



Minnesota Pollution Control Agency
Brainerd Office

October 8, 2008

Official File Stamp	
File Name _____	
File Number _____	
Page # _____	Staff _____
Category _____	

CERTIFIED MAIL NO. 7007 3020 0000 0361 5765
RETURN RECEIPT REQUESTED

Kurt and Celeste Kirkoff
47992 280th Street
Brooten, MN 56316

RE: Storage Tank Release Investigation and Corrective Action
Site: Former KC's Quick Stop, 230 1st Street, Brooten, Minnesota, 56316
Site ID#: LEAK 14698

Dear Mr. and Mrs. Kirkoff:

Notice of Release

The Minnesota Pollution Control Agency (MPCA) has been informed that a release has occurred and contamination has been encountered from storage tanks that you had owned and operated.

Legal Obligations

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. 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 or if the person was an owner or operator of the storage tanks and/or tank facility at the time the release occurred.

After review, the MPCA has determined you are considered legally responsible for the petroleum release at the above site based on the following reasons:

1. Kurt and Celeste Kirkoff purchased the above property and the transaction was recorded on December 6, 1996. There were two 8,000 gallon gasoline underground storage tanks registered on the property and were installed on June 19, 1986.
2. Kurt and Celeste Kirkoff owned and operated a gas station at the above property from December 6, 1996, to July 1998. A 4,000 gallon gasoline underground storage tank was installed on the property on March 1, 1997, while owned by Kurt and Celeste Kirkoff.
3. In July 1998, the above property went into foreclosure and North American State Bank acquired the property.



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4. On June 14, 2002, the three underground storage tanks on the above property were removed by North American State Bank in preparation of property sale. Petroleum contamination was discovered during tank removal and a leak site investigation was started.
5. The three underground storage tanks on the above property were not in operation from July 1998 to June 14, 2002.
6. North American State Bank volunteered to investigate the petroleum release from June 14, 2002, to June 24, 2008, at which time they requested to be released from volunteer status.
7. The responsibility to complete the investigation requirements is the person who owned or operated the tank either during or after the release. North American State Bank is not considered responsible for the release as Minn. Stat. § 115C.021 (2006) provides:

A mortgagee is not responsible for a release from a tank solely because the mortgagee becomes an owner of real property on which the tank is located through foreclosure of the mortgage or by receipt of the deed to the mortgaged property in lieu of foreclosure.
8. Kurt and Celeste Kirkoff are legally responsible for the petroleum tank release that occurred at the above property and are responsible to complete the investigation that started on June 14, 2002.

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 the enclosed MPCA guidance documents. The site investigation has been on-going since June 14, 2002, and currently there is a Request for Additional Work (RAW) letter issued by the MPCA on April 16, 2008. The RAW letter required the following work to be completed:

1. Discontinue ground water sampling at the monitoring wells. However, the monitoring wells are to remain in place in case additional monitoring is required in the future.
2. Continue to perform quarterly 24-hour vapor monitoring in the basement of 110 South Western Avenue. In addition, conduct quarterly 24-hour Summa canister sampling in the crawl space beneath the bedroom addition and within the bedroom as well. There should be access to the crawl space in place from the first monitoring event completed by Coteau Environmental. The samples collected must be analyzed for volatile organic compounds (VOCs) using Environmental Protection Agency (EPA) Test Method TO-15 and TO-3 methods.

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3. Install two new permanent vapor intrusion sample points at 110 South Western Avenue.
 - a. One sub-slab point through the basement floor located near the washing machine area. Install to assure that there is a tight seal so the radon system does not draw any basement air.
 - b. Install monitoring point outside the east side of the residence to a depth of eight feet.
 - c. For the first round, sample both monitoring points with the radon system running.
 - d. The two sample results are to be submitted to the MPCA as soon as they become available to determine additional monitoring frequency.

4. Please submit the vapor monitoring data as soon as it becomes available after each quarterly monitoring event. Continue to quarterly sample for one year unless otherwise directed by the MPCA.

Reimbursement for Petroleum Sites

In 1987, the legislature established the Petroleum Tank Release Compensation Fund (Petrofund) to reimburse some responsible persons and volunteers (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. If the release at your site is a petroleum release, the MPCA encourages you to learn more about the Petrofund reimbursement program by contacting Petrofund staff at 651-215-1775 or 800-638-0418 (in greater Minnesota only), or by reviewing the information that is available at the following Web site, http://www.pca.state.mn.us/programs/lust_p.html. Because there are rules governing eligible costs of cleanup, the MPCA strongly encourages you to familiarize yourself with the enclosed proposal and invoice forms and the other program requirements in order to maximize the available reimbursement. Please note that final decisions regarding the amount of reimbursement are made by the Petro Board, not the MPCA.

The MPCA recommends that you hire a qualified environmental consulting firm to help you investigate and clean up the contamination on your site. To be qualified, the consultant 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

The MPCA requires that you respond to this letter within 30 days to indicate whether you intend to proceed with the requested work. If you do not respond within this time frame, the MPCA will

Kurt and Celeste Kirkoff

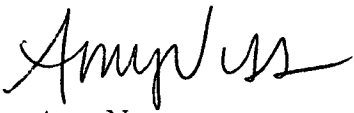
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assume that you do not intend to comply, in which case the MPCA Commissioner may issue you an enforceable order that will require you to take corrective action. Failure to cooperate with the MPCA in a timely manner may result in reduced reimbursement 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 218-828-6072. Please reference the above LEAK # in all correspondence. If you are calling long distance, you may reach the MPCA by calling 800-657-3864.

Sincerely,



Amy Ness
Project Manager
Brainerd Office
Remediation Division

AN:dlp

Enclosures

cc: Jeanne Kinne, City Clerk, Brooten
Jerry Voss, Fire Chief, Brooten
Donald Adams, Stearns County Solid Waste Officer, St. Cloud

SENDER: COMPLETE THIS SECTION

1. Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
2. Print your name and address on the reverse so that we can return the card to you.
3. Attach this card to the back of the mailpiece or on the front if space permits.

1. Article Addressed to:

Kurt and Celeste Kirkoff
47992-280th Street
Brooten, MN 56316

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X *Kurt Kirkoff*
 Agent
 Addressee
B. Received by (Printed Name)
KURT KIRKOFF
C. Date of Delivery

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No
47792 280th St

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.
4. Restricted Delivery? (Extra Fee) Yes

2. Article Number
(Transfer from service label) *7007 3020 0000 0361 5765*

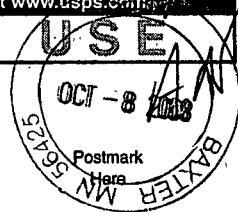
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Sent To
Kurt and Celeste Kirkoff
Street, Apt. No. or PO Box No. 47992 280th Street
City, State, ZIP+4 Brooten, MN 56316

