

January 19, 2022

Jeff Stein
Hy-Vee Inc
5820 Westown Pkwy
West Des Moines, IA 50266-8223

RE: Petroleum Storage Tank Release
Site: Hy-Vee Fast and Fresh, 8101 Highway 65 NE, Spring Lake Park, Anoka County 55432
MPCA Site ID: LS0021656

Dear Jeff Stein:

The Minnesota Pollution Control Agency (MPCA) has learned there was a petroleum tank release at the Site referenced above. As the owner/operator of the tank(s), you are responsible for the contamination caused by the release. According to state law, you must investigate, and if necessary clean up the contamination.

Your first step: Complete and submit the enclosed *Leak site ownership form* **within 30 days**. If you believe that you are not legally responsible for the release, please contact me immediately.

Definition of legally responsible: You are considered legally responsible for a petroleum tank release if you owned or operated the tank either during or after the release, unless specifically exempted under the law. See Minn. Stat. § 115C.021.

Next steps: Hire a qualified environmental consulting firm to help you investigate and address the contamination. A site investigation must fully define the extent and magnitude of the soil and/or groundwater contamination caused by the release. Investigation and clean-up guidance documents, standardized report forms, and related information are located on the MPCA website at <https://www.pca.state.mn.us/waste/petroleum-remediation-program>. Once the investigation is complete, your consultant should summarize the results in an MPCA report form, including a recommendation for additional investigation or monitoring, corrective action, or site closure. If your site is **high priority** (see below), you must submit the report to the MPCA **within 90 days** of the date of this letter. For all other sites, you must submit the report **within 10 months**.

High-priority sites have one or more of the following conditions. See guidance document 1-01 *Petroleum Remediation Program general policy* for detailed descriptions of each condition. If you are uncertain whether your site is high priority, please contact me.

- Existing or high risk of drinking water contamination
- Existing or high risk of vapor intrusion into occupied buildings or risk of explosive vapor buildup
- Surface water impacts

- Recent or ongoing releases
- Petroleum free product

Paying for the work: The Minnesota Petrofund helps tank owners, operators, and volunteer property owners pay for the cost of investigating and cleaning up contamination from petroleum tank releases. You will receive a separate mailing from the Minnesota Department of Commerce, which administers the Petrofund, explaining eligibility criteria and how to apply for reimbursement. Please note that applicants are required to use an environmental consulting firm registered with the Petrofund and obtain written competitive bids. Read the Petrofund mailing thoroughly so you know how to be eligible for the maximum reimbursement.

Please respond: Your timely response is important. If you do not submit the completed *Leak site ownership form* within 30 days, the MPCA will assume that you do not intend to comply and will begin enforcement actions. Also, please be aware that failure to cooperate in a timely manner will reduce your reimbursement from the Petrofund. Finally, should you fail to take necessary corrective actions, the MPCA may take them on your behalf and request the Petrofund to recover the costs from you.

More information:

- **MPCA Petroleum Remediation Program guidance documents:** Found on the MPCA website at <https://www.pca.state.mn.us/waste/cleanup-guidance>.
- **Petrofund:** Reimbursement questions? Call 651-539-1515 or 1-800-638-0418, or go to the Minnesota Department of Commerce website at <http://mn.gov/commerce/industries/fuel/petrofund/index.jsp>.
- **MPCA Brownfield Program:** Selling or redeveloping contaminated property? Go to the MPCA website at <https://www.pca.state.mn.us/waste/brownfields>.

If you have questions about this letter or MPCA's requirements, please contact Shonda Wright, MPCA Project Manager, at 651-757-2832 or by email at shonda.wright@state.mn.us. When contacting the MPCA, please have your MPCA Site ID (LS0021656) available.

SLW:kg

Enclosures

ec: Daniel Buchholtz, Administrator, City of Spring Lake Park
Rhonda Sivarajah, Administrator, Anoka County
John Wyciskalla, Braun Intertec
Minnesota Department of Commerce Petrofund

You as a responsible party in the Petroleum Remediation Program

You have received a letter because the Minnesota Pollution Control Agency (MPCA) has identified you as a person responsible for a petroleum storage tank release, or you are someone who has volunteered to accept this responsibility.

About the MPCA's Petroleum Remediation Program

The Petroleum Remediation Program protects human health and the environment from the dangers associated with leaking petroleum storage tanks. Leaking tanks contaminate drinking water, streams, rivers, or lakes, and generate harmful vapors.

The MPCA is responsible for minimizing the environmental impact of leaking petroleum tanks. The agency does this by enforcing the law that requires tank owners and operators responsible for these releases to investigate them, and if necessary, clean up the leaking petroleum products.

Where to start

You first need to hire an experienced environmental consultant to investigate your petroleum release.

Find a consultant: Consultants and contractors who perform these services must be registered with the Department of Commerce's Petrofund program. The Petrofund program provides a list of registered consultants at <https://mn.gov/commerce/industries/fuel/petrofund/>.

Get financial help: The Petrofund reimburses tank owners, operators, and volunteer property owners a portion of the costs associated with investigating and cleaning up contamination from leaking petroleum storage tanks.

In order to maximize the amount of Petrofund reimbursement available, obtain written competitive bids from consulting firms registered with the Petrofund. Read the mailing from the Petrofund thoroughly so you know how to be eligible for the maximum reimbursement.

Apply for reimbursement at <https://mn.gov/commerce/industries/fuel/petrofund/reimbursement.jsp>. For more information about the Petrofund program, call 651-539-1515 or 1-800-638-0418.

Questions? The MPCA has assigned a project manager to you. You or your consultant can contact the project manager whenever you have questions. This will help ensure the work your consultant performs meets the MPCA's requirements.

For more information

Consultant guidance documents for leaking petroleum storage tank investigations and cleanup are available on our website at <http://www.pca.state.mn.us/waste/cleanup-guidance>.

If you are purchasing, selling, or developing property that is contaminated with petroleum, assistance is available through the Brownfield Program. Visit our website at <http://www.pca.state.mn.us/waste/brownfields>, or call 651-296-6300 and ask to speak to a Brownfield staff person.