



Minnesota Pollution Control Agency

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RAMSEY COUNTY MANAGER
RECEIVED

13 APR 10 AM 11:20

April 9, 2013

Ms. Heather Worthington
Ramsey County
Suite 250 Court House
15 West Kellogg Boulevard
St. Paul, MN 55102

RE: TCAAP Redevelopment #2 Site, 2020 Highway Avenue, Arden Hills
MPCA Project Number VP22891
No Association Determination

Dear Ms. Worthington:

This letter is in response to the request from Joe Otte of Wenck Associates, Inc. (Wenck) for a determination under Minn. Stat. § 115B.178 that certain actions proposed to be taken by Ramsey County at the TCAAP Redevelopment #2 site, located at the address referenced above (the Site), will not constitute conduct associating Ramsey County with the release or threatened release of hazardous substances, pollutants, or contaminants at the Site for the purpose of Minn. Stat. § 115B.03, subd. 3(4) (2012).

The Minnesota Pollution Control Agency (MPCA) staff in the Voluntary Investigation and Cleanup (VIC) Program has reviewed the documents submitted for the Site. The Site is comprised of approximately 427 acres of the western portion of the former Twin Cities Army Ammunition Plant (TCAAP) facility, as shown on the map in Attachment B. The Site was used for the production and storage of small arms ammunition from the 1940s to the mid-1990s. Prior to development in the 1940s, the Site was used for agricultural purposes.

Ramsey County intends to acquire 397 acres of the Site in the near future. Ramsey County will lease the remaining 30 acres of the Site from the United States (U.S.) Army until further subsurface investigation and necessary cleanup is completed, at which time the leased areas will be acquired. Ramsey County will complete additional subsurface investigations throughout the Site and implement MPCA-approved response actions as necessary. Ramsey County plans to clean up the Site to allow unrestricted land use; however, future property use is anticipated to be mixed residential, commercial, and light industrial.

Numerous subsurface investigations have been completed on the Site. Soil and groundwater samples have been analyzed for volatile organic compounds (VOCs), Priority Pollutant (PP) metals, polynuclear aromatic hydrocarbons (PAHs), polychlorinated biphenyls (PCBs), and petroleum compounds. Trichloroethene (TCE), PAHs, PCBs, and several metals were detected at concentrations greater than the MPCA's Soil Reference Values (SRVs) for residential land use. Chlorinated solvents were detected in the groundwater at concentrations greater than the Health Risk Limits established by the Minnesota Department of Health. For the purpose of this determination, the identified release consists of antimony, arsenic, cadmium, copper, lead, manganese, mercury, thallium, PCBs, and PAHs in soil and TCE and other non-petroleum VOCs in soil and groundwater, as identified in the TCAAP project files (Identified Release).

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The Site is concurrently enrolled in the MPCA's Petroleum Brownfields Program for oversight of petroleum related contamination.

Numerous remedial actions for soil and groundwater contamination have been completed or are underway by the U.S. Army pursuant to a 1987 Federal Facility Agreement and under the state and federal Superfund programs. Deep groundwater impacted by chlorinated solvents is being pumped and treated by the U.S. Army via a series of extraction wells located along the southwest boundary of the Site. Discrete smaller plumes of shallow groundwater are being remediated via a collection trench (Site K) or monitored natural attenuation (Building 102 and Site I).

Based upon a review of the information provided to the MPCA VIC Program, and subject to the conditions set forth in this letter, a determination is hereby made pursuant to Minn. Stat. § 115B.178, subd. 1 that the proposed actions (Proposed Actions) listed below will not associate Ramsey County with the Identified Release for the purpose of Minn. Stat. § 115B.03, subd. 3(4) (2012). This determination applies only to the following Proposed Actions:

- Acquisition of approximately 397 acres of the Site;
- Leasing approximately 30 acres of the Site from the U.S. Army until remediation of the Superfund cleanup areas has been completed in accordance with an MPCA-approved Response Action Plan/Construction Contingency Plan (RAP/CCP), followed by acquisition of the leased acreage;
- Demolition of buildings and other improvements on the Site (roads, pavement, railroad tracks, unused utilities, etc.), in accordance with an MPCA-approved CCP and subject to proper pre-demolition abatement of hazardous materials;
- Completion of subsurface investigations at the Site in accordance with a Quality Assurance Project Plan (QAPP) approved by the MPCA and the U.S. Environmental Protection Agency (EPA) and Field Sampling Plans (FSPs) approved by the MPCA;
- Implementation of response actions at the Site in accordance with an MPCA-approved RAP/CCP;
- Installation and maintenance of new roads, sewers, water lines, utilities, etc. at the Site, provided that such activities do not compromise or otherwise interfere with groundwater remediation infrastructure without prior written approval from U.S. Army, MPCA, and U.S. EPA; and
- Maintenance of the grounds at the Site.

