

Minnesota Pollution Control Agency

520 Lafayette Road, Saint Paul, Minnesota 55155-3898

Telephone (612) 296-6300



November 29, 1990

Mr. Jack Curtis
Curtis Oil
3113 Miller Trunk Highway
Duluth, Minnesota 55811

Dear Mr. Curtis:

RE: Petroleum Storage Tank Release Investigation and Corrective Action
Site: Food-n-Fuel, 5493 Miller Trunk Highway, Duluth
Site ID#: LEAK00003534

The Minnesota Pollution Control Agency (MPCA) has received notification that a release of petroleum has occurred from storage tank facilities which you own and/or operate.

Federal and state laws require that persons legally responsible for storage tank releases notify the MPCA of the release, investigate the extent of the release and take actions needed to ensure that the release is cleaned up. A person is generally considered legally responsible for a tank release if the person owned or operated the tank either during or after the release.

We are aware that an initial investigation of the site has occurred and petroleum contaminated soils and/or ground water have been identified. The MPCA staff is therefore requesting you to take the necessary steps to investigate and clean up the release in accordance with the enclosed MPCA technical documents. If you have not already done so, we recommend that you hire a qualified consulting firm who has experience in conducting petroleum release site investigations and taking corrective actions. In addition, you must notify the MPCA within 24 hours if you discover free-floating petroleum product on the surface of the ground water.

If you do perform the requested work, the state may reimburse you for a major portion of your costs. The Petroleum Tank Release Cleanup Act establishes a fund which in certain circumstances provides partial reimbursement for petroleum tank release cleanup costs. This fund is administered by the Petroleum Tank Release Compensation Board (Petro Board). More specific eligibility rules are available from the Petro Board (612/297-4017).

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Please respond to this letter either in writing or by telephone within 30 days after you receive it. Indicate whether or not you intend to proceed with the necessary actions, whom you have chosen to do the work, and a schedule for implementation. Please use the site ID number at the top of this page on all written communication.

If you do not respond within 30 days, MPCA staff will assume you do not intend to comply with this request. In this event, the MPCA Commissioner may order you to take corrective action at the site. If you do not comply with the Commissioner's order, it may be enforced in court or, alternatively, the MPCA could spend its own money cleaning up the release and then seek to recover its costs from you or other responsible persons through legal action. Failure to cooperate with the MPCA in a timely manner may also result in reduced reimbursement from the Petro Board.


If you conclude that the release in question is not from any tank which you have owned or operated, please notify the MPCA immediately and explain the basis of your conclusion.

A packet of fact sheets is enclosed for your information.

For site specific questions, contact the site's project manager, Christopher Zadak, at 612/643-3457. In addition, all future correspondence should be addressed to the above mentioned project manager. If you have any general questions regarding the leaking underground storage tank program please call me at 612/643-3436.

Thank you.

Sincerely,



Greg T. Oothoudt
Pollution Control Specialist
Tanks and Spills Section
Hazardous Waste Division

GTO:np

Enclosures

cc: Jeffrey Cox, City Clerk, Duluth
Larry Bushey, Fire Chief, Duluth