



Minnesota Pollution Control Agency

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April 4, 2013

Mr. Greg Mack
Ramsey County Parks and Recreation
2015 North Van Dyke Street
Maplewood, Minnesota 55109

RE: Rice Creek Regional Trail Site, Arden Hills
MPCA Project Number VP 26640
No Association Determination

Dear Mr. Mack:

This letter is in response to the request from Joe Otte of Wenck Associates, Inc. for a determination under Minn. Stat. § 115B.178 that certain actions proposed to be taken by Ramsey County at the Rice Creek Regional Trail site (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 108 acres in the western portion of the former Twin Cities Army Ammunition Plant (TCAAP) facility, as shown in Attachment B. The larger TCAAP site was used for the production and testing of small arms ammunition from the 1940s to the mid-1990s. Specific historical activities that occurred at the Site include the burning and/or disposal of waste, debris, and ordnance (*Site C*), the manufacturing and storage of primers and tracing compounds (*135 Primer Tracer Area*), and the storage of containerized explosives (*120-Series Magazine Area*). In addition, the western end of a former indoor firing range extended onto the Site. The Site is currently heavily overgrown with grasses and occupied by a number of small vacant buildings, as well as a network of roads and railroad tracks. Ramsey County intends to acquire the Site and redevelop it for recreational use. Portions of the Site are anticipated to be used for vehicle access and parking, an event staging area, a paved regional trail, and wildlife open space.

Soil contamination at *Site C* was addressed during a Superfund response action conducted between 2000 and 2008, through a combination of soil excavation and construction of a four-foot clean soil cap. The remedial footprint at that time was based on site-specific "Army Industrial" cleanup standards, which included a cleanup standard of 1200 milligrams per kilogram for lead. Additional soil remediation is necessary around the perimeter of *Site C* to achieve a level of cleanup appropriate for recreational use. Shallow perched groundwater at *Site C* is also impacted by lead. Three groundwater extraction wells, installed to contain the plume, operated from 2001 to 2008. While not currently active, the groundwater extraction system remains in place as a contingency measure. Deeper groundwater beneath the southern portion of the Rice Creek Regional Trail site is impacted by chlorinated solvents and is being addressed by the U.S. Army under the oversight of state and federal Superfund programs.

Ramsey County completed 38 soil borings in other portions of the Site (excluding *Site C*) in 2011, to supplement soil data previously collected at the Site by the U.S. Army. Shallow soil samples were analyzed for lead and polynuclear aromatic hydrocarbons (PAHs). With the exception of a few isolated soil samples, the concentrations of lead and PAHs, expressed as benzo(a)pyrene equivalents, were less than the MPCA's Recreational Soil Reference Values. Three soil samples were also analyzed for polychlorinated biphenyls (PCBs); no PCBs were detected. For the purpose of this No Association Determination, the Identified Release is comprised of lead and chlorinated solvents in groundwater and arsenic, chromium, copper, lead, mercury, antimony, thallium, asbestos, and PAHs in soil (Identified Release).

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 listed below (Proposed Actions) 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 the Site;
- Implementation of soil response actions at the Site in accordance with an MPCA-approved Response Action Plan/Construction Contingency Plan (RAP/CCP);
- Construction of a regional trail, parking lot, and other supporting infrastructure at the Site, in accordance with an MPCA-approved RAP/CCP;
- Operation of the Site for recreational use, provided that state and federal land use controls governing the Site have been modified to allow such use; and
- Maintenance of 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 any MPCA-approved response action plan to address the Identified Release; and
4. 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 prohibit any disturbance of the clean soil cap at *Site C* and shall restrict the Site to industrial use. The Environmental Covenant must also contain the information described in Minn.

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Stat. § 115B.16, subd. 2; i.e., it must contain a description of the identity, quantity, location, condition and circumstances of contamination located on the property, to the full extent known or reasonably ascertainable. The Environmental Covenant shall be recorded as provided in UECA. A copy of the proposed Environmental Covenant language shall be submitted to the MPCA staff for review and approval prior to filing. The Environmental Covenant shall be filed 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. Notice of the Environmental Covenant shall be provided to those parties to whom notice is required under UECA. 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 recreational use of the Site.

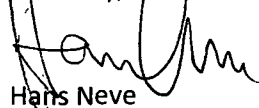
Pursuant to Minn. Stat. § 115B.178, subd.1, when Ramsey County takes the Proposed Actions in accordance with the determination in this letter, subject to the conditions stated herein, the Proposed Actions will not associate Ramsey County with the Identified Release for the purpose of Minn. Stat. § 115B.03,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

If you have any questions about the contents of this letter, please contact Shanna Schmitt, Project Manager, at 651-757-2697, or Amy Hادياريس, Hydrogeologist, at 651-757-2402.

Sincerely,



Hans Neve
Supervisor, Redevelopment Unit
St. Paul Office
Remediation Division

HN:jmp

Attachment(s)

cc: Joe Otte, Wenck
Patrick Klaers, Arden Hills City Administrator

ATTACHMENT A
DISCLAIMERS

Rice Creek Regional Trail Site
MPCA Project Number VP 26640

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 LOCATION MAP

Rice Creek Regional Trail Site
MPCA Project Number VP 26640



Map adapted from Wenck Associates, Inc.