in a centrifuge chip spinner to remove excess cutting oils from the metal prior to off-site recycling of the scrap metal. Finished metal components were polished and ground prior to packaging for distribution.

The Bystrom Site was purchased from Bystrom in 2007 by 2200 Minnehaha, LLC. Shortly after selling the Bystrom Site, Bystrom Brothers discontinued metal turning operations at the Bystrom Site and 2200 Minnehaha, LLC conducted improvements to the buildings at the Bystrom Site for the leasing as medium industrial, warehouse and/or commercial use. Seward purchased the

Property as well as other Bystrom Site buildings from 2200 Minnehaha, LLC in 2007 and Seward sold the Property to PPL Touchstone, LLC in June 2012.

1.2.1 Summary of Contamination

The Assessment was completed to characterize soils to be disturbed, reused on-site or exported during the planned redevelopment of the Property. The Assessment was completed using in-situ soil sampling methods to allow for further determination of soil contaminant concentrations within the proposed soil excavation area at the Property. The Assessment was intended to pre-determine the proper soil disposal and management methods to be implemented during redevelopment of the Property.

The Assessment included the completion of eleven geoprobe soil borings laid out in a grid across the Property. Three soil samples were collected from each boring at varying depths to assess soils which were to be disturbed, displaced exported and/or reused from the Property. The results of Assessment indicated the following soil management approach for redevelopment of the Property.

- Off-site landfill disposal from the shallow soil depths between 0-4 feet would generate approximately 4,500 in-place cubic yards of impacted soils or approximately 6,300 tons using an estimated 1.4 soil conversion factor all requiring landfill disposal.
- Off-site landfill disposal from the moderate soil depths between 4-6 over the entire Property and 6-8 feet at GP-2 and GP-11 assuming an area approximately 45' by 45' around the sample location, would generate approximately 2,600 in-place cubic yards of impacted soils or approximately 3,640 tons using an estimated 1.4 soil conversion factor all requiring landfill disposal.
- Based on the analytical results from the deep sampling depth 8-12, none of the soils exhibited detectable impacts requiring special handling. Soils from the 8-12 foot sampling depth appear suitable for on-site reuse or off-site reuse. The soils from the 8-12 foot sampling depth would be proposed for re-use around the building footing, foundation and along the northern property boundary where soils would be cut for remediation of the top 0-6 feet of soils and excavation for an entrance ramp to the underground parking. Soils not re-used on the Property would be managed off-site as unregulated fill.

2.0 DEVELOPMENT OVERVIEW

The redevelopment included construction of a multi-story apartment/assisted living complex for mentally handicapped individuals, with a footprint of approximately 18,500 square feet. One level of parking was constructed under the building.

The development plans are provided in **Appendix C**.

3.0 RESPONSE ACTION PLAN OBJECTIVES AND CLEANUP GOALS

The cleanup objectives for the Property included the proper monitoring, handling, management and disposal of impacted soils displaced at the Property and to provide development conditions suitable for the redevelopment. All response actions were conducted in accordance with appropriate Site Safety Plans prepared by each contractor.

4.0 RAP AND RAP APPROVAL LETTER SUMMARY

4.0 RAP SUMMARY

The RAP/CCP was prepared for the development planned for the Property, which will consist of construction of a multi-story apartment/assisted living complex for mentally handicapped individuals, with a footprint of approximately 18,500 square feet is planned for Property. Parking will be located under the building. The following summarizes the RAP/CCP:

Environmental investigations and sampling identified numerous VOCs including chlorinated and non-chlorinated solvents as well as petroleum based VOCs in soils analyzed from the upper 4 to 6 feet bgs across the Property. The VOC impacts appeared to be widespread at the Property as well as across the Bystrom Site. Chlorinated solvent impacts in soil include trichloroethene (TCE), tetrachloroethene (PCE), cis-1,2-dichloroethene (cis-1,2-DCE) and trans 1,2-dichloroethene (trans-1,2-DCE). These chemicals were no longer used at the site but were used in historical machining operations at the Bystrom site. TCE concentrations exceed the MPCAs residential soil standards in soil in the upper 4 to 6 feet at the Property and required remediation and proper handling and off-site disposal as part of the planned residential development.

Environmental investigations and sampling have identified the presence of heavy metals, namely barium, arsenic, lead, mercury and cadmium exceeding the MPCAs Residential SRV soil standards. The extent of metals impacts at the Property appeared to be limited to the upper 4 to 6 feet of soils across the Property based on laboratory analysis. The heavy metal impacts at the

Property are likely the result of past industrial land usage such as a barrel manufacturing and wood treating process as well as metal machining.

Diesel range organics (DRO) and semi-volatile organic compounds (SVOC) impacts at the Property also appeared to primarily exist in the top 4 to 6 feet bgs of soil. Significant DRO impacts, while not likely directly related to metals or VOC detections, appeared to be commingled in similar areas. In general, DRO on the Property likely originated from historical petroleum usage including use of cutting oils. SVOCs impacts are believed to be correlated to the DRO impacts at the Property as SVOC impacts are greatest in areas exhibiting elevated DRO impacts.

The RAP/CCP proposed management the following response actions:

- Excavation and remediation of soils at the Property from 0-4 feet below grade (fbg). The excavation and removal of these soils was intended to remediate the Property to soil standards below the MPCA's Tier I SLV and Residential SRV. This response action allows for proper monitoring and off-site disposal of soils requiring export from the Property.
- Excavation, monitoring and management of soils at the Property during the excavation for underground parking to depths of approximately 12 fbg, installation of building footings, foundations, general site grading and utilities in areas of known or suspected soil contamination. This response action also allowed for proper monitoring, beneficial reuse of suitable soils at the Property and off-site disposal of soils requiring export from the Property.
- The proposed structure on the Property was to have underground parking beneath the entire footprint of the building. Mechanical ventilation of the underground parking is engineered into the design of the structure. The mechanical ventilation and the underground parking space provide ventilation and mitigation of sub-slab vapor and provide for adequate separation from the future occupied building caused by residual impacts in soils or underlying ground water.

