



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 | Equal Opportunity Employer

April 4, 2013

Mr. Joe Otte
Wenck Associates, Inc.
360 North Robert Street, Suite 711
St. Paul, MN 55101

RE: TCAAP Redevelopment #2 Site, 2020 Highway Avenue, Arden Hills
MPCA Project Number VP22891
Contractor Letter

Dear Mr. Otte:

This letter is in response to your request for a Contractor Letter for Wenck Associates, Inc. (Wenck) for the activities to be conducted at the TCAAP Redevelopment #2 site, located at the address referenced above (the Site).

Minnesota Statutes § 115B.03, Subdivision 10, provides protection from liability for contractors under certain conditions specified in the statute. In general, when a contractor such as Wenck performs investigative or response actions at the site of a release or threatened release, such as the Site, the contractor is not responsible for the release or threatened release if the contractor performs those actions in accordance with a plan approved by the MPCA. Similarly, if a contractor such as Wenck performs development actions at the site of a release or threatened release, such as at the Site, the contractor is not responsible for the release or threatened release if the contractor complies with the terms and conditions of a contingency plan or other conditions approved by the MPCA.

Please be advised that the determination made in this letter is subject to the disclaimers found in Attachment A. If you have any questions about the contents of this letter, please contact Shanna Schmitt, Project Manager at 651-757-2697 or shanna.schmitt@state.mn.us.

Sincerely,

A handwritten signature in cursive script that reads "Shanna Schmitt".

Shanna Schmitt, Project Manager/Geologist
VIC Program
Site Remediation and Redevelopment Section
Remediation Division

SS:jmp

Attachment

cc: Mark Ryan, Carl Bolander & Sons Co.
Heather Worthington, Ramsey County

ATTACHMENT A
DISCLAIMERS
TCAAP REDEVELOPMENT #2 SITE
MPCA PROJECT NUMBER VP22891

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 creates 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.