



# STATE OF MINNESOTA

## Office of Governor Mark Dayton

130 State Capitol ♦ 75 Rev. Dr. Martin Luther King Jr. Boulevard ♦ Saint Paul, MN 55155

July 31, 2017

Mr. Eugene Collins  
Deputy Assistant Secretary of the Army  
(Environment, Safety and Occupational Health)  
Office of the Assistant Secretary of the Army  
(Installations and Environment)  
110 Army Pentagon Room 3E464  
Washington, DC 20310-0110

RE: Covenant Deferral Request under Comprehensive Environmental Response, Compensation, and Liability Act for 30 Acres at Twin Cities Army Ammunition Plant

Dear Mr. Collins:

This letter notifies you of my concurrence with the determination that a portion of the real property known as the Twin Cities Army Ammunition Plant (TCAAP), Arden Hills, Minnesota, is suitable for covenant deferral pursuant to Section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)<sup>1</sup> in regard to the conveyance by deed of 30 acres known as "Ramsey County Parcel 2" to Ramsey County, Minnesota for redevelopment.

I concur with the determination that:

- a. The property is suitable for transfer for the use intended by Ramsey County, and the intended use is consistent with the protection of human health and the environment;
- b. The deed proposed to govern transfer of the Property contains those specific "Response Action Assurances" required by CERCLA as outlined below. The deed provides:
  - For restrictions on use necessary to ensure future protection of human health and the environment;
  - That there will be restrictions on use necessary to ensure that remaining remedial investigations, response actions and related regulatory oversight activities will not be disrupted;

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<sup>1</sup> 42 U.S.C. § 9620(h)(3)(C)

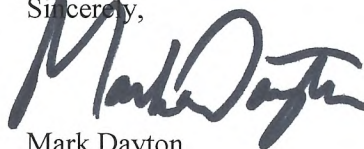
- That all necessary response actions will be undertaken and identifies a schedule for the investigation and completion of such actions that has been agreed with the U.S. Environmental Protection Agency, Region 5 and the Minnesota Pollution Control Agency; and
  - That the Army will submit a budget request to the Director of the Office of Management and Budget that will adequately address the schedule for completion of all necessary response actions, subject to Congressional authorization and appropriations.
- c. The Army has complied with CERCLA by publishing notice of the proposed early transfer of the Property in a newspaper of general circulation in the vicinity of the property and by providing an opportunity for the public to submit written comments for a period of not less than 30 days after the date of such notice. No written comments were received from the public on the proposed transfer.
- d. Deferral of the deed covenant otherwise required by Section 120(h) of CERCLA and conveyance of the Property for redevelopment will not substantially delay any necessary response action(s) at the Property.

This concurrence is based upon information contained in the Army's Covenant Deferral Request (CDR) incorporated herein by reference. The Army's CDR included the following documents:

- a. letter from Deputy Assistant Secretary of the Army (Environment, Safety and Occupational Health) requesting covenant deferral which acknowledged that if approved, the proposed early transfer would not diminish the Army's obligations under CERCLA with respect to the property; and
- b. Army's Finding of Suitability for Early Transfer;

Based on the above, I hereby concur with the determination to defer the CERCLA covenant in regard to the conveyance of this property to Ramsey County.

Sincerely,



Mark Dayton  
Governor