The RAP/CCP prepared for the Property was submitted for review and approval to the MPCA's VIC Program and PB Program. Upon MPCA's approval of the RAP/CCP and the completion of the approved response actions at the Property, a DRAP Implementation Report was to be submitted to the MPCA VIC Program documenting that the remediation and monitoring was conducted in accordance with the approved DRAP.

Upon review and approval by MPCA Petroleum Brownfields and VIC staff, the parties involved were to seek assurances from the MPCA including a No Further Action Determination for the identified soil and ground water impacts from the MPCA VIC Program.

4.1 RAP APPROVAL LETTERS SUMMARY

The RAP/CCP was approved by the MPCA in the PBP RAP/CCP Approval Letter dated April 24, 2009 and by the MPCA VIC Program on April 16 2009 and April 29, 2010 and included in **Appendix B.**

5.0 IMPLEMENTATION OF THE RESPONSE ACTION PLAN

5.1 GENERAL

In accordance with the DRAP/CCP documents, Liesch representatives Aaron Benker, Dan Larson, and Katrina Shaw were on-site full-time during soil excavation and grading activities to screen soils for evidence of potential impacts, collect samples for laboratory analysis, and direct and document the disposition of the excavated soil. Liesch was on site to oversee development activities July 2 through August 16, 2012.

Seward Commons, LLC retained K.A. Kamish Excavation Inc. (Kamish) as the general/excavation contractor for the redevelopment.

During excavation activities, Kamish used a backhoe to excavate and load soil into dump trucks and semi's with end dumps. During the contaminated soil removal, each truck hauling contaminated soil to the landfill was accompanied by a signed waste manifest and the trailers were tarped.

5.2 FIELD SCREENING/LABORATORY SAMPLE COLLECTION PROCEDURES AND FIELD PERSONNEL

Liesch conducted field screening on soils using olfactory and visual observations on grab samples obtained from the bucket of the backhoe or from temporary stockpiles. Liesch also field screened soils for the presence of volatile organic compounds (VOCs) using a photoionization detector (PID). The PID was equipped with a 10.6 electron-volt (eV) lamp and calibrated to an isobutylene standard prior to each day's use. Field screening for VOCs was conducted in

accordance with MPCA Field Screening procedures. No elevated PID readings above background levels were recorded.

All analytical soil samples were collected by a Liesch technician wearing new vinyl gloves for each sample location. The samples were placed in laboratory-provided jars with appropriate preservative, as required, and then immediately placed in an ice-chilled cooler. These coolers were transported to Pace Analytical (Pace) under chain-of-custody control and analyzed within appropriate holding times.

5.3 LANDFILL APPROVALS AND SOIL DISPOSAL

For landfill disposal of contaminated soil, a waste profile sheet along with analytical data from the assessments was submitted to the SKB Rosemount Landfill (SKB) and Dakota County for review. The SKB Landfill facility is located at 13435 Courthouse Blvd., Rosemount, Minnesota. After review of the submitted information, SKB requested the following TCLP analytical samples be collected:

- GP-4 (2-4') – TCLP lead
- GP-8 (0-2') – TCLP SVOCs
- GP-11 (6-8') – TCLP VOCs

Liesch collected these samples on June 6 and 21, 2012 using Geoprobe and hand-auger methods. Based on the TCLP results, SKB and Dakota County granted approval for soil disposal. Soil in the cells defined by probes GP-7, GP-8, GP-10 and GP-11 were approved for direct bury only, while the rest of the Property was approved for disposal as daily cover. The SKB approval letter for the contaminated soil is attached in **Appendix D**. Laboratory analytical reports are included in **Appendix G**.

In total, 12,322 tons of contaminated soil were appropriately transported and disposed of at the SKB landfill. The daily cover portion of soil amounted to 4,636 tons while the direct bury soil totaled 7,686 tons. **Figure 4 in Appendix A** depicts the daily cover versus the direct bury areas. Note that areas shown as daily cover areas also produced direct bury landfill soil depending on the amount of debris encountered. The Landfill Load Summary Reports are included in **Appendix E**.

5.4 EXCAVATION

Landfill Soil Excavation

Prior to soil excavation on the Property, the site was divided into a grid pattern based on Geoprobe locations and their laboratory analytical results from the Assessment. The GP-2 and GP-11 areas were designated for a minimum 8 foot cut for landfill disposal. All other areas on the Property were designated for a minimum 6 foot cut for landfill disposal. Soil was excavated deeper in areas where fill soil exceeded these designated depths. Fill soil depths generally did not exceed the anticipated five to six foot depths by more than one or two feet. The approximate extent of the excavation is shown on **Figure 4** in **Appendix A**. Soil was excavated to the Property boundary on all sides with the exception of the western Property boundary where soil was excavated 4 feet beyond the Property boundary on to the Metro Transit right-of-way to make room for shoring. The off-site soil excavation was considered to be part of the Property and covered under the the Liesch RAP/CCP. Liesch provided a letter to the MPCA dated June 20, 2012 which documented this over / off-site excavation.

