

Larkin Hoffman

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June 12, 2015

Council President Russ Stark City of St. Paul 320-C City Hall 15 Kellogg Blvd., West Saint Paul, MN 55102 **Hand Delivered**

Re: Hawkins, Inc.: Tank Replacement and Upgrade at 701 Barge Channel Road Our File #37,805-02

Dear Council President Stark:

This firm represents Hawkins, Inc. ("Hawkins") with respect to the conditional use permit (CUP) for the storage facility (the "Facility") tank replacement in the Flood Fringe District, located at 701 Barge Channel Road (the "Property") in the City of St. Paul (the "City"). On April 24, 2014, the City Planning Commission voted unanimously to approve Hawkins's CUP. The Planning Commission's approval of the CUP was subsequently appealed (the "Appeal") by Salina Amey and Kathy Larson (together, the "Appellant") on May 4, 2015. This letter is intended to address misinformation included in the Appeal and provide the City Council with an accurate representation of the proposed tank replacement and upgrade (the "Project"). In light of the inaccurate claims and lack of factual support for the Appeal, we strongly urge the City Council to deny the Appeal.

Introduction and Background

Hawkins is proposing to remove an existing 440,000 gallon storage tank and replace it with eight (8) 50,000 gallon tanks, along with associated safety, containment, and mechanical equipment, and truck loading and rail unloading facilities (the "Improvements"). See Exhibit A, Proposed Improvements. The CUP application is required only for the approval of the placement of Improvements in the Flood Fringe District below the regulatory flood protection elevation. The improvements themselves are otherwise allowed on the I2 General Industrial District. This equipment is necessary for the Facility operation and will result in a net reduction of tank capacity from the existing Facility by approximately 40,000 gallons, while also improving the environmental protection and safety and security measures for the Facility and particularly in the event of a flood. The land under the existing Facility and the location of the replacement tanks is located in the center of the Southport industrial area and is leased from the St. Paul Port Authority (SPPA).

Hawkins was founded in 1938 on University Avenue in St. Paul. The company's operations continue to be based in the Twin Cities, with nearly 200 employees in the metro area. Hawkins employs approximately 50 individuals at its multiple port facilities in the City. The total payroll at the St. Paul facilities is approximately \$5 million. Twenty-five of the Hawkins employees located in the City are members of Teamsters Local 120. The Project itself is a \$7 million upgrade to the Facility and will support about 50 workers during construction. The majority of contractor and subcontractor employees are union workers from the following unions: Local 49 Operating Engineers, Local 322 Carpenters, Local 563 Laborers, Local 633 Cement Finishers, and Local 512 Ironworkers.

Hawkins provides an essential service to hundreds of municipal, corporate, and institutional customers in the region and has done so for more than 75 years. The Facility has handled three primary products, all of which are National Science Foundation/American National Standards Institute (ANSI) certified for purity and use in potable water. These chemicals are caustic soda (lye), which is sold to the Metropolitan Council for wastewater treatment and virtually every major industry in the city; as well as ferric chloride and hydrofluosilicic acid, which are sold to St. Paul and surrounding communities for use in municipal water systems. As part of the modernization project, the Company intends to remove the hydrofluosilicic acid storage and replace it with food grade hydrochloric acid, which has the same risk profile as the existing products and which the Company has safely handled for decades. This product is sold to the City and to local YMCAs for use in their swimming pools, as well as to a number of local industries. Hawkins has reliably provided these chemicals to the City for more than 30 years.

The Property is owned by the SPPA and is intended to be used for economic development purposes associated with the port. The Facility has been historically used for storage, including aboveground storage tanks, which have been located at the Facility since prior to 1966. Hawkins has operated the Facility for nearly 35 years and has a lease for the Property for another 19 years. Hawkins also operates two similar facilities at the Terminal 1 and Red Rock ports in the City, both of which are leased from the SPPA. The CUP will allow for the modernization and upgrade of the current Facility that ensure the Facility is operated and maintained to the most current health, safety, security and environmental best practices.

Discussion

In light of the number of factual and legal inaccuracies presented by the Appellant, we have organized this discussion with headings. Citations refer to exhibits in the enclosed materials.

1. The CUP Meets the Legal Standard Under Minnesota Law.

State law and the City Code require all zoning regulations to be consistent with the City's adopted Comprehensive Plan (the "Comp Plan"). Minn. Stat. § 473.858, subd. 1. The Comp Plan designates the property with an "Industrial" future land use classification, which the Comp Plan states is "primarily the location of manufacturing and/ or processing of products. Industrial could include light or heavy industrial land uses, large warehouse facilities, and/or utilities." Comp Plan LU-2. This future land use designation of the Property for industrial uses is consistent with the Comp Plan policy 5.1.3, which states "The City supports continuation of

industrial uses in appropriate portions of the corridor as indicated in the Land Use Plan [including the Southport industrial area]."

A municipality's review of a conditional use permit (CUP) is a quasi-judicial review, requiring both a factual determination about the proposed use and an exercise of discretion in determining whether to permit the use. *Shetka v. Aitkin County*, 541 N.W.2d 349, 352 (Minn. App. 1995). The courts will reverse a city's denial of a CUP where the denial is arbitrary. *Zylka v. City of Crystal*, 167 N.W.2d 45, 49 (Minn. 1969). Denial of a CUP is arbitrary when the applicant establishes that "all of the standards specified by the ordinance as a condition to granting the permit have been met." *Id.*

This standard is in contrast to zoning matters that are legislative in nature (enacting zoning ordinances or Comp Plan Amendments) where the city is "formulating public policy, so the inquiry focuses on whether the proposed use promotes the public welfare." *Honn v. City of Coon Rapids*, 313 N.W.2d 409, 417 (Minn. 1981). In quasi-judicial zoning decisions, such as a CUP, "public policy has already been established and the inquiry focuses on whether the proposed use is contrary to the general welfare as already established in the zoning ordinance." *Id.* Accordingly, the reasonableness of a CUP decision is determined with reference to the applicable ordinance. *Id.*

Here, the CUP is consistent with the existing zoning ordinance and Comp Plan policies. Accordingly, staff recommended the CUP for approval and the permit was approved unanimously by both the zoning committee of the Planning Commission and the Planning Commission as a whole. Reversal of the CUP and approval of the Appeal predicated on the misinformation put forth by the Appellant would constitute a deviation from established law and a substantial body of City policy.

2. The Facility is a Permitted Land Use Under the City Code.

The Property is zoned I2 General Industrial District and the Facility, along with the replacement tanks are a permitted General Industrial use in the I2 District. The Appellant contends that the Facility is a "Heavy Industrial" use. However, the Appellant's contention misconstrues a zoning district title (the "I3 Heavy Industrial District") for a type of land use. There is no "Heavy Industrial" land use category under the City zoning code (the "City Code"). The Facility is a chemical storage facility, which is classified as a "General Industrial" use under the City Code Sec. 65.811. General Industrial uses includes a broad range of industrial uses, including the production, processing and storage of materials, and are allowed as of right in the I2 District as a permitted use. City Code Table 66.521.

