



Minnesota Pollution Control Agency

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

Voluntary Remediation Programs Enrollment Application Form

Voluntary Brownfield Program Cooperative Cleanup Memorandum (CCM)

Doc Type: Brownfield Application

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

MPCA Use Only	
Project ID:	PB 4313 / VP20761

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

Further information (see contact names below) and additional information on page four:

- **Voluntary Brownfield Program:** Contact Stacey Hendry-Van Patten at 651-757-2425 or Hans Neve at 651-757-2608.
- **Cooperative Cleanup Memorandum:** Contact Sandeep Burman at 651-757-2256, Doug Beckwith at 1-218-302-6611, or Hans Neve at 651-757-2608.
- The MPCA can also be reached toll free at 1-800-657-3864.
Minnesota Duty Officer 1-800-422-0798 or 651-649-5451 (24 hours a day).

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.**

* Subject Property Information

Preferred Site Name (≤ 4 words): Vacant Industrial Facility Former Progress Coatings #2

Previous Site name (if known): _____

Previous MPCA site ID number (if known): VP20760 - INACTIVE

Address: 2600 Niagara Lane North

City (or Township): Plymouth County: Hennepin Zip: 55447

Public land survey coordinates: Qtr: SE Section: 21 Twshp: 118N Range: 22W

Property Identification Number (PIN)
(if more than one, please list all): 21-118-22-43-0016

Approximate property size: 11.69

* Applicant Information

Name: Dr. Donald Krantz Title: Chief Operating Officer

Organization: Proto Labs, Inc. Phone: 877.479.3680 Fax: 763.479.2679

Address: 5540 Pioneer Creek Road E-mail (optional): _____

City: Maple Plain State: MN Zip: 55359

*** Please provide one of the following:**

State taxpayer ID#: _____ Federal taxpayer ID#: 41-1939628

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

Name: _____ Title: _____

Organization: _____ Phone: _____

Address: _____ E-mail (optional): _____

City: _____ State: _____ Zip: _____

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

Name: John Ferrier Title: Director of Architecture
Organization: CSM Equities, LLC Phone: 612-395-7000
Address: 500 Washington Avenue South #3000 E-mail (optional): jferrier@csmcorp.net
City: Minneapolis State: MN Zip: 55415

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

Name: Tim Lenway Phone: 952.995.2488 Fax: 952.995.2020
Organization: Braun Intertec E-mail (optional): tlenway@braunintertec.com
Address: 11001
City: Bloomington State: MN Zip: 55438

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

Name: Ms. Stacey L. Braybrook Phone: 612.766.8037 Fax: 612.766.1600
Organization: Faegre Baker Daniels, LLP E-mail (optional): stacey.braybrook@FaegreBD.com
Address: 2200 Wells Fargo Center, 90 South Seventh Street
City: Minneapolis State: MN Zip: 55402-3901

*** Spatial Data Information Requirement**

Site location point description (select one): Center of Site Main/Front Door Front Gate/Main Entrance
Latitude/Easting/X coordinate: 45.009
Longitude/Northing/Y coordinate: 93.471
Collection method (select one): GPS-Survey Quality GPS-Receiver Interpolation DOQ
Collection date (enter into text box using format M/D/YYYY): 5/9/2013
Organization name of who collected spatial data: Braun Intertec
Organization type of who collected spatial data (select one):
 City office Developer State office
 County office Indian tribe Voluntary/Responsible party
 Consultant

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

Section A - Known or Suspected Contaminant Type

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

Section B - Responsible Party Status for a Non-Petroleum Release

1. Is redevelopment of the property in progress or imminent? Yes No
2. Is the applicant a potential responsible party for the non-petroleum release under Minn. Stat. § 115B.03? Yes No

Please carefully consider the language below and also the language in Minn. Stat. § 115B <https://www.revisor.mn.gov/statutes/?id=115B> in answering question #2.

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

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

If you are a Responsible Party under Minn. Stat. § 115B and there is no redevelopment at the property, skip Section C and complete Section D below. Responsible parties that have only a sale of the property planned or in progress with no specific plans for redevelopment are not eligible for the Brownfield Program (Section C) but may apply for Cooperative Cleanup Assistance using Section D below.

Section C - Voluntary Brownfield Program Assistance/Assurances

Description of applicant's request (select all that apply)

Assistance for petroleum releases

(See Guidance Document c-brwnfld4-01 Brownfields Program Services for a detailed description of the following services.)

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

Assistance for non-petroleum releases

(See Guidance Document c-brwnfld4-01 Brownfields Program Services for a detailed description of the following services.)

- Technical review or third-party review only.
- Lender Letter or Lender No Association Determination.
- No Association Determination.
 - For a **No Association Determination** request, please include a Proposed Actions Letter that includes a statement on any association with the property and releases at the property by the party(s) requesting the determination, and a list of the actions the party(s) intend/s to take at the site.
- Retroactive No Association Determination.
 - For a **Retroactive No Association Determination** request, please include:
 1. A Past Actions Letter that includes a statement on any past association with the property and releases at the property by the party(s) requesting the determination, and a list of the actions the party(s) took at the site; and
 2. 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 Action or No Further Action Letter.
- Off-Site Source Determination under the Land Recycling Act (Minn. Stat. § 115B.177).
- Certificate of Completion under the Land Recycling Act (Minn. Stat. § 115B.175).

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

(such as Minnesota Department of Employment and Economic Development (DEED), Metropolitan Council, or County cleanup grants) For a list of grant sources, please see the *Brownfield Resource Guide* located at <http://www.pca.state.mn.us/lupg7f9>.