Field screening of landfill soils identified only minor evidence of field detectable impacts, up to 22 ppm using the PID in the upper 6 feet of soil hauled for landfill disposal. The soil excavated for landfill disposal was consistent with what was observed in borings drilled on the Property for the Bystrom Brothers and Liesch Phase II ESA's. The soil consisted mostly of brown to dark brown silty sand soil with gravel and miscellaneous debris including brick and concrete. Asbestos was not identified during soil excavation, with the exception of a large 12" pipe, approximately 125 feet long, found along the western edge of the Property on July 23, 2012. This pipe was properly abated on July 24, 2012 by Red Pine Industries, an MDH licensed abatement contractor.

In addition, a 10 x 10 foot area of blue-stained sandy soil was observed in the GP-7 grid area from approximately 2 to 4 feet deep. This soil did not exhibit any odors or elevated PID readings. Liesch collected a sample (SS-071812) for laboratory analysis and submitted it to Pace Analytical for analysis of VOC, PAHs, and RCRA metals. There were no detections of PAHs or VOCs and RCRA metals were all below Tier 1 SLVs and SRVs. This blue-stained soil was hauled to the landfill for direct bury.

Re-Use Soil Excavation

All contaminated soils as identified by the Assessment in the upper soils was removed for off-site landfill disposal. The underlying soils to final excavation depths ranging from 12 to 14 feet below grade were also excavated for underground parking construction. The Assessment provided analytical testing that confirmed that underlying soils did not have detectable levels of environmental impact. These soils were suitable for on-site reuse and the soils were placed back on the Property as backfill along the foundation as well as within the courtyard area of the building.

Soil screening on re-use soils did not exhibit any PID readings above background levels (i.e., 3 ppm) or any sign of petroleum or other impacts. No debris of any kind was noted in the native sandy soil beneath the landfill soils.

Laboratory Analytical Sampling

Following excavation, Liesch collected 24 base and sidewall confirmation samples. Nine of the confirmation samples were base samples collected in grid area GP-11. The remaining confirmation samples were collected from sidewalls at approximately 30 foot intervals as shown on **Figure 4** in **Appendix A**. The confirmation samples were collected and analyzed for DRO, PAH, VOCs and Metals. Analytical results for the confirmation samples are shown on **Table 1** in **Appendix F**. The laboratory analytical results are included in **Appendix G**.

Excavation Base Sampling Results

Base samples B-1 through B-9 were collected at GP-11. The sampling did not identify any detectable concentrations of VOCs, PAHs or DRO. All samples were collected at 8 feet below grade once the upper contaminated fill soils were removed for off-site disposal.

Excavation Sidewall Sampling Results

Arsenic was detected below MPCA SRVs/SLVs in S-3, S-4, S-5, S-7, S-9, S-10, S-12, S-13, S-14, S-15, and SS-071812. Arsenic was found above Tier 1-2 Residential SRVs in S-8 at 10.9 mg/kg, and S-11 at 9.3 mg/kg; and above Tier 2 Industrial SRVs in S-1 at 44.1 mg/kg and S-2 at 29.7 mg/kg. Barium, cadmium, chromium, lead, selenium, and mercury were found in multiple samples all levels below Tier 1 Residential/Industrial SRVs and Tier 1 SLVs.

VOCs were detected in multiple samples. The VOC 1,2,4-trimethylbenzene was found in S-2 at 0.13 mg/kg, below the Tier 1 Residential SRVs. Benzene was detected in S-2 at 0.044 mg/kg, above the Tier 1 SLV of 0.034 mg/kg. Ethylbenzene, naphthalene, toluene and xylene (total) were found in S-2 below Tier 1 SLVs. Trichloroethane was detected above the Tier 1 SLV of 0.14 mg/kg in S-1 at 1.0 mg/kg, S-2 at 0.24 mg/kg, S-8 at 1.7 mg/kg, and S-15 at 0.16 mg/kg.

Polynuclear Aromatic Hydrocarbon (PAH) concentrations in S-1 through S-10 were below their respective SLV or SRV with the exception of soil sample S-2 (3'). Sample S-2 (3') exceeded the Benzo(a)pyrene MPCA Tier 2 SRV of 3 mg/kg at 7.5 mg/kg. Sample S-2 (3') also exceeded the BaP Equivalent MPCA Tier 1 SLVs of 10.2 mg/kg and Tier 2 SRV of 3 mg/kg in S-2 (3') at 10.5 mg/kg. PAH concentrations were detected below the MPCA standards including acenaphthene below the Tier 1 SLV of 50 mg/kg in S-1 at 0.026 mg/kg and S-2 at 0.31 mg/kg. Anthracene, benzo(a)anthracene, benzo(b)fluoranthene, benzo(g,h,i)perylene, benzo(k)fluoranthene, chrysene, indeno(1,2,3-cd)pyrene, phenanthrene, and pyrene were detected in S-1, S-8, and S-15 below Tier 1 SLVs.

Diesel Range Organics (DRO) was detected in S-1 at 50.2 mg/kg, S-2 at 488 mg/kg, S-8 at 18.3 mg/kg, and S-15 at 27.2 mg/kg.

The above detectable concentrations in the sidewall samples are all collected from the Property line and are not considered to be on-site contaminants as the excavation removed all impacted soils from the Property.

5.5 EXPORT/IMPORT SOIL

As noted above, Kamish removed the soil with debris and transported 12,322 tons to the SKB Landfill in Rosemount, Minnesota for disposal. No other soil was exported from the Property.

No import soils were hauled onto the Property as backfill. All backfill was managed on-site generated soils that were determined to be free of debris and environmental impact through historical site sampling and field screening during the redevelopment of the Property.