3. The Facility Does Not Handle or Store Hazardous Waste.

The Appellant attempts to repeatedly mischaracterize the chemicals stored on site as hazardous waste. The Facility stores a limited number of chemicals on site, all of which have been certified for purity and for use in potable water or food. Although the chemicals, including hydrofluosilicic acid, are co-products, which means they are produced as a result of other

chemical production processes, none of the chemicals are waste, let alone "hazardous waste." The City Code defines hazardous waste as:

Any refuse or discarded material or combinations of refuse or discarded materials in solid, semisolid, liquid or gaseous form which cannot be handled by routine waste management techniques because they pose a substantial present or potential hazard to human health or other living organisms because of their chemical, biological or physical properties. Categories of hazardous waste include, but are not limited to, explosives, flammables, oxidizers, poisons, irritants and corrosives.

City Code Sec. 60.209. The chemicals stored in the Facility are not refuse, rather they are commodities, and cannot be classified as "hazardous waste" under City Code or common usage.

4. There is No Record of Contaminated Soils on The Property.

The Appellant contends that the existence of storage tanks implies "likely" contamination. The 440,000 gallon tank that has been removed was double lined and had no record of ever having experienced leakage. The tank had been used to store hydrofluosilicic acid since 2008, and had no reported safety issues. When the tank was removed, soil testing was conducted and found the pH levels to be neutral, which indicated that no spills or leaks had occurred. *Exhibit B, Tank B Soil Samples*. The site had core samplings taken and no contamination was found. While doing excavation, several samples were analyzed, and testing showed that the soil was not hazardous and could be disposed of as ordinary fill under MPCA guidelines. A Phase I Site Assessment has also been conducted to assess for environmental contamination and no contamination was found. Hawkins is regularly in contact with the applicable permitting authorities, and is compliant with all necessary environmental agencies that we are following applicable law.

5. The Facility Will Not Endanger the Public Health, Safety, or Welfare.

Hawkins has operated the existing Facility for nearly 35 years and has a record of quick and effective flood event response. Hawkins has filed a detailed flood response and monitoring protocol that outlines the necessary steps to ensure safety and eliminate any hazards to the community or the environment in the event of a flood. *Exhibit C, Flood Response Plan*. Additionally, the Project includes substantial safety and containment upgrades to protect from potential spills, as well as flooding. The replacement tanks will be enclosed by an approximately 13-foot tall engineered, fully-coated, concrete wall that is designed to capture any potential spills before contact with the soil and withstand external hydraulic pressures of a flood. *Exhibit D, Site Plan*. All trucks and rail cars entering and exiting the Facility will also be subject containment improvements to prevent any potential contamination. The process systems are designed to be closed loop, so that any potential vapors are minimized. In addition, although not required under any applicable regulation, the Company intends to install an air scrubber to further reduce any fumes or vapors that might arise from the site.

Hawkins has an excellent safety record and takes the responsibilities of chemical storage, handling, and distribution seriously. Hawkins has a staff of five safety and compliance

professionals who work closely with all applicable regulatory agencies on a regular basis, such as Minnesota Pollution Control Agency, DHS, DOT, EPA and many others. Hawkins is a member of the National Association of Chemical Distributors and, as such, is bound by the code of Responsible Distribution. This code requires regular third party audits of processes and practices.

6. The Facility is Not a Superfund Site, Nor is It a Source of Airborne Contaminants.

The Appellant references a "potential EPA Superfund cleanup site" in the immediate vicinity of the Facility as justification for denial of the CUP. This contention is unsupported by any substantial evidence. The site referenced by the Appellant is the location of a May 16, 2003 traffic stop during which the St. Paul Police requested assistance from the EPA because a truck, wholly unrelated to Hawkins, containing hazardous materials was pulled over at 830 Barge Channel Road. Due to the presence of hazardous materials on that truck, it was transferred to the City's impound lot and the materials were disposed of properly. There was no release, no spill, and no further action required, and the EPA lists the location as a "Removal Only Site (No Site Assessment Work Needed)." *Exhibit E, CERCLIS Report*. Nothing about this event was related in any way to the Facility or Hawkins.

The Appellant also references the designation of the Facility as an "EPA Facility of Interest" as further justification for denial of the CUP. The EPA identifies 1,354 "facilities of interest" in St. Paul alone, including, Our Lady of Guadalupe Church (the location of the MPCA testing monitor), which is listed as a small quantity hazardous waste generator. *Exhibit F, EPA Facility Detail Report*. The designation indicates that the site is registered with the EPA and provides no relevant basis upon which to deny the CUP. Moreover, the Appellant's reference to the MPCA monitoring cannot be attributed to the Facility. None of the chemicals referenced in the report are stored at the Facility, and the monitoring location is more than half a mile away from the Property, separated by at least a half-dozen industrial uses. The chemicals identified in the MPCA monitoring are not attributable to the Facility and the Facility is not a source of airborne contaminants.

7. An Environmental Assessment Worksheet (EAW) is Not Necessary Under the Law.

The replacement and upgrade of the tanks does not require an EAW under the Minnesota Rules governing mandatory EAWs for expansion of bulk transfer facilities in the flood plain. MN R. Pt. 4410.4300, subp. 8, Item B. For EAWs governed under this threshold, the Minnesota Pollution Control Agency is the responsible governmental unit. In October 2014, Hawkins met with the MPCA, fully explained the project, and received written confirmation that the Project will not trigger the threshold and, therefore, does not require an EAW. *Exhibit G, Email From Patrice Jensen, MPCA to Graham Mahal, Hawkins (Nov. 26, 2014)*. The Facility has existed in its current location for nearly 35 years, and it is one of many bulk chemical storage facilities located at SPPA ports throughout the City that have operated without risk to the environment. Moreover, the Project will not only result in a 40,000 gallon decrease in chemicals stored on site, but it will also result in the implementation of substantial health, safety, security and environment best practices, improving the safety and welfare of the Community and the environment.

8. The Facility Must be Located on a Port with Multi-Modal Transportation Access.

Hawkins receives a substantial number of bulk shipments via rail and barges to the Facility throughout the year. In 2014, the Facility received more than 25 barges at this facility, which equates to more than 1,500 truckloads kept off the highways. Products brought into the Facility are distributed in tank trucks to customers through the city, state and region. These majority of the materials received at the Facility are shipped directly to customers. The Property is uniquely appropriate for use in conjunction with the existing Facility as it has no direct barge access and is too small for most other industrial operations.

9. The Increased Truck Traffic From the Facility Will be Negligible.

Hawkins's preliminarily estimates that the improvements will result in a one or two truck-trip increase per day. Although there has been an increase in truck traffic on Barge Channel Road associated with the new Form A Feed fertilizer storage and distribution facility, the Hawkins tank replacement and upgrades are not anticipated to decrease the roadway capacity. Any increase in truck trips originating from the Facility will be negligible.

