

# PHASE I ENVIRONMENTAL SITE ASSESSMENT USER QUESTIONNAIRE FORM

**Property :** Bayfront Lots C and D      **Interviewer:** Eric Dott, Barr Engineering Company  
**Project No.:** 23691082      **Date:** 03/03/10

## User Information:

Name: Heidi Timm-Bijold      Tel. No.: 218.730.5324  
Position Title & Co. Manager Business Resources City of Duluth      Connection to Property: Staff familiar with property

## Introduction

In order to qualify for one of the Landowner Liability Protections (LLPs) offered by the Small Business Liability Relief and Brownfields Revitalization Act of 2001 (the "Brownfields Amendments"), the user must provide the following information (if available) to the environmental professional that will conduct the Environmental Site Assessment (ESA). Failure to provide this information could result in a determination that "all appropriate inquiry" is not complete. If your goals include protections afforded by the Act, you should consult with legal counsel as to your responses.

1. Why is the Phase I required and who will rely on the Phase I report? *Note: If User does not identify a purpose, assumption is to qualify for an LLP to CERCLA liability. 2004 Phase I ESA needs to be updated per MPCA, in order to have Phase II work plan reviewed for next phase of work. Was required by MPCA.*
2. Are you aware of any environmental cleanup liens against the Property that are filed or recorded under federal, tribal, state, or local law? If, yes, please describe.  
*No*
3. Are you aware of any activity and use limitations\*, such as engineering controls, land use restrictions or institutional controls that are in place at the Property or have been filed or recorded in a registry under federal, tribal, state or local law? If yes, please describe.  
*None of the above*
4. As the user of this ESA, do you have any knowledge or experience related to the Property or nearby properties? For example, are you involved in the same line of business as the current or former occupants of the Property or an adjoining property so that you would have knowledge of the chemicals and processes used by this type of business? If yes, please describe.  
*No*
5. Does the purchase price being paid for this Property reasonably reflect the fair market value of an uncontaminated property? If you conclude that there is a difference, have you considered whether the lower purchase price is because contamination is known or believed to be present at the Property?  
*I have no documentation to indicate that contamination was factored into the 1993 and 1994 purchase prices for the properties. DEDA has engaged a commercial real estate appraiser to value Lot C; scope of work does not include factoring in potential contamination.*
6. Are you aware of information about the Property that would help the environmental professional to identify conditions indicative of releases or threatened releases or hazardous substances or petroleum products? For example, as user:
  - a. Do you know the past uses of the Property? If yes, please explain.

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\* activity and use limitations —legal or physical restrictions or limitations on the use of, or access to, a property: (1) to reduce or eliminate potential exposure to hazardous substances or petroleum products in the soil or ground water on the property, or (2) to prevent activities that could interfere with the effectiveness of a response action, in order to ensure maintenance of a condition of no significant risk to public health or the environment. These legal or physical restrictions, which may include institutional and/or engineering controls, are intended to prevent adverse impacts to individuals or populations that may be exposed to hazardous substances and petroleum products in the soil or ground water on the property.

Yes, as based upon a previous Ph I conducted by Barr, 2004.

b. Do you know of specific chemicals that are present or once were present at the Property? If yes, please explain.  
Yes, based upon Phase II work conducted in 2004 (Barr report).

c. Do you know of spills or other chemical releases that have taken place the Property? If yes, please explain.  
No

d. Do you know of any environmental cleanups that have taken place at the Property? If yes, please explain.  
None to my knowledge

7. As the user of this ESA, based on your knowledge and experience related to the Property, are there any indicators that point to the presence or likely presence of contamination at the Property?

Yes, based on 2004 Phase II results and given the nature of former occupants identified in Ph I ESA (Barr, 2004).

8. Do any of the following documents exist for the Property? If so, please provide a copy to Barr either prior to, or at the time of, the site reconnaissance.

