



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

December 30, 2009

Ms. Kelly Warden
Saint Paul Port Authority
345 St. Peter St.
1900 Landmark Towers
St. Paul, MN 55102

RE: Petroleum Storage Tank Release Site Tank Removal Verification
Site: Overnite Express, 620/656 Pelham Boulevard, St. Paul, MN
Site ID#: PB3816

Dear Ms. Warden;

The Minnesota Pollution Control Agency (MPCA) Petroleum Brownfields Program staff has reviewed the following documents regarding the above-referenced petroleum storage tank release site:

- MPCA petroleum remediation program file, LEAK9952 and the file's associated documents.
- MPCA petroleum remediation program file, LEAK12395 and the file's associated documents.
- The MPCA TALES/tanks database.
- "Phase One Environmental Site Assessment" dated December 2009 prepared by Liesch Associates, Inc.

Based upon our review of the information contained in the above documents, MPCA staff has concluded that nine (9) petroleum storage tanks from which the release occurred have been removed from the site. The removed underground storage tanks (UST) included two used or waste oil (a 350 gallon and a 1,200 gallon), 4 gasoline tanks (a 1,000 gallon, two 6,000 gallon and a 10,000 gallon), three diesel (a 7,500 gallon, 10,000 gallon and a 12,000 gallon) tanks.

Due to the fact that the tanks from which the release occurred have been removed, the Commissioner of the MPCA has determined that Saint Paul Port Authority will not be a responsible person as defined in Minn. Stat. § 115C.021 (2008), for any release from these tanks. The Commissioner is authorized to make this determination under Minn. Stat. § 115C.03, subd. 9 (c) (2008).

This determination extends to the successors and assigns of the entity to which it originally applies, if the successors and assigns are not otherwise responsible for the release.

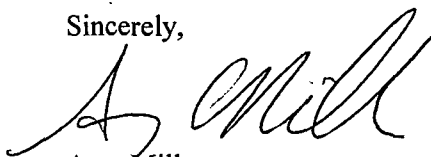
This letter represents the views of the MPCA, and is based upon information disclosed to the MPCA as of the date hereof. This letter should not be construed to release persons who are "responsible persons" under Minn. Stat. § 115C.021 (2008) from liability for petroleum storage tank releases, which have originated at the site. **Issuance of this letter does not imply that petroleum storage tanks are not present at other locations on the site.** Depending on your circumstances, this letter may or may not be construed as releasing any party from liability under state or federal law. If you have questions concerning your particular situation, the MPCA recommends that you discuss your concerns with your legal counsel.

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If future development of the site or the surrounding area is planned, it should be assumed that petroleum contamination is present. Property with petroleum contamination to soil or ground water may cause on-site vapor risks to future occupants. The MPCA can assist you with environmental risk and development plan review. MPCA staff will review and approve and/or modify your plan for property development. If contamination is encountered during future development work, the MPCA staff should be notified immediately.

Please be advised that the determination made in this letter is subject to the disclaimers found in Attachment A. If you would like to obtain information regarding petroleum contamination at the site or to review the file please call the Petroleum Remediation File Request Program at 651-297-8499. If you have any questions regarding this letter, please call me at 651-757-2569. You can also reach the MPCA at 1-800-657-3864.

Sincerely,



Amy Miller
Project Leader
Petroleum and Closed Landfill Section
Remediation Division

ACM:tf

Enclosure

cc: Eric Hesse, PE, Liesch Associates, Inc.

ATTACHMENT A
DISCLAIMERS
Site ID: PB3816

1. Reservation of Authorities

The MPCA Commissioner reserves the authority to take any appropriate actions with respect to any release or other conditions at the Site. The MPCA Commissioner also reserves the authority to take such actions if the voluntary party does not proceed in the manner described in this letter or if actions taken or omitted by the voluntary party with respect to the Site contribute to any release or create an imminent and substantial danger to public health and welfare or the environment.

2. No MPCA Assumption of Liability

The MPCA, its Commissioner and staff do not assume any liability for any release or other conditions at the Site or for any actions taken or omitted by the voluntary party with regard to the release or other conditions at the Site, whether the actions taken or omitted are in accordance with this letter or otherwise.

3. Letter Based on Current Information

All statements, conclusions and representations in this letter are based upon information known to the MPCA Commissioner and staff at the time this letter was issued. The MPCA Commissioner and staff reserve the authority to modify or rescind any such statement, conclusion or representation and to take any appropriate action under this authority if the MPCA Commissioner or staff acquires information after issuance of this letter that provides a basis for such modification or action.

4. Disclaimer Regarding Use or Development of the Property

The MPCA, its Commissioner and staff do not warrant that the Site is suitable or appropriate for any particular use.