

Minnesota Pollution Control Agency

October 22, 1998

Mr. Jeff Weis
Weis Oil
600 East Lincoln
Fairfax, Minnesota 55332

Mr. John Ewert
795 Colorado Street
Hutchinson, Minnesota 55350

RE: Land Treatment of Petroleum Contaminated Soil/Soil Corrective Action Plan Approval
Land Treatment Site: John Ewert property, consisting of approximately .42 acres in the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 14, T115N, R30W, Collins Township, McLeod County
Preapproval ID: LTF0011
Leak Site: Weis Oil, 600 East Lincoln, Fairfax
Site ID#: LEAK00001940

Dear Gentlemen:

The application dated September 3, 1998, to land treat approximately 228 cubic yards of petroleum contaminated soil from the above-referenced leak site at the above-referenced land treatment site is hereby approved by the Minnesota Pollution Control Agency (MPCA). This approval is based upon the MPCA staff's understanding that the appropriate county and local officials have been notified of the proposed land treatment of this soil and is subject to the conditions indicated below. The portions of Minn. R. ch. 7037 referenced in this letter are summarized in the MPCA fact sheet #3.8 *Land Treatment of Petroleum Contaminated Soil: Land Treatment Sites* (May 1996). Minn. R. ch. 7037 indicates that the land treatment site owner and operator are to be responsible for the requirements listed below. However, the generator of the soil is not relieved from responsibility under Minn. Stat. § 115.061 to ensure the proper treatment of petroleum contaminated soil.

1. If soil is to be stored prior to spreading then the conditions and limitations indicated in Minn. R. 7037.0810 must be followed for soil storage.
2. Soil must be spread to a thickness of no more than four inches and incorporated into the top four to six inches of native soil in accordance with Minn. R. 7037.2300. All other land treatment procedures and limitations described in Minn. R. 7037.1700 to 7037.2500 must be followed.
3. The MPCA fact sheet #3.11 *Notification of Spreading Petroleum Contaminated Soil at a Land Treatment Site* (April 1996) must be submitted to the MPCA within 10 days following spreading (Minn. R. 7037.2600).
4. The land treated soil must be sampled and reports must be submitted in accordance with Minn. R. 7037.2700 until analyses indicate 10 parts per million total petroleum hydrocarbons or lower. The MPCA fact sheet #3.12 *Soil Monitoring Results for Land Treated Petroleum Contaminated Soil* (April 1996) must be used for reporting.

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4. The MPCA's approval of this application does not release you from any duty to comply with county or local ordinances.

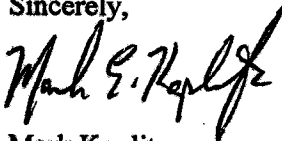
We believe these actions will provide treatment of the excavated petroleum contaminated soil. The MPCA reserves the right to require additional work if this is determined to be necessary to protect public health and the environment. This letter does not release any person from liability for this contamination. In addition, this letter does not address the adequacy of cleanup or investigative work completed or yet to be completed at the leak site.

This approval provides eligibility under Minn. Stat. § 115C.09, subd. 2(a)(1) (Supp. 1997) for Petrofund reimbursement of eligible cleanup costs associated with this leak site that have been incurred up to the date of this letter. Applications for reimbursement must be made directly to the Petro Board by responsible persons and eligible volunteers. The Petro Board makes the final decision on reimbursement. Reimbursement decisions are based on factors such as the adequacy of cleanup, reasonableness of cost, compliance with notification laws and cooperativeness with the MPCA. Please be aware that additional costs incurred by spreading soil at depths less than those indicated in MPCA's approval letters have generally not been reimbursed by the Petro Board.

Please note that this approval applies only to the process of land treatment of the petroleum contaminated soil. This approval should not be construed to constitute a finding that the volume of contaminated soil excavated at the above-referenced leak site was appropriate.

Please contact me at 651/297-8611, if you have any questions.

Sincerely,



Mark Koplitz
Project Manager
South District

MEK:lh

cc: James Friedrichs, Stewart
Roger Breggen, Glencoe
Ed Homan, McLeod County Solid Waste Officer
Minnesota Department of Commerce, Petrofund Staff