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Minnesota Pollution Control Agency

Report to the Minnesota Legislature

Minnesota Environmental Response And Liability Act: Statute of Limitations

Submitted pursuant to
1998 Minnesota Law, Chapter 341, Section 4

January 15, 1999



Minnesota Pollution Control Agency

Minnesota Environmental Response And Liability Act: Statute of Limitations

**A report to the Minnesota Legislature
By the Minnesota Pollution Control Agency**

**Prepared by
Gary Krueger &
Rachel LaVell, MPCA**

The State costs for preparation of this report were approximately \$4,500.00.

Introduction

Minn. Stat. §§ 115B.01 to 115B.241 is the Minnesota Environmental Response and Liability Act. (MERLA) -- the State Superfund law. Among other things, the State Superfund law allows the Minnesota Pollution Control Agency (MPCA) and the Minnesota Department of Agriculture to clean up contaminated sites and seek recovery of its expenses from those persons who are responsible for the contamination. The law creates a Superfund account to provide funding for the cleanup and provides that any money recovered shall be deposited in the account. The law provides a statute of limitations for the State to bring a cost recovery lawsuit. Minn. Stat. § 115B.11.

Prior to the 1998 Minnesota legislative session Minn. Stat. § 115B.11 read as follows:

§ 115B.11 STATUTE OF LIMITATIONS

“No person may recover pursuant to section 115B.01 to 115B.15 unless the action is commenced within six years from the date when the cause of action accrues. In determining when the cause of action accrues for an action to recover damages for death, personal injury or disease, the court shall consider factors including the following:

- (a) When the plaintiff discovered the injury or loss;
- (b) Whether a personal injury or disease had sufficiently manifested itself; and
- (c) When the plaintiff discovered, or using due diligence should have discovered, a causal connection between the injury, disease, or loss and the release of a hazardous substance.”

During the 1998 legislative session the statute was amended to read in part:

Subd. 2. ACTION FOR RECOVERY OF COSTS. (a) An action for recovery of response costs under section 115B.17, subd. 6, may be commenced any time after costs and expenses have been incurred but must be commenced no later than six years after initiation of physical on-site construction of a response action.

1998 Minn. Laws, ch 341. Construction was also defined by the legislature to mean actions taken after the selection of remedial action. Minn. Stat. § 115B.11, subd. 1.

The 1998 legislation also required the Commissioner of the MPCA, in consultation with other parties, to “study the implications of the amendments to the statute of limitations in section 2 on both the State and any other parties.” and to submit a report to the legislature. 1998 Minn. Laws ch. 341, § 4. The legislature directed the commissioner of the Pollution Control Agency to address the following three questions:

- (1) *the number of sites where the State has incurred response costs;*
- (2) *the number of potential and commenced cost recovery actions brought by the State or other parties; and*
- (3) *estimated fiscal impact of the legislative change on the State and other parties.*

To assist the MPCA in preparing the report, the agency met with the Minnesota Chamber of Commerce in September 1998 and solicited the Chamber's help. The Chamber, in their October newsletter to their members, published an MPCA request for information from any party concerning the impact of this change. A copy of the request published in the October newsletter can be found in Attachment 1. The MPCA did not receive any responses to the request.

A copy of the notice was also sent to the Minnesota Department of Trade and Economic Development, the League of Minnesota Cities, the Association of Minnesota Counties, the St. Paul Port Authority and the Minneapolis Community Development Agency. These agencies and organizations were chosen because they have been actively involved in the cleanup and redevelopment of contaminated sites utilizing public funds and could seek to recover their cleanup costs from responsible parties. No responses were submitted to the MPCA.

Discussion

Each of the questions presented by the legislature is addressed below.