10. The Facility Pays Substantial Property Taxes.

The Property is currently identified as "exempt" because it is owned by the SPPA, which is tax exempt from real property taxes. However, improvements to SPPA land at all Hawkins facilities in the City are taxed as personal property. In 2014 alone, Hawkins paid \$61,332 on the existing Facility, \$41,438 on its facility at Terminal 1, and \$145,000 at the Facility at Red Rock, all of which are owned by and leased from the SPPA. This totals approximately \$250,000 in personal property taxes for facilities located in the City in 2014. *Exhibit H, Tax Statements*. The replacement tanks, rail lines, and associated safety and containment equipment will be similarly taxed as personal property and contribute significantly to the tax rolls.

11. The Project Will Not Impair River Valley Views.

The Property is located in the center of Southport, a designated industrial river port and one of the most industrial areas in the City and will not impair views of the river valley. The original 440,000 gallon tank has been removed and will be replaced with eight (8) 50,000 gallon tanks, which are significantly smaller in size. Immediately north of the Property, on the north side of the barge channel, the new Form A Feed facility fertilizer and feed terminal is currently being constructed. See Exhibit I, Form A Feed Photos. The Form A Feed facility consists of a number of very large structures that dwarf the tanks included in the Project. Due to the industrial nature of the Facility and the Southport industrial area, the proposed Improvements will not impair views of the river valley.

Conclusion

The narrow question presented to the City Council in this Appeal is whether the tank replacement and upgrades meet the findings to be located in the Flood Fringe district. The

Appellant is attempting to use this narrow question to suggest policy changes governing the use of Southport as an industrial center. This is not the appropriate forum in which to raise changes to established policies, nor is it the correct mechanism to initiate such change. As is detailed above, nearly every claim made in the Appeal is predicated on incorrect or unsupported claims. The Project satisfies the requirements for issuance of the CUP under the City Code and is consistent with the established City policies. For these reasons, we strongly encourage the City Council to deny the appeal.

Please contact me with any questions about this letter or the enclosures.

Sincerely,

William C. Griffith, for

Larkin Hoffman

Direct Dial:

(952) 896-3290 (952) 842-1729

Direct Fax: Email:

wgriffith@larkinhoffman.com

Enclosure

cc: Shari Moore, City Clerk (hand delivered)

Samuel J. Clark, City Attorney (hand delivered)

Mayor Christopher Coleman (electronically)

Council Member Dai Thao (electronically)

Council Member Amy Brendmoen (electronically)

Council Member Dave Thune (electronically)

Council Member Bill Finney (electronically)

Council Member Dan Bostrom (electronically)

Council Member Chris Tolbert (electronically)

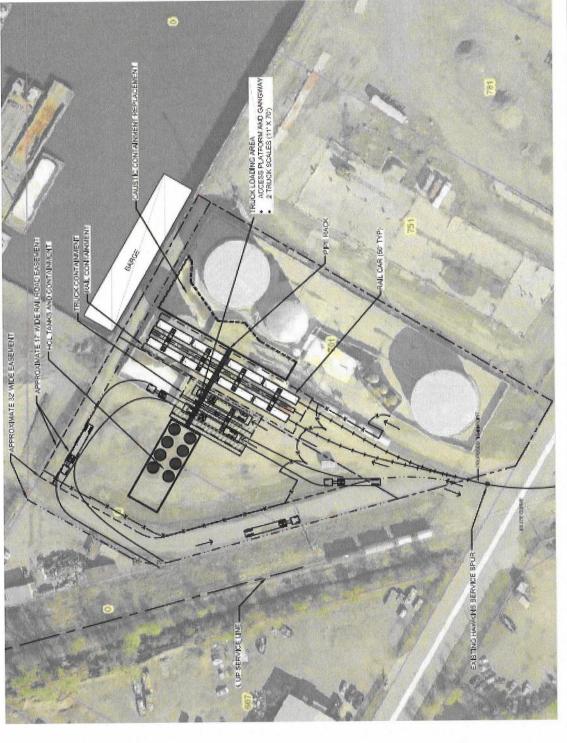
Josh Williams, Senior City Planner (electronically)

Rich Erstad, Hawkins, Inc. (electronically)

Robert C. Long, Larkin Hoffman (electronically)

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Proposed Improvements



EXHIBIT

A

6/12/2015

Richard G. Erstad

From:

Drew Scott

Sent:

Tuesday, May 05, 2015 3:30 PM

To:

Richard G. Erstad

Subject:

FW: Tank B Soil Samples

Attachments:

IMG 2948.JPG; ATT00001.txt; IMG_2952.JPG; ATT00002.txt

The larger picture shows the soil under Tank B after demo. The sand in the pile was that between the dual tank bottoms.

Drew

----Original Message----

From: Drew Scott

Sent: Wednesday, April 29, 2015 3:16 PM

To: Drew Scott; Graham Mahal Subject: FW: Tank B Soil Samples

For the project file....

On 4/29/15, we took 5 samples of the soil beneath Tank B. Locations can be seen from the sample bags in the photos. We took one additional sample of the sand that was located between the double bottom plates of the tank. Samples were taken to Legend Technical services to analyze for pH. Additional photos are available in the project file.

There was no evidence of any prior leaks or any abnormal conditions, given visual and odor observation.

Drew Scott | Project Engineer | Hawkins, Inc.

2381 Rosegate | Roseville MN 55113

0.612 331 6910 | D.612 617 8595 | M. 209.712.3763 drew.scott@haw

O. 612.331.6910 | D. 612.617.8595 | M. 209.712.3763 drew.scott@hawkinsinc.com www.hawkinsinc.com

----Original Message----

From: Drew Scott

Sent: Wednesday, April 29, 2015 3:07 PM

To: Drew Scott

Subject: Tank B soil samples

EXHIBIT B

Richard G. Erstad

From:

Drew Scott

Sent:

Tuesday, May 05, 2015 3:26 PM

To:

Richard G. Erstad Graham Mahal

Subject:

FW: 1501529 Ditch Line Cut Out

Attachments:

1501529.pdf; 1501529inv.pdf; 1501529 FINAL SxAnalytePivot 01 May 15 1549.xlsx

Importance:

High

This is the "dark soil" that we discovered during excavation. It was located on the far Northwest corner in the ditch line. It's a relatively small portion of the total soil throughout the site that will be exported as part of the project. We took samples of this because it visually looked different, and was much more compact, than the other soils on site. The rest of the soils on site looked very normal. No odors or other visuals have been detected with any other excavations.

We did a cursory review of the results and all are below regulated limits. Graham has the breakdown. I expect this to be exported as unregulated fill. Waiting on confirmation from the contractors.

We do have more excavations to the south and east, so there is a chance we could run into similar or other material there.

