Remediation template: Affidavit Concerning Real Property Contaminated with Hazardous Substances
Delete the red-italicized instructions before printing. Insert text between < >.

[Leave three inches of space above title for recording information.]

AFFIDAVIT CONCERNING REAL PROPERTY
CONTAMINATED WITH HAZARDOUS SUBSTANCES

STATE OF MINNESOTA )
COUNTY OF <COUNTY> )

<Name of affiant>, the <Title> <of or on behalf of> <Name of company>, as owner of the real property described herein, being duly sworn, states the following under oath:

1. This Affidavit is made pursuant to Minn. Stat. § 115B.16, subd. 2 (2014), which requires that before any transfer of ownership of any property which the owner knows is subject to extensive contamination by release of a hazardous substance, the owner shall record with the county recorder of the county in which the property is located an affidavit containing a legal description of the property and disclosing to any potential transferees: a) that the property has been used to dispose of hazardous waste or that the property is contaminated by a release of a hazardous substance(s); b) the identity, quantity, location, condition and circumstances of the disposal or contamination to the full extent known or reasonably ascertainable; and c) that, if the property was used as a permitted hazardous waste disposal facility, the use of the property or some portion of it may be restricted as provided in Minn. Stat. § 115B.16, subd. 1 (2014).

2. <Name(s)> is the owner of certain real property ("Property") located at <street address, if available> in <County> County, State of Minnesota, and legally described as follows:

[Insert legal description of property]

3. [Describe the use of the property that resulted in the contamination and recite any relevant subsequent history of the property, such as how the owner came to own the property.]

4. [Recite the facts about the involvement of the Minnesota Pollution Control Agency ("MPCA") with the property, such as through the Superfund program or the Voluntary Investigation and Cleanup program.]

5. [Recite the facts about any site investigation and cleanup activities that occurred with respect to the property, including a description of the basis for the residual contamination levels.]

Keep Preferred ID number on first page. Do not delete:
Preferred ID: <insert VIC number>
6. [State the legal description of the area where contamination remains, including a precise description of the identity, quantity, location and condition of the residual contamination remaining on the property (and off the property if appropriate) and may include a registered or recorded survey of the area of contamination.]

7. [If the response action at the property included ongoing operation and maintenance structures or equipment, such as monitoring wells, recite the facts about the identity, location, and circumstances of those structures or equipment.]

8. [Recite any other relevant history of the property, if any, such as whether a certificate of completion was issued.]

9. Any person who is planning any use or activity which may adversely affect the protectiveness of the response action or which has the potential to disturb the areas of contamination or response action structures and equipment described above should contact the Minnesota Pollution Control Agency prior to commencement of the planned activities.

10. [Add only if applicable under the circumstances:] The response actions at the property were approved by the MPCA based on the assumption that the property was to be used for <type of property use>. If the property use is changed, the change could associate the property owner with the release or threatened release of hazardous substances or pollutants or contaminants and could result in a requirement for performance of further response actions at the property.

<OWNER>

By ___________________________ (signature)

<Name of affiant>

___________________________ (print)

<Name of affiant>

___________________________

<Title>

___________________________

<Company>

ACKNOWLEDGMENT

STATE OF _____________

COUNTY OF _____________

____________ day of _____________, ________, before me a notary public within and for said County and State, personally appeared ____________________________ and ____________________________, to me personally known, who, being duly sworn by me on oath, did say that he/she/they is/are the person(s) who signed the foregoing instrument and acknowledged that he/she/they signed the same as free act and deed for the uses and purposes therein set forth.