



# 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](http://www.pca.state.mn.us) | Equal Opportunity Employer

March 29, 2013

Mr. Mark Garner  
Senior Project Coordinator  
Minneapolis Department of Community Planning  
and Economic Development  
105 5th Avenue South, Suite 200  
Minneapolis, Minnesota 55401-2534

RE: Minnehaha Industrial Park Parcel A  
MPCA Project Number VP 14411  
PIN 36-029-24-31-0025  
Response Action Plan Implementation Report Approval and  
No Further Action Determination

Dear Mr. Garner:

The Minnesota Pollution Control Agency (MPCA) staff in the Voluntary Investigation and Cleanup (VIC) Program has reviewed the Report entitled "Interim Response Action Plan/Construction Contingency Implementation Report" prepared by Braun Intertec (Braun) and dated February 18, 2013, along with the representations made in a March 27, 2013 e-mail from Chris McElligott of Braun to Gerald Stahnke of the MPCA. Together these documents serve as the RAP implementation report (RAP Implementation Report) for the Minnehaha Industrial Park Parcel A site located at the address referenced above (the Site).

The MPCA staff has reviewed the information submitted for the Site. Historically, the Site was a part of the former Soo Line Railroad Hiawatha Avenue Yard Facility and included a small pump house, well, scale and railroad tracks. The Site was vacated in the mid-1980s and has remained open space since that time. A subsurface investigation of the soil, soil gas and groundwater was conducted at the Site which found both petroleum and non-petroleum impacted soil. The petroleum impacted soil is being handled by the MPCA's Petroleum Brownfield Program (PBP).

The majority of the Site was found to contain concrete rubble, ash and clinker fill. This fill contains antimony, arsenic, beryllium and copper in soil at levels that exceed the MPCA's Tier II Residential Soil Reference Values (SRVs). For purposes of this letter, the identified release is defined as antimony, arsenic, beryllium and copper in the soil (Identified Release to Soil).

The RAP Implementation Report provides the details of the response actions completed at the Site to include the sealing of a well in accordance with Minnesota Department of Health requirements and the field screening and removal of 8,300 yards of fill soils and concrete rubble. Upon removal of the excavated soils, the excavated area was then backfilled with imported pit-run granular soil.

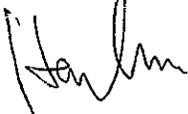
Based on a review of the RAP Implementation Report, it is hereby approved pursuant to Minn. Stat. § 115B.175 (2012).

Mr. Mark Garner  
Page 2  
March 29, 2013

In addition to approving the RAP Implementation Report, the MPCA staff has been requested to provide a No Further Action determination for the Site. Based on a review of the information provided to the MPCA, the MPCA staff will not request any further investigation or remediation of the Identified Release to Soil at the Site. Furthermore, the MPCA is issuing a determination to take no action under Minn. Stat. §§ 115B.01-115B.18, with respect to the Identified Release to Soil. Specifically, the MPCA staff will not refer the Identified Release to Soil to the U.S. Environmental Protection Agency for inclusion on the Comprehensive Environmental Response, Compensation and Liability Information System list, to the State Site Assessment staff for preparation of a Hazard Ranking System score, or to the MPCA Commissioner for the placement of the Site on the Permanent List of Priorities.

Please be advised that the determinations made in this letter are subject to the disclaimers found in Attachment A. If you have any questions about the contents of this letter, please contact Gerald Stahnke, Project Manager, at 651-757-2753.

Sincerely,



Hans Neve  
Supervisor  
Site Remediation and Redevelopment Section  
Remediation Division

HN:jmp

Attachment

cc: Tom Frame, City of Minneapolis  
David Jaeger, Hennepin County  
Chris McElligott, Braun Intertec

ATTACHMENT A  
DISCLAIMERS  
Minnehaha Industrial Park Parcel A  
MPCA Project Number VP 14411  
PIN 36-029-24-31-0025

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.