Drew

From: Bach Pham [mailto:bpham@legend-group.com]

Sent: Friday, May 01, 2015 3:53 PM

To: Drew Scott

Subject: 1501529 Ditch Line Cut Out

Importance: High

Bach Pham Client Manager II Legend Technical Services, Inc. 651-221-4062 bpham@iegend-group.com

LEGEND's On-Line Data Access is Now Live! Contact your Client Manager for Details

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May 01, 2015

Mr. Drew Scott Hawkins,Inc 3100 East Hennepin Avenue Minneapolis, MN 55413

Work Order Number: 1501572 RE: Analytical Services

Enclosed are the results of analyses for samples received by the laboratory on 04/29/15. If you have any questions concerning this report, please feel free to contact me.

Results are not blank corrected unless noted within the report. Additionally, all QC results meet requirements unless noted.

All samples will be retained by Legend Technical Services, Inc., unless consumed in the analysis, at ambient conditions for 30 days from the date of this report and then discarded unless other arrangements are made. All samples were received in acceptable condition unless otherwise noted.

Prepared by, LEGEND TECHNICAL SERVICES, INC

Bach Pham Client Manager II bpham@legend-group.com



Hawkins,Inc

Project:

Analytical Services

3100 East Hennepin Avenue

Project Number: [none]

Work Order #: 1501572

Minneapolis, MN 55413

Project Manager: Mr. Drew Scott

Date Reported: 05/01/15

ANALYTICAL REPORT FOR SAMPLES

Sample ID	Laboratory ID	Matrix	Date Sampled	Date Received	
T2 #1 SW	1501572-01	Soil	04/29/15 14:30	04/29/15 15:00	
T2 #2 SE	1501572-02	Soil	04/29/15 14:32	04/29/15 15:00	
T2 #3 NE	1501572-03	Soil	04/29/15 14:34	04/29/15 15:00	
T2 #4 NW	1501572-04	Soil	04/29/15 14:36	04/29/15 15:00	
T2 #5 W	1501572-05	Soil	04/29/15 14:38	04/29/15 15:00	
T2 Int, Sand	1501572-06	Soil	04/29/15 14:45	04/29/15 15:00	

Shipping Container Information

Default Cooler

Temperature (°C):

Received on ice: No

Received on melt water: No

Custody seals: No

Temperature blank was not present

Ambient: Yes

Received on ice pack: No Acceptable (IH/ISO only): No

Case Narrative:



Hawkins,Inc

Project:

Analytical Services

3100 East Hennepin Avenue Minneapolis, MN 55413

Project Number: [none]

Project Manager: Mr. Drew Scott

Work Order #: 1501572 Date Reported: 05/01/15

WET CHEMISTRY Legend Technical Services, Inc.

Analyte	Result RL	MDL	Units	Dilution	Batch	Prepared	Analyzed	Method	Notes
T2 #1 SW (1501572-01) Soil	Sampled: 04/29/15 14:30	Received:	04/29/15 15:	00					
рН	9.0		Std. Units	1	B5D3009	04/30/15	04/30/15	9045D	
T2 #2 SE (1501572-02) Soil	Sampled: 04/29/15 14:32	Received:	04/29/15 15:0	10					
рН	8.9		Std. Units	1	B5D3009	04/30/15	04/30/15	9045D	
T2 #3 NE (1501572-03) Soil	Sampled: 04/29/15 14:34	Received:	04/29/15 15:0	00					
pH	8.8		Sta. Units	ĭ	B5D3009	04/30/15	04/30/15	9045D	
T2 #4 NW (1501572-04) Soil	Sampled: 04/29/15 14:36	Received	04/29/15 15:	00					
pH	8.8		Std. Units	i	B5D3009	04/30/15	04/30/15	90450	
T2 #5 W (1501572-05) Soil	Sampled: 04/29/15 14:38	Received: (04/29/15 15:0	0					
рН	9.1		Std. Units	1	B5D3009	04/30/15	04/30/15	9045D	
T2 Int. Sand (1501572-06) Sc	oll Sampled: 04/29/15 14:	45 Receive	ed: 04/29/15 ⁻	15:00					
pH	8.6		Std. Units	1	B5D3009	04/30/15	04/30/15	9045D	



Hawkins,inc Project: Analytical Services
3100 East Hennepin Avenue Project Number: [none] Work Order #: 1501572
Minneapolis, MN 55413 Project Manager: Mr. Drew Scott Date Reported: 05/01/15

WET CHEMISTRY - Quality Control Legend Technical Services, Inc.

Analyte	Result	RL	MDL	Units	Spike Level	Source Result	%REC	%REC Limits	%RPD	%RPD Limit	Notes
Batch B5D3009 - General Prep											
Duplicate (B5D3009-DUP1)	s	ource: 1	501572-0	01 1	repared	& Analyze	ed: 04/30/1				
рН	8.98			Std. Units		9.01			0.334	20	
Reference (B5D3009-SRM1)					repared	& Analyze	ed: 04/30/1	5			
рН	6.05			Std. Units	6.00		101	98-102			
Reference (B5D3009-SRM2)			den en e		repared	& Analyze	ed: 04/30/1	5			
pH	12.4			Std. Units	12.5		99.0	90-110			
Reference (B5D3009-SRM3)					repared	& Analyze	ed: 04/30/1	5			
pH	6,09			Std. Units	8.00		102	98-102			

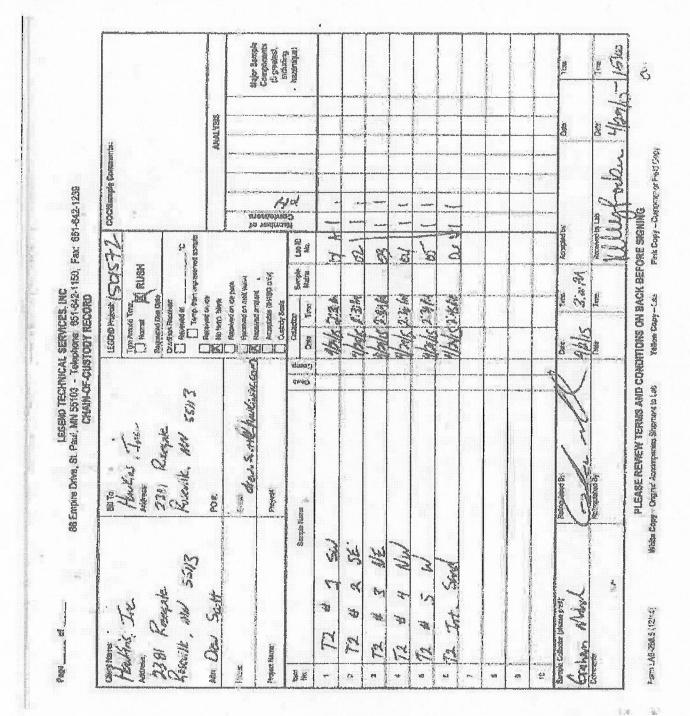


Hawkins,Inc Project: Analytical Services
3100 East Hennepin Avenue Project Number: [none] Work Order #: 1501572
Minneapolis, MN 55413 Project Manager: Mr. Drew Scott Date Reported: 05/01/15

