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106 W. Water St., Ste. 600 | St. Paul MN 55107-2032
(651) 222-2193 | fmr.org | info@fmr.org

February 2, 2026

Amy Hadiaris
Minnesota Pollution Control Agency
520 Lafayette Road North
St Paul, MN 55155

Dear Amy:

Thank you for the opportunity to share our comments on the “Focused Feasibility Study for Area C” submitted to the Minnesota Pollution Control Agency (MPCA) by Ford Motor Company and Arcadis.

Ford Area C lies within both the state-designated Mississippi River Corridor Critical Area (MRCCA) and a national park, the Mississippi National River and Recreation Area. Ford and the MPCA must consider the significance of this protected, nationally recognized ecological resource when contemplating the appropriate future of the hazardous waste pile.

The MPCA’s stated preference for a partial cleanup at Area C is disappointing and an abdication of the agency’s responsibility to the public. We can’t understand why the agency isn’t making every effort to secure clean land and clean water for future Minnesotans, using the full powers the Legislature and courts have granted the MPCA. Instead, the MPCA considers it acceptable to allow a major corporation to dodge full responsibility for the toxic mess it created while profiting off the Mississippi River and our community.

We have the following comments on the draft feasibility study.

Preference for Alternative 6

We are disappointed that the MPCA is recommending against Alternative 6, Removal of All Wastes and Site Restoration. Ford’s St. Paul Assembly Plant was one of Ford’s most valuable properties, thanks in no small part to the hydropower it gleaned from the Mississippi River. Ford subsequently profited off the sale and redevelopment of its former plant. The MPCA allowed Ford to selectively clean up the sites that would be profitable for it to sell without holding Ford accountable for cleaning up Area C. Now that Ford has made its money, it

proposes to leave its mess behind. The ecological, health, and taxpayer risks of this are unacceptable.

Alternative 6 would be most protective of human health and the environment. Excavation and disposal of all hazardous waste materials and debris will eliminate the potential for future exposure, as well as eliminate the risk of needing public funds for future cleanup.

The study should prioritize removal and remediation now rather than accepting alternatives that will continue disruption by requiring major remediation or repair at unknown future dates for the indefinite future.

In 1983 the Ford Site was listed on the State's Superfund Permanent List of Priorities (PLP). Ford, which was identified as the responsible party, cleaned up Areas A and B on the main Ford Site. Even though the Superfund program favors permanent remedies, and even though the MPCA was aware that the Area C dump site had not been remediated, the MPCA agreed to move forward with delisting the Ford Site. No explanation has ever been provided about why Area C was not addressed. This was an unacceptable decision.

The MPCA should take accountability by correcting that negligence now. The agency could reopen the Superfund process for Area C, require a permanent remedy in accordance with the law, and hold Ford liable for the full cost. The fact that Ford allowed other parties to add waste to the pile does not excuse Ford from responsibility for addressing its hazardous waste. In fact, Ford has never contested its Superfund liability for Area C, dating back to its original PLP listing.

The MPCA seems to be treating Ford with the deference provided by the Brownfields/Voluntary Investigation and Cleanup program, and claims it cannot hold Ford to a Superfund standard. However, the Brownfields program is intended to assist property owners attempting to clean up contamination from a prior party. That does not apply to Ford at Area C. This site does not belong in the Brownfields program. Ford is the responsible polluter and current property owner, and should be held responsible under the full force of the Minnesota Environmental Response and Liability Act (MERLA).

A full cleanup of Area C is legally defensible and supported by precedent. At the January 15, 2026, public meeting, Amy said that MPCA cleanup decisions are based solely on science. That is inaccurate. The agency's decisions are rooted in law, fact, and science. The law, MERLA, clearly favors a permanent remedy. Courts have routinely upheld this law.

At that meeting Hans Neve also stated that, "this is the Superfund process," and that Ford is being held accountable now for the cleanup that should have been required before PLP delisting. However, the Superfund process favors permanent remedies and not partial

cleanups that lead to ongoing risk and cost. Even low-risk sites are routinely cleaned up under Superfund.

Financial assurance needed

If anything other than Alternative 6 is selected for implementation, the MPCA must seek the strongest possible measures to ensure that Ford is held financially responsible for future remediation.

The MPCA insists it has no authority to require financial assurance. FMR believes the MPCA views its own authority too narrowly. State law and Superfund grant the MPCA broad power to order cleanups and ensure that parties provide adequate financial assurance to support future cleanup. The MPCA regularly invokes such measures with permitted landfills (no permit was ever issued to Ford) where long-term liability and closure and post-closure requirements are required.

The MPCA has the authority through its general authority to protect human health and the environment and ensure appropriate financial resources remain available. It is simply not sufficient to rely on Ford's word, wink, or nod that they will do what is required. The public deserves a binding commitment from Ford.

Right now, Ford is one of the world's largest corporations with net profits of nearly \$5.9 billion in 2024. Ford has the financial resources to implement any alternative, including full cleanup (a full cleanup would cost Ford only one percent of one year's net profits).

However, that could change in the future, leaving this mess on Minnesota taxpayers to clean up later.

Science continues to expand our understanding of health and ecological harms of historic practices such as unpermitted dumpsites of unknown chemicals. We can't fully understand now the risks of leaving this dumpsite on the river floodplain. In addition, the very real possibility of removing or modifying Lock and Dam 1 directly upstream of the pile could result in the need for full dump removal in the foreseeable future.

