

May 3, 2022

VIA EMAIL

Monte Hilleman
The Port Authority of the City of Saint Paul
400 North Wabasha #240
Saint Paul, MN 55102

RE: No Association Determination
Hillcrest Golf Course, 2200 Larpenteur Ave E, Saint Paul
MPCA Site ID: BF0001281
Billing ID: 29394
PINs: 232922120003, 232922120004, 232922120006, 232922140002, 232922410001, and
232922410002

Dear Monte Hilleman:

This letter is in response to the request from Steven Heurung of Stoel Rives for a determination under Minn. Stat. § 115B.178 that certain actions proposed to be taken by The Port Authority of the City of Saint Paul (SPPA) at the Hillcrest Golf Course site, located at the address referenced above (the Site), will not constitute conduct associating the SPPA 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).

The Minnesota Pollution Control Agency (MPCA) staff in the Voluntary Investigation and Cleanup (VIC) Program has reviewed the documents submitted for the Site. The 112-acre Site was used for cultivated agriculture or grazing land prior to being developed as a golf course in the 1920s. A clubhouse is located on the northwest portion of the Site and agricultural chemical storage buildings and a maintenance shop are located along the southeast boundary. Three separate petroleum releases were reported at the Site in the past and were issued the MPCA Leak IDs 5050, 6222, and 18327. The SPPA purchased the Site in 2019 and intends to prepare the Site for future redevelopment with commercial/light industrial buildings, residential buildings, and a city park.

A limited subsurface investigation was conducted at the Site in April 2019 and May 2019. Soil samples collected from borings were analyzed for different combinations of analytes, including a total of 11 samples for Resource Conservation and Recovery Act (RCRA) metals, 8 samples for polynuclear aromatic hydrocarbons (PAHs), 5 samples for volatile organic compounds (VOCs), 4 samples for diesel range organics (DRO) and gasoline range organics (GRO), and 14 samples just for mercury. In addition, 22 surficial soil samples were collected across the Site and analyzed for mercury. Elevated concentrations of mercury were detected in many of the soil samples and is deemed to result from past fungicide applications at the golf course.

As part of a remedial investigation completed at the Site between June 2020 and November 2021, nine hand auger borings and eight test pits were completed in the vicinity of the clubhouse. A total of 29 soil samples were analyzed for mercury, and 17 soil samples were analyzed for PAHs and RCRA metals. Polynuclear aromatic hydrocarbons were detected in shallow soil at one location (DSS-2/2W) at a concentration greater than the MPCA's residential soil reference value (SRV). Mercury was detected in one shallow soil sample at a concentration slightly greater than the MPCA's residential SRV. As noted above, the MPCA considers the presence of mercury in soil at the Site as attributable to past fungicide applications at the golf course.

For the purpose of this letter, the identified release consists of PAHs in soil (Identified Release). This letter does not address petroleum- or agricultural-related contaminants. Petroleum contamination detected at the Site is under the oversight of the MPCA's Petroleum Brownfields Program. Technical assistance for agricultural contamination is being provided by the Minnesota Department of Agriculture's Agricultural Voluntary Investigation and Cleanup (AgVIC) Program (Project number JAL101091523).

Based on 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 the SPPA with the Identified Release for the purpose of Minn. Stat. § 115B.03, subd. 3(4). This determination applies only to the following Proposed Actions:

- Implementation of environmental response actions at the Site, in accordance with an MPCA-approved Response Action Plan/Construction Contingency Plan;
- Demolition of the existing Site building(s) and infrastructure, subject to proper abatement of hazardous building materials.

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 SPPA 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. The SPPA 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.

Pursuant to Minn. Stat. § 115B.178, subd.1, when the SPPA 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 SPPA with the Identified Release for the purpose of Minn. Stat. § 115B.03, subd. 3(4).

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The determination made in this letter applies to the SPPA'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 that the SPPA 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 upon compliance with the terms and conditions set forth herein.

If you have any questions about the contents of this letter, please contact Andrew Nichols, Project Manager, at 651-757-2612 or by email at andrew.nichols@state.mn.us.

Sincerely,

Amy K. Hadjaris

This document has been electronically signed.

Amy K. Hadjaris, P.G.

Supervisor

Redevelopment Unit

Remediation Division

AKH/AN:df

Attachment

cc: Shari Moore, City of Saint Paul (w/attachment) (electronic)
Rachel Frank, Ramsey County (w/attachment) (electronic)
Steven Heurung, Stoel Rives (w/attachment) (electronic)
Ken Larsen, Braun Intertec (w/attachment) (electronic)
Mark Keefer, Braun Intertec (w/attachment) (electronic)

Disclaimers

Hillcrest Golf Course

MPCA Site ID: BF0001281

1. Reservation of authorities

The Minnesota Pollution Control Agency (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 on 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/her 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.

6. This approval does not supplant any applicable state or local stormwater permits, ordinances, or other regulatory documents.