# Minnesota Pollution Control Agency

520 Lafayette Road North | St. Paul, MN 55155-4194 | 651-296-6300 | 800-657-3864 | 651-282-5332 TTY | [www.pca.state.mn.us](http://www.pca.state.mn.us)

April 8, 2013

Mr. Andy Carlson  
City of Minneapolis, Department of Community Planning and Economic Development  
105 Fifth Avenue South, Suite 200  
Minneapolis, MN 55401-2534

RE: Completion of Voluntary Response Actions for Petroleum Contamination  
Site: CPED Parcel A, 2600 Minnehaha Ave. S., Minneapolis  
Petroleum Brownfields Site ID#: PB3807

Dear Mr. Carlson:

The Minnesota Pollution Control Agency (MPCA) Petroleum Brownfields Program (PBP) staff has reviewed the "Interim Response Action Plan/Construction Contingency Implementation Report" report dated February 18, 2013 prepared by Braun Intertec, describing your management of petroleum impacted soils as part of voluntary cleanup work completed at the above-referenced site.

Based on the information provided, PBP staff has concluded that soils were managed as proposed. Thank you for your participation in the Petroleum Brownfields Program. If you have any questions regarding this letter, please call me at 651-757-2569 or at [amy.miller@state.mn.us](mailto:amy.miller@state.mn.us).

Sincerely,

A handwritten signature in black ink, appearing to read "Amy Miller", is written over a light blue horizontal line.

Amy Miller  
Project Manager  
Petroleum Remediation Section  
Remediation Division

ACM:tf

cc: Christopher McElligott, PE, Braun Intertec Corporation

## Garner, Mark

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**From:** McElligott, Chris <CMcElligott@braunintertec.com>  
**Sent:** Friday, October 18, 2013 8:04 AM  
**To:** Garner, Mark  
**Cc:** Williams, Mike D.  
**Subject:** FW: Parcel A - RAP Approval E-mail

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**From:** Stahnke, Gerald (MPCA) [mailto:Gerald.Stahnke@state.mn.us]  
**Sent:** Wednesday, March 27, 2013 9:36 AM  
**To:** McElligott, Chris  
**Subject:** RE: Parcel A - RAP Approval E-mail

Chris, I agree. I plan to approve the RAP Implementation Report and draft a No Action letter for PEER Review. Jerry.

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**From:** McElligott, Chris [mailto:CMcElligott@braunintertec.com]  
**Sent:** Wednesday, March 27, 2013 9:16 AM  
**To:** Stahnke, Gerald (MPCA)  
**Subject:** RE: Parcel A - RAP Approval E-mail

Jerry,

I reviewed the RAP/CCP for the site, which was prepared in 2009. The background section of the RAP summarized contaminants and concentrations detected at the site. The railroad yard fill contained varying amounts of cinders, ash, and/or clinkers, low concentrations of DRO, and metals below the Industrial SRVs; with the exception of one location (Test Pit TP-4) where a sample exhibited a total lead concentration that exceeded the Industrial SRV. During RAP implementation, the entire thickness of fill at TP-4 (and a large portion of the site) was excavated and disposed. Also, the area with petroleum impacts was excavated to depths ranging from approximately 7 to 10 feet below grade.

The portion of the site that has not yet been soil corrected (a strip along the western side and a portion along the southern side) will likely be developed as paved areas and green space during future site redevelopment (a specific development is not yet planned). The RAP/CCP indicates that the old fill will be excavated to an estimated depth of 6 inches to 1 foot below finished grade in paved areas, and that a 4-foot buffer of soils with contaminant levels less than the Residential SRVs and SLVs would be placed over any impacted soil remaining in place. Analytical data from within the area that was not excavated indicates contaminant concentrations below Industrial SRVs. During site redevelopment, any old fill that is excavated is planned to be handled in accordance with the RAP/CCP.

Based on this information and our understanding of current MPCA policy regarding deed restrictions, in our opinion a deed restriction should not be required for the site. Please contact me if you have questions or want to discuss.

Thanks,  
Chris



Employee Ownership  
working for you

**Christopher D. McElligott, PE**  
Senior Engineer  
11001 Hampshire Avenue S | Minneapolis, MN 55438  
952.995.2470 direct | 612.360.0726 mobile  
[cmcelligott@braunintertec.com](mailto:cmcelligott@braunintertec.com)  
[braunintertec.com](http://braunintertec.com) | [Twitter: Braun Intertec](#) | [LinkedIn: Braun Intertec](#)

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**From:** Stahnke, Gerald (MPCA) [<mailto:Gerald.Stahnke@state.mn.us>]  
**Sent:** Monday, March 25, 2013 2:46 PM  
**To:** McElligott, Chris  
**Subject:** RE: Parcel A - RAP Approval E-mail

Chris... as we discussed, here are our current requirements for a deed restriction which you can contrast to the situation at this site.

