



Minnesota Pollution Control Agency

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August 5, 2010

Mr. Michael Hahm
Director of Parks and Recreation
City of Saint Paul
400 City Hall Annex
25 West 4th Street,
Saint Paul, MN 55102

RE: Lilydale Park Dump #2
1800 Lilydale Road, Lilydale
MPCA Project Number VP1071
No Association Determination

Dear Mr. Hahm:

This letter is in response to the request from Alice Messer of the City of Saint Paul (City) for a determination under Minn. Stat. § 115B.178 that certain actions proposed to be taken by the City at the Lilydale Park Dump #2 site at the address referenced above (the Site), will not constitute conduct associating the City 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) (2008).

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 part of Lilydale Regional Park, which was first settled in the early 1800s and eventually became the small town of Lilydale. Due to repeated flooding, the residents were relocated in the 1970s to the bluffs above what is now Lilydale Regional Park. Ramsey County demolished the buildings and other structures within the former floodplain community and consolidated some of the material in an on-site landfill (the Lilydale Park Dump). The landfill was placed within the footprint of a former salvage yard. The City acquired most of the park in 1984 through a land swap agreement with Ramsey County; however, the parcel containing the Lilydale Park Dump was excluded from the land swap and remained under county ownership.

The City is planning several improvements to Lilydale Regional Park, some of which encroach upon the Lilydale Park Dump. In preparation for the park improvements, Ramsey County is in the process of transferring ownership of the Site to the City. A test pit investigation at the Site in May 2010 identified the presence of asbestos-containing material and lead, copper, and polynuclear aromatic hydrocarbons (PAHs) in soil at concentrations greater than the MPCA's Recreational Soil Reference Values (SRVs). Other contaminants were detected in soil above background conditions but at concentrations less than Recreational SRVs. For the purpose of this No Association Determination, the identified release at the Site is comprised of asbestos, antimony, cadmium, chromium, copper, lead, mercury, zinc, PAHs, carbazole, and PCBs in soil (the Identified Release). If desired, assurances for petroleum-impacted soil, also present at the Site, can be pursued through the MPCA's Petroleum Brownfields Program.

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Based upon a review of 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 will not associate the City with the Identified Release for the purpose of Minn. Stat. § 115B.03, subd. 3(4) (2008). This determination applies only to the following Proposed Actions:

- Ownership of the Site via a deed transfer from Ramsey County;
- Clearing a corridor through the Lilydale Park Dump, in accordance with the MPCA-approved Response Action Plan dated July 16, 2010; and
- Future realignment of a portion of Lilydale Road/West Water Street through the cleared corridor 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. The City 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 City 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. The City shall record, at its own expense, in the office of the County Recorder or Registrar of Titles, whichever is appropriate, in and for Ramsey and Dakota Counties, an Environmental Covenant approved by the MPCA as provided in the Uniform Environmental Covenants Act, Minn. Stat. ch. 114E (Supp. 2007) ("UECA"). The Environmental Covenant shall prohibit any development of the Site which would expose or disturb the contaminated subsurface without receiving prior written approval from the MPCA or its 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. This description shall include information disclosing the presence of a dump with asbestos-containing debris and soil impacted by metals and PAHs. 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 within sixty (60) days receipt of this letter and the City shall file the Environmental Covenant within thirty (30) days after receipt of MPCA approval. The City shall submit a copy of the Environmental Covenant as recorded to the MPCA within thirty (30) days after the Environmental Covenant is officially recorded. The City shall provide notice of the Environmental Covenant to those parties to whom notice is required under UECA.

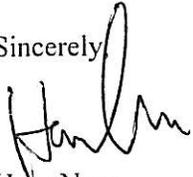
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Pursuant to Minn. Stat. § 115B.178, subd.1, when the City takes the Proposed Actions in accordance with the determination in this letter, subject to the conditions stated herein, the Proposed Actions will not associate the City with the Identified Release for the purpose of Minn. Stat. § 115B.03, subd. 3(4) (2008).

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 Amy Hadiaris, Project Manager, at 651-757-2402 or Shanna Schmitt, Hydrogeologist, at 651-757-2697.

Sincerely,



Hahs Neve
Supervisor
VIC and Emergency Response Section
Remediation Division

HN/jmp

Attachment

cc: Clinton Jordahl, Bonestroo, St. Cloud
Alice Messer, City of Saint Paul
Larry Carlson, Ramsey County Environmental Services
Jeff Harthun, Dakota County Environmental Management

ATTACHMENT A
DISCLAIMERS
Lilydale Park Dump #2
MPCA Project Number VP1071

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.