

STATE OF MINNESOTA
MINNESOTA POLLUTION CONTROL AGENCY

In the Matter of:
Former Food-n-Fuel
4020 233rd Avenue NW
St. Francis, MN 55070
Anoka County, Minnesota
Site ID #LEAK 18925

**CERTIFICATION
OF EXPENSES**

I, Donald Milless, designee of the Commissioner of the Minnesota Pollution Control Agency ("MPCA"), being duly sworn, state that pursuant to the authority in the Petroleum Tank Release Cleanup Act, Minn. Stat. ch. 115C, the MPCA has incurred costs, and related administrative expenses, for corrective actions taken to address a release of petroleum at Former Food-n-Fuel, 4020 233rd Avenue NW, St. Francis ("Site").

The MPCA incurred these costs following issuance of an Order to the Responsible Party, dated December 9, 2013, requiring the Responsible Party to investigate and, if necessary, conduct corrective actions at the Site.

Based upon the files and records of the MPCA, I hereby certify pursuant to Minn. Stat. § 115C.04, subd. 3 that, from April 14, 2014 through December 29, 2014 the MPCA has incurred response costs of \$19,087.64 relative to the release at the Site. These expenses consist of contractor staff time to oversee investigation, conduct site visits, take samples and lab costs. Attached hereto and herein incorporated by reference are the invoice summaries related to this project.

I hereby certify that the costs related to this project were needed and reasonable.

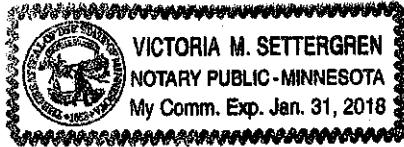
MINNESOTA POLLUTION
CONTROL AGENCY

Donald Milless

Donald Milless

Supervisor, Petroleum Remediation and Redevelopment
Program

Designee of the Commissioner of the Minnesota
Pollution Control Agency



Subscribed and sworn before me

This 24 day of March, 2015.

Victoria M. Settergren
Notary Public



**Minnesota Pollution
Control Agency**

520 Lafayette Road North
St. Paul, MN 55155-4194

Cost Recovery Referral Checklist

Petroleum Remediation Program

Doc Type: Cost Recovery Determination

Date (mm/dd/yyyy): 1/7/2015

Instructions: If one or more of these situations applies, please complete and e-mail this checklist to the Cost Recovery [CR]

Coordinator:

- ☐ Responsible Party (RP) is claiming financial hardship and needs financial disclosure forms sent from Petrofund staff.
- ☐ RP has filed bankruptcy. (Note: Project Manager [PM] should refer to CR Coordinator as soon as PM is aware that RP has filed bankruptcy as there are deadlines to file a claim.)
- ☐ RP is deceased. (Note: PM should refer to CR Coordinator as soon as PM is aware that RP has died as there are deadlines to file a claim.)

For the following situations, submit Cost Recovery Referral Checklist only after petroleum tank related fund-financed money spent:

- ☒ RP has financial hardship as determined by Petrofund staff.
- ☐ RP is uncooperative.
- ☐ RP is unknown or cannot be located.
- ☐ RP is a dissolved corporation.
- ☐ ER costs incurred.
- ☐ Other (explain):

See copy of financial determination 11/7/13.

I. Site Information (complete all of the applicable information)

Leak site number: 18925
Release report date (mm/dd/yyyy): 10/18/2012 Leak site county: Anoka
Leak site name: Former Food and Fuel
Leak site address: 4020 233rd NW
City: St. Francis Zip code: 55070 Site Phone #: n/a
Project manager: Kathryn Serier Hydrogeologist: John Kaehler