Notes and Definitions

<	Less than value listed
dry	Sample results reported on a dry weight basis
NA	Not applicable. The %RPD is not calculated from values less than the reporting limit.
MDL	Method Detection Limit
RL	Reporting Limit
RPD	Relative Percent Difference
LCS	Laboratory Control Spike = Blank Spike (BS) = Laboratory Fortified Blank (LFB)
MS	Matrix Spike = Laboratory Fortified Matrix (LFM)





FLOOD RESPONSE PLAN

Revised 4/3/15

Hawkins, Inc. - Terminal 2

701 Barge Channel Rd. St Paul, MN 55107 (612) 331-6910

Facility Contact

Kevin O'Rourke St Paul Plant Manager D. (612) 617-8641 M. (612) 968-5079 kevin.orourke@hawkinsinc.com

Flood Plan Overview

Hawkins Inc. is aware that the location above may be subject to flooding based upon the current flood plain and dynamics of the river system. In order to prepare for a flood we take the following measures:

- Based on weather, a regular check is made of the NOAA's National Weather Service Forecast Office, Twin Cities, MN for any flood forecast:
 - o http://www.crh.noaa.gov/mpx/
- Specifically, we use the USGS gauge located at the Robert St Bridge in St Paul, MN. This gauge is the closest to our facility and provides the most applicable indication of water levels affecting our facility.
 - o http://water.weather.gov/ahps2/hydrograph.php?wfo=mpx&prob_type=stage&gage=stpm5
- Hawkins, Inc. is on the email list maintained by the City of St. Paul Operations Center for contact in case of flood forecast. The Saint Paul Department of Emergency Management is responsible for coordination of the City's response to emergency situations and disasters such as flooding, and coordinates response between the city and industry. Information on flood events can be found below:
 - o http://www.stpaul.gov/index.aspx?NID=3742

The following activities summarize our preparation and action levels. It is important to note that the nature of such an event will be variable in timing, intensity, and duration. We will closely monitor water levels and predictions and work with authorities throughout the process. Specifics within any given flood event may necessitate an alteration in our preparation activities or action levels.

Flood Preparation

4 weeks before predicted flooding:

- Begin to manufacture and stock future specialty blends and moving excess material off site
- 3 weeks before predicted flooding:
 - Begin to contact suppliers for product during flood
 - Setup temporary storage of materials off-site
 - Buy sand bags and poly for dike walls
 - Order clay material for dike walls.
 - Order diesel generator and dewatering pumps.

2 weeks before predicted flooding

Ensure that affected tanks are either filled with enough material to ensure that:



- o They are at product levels that will make them heavier than flotation forces based on the expected flood levels
- o Or alternatively empty the tanks that will need to be filled with water
- Start filling sand bags
- Start emptying warehouse of non-essential material

1 week before predicted flooding

- Fill empty tanks with water if necessary
- Start to pull pump motors for unneeded pumps
- Build dike walls, leaving gap for traffic
- Dike storm drains.
- Rent portable toilets for flood watch personnel

2-3 days before predicted flooding

- Install diesel generator and dewatering pumps.
- Remove everything from office area
- Finish removing items from warehouse
- Shut down boilers

1 day before predicted flooding

- Remove all unnecessary personnel
- Close gap in dike wall
- Begin Flood Watch of site.

Flood Action Levels and Key Elevations

River Stage	Water Elevation	Area Impact	Hawkins Actions(s)
10'	693.77'	Initial Action Level	Initiate flood preparation activities as necessary
14,	697.77	Minor Flood Stage	Inspect facility, Remove debris, Monitor levels / predictions
17'	700.77	Major Flood Stage	Prepare diking, electrical removal, sanitary closure
20'	703.77	Water at Facility	Prepare facility closure, monitor facility as needed

Key Elevations

River Stage	Water Elevation	Facility Impact Levels
18'	701.77	Barge Channel Road begins to flood. Vehicle passage may be affected.
20'	703.77	Water begins to enter the site near the road. No facility structures are impacted.
21'	704.77	Water begins to top the dock wall and approaches rail and truck transfer areas
22'	705.77	Water enters rail and truck areas and approaches existing office building.

Historic crests are listed on the NWS website. River stage data is taken from the Robert Street Bridge USGS gauge using NAVD88 datum. Previous preparation efforts are found on the Hawkins Operations shared drive.



tabbies"

Larson Engineering, Inc. 1001 Olice Park Rosd, S10.214 West Des Mohros, IA 60285 S1,223,4371

HAWKINS, INC. 3100 EAST HENNEPIN AVENUE MINNEAPOLIS, MN 55413

FACILITY EXPANSION HAWKINS, INC - BP 1 TERMINAL 2

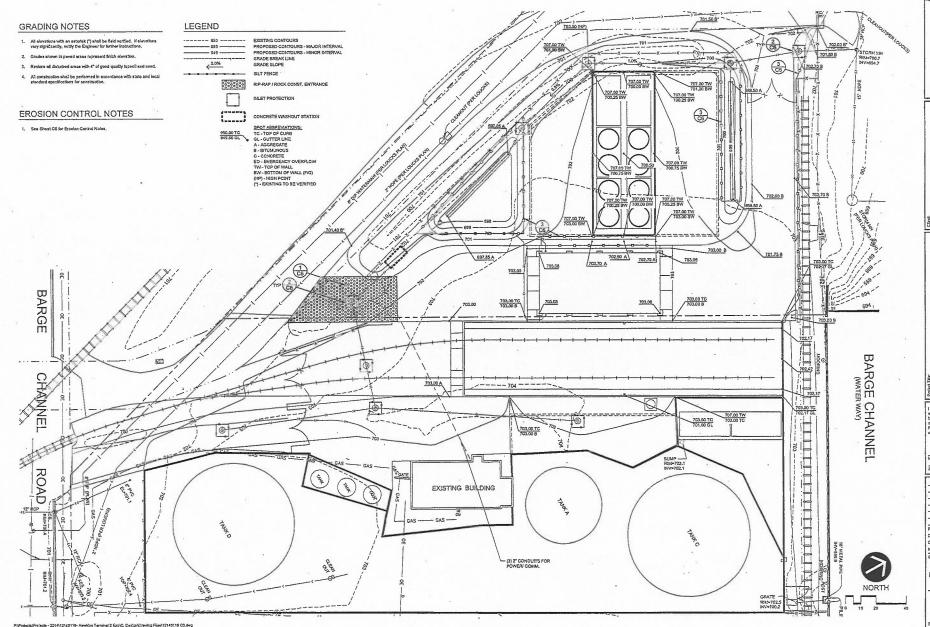
CONFIDENTIAL

I hereby certify that this plan, specifications or report was prepty me or under my direct supervised that I am a day Roonsed Professional Engineer under the of the state of Minnosoto.

