

STATE OF MINNESOTA
POLLUTION CONTROL AGENCY

In the Matter of a Release of
Petroleum or Hazardous
Substances Along MnDOT
Right-of Ways, Statewide

Findings of Fact
and
Determination of Exemption from Chapter 7045

WHEREAS, loss, abandonment, or disposal of waste material or products along Minnesota's highways may constitute a release or threatened release of petroleum or a hazardous substance, pollutant or contaminant.

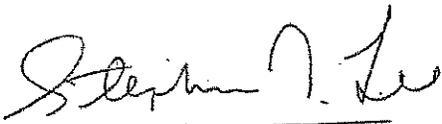
WHEREAS, such a release or threatened release may present an imminent and substantial danger to the public health or welfare or the environment and may require immediate action to prevent, minimize, or mitigate damage to the public health or welfare or the environment.

WHEREAS, the commissioner of the MPCA has delegated to the undersigned person authority to make determinations that a release or threatened release constitutes an emergency requiring immediate action, and that exemption from compliance with the requirements of Minn. R. ch. 7045, is necessary, to expedite the proper management of the material.

WHEREAS, in abandonment situations the identity of responsible parties is unknown or the responsible party is unable or unwilling to take the MPCA requested response actions.

NOW, THEREFORE, the undersigned has determined that the release or threatened release of petroleum or a hazardous substance, pollutant, or contaminant along a Minnesota highway requires corrective action to prevent, minimize, or mitigate damage to the public health, welfare or the environment.

The undersigned has further determined that, pursuant to Minn. R. pt. 7045.0120 paragraph J, exemption from the requirements of Minn. R. ch 7045 is necessary to expedite the proper management of the material and prevent, abate or control pollution as an immediate response to an emergency, provided the waste, if hazardous, is ultimately managed as a hazardous waste. Such exemption applies to Minnesota Department of Transportation and its contractors' activities conducted in accordance with the Transportation Commissioner's Technical Memorandum, Abandoned Containers on MnDOT Right of Way.



Stephen J. Lee, Supervisor
Minnesota Pollution Control Agency Emergency Response Team

Date: January 25, 2000