

1. Applicant eligibility:

- a. Green New Deal Housing is eligible as a 501(c)(3) nonprofit. See IRS

Determination letter:

INTERNAL REVENUE SERVICE
P. O. BOX 2508
CINCINNATI, OH 45201

DEPARTMENT OF THE TREASURY

Date: MAR 12 2020

GREEN NEW DEAL HOUSING
C/O GREG GILBERT
11 EAST SUPERIOR STREET SUITE 563
DULUTH, MN 55802-0000

Employer Identification Number:
84-1819301
DLN:
26053717002459
Contact Person: SALLY B DAVENPORT ID# 31050
Contact Telephone Number:
(877) 829-5500
Accounting Period Ending:
December 31
Public Charity Status:
509(a)(2)
Form 990/990-EZ/990-N Required:
Yes
Effective Date of Exemption:
May 20, 2019
Contribution Deductibility:
Yes
Addendum Applies:
No

Dear Applicant:

We're pleased to tell you we determined you're exempt from federal income tax under Internal Revenue Code (IRC) Section 501(c)(3). Donors can deduct contributions they make to you under IRC Section 170. You're also qualified to receive tax deductible bequests, devises, transfers or gifts under Section 2055, 2106, or 2522. This letter could help resolve questions on your exempt status. Please keep it for your records.

Organizations exempt under IRC Section 501(c)(3) are further classified as either public charities or private foundations. We determined you're a public charity under the IRC Section listed at the top of this letter.

If we indicated at the top of this letter that you're required to file Form 990/990-EZ/990-N, our records show you're required to file an annual information return (Form 990 or Form 990-EZ) or electronic notice (Form 990-N, the e-Postcard). If you don't file a required return or notice for three consecutive years, your exempt status will be automatically revoked.

If we indicated at the top of this letter that an addendum applies, the enclosed addendum is an integral part of this letter.

For important information about your responsibilities as a tax-exempt organization, go to www.irs.gov/charities. Enter "4221-PC" in the search bar to view Publication 4221-PC, Compliance Guide for 501(c)(3) Public Charities, which describes your recordkeeping, reporting, and disclosure requirements.

GREEN NEW DEAL HOUSING

Sincerely,

A handwritten signature in cursive script that reads "Stephen A. Miller".

Director, Exempt Organizations
Rulings and Agreements

- b. Green New Deal Housing is not a 501(c)(4) nonprofit.
2. The proposed site has not received funding from a previously awarded EPA grant.
3. Green New Deal Housing does not have an open EPA Brownfields Multipurpose Grant.
4. Green New Deal Housing is the sole owner of the site.
5. Basic site information:
 - a. Name: Irving Infill
 - b. Address: 218 S 59th Ave W, Duluth, MN 55807
6. Status and History of Contamination at the site:
 - a. The site is contaminated with hazardous substances, including arsenic and polynuclear aromatic hydrocarbons, specifically benzo(a)pyrene equivalent.
 - b. Operational history and current use: The site is not currently nor has it ever been developed, though the surrounding area has been developed with a mix of residential and commercial uses since at least the late 1800s.
 - c. Environmental concerns at the site: concerns include hazardous substances described above, as well as a great deal of debris, such as bricks and glass, that indicates unpermitted dumping at the site.
 - d. How the site became contaminated and the nature and extent of the contamination: Per a letter from Amy K. Hadiaris of the Voluntary Investigation and Cleanup Unit of the Minnesota Pollution Control Agency to Green New Deal Housing dated March 3, 2023:

