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STATE OF MINNESOTA



Department of Public Safety - Division of Emergency Management  
444 Cedar St. Suite 223 St. Paul, MN 55101

MINNESOTA DUTY OFFICER

Report #: 60043

Report Date: 5/10/2004

Report Time: 20:05

DO#: 50

CALLER INFORMATION

Contact: Robert Devolve

Company: Lenard, Street and Deinard Law Firm

Address: 150 S 5th St Suite 2300

City: Minneapolis

State: MN Zip: 55402-

Phone: (612) 335-1480 Ext:

Alt phone:

Ext:

Have local police and/or fire been notified?

NARRATIVE

ENTERED MAY 20 2004

Caller reports that contamination has been found in the SW corner of property. Caller did not have report but was told verbally of contamination. Caller will call back with specifics. Contamination was found during site assessment relating to the the sale of property.

INCIDENT REPORT: TANK

RESPONSIBLE PARTY/PROPERTY OWNER

SITE LOCATION

Name: Rex Rice - James Holmes, lawyer

Name: Hi Lake Shopping Center

Company: Erling E Rice Lmted Partnership

Address: 2218 E LAKE ST

Address: 6255 Bury Drive

City: MINNEAPOLIS

City: Eden Prairie

State MN Zip 55346-

County HENNEPIN

Zip:

Phone: (763) 249-0888 Ext lawyer

Alt. phone:

Ext

SITE INFORMATION

Discovery date 5/10/2004 Discovery time: 16:00 Previously reported site? UNKNO Leak #: 0

TANK INFORMATION

Number/Size of Tank(s) Tank Contents Age of Tank(s) Type of Tank

Native soil type: sand

Surface water nearby? No

Cause of Release Discovery Phase I or II

Site water source: Municipal

Contaminated soil excavated?

Quantity: Able to dig out contamination?

Ground water encountered? No

Depth to ground water: 75 feet

Free product found? No

Stained soils? Yes Petroleum odors? Yes

Highest vapor reading: 424 PPM

Analytical results: Na

If this incident involves an A.S.T. is there secondary containment around the tank?

If not tank related, specify Release Source and Product Type

MPCA Project Manager:

SHV

Leak Number:

15708

ANY QUESTIONS - PLEASE CONTACT THE MN DUTY OFFICER AT 651-649-5451 OR 800-422-0798

T#12357H - removed 6k gas, 6k gas & 560 used/waste USTs

address - 2218 Lake St E

- old gas station on site

Range of Shopping Center  
2100 - 2218 E Lake St

- planning to do work as volunteers  
& do development → may join VPIC

**Notifications**

**Report #:** 60043      **ReportDate:** 5/10/2004      **ReportTime:** 20:05      **DO:** 50

In:	Out:	Link:	Date:	Time:	Agency:	County:	Method of Contact:
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	5/10/2004	20:20	MPCA Metro		Fax
Narrative:							
In:	Out:	Link:	Date:	Time:	Agency:	County:	Method of Contact:
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	5/11/2004	10:28	MPCA Metro		Fax
Narrative:							



# 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](http://www.pca.state.mn.us)

December 7, 2006

Mr. Stephen B. Wellington, Jr.  
Wellington Management, Inc.  
1625 Energy Park Drive, Suite 100  
St. Paul, MN 55108

RE: **Petroleum Tank Release Site File Closure**  
Site: Hi-Lake Shopping Center, 2218 East Lake Street, Minneapolis, MN 55407  
Site ID#: LEAK00015708

Dear Mr. Wellington:

We are pleased to let you know that the Minnesota Pollution Control Agency (MPCA) staff has determined that your investigation and/or cleanup has adequately addressed the petroleum tank release at the site listed above. Based on the information provided, the MPCA staff has closed the release site file.