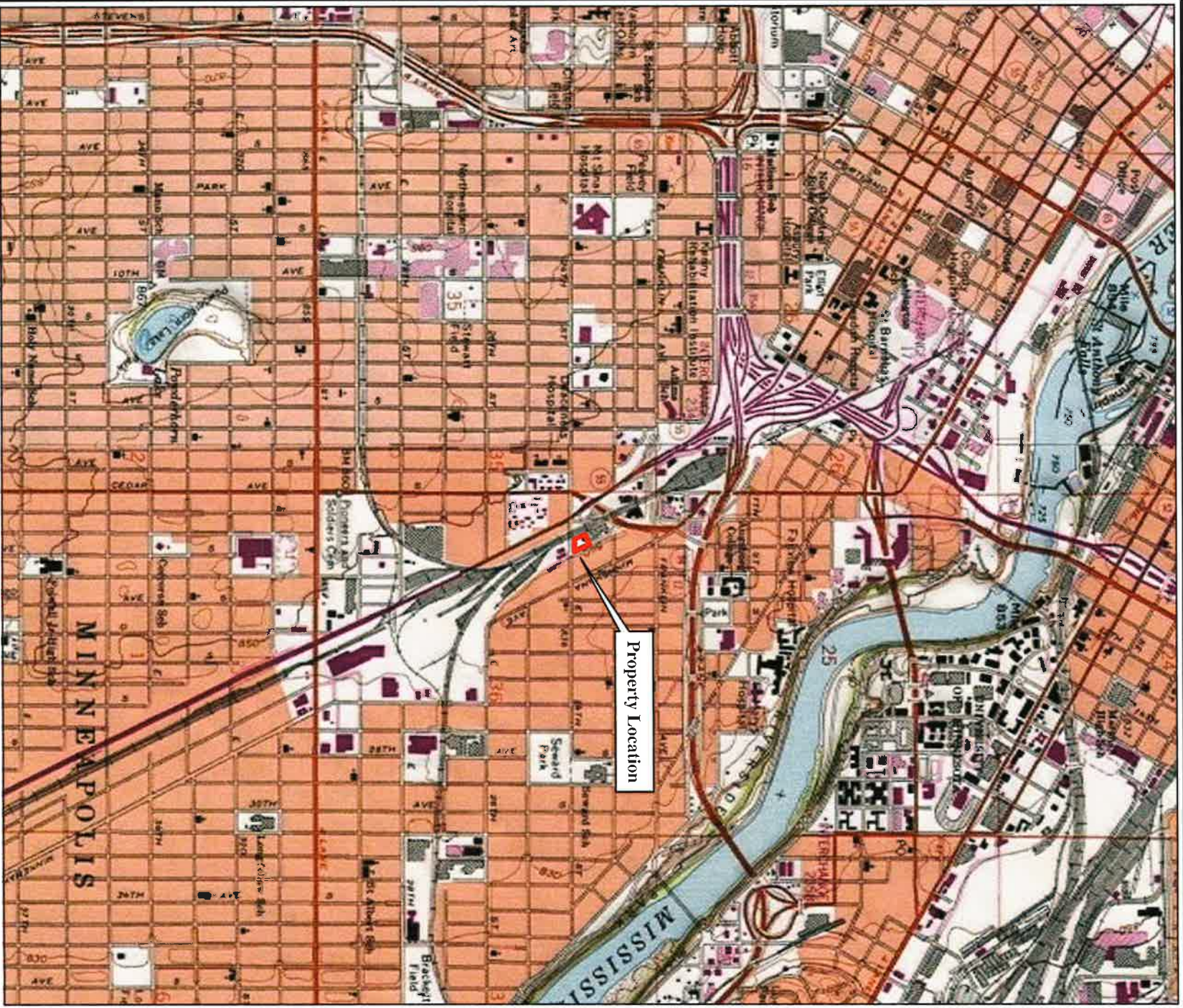
6.0 CONCLUSIONS AND RECOMMENDATIONS

This RAP Implementation Report was prepared by Liesch at the request of the MPCA to document the completion of the response actions at the property located at 2310 Snelling Avenue, Minneapolis, Hennepin County, Minnesota. The response actions were completed in accordance with the DRAP.

Based on the completion of these tasks documented in this Implementation Report, it is requested that the MPCA issue the following letters:

- MPCA VIC and PB Program Implementation Plan Approval Letters indicated that the Response Actions were completed in accordance with MPCA approvals.
- Based on the full removal of the soil contamination at the Property, a No Further Action Letter be issued by the MPCA VIC Program for the 2310 Snelling Avenue Property.
- Closure Confirmation Letter from the MPCA PB Program.

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Source: MS Virtual Earth
 Projection: NAD83 UTM Zone 15N



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<p>Seward Commons Bystrom Redevelopment 2310 Snelling Ave., Minneapolis, MN</p>		<p>Property Location</p>
<p>Nov 12</p>		
<p>Figure 1</p>		