(1) THE NUMBER OF SITES WHERE THE STATE HAS INCURRED RESPONSE COSTS;

Response costs includes those expenses incurred by the State to actually implement site investigation and removal or remedial action at a site. These actions include such tasks as taking and analyzing soil samples, excavating soil, constructing containment and groundwater treatment systems, treating groundwater, and transporting and managing contaminated materials offsite. Response costs are accounted for separately from what are called administrative costs. Administrative costs include those costs expended by the State to pay for MPCA staff time in managing the cleanup of contaminated sites. Both response costs and administrative costs are recoverable by the MPCA under MERLA. Minn. Stat. § 115B.17, subd. 6.

Through June 1998, there have been a total of 220 sites listed on the Permanent List of Priorities (PLP). Of these, approximately 60 are landfills where response actions have been or are being addressed through the State's Landfill Cleanup Program or through the landfill's specific permit requirements.

At the remaining 160 sites, the State has utilized MERLA funds to pay for response costs and/or administrative costs. At 50 of these sites the State has taken the lead role because no viable responsible party has been found and has incurred response costs by using MERLA funds to pay for the cleanup. For the remaining 110 sites, responsible parties have conducted the necessary response actions, with State oversight. For all 110 sites, the State has incurred oversight costs, and at some sites the State has incurred contractual expenses for necessary investigative work. In cases such as these, the State seeks reimbursement from the responsible parties for State costs.

(2) THE NUMBER OF POTENTIAL AND COMMENCED COST RECOVERY ACTIONS BROUGHT BY THE STATE OR OTHER PARTIES;

The State has brought at least ten cost recovery actions against identified responsible parties. The State has also entered into formal agreements whereby responsible parties have agreed to reimburse the State its response and/or administrative costs at approximately 45 sites. These agreements eliminate the need to commence a cost recovery action in court to seek recovery of State costs. At the remaining 65 of the 110 sites the responsible party has been conducting the necessary response actions with State oversight. However without an enforceable agreement, the State will have to negotiate an agreement for reimbursement of expenses or commence a cost recovery lawsuit before the statute of limitations expires in order to assure continued payment of State costs.

The following is a list of cost recovery actions that have been commenced by the State of Minnesota:

State v. Kalman W. Abrams Metals, Inc., Court File No. CV-4-96-5 (U.S. Dist. Ct. Minn. 1996) (this case is still ongoing)

State v. LGE Holdings, Inc., Court File No. C5-93-264 (Dist. Ct. Washington County 1993) (this case has been resolved)

State v. Leafs Services, Inc., Court File No. C2-96-618 (Dist. Ct. Winona County 1996) (this case was dismissed)

United States v. Reilly Tar & Chemical Co., 606 F. Supp. 412 (D. Minn. 1985)

State v. R.B. McGowan, (Dist. Ct. Dakota County) (this case is closed)

State v. Waste Recycling, Inc., (Dist. Ct. Anoka County) (this case is closed)

State v. MacGillis and Gibbs, Court File No. CV 4-94-848 (U.S. Dist. Ct. Minn. 1994) (settled with consent decree)

State v. St. Augusta Landfill, Court File No. C2-93-4197 (Dist. Ct. Stearns County 1993) (settled)

State v. Lakeland Oil Products of West Lakeland, Inc., Case No. C9-91-697, (Dist. Ct. Washington County) (case settled)

State v. Joseph C. Auge and Farmer's Mill and Elevator, Inc., Court File No. 19-C2-98-10282 (Dist. Ct. Dakota County Nov. 1998) (recently filed)

Private party actions

Under MERLA, private parties who have conducted clean-ups can bring cost recovery actions against other responsible parties. At this time, the MPCA is aware of four instances where a private party has sought cost recovery in court.

The Schnitzer Group v. University of Minnesota et al, Court File No. C8-98-3100 (Dist. Ct. Ramsey County 1998)

Musicland Group, Inc. v. Ceridian Corp., 508 N.W. 2d 524 (Minn. Ct. App. 1993)

Gopher Oil Co. v. Union Oil Co., 757 F. Supp. 998 (D. Minn. 1991)

Union Pacific Railroad Company v. Reilly Industries, Inc., Court File No. CV 4-96-660 (U.S. Dist. Ct. Minn. 1996) (this case is still pending)

Additional private party actions are possible provided the statute of limitations has not expired.