Closure of the file means that the MPCA staff does not require any additional investigation and/or cleanup work at this time or in the foreseeable future. Please be aware that file closure does not necessarily mean that all petroleum contamination has been removed from this site. However, the MPCA staff has concluded that any remaining contamination, if present, does not appear to pose a threat to public health or the environment under current conditions.

The MPCA reserves the right to reopen this file and to require additional investigation and/or cleanup work if new information, changing regulatory requirements or changed land use make additional work necessary. If you or other parties discover additional contamination (either petroleum or nonpetroleum) that was not previously reported to the MPCA, Minnesota law requires that the MPCA be immediately notified.

You should understand that this letter does not release any party from liability for the petroleum contamination under Minn. Stat. ch. 115C (2002) or any other applicable state or federal law. In addition, this letter does not release any party from liability for nonpetroleum contamination, if present, under Minn. Stat. ch. 115B (2002), the Minnesota Superfund Law.

Please note that as a result of performing the requested work you may be eligible to apply to the Petroleum Tank Release Compensation Fund (Petrofund) for partial reimbursement of the costs you have incurred in investigating this petroleum tank release. The Petrofund is administered by the Petroleum Tank Release Compensation Board (Petro Board) and the Minnesota Department of Commerce. To learn more about who is eligible for reimbursement, the type of work that is eligible for reimbursement, and the amount of reimbursement available, please contact Petrofund staff at 651-297-1119 or 1-800-638-0418.

If future development of this property or the surrounding area is planned, it should be assumed that petroleum contamination may still be present. If petroleum contamination is encountered during future development work, the MPCA staff should be notified immediately.

Mr. Stephen B. Wellington, Jr.  
Page 2  
December 7, 2006

For specific information regarding petroleum contamination that may remain at this leak site, please call the Petroleum Remediation Program File Request Program at 651/297-8499. The MPCA fact sheet *Request to Bill for Services Performed* must be completed prior to arranging a time for file review.

Thank you for your response to this petroleum tank release and for your cooperation with the MPCA to protect public health and the environment. If you have any questions regarding this letter, please call me at 651/297-8577 or Bassou Oulgout at 651297-8597.

Sincerely,



Stacey Hendry-Van Patten  
Project Leader  
Petroleum Remediation Program  
Petroleum and Closed Landfill Section  
Remediation Division



Bassou Oulgout  
Hydrogeologist  
Petroleum Remediation Program  
Petroleum and Closed Landfill Section  
Remediation Division

SHV:BO:tf

cc: Josh Goplin, City of Minneapolis  
Dave Jaeger, Hennepin County Solid Waste Officer  
Paul Lucas, Delta Environmental  
Minnesota Department of Commerce Petrofund Staff



# 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](http://www.pca.state.mn.us)

December 7, 2006

Mr. Stephen B. Wellington, Jr.  
Wellington Management, Inc.  
1625 Energy Park Drive, Suite 100  
St. Paul, MN 55108

RE: **Completion of Voluntary Response Actions for Petroleum Contamination**  
Site: Hi-Lake Shopping Center, Hiawatha Avenue and Lake Street, Minneapolis, MN  
Petroleum Brownfields Site ID#: LEAK00015708

Dear Mr. Wellington:

The Minnesota Pollution Control Agency (MPCA) Petroleum Brownfields Program staff has reviewed the following documents describing your management of petroleum impacted soils as part of voluntary cleanup work completed at the above-referenced site:

- "Development Response Action Implementation Report" dated November 14, 2006, prepared by Delta Environmental Consultants.

Based on the information provided, MPCA staff has concluded that soils were managed as proposed. Thank you for your participation in the Petroleum Brownfields Program. If you have any questions regarding this letter, please call me at 651/297-8577.

Sincerely,

A handwritten signature in black ink, appearing to read "Stacey Hendry-VanPatten".

