



Minnesota Pollution Control Agency

October 7, 2005

Mr. Thomas Lundberg, Project Manager
Minnesota Department of Transportation
1000 Highway 10 West
Detroit Lakes, MN 56501

Mr. Joe Riley
Riley Brothers Construction, Inc.
46369 208th Street
Morris, MN 56267

RE: Land Treatment of Petroleum Contaminated Soil/Soil Corrective Action Plan Approval
Land Treatment Site: Riley Brothers Construction, Inc., Joe Riley, consisting of
approximately 2.98 acres in the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 12, T 124 N, R 38 W,
Barsness Township, Pope County.
Preapproval ID#: PRE0632
Leak Site: Alex Exhaust
Site ID#: LEAK000015656

Dear Mr. Lundberg and Mr. Riley:

The application dated September 20, 2005, to land treat approximately **1,500 cubic yards** of petroleum contaminated soil using **2.80 acres** from the above-referenced leak site at the above-referenced land treatment site is hereby approved by the Minnesota Pollution Control Agency (MPCA). This approval is based upon the MPCA staff's understanding that the appropriate county and local officials have been notified of the proposed land treatment of this soil and is subject to the conditions indicated below. The portions of Minn. R. ch. 7037 referenced in this letter are summarized in the MPCA Guidance Document 3-03 *Land Treatment of Petroleum Contaminated Soil* (April 2005). Minn. R. ch. 7037 indicates that the land treatment site owner and operator are to be responsible for the requirements listed below. However, the generator of the soil is not relieved from responsibility under Minn. Stat. § 115.061 to ensure the proper treatment of petroleum contaminated soil.

1. If soil is to be stored prior to spreading, then the conditions and limitations indicated in Minn. R. 7037.0810 must be followed for soil storage.
2. Soil must be spread to a thickness of no more than 4.0 inches and incorporated into the top four to six inches of native soil in accordance with Minn. R. 7037.2300. All other land treatment procedures and limitations described in Minn. R. 7037.2500 must be followed.
3. The MPCA Guidance Document 3-06 *Notification of Spreading Petroleum Contaminated Soil at a Land Treatment Site* (Form C) (April 2005) must be submitted to the MPCA within ten days following spreading (Minn. R. 7037.2600).

Mr. Thomas Lundberg, Project Manager

Mr. Joe Riley

Page 2

October 7, 2005

4. The land treated soil must be sampled and reports must be submitted in accordance with Minn. R. 7037.2700 until analyses indicate 10 parts per million total petroleum hydrocarbons or lower. The MPCA Guidance Document 3-07 *Soil Monitoring Results for Land Treated Petroleum Contaminated Soil* (Form D) (April 2005) must be used for reporting.
5. The MPCA's approval of this application does not release you from any duty to comply with county or local ordinances.
6. **The preapproval for spreading of petroleum contaminated soil at this land treatment site expires November 1, 2006.**

We believe these actions will provide treatment of the excavated petroleum contaminated soil from this leak site. The MPCA reserves the right to require additional work if this is determined to be necessary to protect public health and the environment. This letter does not release any person from liability for this contamination. In addition, this letter does not address the adequacy of cleanup or investigative work completed or yet to be completed at the leak site.

In addition, the owner and operator of the land treatment site must comply with all other procedural and operational requirements established in Minn. R. ch. 7037.

Please note that this approval applies only to the process of land treatment of the petroleum contaminated soil. This approval should not be construed to constitute a finding that the volume of contaminated soil excavated at the above-referenced leak site was appropriate.

Please contact me at (218) 828-6072, if you have any questions.

Sincerely,



Steven J. Palzkill, PG
Project Manager
Brainerd Office
Remediation Division

SJP:vms

cc: Paul Anderson, Barsness Township, Starbuck
Steve Lawrence, Pope County Environmental Services Director, Glenwood
April Pilarski, West Central Environmental Consultants, Morris
Petrofund, Minnesota Department of Commerce, St. Paul
Nancy Hennen, MPCA, Marshall
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