Insurance actions

There have also been a number of lawsuits filed by responsible parties against their insurance companies alleging that the insurance companies were required to cover the parties' cleanup costs. The following is a list of those cases known to the MPCA:

Anderson v. Minnesota Insurance Guaranty Association, 534 N.W. 2d 706 (Minn. 1995)

Bell Lumber v. US Fire Ins. Co., 60 F. 3d 37 (8th Cir. 1995)

Domtar Inc. v. Niagara Fire Ins. Co., 563 N.W. 2d 724 (Minn., 1997), 552 N.W. 2d 738 (Minn.App. 1996)

Fairview Hospital & Health Care Services v. St. Paul Fire & Marine Insurance Co., 535 N.W. 2d 337 (1995), 518 N.W. 2d 1 (Minn.App. 1994)

In the Matter of Greater Morrison Sanitary Landfill, 435 N.W. 2d 92 (Minn.App. 1989)

Grinnell Mutual Reinsurance Co. v. Wasmuth, 43 N.W. 2d 95 (Minn.App. 1988)

Jenoff Inc. v. New Hampshire Ins. Co., 558 N.W. 2d 260 (Minn. 1997)

Krawczewski v. The Western Casualty and Surety Co., 506 N.W. 2d 656, (Minn.App. 1993)

League of MN Cities Ins. Trust v. City of Coon Rapids, 446 N.W. 2d 419 (Minn.App. 1989)

The MacGillis & Gibbs Co. v. Employers Insurance of Wausau, Court File No. C5-94-11548 (Dist. Ct. Hennepin County)

Minnesota Mining and Manufacturing Co. v. Travelers Indemnity Co., 457 N.W. 2d 175 (Minn. 1990)

Northern States Power Co. v. Fidelity & Casualty Co. of New York, 523 N.W. 2d 657 (Minn. 1994)

SCSC Corp. v. Allied Mutual Ins. Co., 533 N.W. 2d 603 (Minn. 1995), 515 N.W. 2d 588 (Minn.App. 1994)

Sylvester Bros. Development Co. v. Great Cent. Ins. Co., 503 N.W. 2d 793 (Minn.App. 1993)

Sylvester Bros. Development Co. v. Great Cent. Ins. Co., 480 N.W. 2d 368 (Minn.App. 1992)

Tower Asphalt, Inc. v. The Home Insurance Company, Court File No. Civil 3-93-52 (U.S. Dist. Ct. Minn. 1993) (this case was initially an insurance coverage case but was settled with payment of proceeds to the State)

(3) ESTIMATED FISCAL IMPACT OF THE LEGISLATIVE CHANGE ON THE STATE AND OTHER PARTIES.

Prior to the legislative change in the statute of limitations, two federal courts interpreted the statute of limitations to expire six years from the date the State discovered a site. All 220 sites that are or have been on the PLP had been discovered by the State prior to April 1992. Therefore, the statute of limitations would have expired for both the State and private parties by the time this legislation was passed. (Sixty of the 220 sites are landfills for which a separate statute of limitations provision applies. Minn. Stat. § 115B.40 subd. 8 provides that the statute of limitations is extended until July 2004 in cases regarding insurance recovery for landfill cleanup costs, so the current statutory change discussed in this report will not affect those parties at this time.)

For the sites in which the State has incurred both response and administrative costs, the State makes every effort to identify responsible parties before conducting response actions. When a determination has been made and there is no viable responsible party, the State will then utilize fund dollars to conduct the necessary response actions. Of the 160 sites on the PLP in which the State has incurred response costs, 50 of them are sites where the State has not been able to identify a responsible party. In these cases, it is likely that the statute of limitations would not have an impact, since a determination has already been made that there is no viable responsible party.

The MPCA estimates that private parties have expended approximately \$280 million dollars for response costs at State Superfund sites. The State does not have the information necessary to determine how much of this money was spent at sites for which construction commenced less than six years ago and for which it may be possible to locate other viable responsible parties. It could be said that the change in the statute of limitations has preserved the ability of some private parties to seek recovery of a portion of this money.