Stacey Hendry-VanPatten  
Project Leader  
Petroleum Remediation Program  
Petroleum and Closed Landfill Section  
Remediation Division

SHV:tf

cc: Paul Lucas, Delta Environmental



# Minnesota Pollution Control Agency

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July 21, 2004

Mr. Stephen B. Wellington, Jr.  
Wellington Management, Inc.  
1625 Energy Park Drive, Suite 100  
St. Paul, MN 55108

RE: Approval of Voluntary Response Actions for Petroleum Contamination  
Site: Hi-Lake Shopping Center, 2100-2218 East Lake Street, Minneapolis, MN 55407  
Site ID#: LEAK00015708

Dear Mr. Wellington:

The Minnesota Pollution Control Agency (MPCA) Voluntary Petroleum Investigation and Cleanup (VPIC) program staff has reviewed the following documents regarding your intent to manage petroleum contaminated soils at the above-referenced site:

- “Development Response Action Plan and Construction Contingency Plan” dated July 7, 2004, prepared by Braun Intertec
- “Phase I Environmental Assessment” dated May 2000, prepared by Bay West, Inc.
- “Phase I Environmental Site Assessment” dated February 16, 2004, prepared by Bay West, Inc.
- “Addendum to Phase I Environmental Site Assessment dated February 16, 2004,” prepared April 23, 2004
- “Phase II Environmental Site Assessment” dated May 27, 2004, prepared by Braun Intertec

Based on the information provided, the MPCA VPIC staff are approving the above-referenced plan including the reuse of the identified petroleum impacted soils on-site as controlled fill as proposed with the following modifications listed.

1. Petroleum contaminated soils at or greater than 10 PPM (PID) encountered during the installation of underground utilities should be removed and properly managed as part of the development plan. If PID readings are above 10 PPM, a vapor barrier should be installed
2. A minimum of two feet of clean soil (0-2 feet) is required in “green space” areas, with less than 10 PPM (PID) from 2-4 feet, along with a vegetative cover.



Mr. Stephen B. Wellington, Jr.  
Page 2  
July 21, 2004

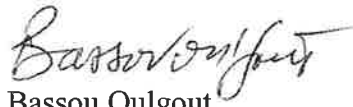
Approval assumes that an implementation report will be provided to the MPCA summarizing the voluntary cleanup work once completed. If subsequently obtained information indicates that the proposed activities are inappropriate or inadequate, the MPCA may request modifications in the proposed work.

This letter does not apply to other types of contamination if present at the site. Approval of this plan does not suggest that any of the costs incurred will be eligible for reimbursement from the PetroBoard. If you have any questions regarding this letter, please call Bassou Oulgout at 651/297-8597 or Stacey Hendry-Van Patten at 651/297-8577.

Sincerely,



Stacey Hendry-Van Patten  
Project Manager  
Petroleum Remediation Program  
Petroleum and Landfill Remediation Section  
Majors and Remediation Division



Bassou Oulgout  
Hydrogeologist  
Petroleum Remediation Program  
Petroleum and Landfill Remediation Section  
Majors and Remediation Division

SHV:BO:tf

cc: Jennifer Force, Braun Intertec



# Minnesota Pollution Control Agency

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July 21, 2004

Mr. Stephen B. Wellington, Jr.  
Wellington Management, Inc.  
1625 Energy Park Drive, Suite 100  
St. Paul, MN 55108

Re: Petroleum Storage Tank Release Liability  
Site: Hi-Lake Shopping Center, 2100-2218 East Lake Street, Minneapolis, MN 55407  
Site ID#: LEAK00015708

Dear Mr. Wellington:

Under Minn. Stat. § 115C.021 (2002), the general rule is that a person is "responsible" for a release from a tank if that person owned or operated the tank during or after the time of the release. In addition, the Minnesota Pollution Control Agency (MPCA) interprets this rule as, if a person comes into possession of property after the tanks have been removed that person is not a "responsible person" and cannot be ordered to take corrective action under Minn. Stat. Ch. 115C (2002).