<i>Document type</i>	<i>Exists – yes or no</i>	<i>Comments</i>
Environmental site assessment reports	Yes	Ph I and II reports Barr, 2004
Environmental compliance audit reports	No	
Environmental permits (for example, solid waste disposal permits, hazardous waste disposal permits, wastewater permits, NPDES permits, underground injection permits)	No	
Registrations for underground and above-ground storage tanks	No	
Registrations for underground injection systems	No	
Material safety data sheets for chemicals used onsite	No	
Community right-to-know plan	No	
Safety plans; preparedness and prevention plans; spill prevention, countermeasure, and control plans; etc.	No	
Reports regarding hydrogeologic conditions on the Property or surrounding area	No	Except Phase II report (Barr, 2004) and on-going MPCA sediment sampling in adjoining water areas of harbor.
Notices or other correspondence from any government agency relating to past or current violations of environmental laws with respect to the Property or relating to environmental liens encumbering the Property	No	
Hazardous waste generator notices or reports	No	
Geotechnical studies for building foundations, etc.	No	
Risk assessments	No	

9. Do you know of:

i. Any pending, threatened, or past litigation relevant to hazardous substances or petroleum products in, on, or from the Property? If yes, please explain. No

ii. Any pending, threatened, or past administrative proceedings relevant to hazardous substances or petroleum products in, on or from the Property? If yes, please explain. No

iii. Any notices from any governmental entity regarding any possible violation of environmental laws or possible liability relating to hazardous substances or petroleum products associated with the Property? If yes, please explain. No

# INTERVIEW QUESTIONNAIRE FORM

Property : Bayfront Lots C and D

Interviewer: Eric Dott, Barr Engineering Company

Date: 03/03/10

## Person(s) Interviewed and Contact Information:

Name Heidi Timm-Bijold

Telephone Number 218.730.5324

Address Approximately 700 to 1000 West Rail Road Street, Duluth, MN

Position Title Manager Business Resources, City of Duluth

Years familiar with the Property about 10 years

If we have follow-up questions, how should we contact you? Call me

Name NA

Telephone Number \_\_\_\_\_

Address \_\_\_\_\_

Position Title \_\_\_\_\_

Years familiar with the Property \_\_\_\_\_

If we have follow-up questions, how should we contact you? \_\_\_\_\_

*Interviewee was asked to answer in good faith and to the extent of their knowledge.*

## Property Layout

1. Is there a map of the Property available for us to use? Can we get this electronically? **Yes – will send PDFs color coded plat map and SKS ownership map.**
2. Are there building drawings that we can get copies of? **No, but see prior Ph I for Sanborns and note garage on Lot D**
3. Where exactly are the Property boundaries (show on a figure) and what is the size? **See color coded map has PIDs refer to Assessors web page for details. Note that former Slip 4 not in Assessor's database.**
4. How many buildings are there on site? *(if complex, use Current and Historic Property Structures table)* What does your company call each building? Are there rooms within these buildings that have specific names? (show on a figure, if possible). What is the construction of each building? **One vacant slab on grade garage- wood framed.**

## Property Utilities

Show utility locations on Property map.

### Water

1. Property potable/process water supply (wells and/or municipal?) and years of current service: **Utilities available from Rail road street. City water available.**
2. Have other potable water supplies serviced the Property? Are there or have there ever been Property wells? If yes, describe: **Not that I'm aware of.**
3. Do you have potable/process water supply data for the property *(may want to ask for well log and/or analytical data, as appropriate)?*  
**Not relevant, see above.**

### Sanitary Service

4. Type of sanitary service for the Property and years of current service:  
**Reportedly available from Railroad Street. Not currently hooked up since there are not buildings with sewer.**
5. Have other methods of sanitary service been used at the Property? Is there or has there ever been a septic tank, cesspool, drain field, outhouse, etc.? **No**

### Storm Sewer

6. Is the Property serviced by storm drains? If yes, show catch basin and outfall locations on Property Layout map.  
**This site is not currently on City storm water system since its vacant. Rail road street has storm sewers.**
7. If the Property is serviced by storm drains, do any sources from Property buildings discharge to the storm drain (sumps, roof drains, floor drains, etc.): **No buildings with drains**
8. Are there any dry wells on site? If so, what discharges to them? (note locations on map)

No

## Electrical/PCBs

9. Are there any transformers on-site (either pad-mounted or pole-mounted)? Have they been checked for PCBs? Is there any evidence of leakage?

