



February 4, 2008

Mr. Dan Filzen  
South Central Grain & Energy  
P.O. Box 338  
Hector, MN 55342

RE: Storage Tank Release Investigation and Corrective Action  
Site: South Central Grain & Energy, 212 Bryant Ave., Hector, Renville County 55342  
Site ID#: LEAK 17141

Dear Mr. Filzen:

### 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

Federal and 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)/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. 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. If you believe that you are not legally responsible for this storage tank facility release, please contact the project manager listed below.

### 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 fact sheets. The site investigation must fully define the extent and magnitude of the soil and/or ground water contamination caused by the release(s)/contamination. For petroleum release sites, the MPCA has fact sheets that will help you or your consultant properly investigate the release and report the results to the MPCA. Unless your site is considered "high priority" (see below), you must submit a report to this office 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. Refer to the following web site for related guidance documents and information, [http://www.pca.state.mn.us/programs/lust\\_p.html](http://www.pca.state.mn.us/programs/lust_p.html). For sites contaminated by pollutants other than petroleum, the MPCA requests that you or your consultant contact the MPCA project manager listed to discuss the investigation and reporting timeline that will be required for your site.

The MPCA considers 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, sites where petroleum or other vapors have been detected within structures or that pose fire or explosion hazards, to be high priority for staff review. If one or more of these situations apply to your petroleum or non-petroleum facility, a Remedial Investigation/Corrective Action Design report (refer to guidance documents) must be submitted 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 within 24 hours and IMMEDIATELY begin interim free product recovery (refer to guidance documents). If you have any question with regard to whether your site is "high priority" please contact the MPCA project manager listed below.

**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 MPCCA encourages you to learn more about the Petrofund reimbursement program by contacting Petrofund staff at 651/215-1775 or 1/800-638-0418 (in greater Minnesota only), or by reviewing the information that is available at the following website, [http://www.pca.state.mn.us/programs/just\\_p.html](http://www.pca.state.mn.us/programs/just_p.html). Because there are rules governing eligible costs of cleanup, the MPCCA 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 MPCCA.

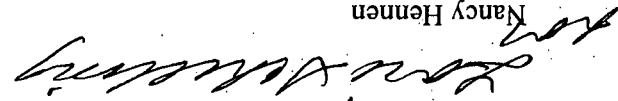
If you have not already done so, the MPCCA recommends that you hire a qualified environmental consulting firm to help you investigate and clean up the contamination on your site. To be qualified, the consultant should have experience in performing investigations of contaminated sites and in developing 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 MPCCA 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 MPCCA 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 MPCCA will assume that you do not intend to comply, in which case the MPCCA Commissioner may issue you an enforceable order that will require you to take corrective action. Failure to cooperate with the MPCCA in a timely manner may result in reduced reimbursement from the Petro Board, see Minn. R. ch. 2890. If you do not cooperate, the MPCCA 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 507/537-6375. Please reference the above LEAK # in all correspondence. If you are calling long distance, you may reach the MPCCA by calling 1-800/657-3864.

Sincerely,



Nancy Hennen

Project Leader

Petroleum and Closed Landfill Section

Remediation Division

NH:is

Enclosure

cc:

Barb Johnson, Clerk, Hector

Ken Rodmyre, Fire Chief, Hector

Martin Larson, Renville County Solid Waste Officer

Terry Sleck, Glacial Lakes Environmental Consulting