Liability is further limited for lenders. Minn. Stat. § 115C.021, subd. 4 (2002) provides that mortgagees that foreclose or receive a deed in lieu of foreclosure may not be responsible persons even if the tanks are present, provided they do not operate the tanks or aggravate a release. However, the definition of "owner" implies that a mortgagee that forecloses on property with tanks may be considered a responsible person if the mortgagee operates the tanks or fails to complete the cleanup as a "volunteer." See Minn. Stat. § 115C.02, subd. 8 (2002).

Chapter 115C created a fund that can be used by responsible persons and "volunteers" to help fund the cost of corrective action (the Petroleum Tank Release Cleanup Account or Petrofund). A volunteer is a person who has legal or equitable title to the contaminated property (tank release contaminated property) but who is not a responsible person [Minn. Stat. § 115C.09, subd. 3b (2002)]. A responsible person or a volunteer who takes corrective action can receive reimbursement for 90 percent of corrective action costs up to \$1,000,000. As a result, it is fair to say that, unless there are compliance or cooperation issues, the liability of a responsible person, volunteer, or a lender will usually be limited to 10 percent of the costs of cleanup. Some costs are ineligible, and certain cost control requirements must be complied with. See Minn. R. ch. 2890 (rules of the Petroleum Tank Release Compensation Board or Petro Board). The Petroleum Tank Release Cleanup Account is continually funded. See Minn. Stat. § 115C.08, subd. 2 (2002).



Mr. Stephen B. Wellington. Jr.  
Page 2  
July 21, 2004

This letter represents the views of the MPCA and is based upon information disclosed to the MPCA as of the date hereof. Depending on your circumstances, it may or may not be construed as releasing any person from liability under state or federal laws. If you have questions concerning your particular situation, the MPCA recommends that you discuss your concerns with your legal counsel.

If you have any questions pertaining to this letter please call me at 651/297-8577

Sincerely,



Stacey Hendry-Van Patten  
Project Manager  
Petroleum Remediation Program  
Petroleum and Landfill Remediation Section  
Majors and Remediation Division

SHV:tf

# Holmes & Associates, Ltd.

James S. Holmes  
Attorney at Law

**RECEIVED**

JUN 29 2004

June 28, 2004

**MPCA, MAR Division  
PLR/SS Section**

Stacey Hendry-Van Patten  
Project Manager  
Petroleum and Landfill Remediation Section  
Majors and Remediation Division  
Minnesota Pollution Control Agency  
520 Lafayette Road North  
Saint Paul, MN 55155-4194

**Re:** Petroleum Storage Tank Release Investigation and Corrective Action  
Hi-Lake Shopping Center, 2218 East Lake Street, Minneapolis, MN  
Site ID# LEAK0000457415708

Dear Ms. Hendry-Van Patten:

Our office represents the owner of the above-caption property. Rex Rice and I are in receipt of your letter of June 1, 2004 regarding the potential petroleum release on a portion of the site. This discovery was made during due diligence being performed by Hi-Lake, LLC pursuant to the terms of a Purchase Agreement, by which Hi-Lake, LLC is to acquire the Hi-Lake Shopping Center.

It is our understanding that Hi-Lake, LLC has enrolled the property in the Voluntary Petroleum Investigation and Cleanup ("VPIC") Program, is currently completing a Limited Site Investigation ("LSI") to further characterize the petroleum impacts, and will be submitting a report to the VPIC Program staff upon completion of the LSI in the next few weeks. It is our further understanding that Hi-Lake, LLC will soon be submitting a Development Response Action Plan ("DRAP") for approval by the VPIC Program staff, and plans to implement the DRAP after closing on its purchase of the property.

If you are aware of any action that the owner should be undertaking at this time, independent of the Hi-Lake, LLC activities, please advise me.