I don't think so

10. Is there currently any PCB usage on site?

No

11. Are you aware of any historical PCB usage?

No

## Pipelines

12. Are there any pipelines currently (or historically) present on the Property?

No

## Property History

1. Who owns the Property? When did they purchase it?

C and D owned by DEDA. Lot C purchased in two transactions – Northern half portion PID -1190, -1220 -1060, bought by DEDA 10/15/93 from ETOR. Southern half PIDs -1160 -1100 purchased 09/19/94 from Food Services of America.

Lot D purchased all from ETOR on 10/15/93 (includes area of former filled slip 4).

2. Who is the current occupant and are there any tenants? (List tenant names and general business description)

Vacant

3. How long has your company been operating on this Property? How long have any tenants been operating on the Property?

Not applicable- vacant since DEDA's purchase.

4. Does the current owner own all of the Property?

Yes

5. Has this Property ever been larger? Were all of the parcels purchased at one time or has the Property grown over time?

We purchased more than Lots C and D. Lots C and D purchased from two previous owners comprise a larger two year acquisition process from a total of four previous owners. The properties not referenced as Lots C and D have been partially re-developed by the City of Duluth as a public park known as Bayfront Park.

6. Do you know what this Property was used for prior to your company purchase, and can you give any historical owner/occupant information? (if more than one, use attached table) (get owner/occupant name, description of use, dates of use)

Yes, based on Barr's Ph I – see attached history summary by Heidi.

7. Have there historically been buildings on the Property that have been demolished? Where were they?

What were they used for? (if more than one, use attached table) During demolitions, were any environmental conditions encountered? How was the demolition debris managed and where was the debris disposed? Was asbestos removed prior to demolition?

Yes, see Barr's Ph I and my attached summary.

8. Have there been any major renovations or building additions on Property buildings? If there were demolitions or major renovations, how was the debris managed? During renovations, were any environmental conditions encountered? Was asbestos removed prior to demolition?

No

9. Are you aware of the presence of asbestos-containing material, lead-based paint, or other hazardous building materials at the Property? Any knowledge of asbestos abatement or pre-demolition building surveys?

So far nothing has been discovered

10. Any activities or conditions suggestive of controlled substances production observed or reported on or adjacent to the Property? No

## Current Property Use

1. Describe the current facility processes, if applicable. Process description may include raw materials brought on site, equipment used, buildings/rooms used, wastes produced, storage and final products. If there are multiple processes, use the attached table at the end of the questionnaire.

Vacant land- not applicable

2. What are the current chemicals/raw materials used on the Property and how/where are they stored?

Vacant land- not applicable

3. Are there any interior or exterior USTs/ASTs at the property? Describe, show on map.

No

4. What wastes are produced or used, and how are they handled? (get disposal info)

Vacant land- not applicable

5. Does the property have any special discharge or operational permits?

No

6. Are there other past owners/occupants associated with the Property that we would be able to interview? No, other than Bob Asslesson, City Attorney who was involved in the purchase.

## Previous Investigation/Remedial Actions

1. Are you aware of any chemical or petroleum releases that have occurred on the Property?

BARR ENGINEERING COMPANY

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Under DEDA's ownership none have occurred. Further Ph II investigations may show petroleum or organic contamination that may historically have occurred- for example former petroleum storage, rail lines, warehouses with chemical storage, scrap yard and filling are known to have been present or occurred.

2. Are you aware of any historical onsite disposal, filling, or waste management?

Yes, historic filling known to have occurred. Also, we know that the MPCA has an on-going sediment contamination investigation in the harbor adjoining the Property, and the will include Slips 2 and 3.

