



Minnesota Pollution Control Agency

May 24, 2006

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
Construction Contingency Plan Comments

Dear Mr. Swanson:

The Minnesota Pollution Control Agency staff in the Voluntary Investigation and Cleanup Program is in the process of reviewing Wenck Associates' "Site Redevelopment Construction Contingency Plan, Proposed TCF Bank Stadium Site" (Contingency Plan), dated May 2006 submitted for the Gopher Football Stadium site (Site) at the above referenced location. The purpose of this letter is to transmit some initial comments on the Contingency Plan to serve as discussion points for the MPCA/University meeting scheduled for May 25, 2006.

The following are general comments on the Contingency Plan, detailed comments will be reserved for discussion at the meeting:

1. In general, the Contingency Plan needs to be more detailed and more tailored to the planned construction at the Site. It needs to include information on specific locations where there is known soil and ground water contamination, such as depths and extents of the contamination. A map of the locations referenced in the Contingency Plan would be helpful.
2. The creosote-impacted soil in the area of the former Republic Creosote is a listed hazardous waste and needs to be handled, stored, transported, and remediated as a hazardous waste. The Contingency Plan does not mention that this impacted soil is a listed hazardous waste and there is no information on how soil from the Republic Creosote area will be managed. The creosote contaminated soil may not be excavated and reused on-site.

Mr. Brian Swanson

Page 2

May 24, 2006

3. As stated in the MPCA letter to you dated December 28, 2005, all soil with contaminants at concentrations above the MPCA Soil Reference Values (SRVs) for recreational properties needs to be tested in accordance with MPCA risk-based guidelines for characterization and disposed of properly. The exceptionally brief risk assessment used to justify less conservative cleanup goals does not provide enough detailed information and documentation to justify deviation from the recreational SRVs. The vapor intrusion pathway needs to be addressed, especially for the chlorinated solvent release in the soil and ground water at the Kempf Paper Building. It is important that the Contingency Plan address the remediation of the release given the presence of commercial/residential buildings immediately south of the Kempf property.
4. The addition of surface water (bio-swales) to the Site design will impact the Site clean-up goals. The bio-swale design and clean-up goals need to be discussed with MPCA Stormwater Program staff to determine appropriate clean-up goals. In addition to other areas, Figure 2 indicates that bio-swales are planned to cross the Republic Creosote hazardous waste area. Excavation for bio-swale construction will necessitate planned management and remediation of the soils as hazardous waste. The increase in and/or localization of infiltration will likely impact the ground water contamination plume.
5. The Contingency Plan describes which contaminants exceed the Tier 1 SRV, but does not discuss the contaminants that exceed the Site cleanup goals, their location or extent.
6. The Contingency Plan needs to cover the conditional items and comments in the assurances issued for the adjacent and nearby properties listed in the May 2, 2006 Proposed Actions letter from Wenck Associates. For example, the Reichhold No Action letter states that at the time of redevelopment of the property the University needs to conduct additional investigation of the on-site soils and buried wastes. Another example is the Kempf Paper Building assurances were issued for the east side of the property. The University chose to complete the investigation and remediation of the chlorinated solvent release on the west side of the property at the time of redevelopment. The ConAgra-23rd Avenue and University Technology Center East site letters are conditional on the University submitting contingency plans which include the demolition of the structures as well as investigation of the soil beneath the buildings based on the condition and type of subgrade utilities and other structures.
7. The soil contaminated with metals is often not visually identifiable. The Contingency Plan does not state how soil contaminated with metals will be identified.
8. As stated in the December 28, 2005 letter, soil containing ash and other products of burning needs to be tested prior to reuse or disposal off-site.

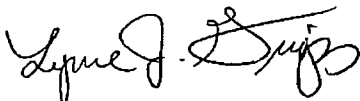
Mr. Brian Swanson
Page 3
May 24, 2006

9. The Contingency Plan needs to have more detail on the stockpiling of excavated debris and soil which may be contaminated. Special wastes often need special handling. Some examples are potential asbestos containing materials and associated soil and wastes need to be stockpiled separately, railroad ties and batteries need to be separated, and liquid or semi-liquid wastes including leaky containers need to be stored in sealed overpack containers.
10. Testing was very limited at the Poucher Building and needs to be addressed in the Contingency Plan.

Please note that in addition to the Contingency Plan, the University of Minnesota needs to submit for MPCA review and approval a contingency plan for future maintenance and any development at the Site. The University also needs to submit a draft restrictive covenant for the Site restricting future land use based on the known contamination at the Site.

Please contact me if you have any questions or concerns at (651) 296-8572 or Wayne Sarappo at (651) 296-7297.

Sincerely,



Lynne J. Grigor, P.G.
Senior Environmental Geologist
Voluntary Investigation and Cleanup Unit
Remediation Division

LJG/jmp

Attachment

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

ATTACHMENT A
DISCLAIMERS
Gopher Football Stadium
MPCA Project Number VP20200

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.