At the present time, where private parties are reimbursing State oversight costs, it should be noted that without a signed administrative order or other cost recovery action by the State within the six year statute of limitations time frame, those private parties may not be obligated to reimburse the State costs. The statute of limitations language that was in effect prior to this change would have meant that at the 65 sites in which private parties have conducted response actions and where no formal agreement was in place, they would all have been past the statutory tolling period of six years from the date of site discovery. Therefore, the State would have had no viable cause of action at these sites. For example in calendar year 1997, the State billed private parties approximately \$620,000 in State administrative costs, of which approximately \$590,000 was reimbursed. Under the previous statutory language, none of these administrative costs would have been recoverable. With the new language, potential cost recovery action at 57 of the 65 sites have been revived and the State may be able to recover past and future administrative costs, if necessary.

Conclusion

Prior to this change in the language regarding the statute of limitations, the tolling period began when a site was discovered by the State. This meant that all sites currently listed on the PLP would have been past the statutory time frame for cost recovery actions. With the 1998 amendment to the statute of limitations, the State now has a revised time frame for which to work under for cost recovery and can ensure that the State has the ability of seek cost recovery of all State expenditures.

Views

A PUBLICATION OF THE MINNESOTA CHAMBER OF COMMERCE • OCTOBER 1998

CHAMBER UPDATES

Did you know...

■ *Twin Cities Business Monthly*, September 1998, rated the MN Chamber as the most accomplished business lobbying group for our success on reducing the c/i property tax and workers' comp. rates.

■ Highlights from the Chamber's Annual Meeting were featured on KSTP-TV September 16 at 6:30 p.m. and on MPR September 17 Morning Edition.

■ Minnesota Waste Wise has completed 62 site visits since May 1998. These site visits allow MWW to help businesses cut costs and solid waste at the same time. For more information call Ellen Snizek, (651) 292-4662, or visit our Web site at: www.mnchamber.com/affiliate/waste.htm

■ This publication may be reproduced in part or whole with consent from the Minnesota Chamber. Please contact Monica Phillips at (651) 292-4680 or 800-821-2230.

David Carlsen to lead Chamber efforts 600 Business People Attend Annual Meeting



David Carlsen, 1998-99 Chair, Minnesota Chamber of Commerce; Chairman & CEO, Upper Midwest Industries, Inc.

has served as chair of the Fiscal Policy Committee.

He has served as chairman and CEO of Upper Midwest Industries, Inc., a manufacturer of metal and plastic products located in Minneapolis.

The Minnesota Chamber of Commerce elected David Carlsen, chairman and CEO of Upper Midwest Industries, Inc., as its 1998-99 chair at the Annual Meeting. Carlsen has been active in the Chamber for many years and

He received a Judicial Degree from Georgetown University Law Center in 1979 and then worked as a practicing business attorney for six years in Minneapolis.

He is highly involved in civic activities, including: Minneapolis Rotary Club; Boy Scouts of America, Viking Council; and YMCA of Metropolitan Minneapolis.

The 1998 *Spirit of Minnesota AwardSM* recipients were also recognized at the Annual Meeting. This annual award recognizes a Minnesota business or business person for exemplary ideals, contributions to community and state, and commitment to public service.

Terry Atkins, Comfort Inn & Suites in East Grand Forks received the award for business person. He has been active in civic programs for several years, but his commitment to the community became overwhelmingly evident during the historic Red River Valley flooding in April 1997.

Liberty Check Printers in Roseville won the award for business. On the local and national level, Liberty Check Printers is committed to public service. Over the past two years, 74 percent of Liberty's employees have become involved in many community support activities.

1998 ATTORNEY GENERAL CANDIDATE DEBATE

Mark your calendar for the Minnesota Chamber's Attorney General Candidate Debate on Tuesday, October 20. This race is beginning to heat up, so be prepared for a lively and informative debate between Democratic candidate Mike Hatch and Republican candidate Charlie Weaver. Both candidates have confirmed in writing.