II. RP Information (Complete for each RP) (If more than one RP, copy/paste the section below.)

☐ Individual ☒ Corporation ☐ Lessee/Tenant ☐ No viable RP (Select grey box and type an "X" before the appropriate option.)
RP name: MDW Equity LLC
Contact name (if Corporation): Sara Vinas
RP Address: 2760 North University Dr
City: Hollywood State: FL Zip code: 33024
RP Phone: 954-499-8663 ext 326 Fax: E-mail: slvonecorp@gmail.com
Does RP own leak site property? ☒ Yes ☐ No ☐ Unsure

III. Expense and Documentation Information

Expense

Have State funds been spent?	☒ Yes ☐ No	If yes, amount spent to date:	<u>\$ 19,087.64</u>
Have Federal funds been spent?	☐ Yes ☒ No	If yes, amount spent to date:	<u>\$ 0</u>
Will additional State funds be spent?	☒ Yes ☐ No	If yes, best estimate of amount:	<u>\$ 2,000.00</u>
Do costs include tank removal or other ineligible costs?	☐ Yes ☒ No	If yes, tank removal amount:	<u>\$</u>
Were costs reimbursed by FEMA/DPS or other source?	☐ Yes ☒ No	If yes, amount reimbursed:	<u>\$</u>
What is the Minnesota Pollution Control Agency recommendation for percent reduction in reimbursement (not including the 10%): <u>0 %</u>			

Documentation

Bankruptcy information (i.e., correspondence, notices, letters, etc.)
Probate/Estate information (i.e. Demand for Notice, Written Statement of Claim, etc.)
Correspondence with RP or attorneys regarding cost recovery and/or financial hardship
Copy of Demand Letters from the file
Copy of signed Settlement Agreement
Work Order summaries (from TALES Work Order tab and Emergency Response Work Order tab)
Certification of Expenses, if money spent (Cost recovery coordinator drafts and supervisor signs)
Other information to help Commerce recover costs

Document attached	Not applicable (N/A)
☐	☒
☐	☒
☐	☒
☐	☒
☐	☒
☒	☐
☒	☐
☒	☐

Minnesota Pollution Control Agency

Tales - Individual Work Order Summary

January 08, 2015

Interest Name: Former Food-n-Fuel
 Work Order Number: 3000009814
 Preferred Id: 18925

MPCA Project Manager: Serier, Kathryn
 Verbal Date:

Funding Flags

Merla Elig ☐ Fed Tank Elig ☒ State Elig ☐ Other Elig ☐ Amend Flag ☐

		Amounts		
Work Order Amount:	15,859.15	Contingency Amount:	0.00	
App. Change Orders:	0.00	Contingency Balance:	0.00	
Approved Amend Amount:	0.00			
Approved Budget:	15,859.15	Retainage Balance:	0.00	
Funds Available:	7,151.17	Total Invoice Amounts:	15,143.98	
		Invoices Paid Sum:	15,143.98	

Invoices

Invoice Number	Invoice Date	Invoice Amount	Invoice Paid Amount	Invoice Paid Date	FY	Retainage Held:	Retainage Paid:
Invoice Description							
21990	04/14/2014	10,348.45	10,348.45		2014	343.43	0.00
For LSI work including drilling and lab analytical							
22138	05/06/2014	1,687.69	1,687.69		2014	79.41	0.00
For LSI work including lab							
22860	07/21/2014	3,107.84	3,107.84		2014	268.50	691.34
For report prep and final wo wrap up. Final Invoice.							

Amendments + Change Orders

Adjustment Type	Amount	Approved Date	Fiscal Year
Description			
Change Order	.00	03/12/2014	2014
Verbal - 03/11/14 - transfer money for snow removal - "unexpected/urgent situation".			

