

Leaksite ID# 8236
LABOVSKY PROPERTY
Site Name

Tank Facility ID
JOE LABOVSKY
Responsible Party

LEAKSITE REMARKS

03/16/95: Received VPIC Application signed by Gordon Girtz with UofMN (potential buyer) requesting a review of this non-tank petro release in hopes of obtaining a file closure letter. - LMK

03/24/95: Reviewed Subsurface Investigation and Addendum to Subsurface Investigation prepared by Peer. Data suggests that this release from a flammable waste trap is of limited extent and magnitude. Thus the release site file will be closed. -LMK

4/3/96 LC CSR Inadequate sent to Commerce. Reduced for failure to have tank and piping leak detection.

12/06/96 (LMK) received request from Peer to state in writing why it is that this site not eligible for PF reimbursement. I informed Jim with Peer that I would attempt to do so after running a draft by Mark Schmidt. After reviewing the draft letter (see file) Mark indicated that we should run draft by AGs office.

01/25/97 (LMK) Carmen with AGs office reviewed letter and indicated that we should say no to issueing this letter and that it is a PF issue. I agreed and phoned Jim Hall with Peer to let him know that will not issue the requested letter.

04/09/98 sent to archives kl

End of Remarks

**MINNESOTA POLLUTION CONTROL AGENCY
TANKS AND SPILLS SECTION
PETROLEUM TANK RELEASE REPORT**

Report Taken By: MDN Date/Time Occurred: _____

Date/Time Reported: 3/08/95 Date/Time Discovered: 3/08/95

LEAK# 8236 PROJECT MANAGER: LMK USTIS # ~~XXXXXX~~ VPIC

CALLER
Name: Tom McMullen
Phone: 831-3341
Relationship to site:
PEER ENVIRONMENTAL

SITE
Name: AUTOBODY FRAME SHOP
Street: 1525 E FRANKLIN AVE
City: MINNEAPOLIS Zip: 55404
County: HENNEPIN Region: M/2

TANK OPERATOR
Name: _____
Street: _____
City: _____ Zip: _____
Contact Person: _____
Phone: _____

TANK OWNER
Name: JOE LA BOUSKY
Street: 6075 LINCOLN DR
City: EDINA St.: MN Zip: 55439
Contact Person: _____
Phone: _____

Own tanks/product/property?
Share in profits?
Control over inventory, maintenance and tank decisions?

SITUATION	Source of Release:	Release Discovery:
Material Released/Amount: <u>USED OIL</u>	<u>OIL/WATER SEPARATOR</u>	<u>HAND AUGER BORINGS ANALYTICAL</u>

TANK INFORMATION					
Contents	Size	Age	Removed	Condition	Registered
<u>water/oil</u>	<u>500</u>	<u>1930</u>	<u>not yet</u>	<u>concrete - floor of tank may have been rescaled</u>	
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

State or Federal Excavation Contractor: Detterman Notification prior to removal: _____ Consultant: _____

SOIL

Contaminated soil excavated: no

Was it a total excavation: -

Vapor readings: 1 to 2 ppm (basically background)

Soil samples: _____

Borings: _____

Native soil type: fill

Stockpiled properly/disposal arranged: _____

Other: _____

Borings performed on 2/28/95

Bottom of "tank" at 5 1/2 ft. Borings around "tank"

B-1 @ 8-9' (on south side)
DRO 32 ppm

B-2 and B-3
DRO - ND

Voc's ran - low levels of petroleum related constituents.

WATER

Groundwater in excavation: no

Free product present: —

Depth to groundwater: 30 ft.

City water/wells private/municipal:

Surface water: no

VAPORS

Sewers/buildings:

SITE INFORMATION

Description of area:

Previous release(s):

INSTRUCTION GIVEN

Hire consultant

Submit report

Staff will call

Contact staff

CONTACTS

Local Fire/Police

Local Officials

Regional Staff

Other

CONCLUSIONS AND OTHER RELATED INFORMATION

3/02/95

news: explained to Tom McMullen, Per Env, that

oil/water separators are not part of the LUST program. I

will check to see if it falls in the VIC program. I

(if not, site may be referred to VIC)

To: MPCA SPILL

STATE OF MINNESOTA

DEPARTMENT OF PUBLIC SAFETY - DIVISION OF EMERGENCY MANAGEMENT
85 STATE CAPITOL SAINT PAUL 55155-1049

MINNESOTA DUTY OFFICER HAZARDOUS MATERIAL INCIDENT REPORT: TANKS

REPORT DATE: 3-8-95 TIME: 0903 DUTY OFFICER: Mark RECORD#: _____

REPORTED BY:

SUSPECTED SOURCE/RESPONSIBLE PARTY:

NAME: Tom McManullen

CONTACT: Joe Labovsky

C/O: Peer Environmental

C/O: _____

ADDRESS: _____

ADDRESS: 6075 Linda Dr.