“Environmental investigations were completed at the site in July 2018 and May 2019. Debris material, including concrete, glass, ceramics, metal, linoleum, and brick, were generally observed up to five feet below ground surface. Twelve test pits were completed, and 23 soil samples were collected and analyzed for volatile organic compounds (VOCs), the eight Resource Conservation and Recovery Act (RCRA) metals, polynuclear aromatic hydrocarbons (PAHs), gasoline range organics (GRO), and diesel range organics (DRO). The concentrations of PAHs in soil, expressed as the benzo(a)pyrene equivalent were greater than the MPCA’s soil reference value (SRV) for residential land use at two locations. Arsenic was detected in the soil at a concentration greater than the MPCA’s SRV for residential land use at one location. No VOCs were detected in the soil. Groundwater was not encountered during the investigation.”
7. The Irving Infill site meets the definition of a brownfield site:
 - a. The site is not listed or proposed for listing on the National Priorities List.
 - b. The site is not subject to unilateral administrative orders, court orders, administrative orders on consent, or judicial consent decrees issued to or entered into by parties under CERCLA; and

- c. The site is not subject to the jurisdiction, custody, or control of the U.S. government.
8. Description of the environmental assessment conducted at the site:
- a. Phase I Environmental Site Assessment was completed in May 2019 by Bay West and indicated the presence of arsenic and benzo(a)pyrene (BaP) exceeding the Minnesota Pollution Control Agency's residential soil reference value (SRV). Soil samples had detections of Diesel-Range Organics (DRO) and also indicated the presence of broken glass, linoleum, and bricks.
 - b. Phase II Environmental Site Assessment was completed in May 2019. It included 10 additional test pits and collection of two soil samples per test pit for analysis of DRO, polycyclic aromatic hydrocarbons (PAHs), volatile organic compounds (VOCs), and eight Resource Conservation and Recovery Act (RCRA) metals. Soil analysis identified the following:
 - i. DRO in seven of 12 test pits below MPCA's guidance for regulated fill.
 - ii. Seven RCRA 8 metals (arsenic, barium, cadmium, chromium, lead, selenium, and mercury) were detected though did not exceed residential SRV.
 - iii. Arsenic marginally greater than established residential SRV.
 - iv. PAH compounds that exceeded residential SRV, including BaP exceeding residential SRV.
9. Site Characterization: please see below letter from the Minnesota Pollution Control Agency affirming that the Irving Infill site is enrolled in the state voluntary response program (MPCA Site ID #BF0001330), and that there is a sufficient level of characterization from the environmental site assessment performed to date for the remediation work to begin on the site as soon as funding is secured.



Rochester Office | 7381 Airport View Drive SW | Rochester, MN 55902 | 507-285-7343
800-657-3864 | Use your preferred relay service | info.pca@state.mn.us | Equal Opportunity Employer

October 30, 2024

VIA EMAIL

Melissa Hellerud
Green New Deal Housing
2201 W First St
Duluth, MN 55806

RE: Letter of Support for a FY25 EPA Brownfields Cleanup Grant
Irving Infill Housing, 218 S 59th Ave W, Duluth
MPCA Site ID: BF0001330
MPCA Billing ID: 232713
PINs: 010-4500-01740 and 010-4500-01750

Dear Melissa Hellerud:

The Minnesota Pollution Control Agency (MPCA) acknowledges that Green New Deal Housing, plans to conduct the cleanup of a brownfield site and is applying for an FY25 EPA Brownfields Cleanup Grant.

Green New Deal Housing has developed an application requesting site-specific federal Brownfields Cleanup funding for the Irving Infill Housing site, located at the address listed above.

The MPCA affirms that Irving Infill Housing site:

- i. Is eligible to be enrolled in the State voluntary response program;
- ii. Is currently enrolled in the voluntary response program; and
- iii. Has had a sufficient level of site characterization from the environmental site assessment(s) performed to date for the remediation work to begin on the site.

If you have any questions, please contact Shanna Schmitt at 651-757-2697 or by email at shanna.schmitt@state.mn.us, or Stacey Hendry-Van Patten at 651-757-2425 or by email at stacey.vanpatten@state.mn.us.

Sincerely,

Shanna Schmitt

This document has been electronically signed.

Shanna Schmitt, PG, CPG
Hydrogeologist
Remediation Division

Stacey Hendry-Van Patten

This document has been electronically signed.

