



Minnesota Pollution Control Agency

June 8, 1993

Mr. Gary Bielke
Wells Concrete
Highway 109 East
Wells, Minnesota 56097

Dear Mr. Bielke:

RE: Petroleum Storage Tank Release Investigation and Corrective Action
Site: Wells Concrete, Highway 109 East, Wells
Site ID#: LEAK00006378

The Minnesota Pollution Control Agency (MPCA) has received notification that a release of petroleum has occurred from storage tank facilities which you own and/or operate that has resulted in contamination of soil and/or ground water.

Federal and state laws require that persons legally responsible for storage tank releases notify the MPCA of the release, investigate the extent of the release and take actions needed to ensure that the release is cleaned up. A person is considered legally responsible for a tank release if the person owned or operated the tank either during or after the release, unless specifically exempted under the law. See Minn. Stat. § 115C.021 (as amended by Minn. Laws 1992, ch. 414, sec. 2). If you believe that you are not legally responsible for this storage tank release, please provide the MPCA with a written explanation of the grounds for your position within 30 days.

The MPCA staff is requesting you to take the steps necessary to investigate and clean up the release in accordance with the enclosed MPCA technical documents. The MPCA requires that you conduct a site investigation to define the full extent and magnitude of the soil and/or ground water contamination caused by the release. If you know or discover that there is free-floating petroleum on the water table, the MPCA requests that you notify the MPCA within 24 hours. In addition, if any measurable volume of free product is observed in an excavation, borehole, or well, you must IMMEDIATELY begin interim free product recovery (passive hydrophobic/oleophilic collectors, absorbent pads, etc.)

If you are not legally responsible for the release, but hold legal or equitable title to the property where the release occurred, you may volunteer to take corrective action. Responsible persons and volunteers who take corrective action may be eligible for reimbursement for a major portion of the costs of corrective action. The legislature has established the Petroleum Tank Release Cleanup Account to reimburse responsible persons and volunteers. The account is administered by the Petroleum Tank Release Compensation Board (Petro Board). The Petro Board has adopted rules, Minn. Rules ch. 2890, governing application for reimbursement. Questions about eligibility and reimbursement should be directed to the Petro Board at 612/297-1119 or 612/297-4203.

MPCA Toll Free 1-800-657-3864, Telephone Device for the Deaf (TDD) 612/297-5353, Greater Minnesota TDD 1-800-627-3529

520 Lafayette Rd., St. Paul, MN 55155-4194; (612) 296-6300; Regional Offices: Duluth • Brainerd • Detroit Lakes • Marshall • Rochester

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If you have not already done so, the MPCA recommends that you hire a qualified consulting firm that has experience in conducting petroleum release site investigations and in proposing and implementing appropriate corrective actions. The MPCA reserves the right to reject proposed corrective actions if the requirements of the site investigation have not been fulfilled. Please note that, under Minn. Rules pt. 2890.0075, subp. 2, you must solicit a minimum of two competitive proposals on a form prescribed by the Petro Board to ensure that your consulting costs are reasonable.

If you do not respond to this letter within 30 days, the MPCA staff will assume that you do not intend to comply with this request. In this event, the MPCA Commissioner may order you to take corrective action. If you do not comply with the Commissioner's order, it may be enforced in court or, alternatively, the MPCA could spend its own money cleaning up the release and then request the Attorney General to recover its costs from you through legal action. Failure to cooperate with the MPCA in a timely manner will also result in reduced reimbursement from the Petro Board. See Minn. Rules pt. 2890.0065, subp. 1, item C.

MPCA staff has compiled the enclosed factsheets to provide you with the information necessary to complete a successful investigation and cleanup.

If you have any questions concerning this letter or need additional information, contact me at 612/297-8611. Please reference the above LEAK # in all correspondence.

Sincerely,



for Mark Koplitz
Project Manager
Tanks and Spills Section
Hazardous Waste Division

MK:nh

Enclosures

cc: Dolly Schultz, City Clerk, Wells
Jack Horntasch, Fire Chief, Wells
Dave Morrison, Minnesota Pollution Control Agency, Rochester