

Minnesota Pollution Control Agency

October 28, 1996

Mr. Gerald Wohler
State Bank of Bird Island
205 South Main
Bird Island, Minnesota 55310

Mr. Mark Lautenshlager
U.S. Small Business Administration
610-C Butler Square
100 North Sixth Street
Minneapolis, Minnesota 55403-1563

Re: Petroleum Storage Tank Release Site Tank Removal Verification
Site: Weis Oil Company (Dittmer Oil), Highway 4 & 19, Fairfax
Site ID#: LEAK00001940

Dear Mr. Wohler and Mr. Lautenshlager:

The Minnesota Pollution Control Agency (MPCA) Tanks and Emergency Response Section, Voluntary Petroleum Investigation and Cleanup (VPIC) Program staff has reviewed the following documents regarding the above-referenced petroleum storage tank release site:

- "Gasoline Discharge Remediation Report, Dittmer Oil Company, Inc., Fairfax, Minnesota" Books 1 and 2 dated March 28, 1990, and prepared by staff of GME Consultants, Inc.

Based upon our review of the information contained in the above documents, MPCA VPIC staff have concluded that the three underground petroleum storage tanks from which the release occurred have been removed from the site. Due to the fact that the tanks from which the release occurred have been removed, the Commissioner of the MPCA has determined that the State Bank of Bird Island and the U.S. Small Business Administration will not be a responsible person as defined in Minn. Stat. § 115C.021 (1992), for any release from these tanks. The Commissioner is authorized to make this determination under Minn. Stat. § 115C.03, subd. 9 (c) (as amended by Minn. Laws 1994).

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

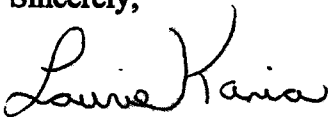
This letter should not be construed to be releasing persons who are responsible persons under Minn. Stat. § 115C.021 from liability for petroleum storage tank releases which have originated at the site. This letter also should not be construed as releasing any person from liability for leaking tanks which may be on the site at the time of the property transfer closing. Issuance of this letter does not imply that petroleum storage tanks are not present on other portions of the site. Furthermore, this letter does not release any party from liability associated with any other applicable 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 may still be present. 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 that may remain at the site, please call the Tanks and Emergency Response Section File Request Program at 612/297-8499. The "Leak/Spill and Underground Storage Tank File Request Form" (Fact Sheet #35) must be completed prior to arranging a time for file review.

If you have any questions regarding this letter, please call Laurie Kania at 612/297-8600.

Sincerely,



Laurie M. Kania
Project Manager
Voluntary Petroleum Investigation and Cleanup
Tanks and Emergency Response Section

LMK:smm