The Office of the Attorney General represents state government in legal matters. Come with questions to ask each candidate and discover who will

best represent YOU as the next attorney general of Minnesota. Registration opens at 7:15 a.m. and breakfast will be served at 7:30 a.m. The debate will begin at 7:55 a.m. with the last 20 minutes of the debate open for audience questions. The debate will end promptly by 9:00 a.m.

To register, call (651) 292-4650 or visit our Web site at www.mnchamber.com.

Member rate: \$15;
Non-member rate: \$25.

**Mike Hatch (DFL) vs.
Charlie Weaver (R)
Tuesday, October 20, 1998
7:15 a.m. to 9:00 a.m.
Regal Hotel Minneapolis
1313 Nicollet Mall**

WHAT'S INSIDE

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Annual Meeting marks new leadership for Chamber

New board of directors and officers introduced

1998-99 committee chairs welcomed

1998-99 Chair-Elect

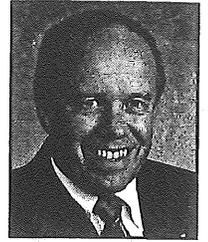


Bob Snyder
Aon Consulting
Minneapolis

The 1998-99 new board of directors, officers and committee chairs were announced at the Chamber's Annual Meeting held September 16 at the Minneapolis Hilton. The Chamber relies on over 500 volunteers to help guide the Chamber's policies and events.

Our committees identify, analyze and solve many of the state's toughest public policy issues. The Chamber's lobbying staff and grassroots network carry their message. This enthusiastic and dedicated group of new board members and committee chairs will lead us through the next year.

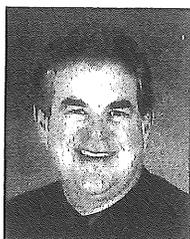
Secretary/Treasurer



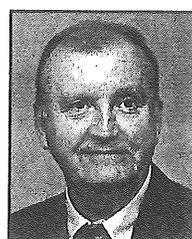
Paul Lindbloom
Acrometal
Companies, Inc.
Brainerd



Betsy Buckley
McGrath Buckley
Consulting
Minneapolis



Fred Bursch
Bursch Travel
Agency, Inc.
Alexandria



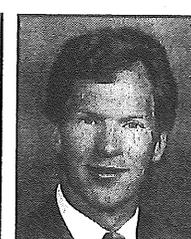
Lowell Butler
Swift & Company
Worthington



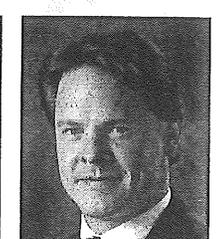
Nate Garvis
Dayton Hudson
Corp.
Minneapolis



**Maureen
Gustafson**
Mankato Area
Chamber



**Mike
Helgeson**
Gold'N Plump
Poultry
St. Cloud



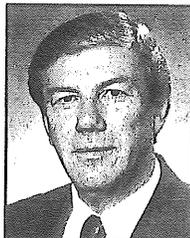
Tom Weaver
Northern States
Power
Minneapolis

Business Services



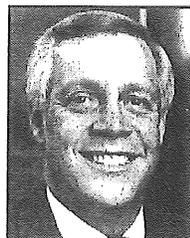
Jeffrey Cairns
Leonard, Street and
Deinard
Minneapolis

Foundation



Dave Wagner
3M
St. Paul

Leadership Fund PAC



George Benz
Oak Grove Dairy
St. Paul

Waste Wise



**Susan
McCloskey**
Office Plan, Inc.
Eagan

Chairman's Club



Gary Marsden
Marco Business
Products, Inc.
St. Cloud

Communications



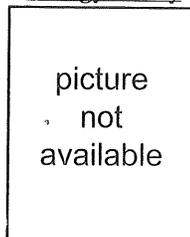
Ann Garrity
The Garrity Group
St. Paul

Education Policy



Jim Pumarlo
Red Wing
Republican Eagle

Energy Policy



Jay Lofgren
Boise Cascade
Corp.
International Falls

Environmental Policy



**Dave
Jeronimus**
MN Power
Duluth

Fiscal Policy



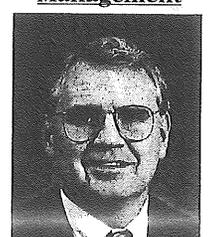
Darwin Voltin
McGladrey &
Pullen, LLP
Minneapolis

