



# 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)

October 28, 2010

Mr. Nick Eoloff  
Minneapolis Park and Recreation Board  
2117 West River Road  
Minneapolis, Minnesota 55411

RE: Scherer Bros - Minneapolis Site  
Parcels between 8<sup>th</sup> Avenue NE & 10 Avenue NE and  
Sibley Street & the Mississippi River, Minneapolis  
MPCA Project Number VP26370  
Response Action Plan Approval

Dear Mr. Eoloff:

The MPCA staff in the Voluntary Investigation and Cleanup Unit (VIC Program) has reviewed Peer Engineering's "Additional Investigation and Response Action Plan, Former Scherer Bros. Lumber, Minneapolis" (Response Action Plan), dated October 6, 2010. The Response Action Plan, submitted for the portion of the Scherer Bros - Minneapolis Site (Site) west of vacated Water Street, describes the response action tasks to address buried debris and contaminated soil that were used for fill either prior to or at the time of the development of the Site as a lumberyard. The proposed future land use for the west portion of the Site is park land.

Environmental investigation of the Site from 2009 to 2010 included soil borings and analytical testing of soil samples. The investigation determined the general extent and magnitude of buried debris and soil containing polynuclear aromatic hydrocarbons (PAHs), lead, arsenic, and mercury at concentrations above the MPCA Soil Reference Values for recreational properties. Some soil samples also exceeded the MPCA Soil Leaching Values (SLVs). However, given the nature of the analytical methods and distribution of the soils exceeding the SLVs, the SRVs for recreational properties are a more reasonable measure of the potential health risks at the west portion of the Site.

The Response Action Plan tasks include the following:

- Limited soil analytical testing to further refine the extent of known areas of soil contamination and characterize highly impacted soil for landfill disposal;
- Demolition, removal, recycling and disposal of two existing sheds, pavement and granular sub-base to access contaminated soil and debris;
- Excavation, monitoring, screening, testing, transportation and disposal of soil contaminated with PAHs, lead, arsenic and mercury at concentrations above the SRVs for recreational properties;
- Excavation, screening, transportation, recycling and landfill disposal of buried debris such as wood and concrete wastes;
- Monitoring, screening, testing and reuse of soil as fill that meets the MPCA criteria for unregulated fill;
- Contingency measures in the event that unexpected buried debris and/or contaminated soil or debris is encountered during the response actions and redevelopment of the western portion of the Site;

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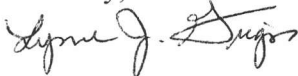
- Regrading, riverbank stabilization, stormwater management, and placement of a six inch cover of topsoil on the western portion of the Site to reduce the potential for erosion during high rainfall or snowmelt events; and
- Submittal of a Response Action Plan Implementation Report to the MPCA for review and approval.

The MPCA hereby approves the Response Action Plan tasks pursuant to Minn. Stat. § 115B.17, with the following two modifications:

- Areas that are not paved shall be vegetated or covered with erosion resistant materials such as gravel to further reduce the risk of erosion to the Mississippi River; and
- If any soil remains with contamination at concentrations above the MPCA SRVs for residential properties and/or any buried debris remains at the Site, the Minneapolis Park Board 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 affidavit describing the contamination and/or buried debris remaining at the Site in the form attached as Attachment B. A copy of the proposed affidavit language shall be submitted to the MPCA staff for review and approval with the Response Action Plan Implementation Report and the Minneapolis Park Board shall record the affidavit within thirty (30) calendar days after receipt of MPCA approval. The Minneapolis Park Board shall submit a copy of the affidavit as recorded to the MPCA within thirty (30) days after the affidavit is officially recorded.

Standard disclaimers are included in Attachment A. Please feel free to contact me if you have any questions or concerns at 651-757-2399.

Sincerely,



Lynne J. Grigor  
Project Manager  
VIC and Emergency Response Section  
Remediation Division

LJG/jmp

Attachments

cc: Bob Rykken, Peer Engineering  
Judd Rietkerk, Minneapolis Park and Recreation Board  
Thomas Frame, City of Minneapolis  
David Jaeger, Hennepin County Environmental Services

ATTACHMENT A  
DISCLAIMERS  
Scherer Bros - Minneapolis Site  
MPCA Project Number VP26370

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.



8. [Recite any other relevant history of the property, if any, such as whether a certificate of completion was issued.]

9. Any person who is planning any use or activity which may adversely affect the protectiveness of the response action or which has the potential to disturb the areas of contamination [or response action structures and equipment described above] should contact the Minnesota Pollution Control Agency prior to commencement of the planned activities.

10. [Add only if applicable under the circumstances:] The response actions at the property were approved by the MPCA based on the assumption that the property was to be used for [type of property use]. If the property use is changed, the change could associate the property owner with the release or threatened release of hazardous substances [or pollutants or contaminants] and could result in a requirement for performance of further response actions at the property.

[OWNER]

By \_\_\_\_\_  
<Name>

**ACKNOWLEDGMENT**

STATE OF MINNESOTA

COUNTY OF \_\_\_\_\_

On this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, before me a notary public within and for said County and State, personally appeared \_\_\_\_\_ and \_\_\_\_\_ to me personally known, who, being duly sworn by me on oath, did say that he/she/they is/are the person(s) who signed the foregoing instrument and acknowledged that he/she/they signed the same as free act and deed for the uses and purposes therein set forth.

Notary Public, \_\_\_\_\_ County, MN  
My commission expires \_\_\_\_\_

THIS INSTRUMENT WAS DRAFTED BY:

[add name and address  
of the individual who  
drafted this document]