**Gerald.J. Stahnke**  
Project Manager  
Voluntary Investigation and Cleanup  
Remediation Division  
Minnesota Pollution Control Agency  
St. Paul, Minnesota 55155-3864

651-757-2753 **Work Phone**  
651-296-9707 **Fax**  
[Gerald.stahnke@state.mn.us](mailto:Gerald.stahnke@state.mn.us) **E-mail**

**Minnesota Pollution  
Control Agency**



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**From:** McElligott, Chris [<mailto:CMcElligott@braunintertec.com>]  
**Sent:** Monday, March 25, 2013 2:20 PM  
**To:** Stahnke, Gerald (MPCA)  
**Subject:** Parcel A - RAP Approval E-mail

Jerry,

Here is the e-mail you requested. I will call you to discuss.

Thanks,  
Chris

**BRAUN  
INTERTEC**

Employee Ownership  
working for you

**Christopher D. McElligott, PE**  
Senior Engineer  
11001 Hampshire Avenue S | Minneapolis, MN 55438  
952.995.2470 direct | 612.360.0726 mobile  
[cmcelligott@braunintertec.com](mailto:cmcelligott@braunintertec.com)  
[braunintertec.com](http://braunintertec.com) | [Twitter: Braun Intertec](#) | [LinkedIn: Braun Intertec](#)

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**From:** Stahnke, Gerald [<mailto:Gerald.Stahnke@state.mn.us>]  
**Sent:** Thursday, October 29, 2009 11:09 AM  
**To:** [andrew.carolson@ci.minneapolis.mn.us](mailto:andrew.carolson@ci.minneapolis.mn.us)  
**Cc:** Haas, Jennifer; Lenway, Tim; McElligott, Chris; Jaeger,Dave[Hennepin Co]  
**Subject:** Minnehaha Industrial Park Parcel A

Mr. Andrew Carlson  
105 Fifth Ave South  
Suite 200  
Minneapolis, MN 55401

RE : Minnehaha Industrial Park Parcel A  
VP 14411  
Response Action Plan Approval

Dear Mr. Carlson:

The Minnesota Pollution Control Agency (MPCA) Voluntary Investigation and Clean Up (VIC) staff has reviewed the report for the above referenced site (the Site) entitled "Response Action Plan and Construction Contingency Plan" prepared by Braun Intertec, dated September 15, 2009. " (RAP).

Based on the review of the RAP, it is hereby approved pursuant to Minn. Stat. § 115B.17, subd. 14. This approval is subject to the disclaimers found in Attachment A and the modifications found In Attachment B. If you have any questions on the above, please contact Jennifer Haas at (651) 651-757-2401 or me at (651) 757-2753.

Sincerely,

Gerald J. Stahnke  
Project Manager  
Superfund and Voluntary Cleanup  
Remediation Division

GJS:  
Enclosure

cc: Dave Jaeger, Hennepin County

ATTACHMENT A  
DISCLAIMERS  
Minnehaha industrial Park Parcel A  
VP14411

1. Reservation of Authorities

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2. No MPCA Assumption of Liability

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### 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

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### 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  
Modifications  
Minnehaha industrial Park Parcel A  
VP14411

1. Stockpiled soils shall be placed on and covered by 10-mil polyethylene sheeting, rather than 6-mil
2. In the event that any suspected hazardous substances are encountered during Site activities (i.e., demolition, grading, redevelopment, etc.), CPED shall notify the MPCA project staff immediately in order to determine appropriate handling, sampling, analysis, and disposal of such wastes;
3. CPED shall record, at its own expense, in the office of the County Recorder or Registrar of Titles, whichever is appropriate, in and for Hennepin County, an Environmental Covenant approved by the MPCA as provided in the Uniform Environmental Covenants Act, Minn. Stat. ch. 114E (Supp. 2007) ("UECA"). The Environmental Covenant shall prohibit any development of the Site which would expose or disturb the contaminated subsurface without receiving prior written approval from the MPCA or its successors. The Environmental Covenant must also contain the information described in Minn. Stat. § 115B.16, subd. 2; i.e., it must contain a description of the identity, quantity, location, condition and circumstances of contamination currently located on the property, to the full extent known or reasonably ascertainable. This description shall include information disclosing that the Site soil is contaminated above residential SRV's. The Environmental Covenant shall be recorded as provided in UECA. A copy of the proposed Environmental Covenant language shall be submitted to the MPCA staff for review and approval within sixty (60) days receipt of this letter and CPED shall file the Environmental Covenant within thirty (30) days after receipt of MPCA approval. CPED shall submit a copy of the Environmental Covenant as recorded to the MPCA within thirty (30) days after the Environmental Covenant is officially recorded. CPED shall provide notice of the Environmental Covenant to those parties to whom notice is required under UECA.