Minnesota Pollution Control Agency

Tales - Individual Work Order Summary

January 08, 2015

Interest Name: Former Food-n-Fuel
 Work Order Number: 3000011949
 Preferred Id: 18925

MPCA Project Manager: Serier, Kathryn
 Verbal Date:

Funding Flags

Merla Elig ☐ Fed Tank Elig ☒ State Elig ☐ Other Elig ☐ Amend Flag ☐

		Amounts		
Work Order Amount:	7,177.70	Contingency Amount:	00	
App. Change Orders	0.00	Contingency Balance:	00	
Approved/Amend Amount:	00			
Approved Budget:	7,177.70	Retainage Balance	103.33	
Funds Available:	3,130.71	Total Invoice Amounts	3,943.66	
		Invoices Paid Sum	3,943.66	

Invoices

Invoice Number	Invoice Date	Invoice Amount	Invoice Paid Amount	Invoice Paid Date	FY	Retainage Held	Retainage Paid
24243	12/29/2014	3,943.66	3,943.66		2015	103.33	0.00
For additional boring work.							



MINNESOTA
DEPARTMENT OF
COMMERCE

85 7th Place East, Suite 500
St. Paul, Minnesota 55101-2198
mn.gov/commerce/
651.296.4026 FAX 651.297.1959
An equal opportunity employer

October 7, 2013

MDW Equity LLC
Attn: Sara L. Vinas, Counsel
2760 North University Drive
Davie, FL 33024

RE: Financial Assessment Determination
Site: Former Food-n-Fuel, St. Francis, MN
Site ID#: 18925

Dear Ms. Vinas:

The financial disclosure forms completed on August 28, 2013, have been reviewed by Petrofund staff. Based on our analysis of your company's financial hardship claim, the Petrofund has determined that MDW Equity LLC does not have the financial means to pay for the corrective action work required at the above-referenced site.

The Petroleum Tank Release Cleanup Act provides that a corporation is responsible for a release from a tank if the corporation is an owner or operator of the tank at any time during or after the release. The Minnesota Pollution Control Agency (MPCA) has determined that MDW Equity LLC is a responsible person under Minn. Stat. §115C.021, subd. 1 for the release that occurred at this site. Although the MPCA has determined that you are a responsible person under Minn. Stat. §115C.021, subd. 1 for the release that occurred at this site, the MPCA will take corrective action in your place (pursuant to Minn. Stat. §115C.03, subd. 2). The MPCA will contact you with further instructions. **Please note that because MDW Equity LLC owns the leaksite property, the Minnesota Department of Commerce reserves the right to impose an environmental lien on the property for the corporation's portion of the corrective action costs (pursuant to Minn. Stat. §514.671 to 514.676).**

Please note that MDW Equity LLC has a continuing responsibility to promptly provide additional financial information should any of the submitted information change relating to the corporation's financial situation.

If you have any questions, please contact me at 651-539-1507 or 800-638-0418 (outside the Twin Cities), or via e-mail at joel.fischer@state.mn.us. The Petrofund fax number is 651-539-0103.

Sincerely,

Joel Fischer, Director
Petroleum Tank Release Cleanup Fund (Petrofund)

copy: Michelle Oie, MPCA Cost Recovery Coordinator
Stephen Frye, MPCA Project Manager



**Minnesota Pollution
Control Agency**

520 Lafayette Road North
St. Paul, MN 55155-4194

**Fund Financed
Site Evaluation Form
Petroleum Remediation Program**

Doc Type: Fund Financed Documentation

Date submitted (mm/dd/yyyy): 1/2/2014 Submitted by: Stephen Frye

Instructions: Before a Petroleum Remediation site can become a fund-financed site, one or more of the following conditions must be met. Check all that apply. Please complete and email this form to the Fund-Financed Evaluation Team. Results of the evaluation will be provided to the project manager in an email response and documented in TALES Remarks.

- ☒ A Commissioner's Order has been issued and the Responsible Party (RP) is financially unable to proceed.

Date of Commissioner's Order (mm/dd/yyyy): 12/9/2013

Date hardship claim referred to Petrofund (mm/dd/yyyy): 4/19/2013

Date Financial Disclosure Form submitted by RP to Petrofund (mm/dd/yyyy): 6/28/2013

Date of Petrofund No Cost Recovery Determination (mm/dd/yyyy): 10/7/2013

Other efforts or information to confirm financial status: RP claimed financial hardship with the Department of Commerce

- ☐ A Commissioner's Order has been issued and the RP is unwilling to do the work.