Very truly yours,



James S. Holmes

cc: R. Rice  
R. Devolve  
S. Hoagland

JSH/tlh



# Minnesota Pollution Control Agency

520 Lafayette Road North  
Saint Paul, Minnesota 55155-4194

November 2001

## Voluntary Petroleum Investigation and Cleanup Program Application/ Request for Assistance Form

Please complete this form to request assistance from the Minnesota Pollution Control Agency (MPCA) staff in the Voluntary Petroleum Investigation and Cleanup (VPIC) Program, pursuant to Minn. Stat. § 115C.03, subd. 9. If you have any questions about the services offered by the VPIC Program or this form, please call 651/296-7999. The MPCA can also be reached toll free at 1-800-657-3864.

Mail the completed form to:

Mark Koplitz  
VPIC Program  
Petroleum and Landfill Remediation Section  
Minnesota Pollution Control Agency  
520 Lafayette Road North  
St. Paul, Minnesota 55155-4194  
fax: 651/296-9707

RECEIVED

JUN 11 2004

MPCA, MAR Division  
PLR/SS Section

### Subject/Property

Property/Site Name Hi-Lake Shopping Center  
Address 2100-2218 East Lake Street  
City (or Township) Minneapolis State MN Zip Code 55407  
Public land survey coordinates:  
County Hennepin Twp. 29N Range 24W Sec. 36 Qtr. SW1/4  
Property Size 7.95 acres (in acres)

### Applicant

Name Stephen B. Wellington. Jr. Title President  
Organization Wellington Management, Inc. Phone (651) 292-9844 Fax (651) 292-0072  
Address 1625 Energy Park Drive, Suite 100 Email \_\_\_\_\_  
City St. Paul State MN Zip Code 55108  
State Taxpayer ID# \_\_\_\_\_ Federal Taxpayer ID# 41-1505814  
Social Security # \_\_\_\_\_ (if applicant is an individual)

### Current property owner (if different from applicant)

Name \_\_\_\_\_ Title \_\_\_\_\_  
Organization Erling E. Rice Limited Partnership Phone (952) 937-8977 Fax (952) 937-9008  
Address 6255 Bury Drive Email \_\_\_\_\_  
City Eden Prairie State MN Zip Code 55346

**Applicant's Interest in Property**

- Currently owns property
- Considering purchasing property
- Renting or leasing property
- Mortgagee interest in property
- Other (explain)

**Description of Applicant's Request**

- Technical *Expedited review* of a petroleum storage tank release site (e.g., leak site), or petroleum impacted property for which the contamination did not originate from a tank (e.g., petroleum non-tank release site).  
 Request for closure  
MPCA ID# LEAK0000 \_\_\_\_\_
- Technical *Review of a development response action plan for a petroleum impacted property.*  
MPCA ID# LEAK0000 \_\_\_\_\_
- Leak site Tank Removal *Verification* letter. (Minn. Stat. 115C.03, subd. 9C).  
MPCA ID# LEAK0000 \_\_\_\_\_
- Leak site File Closure *Confirmation* letter. (Minn. Stat. 115C.03, subd. 9C).  
MPCA ID# LEAK0000 \_\_\_\_\_
- Off-site Tank Release *Determination* letter. (Minn. Stat. 115C.03, subd. 9C).  
Suspected source MPCA ID# LEAK0000 \_\_\_\_\_
- General *Liability* letter.
- Other technical assistance not specified above (please describe on a separate sheet).

**Nature of the problem or suspected problem**

Check all that apply:

- Soil contamination
- Ground water contamination
- Surface water contamination
- Not known
- Other (explain)

**Involvement with other regulatory programs**

Please indicate all environmental/health related programs or agencies that have been involved with the property in question (note the contact person(s) if known).

Site is also being enrolled in the MPCA VIC program.

**Known or suspected sources**

Please check all applicable boxes below regarding the nature of the problem source.

