



Minnesota Pollution Control Agency

520 Lafayette Road North | St. Paul, MN 55155-4194 | 651-296-6300 | 800-657-3864 | 651-282-5332 TTY | www.pca.state.mn.us

November 6, 2012

Ms. Sara Vinas
MDW Equity
2760 N. University Dr.
Davie, FL 33024

RE: Storage Tank Release Investigation and Corrective Action
Site: Former Food-N-Fuel, 4020 - 233rd Ave. NW, St. Francis, Anoka County 55070
Site ID#: LEAK 18925

Dear Ms. Vinas:

Notice of Release

The Minnesota Pollution Control Agency (MPCA) has been informed that a release has occurred or contamination has been encountered from storage tanks and/or storage tank facilities that you own and/or operate. The MPCA appreciates your timely notification so this site can be handled in an efficient manner.

Legal Obligations

State laws require that persons legally responsible for storage tank releases notify the MPCA of the release and/or discovery of contamination, investigate, and if necessary, clean up the release(s) and/or contamination. A person is considered legally responsible for a petroleum tank release if the person owned or operated the tank either during or after the release, unless specifically exempted under the law. See Minn. Stat. § 115C.021 (2012). For releases of other substances, a person is considered legally responsible if the substance discharged was under the control of the person at the time of the discharge or release. If you believe that you are not legally responsible for this storage tank release, please contact the project manager listed below.

If development of this property or the surrounding area is planned, State laws require that persons properly manage contaminated soil and/or water uncovered or disturbed even if they are not legally responsible for the storage tank release(s). Developers and other interested parties must also incorporate appropriate response actions to prevent the further spreading of contamination. To receive MPCA review and approval of proposed response actions, please contact the Petroleum Brownfields Program (PBP) at 651-296-6300 or at 1-800-657-3864, or visit their website at <http://www.pca.state.mn.us/foyp80a>. If petroleum contamination is encountered during development work, the Minnesota State Duty Officer should be notified immediately.

Request to Take Corrective Action

The MPCA requests that you take steps to investigate, and if necessary, clean up the release(s)/contamination in accordance with MPCA guidance documents. The site investigation must fully define the extent and magnitude of the soil and/or groundwater contamination caused by the release(s)/contamination. Unless your site is considered "high priority" (see below), you must submit a report to the MPCA which details the results of the investigation or concludes that excavation was sufficient to clean up the release, within 10 months of the date of this letter. The MPCA reserves the right to reject proposed corrective actions if the requirements of the site investigation have not been fulfilled. Guidance documents and related information are located at the following website at <http://www.pca.state.mn.us/jsri80e>. For sites contaminated by pollutants other than petroleum, contact the MPCA project manager listed below to discuss the investigation and reporting timeline that will be required for your site.

The MPCA considers certain site conditions as high priority, including sites with "free product" (free-floating petroleum) that have affected or that threaten to affect drinking water supplies, sites where pollutants are being released to surface waters such as lakes or wetlands, and sites where petroleum or other vapors have been detected within structures or that pose fire or explosion hazards. If one or more of these situations apply to your site, you must submit an Investigation Report Form (refer to guidance documents) to the MPCA within 90 days. The MPCA reserves the right to reject proposed corrective actions if the requirements of the site investigation have not been fulfilled. In addition, if you know or discover that there is free product in a well, excavation, or borehole, you must notify the MPCA immediately of such a release and as rapidly and thoroughly as possible begin interim free product recovery (refer to guidance documents). If you have any question as to whether your site is high priority, please contact the MPCA project manager listed below.

Please review your insurance plan and contact your insurance carrier immediately after receiving this letter. Your insurance may cover this release. However, your insurance coverage may be affected by how quickly you notify your carrier.

Reimbursement for Petroleum Site Investigations

In 1987, the legislature established the Petroleum Tank Release Compensation Fund (Petrofund) to reimburse some responsible persons and volunteers (i.e., property owners not responsible for releases) 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 contact Petrofund staff at 651-215-1775 or 1-800-638-0418 (in greater Minnesota only), or review the information available at the following website at <http://mn.gov/commerce/topics/Petrofund/>. Please be aware that Petrofund reimbursement determinations are made by Petrofund staff at the Department of Commerce. The determinations are based on whether or not the work performed at a leak site was necessary for investigation and corrective action, which is determined by MPCA staff, and whether or not the costs for that work were reasonable, which is determined by Petrofund staff.

If you have not already done so, the MPCA recommends that you hire a qualified environmental consulting firm to help you investigate and clean up the contamination on your site. A qualified consulting firm should have experience in performing investigations of contaminated sites and in developing and implementing corrective actions. For petroleum investigations, the consultant must be registered with the Petro Board if you wish to have your costs considered for reimbursement. A list of registered contractors is available from the Petrofund staff. Please note that, under the Petro Board's rules, (see Minn. R. ch. 2890), you must solicit a minimum of two written competitive consultant proposals on a form prescribed by the Petro Board to incur costs eligible for reimbursement, and a minimum of two written competitive contractor bids must also be obtained for each contractor service. Again, the MPCA strongly encourages you to contact Petrofund staff for answers to all of your questions about bidding and the other Petrofund reimbursement program requirements.

Required Response

Please provide notification to the MPCA by submitting the enclosed *Leaksite Ownership Form* to the MPCA project manager listed below. The *Leaksite Ownership Form* must be completed and submitted within 30 days of your receipt of this letter to indicate whether you intend to proceed with the requested investigation and/or corrective action. If you do not respond within this time frame, the MPCA will assume that you do not intend to comply. In this case, the MPCA Commissioner may issue an enforceable order that will require you, as responsible party, to take corrective action. Failure to cooperate with the MPCA in a timely manner may result in reduced reimbursement from the Petro Board, see Minn. R. ch. 2890. If you do not cooperate, the MPCA has the option of taking the corrective actions on your behalf and recovering its costs from you.

If you have any questions concerning this letter or need additional information, please contact me at 651-757-2463 or e-mail stephen.frye@state.mn.us. Please reference the above LEAK # in all correspondence. If you are calling long distance, you may reach the MPCA by calling 1-800-657-3864.

Sincerely,


Stephen Frye
Project Manager
Petroleum Remediation Section
Remediation Division

SAF:ls

Enclosures

cc: Barbara Held, Clerk, St. Francis
Matt Hylen, City of St. Francis
Brad Fields, Anoka County Solid Waste Officer
Dennis McComas, Thatcher Engineering, Minneapolis