- Yes
- No or unknown at this time.

Section D - Cooperative Cleanup Assistance

The MPCA has developed a Cooperative Cleanup Memorandum (CCM) by which a cooperative Responsible Party (RP) and MPCA agree on shared expectations for a full and timely cleanup. The RP also agrees to reimburse the MPCA costs related to the site. If the RP complies with the executed CCM, the MPCA will not list the site on the Minnesota Environmental Response and Liability Act (MERLA) Permanent List of Priorities, issue a MERLA Request for Response Action, refer the site to the U.S. Environmental Protection Agency, or pursue the other formal processes for compelling and overseeing the RP's investigation and response. When the CCM cleanup is done, the RP can expect a formal letter from MPCA that no further cleanup is required (with reopeners for newly discovered conditions and risks). A RP is not eligible for the full set of assurances possible for a volunteer.

Description of applicant's request

- Applicant intends to enter into a CCM with the MPCA and applicant intends to complete a full investigation and remediation (if needed) of the site in a timely manner.
- Applicant will request MPCA to issue a No Action or No Further Action Letter after the full investigation and remedy are complete.

Section E - Additional Information

MPCA review timeframe

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

Phase I Environmental Assessment Reports

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

The MPCA Voluntary Brownfield Program will not accept Phase I ESA's older than one year from the date of submittal of this application. In some cases Phase I ESA's older than one year can be submitted with a Phase I ESA update. The following items must be submitted as part of the Phase I ESA prepared in accordance with the AAI standard:

1. A complete narrative of the site history and an executive summary of the Phase I ESA.
2. Site maps with legend, scale, north arrow, property boundaries, structures/features, locations of recognized environmental conditions known and/ or potential recognized environmental conditions, adjacent properties.
3. Legible copies of documents used in support of the Phase I ESA findings, results and conclusions including questionnaires, interviews, maps (including topographic maps), aerial photos, site photos, regulatory database search reports, fire insurance maps, city directories, local government file summaries and relevant excerpts from previous environmental reports.
4. Environmental professional's Phase I ESA performance and qualifications statement, and signature as required by the AAI standard.

MPCA staff may request information beyond the minimum requirements when needed to support review and approvals requested by the applicant.

Submittal Requirements

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

Phase II ESA, Nova, May 3, 2005; Limited Phase II Subsurface Investigation Report, June 15, 2005; Phase I ESA, Braun Intertec, May 9, 2013; Phase II ESA, Braun Intertec, June 18, 2013; Proposed Actions Letter, Braun Intertec, June 21, 2013.

Note: Submit one paper copy and one electronic copy of all reports except for applicants that are requesting both petroleum and non-petroleum services. These applicants should submit two paper copies of all reports and one electronic copy. Documents submitted to the MPCA are considered public unless otherwise classified by the Minnesota Data Practices Act. Requests to classify documents as non-public must be submitted to the MPCA in writing.

For Voluntary Brownfield Program Applicants

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

For Cooperative Cleanup Program Applicants

- Applicant intends to enter into a Cooperative Cleanup Memorandum with MPCA. Applicant understands that a Responsible Person is required to fully investigate and remedy the release(s) from a site in a timely manner.
- Hereby agrees to pay the costs of the MPCA 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.

Certification

The **applicant** or other person signing below on behalf of applicant (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 MPCA Commissioner for assistance as requested by this application. The **applicant** understands this assistance may include the review of MPCA records and files, and review and approval of investigation plans and reports as well as response action plans and oversight of implementation actions.

Name (print): Dr. Donald Krantz

Title: Chief Operating Officer

Organization name: Proto Labs, Inc.

Signature: 

Date: 6-29-2013

Letter of Transmittal _____

Braun Intertec Corporation

BRAUNSM
INTERTEC

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

Date: June 27, 2013
Job No.: BL-13-01748 and BL-13-01748A
Phone: _____

Re: Vacant Industrial Building in Plymouth, Minnesota

I am sending you the following items:

Enclosed

Copies of each of the following:

Under separate cover via

- 2 Bound copies Braun Intertec Phase I Environmental Site Assessment dated 5/9/2013 (BL-13-01748)
- 2 Bound copies Braun Intertec Phase II Environmental Site Assessment dated 6/18/2013 (BL-13-01748)
- 2 copies Braun Intertec Proposed Actions and Request for No Association, No Action Determination and Leak Site File Closure letters dated 6/26/2013 (BL-13-01748A)
- 1 copy MPCA Voluntary Remediation Programs Enrollment Application Form – Voluntary Brownfield Program Cooperative Cleanup Memorandum (CCM)
- 2 copies Phase II Environmental Site Assessment dated 5/3/2005 – prepared by Nova Consulting Group
- 2 copies Phase I Environmental Site Assessment dated 2/28/2005 – prepared by Nova Consulting Group
- 2 copies Limited Phase II Subsurface Investigation Report dated 6//2011 – prepared by Nova Consulting Group
- 2 CD copies of all reports listed above

These are being sent: x For approval For review and comment For your use As requested

Copy to: _____

Signed: _____
Name: Faye Ross for Todd Lantto/Tim Lenway
Title: _____
Phone: _____

Braun Intertec Corporation
11001 Hampshire Avenue South
Minneapolis, MN 55438
Phone: (952) 995-2000 Fax: 952-995-2020

RECEIVED
JUN 27 2013
BY: _____