Source: MS Virtual Earth
Projection: NAD83 UTM Zone 15N

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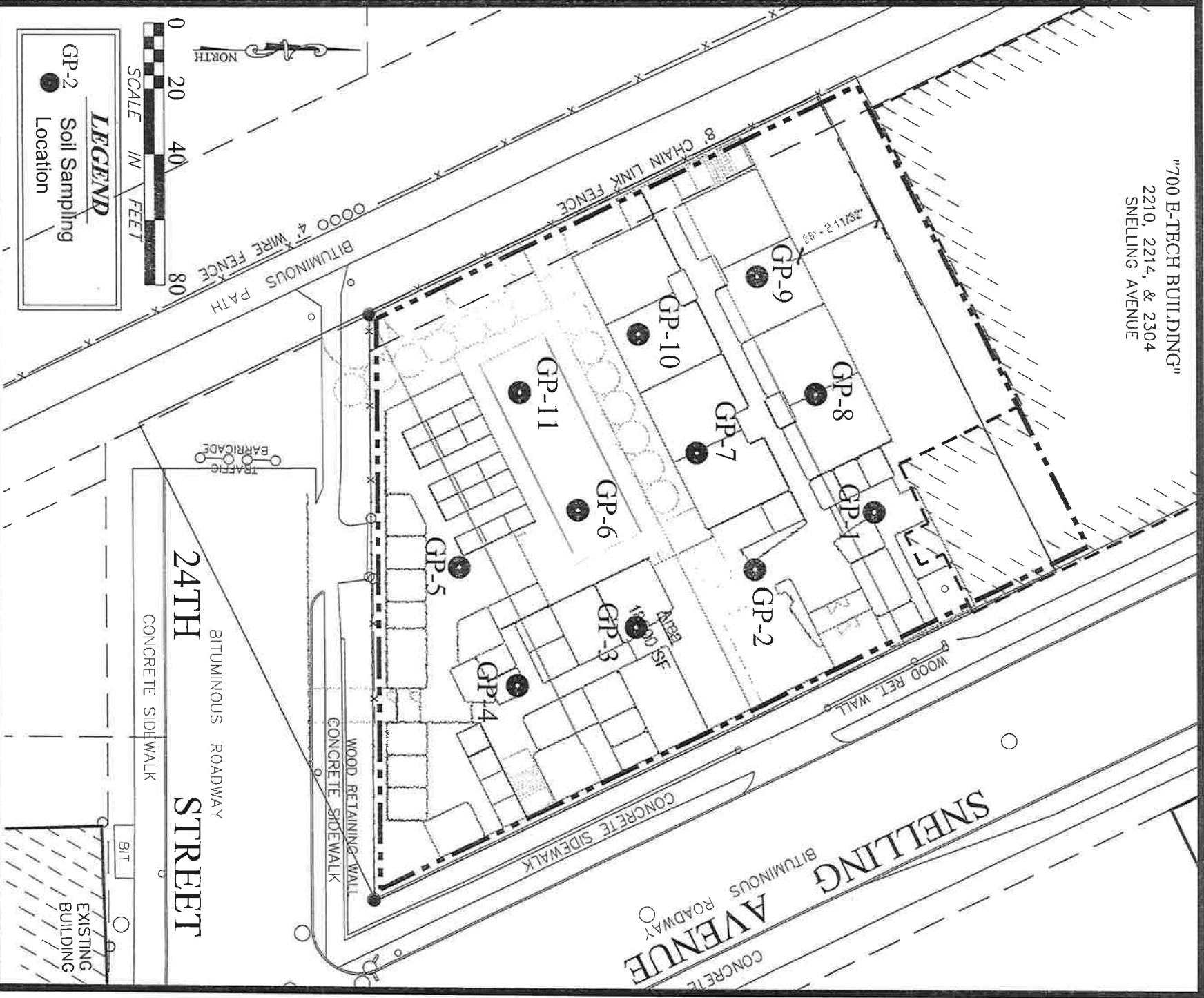
Seward Commons Bystrom Redevelopment
2310 Snelling Ave., Minneapolis, MN

Property Layout

Nov 12

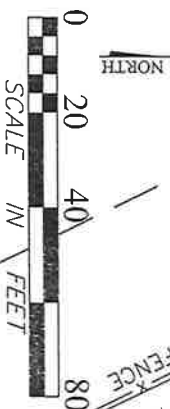
Figure
2

"700 E-TECH BUILDING"
2210, 2214, & 2304
SNELLING AVENUE



LEGEND

● GP-2 Soil Sampling Location



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SEWARD COMMONS BYSTROM REDEVELOPMENT
2310 SNELLING AVE., MINNEAPOLIS, MN