## Garner, Mark

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**From:** McElligott, Chris <CMcElligott@braunintertec.com>  
**Sent:** Friday, October 18, 2013 8:04 AM  
**To:** Garner, Mark  
**Cc:** Williams, Mike D.  
**Subject:** FW: Parcel A - RAP Approval E-mail

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**From:** Stahnke, Gerald (MPCA) [<mailto:Gerald.Stahnke@state.mn.us>]  
**Sent:** Wednesday, March 27, 2013 3:53 PM  
**To:** McElligott, Chris  
**Subject:** RE: Parcel A - RAP Approval E-mail

Thanks, this is helpful, I didn't have the 2009 reports handy

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**From:** McElligott, Chris [<mailto:CMcElligott@braunintertec.com>]  
**Sent:** Wednesday, March 27, 2013 3:24 PM  
**To:** Stahnke, Gerald (MPCA)  
**Subject:** RE: Parcel A - RAP Approval E-mail

Yes, land is vacant.

Groundwater was investigated in the 80's, when the site was a part of the larger Former Soo Line Railroad Hiawatha Avenue Yard Facility site. The investigations are summarized in the Phase I ESA for the site dated January 18, 2006.

More recently, an Additional Environmental Assessment (report dated August 24, 2009) was conducted at the site which included installation and sampling of 4 temporary groundwater monitoring wells and collecting soil gas samples from 7 soil probes. The results indicated DRO impacts to groundwater in the southwestern portion of the site.

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**From:** Stahnke, Gerald (MPCA) [<mailto:Gerald.Stahnke@state.mn.us>]  
**Sent:** Wednesday, March 27, 2013 3:03 PM  
**To:** McElligott, Chris  
**Subject:** RE: Parcel A - RAP Approval E-mail

Also...I didn't see mention of a ground water investigation. Was there one conducted?

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**From:** Stahnke, Gerald (MPCA)  
**Sent:** Wednesday, March 27, 2013 2:41 PM  
**To:** 'McElligott, Chris'  
**Subject:** RE: Parcel A - RAP Approval E-mail

Thanks...please confirm the present land use. Is it still vacant land?

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**From:** McElligott, Chris [<mailto:CMcElligott@braunintertec.com>]  
**Sent:** Wednesday, March 27, 2013 2:06 PM  
**To:** Stahnke, Gerald (MPCA)  
**Subject:** RE: Parcel A - RAP Approval E-mail

Jerry,

Please address the letter to:

Mark Garner  
Senior Project Coordinator  
Minneapolis Department of Community Planning  
and Economic Development  
105 5th Avenue South, Suite 200  
Minneapolis, Minnesota 55401-2534  
(612) - 673-5037 (phone)

The PIN Number is 36-029-24-31-0025.

Thanks,  
Chris



Employee Ownership  
working for you

**Christopher D. McElligott, PE**  
Senior Engineer  
11001 Hampshire Avenue S | Minneapolis, MN 55438  
952.995.2470 direct | 612.360.0726 mobile  
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[braunintertec.com](http://braunintertec.com) | [Twitter: Braun Intertec](#) | [LinkedIn: Braun Intertec](#)

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**From:** Stahnke, Gerald (MPCA) [<mailto:Gerald.Stahnke@state.mn.us>]

**Sent:** Wednesday, March 27, 2013 1:34 PM

**To:** McElligott, Chris

**Subject:** RE: Parcel A - RAP Approval E-mail

Chris, I just sent you a voice mail questioning if we needed a new application. Ignore it. I discovered there was an incorrectly placed application associated with a past VP in our database which generated my phone call. But Andy Carlson's application was also there...**But I will still need the PIN Number...**otherwise, I think we are good to go