



Minnesota Pollution Control Agency

520 Lafayette Road North | St. Paul, Minnesota 55155-4194 | 651-296-6300

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December 6, 2011

Mr. Dave Mandt
Minnehaha Creek Watershed District
18202 Minnetonka Boulevard
Deephaven, MN 55391



RE: Atlas Cold Storage #2, 325 Blake Road North, Hopkins
MPCA Project Number VP23681
PIN 1911721140002
No Association Determination

Dear Mr. Mandt:

This letter is in response to the request from J. Joseph Otte of Wenck Associates, Inc on behalf of Mr. Dave Mandt of the Minnehaha Creek Watershed District (MCWD) for a determination under Minn. Stat. § 115B.178 that certain actions proposed to be taken by MCWD at the Atlas Cold Storage site, located at the address referenced above (the Site), will not constitute conduct associating MCWD with the release or threatened release of hazardous substances, pollutants, or contaminants at the Site for the purpose of Minn. Stat. § 115B.03, subd. 3(4) (2010).

The Minnesota Pollution Control Agency (MPCA) staff in the Voluntary Investigation and Cleanup (VIC) Unit has reviewed the documents submitted for the Site. The Site is currently occupied by a 215,000 square-foot cold storage warehouse building. The Site was developed as a farmstead from at least 1937 until construction of the current Site building in 1951. The building has been used for cold storage since 1951.

Subsurface investigations conducted in July 2007 identified polyaromatic hydrocarbons (PAHs) in the Site soils. The calculated benzo(a)pyrene equivalent values of the PAH concentrations exceed the MPCA Soil Reference Value for industrial use. For the purpose of this letter, the identified release at the Site consists of the compounds listed in Attachment B by environmental media (Identified Release).

Based upon a review of information provided to the MPCA VIC Program, and subject to the conditions set forth in this letter, a determination is hereby made pursuant to Minn. Stat. § 115B.178, subd. 1 that the Proposed Actions listed below will not associate MCWD with the Identified Release for the purpose of Minn. Stat. § 115B.03, subd. 3(4) (2010). This determination applies only to the following Proposed Actions:

- Acquisition of the Site;
- Continued use of the Site as a cold storage warehouse; and
- Site preparation for development and soil management in accordance with an MPCA-approved development Response Action Plan (RAP).

This determination is made in accordance with Minn. Stat. § 115B.178, subd. 1, and is subject to the following conditions:

1. The Proposed Actions shall be carried out as described herein;

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2. MCWD shall cooperate with the MPCA, its employees, contractors, and others acting at the MPCA's direction, in the event that the MPCA takes, or directs others to take, response actions at the Site to address the Identified Release or any other as yet unidentified release or threatened release of a hazardous substance, pollutant, or contaminant, including, but not limited to, granting access to the Site so that response actions can be taken;
3. MCWD shall avoid actions that contribute to the Identified Release or that interfere with response actions required under any MPCA-approved response action plan to address the Identified Release;
4. In the event that any suspected hazardous substances are encountered during Site activities (i.e., demolition, grading, redevelopment, etc.), MCWD shall notify the MPCA project staff immediately in order to determine appropriate handling, sampling, analysis, and disposal of such wastes; and
5. MCWD shall submit a RAP for the proposed redevelopment of the Site for approval by MPCA staff.

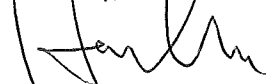
Pursuant to Minn. Stat. § 115B.178, subd.1, when MCWD takes the Proposed Actions in accordance with the determination in this letter, subject to the conditions stated herein, the Proposed Actions will not associate MCWD with the Identified Release for the purpose of Minn. Stat. § 115B.03, subd. 3(4) (2010).

The determination made in this letter applies to MCWD's successors and assigns if the successors and assigns: 1) are not otherwise responsible for the Identified Release at the Site; 2) do not engage in activities with respect to the Identified Release which are substantially different from the activities which MCWD proposes to take, as described in the Letter; and 3) comply with the conditions set forth in this letter.

Please be advised that the determination made in this letter is subject to the disclaimers found in Attachment A and is contingent on compliance with the terms and conditions set forth herein including the submittal and subsequent approval of a RAP.

If you have any questions about the contents of this letter, please contact Amy Miller, Project Manager, at 651-757-2569 or Shanna Schmitt, Hydrogeologist, at 651-757-2697.

Sincerely,



Hans Neve, Supervisor
VIC and Emergency Response Section
Remediation Division
HN:jmp

Attachments

cc: Terry Obermaier, City Clerk, Hopkins
Dave Jaeger, Hennepin County Environmental Services
J. Joesph Otte, Wenck Associates Inc
Laura Graf, Attorney, Barnes & Thomburg LLP

ATTACHMENT A
DISCLAIMERS
Atlas Cold Storage #2
MPCA Project Number VP23681

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.



ATTACHMENT B
IDENTIFIED RELEASE
Atlas Cold Storage #2
MPCA Project Number VP23681

Identified Release to Soil
Anthracene
Acenaphthylene
Benzo(a)anthracene
Benzo(a)pyrene
Benzo(a)fluoranthene
Benzo(g,h,i)perylene
Benzo(k)fluoranthene
Chrysene
Dibenz(a,h)anthracene
Fluoranthene
Indeno(1,2,3-c,d)pyrene
Phenanthrene
Pyrene

