

1301049

LYNN R LARSON
OTTER TAIL COUNTY
RECORDER/REGISTRAR OF TITLES
FERGUS FALLS, MN
RECORDED ON
01/10/2024 09:55 AM
FEE: 46.00
PAGES 4
WELL CERTIFICATE REC'D: N

(Top 3 inches reserved for recording data)

AFFIDAVIT REGARDING DISPOSAL OF INDUSTRIAL SOLID WASTE
Minn. Rule 7035.2635

State of Minnesota, County of Otter Tail

Bradley E. Tollerson ("Affiant")

being first duly sworn on oath, says that:

1. I am:

☐ an owner of the Real Property described below.

(choose one)

☒ the Vice President of Energy Supply

of Otter Tail Power Company

a Corporation under the laws of the State of Minnesota which is an owner of the Real Property described below.

2. This affidavit relates to land situated in Otter Tail County, Minnesota and legally described as follows:

See Attached Certificate of Survey

Check here if all or part of the described real property is Registered (Torrens) ☐

(the "Real Property").

3. On November 20, 2023 a Construction Certification Report for the final closure of an industrial solid waste landfill located in the North Half (N ½) of the Southeast Quarter (SE ¼) of Section 36 Township 133 North, Range 43 West, Otter Tail County within the city limits of Fergus Falls was submitted to the Minnesota Pollution Control Agency (MPCA). On December 26, 2023, the MPCA approved the Construction Certification Report contingent upon recording a deed notation.

4. Pursuant to the aforementioned contingent approval, upon recording of this affidavit with the property deed, the industrial solid waste landfill located in the N ½ of the SE ¼ of Section 36 Township 133 North, Range 43 West, Otter Tail County has achieved final closure in accordance with Minnesota Rules, Permit Number SW-211, and the Federal Coal Combustion Residuals Rule (40 CFR Part 257).
5. This affidavit satisfies the deed notation requirements of Minn. Rules 7035.2635 subp. 2.B.(3) and affirms the postclosure care requirements regarding future use of the site contained in Minnesota Rules 7035.2655 subp 2 which states the following:

The landowner must not allow postclosure use of the facility property to disturb the integrity of final covers, liners, or any other components of any containment system, or the function of the facility's monitoring system, unless the commissioner of the Minnesota Pollution Control Agency determines that the disturbance:

- a. *Is necessary to the proposed use of the property and will not cause a violation of the standards outlined in parts 7035.2565 and 7035.2815, subpart 4; and*
 - b. *Is necessary to remedy a violation of the standards in parts 7035.2565 and 7035.2815, subpart 4.*
6. This affidavit satisfies the requirements of 40 CFR §257.102(i) notifying any potential purchaser of the property that:
 - a. *The land has been used as a Coal Combustion Residual (CCR) unit; and*
 - b. *Its use is restricted under the post-closure care requirements of 40 CFR §257.104(d)(1)(iii).*
7. The industrial solid waste landfill site was used for the disposal of permitted wastes including: (1) Combined Ash, as defined in Minn. Rule 7035.0300 subpart 15a, (2) Demolition debris, as defined in Minn. Rule 7035.0300 subpart 30, (3) Petroleum Contaminated Soil, as defined in Minn. Rule 7035.0300 subpart 79a, (4) Asbestos Containing Material, as defined by Minn. Rule 326.71 subpart 3, (5) other wastes approved by our Industrial Solid Waste Permit may include pyrites, sedimentation basin dredgings, boiler cleaning solids, ceramic wastes, rubber skirting or linings, non-recyclable scrap steel and iron, uncontaminated cloth, clean uncontaminated plastic, conveyor belting and other rubber products, uncontaminated hoses, non-hazardous sandblast material, spent filter bags, and treated wood, and (6) other acceptable wastes as approved by the MPCA. The total permitted waste of approximately 1,062,078 cubic yards has been disposed within the waste boundary.

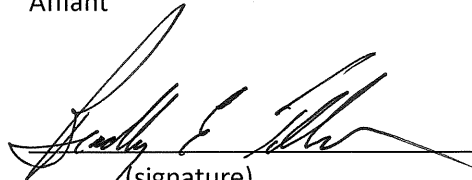
8. Choose one of the following:

☐ The boundaries of the Real Property and the specific location of the buried industrial solid waste are depicted on the attached Certificate of Survey.

