



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

February 7, 2013

Mr. Jack Romsaas for Valley Building Products Co.
Sowles Properties L.P./Valley Building Products Co.
3127 East Minnehaha Parkway
Minneapolis, MN 55417

Ms. Angie Ribar
BMOMN, LLC
2795 Highway 55 E
Eagan, MN 55121

Ms. Angie Ribar, Vice President
Building Materials Outlet, MW Inc.
2975 Highway 55
Eagan, MN 55121

RE: Petroleum Storage Tank Release Site Tank Removal Verification
Site: Lull Industries, Inc., 3045 Highway 13, Eagan, MN 55121
Site ID#: LEAK00009026, LEAK00009373, LEAK00009233, PB4271

Dear Mr. Romsaas & Ms. Ribar:

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 leaksite file LEAK9026, LEAK9373, LEAK9233 and the files' associated documents.
- The MPCA TALES/tanks database for LEAK9026, LEAK9373 and LEAK9233.

Based upon our review of the information contained in the above documents, MPCA staff have concluded that four petroleum storage tanks from which the releases occurred has been removed from the site. The removed underground storage tanks (UST) and above ground storage tanks (AST) include: two 10,000-gallon fuel oil USTs removed on December 13, 1995, one gasoline UST of unknown size associated with Leak #9393 with an unknown removal date and one 265 gallon fuel oil AST removed on May 1, 1996.

Due to the fact that the tank(s) from which the releases occurred has been removed, the Commissioner of the MPCA has determined that Valley Building Products Co., Sowles Properties L.P. and Building Materials Outlet, MW Inc. will not be responsible persons as defined in Minn. Stat. § 115C.021 (2012), for any release from these tanks. The Commissioner is authorized to make this determination under Minn. Stat. § 115C.03, subd. 9 (c) (2012).

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

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Ms. Angie Ribar
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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 (2012) 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.

If future development of the site or the surrounding area is planned, it should be assumed that petroleum contamination is present. A Development Response Action Plan should be submitted and approved by the MPCA Petroleum Brownfields Program prior to site development. If contamination is encountered during future development work, the MPCA staff should be notified immediately.

If you would like to obtain information regarding petroleum contamination at the site, please call the Petroleum Brownfields File Request Program at 651-757-2309 or 651-757-2799. If you have any questions regarding this letter, please call me at 651-757-2874.

Sincerely,

A handwritten signature in black ink, appearing to read "Shannon Martin", with a horizontal line extending to the right from the end of the signature.

Shannon Martin
Project Manager
Petroleum Remediation Section
Remediation Division

SM:tf

Enclosure

cc: Kate Kleiter, American Engineering Testing, Inc.

**ATTACHMENT A
DISCLAIMERS**

Site ID: LEAK00009026, LEAK00009373, LEAK00009233 and PB4271

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.