3. Are you aware of any previous or current environmental investigations, remedial actions, or violations on the Property, including other Phase Is? LaFarge did a recent Phase I, City Ph I and Limited Phase II in 2004 by Barr.

4. Are you aware of any environmental liens or activity use limitations (institutional controls or engineering controls) on file for the Property?

No

## Proceedings Involving the Property

1. Do you know of:

(a) any pending, threatened, or past litigation relevant to hazardous substances or petroleum products in, on, or from the property? If yes, please explain.

No

(b) any pending, threatened, or past administrative proceedings relevant to hazardous substances or petroleum products in, on or from the property? If yes, please explain.

No

(c) any notices from any governmental entity regarding any possible violation of environmental laws or possible liability relating to hazardous substances or petroleum products? If yes, please explain.

No

## Neighboring Properties History

1. Describe adjacent properties and uses.

Vacant industrial port land and rail yards

2. Are you aware of any potential environmental concerns on adjacent properties such as releases, spills, onsite disposal, chemical usage, poor waste management, environmental actions/investigations, or violations?

None

3. Are you aware of any wells on adjacent properties?

No

# INTERVIEW QUESTIONNAIRE FORM

Property : Bayfront Lots C and D

Interviewer: Kinnan Stauber

Date: March 5, 2010

## Person(s) Interviewed and Contact Information:

Name Bill Bergstrom

Telephone Number \_\_\_\_\_

Address 411 West 1<sup>st</sup> Street, Duluth MN 55802

Position Title Senior Engineering Technician

Years familiar with the Property \_\_\_\_\_

If we have follow-up questions, how should we contact you? \_\_\_\_\_

Interviewed via telephone conversation, in-person, or other EMAIL

*Persons should be asked to answer in good faith and to the extent of their knowledge.*

## Property Utilities

### Water

1. Property potable/process water supply (wells and/or municipal?) and years of current service:  
**There is a 12" watermain in Railroad St. installed in 1908. There is a 6" watermain in 8<sup>th</sup> Ave. W. from Railroad St. south to the R.O.W. end installed in 1928. There is a 3/4" copper water service from 12" main in Railroad St. to building at 720 W. Railroad St. installed in 1947. There is 1" copper service from 6" main in 8<sup>th</sup> Ave. W. to Lafarge building installed in 1971.**
2. Have other potable water supplies serviced the Property? Are there or have there ever been Property wells? If yes, describe:  
**Not to the city's knowledge**

### Sanitary Service

4. Type of sanitary service for the Property and years of current service:  
**There is a 12" cast iron forcemain operated by the city of Duluth in Railroad St. R.O.W. There is a 2" PVC service serving 800 Railroad St. installed in 1981. There is also a 2" plastic service serving 337 S. 8<sup>th</sup> Ave W installed in 1977. Both of these are pressure services.**
5. Have other methods of sanitary service been used at the Property? (e.g. septic tank, cesspool, drain field, outhouse, etc.)  
**Not to the city's knowledge**

### Storm Sewer

6. Is the Property serviced by storm drains? If yes, can you describe where catch basins, outfall locations are in on or near the Property? Does the near by public ROW have storm drainage system?  
**See attached map of storm system.**

7. If the Property is serviced by storm drains, do any sources from Property buildings discharge to the storm drain (sumps, roof drains, floor drains, etc.):

**Unknown, given location of buildings and storm system, I think unlikely buildings are connected to storm system.**

8. To your knowledge are there likely to be any dry wells on site? If so, what discharges to them? (if possible can you describe locations?)