This determination is made in accordance with Minn. Stat. § 115B.178, subd. 1, and is subject to the following conditions:

1. The Proposed Actions shall be carried out as described herein;
2. Ramsey County shall cooperate with the MPCA, its employees, contractors, and others acting at the MPCA's direction, in the event that the MPCA takes, or directs others to take, response actions at the Site to address the Identified Release or any other as yet unidentified release or threatened release of a hazardous substance, pollutant, or contaminant, including, but not limited to, granting access to the Site so that response actions can be taken;

3. Ramsey County shall avoid actions that contribute to the Identified Release or that interfere with response actions required under the Operable Unit 2 Record of Decision and amendments or any MPCA-approved response action plan to address the Identified Release. This includes but is not limited to disturbance of monitoring wells and groundwater treatment infrastructure at the Site, without prior written approval from the U.S. Army, MPCA and U.S. EPA;
4. In the event that any suspected hazardous substances are encountered during Site activities (i.e., demolition, grading, redevelopment, etc.), Ramsey County shall notify the VIC project staff immediately in order to determine appropriate handling, sampling, analysis, and disposal of such wastes; and
5. An Environmental Covenant shall be recorded in the office of the County Recorder or Registrar of Titles, whichever is appropriate, in and for Ramsey County, and approved by the MPCA as provided in the Uniform Environmental Covenants Act, Minn. Stat. ch. 114E (2012) ("UECA"). The Environmental Covenant shall restrict use of the Site to an industrial land use, with the exception of the former staff housing area which has no land use restrictions attached to it. The Environmental Covenant shall also prohibit extraction of groundwater and prohibit disturbance of the monitoring wells and groundwater remedial systems without receiving prior written approval from the U.S. Army, MPCA, and U.S. EPA or their successors. The Environmental Covenant must also contain the information described in Minn. Stat. § 115B.16, subd. 2; i.e., it must contain a description of the identity, quantity, location, condition and circumstances of contamination currently located on the property, to the full extent known or reasonably ascertainable. The Environmental Covenant shall be filed prior to or concurrently with Site acquisition and a copy of the Environmental Covenant shall be submitted as recorded to the MPCA within thirty (30) days after the Environmental Covenant is officially recorded. After successful implementation of MPCA-approved response actions at the Site, Ramsey County may pursue a change in land use through submittal to the MPCA staff for review and approval proposed language for a revised Environmental Covenant which would allow a less restrictive use of the Site.

Pursuant to Minn. Stat. § 115B.178, subd.1, when Ramsey County takes the Proposed Actions in accordance with the determination in this letter, subject to the conditions stated herein, the Proposed Actions will not associate Ramsey County with the Identified Release for the purpose of Minn. Stat. § 115B.03, subd. 3(4) (2012).

The determination made in this letter applies to Ramsey County's successors and assigns if the successors and assigns: 1) are not otherwise responsible for the Identified Release at the Site; 2) do not engage in activities with respect to the Identified Release which are substantially different from the activities which Ramsey County proposes to take, as described herein; and 3) comply with the conditions set forth in this letter.

Please be advised that the determination made in this letter is subject to the disclaimers found in Attachment A and is contingent on compliance with the terms and conditions set forth herein including the submittal of the copy of the recorded Environmental Covenant documents.

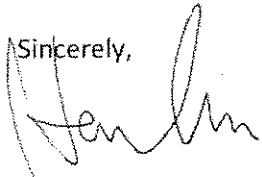
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If you have any questions about the contents of this letter, please contact Shanna Schmitt, Project Manager, at 651-757-2697 or shanna.schmitt@state.mn.us or Amy Hadjaris, Hydrogeologist, at 651-757-2402 or amy.hadjaris@state.mn.us.

Sincerely,



Hans Neve

Supervisor

Site Remediation and Redevelopment Section

Remediation Division

HN:jmp

Attachments

cc: Patrick Klaers, Arden Hills City Administrator
Larry Carlson, Ramsey County Environmental Health Section
Joe Otte, Wenck Associates, Inc.
Mark Ryan, Carl Bolander & Sons Co.
Rick Kubler, Gray Plant Mooty
Thad Lightfoot, Dorsey & Whitney

ATTACHMENT A
DISCLAIMERS
TCAAP REDEVELOPMENT #2 SITE
MPCA PROJECT NUMBER VP22891

1. Reservation of Authorities

The MPCA Commissioner reserves the authority to take any appropriate actions with respect to any release, threatened release, or other conditions at the Site. The MPCA Commissioner also reserves the authority to take such actions if the voluntary party does not proceed in the manner described in this letter or if actions taken or omitted by the voluntary party with respect to the Site contribute to any release or threatened release, or create an imminent and substantial danger to public health and welfare.

2. No MPCA Assumption of Liability

The MPCA, its Commissioner and staff do not assume any liability for any release, threatened release or other conditions at the Site or for any actions taken or omitted by the voluntary party with regard to the release, threatened release, or other conditions at the Site, whether the actions taken or omitted are in accordance with this letter or otherwise.

3. Letter Based on Current Information

All statements, conclusions and representations in this letter are based upon information known to the MPCA Commissioner and staff at the time this letter was issued. The MPCA Commissioner and staff reserve the authority to modify or rescind any such statement, conclusion or representation and to take any appropriate action under his authority if the MPCA Commissioner or staff acquires information after issuance of this letter that provides a basis for such modification or action.

4. Disclaimer Regarding Use or Development of the Property

The MPCA, its Commissioner and staff do not warrant that the Site is suitable or appropriate for any particular use.

5. Disclaimer Regarding Investigative or Response Action at the Property

Nothing in this letter is intended to authorize any response action under Minn. Stat. § 115B.17, subd. 12.

ATTACHMENT B
SITE MAP
TCAAP REDEVELOPMENT #2 SITE
MPCA PROJECT NUMBER VP22891



Map adapted from Wenck Associates, Inc.