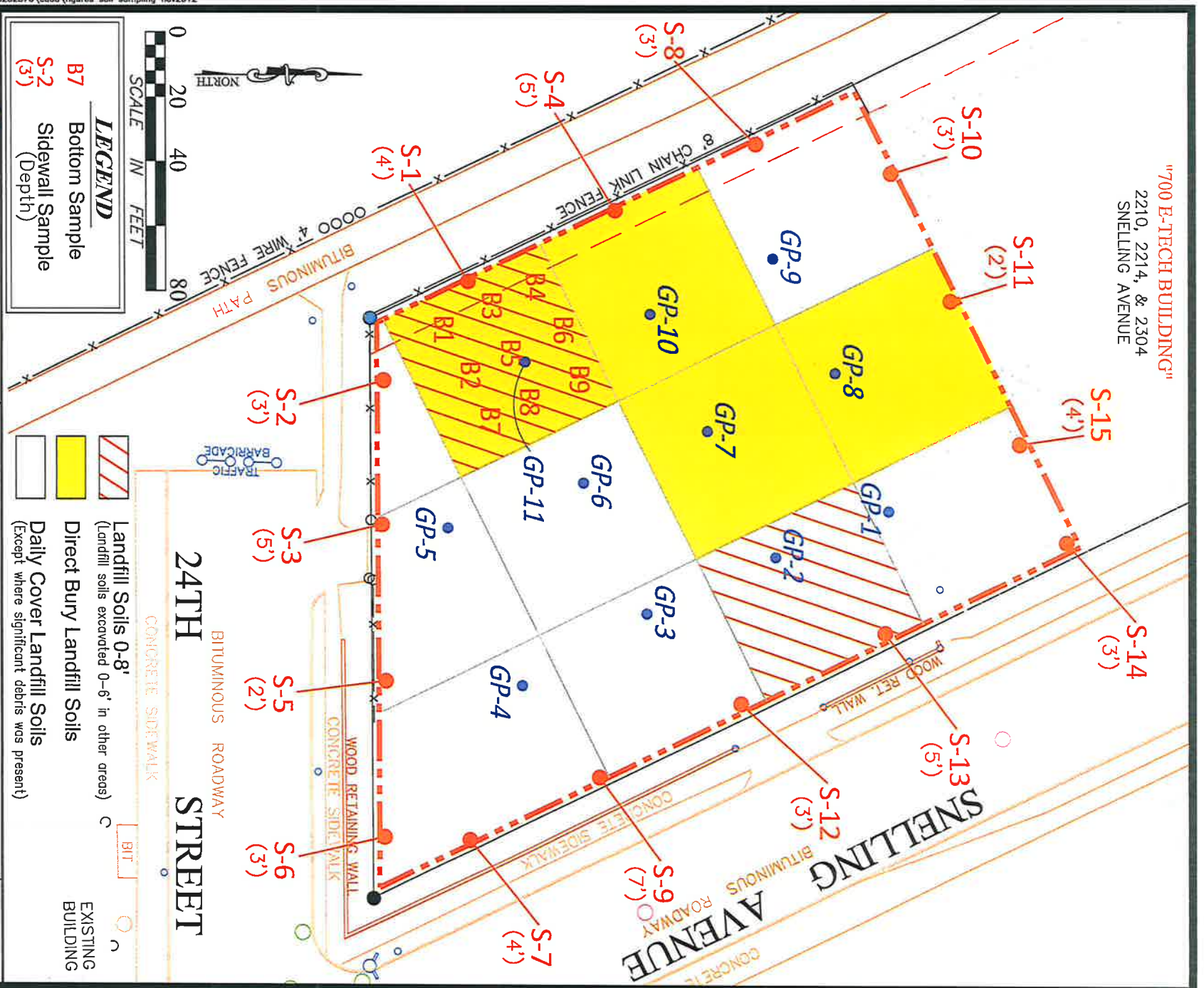
HISTORICAL SOIL BORINGS
AND REDEVELOPMENT OVERLAY

EXISTING BUILDING

Nov 12

Figure 3

"700 E-TECH BUILDING"
 2210, 2214, & 2304
 SNELLING AVENUE



LEGEND

B7 Bottom Sample
S-2 (3') Sidewall Sample (Depth)

Legend for Pavement and Soils:

- Landfill Soils 0-8' (landfill soils excavated 0-6' in other areas)
- Direct Bury Landfill Soils
- Daily Cover Landfill Soils (Except where significant debris was present)
- BIT
- EXISTING BUILDING

SEWARD COMMONS BYSTROM REDEVELOPMENT
 2310 SNELLING AVE., MINNEAPOLIS, MN

EXCAVATION BOUNDARY
 AND CONFIRMATION SAMPLING LOCATIONS

Figure
 4

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June 29, 2012

Ms. Mary Novak
Project for Pride in Living, Inc.
1035 East Franklin Avenue
Minneapolis, Minnesota 55404

RE: PPL - Seward Phase I Redevelopment Site, 2312 Snelling Avenue, Minneapolis
MPCA Project Number VP28370 and PB4155
PIN 3602924220116 and adjoining portion of 3602924220115
Development Response Action Plan and Construction Contingency Plan Amendment Approval

Dear Ms. Novak:

The Minnesota Pollution Control Agency (MPCA) staff in the Voluntary Investigation and Cleanup (VIC) Unit and Petroleum Brownfields (PB) Program has reviewed the "Development Response Action Plan and Construction Contingency Plan Amendment," (DRAP-CCP Amendment) prepared by Liesch Associates, Inc. (Liesch), dated June 20, 2012, for the address referenced above (the Site). The DRAP-CCP Amendment follows the DRAP-CCP prepared for the Site under VIC Project Number VP22791 and PB3661 (Seward Commons Redevelopment site with reference to previous/common address of 2310 Snelling Avenue) and approved by VIC staff in letters dated April 16, 2009, and April 29, 2010, and PB staff in a letter dated October 28, 2011.

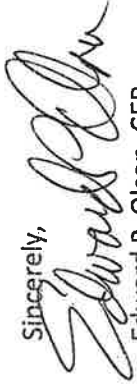
The DRAP-CCP Amendment is a letter which describes the need to over-excavate along the west and northwest corner of the Property/project boundary. The Site excavation work will allow for temporary timber shoring to be placed 4 feet west and north of the Property lines, a combined distance of approximately 140 linear feet in the Metro Transit right-of-way. The DRAP-CCP Amendment describes the provision for Project for Pride in Living (PPL) to be given a construction easement for the excavation work that will be conducted in accordance with the MPCA approved DRAP-CCP and as amended herein.

Based upon review of the Site documents, the DRAP-CCP Amendment is hereby approved pursuant to Minn. Stat. § 115B.17, State response to releases, subd. 14 Requests for review, investigation, and oversight, and Minn. Stat. § 115C.03 Response to releases, Subd. 9. Requests for review, investigation, and oversight.

Ms. Mary Novak
Page 2
June 29, 2012

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 Koplitz at 651-757-2502 or Mike Connolly, VIC/PB Hydrogeologist at 651-757-2287.

Sincerely,



Edward P. Olson, CEP
Project Manager
VIC & Emergency Response Section
Remediation Division

EO:MK:jmp

Attachments

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



Mark Koplitz
Project Leader
Petroleum Brownfields Program
Remediation Division

ATTACHMENT A
DISCLAIMERS

PPL - Seward Phase I Redevelopment Site
MPCA Project Number VP28370 and PB4155

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.



