

Minnesota Pollution Control Agency

February 4, 2005

Mr. Brian Karl
CJ's Auto Wash
1181 Highway 210 West
Baxter, MN 56425

Official File Stamp

File Name _____

File Number _____

Page # _____ Staff _____

Category _____

RE: Site Check Required

Site: Phillips 66 MnDOT Site, 1181 Highway 210 West, Baxter, Crow Wing County

Dear Mr. Karl:

The Minnesota Pollution Control Agency (MPCA) has received the following information which indicates that a release may have occurred from petroleum storage tank facilities which you own and/or operate:

During a Minnesota Department of Transportation property assessment in June 2002, a soil boring was advanced 150 feet east of the site. A ground water sample from this boring contained diesel range organics at 990 micrograms per liter ($\mu\text{g/L}$) and methyl *tertiary*-butyl ether (MTBE) at 1.6 $\mu\text{g/L}$. MTBE is a synthetic compound that has been used as a gasoline additive since the late 1970's. A review of potential sources of this compound indicates your site as the most likely source.

U.S. Environmental Protection Agency tank regulations, 40 CFR § 280.52, require tank owners and/or operators to conduct a "site check" if a release is suspected due to the presence of contamination. In order to perform this site check, an investigation should be completed which addresses the nature of the stored substance, the type of initial alarm or cause of the suspected release, the type of backfill, the depth to ground water, and other factors appropriate for identifying the presence and the source of the release. A site check will generally include the advancement of soil borings (including soil and possible ground water analysis) in or immediately adjacent to any likely contamination sources (e.g., underground storage tank basins, aboveground storage tank areas, lines, pump islands, remote fill pipes, known spill areas, etc.). If you wish to discuss the appropriateness of your work plan with the MPCA staff prior to beginning any work, please call the staff member listed below. If it is determined that the release is from your tanks, it will be necessary for you to investigate and clean up the release. Please refer to the enclosed MPCA Guidance Document 1-01 *Petroleum Remediation Program General Policy* (January 2005) for guidance.

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If a release is discovered and you take the required corrective action voluntarily, the state may reimburse you for a major portion of your costs. The legislature established the Petroleum Tank Release Cleanup Fund (Petrofund) to reimburse responsible persons and volunteers who take corrective action for a portion of their costs. The Petrofund is administered by the Petroleum Tank Release Compensation Board (Petro Board), which is part of the Minnesota Department of Commerce. To learn more about the Petrofund reimbursement program and the responsibilities of an eligible applicant, please contact Petrofund staff at (651) 297-1119 or (800) 638-0418 (in greater Minnesota only). The MPCA strongly suggests that you review these rules before hiring a consultant or taking corrective action.

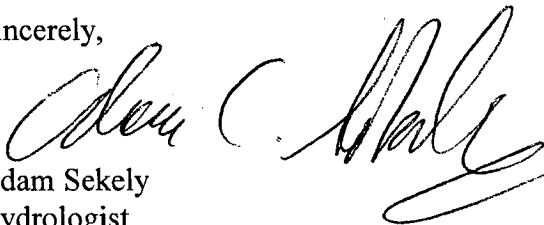
Please respond in writing within 30 days after receipt of this letter and indicate whether or not you intend to proceed with the necessary actions, the name of the consultant or other qualified person you have chosen to do the work, and a schedule for implementation.

If you do not respond within 30 days of receipt of this letter, MPCA staff will assume you do not intend to comply with this request. If it is later determined that you are an owner or operator of the tanks at any time during or after the release, 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 may take the required actions itself and recover the costs incurred from you through legal action commenced by the Attorney General. 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 and/or operated, please notify the MPCA immediately and explain the basis of your conclusion.

If you have any questions regarding this letter, please call me at (218) 828-6115.

Sincerely,



Adam Sekely
Hydrologist
Brainerd Office
Remediation Division

AS:vms

Enclosures

cc: Dennis Coryell, City Administrator, Baxter
Douglas Morris, Crow Wing County Solid Waste Officer, Brainerd
Petrofund Staff, Department of Commerce, St. Paul
Mark Millsop, Millsop Associates, Inc., Crosby

This is an
incomplete
record.

Pages are
missing from
the paper file.