***Remediation template:  Affidavit of Non-responsible Party Status***

*This template is used in support of a request for a Retroactive No Association Determination or a Certificate of Completion.*

*Delete the above text and all red-italicized instructions before printing.*

***Submit draft Word document to VIC staff via email for review. Do not submit with BF application.***

**AFFIDAVIT of Non-responsible Party Status**

STATE OF NAME OF STATE )

) ss. ***Preferred ID*** *Enter BF# or SR#*

COUNTY OF NAME OF COUNTY)

Name of affiant, on behalf of Name of company, being first duly sworn on oath, deposes and states that the following is true and correct based on their information and belief:

1. I am, and at all relevant times hereto have been, Title of Name of company, with a business address of business address. In such capacity, I have had responsibility for insert overview of responsibilities. I have the authority to act on behalf of Name of company with respect to this Affidavit.

2. Name of company Select either "owns" or "has been a tenant at" the property located at Street address, if available, Name of City or Town in Name of County County, State of Minnesota, with parcel identification number(s) Enter PIN(s), as shown on **Exhibit 1** and legally described in **Exhibit 2** (hereinafter the “Property”).

3. This Affidavit is submitted in support of the issuance by the Minnesota Pollution Control Agency (“MPCA”) of a Select either “Certificate of Completion under Minn. Stat. § 115B.175, subd. 6” or “Retroactive No Association Determination letter” to Name of company *[for RNAD only]* for the past Select either “purchase and use” or “use” of the Property as describe use.

4. Select either “On” or “In” Enter Month day, year, Name of company Select either “purchased” or “began to lease” the Property for the purposes of development of the Subject Property as “describe use” OR specify other purpose as appropriate.

5. From Year to Year, prior to Select either “acquisition” or “leasing” of the Property by Name of company, the Property was used as insert use(s) and brief description of site history. These historical activities resulted in the release of describe the types of contaminants for each relevant media (e.g., PAHs and metals in soil and VOCs in groundwater and soil vapor), as further described below in item no. 7.

6. Name of company conducted a Phase I Environmental Site Assessment (“Phase I ESA”) prepared by Name of environmental consulting company and dated Month/Year. Environmental investigation(s) conducted in Month/Year at the Property included the collection of soil, groundwater, and soil vapor samples. The Phase I ESA and environmental investigation report(s) were submitted to the MPCA for review as part of the administrative record for the Enter the Site name site, Enter BF# or SR#.

*[Include following paragraph in Item 6, if applicable. The entire paragraph is editable.]*

Name of company also submitted a Response Action Plan/Construction Contingency Plan (“RAP/CCP”), dated Select date, to *[edit as appropriate:]* remediate soil, groundwater, and/or mitigate soil vapor beneath the building at the Property. The RAP/CCP was approved by the MPCA in Month/Year. The RAP/CCP was implemented from Month/Year through Month/Year. Response actions are described in the Enter report title dated Month/Year, a copy of which has been delivered to the MPCA.

7. The sampling results described in the reports referenced above indicate the following non-petroleum contaminants on the Property, which together comprise the identified release (“Identified Release”) at the Property: Enter specific non-petroleum contaminants that comprise the identified release to soil, groundwater, and/or soil vapor.

8. From its Enter date Select either “purchase” or “leasing” of the Property to the present time, Name of company has describe use of Subject Property and activities conducted.

9. Name of company has not:

1. engaged in the business of generating, transporting, storing, treating or disposing any hazardous substance at the Property or disposing of waste at the Property, or knowingly permitted others to engage in such a business at the Property;
2. used or knowingly permitted any person to use the Property for disposal of hazardous substances;
3. used or knowingly permitted any person to make regular use of the Property for waste disposal; or
4. taken any action which significantly contributed to the Identified Release after Name of company knew or reasonably should have known that a hazardous substance was located in or on the Property.

Based on the foregoing, I, on behalf of Name of company request a Select either “Retroactive No Association Determination letter” or “Certificate of Completion” from the MPCA.

FURTHER YOUR AFFIANT SAYETH NOT.

By \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

*(Signature of affiant)*

Print name of affiant

Title of affiant

Company name

**ACKNOWLEDGMENT**

State of NAME OF STATE )

) SS.

County of Name of County )

On \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20 \_\_\_, this instrument was acknowledged before me, and the facts stated herein were Select either “sworn to by” or “affirmed by” Name of affiant, Title of Name of company.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (signature)

Notary Public

My Commission Expires \_\_\_\_\_\_\_\_\_\_\_