CITY: _____

STATE: _____

CITY: Edina

STATE: _____

PHONE: 831-3341

ZIP: _____

PHONE: 933-1477

ZIP: _____

ALT. PHONE: _____

ALT. PHONE: _____

DISCOVERY DATE: 3-8-95 TIME: A.M.

SITE NAME & LOCATION: 1525 East Franklin - Auto Frame Shop.
Minneapolis, Hennepin Co.

LEGAL: _____ SECTION: _____ TOWNSHIP: _____ RANGE: _____

NUMBER/SIZE OF TANK(S): 1 - 500 gal

TANK CONTENTS: various pet. products

NATIVE SOIL TYPE: fill - of to C. sand.

PREVIOUSLY REPORTED SITE?: YES / NO / UNKNOWN LEAK #: _____

CONTAMINATED SOIL EXCAVATED?: YES / NO / UNKNOWN QUANTITY: _____

GROUND WATER ENCOUNTERED?: YES / NO / UNKNOWN DEPTH TO GW: 30 ft.

FREE PRODUCT FOUND?: YES / NO

STAINED SOIL?: YES / NO -- PETROLEUM ODORS: YES / NO 8-9 ft.

HIGH VAPOR READINGS: _____ ANALYTICAL RESULTS: 32 ppm DRO

NARRATIVE: Ret cont soil encountered in soil borings.

HAS MATERIAL ESCAPED FACILITY PROPERTY?: YES / NO / UNKNOWN

**IS THIS A BUSINESS OR GOVERNMENT FACILITY REPORTING
IN COMPLIANCE WITH SARA TITLE III, SECTION 304?: YES / NO / UNKNOWN
(IF YES, COMPLETE PAGE TWO: SARA SUPPLEMENT)

DUTY OFFICER NOTIFICATIONS MADE (AGENCY, NAME, TIME)

<u>MPCA - Conf. Call - M. Nelson - 0907</u>	
<u>MPCA - FAX.</u>	
<u>E.M. I/o. mail.</u>	

QUESTIONS? CONTACT THE MINNESOTA DUTY OFFICER AT 649-5451 OR 1-800-422-0798

James Hall
Peer Environmental & Engineering Resources, Inc.
7710 Computer Avenue, Suite 101
Minneapolis, Minnesota 55435

DRAFT

Gordon Girtz
University of Minnesota
410 Church Street SE
Minneapolis, Minnesota 55455

Phone # 626-3395

RE: Petroleum Storage Tank Release Site Petrofund Application
Site: Labovsky Property, 1545 East Franklin Avenue, Minneapolis
Site ID#: LEAK00008236(non-tank)

Dear Mr. Hall and Mr. Girtz:

The source of petroleum contamination identified at the above referenced site was a concrete collection tank located in the floor of the site building. Minnesota Pollution Control Agency Tanks and Emergency Response Section staff do not consider tanks of concrete construction to be regulated under Minn. Stat. 115C and thus do not recommend Petrofund reimbursement for this non-tank release site. If you have any questions concerning this letter or need additional information, please call me at 612/297-8600.

Sincerely,

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

cc: Joel Fischer, MN Dept of Commerce
>>



RECEIVED

7710 Computer Avenue, Suite 101
Minneapolis, Minnesota 55435

DEC 06 1996

(612) 831-3341
Fax (612) 831-4552

December 4, 1996

Ms. Laura Kania
Project Manager
Minnesota Pollution Control Agency
Voluntary Petroleum Investigation and Cleanup Unit
520 Lafayette Road North
Saint Paul, MN 55155

MPCA, HAZARDOUS
WASTE DIVISION

RE: Petrofund Application
MPCA ID#: LEAK0008236
Former Labovsky Property
1545 East Franklin Avenue
Minneapolis, Minnesota

Dear Ms. Kania

This letter is in response to your recommendation to Mr. Joel Fischer, a Petrofund Analyst for the Minnesota Department of Commerce, to deny \$7,693.93 in Petrofund reimbursement for the above referenced site. This denial was related to services to investigate a petroleum release from a concrete collection tank in the floor of the building located at the above referenced address.

In reports regarding this site, the tank was referred to as an oil - water separate tank. In a conversation with Mr. Fischer, he stated that you classified the tank as a flammable liquids trap. However, neither of these may be an accurate description of the system. The tank was connected to some floor drains inside the building, but was not connected to the sewer system as is a typical oil - water separator. The outlet to the sewer was disconnected. The tank was used to store used motor oil related to automotive service activities in the building. The tank was periodically pumped dry by a commercial oil service. The release from the system was due to leaking of petroleum from the concrete collection tank.