Stacey Hendry-VanPatten
Supervisor
Remediation Division

SS/SVP:ss

cc: Katherine Mueller (electronic)
Keary Cragan, US EPA Region 5 (electronic)

10. There is no known ongoing or anticipated environmental enforcement or other actions related to the site for which Brownfields Grant funding is sought.
11. The Irving Infill site does not need a Property-Specific Determination.
12. Property ownership eligibility information for hazardous substances sites:
 - a. Property ownership eligibility: Green New Deal Housing meets the requirements for asserting an affirmative defense to CERCLA liability as a bona fide prospective purchaser (BFPP).
 - i. This was a negotiated purchase from a nonprofit agency.
 - ii. Green New Deal Housing acquired the property on March 22, 2023.
 - iii. The nature of ownership of this property is fee simple.
 - iv. Green New Deal Housing acquired the land from the Spirit Valley Citizens Neighborhood Association.
 - v. There are no familial, contractual, or corporate relationships with prior owners or operators. Green New Deal Housing made a financial donation of \$5,000 to Spirit Valley Citizens Neighborhood Association in 2023.
 - b. Pre-purchase inquiry:
 - i. Phase I Site Assessment and Phase II Site Assessments were completed for the City of Duluth in May 2019 by Bay West LLC.
 - ii. The Phase I Environmental Site Assessment was performed by a Qualified Environmental Professional (Bay West LLC) in May 2019 in accordance with 40 CFR Part 312 and includes the required declaration by the environmental professional.
 - iii. The original Phase I environmental site assessment was conducted more than 180 days prior to the date Green New Deal Housing acquired the property. The appropriate updates were made to the original assessment within 180 days prior to our acquisition of the property to take advantage of the bona fide prospective purchaser provision (verified by a letter from Amy K. Hadiaris of the Voluntary Investigation and Cleanup Unit of the Minnesota Pollution Control Agency to Green New Deal Housing dated March 3, 2023).
 - c. Timing and/or Contribution Toward Hazardous Substance Disposal: All disposal of hazardous substances at the site occurred before Green New Deal Housing acquired the property. Green New Deal Housing did not cause or contribute to any release of hazardous substances at the site, nor has it arranged for disposal of hazardous substances at the site or transported hazardous substances to the site.
 - d. Post-Acquisition Uses: The site has been vacant and unused since Green New Deal Housing acquired ownership.
 - e. Continuing Obligations: by not using the site, Green New Deal Housing has complied with all continuing obligations to:
 - i. Stop any continuing releases;

- ii. Prevent any threatened future release; and
- iii. Prevent or limit exposure to any previously released hazardous substance.

Green New Deal Housing is:

- i. Complying with any land use restrictions and not impeding the effectiveness or integrity of any institutional controls;
- ii. Assisting and cooperating with those performing the cleanup and providing access to the property;
- iii. Complying with all information requests and administrative subpoenas that have or may be issued in connection with the property; and
- iv. Providing all legally required notices

13. Cleanup authority and oversight structure:

- a. The Irving Infill site is enrolled in a state response program, the Voluntary Cleanup Program of the Minnesota Pollution Control Agency (MPCA). The site identification number is BF0001330. MPCA has Cleanup Authority of the site and will provide oversight of the site remediation.
- b. Contractors may need limited access to neighboring properties to perform cleanup activities. Green New Deal Housing is in communication with neighboring landowners to ensure their awareness and engagement in this process.

14. Community Notification Documents [section will be completed after notification period]

- a. Draft Analysis of Brownfield Cleanup Alternatives (ABCA)
- b. Community Notification Ad:
- c. Comments or summary of comments received
- d. Applicant's response to those public comments
- e. Meeting notes or summary from public meeting
- f. Meeting sign-in sheet/participant list

15. Contractors and Named Subrecipients:

- a. Contractors: not applicable
- b. Named Subrecipients: not applicable