

October 19, 2021

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Document No.: JAL-101210707

Monte Hilleman
Saint Paul Port Authority
380 Saint Peter Street #850
Saint Paul, Minnesota 55102

SUBJECT: NO ASSOCIATION DETERMINATION

RE: SITE NAME: FORMER HILLCREST GOLF COURSE, SAINT PAUL
MDA PROJECT No.: JAL101091523

Dear Mr. Hilleman:

This letter is in response to the request from Stoel Rives LLP for a determination under Minn. Stat. § 115B.178 that certain actions proposed to be taken by the Saint Paul Port Authority (the “Port Authority”) at the Former Hillcrest Golf Course, located on the west side of McKnight Road and south of Larpenteur Avenue East in St. Paul, Minnesota (the Site), will not constitute conduct associating the Port Authority with release or threatened release of hazardous substances, pollutants, or contaminants at the Site for the purpose of Minn. Stat. § 115B.03, subd. 3(4).

Minnesota Department of Agriculture (MDA) staff in the Agricultural Voluntary Investigation and Cleanup (AgVIC) Program has reviewed the documents submitted for the Site. The Site consists of six different parcels in Ramsey County comprising an area of approximately 112 acres. The Site was used as a golf course from the 1920s until 2017, at which time the course was closed and later sold to the Port Authority in 2019. The Port Authority intends to redevelop the Site for residential, commercial, and light industrial use. For use in this letter, the wetland and drainage ditch area, specifically located south of the Maintenance area and north of the 6th hole tee box, will be referred to as the Wetland Area East.

A brief summary of the site investigation and results includes to date includes the following:

- A Phase I AgESA Report was completed for the site and submitted to the MDA on June 10th, 2019, as well as a Phase I AgESA Report Addendum, submitted to the MDA on August 15, 2019. The Phase I AgESA Report Addendum identified the Maintenance Area to contain several high-risk areas where mixing, loading, and storage of agricultural chemicals had occurred. The Addendum also identified the berms, which run south from the Maintenance Area to the Wetland Area East, as a potential high-risk area due to intermixed debris of an unknown origin incorporated throughout the berms.
- As part of the ongoing remedial investigation of the Site, soil samples were collected from several locations within the Maintenance Area on June 22, 2020, which were analyzed for nitrogen, MDA List 2 Pesticides, and mercury. Additionally, soil samples were collected from several trenches dug into the berms in the Wetland Area East on June 23, 2020 and analyzed for mercury

- Sediment samples were collected in the Wetland Area East on August 12, 2020. A surface water sample was also collected from the Wetland Area East on August 17, 2020. Both sediment and surface water were analyzed for mercury.
- Soil sample results for the Maintenance Area indicate that elevated levels of mercury, Total Kjeldahl Nitrogen, and Nitrate-nitrogen are present. These impacts are all below MDA Soil Cleanup Goals (SCGs) except for mercury in the former water fill area. Soil and sediment sample results for the Wetland Area East and berms indicate that elevated levels of mercury impacts are present, with several sample locations having impacts above or near the SCG for mercury. However, mercury impacts were not detected in surface water sampled in the Wetland Area East.
- A Stormwater Sewer Rehabilitation & Building Demolition Soil Management Workplan (Workplan) was submitted to the MDA with the Proposed Actions Letter for No Association Determination on August 10, 2021.

For the purpose of this letter, the identified release for this No-Association Determination is limited to the mercury in soil and sediment found in multiple areas near the Maintenance Area and Wetland Area East (Identified Release).

In addition to the Identified Release at the Site, elevated mercury concentrations were detected at the tee boxes, fairways and golf greens located at the Site, where agricultural chemicals were applied to the turf as part of golf course operations. Contamination resulting from the labeled use of agricultural chemicals is not a release as defined in Minn. Stat. Ch. 1158.02, Subd. 15 and is not an incident as defined in Minn. Stat. Ch. 180.01, Subd. 6. Therefore, the contamination in the golf greens, fairways and tee boxes is not part of the Identified Release described in this No-Association Determination letter.

Based upon a review of the information provided to the MDA AgVIC 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 the Port Authority with the Identified Release for the purpose of Minn. Stat. § 115B.03, subd. 3(4). This determination applies only to the following Proposed Actions:

- Demolition of the existing Site building(s) in the Maintenance Area, subject to proper abatement of any hazardous building materials. The fertilizer building should be properly cleaned out and torn down, according to the MDA Dry Fertilizer Building Maintenance and Abandonment factsheet (see attached);
- Removal of subsurface building materials and utilities in the Maintenance Area;
- Removal of paved surfaces in the Maintenance Area; and
- Rehabilitation of the plugged stormwater sewer and catch basin located in the Wetland Area East.

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. The Port Authority shall cooperate with the MDA, its employees, contractors, and others acting at the MDA's direction, in the event that the MDA 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. The Port Authority shall avoid actions that contribute to the Identified Release or that interfere with response actions required under any MDA-approved response action plan to address the Identified Release.
4. In the event that any suspected hazardous substances are encountered during Site activities (i.e., demolition, grading, excavation, etc.), the Port Authority shall notify the MDA project staff immediately in order to determine appropriate handling, sampling, analysis, and disposal of such wastes.
5. All feasible measures should be taken to prevent mercury impacted sediment from being released off site during rehabilitation of the plugged stormwater sewer and catch basin. In the event that sediment is visibility released across the storm sewer pipe and drain off site, the Port Authority or its representatives shall notify the MDA project staff immediately in order to determine next actions.

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

The determination made in this letter applies to the Port Authority'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 the Port Authority 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.

If you have any questions about this project, please contact me at (651) 201-6639 or MDA project manager, Josh Leable at (651) 201-6632.

Sincerely,



Joshua Stamper, Director
Pesticide & Fertilizer Management Division

cc: Steven Heurung, Stoel Rives (e)
Kathryn Sarnecki, SPPA (e)
Ken Larsen, Braun Intertec (e)
Aaron Irber, MDA (e)

Stuart Orlovski, MDA (e)
Josh Leable, MDA (e)

ATTACHMENT A
DISCLAIMERS
FORMER HILLCREST GOLF COURSE, SAINT PAUL, RAMSEY COUNTY, MINNESOTA
MDA PROJECT NO: JAL101091523

1. Reservation of Authorities

The MDA Commissioner reserves the authority to take any appropriate actions with respect to any release, threatened release, or other conditions at the Site. The MDA 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 or the environment.

2. No MDA Assumption of Liability

The MDA, 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. The voluntary party is responsible for ensuring that the approved corrective action complies with all applicable building, electrical and fire codes and Health Department rules, and that all necessary state and local approvals are obtained.

3. Letter Based on Current Information

All statements, conclusions and representations in this letter are based upon information known to the MDA Commissioner and staff at the time this letter was issued. The MDA 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 MDA Commissioner or staff acquires information after issuance of this letter that provides a basis for such modification or action.

4. Disclaimer Regarding Non-Agricultural Contamination

Approval of this investigation is based on its environmental merits for addressing the agricultural chemical contamination only. This letter does not apply to other types of contamination that may be present on the subject property.

5. Disclaimer Regarding Use or Development of the Property

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