Based on a reading of the Petrofund regulations, the tank was not part of a "flow through" system because it was only used to collect used motor oil. Nothing flowed through the tank to the sewer. Consequently, the system would not be ineligible as part of a "flow through" system. Moreover, in the past, the Petrofund Board has approved reimbursement for similar systems. Therefore, we request that you reconsider your recommendation for denial of reimbursement.

Ms. Laura Kania
Page 2

December 4, 1996

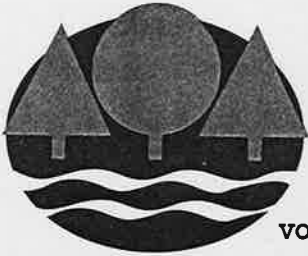
If you have any questions, please contact me at 831-3341.

Sincerely,



James P. Hall
Environmental Engineer

p.c.: Mr. Gordon Girtz, University of Minnesota
Mr. Joel Fischer, Minnesota Department of Commerce



Minnesota Pollution Control Agency

VOLUNTARY PETROLEUM INVESTIGATION AND CLEANUP INVOICE

Mr. Gordon Girtz
University of Minnesota
Boynton Health Services, Room W140
Minneapolis, Minnesota 55455

INVOICE NUMBER: 95-0456TA
INVOICE DATE: April 4, 1995
PAYMENT DUE: May 4, 1995
YOUR REQUEST DATED: March 14, 1995

Questions/Information: Laurie M. Kania, 612/297-8600

<u>Quantity</u>	<u>Description</u>	<u>Unit Price</u>	<u>Total Price</u>
6.0 Hours	Technical Assistance Reimbursement Request for LEAK00008236 (non-tank), Joseph Labovsky Property, Minneapolis	\$50.00	\$300.00
	Minn. State Sales Tax (6.5%)		N/A
	TOTAL		\$300.00

(KEEP THIS PORTION FOR YOUR RECORDS)

Linda Carroll

AUTHORIZED SIGNATURE

cc: Sandy Hager, Fiscal Services, Administrative Services Division

(RETURN THIS PORTION WITH YOUR CHECK)

Mr. Gordon Girtz
University of Minnesota
Boynton Health Services, Room W140
Minneapolis, Minnesota 55455

INVOICE NUMBER: 95-0456TA
INVOICE DATE: April 4, 1995
PAYMENT DUE: May 4, 1995
SUBTOTAL: \$300.00
MN SALES TAX (6.5%) N/A
TOTAL: \$300.00

MAKE CHECK PAYABLE TO: MINNESOTA POLLUTION CONTROL AGENCY

MAIL TO: MS. SANDRA HAGAR
MPCA - FISCAL SERVICES
520 LAFAYETTE ROAD NORTH
ST. PAUL, MN 55155-4194



Minnesota Pollution Control Agency

March 24, 1995

Mr. Gordon Girtz
University of Minnesota
Boynton Health Services, Room W140
Minneapolis, Minnesota 55455

Mr. Joseph Labovsky
6075 Lincoln Drive
Minneapolis, Minnesota 55439

RE: Petroleum Release File Closure
Site: Joseph Labovsky Property, 1525 East Franklin Avenue, Minneapolis
MPCA Site ID#: LEAK00008236 (non-tank)

Dear Mr. Girtz and Mr. Labovsky:

The Minnesota Pollution Control Agency (MPCA) Tanks and Spills Section, Voluntary Petroleum Investigation and Cleanup (VPIC) Program staff has determined that your investigation has adequately addressed the petroleum release at the above-referenced site. The release originated from a flammable liquids trap. Based on the information provided, MPCA VPIC staff has closed the release site file.

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

The MPCA reserves the right to reopen this file and to require additional investigation and/or cleanup work if new information or changing regulatory requirements make additional work necessary. If you or other parties discover additional contamination (either petroleum or non-petroleum) 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 (1992) or any other applicable state or federal law. In addition, this letter does not release any party from liability for non-petroleum contamination, if present, under Minn. Stat. ch. 115B (1992), the Minnesota Superfund Law.

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.

520 Lafayette Rd. N.; St. Paul, MN 55155-4194; (612) 296-6300 (voice); (612) 282-5332 (TTY)

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If you would like additional information regarding petroleum contamination that may remain at this site, please call the Tanks and Spills Section File Request Program at 612/297-8499 to arrange a time to review the site file. The "Leak/Spill and Underground Storage Tank File Request Form" (Fact Sheet #36) must be completed prior to arranging a time for file review.

Thank you for your response to this petroleum 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 612/297-8600.