Tripa. In Dote: 03.02.15 Reg. No.: 42008

Project #: 12145116 Drawn By: APP Checked By: MAVA Insue Date: 03 02.15

heet Title: GRADING AND **EROSION CONTROL** PLAN



Comprehensive Environmental Response, Compensation & Liability Information System (CERCLIS)

MAP 10# 19

Distance from Property: 0.25 mi, SE

FACILITY INFORMATION

EPA ID#: MNN000508758

SITE ID#: 0508758

NAME: KNUTSON-BEYER INCIDENT

ADDRESS: 830 BARGE CHANNEL RD, ST. PAUL AND

ST. PAUL, MN 5107

COUNTY: RAMSEY

NATIONAL PRIORITY LISTING: N - NOT ON THE NPL

FEDERAL FACILITY CLASSIFICATION: N - NOT A FEDERAL FACILITY

NON-NPL STATUS: RO - REMOVAL ONLY SITE (NO SITE ASSESSMENT WORK NEEDED)

NON-NPL STATUS DATE: 05/16/03

PHYSICAL CLASSIFICATION OF SITE / INCIDENT: NO INFORMATION AVAILABLE

SITE DESCRIPTION

SPECIAL NOTE: THE CONFISCATED MATERIALS WERE ON HOLD AT THE ABOVE ADDRESSES. THE CITIES ARE: ST. PAUL AND ROSEMOUNT AND THE ZIP CODES ARE: 55107/55068 AND COUNTIES: RAMSEY/DAKOTA

ST. PAUL POLICE REQUESTED USEPA ASSISTANCE IN THE SAMPLING AND DISPOSAL OF HAZARDOUS WASTES FOUND IN A VEHICLE DURING A ROUTINE TRAFFICE STOP.

SITE HISTORY - NO SITE HISTORY INFORMATION AVAILABLE -

ACTIONS

TYPE: RP - NON-NATIONAL PRIORITIES LIST POTENTIALLY RESPONSIBLE PARTY SEARCH

START DATE: NR

COMPLETION DATE: 07/17/2003

ACTION TYPE DEFINITION:

THE NON-NPL POTENTIALLY RESPONSIBLE PARTY (PRP) SEARCH IS TO IDENTIFY PRPS AT NON-NPL OR REMOVAL ACTION SITES

TYPE: RV - REMOVAL - EMERGENCY

START DATE: 05/17/2003

COMPLETION DATE: 07/17/2003

ACTION TYPE DEFINITION:

RESPONSE ACTION THAT REQUIRES EXPEDITIOUS ATTENTION TO REDUCE IMMINENT AND SUBSTANTIAL DANGERS TO HUMAN HEALTH, WELFARE, OR THE ENVIRONMENT OR AN EMERGENCY RESPONSE REQUIRED WITHIN HOURS OR DAYS TO ADDRESS ACUTE SITUATIONS INVOLVING ACTUAL OR POTENTIAL THREAT TO HUMAN HEALTH, THE ENVIRONMENT, OR REAL OR PERSONAL PROPERTY DUE TO THE RELEASE OF A HAZARDOUS SUBSTANCE. CHARACTERIZATION OF A REMOVAL ACTION AS REMOVAL, NOT IMMEDIATE REMOVAL OR PLANNED REMOVAL, STARTED AT THE BEGINNING OF FY 1987. THIS CODE NOW TAKES THE PLACE OF IMMEDIATE REMOVAL (IR) AND PLANNED REMOVAL (PR).

TYPE: NJ - NOTICE LETTERS ISSUED

START DATE: NR

COMPLETION DATE: 08/31/2006

ACTION TYPE DEFINITION:

EPA ISSUES NOTICE LETTERS TO POTENTIALLY RESPONSIBLE PARTIES INFORMING THEM OF THEIR POTENTIAL LIABILITY UNDER CERCLA AND INVITING THEM TO DISCUSS INVOLVEMENT AT THE SITE.

CONTAMINANTS - NO CONTAMINATION INFORMATION AVAILABLE -

LISTING OF PUBLISHED INSTITUTIONAL CONTROL SITE REPORT - NOT AN INSTITUTIONAL CONTROL SITE -

GegSearch www.geo-search.com 888-396-0042

Order# 43312 .lob# 94719

EXHIBIT Sign E



Envirofacts FRS Facility Detail Report

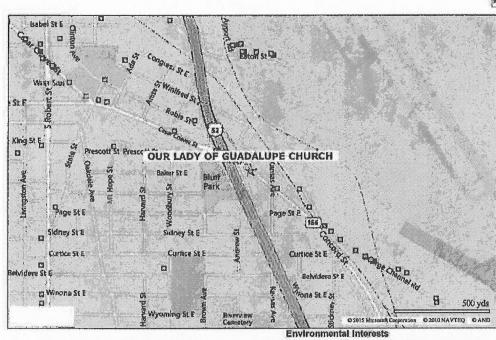


OUR LADY OF GUADALUPE CHURCH

401 CONCORD ST ST. PAUL, MN 55107 EPA Registry Id; 110046003114 Facilty Registry Service Links

- Search
 - FRS Facility Query
- FRS EZ Search
- Organization Search
- FRS Physical Data Model
 FRS Geospatial Model
- · Contact Us
- Facility Registry Service (FRS)
 Home

(Charles Same



Legend

- Selected Facility
- EPA Facility of Interest
- State/Tribe
 Facility of Interest

The facility locations displayed come from the FRS Spatial Coordinates tables. They are the best representative locations for the displayed facilities based on the accuracy of the collection method and quality assurance checks performed against each location. The North American Datum of 1983 is used to display all coordinates.

Information System System Facility Name Information System Environmenta) Data Last Updated Supplemental Environmental Interests: d/Report Link Interest Type Source Date OUR LADY OF WIMN-MNS000159780-MINNESOTA - PERMITTING, COMPLIANCE, AND ENFORCEMENT 58463777 STATE MASTER MN-INFORMATION MANAGEMENT SYSTEM **GUADALUPE CHURCH** DELTA SQG Additional EPA Reports: MyEnvironment Site Demographics Facility Coordinates Viewer Environmental Justice Map Viewer Watershed Report

Standard Industrial Classification Codes (SIC)

National Industry Classification System Codes (NAICS)

Data Source	SIC Code	Description	Primary	Data Source	NAICS Code	Description	Primary
MN-DELTA	8661	RELIGIOUS ORGANIZATIONS		MN-DELTA	81311	RELIGIOUS ORGANIZATIONS	
	F	acility Codes and Flags			Faci	lity Mailing Addresses	

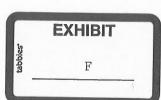
EPA Region: 05		returned,					
Duna Number:		Contacts					
Congressional District Number: 04							
Legislative District Number:	Affiliation Type	Full Name	Office Phone	Information System	Malling Addres		
HUC Code/Watershed: 07010206 / TWIN CITIES	REGULATORY CONTACT	BECKIE OLSON	8517572123	MN-DELTA			
US Mexico Border Indicator:							
Federal Facility:							
Tribal Land:							

