

August 15, 2022

VIA EMAIL

Charlie Yunker  
Saint Anthony Village  
3301 Silver Lake Road Northeast  
Saint Anthony, MN 55418-1667

RE: Petroleum Tank Release Liability  
Kenzie Company Gas Station, 2534 Kenzie Terrace, Saint Anthony (Hennepin County), MN  
MPCA Site ID: LS0021760 (BF0002267)  
MPCA Billing ID: 252302  
PIN: 0702923230015

Dear Charlie Yunker:

Under Minn. Stat. § 115C.021, subd. 1, a person is responsible for a release from a tank if that person owned or operated the tank any time during or after the release. If a person comes into possession of property where there has been a release after the tanks have been removed that person is not a responsible person under the statutory definition and the Minnesota Pollution Control Agency (MPCA) cannot order that person to take corrective action under Minn. Stat. § 115C.

Liability is further limited for lenders. Minn. Stat. § 115C.021, subd. 4, provides that a mortgagee is not responsible for a release from a tank solely because the mortgagee becomes an owner of real property where the tank is located through foreclosure or receipt of a deed in lieu of foreclosure.

This letter represents the views of the MPCA and is based on 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 future development of the Site or the surrounding area is planned, it should be assumed that petroleum contamination is present. Property with petroleum contamination to soil or groundwater may cause risks to future occupants. The Brownfields staff can assist with environmental risk and development plan review, and will review, approve, and/or modify your plan for property development. If contamination is encountered during future development work, the MPCA should be notified immediately.

This letter is subject to the disclaimers found in Attachment A. If you have any questions about the contents of this letter, please contact Jayme Hammond, Project Manager, at 651-757-2615 or [jayme.hammond@state.mn.us](mailto:jayme.hammond@state.mn.us).

Charlie Yunker  
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Sincerely,

*Jayne Hammond*

*This document has been electronically signed.*

Jayne Hammond  
Environmental Specialist  
Remediation Division

JH:df

Attachment

cc: Ryan Spencer, WSB & Associates (w/attachment) (electronic)

**Disclaimers**

**Kenzie Company Gas Station**

**MPCA Site ID: LS0021760/BF0002267**

**PIN: 0702923230015**

1. Reservation of authorities

The Minnesota Pollution Control Agency (MPCA) Commissioner reserves the authority to take any appropriate actions with respect to any release, threatened release, or other conditions at the Site. The MPCA Commissioner also reserves the authority to take such actions if the voluntary party does not proceed in the manner described in this letter or if actions taken or omitted by the voluntary party with respect to the Site contribute to any release or threatened release or create an imminent and substantial danger to public health and welfare.

2. No MPCA assumption of liability

The MPCA, its Commissioner, and staff do not assume any liability for any release, threatened release, or other conditions at the Site or for any actions taken or omitted by the voluntary party with regard to the release, threatened release, or other conditions at the Site, whether the actions taken or omitted are in accordance with this letter or otherwise.

3. Letter based on current information

All statements, conclusions, and representations in this letter are based on information known to the MPCA Commissioner and staff at the time this letter was issued. The MPCA Commissioner and staff reserve the authority to modify or rescind any such statement, conclusion, or representation and to take any appropriate action under their authority if the MPCA Commissioner or staff acquires information after issuance of this letter that provides a basis for such modification or action.

4. Disclaimer regarding use or development of the property

The MPCA, its Commissioner, and staff do not warrant that the Site is suitable or appropriate for any particular use.

5. Disclaimer regarding investigative or response action at the property

Nothing in this letter is intended to authorize any response action under Minn. Stat. § 115B.17, subd. 12.

6. This approval does not supplant any applicable state or local stormwater permits, ordinances, or other regulatory documents.