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> Underground tank or pipeline release(s) | <input type="checkbox"/> Above-ground tank or pipeline release(s)                          |
| <input type="checkbox"/> Drums or other storage containers                  | <input type="checkbox"/> Seepage pit or dry well(s)  |
| <input type="checkbox"/> Septic tank or drainfield                          | <input type="checkbox"/> Industrial accident   |
| <input type="checkbox"/> Surface spillage or discharge                      | <input type="checkbox"/> Adjacent property   |
| <input type="checkbox"/> Dumping or burial of waste                         | <input type="checkbox"/> Not known   |
| <input type="checkbox"/> Lagoons  | <input checked="" type="checkbox"/> Other (explain) <u>Former Trolley Car Storage Barn</u> |

**Information about attachments to the request form**

Please list any reports, maps or other attachments to this form (use separate page if necessary).

*Phase I Environmental Site Assessment, Hi-Lake Shopping Center, Minneapolis, Minnesota prepared by Bay West, Inc. and dated May 2000.*

*Phase II Investigation, Hi-Lake Shopping Center, Minneapolis, Minnesota prepared by Bay West, Inc. and dated September 2000.*

*Phase I Environmental Site Assessment, Hi-Lake Property, 2100-22218 East Lake Street, Minneapolis, MN 55407 prepared by Bay West, Inc. and dated February 16, 2004.*

*Addendum to Phase I Environmental Site Assessment Final Report dated February 16, 2004, Hi-Lake Shopping center Property – Minneapolis, Minnesota prepared by Bay West, Inc. and dated April 23, 2004.*

*Phase II Environmental Site Assessment, Hi-Lake Shopping Center, 2100-2218 East Lake Street, Minneapolis, Minnesota prepared by Braun Intertec and dated May 27, 2004.*

**Disclosure**

- Yes     No    Has the release at this site been reported to the State Duty Officer pursuant to Minn. Stat. § 115.061 (Duty to Notify and Avoid Water Pollution)? If so, please indicate notification date. May 12, 2004
- Yes     No    To your knowledge, have on- or off-site wells been contaminated? If so, attach a separate sheet detailing well location, owner, well number, aquifers, depth and use. A site map showing the well locations would be useful.

**Contact persons**

Please list the name(s) of your current environmental consultant and legal counsel, if applicable.

Consultant	<u>Braun Intertec Corporation</u>	Phone	<u>(952)995-2000</u>	Fax	<u>(952)995-2020</u>
Name	<u>Jennifer A. Force</u>	Email	<u><a href="mailto:jforce@braunintertec.com">jforce@braunintertec.com</a></u>		
Address	<u>11001 Hampshire Avenue South</u>				
City	<u>Minneapolis</u>	State	<u>MN</u>	Zip Code	<u>55438</u>
Attorney	<u>Leonard, Street and Deinard</u>	Phone	<u>(612)335-1480</u>	Fax	<u>(612)335-1657</u>
Name	<u>Robert F. Devolve</u>	Email	<u>robert.devolve@leonard.com</u>		
Address	<u>150 South Fifth Street, Suite 2300</u>				
City	<u>Minneapolis</u>	State	<u>MN</u>	Zip Code	<u>55402</u>

**Certification**


I certify that I have read and am familiar with the information on this form and all attached documents, and that the submitted information is true, accurate and complete to the best of my knowledge.

I hereby ask the MPCA Commissioner to assist me and the company/organization I represent, as requested by this application. I understand this assistance may include the review of MPCA records and files, and review and approval of investigation plans and reports as well as response action plans and oversight of implementation actions.

I understand that the applicant (or other person signing below) must pay the MPCA Commissioner for the MPCA's costs of providing this assistance under Minn. Stat. § 115C.03 subd. 9. I understand that the MPCA Commissioner will send invoices for these costs and that failure to pay the MPCA's costs in a timely manner may result in the MPCA Commissioner taking appropriate administrative or legal action.

I hereby agree to pay the costs of the MPCA to provide services to the applicant as requested in this application. Furthermore, I hereby certify that I have the authority to submit this application on behalf of the applicant named herein.