No Alternative Names returned. Organizations

Alternative Names

Affilation Type	Name	DUNS	Information	Mailing
		Number	System	<u>Address</u>
PARENT	OUR LADY OF GUADALUPE		MN-DELTA	
CORPORATION	CHURCH]		

Query executed on: MAY-05-2015





Envirofacts

FRS Facility Detail Report

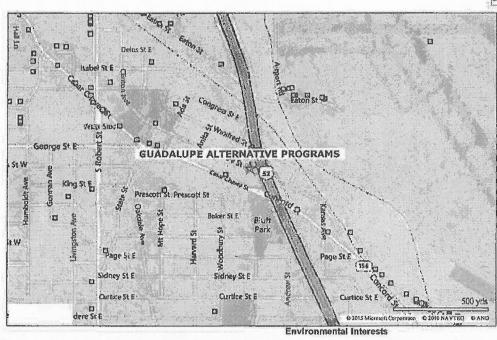


GUADALUPE ALTERNATIVE PROGRAMS

381 E ROBIE STREET ST. PAUL, MN 55107-2415 <u>EPA Registry Id:</u> 110036421832 Facilty Registry Service Links

- Search
- FRS Facility Query
- · FRS EZ Search
- Organization Search
- FRS Physical Data Model
 FRS Geospatial Model
- ENO Occapan
- Contact Us
- Facility Registry Service (FRS) Home

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Legend

- * Selected Facility
- EPA Facility of Interest
- State/Tribe Facility of Interest

The facility locations displayed come from the FRS Spatial Coordinates tables. They are the best representative locations for the displayed facilities based on the accuracy of the collection method and quality assurance checks performed against each location. The North American Datum of 1983 is used to display all coordinates.

formation System		Information System Id/Report Link	Environmental Interest Type			Supplemental Environmental intere
MINNESOTA - PERMITTING, COMPLIANCE, AND ENFORCEMENT INFORMATION MANAGEMENT SYSTEM	GUADALUPE ALTERNATIVE PROGRAMS	55058662	STATE MASTER	MN-DELTA		WIMN-M NS0001398 121 SQG
RESOURCE CONSERVATION AND RECOVERY ACT INFORMATION SYSTEM	GUADALUPE ALTERNATIVE PROGRAMS	MNS000139865	UNSPECIFIED UNIVERSE (N)	RCRAINFO	02/17/2010	generalis (SE to pt SE to Esperal)

Additional EPA Reports: MyEnvironment Enforcement and Compliance Site Demographics Facility Coordinates Viewer Environmental Justice Map Viewer Watershed Report

Standard Industrial Classification Codes (SIC)

National Industry Classification System Codes (NAICS)

Data Source	SIC Code	Description		Primary	Data Source	NAICS Code	Description			Prima	
MN-DELTA	8211	ELEMENTARY AND	SECONDARY SCHOOLS		MN-DELTA	61111	ELEMENTARY AND SECONDARY SCHOOLS				
		Facility Codes and	Flags		RCRAINFO	61111	ELEMENTARY	ELEMENTARY AND SECONDARY SCHOOLS			
					Facility Mailing Addresses						
		EPA Region:	05								
	Duns Number:				Affiliation Type	1	Delivery Point	City Name	State	Postal Code	Information Syste
	Congressional District Number: 04				REGULATORY CONTACT		381 E ROBIE	ST ST. PAUL	MN	55107	RCRAINFO
		Legislative District Number:			FACILITY M	AILING ADDRES	S 381 E ROBIE	ST ST. PAUL	MN	55107	RCRAINFO
		HUC Code/Watershed:	07010206 / TWIN CITIES		Contacts						
		US Mexico Border Indicator:									
		Federal Facility:	NO		Affiliation Type	1	Full Name	Office Phone	Inform	nation System	Mailing Addres
	Tribal Land: NO				REGULATO	RY CONTACT	JIM GRASSO	6512958266		RCRAINFO	Vlew
·	Alternative Names					RY CONTACT	BECKIE OLSON	6517572123		MN-DELTA	

Affiliation Type	Name	DUNS	Information	Mailing
		Number	System	Address
PARENT	GUADALUPE ALTERNATIVE		MN-DELTA	
CORPORATION	PROGRAMS			

Query executed on: MAY-05-2015

Richard G. Erstad

From:

Drew Scott

Sent:

Tuesday, May 05, 2015 2:41 PM

To:

Richard G. Erstad

Subject:

FW: Hawkins Chemical -EAW Applicability Determination

Drew

From: Graham Mahal

Sent: Wednesday, November 26, 2014 4:12 PM

To: Richard G. Erstad; Steve Matthews; Greg Ohlhues; Drew Scott; Chris Gibson; Mike Donaldson; Kevin ORourke

Subject: FW: Hawkins Chemical -EAW Applicability Determination

All-

Finally a response from the MPCA RE Terminal 2....see below.

Happy Thanksgiving-

-GM

From: Jensen, Patrice (MPCA) [mailto:patrice.jensen@state.mn.us]

Sent: Wednesday, November 26, 2014 4:00 PM

To: Graham Mahal

Subject: RE: Hawkins Chemical -EAW Applicability Determination

Hi Graham – MPCA has determined that your project as described below, does not exceed the thresholds for a mandatory Environmental Assessment Worksheet for the Hawkins Terminal 2 Expansion. I thought I had gotten back to you earlier, but couldn't find an email – my apologies. If you have any additional questions, please feel free to contact me. Have a great Thanksgiving!

From: Graham Mahal [mailto:Graham.Mahal@hawkinsinc.com]

Sent: Tuesday, November 04, 2014 11:08 AM

To: Jensen, Patrice (MPCA)

Subject: RE: Hawkins Chemical -EAW Applicability Determination

Good Morning Patrice,

We have had several discussions, both internal and external about this particular rule as well. In fact, seeking a clear definition of a "50% expansion" is what originally sparked conversations with the Caroline Magnuson (EQB), then Craig Affeldt and ultimately led to our meeting last week. To recap that discussion, the intent of the proposed project to is to create a storage buffer for HCL to help overcome variations in supply due to manufacturing issues, rail congestion and flooding. In short, we do not feel that this project represents a 50% expansion by any logical interpretation of Minn. Rules 4410.4300, subp. 8, Item B. We looked at the proposed project from every meaningful angle and when considering the facility as a whole, we did not identify a 50% increase in any category. As covered in our presentation, we will be exchanging hydrochloric acid for hydrofluorosilicic acid so there will be no net increase in the number of different substances on site. We are proposing to add one additional daily railcar transfer location, a 33.3% increase. The truck loading area configuration will change, but the number of loading stations will remain

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EXHIBIT

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same. Our aggregate aboveground storage tank capacity will slightly decrease from 4,050,000 to 4,010,000 gallons. The secondary containment area foot print will change shape and location but more or less remain the same size. The maximum facility capacity for hazardous materials onsite at any point in time, including railcars, will increase by less than 1%. Finally, we looked to Subp. 8, Item A for guidance on what the intent of the Subpart might be. Item A addresses increases in material throughput. To that end, we analyzed the past 5 years of HCL transfer activity at our Terminal 1 facility and compared those numbers against the totals for Terminal 2 over the same time period. We intend to relocate these activities From Terminal 1 to Terminal 2. The relocation would result in an average annual increase in total facility substance transfers at Terminal 2 of only 37.42%.