Date of Commissioner's Order (mm/dd/yyyy): _____

- ☐ The RP is deceased.

Date of death (mm/dd/yyyy): _____ Type of Confirmation obtained: _____

- ☐ The RP cannot be located.

Date of RP Determination/Search (mm/dd/yyyy): _____

- ☐ The corporation has dissolved.

Date of corporate dissolution (mm/dd/yyyy): _____

List of information resources: _____

Attorney General staff confirmation (if applicable): _____

- ☐ Other: _____

I. Site Information

Leak site number: 18925

Release report date (mm/dd/yyyy): 10/24/2012 Leak site county: Anoka

Leak site name: Former Food-n-Fuel

Leak site address: 4020 233rd Ave NW

City: St. Francis Zip code: 55070 Site Phone #: NA

Project manager: Stephen Frye Hydrogeologist: NA

II. RP Information (Complete for each RP) (If more than one RP, copy/paste the section below.)

☐ Individual ☒ Corporation ☐ Lessee/Tenant ☐ No viable RP (Select grey box and type an "X" before the appropriate option.)

RP name: MDW Equity LLC

Contact name (if Corporation): Sara Vinas

RP Address: 2760 North University Drive

City: Hollywood State: FL Zip code: 33024

RP Phone: 954-499-8663
ext. 236 Fax: NA E-mail: slvonecorp@gmail.com

III. Current Property Owner Information

☐ Individual ☒ Corporation ☐ Lessor/Landlord

Property owner name: MDW Equity LLC

Contact name (if Corporation): Sara Vinas

Current Address: 2760 North University Drive

City: Hollywood

State: FL

Zip code: 33024

Phone: 954-499-8663 ext. 236

Fax: _____

E-mail: slvonecorp@gmail.com

IV. Tank Information

MPCA tank site ID# or Not applicable: 129

Petroleum storage tanks are currently present on site? ☐ Yes ☒ No

If tanks are currently present on site, list type, volume, product stored and tank location:

Petroleum storage tanks have been removed from the site? ☒ Yes ☐ No

If some or all tanks have been removed from the site, list type, volume, product stored, former location and date of removal:

2 - 8000 Gallon Gasoline USTs - Removed 10/18/2012

1 - 2000 Gallon Diesel UST - Removed 10/18/2012

1 - 4000 Gallon Gasoline UST - Removed 10/18/2012

Additional comments:

The City of St. Francis paid to have the tanks removed in October 2012 and are seeking reimbursement from MDW Equity LLC.

V. Previous Leak Site Information

Are there previous leak site(s) associated with the current site? ☒ Yes ☐ No

If yes, provide the leak number and the responsible party for that leak number: *(copy/paste this section if more than one RP)*

Leak number: 3589 Report date (mm/dd/yyyy): 11/26/1990 Closure date (mm/dd/yyyy): 01/21/1992

☐ Individual ☒ Corporation ☐ No viable RP *(Select grey box and type an "X" before the appropriate option.)*

RP name: Min-Lar Enterprises

Contact Name (if Corporation): Dennis Minor

RP Address: 2755 219th Ave NE

City: East Bethel

State: MN

Zip code: 55011

RP Phone: 612-331-8550

Fax: NA

E-mail: NA

Additional comments:

VI. Environmental Impact

☐ High Priority/ER Involvement

Examples: Impacted water supply well, >10% LEL in utilities and structures, vapor intrusion in living spaces, >1 inch LNAPL, water supply wells within 500 feet of impacted aquifer, contamination entering surface waters, surface runoff, impacted aquifer in hydrogeologically sensitive area (karst, sole source).