☒ The industrial solid waste is located completely within a limited portion of the Real Property. This affidavit is specifically limited to such portion, which is legally described as follows:

See Attached Certificate of Survey

Affiant


(signature)

Bradley E. Tollerson, Vice President of Energy Supply

(insert name of Affiant)

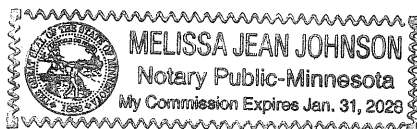
of other Tail
power

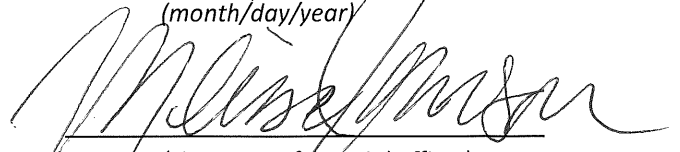
Signed and sworn before me on

01/09/2024

(month/day/year)

(Stamp)




(signature of notarial officer)

My commission expires:

01/31/2028

(month/day/year)

OTTER TAIL County

565 West Fir Avenue
Fergus Falls MN 56537
218-998-8143

RECEIPT

Customer COUNTER CUSTOMER

Txid 4159525

1/10/2024 9:55 AM

Document Number	Document Type	Fee Name	Fee Totals
AVID_8222554	AFFIDAVIT	RECORDING ABSTRACT FEE	\$46.00
Sub Total:			\$46.00
Total:			\$46.00

Tender Information

Check #	Name on Check	Tender Type	Amount
		CREDIT CARD	\$46.00
Total Paid:			\$46.00

Industrial Solid Waste Landfill in Sec. 36, T133N, R43W, Otter Tail County, Minnesota

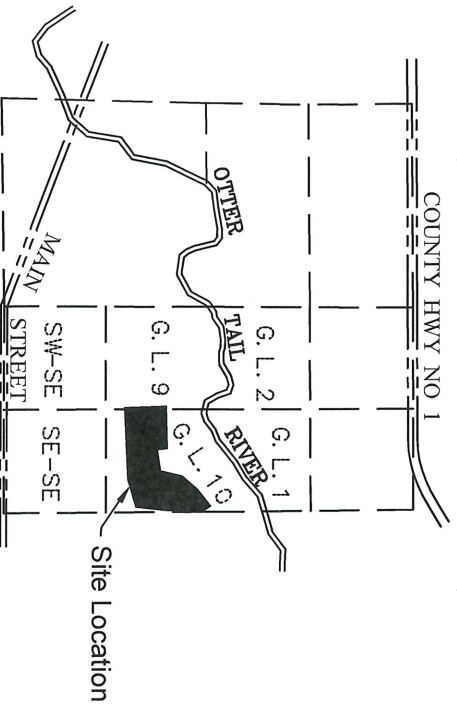


Description of Industrial Solid Waste Landfill Site

A parcel of land in Government Lots 9 and 10 in Section 36, Township 133 North, Range 43 West, Otter Tail County, Minnesota described as follows:

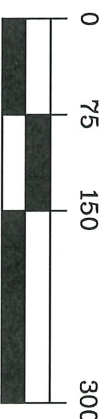
Commencing at the southeast corner of said Section 36; thence on an assumed bearing of North 00 degrees 24 minutes 45 seconds West along the east line of said Section 36 a distance of 2551.46 feet; thence South 89 degrees 35 minutes 15 seconds West a distance of 2.54 feet to the Point of Beginning of the parcel to be described; thence North 33 degrees 21 minutes 31 seconds West a distance of 130.55 feet; thence South 52 degrees 03 minutes 24 seconds West a distance of 276.73 feet; thence South 40 degrees 31 minutes 56 seconds West a distance of 253.74 feet; thence South 13 degrees 05 minutes 29 seconds West a distance of 288.89 feet; thence South 82 degrees 03 minutes 58 seconds West a distance of 274.34 feet; thence North 06 degrees 13 minutes 32 seconds West a distance of 127.69 feet; thence South 88 degrees 31 minutes 54 seconds West a distance of 539.18 feet; thence South 01 degrees 46 seconds East a distance of 534.39 feet; thence North 87 degrees 25 minutes 26 seconds East a distance of 914.77 feet; thence North 73 degrees 20 minutes 24 seconds East a distance of 402.07 feet; thence North 01 degrees 47 minutes 02 seconds East a distance of 446.68 feet to the Point of Beginning.

VICINITY MAP



The industrial solid waste landfill site was used for the disposal of permitted wastes including: (1) Combined Ash, as defined in Minn. Rule 7035.0300 subpart 15a, (2) Demolition debris, (3) Petroleum Contaminated Soil, (4) Asbestos Containing Material, (5) other wastes approved by the Minnesota Pollution Control Agency and the site's Industrial Solid Waste Permit. The total permitted waste of approximately 1,062,078 cubic yards has been disposed within the waste boundary.

- Found Iron Monument ●
- Set Iron Monument ○



I hereby certify this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly registered land surveyor under the laws of the state of Minnesota.

Robert W. Swisse 1/3/2024
Robert W. Swisse, RL541675