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April 29, 2010

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

RE: Seward Commons Redevelopment Site, Phase I-PPL Property, 2200 Snelling Avenue,
Minneapolis, MN
MPCA Project Number VP22791
Development Response Action Plan and Construction Contingency Plan Approval

Dear Mr. Miller:

The Minnesota Pollution Control Agency (MPCA) staff in the Voluntary Investigation and Cleanup (VIC) Unit has reviewed the "In-Situ Soil Characterization Assessment" (ISSCA) for the Phase I-PPL Property area of the Site, prepared by Liesch Associates, Inc. (Liesch), dated March, 2010. The ISSCA was submitted for the Seward Commons Site at the address referenced above (the Site) and specifically as an amendment to the Development Response Action Plan and Construction Contingency Plan (DRAP/CCP) previously approved by VIC staff for the 0.56-acre area with common address of 2310 Snelling Avenue. The area forms a trapezoid in the southwestern part of the Site.

VIC staff understands that a multi-story apartment/assisted living complex for mentally handicapped individuals, with adjoining sidewalks, patios, and green-space is planned for spring 2011 construction. The building with underground parking garage will have a footprint of 18,500 square feet, and approximately 6,000 square feet will be outdoors. The remedial Site work is being completed with the goal of receiving a No Association determination and No Further Action determination from the VIC Program.

The ISSCA proposed that, based on analytical results, an estimated 9,940 tons of impacted soil in the zero to eight foot depth soil be excavated and disposed of at a permitted landfill, and that all of the un-impacted soil in the six to twelve foot depth soils be used for off-Site or on-Site Reuse. In addition, the only additional analytical work would be for waste disposal soil profile from GP-11 (2-4').

Based upon review of the Site documents, the ISSCA is hereby approved pursuant to Minn. Stat. § 115B.17, subd. 14 and subject to incorporation of the Amended DRAP/CCP modifications provided in Attachment B.

Mr. Brian Miller
Page 2
April 29, 2010

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, CEP
Project Leader
VIC & Emergency Response Section
Remediation Division

EPO:csa

Attachments

cc: Aaron Benker, Liesch Associates, Inc.
Tom Frame, City of Minneapolis
David Jaeger, Hennepin County
Mark Koplitz, Remediation Division, MPCA

ATTACHMENT A
DISCLAIMERS
Seward Commons Redevelopment Site
MPCA Project Number VP22791

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 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.

ATTACHMENT B
DRAP-CCP MODIFICATIONS FOR THE PHASE I-PPL PROPERTY
Seward Commons Redevelopment Site
MPCA Project Number VP22791

1. The laboratory data indicating Trichloroethylene (TCE) in soils from GP-11 (2-4') may be associated with previous detections of TCE in the groundwater and soil gas in this area of the Site. For example, TCE was repeatedly detected at above the Health Risk Limits in MW-1 (approx. 19 foot water table), in November and December 2006 groundwater samples, and from the 8 foot soil gas sample, collected at SG-1, in November 2006. (Note: the Site maps in the March 2009 DRAP/CCP show a soil stockpile in this general corner of the Site, and this may indicate this area of the Site may have been used as a general material or waste disposal area.) Therefore, in addition to investigating whether the excavated soil at GP-11 (2-4') is considered to be regulated as a hazardous waste, additional "hot spot" removal of impacted soils in this area need to be completed with cleanup confirmation sampling. In addition, the Liesch environmental technician will need to maintain excavation oversight and periodic field screening, particularly for soils in the southwest corner of the Site and for soils proposed for reuse.
2. Notwithstanding the additional "hot spot" removal in item 1 (above), the reference to the 8-12 foot soils as proposed "unregulated fill," is not necessarily supported in the referenced (new) VIC BMP guidance. Please note that frequent field screening with PID field instrument documentation is in order, as well as limiting the soil reuse at commercial/industrial sites only.
3. Comment: This DRAP-CCP addresses the releases to soil in the Phase I-PPL Property area only.



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April 16, 2009

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
Development Response Action Plan and Construction Contingency Plan Approval

Dear Mr. Miller:

The Minnesota Pollution Control Agency (MPCA) staff in the Voluntary Investigation and Cleanup (VIC) Unit has reviewed the "Development Response Action Plan and Construction Contingency Plan," (DRAP-CCP) prepared by Liesch Associates, Inc. (Liesch), dated March, 2009. The DRAP-CCP was submitted for the Bystrom Bothers Site at the address referenced above (the Site) and specifically the 0.56-acre area with common address of 2310 Snelling Avenue. The area forms a trapezoid in the southwestern part of the Site.

VIC staff understands that a multi-story apartment/assisted living complex for mentally handicapped individuals, with adjoining sidewalks, patios, and green-space is planned for spring 2010 construction. The building with underground parking garage will have a footprint of 18,500 square feet, and approximately 6,000 square feet will be outdoors. The remedial Site work is being completed with the goal of receiving a No Association determination and No Further Action determination from the VIC Program.

The DRAP-CCP includes removal and off-site permitted disposal of the 0-4 foot below grade surface (fbgs) soils (est. 4,680 cubic yards) which have been analyzed to show impacts of polycyclic aromatic hydrocarbon (PAH) compounds, volatile organic compounds (VOCs), and Resource Conservation and Recovery Act (RCRA) metals. Investigation of the soils removed to 12 fbgs for the building foundation (est. 7,150 cubic yards) will be laboratory analyzed and/or field screened for characterization and final disposition. The MPCA's Tier I soil reference values (SLVs) and the Residential Soil Reference Values (R-SRVs) are the targeted cleanup goals for the PAH compounds, VOCs and RCRA metals.