Typed/printed name Stephen B. Wellington, Jr. Title President

Signature  Date 6/10/04

Subscribed and sworn to before me this 10th day of June, 2004.

Notary Public 







# Minnesota Pollution Control Agency

June 1, 2004

Mr. Rex Rice  
Mr. James Holmes, Lawyer  
Erling E. Rice Limited Partnership  
6255 Bury Drive  
Eden Prairie, MN 55346

RE: Petroleum Storage Tank Release Investigation and Corrective Action  
Site: Hi Lake Shopping Center, 2218 East Lake Street, Minneapolis, Hennepin  
Site ID#: LEAK000015711

15708

Dear Mr. Rice & Mr. Holmes:

The Minnesota Pollution Control Agency (MPCA) has been informed that a release of petroleum has occurred from storage tank facilities that were previously located on your property. We further understand that you have volunteered to take corrective actions to address this release. We appreciate your assistance in this matter. The purpose of this letter is to explain your eligibility for Petrofund reimbursement and to outline the actions that the MPCA staff request that you take.

Federal and state laws require that persons legally responsible for storage tank releases notify the MPCA of the release, investigate the release, and clean up the release, if necessary. 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.

Although you are not legally responsible for the release, you hold legal or equitable title to the property where the release occurred, and may therefore 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 established the Petroleum Tank Release Compensation Fund (Petrofund) to reimburse responsible persons and volunteers 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. To learn more about the Petrofund reimbursement program and the responsibilities of an eligible applicant, please contact Petrofund staff at 651/215-1775 or 1/800-638-0418 (in greater Minnesota only). We strongly encourage you to familiarize yourself with the 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).

The MPCA staff is requesting you to take the steps necessary to investigate and, if necessary, clean up the release in accordance with the enclosed MPCA fact sheets. The first step is a site investigation to define the full extent and magnitude of the soil and/or ground water contamination caused by the release. A report (excavation report and/or remedial investigation/corrective action design (RI/CAD)) which details the results of the investigation or concludes that excavation was sufficient to clean up the release should be submitted to this office within 10 months of the date of this letter. Please refer to MPCA fact sheets for information pertaining to the amount of work needed at petroleum release sites.

Mr. Rex Rice  
Mr. James Holmes  
Page 2  
June 1, 2004

Sites with free product (free floating petroleum), drinking water supply impacts, surface water impact, indoor petroleum vapor impacts, fire or explosion hazards, or ground water impacts which pose a significant threat to public health or the environment, are considered high priority for staff review. If one or more of these situations apply to your site, an RI/CAD report must be submitted within 90 days. 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.

If you have not already done so, the MPCA recommends that you hire a qualified consulting firm registered with the Petro Board that has experience in conducting petroleum release site investigations and in proposing and implementing appropriate corrective actions. The consulting firm you hire must be registered with the Petrofund. A list of registered contractors and consultants is available from the Petrofund staff. 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. R. 2890 (2003), you must solicit a minimum of two written competitive consultant proposals on a form prescribed by the Petro Board. A minimum of two written competitive contractor bids must also be obtained for each contractor service. We encourage you to contact Petrofund staff for answers to all of your questions about bidding and the other Petrofund reimbursement program requirements.

Please tell us whether you intend to comply with the above requirements within 30 days. The enclosed fact sheets will 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, please contact me at 651-297-8577. Please reference the above LEAK # in all correspondence. If you are calling long distance, you may reach the MPCA by calling 1-800/657-3864.

Sincerely,

  
for A. Sandbeck

Stacey Hendry-Van Patten  
Project Manager  
Petroleum and Landfill Remediation Section  
Majors and Remediation Division

SHV:ais

Enclosures

cc: Josh Goplin, Minneapolis Pollution Control Division  
Denise Bryn, Minneapolis Hazardous Waste Inspector  
Dave Jaeger, Hennepin County Solid Waste Officer  
Robert Devolve, Lenard, Street & Deinard Law Firm, Minneapolis