If Ford ever stops being able to pay for monitoring, maintenance, and remediation at Area C, this site becomes a public expense. Given the long list of polluted sites already requiring taxpayer-funded cleanups, the MPCA should be making every effort to limit public liability for additional sites when a private and profitable responsible party is able to pay right now.

Our state's citizens deserve a full cleanup paid for by the responsible polluter. The less protective the selected feasibility study alternative is, the more vital it is to protect the public from future costs.

Alternative 4 ignores risks

We are concerned about the waste pile's steep slopes. They exhibit significant instability and erosion, particularly on the south side where hazardous waste is becoming exposed. Over time, these slopes will become increasingly unstable, exposing more waste and sending more material into the Mississippi River and Hidden Falls Regional Park.

In our July 2024 comments, we requested that the feasibility study include an additional alternative that would include regrading the site to a less steep, more stable slope. A reduced slope would be safer and more protective of the environment, and would also likely result in lower long-term maintenance costs (including for the public, if Ford is unable to pay for maintenance at some point in the future).

Ford has not provided this requested alternative, instead proposing a steep 1.5H:1V slope in Alternative 4 and no significant slope changes in Alternatives 2 and 3. Ford has provided no substantive explanation about why it refuses to provide an alternative with properly graded slopes. Ford has also not provided any geotechnical analysis demonstrating that the 1.5:1 slopes will be safe and stable.

Ford also did not provide any analysis of how a 500-year storm would impact the site's slopes and stormwater management system. The MPCA should require this analysis. Climate change is leading to increasingly extreme rainfall events. A 500-year event is a better surrogate for the study's 30-year time horizon than past climate conditions are.

The steep slopes make Alternative 4 unacceptable. The feasibility study seems to prioritize maintaining the current size of the parking lot on top of the pile over properly reduced slopes. This may be because Ford hopes to profit from allowing a solar array installation on the lot. However, a polluter should not be allowed to continue prioritizing its own profits above the remediation needed to assure community and environmental health. The MPCA should disclose to the public why it is content with a final slope that most engineers would recommend against.

In addition, we disagree with the proposal to add riprap to armor the pile against floodwaters. Riprap is an inappropriate choice for this site. Adding more material to the waste pile will only increase the cost and difficulty of removal in the future. Riprap is detrimental to wildlife. Riprap would also increase the pile's visual obtrusion and unsightliness for the large numbers of river and park users who see the pile every day. We request an alternative stabilization system. This may be another reason to require reduced slopes.

If the pile is allowed to remain, we also request that the pile and concrete cap be graded to direct spillover stormwater to the northeast, down the existing access road, rather than down the uncovered slopes.

Compatibility with MRCCA regulations

Any selected alternative must comply with St. Paul's MRCCA ordinance. The MRCCA ordinance is based in state rules developed by the Minnesota Department of Natural Resources. No alternative should be selected until the MPCA has confirmed its compatibility with these important regulations designed to protect the Mississippi River.

Applicable regulations include vegetation management (St. Paul city code, section 68.260) and land alteration standards and stormwater management (section 68.270). These requirements apply to alteration, construction, and repair projects.

The MRCCA ordinance requires that vegetation clearing "is the minimum necessary and designed to blend with the natural terrain and minimize visual impacts to public river corridor views" (68.264(b)). Vegetation restoration is required with an emphasis on native vegetation, soil stability, restoration on steep slopes visible from the river, and proper ongoing maintenance. "The area (square feet) of the restored vegetation should be similar to that removed to the greatest extent practicable" (63.266.(b)(4)). Replacing the pile's current vegetation with riprap may not meet this requirement.

Lock and dam removal studies

As mentioned above, Lock and Dam 1 is being considered for possible removal. The MPCA should be aware of the process and timeline for that decision.

The U.S. Army Corps of Engineers is conducting a disposition study for the Lower St. Anthony Falls Lock and Dam and Lock and Dam 1. This study is planned for completion in 2027. The study will make a recommendation about whether the lock and dam should be retained, modified, or removed. The study will also recommend whether the Corps should maintain ownership or attempt to transfer partial or full ownership to another party. That party could operate the lock and dam or pursue removal.

Two additional studies funded by Minnesota's Environment and Natural Resources Trust Fund are also pending. The University of Minnesota St. Anthony Falls Lab is studying sediment transport in the gorge under a variety of future conditions. This study will be complete in 2027.

Friends of the Mississippi River plans to begin a dam removal feasibility study in 2026 that will be complete in 2028. This study is designed to complement and supplement the Corps and university studies.

All of these studies will be presented to decision-makers within the next three years. Congress will ultimately make the decision about the future of the locks and dams. The decision could take many years to implement. The outcome of this process and the timeline for possible structural changes are unknown at this time, but may require further cleanup of Area C if the MPCA allows it to remain in place for now.

Alternatives weighting

We disagree with Arcadis' methodology for weighting the alternatives in Table 10. All criteria are equally weighted, which makes no sense. For instance, "short-term effectiveness" and "long-term effectiveness" should not be weighted equally. Surely the MPCA agrees that protecting human and environmental health for generations to come, as is the agency's mission, should carry more weight than how disruptive the cleanup work would be in a localized area for a few years. The MPCA should disregard Arcadis' ranking system. The MPCA should be transparent about how public input and community acceptance factor into the ranking system and final decision.

Thank you again for the opportunity to share these comments.

For the river,



Colleen O'Connor Toberman
Land Use & Planning Director