



Minnesota Pollution Control Agency



September 18, 1995

Mr. Donald York
Environmental Control and Budgets
Chicago & North Western Transportation Company
1 North Western Center
Chicago, Illinois 60606

RE: Chicago Northwestern Site, Southeast Minneapolis Yards, Minneapolis

Dear Mr. York:

The Minnesota Pollution Control Agency (MPCA) staff in the Voluntary Investigation and Cleanup Unit has reviewed the "Remedial Action Implementation Report" (Final RA Report), prepared by Dahl & Associates, Inc. and dated March 30, 1995. The RA Report documents the excavation and treatment of polynuclear aromatic hydrocarbon impacted soil from a former creosote pit operated by Republic Creosoting prior to 1916 (the Identified Release). The former pit area was excavated, the contaminated soil treated on-site using high temperature thermal desorption and thermal oxidation, and soil treated to concentrations allowing unrestricted land use was returned to the excavation pit.

Based on a review of the MPCA file for the Site and the Final RA Report, a determination is hereby made to take no action with regard to the Identified Release; specifically, the MPCA staff will not refer the Identified Release to the Comprehensive Environmental Response, Compensation and Liability Information System list, to the Site Assessment Unit for preparation of a Hazard Ranking System score, or to the MPCA Citizens' Board for the placement of the Site on the Permanent List of Priorities. This determination is issued to the Chicago & Northwestern Transportation Company with respect to the Identified Release and extends to successors and assigns.

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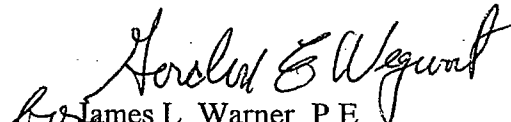
UMR-4766

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Please be advised that this letter and accompanying assurances do not address the release to ground water at the Site and any pockets of creosote contaminated soil that may exist outside the creosote pit excavation area. The release to ground water will be referred to the MPCA Site Assessment Program for possible inclusion on the Comprehensive Environmental Response, Compensation and Liability Information System list, for preparation of a Hazard Ranking System score, or to the MPCA Citizens' Board for the placement of the Site on the Permanent List of Priorities, unless a volunteer comes forward to investigate and/or clean up the ground water release. This letter is subject to the disclaimers found in Attachment A. If you have any questions about the contents of this letter, please contact Gerald Stahnke at (612) 297-1459 or Lynne Grigor, (612) 296-8572.

Sincerely,


for James L. Warner, P.E.

Division Manager
Ground Water and Solid Waste Division

JLW:kkn

Enclosure

cc: Rod Jasmer, Dahl & Associates
✓ Gordon Girtz, University of Minnesota
Tom Frame, Minneapolis Department of Inspections
Tom Greenland, Chicago & North Western Railway Company
Sarah Halvorson, Lindquist & Vennum
Jim Bratina, Reilly Industries, Inc.

ATTACHMENT A
DISCLAIMERS
Chicago Northwestern Site

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.