**Not to the city's knowledge**

## **Pipelines**

12. Are there any pipelines currently (or historically) present on the Property?

**There is a 16" steel natural gas pipeline in Railroad St. R.O.W.**

**Also, in our abandoned records we have the following services that at one time served the area**

<b>810 Railroad St.</b>	<b>6" C.I. water</b>	<b>installed 1971, abandoned 1986</b>
<b>812 Railroad St.</b>	<b>1/2 lead water</b>	<b>installed 1912, abandoned 1948</b>
<b>812-816 Railroad St</b>	<b>1 1/2" copper water</b>	<b>installed 1948, abandoned 1962</b>
<b>818-832 Railroad St.</b>	<b>8" C.I. water</b>	<b>installed 1923, abandoned ?</b>
<b>824 Railroad St</b>	<b>4" Steel? Gas</b>	<b>installed 1964, abandoned 1986</b>
<b>832 Railroad St</b>	<b>3" C.I. water</b>	<b>installed 1923, abandoned ?</b>

## **Previous Investigation/Remedial Actions**

1. Are you aware of any chemical or petroleum releases that have occurred on close to the Property?

2. Are you aware of any historical onsite disposal, filling, or waste management?

3. Are you aware of any previous or current environmental investigations, remedial actions, or violations on the Property, including other Phase Is?

4. Are you aware of any environmental liens or activity use limitations (institutional controls or engineering controls) on file for the Property?

## **Proceedings Involving the Property**

1. Do you know of any pending, threatened, or past litigation/administrative proceedings/or possible violations of environmental laws relevant to hazardous substances or petroleum products in, on, or from the property? If yes, please explain.

## **Neighboring Properties History**

2. Are you aware of any potential environmental concerns on adjacent properties such as releases, spills, onsite disposal, chemical usage, poor waste management, environmental actions/investigations, or violations?
  
3. Are you aware of any wells on adjacent properties?

# INTERVIEW QUESTIONNAIRE FORM

Property : Bayfront lots C & D

Interviewer: Kinnan Stauber

Date: 3/4/2010

## Person(s) Interviewed and Contact Information:

Name Pete Dane, Marnie Grandahl

Telephone Number 218/730-4399

Address \_\_\_\_\_

Position Title Fire Marshall

Years familiar with the Property \_\_\_\_\_

If we have follow-up questions, how should we contact you? \_\_\_\_\_

Interviewed via telephone conversation, in-person, or other e-mail

*Persons should be asked to answer in good faith and to the extent of their knowledge.*

## Property Utilities

*\* Fire Marshall did not have any information regarding any of these interview questions. They did check the address for any violations - there were none.*

### Water

1. Property potable/process water supply (wells and/or municipal?) and years of current service:
2. Have other potable water supplies serviced the Property? Are there or have there ever been Property wells? If yes, describe:

### Sanitary Service

4. Type of sanitary service for the Property and years of current service:
5. Have other methods of sanitary service been used at the Property? (e.g. septic tank, cesspool, drain field, outhouse, etc.)

### Storm Sewer

6. Is the Property serviced by storm drains? If yes, can you describe where catch basins, outfall locations are in on or near the Property? Does the near by public ROW have storm drainage system?
7. If the Property is serviced by storm drains, do any sources from Property buildings discharge to the storm drain (sumps, roof drains, floor drains, etc.):

8. To your knowledge are there likely to be any dry wells on site? If so, what discharges to them? (if possible can you describe locations?)

### **Pipelines**

12. Are there any pipelines currently (or historically) present on the Property?

### **Previous Investigation/Remedial Actions**

1. Are you aware of any chemical or petroleum releases that have occurred on close to the Property?
2. Are you aware of any historical onsite disposal, filling, or waste management?
3. Are you aware of any previous or current environmental investigations, remedial actions, or violations on the Property, including other Phase Is?
4. Are you aware of any environmental liens or activity use limitations (institutional controls or engineering controls) on file for the Property?

### **Proceedings Involving the Property**

1. Do you know of any pending, threatened, or past litigation/administrative proceedings/or possible violations of environmental laws relevant to hazardous substances or petroleum products in, on, or from the property? If yes, please explain.

### **Neighboring Properties History**

2. Are you aware of any potential environmental concerns on adjacent properties such as releases, spills, onsite disposal, chemical usage, poor waste management, environmental actions/investigations, or violations?
3. Are you aware of any wells on adjacent properties?