July 17, 2007

Mr. Brian Swanson  
University of Minnesota Project Coordinator  
335 Morrill Hall  
100 Church Street SE  
Minneapolis, MN 55455

RE: Gopher Football Stadium  
NE corner of University Avenue SE and Oak Street SE, Minneapolis  
MPCA Project Number VP20200  
Technical Execution Plan Approval

Dear Mr. Swanson:

The Minnesota Pollution Control Agency staff in the Voluntary Investigation and Cleanup Program has reviewed documents submitted on behalf of the University of Minnesota for the Gopher Football Stadium site at the above referenced location.

Technical Execution Plan

The MPCA staff has reviewed Wenck Associates' "Technical Execution Plan for Implementation of Response Actions, Republic Creosoting Site" (Technical Execution Plan), dated May 9, 2007. The Technical Execution Plan describes the procedures for excavation, testing and thermal treatment of soil contaminated by the former Republic Creosoting operations.

The Technical Execution Plan is hereby approved pursuant to Minn. Stat. § 115B.17 with the following modifications:

1. Cleaning and decontamination wastewater may be disposed of at the sewer connection immediately adjacent to the fenced area as long as the public access is controlled during the time of the disposal. This action is contingent on approval by Metropolitan Council Environmental Services or the MPCA Stormwater Program, depending on whether the sanitary or storm sewer system is used.

2. Any large debris that is unearthed may be cleaned or stabilized prior to landfill disposal as outlined in the Land Disposal Requirements' Alternative Treatment Standards in 40CFR268.45, table 1.

Shallow Soil and Treated Soil Plan

The MPCA staff has reviewed Wenck Associates' "Shallow Soil Test Pit and Previously Treated Soil Plan, TCF Bank Stadium Site" (Shallow Soil and Treated Soil Plan), dated June 25, 2007. The Shallow Soil and Treated Soil Plan outlines the procedures for monitoring, sampling and disposal of two releases to soil. The first release is the shallow fill soil contaminated with polynuclear aromatic hydrocarbons that does not appear to be from creosote, and second release is the previously treated creosote impacted soil. The Shallow Soil and Treated Soil Plan is hereby approved pursuant to Minn. Stat. § 115B.17.
Site Safety Plan

The MPCA staff has also reviewed Wenck Associates' "Site Health and Safety Plan, Direct Infrastructure Republic Creosoting Project Bid Package #3" (Site Safety Plan) dated June 25, 2007. The MPCA reviews and comments on site safety plans, but does not approve them. The MPCA does not have any comments on the Site Safety Plan.

On the morning of July 13, 2007, in a telephone conversation between Lynne Grigor of the MPCA and Rick Kubler of Gray, Plant, Mooty, the MPCA verbally approved the start of the excavation of the creosote impacted soil and trucking of the soil to the AB Environmental thermal treatment facility in Henderson, Minnesota. That approval, pursuant to Minn. Stat. § 115B.17, is hereby documented in writing.

Standard disclaimers are included in Attachment A. If you have any questions or concerns please contact me at 651-296-7297 or Lynne Grigor at 651-296-8572.

Sincerely,

Wayne F. Sarappo
Project Manager
Superfund and Emergency Response Section
Remediation Division

WFS/jmp

Attachment

cc: Joseph Otte, Wenck Associates
    Rick Kubler, Gray, Plant, Mooty
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 creates 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.