Briefly list site specific impacts:

☒ **Medium to Low Priority**

Examples: <1 inch LNAPL, impacted aquifer with water supply wells >500 feet from plume, potential risk to surface water and/or vapor receptors and/or drinking water wells, unknown conditions, impacted aquifer with no water receptors at risk, low potential risk for surface water contamination, low potential risk for vapor receptors, soil only or non-aquifer impact.

Briefly list site specific impacts:

As of this time, soil impacts have been identified from the tank release. It is unknown if groundwater was impacted.

VII. Environmental Assessment

Briefly describe all site work completed to date (emergency response, investigative, corrective action):

In October 2012, all remaining USTs on the property were removed. Soil analytical samples were collected by Thatcher Engineering and submitted to Pace Analytical. Tank bottom sampling results show evidence of a release. The results are saved in OnBase.

VIII. Historical Information

Chronologically describe property ownership:

According to MPCA tank site records, MDW Equity LLC purchased the property in October 2005 with the tanks present. Prior to their purchase, the site was a former Oasis Market operated by the now defunct Avanti Stores (Twin Cities Stores Inc).

Chronologically describe lease/rental history, if applicable:

The property and tanks have been under the ownership of MDW Equity LLC since October 2005.

Provide information and dates for corporate activity, inactivity, or dissolution, if applicable:

Prior to MDW Equity LLC's purchase, Avanti Petroleum, also an affiliate of Twin Cities Stores (Oasis Market) operated the tanks on the premises. They are an inactive corporation as of 03/04/2002. Twin Cities Stores Inc. is an inactive corporation as of 01/14/2008.

RP Identification Table:

Chronologically combine tank inventory information, with property ownership/lease information, and tank owner/operator information to identify RP(s).

(If more rows are needed, simply hit tab in the last column of the last row and it will create another row.)

Tank inventory (UST or AST, tank volume and product stored)	Tank installation date (mm/dd/yyyy)	Tank removal date (mm/dd/yyyy)	Property Ownership (Individual or Corporate) and Property Lease Information	Tank Owner/Operator (Individual or Corporate), if different from Property Owner
8000 Gallon Gasoline UST	05/15/1984	10/18/2012	MDW Equity LLC	MDW Equity LLC
8000 Gallon Gasoline UST	05/15/1984	10/18/2012	MDW Equity LLC	MDW Equity LLC
2000 Gallon Diesel UST	05/15/1984	10/18/2012	MDW Equity LLC	MDW Equity LLC
4000 Gallon Gasoline UST	11/06/1997	10/18/2012	MDW Equity LLC	MDW Equity LLC

Additional comments:

Oie, Michelle (MPCA)

From: Serier, Kathryn (MPCA)
Sent: Wednesday, January 07, 2015 2:04 PM
To: Schiltz, Colleen (COMM); Oie, Michelle (MPCA)
Subject: LEAK 18925 Cost Recovery Checklist and other documentation
Attachments: Fund Financed Documentation - 10-7-2013 - FORMER FOOD-N-FUEL - 18925 - FINANCIAL HARDSHIP DETERMINATI.pdf; 18925 Cost Recovery Referral Checklist.doc; Fund Financed Documentation - 1-2-2014 - FORMER FOOD-N-FUEL - 18925 - FUND FINANCE EVALUATION FORM.pdf

Colleen,

Attached is the cost recovery checklist you requested for LEAK 18925. Also attached is a copy of the fund financed evaluation form which includes additional information about the RP and previous RPs and the financial hardship determination letter.

Please let me know if you need additional information.

Thank you,
Kathryn

Kathryn Serier | Project Leader
Petroleum Remediation and Redevelopment Section
Minnesota Pollution Control Agency (MPCA)
520 Lafayette Road | Saint Paul, MN | 55155
Office: 651-231-6043 | Fax: 651-296-9707 | Email: kathryn.serier@state.mn.us
MPCA Website: <http://www.pca.state.mn.us/> | PRP Webpage: <http://www.pca.state.mn.us/jsri80e>