Based upon review of the Site documents, the DRAP-CCP is hereby approved pursuant to Minn. Stat. § 115B.17, subd. 14 and subject to incorporation of the modifications provided in Attachment B.

Mr. Brian Miller

Page 2

April 16, 2009

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, VIC Hydrogeologist at 651-757-2287.

Sincerely,



Edward P. Olson, CEP
Project Leader
Superfund, RCRA, and Voluntary Cleanup Section
Remediation Division

EPO/jmp

Attachments

cc: ~~David Jaeger~~, Liesch Associates Inc.

Tom Frame, City of Minneapolis

David Jaeger, Hennepin County

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 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.

ATTACHMENT B
DRAP-CCP MODIFICATIONS
Seward Commons Redevelopment Site
MPCA Project Number VP22791

1. The laboratory analytical data of soils from 4-12 fbgs appears insufficient for inclusion in the DRAP and is altogether absent from the DRAP-CCP. In addition, a PID field meter is inadequate for screening and segregating soils impacted with PAHs and metals. Therefore, the disposition of all excavated soil will need to be based on an adequate number of laboratory samples analyzed for targeted compounds.
2. Reference to soil exported for the “unrestricted commercial/industrial” is not approved. Please note that this RAP-CCP approval does not pertain to material for off-Site reuse.
3. Submit fill source location and land use reference material (for any off-site borrow fill) to VIC staff as part of the RAP Implementation Report. Any fill material imported to the Site must meet all of the following field screening and contaminant concentration criteria that imported fill should meet:
 - Free from debris, asbestos containing material, visual staining, and odor;
 - No organic vapors, as measured by a PID;
 - Less than Residential SRVs;
 - Less than Tier 1 SLVs; and,
 - Less than 10 ppm DRO/GRO.
4. Comment: This DRAP-CCP addresses the releases to soil only.
5. COMMENT: Please note that VIC staff may provide the usual DRAP-CCP Implementation Report approval letter, but would not provide the letter specifically requested.



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April 24, 2009

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

RE: Approval of Voluntary Response Actions for Petroleum Contamination

Site: Seward Commons, Bystrom Redevelopment Phase I- PPL, 2310 Snelling Avenue,
Minneapolis
Site ID#: PB3661

Dear 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 above (the Site).

- “Development Response Action Plan and Construction Contingency Plan” dated March 2009 prepared by Liesch Associates, Inc.
- MPCA leak site file LEAK00016407 and associated documents.

Based on the information provided, PBP staff are approving the above-referenced plan with the following comments and modifications:

1. Petroleum contaminated soils excavated at the site, at or greater than 200 parts per million (PPM) (PID), should be properly managed at an MPCA approved off-site treatment/disposal facility.
2. Petroleum contaminated soils less than 200 PPM (PID) may be thin spread on-site under paved surfaces.
3. Petroleum contaminated soils that exhibit PID headspace readings in “green space” areas should be removed and properly managed as part of the development plan. A minimum four-foot buffer of clean soil should exist in all “green space” areas, along with a vegetative cover.
4. 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 development plan. If contamination remains at or above 10 PPM a vapor barrier is required.
5. Any petroleum contaminated soil removed from the site must be treated or disposed of in a method approved by the MPCA. If petroleum contaminated soils are transported to a landfill, the landfill must be appropriately permitted to accept petroleum contaminated soil. Petroleum contaminated soils may be directly disposed in the landfill or used as alternative daily cover based on the landfill’s permit, industrial solid waste management plan, and/or local license. The applicant must notify PBP staff where soils will be transported prior to treatment/disposal. Please include all transportation and handling manifests for such soils within the final implementation report.
6. For the purpose of soil disposal or re-use, unrestricted soils are defined as soils with no detectable field readings, no visual indications, no olfactory indications, no debris, and analytical results of non-detect (method detection limit of 10 PPM). Soils that do not meet this definition may not be used as at the discretion of the contractor or other project personnel.
7. The PBP does not provide review and/or approval for the discharge and/or treatment of ground water, stormwater or any other dewatering action.

Mr. Brian H. Miller

Page 2

April 24, 2009

8. This DRAP approval is contingent on the Applicant obtaining all other MPCA, state, federal and local government permit requirements.

The MPCA 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 MPCA 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 MPCA summarizing the voluntary cleanup work once completed. This report should include all necessary components as described in part V of MPCA 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 MPCA 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 MPCA Petroleum Brownfields Program project manager of the status of the development. The Applicant's failure to submit the implementation report or to inform the MPCA of the status of the development may result in the MPCA revoking the DRAP 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 Bassou Oulgout at 651-757-2632 or Mark Koplitz at 651-757-2502.

Sincerely,



Mark Koplitz

Project Leader

Petroleum and Closed Landfill Section
Remediation Division



Bassou Oulgout

Hydrogeologist

Petroleum and Closed Landfill Section
Remediation Division

MK:tf

Enclosure

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

ATTACHMENT A
DISCLAIMERS
Site ID: PB3661

1. Reservation of Authorities

The MPPCA Commissioner reserves the authority to take any appropriate actions with respect to any release or other conditions at the Site. The MPPCA 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 create an imminent and substantial danger to public health and welfare or the environment.

2. No MPPCA Assumption of Liability

The MPPCA, its Commissioner and staff do not assume any liability for any release or other conditions at the Site or for any actions taken or omitted by the voluntary party with regard to the 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 MPPCA Commissioner and staff at the time this letter was issued. The MPPCA Commissioner and staff reserve the authority to modify or rescind any such statement, conclusion or representation and to take any appropriate action under this authority if the MPPCA 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 MPPCA, its Commissioner and staff do not warrant that the Site is suitable or appropriate for any particular use.

