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October 31, 2022

VIA EMAIL

Chris Stokka
Oxboro Villas, Limited Partnership
c/o MWF Properties LLC
7645 Lyndale Ave S
Minneapolis, MN 55423-4084

RE: Approval of Response Action Plan and Construction Contingency Plan
Oxboro Heights, 520 and 600 W 93rd St and 9216 Garfield Cr, Bloomington
MPCA Site ID: BF0002309
Billing ID: 253169
PINs: 10-027-24-33-0039, 10-027-24-33-0054, and 10-027-24-33-0058

Dear Chris Stokka:

The Minnesota Pollution Control Agency (MPCA) staff in the Voluntary Investigation and Cleanup (VIC) Program has reviewed the Response Action Plan and Construction Contingency Plan (RAP/CCP) submitted for the Oxboro Heights site, located at the address referenced above (the Site). The RAP/CCP dated August 26, 2022, was prepared and submitted on your behalf by Stantec Consulting Services, Inc. (Stantec).

The 2.05-acre Site consists of three parcels and has been developed since at least 1947. From 1971 through 2016, the 600 West 93rd Street Parcel was developed as a car wash. The eastern portion of the Site is occupied by one single-story residential dwelling. The remainder of the Site is vacant land with degraded bituminous pavement and dense tree growth on the northwest portion. MWF Properties, LLC intends to redevelop the Site with a five-story, multi-family, residential building with one level of underground parking, paved parking and drive areas, limited green space, and a stormwater detention and management system.

The Site lies within the Lyndale Avenue Corridor Superfund site, MPCA project numbers SR0001402 and SR0001348, which has been listed on the Minnesota Permanent List of Priorities (PLP) since August 24, 2016. The general area is impacted with contaminated groundwater and soil vapor. The primary contaminants are tetrachloroethene (PCE), trichloroethene (TCE), and associated degradation products.

A limited environmental investigation was completed at the Site in June 2022. Ten soil samples were collected from six soil borings and analyzed for volatile organic compounds (VOCs), polynuclear aromatic hydrocarbons (PAHs), Resource Conservation and Recovery Act (RCRA) metals, diesel range organics (DRO), and gasoline range organics (GRO). No VOCs or PAHs were detected in the soil samples. Metals were within the range of typical background concentrations. Groundwater was encountered at the Site at depths of approximately 26 to 27 feet below ground surface; two

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groundwater samples were collected from temporary monitoring wells and analyzed for VOCs, GRO, and DRO. Tetrachloroethene and TCE were detected in groundwater at concentrations greater than their respective Health Risk Limit (HRL) established by the Minnesota Department of Health for drinking water purposes, and cis-1,2-dichloroethene (cis-1,2-DCE) was detected in groundwater at concentrations less than its HRL.

Eight exterior soil vapor samples were collected at the Site in June and July 2022 (non-heating season), and PCE and TCE were detected in soil vapor at concentrations greater than the MPCA vapor mitigation action level of 33-times (33X) their respective residential intrusion screening value (ISV). A vapor mitigation system is required for the proposed building at the Site.

The RAP/CCP proposes demolition of the existing dwelling, proper management and disposal of contaminated soil encountered during construction activities, and the installation of a sub-slab depressurization system (SSDS) in the proposed building.

The RAP/CCP is approved, subject to the following conditions/clarifications:

1. This approval excludes contingency/response actions related to petroleum compounds at the Site. Technical assistance for petroleum can be requested from the MPCA's Petroleum Brownfield Program.
2. The MPCA's review of the RAP/CCP does not include a detailed review of the proposed engineering design for the vapor mitigation system. The MPCA relies on post-installation measurement of pressure field extension (PFE) and confirmation sample results to document that the vapor mitigation system has achieved the performance criteria outlined in MPCA guidance. The vapor mitigation system should include permanent sub-slab sampling points and diagnostic PFE testing points through the concrete slab to allow for evaluation of sub-slab vapor conditions and system diagnostics. Please refer to the MPCA's Vapor Intrusion Best Management Practices for guidance on diagnostic testing, system installation and confirmation sampling. An environmental covenant will be required to document the affirmative obligation to operate and maintain the vapor mitigation system.
3. For non-petroleum contaminants, a vertical soil buffer meeting residential soil reference values (SRVs) shall be established in all greenspace areas (four feet) and below new pavement/buildings (two feet).
4. Backfill within utility trenches at the Site shall meet MPCA's residential SRVs.
5. Confirmation soil samples shall be collected for laboratory analyses of VOCs, PAHs, and RCRA metals from the base and sidewalls of excavations in areas with known soil impacts or where field observations indicate contamination may exist. Please refer to MPCA sampling guidance for the recommended number of confirmation samples based on the size of the excavation.
6. Imported soil and excess fill targeted for off-site reuse shall be from a native source and/or meet the MPCA's criteria for unregulated fill. Soils that do not meet unregulated fill criteria may not be used at the discretion of the contractor or other project personnel.
7. Any contaminated soils removed from the Site must be treated or disposed of in a method approved by the MPCA. Contaminated soils transported to an approved landfill must be in compliance with all state and local permits. Please include all transportation and handling manifests for such soils in the final implementation report.
8. This RAP/CCP approval is contingent on the applicant obtaining all other required state, federal, and local government permits.

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9. MPCA Brownfield Program staff does not review or approve dewatering actions, including the testing, discharge and/or treatment of groundwater, stormwater, or any other dewatering action.
10. Oxboro Villas, Limited Partnership 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 and Easement (Environmental Covenant) approved by the MPCA as provided in the Uniform Environmental Covenants Act, Minn. Stat. ch. 114E (Supp. 2007) (UECA). Directions and a template for the Environmental Covenant and Easement can be found on the MPCA's webpage. A copy of the proposed Environmental Covenant language shall be submitted to the MPCA staff for review and approval along with the pending Implementation Report and Oxboro Villas, Limited Partnership shall file the Environmental Covenant within thirty (30) days after receipt of MPCA approval. Oxboro Villas, Limited Partnership shall submit a copy of the Environmental Covenant as recorded to the MPCA within thirty (30) days after the Environmental Covenant is officially recorded. Oxboro Villas, Limited Partnership shall provide notice of the Environmental Covenant to those parties to whom notice is required under UECA.

An implementation report describing the completed response actions, sampling results, soil management and disposal, and imported soils shall be prepared and submitted to the MPCA. If the implementation report will not be submitted within one year of the date of this letter, please notify the MPCA project staff of the status of the project.

This letter is subject to the disclaimers found in Attachment A. If you have any questions about this letter, please contact Shanna Schmitt, Hydrogeologist/Project Manager, at 651-757-2697 or by email at shanna.schmitt@state.mn.us.

Sincerely,

Shanna Schmitt

This document has been electronically signed.

Shanna Schmitt, PG, CPG
Hydrogeologist
Remediation Division

SS:ah

Enclosure

cc: Christina Scipioni, City of Bloomington (electronic)
John Evans, Hennepin County Environmental Services (electronic)
Ryan McElrath, Stantec (electronic)
Thomas Reppe, MPCA (electronic)

Attachment A**Disclaimers****Oxboro Heights****MPCA Site ID: BF0002309****1. Reservation of authorities**

The Minnesota Pollution Control Agency (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 the Commissioner's 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.

6. This approval does not supplant any applicable state or local stormwater permits, ordinances, or other regulatory documents.