Sincerely,

Lauralin M. Kania

Pollution Control Specialist

VPIC Program

Tanks and Spills Section

LMK:bah

cc: Merry Keeffe, City Clerk, Minneapolis
 Thomas Dickinson, Fire Chief, Minneapolis
 Greg Lie, Hennepin County Official
 Thomas McMullen, Peer Environmental & Engineering Resources



Minnesota Pollution Control Agency

Voluntary Petroleum Investigation and Cleanup



Recd
3/16/95

Program Application Request for Assistance Form

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 (as amended by Minn. Laws, 1994). Answer all applicable questions.

If you have any questions about the services offered by the MPCA VPIC Program or this application, please contact Laurie Kania at 612/297-8600 or Dave Tetley at 612/297-8597. The MPCA can also be reached at 1-800-657-3864.

Please mail the completed form to:

Laurie Kania
Tanks and Spills Section
Voluntary Petroleum Investigation and Cleanup
Minnesota Pollution Control Agency
520 Lafayette Road
St. Paul, Minnesota 55155

Subject Property

Name Joseph H. Labovsky Property
Address 1525 East Franklin Avenue
City (or Township) Minneapolis Zip Code 55404
Public Land Survey coordinates:
County Hennepin Twp. 29N Range 24W Sec. 35 Qtr. NE

Applicant*

Name Mr. Gordon Girtz Title Public Health Specialist
Organization University of Minnesota
Phone 626-3595
Address Boynton Health Services, Room W140
City Minneapolis State MN Zip Code 55455

* The applicant is the individual seeking review of a petroleum release site, review of a site development plan, and/or issuance of a *General Liability, Determination, Verification or Confirmation* letter by the MPCA VPIC Program. The applicant is responsible for payment of MPCA costs to provide services as requested by application.

Description of Applicant's Request

_____ Expedited review of a petroleum storage tank release site (e.g., MPCA Leak Site) undergoing transfer, development or refinancing. Will provide expedited review of Remedial Investigation/Corrective Action Design (RI/CAD) and other reports required for these sites by the MPCA Tanks and Spills Section, Leaking Underground Storage Tank (LUST) Program.

Site ID# LEAK0000 8236

Review of a petroleum release site for which the identified contamination (as defined under Minn. Stat. 115C) has not originated from a tank. Will provide review of Phase I and II Environmental Site Assessment and Remedial Action Design reports for these petroleum non-tank release sites.

Site ID# SPILL0000 _____ (if applicable) Not yet assigned, Mr. Michael Nelson, MPCA, Project Manager

_____ Review of site development plan for a petroleum impacted property.

_____ General Liability letter.

_____ Off-site Tank Release Determination letter.

_____ Leak Site Tank Removal Verification letter.

Leak Site File Closure Confirmation letter.

_____ Other technical assistance not specified above (Please attach separate sheet describing request).

Current Property Owner (If Different from the Applicant)

Name Mr. Joseph Labovsky Title Private Owner
Organization --- Phone (612) 933-1477
Address 6075 Lincoln Drive
City Minneapolis State MN Zip Code 55439

Applicant's Interest

- _____ Currently owns property
- Considering purchasing property
- _____ Responsible party (as defined under Minn. Stat. 115C)
- _____ Mortgagee interest in property
- _____ Renting or leasing property
- _____ Other (explain)

Known or Suspected Sources

- _____ Underground tank or piping release(s)
- _____ Above-ground tank or piping release(s)
- _____ Surface spillage or discharge
- _____ Adjacent property
- _____ Not known
- Other (explain) *

* A petroleum release from a flammable liquid trap.

General Information

Has the subject property been entered into the MPCA Voluntary Investigation and Cleanup (VIC) Program which offers services pertaining to properties with non-petroleum contamination? Yes _____ No x

If yes, please attach a separate sheet describing VIC's involvement.

Please list the names of MPCA staff that you have spoken with regarding the subject property.

Ms. Laurie Kania, Mr. David Tetley, Mr. Mike Nelson and
Ms. Cindy Hilmoe

Contact Persons

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

Consultant Peer Environmental-Tom McMullen Phone 831-3341
Attorney _____ Phone _____

Authorization and Agreement to Pay for Services

I hereby request the MPCA VPIC staff to provide services to me and the company/organization I represent, as requested by this application. I understand that if a review is the requested service, VPIC staff will retain review of the site until the site file is closed or until the date they receive a written request from me to cease VPIC review of the site. I understand that I will be billed for these services at the rate of \$50.00 per hour and that I am required by Minn. Stat § 115C.03, subd. 9 (as amended by Minn. Laws, 1994) to reimburse the MPCA for the Agency's costs, as determined by the MPCA Commissioner. I further understand that legal or administrative action may be initiated against me by the State of Minnesota if I do not reimburse the MPCA.

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.

Name (type or print) Mr. Gordon Girtz Title Public Health Specialist
Signature _____
Date 14 March 1995

Subscribed and sworn to before me this 14th day of March, 1995.

Dorothy J. Fredendall
Notary Public