Subp. 8. Transfer facilities. Items A and B designate the RGU for the type of project listed:

- A. For construction of a facility designed for or capable of transferring 300 tons or more of coal per hour or with an annual throughput of 500,000 tons of coal from one mode of transportation to a similar or different mode of transportation; or the expansion of an existing facility by these respective amounts, the PCA shall be the RGU.
- B. For construction of a new facility or the expansion by 50 percent or more of an existing facility for the bulk transfer of hazardous materials with the capacity of 10,000 or more gallons per transfer, if the facility is located in a shoreland area, delineated flood plain, a state or federally designated wild and scenic rivers district Minnesota River Project Riverbend area, or the Mississippi headwaters area, the PCA shall be the RGU.

Please feel free to call me to discusses our described analyses or any other question you may regarding this project.

Regards-

Graham Mahal Hawkins, Inc. 651.200.0352

From: Jensen, Patrice (MPCA) [mailto:patrice.jensen@state.mn.us]

Sent: Monday, November 03, 2014 1:39 PM

To: Graham Mahal Cc: Card, Dan (MPCA)

Subject: Hawkins Chemical -EAW Applicability Determination

Hi Graham – We have had some internal discussions here at the MPCA about whether an EAW would be required for your project or not. What we would like to have you do, is to review the language in Minn. Rules 4410.4300, subp. 8, Item B, and tell us in your words why you feel the project does not meet this mandatory category. Thanks!

Patrice Jensen
Planner Principal
MPCA-Environmental Review
520 Lafayette Road
St. Paul, MN 55155

Telephone: 651-757-2465 Email: Patrice.jensen@state.mn.us

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Property Information

<u>Taxpayer Name and</u> Address

Value Information

Value History

Structure Description

Sale Information

Special Assessments

Property Tax Payment Information

Property Tax Payment History

2015 Value Notice

2015 Property Tax Statement

2015 Payment Stubs

2014 Value Notice

2014 Property Tax Statement

2013 Value Notice

2013 Property Tax Statement

2012 Value Notice

2012 Property Tax Statement

2011 Value Notice

2011 Property Tax Statement

Minnesota State Form M1PR

Property Identification Number (PIN) 01.910110

Property Address 701 Barge Channel Rd

Municipality
Watershed St. Paul

School District Number

625

Assessment Date 01-02- 01-02-

2014 2015

Tax Payable Year 2015 2016

Total Estimated Market Value

\$1,484,300 \$1,484,300

Total Taxable Market Value

\$1,484,300 \$1,484,300

Total Estimated Land Value \$284,300 \$284,300

Total Estimated Building Value

\$1,200,000 \$1,200,000

Property Tax

\$61,332.00

Special Assessments

\$0.00

Total Property Tax + Special Assessments

\$61,332.00

Property Class Description Comm/Ind Comm/Ind

Year Built # of Stories Residential Finished SQ Feet/Comm, Ind,

Apt Bldg Area Foundation Size

The Plat or Section / Township / Range and Legal Description listed below may be an abbreviated legal description - Do not use to prepare legal documents

Section / Township / Range 9-28-22

Plat 9 / 28 / 22

Legal Description Prop# - 092822310010

To determine whether your property is Abstract or Torrens, call (651)266-2050

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Taxpayer Name and

<u>Address</u>

Value Information

Value History

Structure Description

Sale Information

Special Assessments

Property Tax Payment

Information

Property Tax Payment

History

2015 Value Notice

2015 Property Tax

Statement

2015 Payment Stubs

2014 Value Notice

2014 Property Tax

Statement

2013 Value Notice

2013 Property Tax

Statement

2012 Value Notice

2012 Property Tax

Statement

2011 Value Notice

2011 Property Tax

Statement

Minnesota State Form M1PR

Property Identification Number (PIN) 01.910008

Property Address 1125 Childs Rd

Municipality St. Paul

Watershed Metro Watershed

School District Number 625

Assessment Date 01-02-01-02-

> 2014 2015

Tax Payable Year 2015 2016

Total Estimated Market Value

\$1,001,600 \$957,900

Total Taxable Market Value

\$1,001,600 \$957,900

Total Estimated Land Value \$388,100

\$388,100

Total Estimated Building Value \$613,500

\$569,800

Property Tax

\$41,438.00

Special Assessments

\$0.00

Total Property Tax + Special Assessments

\$41,438.00

Property Class Description Comm/Ind Comm/Ind

Year Built

of Stories

Residential Finished SQ Feet/Comm, Ind,

Apt Bldg Area

Foundation Size

The Plat or Section / Township / Range and Legal Description listed below may be an abbreviated legal description - Do not use to prepare legal documents

Section / Township / Range 4-28-22

Plat 4 / 28 / 22

Legal Description Prop# - 042822410002

To determine whether your property is

Abstract or Torrens, call (651)266-2050

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Property Information

Taxpayer Name and

Value History

Sale Information

Special Assessments

Property Tax Payment

Information

Property Tax Payment

History

2015 Value Notice

Statement

2015 Payment Stubs

2014 Property Tax

Statement

2013 Value Notice

Statement

Statement

2011 Property Tax

Minnesota State Form M1PR

<u>Address</u>

Value Information

Structure Description

2015 Property Tax

2014 Value Notice

2013 Property Tax

2012 Value Notice

2012 Property Tax

2011 Value Notice

Statement

Property Identification Number (PIN) 01.910510

Property Address 1425 Red Rock Rd

Municipality St. Paul

Watershed Metro Watershed

School District Number 625

Assessment Date 01-02-01-02-

2014 2015

2016 Tax Payable Year 2015

Total Estimated Market Value

\$3,414,000 \$3,414,000

Total Taxable Market Value

\$3,414,000 \$3,414,000

Total Estimated Land Value

\$1,399,600 \$1,399,600

Total Estimated Building Value

\$2,014,400 \$2,014,400

Property Tax

\$145,000,00

Special Assessments

\$0.00

Total Property Tax + Special

Assessments \$145,000.00

Property Class Description Comm/Ind Comm/Ind

Year Built # of Stories Residential Finished SQ Feet/Comm, Ind, **Apt Bldg Area Foundation Size**

The Plat or Section / Township / Range and Legal Description listed below may be an abbreviated legal description - Do not use to prepare legal documents

Section / Township / Range 23-28-22

Plat 23 / 28 / 22

Legal Description Lpp 23.28.22.24.0003

To determine whether your property is Abstract or Torrens, call (651)266-2050