Health Policy



Russ Hagen
Data Recognition
Corp.
Plymouth

Labor- Management



**Jim
Cavanaugh**
Hormel Foods
Austin

Request for Assistance on Superfund

The Minnesota Legislature has directed the Minnesota Pollution Control Agency (MPCA) to prepare a report by January 15, 1999, on the implications of a change in the statute of limitations in the State Superfund law. The law as changed would require the state and any other person who wishes to recover costs incurred in cleaning up a site to commence a lawsuit "no later than six years after initiation of physical on-site construction of a response action."

The MPCA needs information on the number of private companies and individuals who have commenced a cost recovery action to recover costs incurred in cleaning up a contaminated site or who have a potential claim for recovery of such costs, as well as how much money is involved.

Please submit the following information: the amount of money involved, and the date when the costs were first incurred. The identity of the company or person need not be disclosed.

Please submit information to Rolf Hanson at the Minnesota Chamber of Commerce at (651) 292-4668 by November 15, 1998.

For further information, contact Rachel LaVell at (651) 296-7187 or Gary Krueger at (651) 296-6139 at the MPCA.

Decrease in Workers' Compensation Base Rate Approved

The good news is that the Minnesota Workers' Compensation Insurers Association recently released a report indicating a 2.8% decrease in the 1999 pure premium base rates. The base rates are designed to cover the costs of medical care and compensation for lost wages and impairment. They are not intended to cover costs such as administration, claims handling, inflation, taxes and assessments. The 1999 reduction follows reductions of 15.6% in 1996, 14.8% in 1997 and 14.3% in 1998. With these reductions, the base rates have dropped by more than 40% over the last four years. The data also indicate that the base rates are now almost 7% below their 1983 level. The latest decrease, while much smaller than those of previous years, is significant given the recent trend towards increasing health

care costs. The decreases also show that changes made to the workers' compensation law in 1992 and 1995 are impacting employers' competitiveness and increasing efficiency in the system.

The bad news is that workers' compensation is becoming an election year issue. Gubernatorial candidate Skip Humphrey has promised that as Governor he will work to repeal parts of the 1995 bipartisan workers' compensation law signed by Governor Carlson. On the other hand, Norm Coleman has committed to oppose and, if necessary, veto any retrenchment from the 1992 and 1995 reforms that have not been approved by the Workers' Compensation Advisory Council. To date, Jesse Ventura has not commented on workers' compensation.



A political panel provided analysis of the 1998 elections at the Chamber's Annual Meeting. It was comprised of (L to R): political analysts Glenn Dorfman, government affairs director, Minnesota Association of Realtors; Tom Horner, president of Himle Horner & Associates; Sarah Stoesz, vice president, public affairs, Allina Health System; and moderated by Cathy Wurzer, anchor and reporter for WCCO-TV.

New links on the Minnesota Chamber Web site at www.mnchamber.com

Trade between Minnesota and Canada has grown to US\$8 billion. To help small businesses take advantage of this growing trade relationship, a new Web site has been launched. The site is a no-cost business partnering system which links Minnesota and Canadian companies with complimentary business interests. The system creates opportunities for strategic partnering, sales, R&D

collaborations, distribution and more. The Web site is a joint project between the Canadian Consulate General in Minneapolis and Advantage Minnesota, Inc., a Minnesota business development and marketing corporation.

To visit this and other important business related Web sites, go to www.mnchamber.com and click on "Hot Links."

Welcome New Members

American Financial Printing, Minneapolis
Automated Control & Electric Systems, Inc., Northfield
Bristol-Myers Squibb Co., Bloomington
Control House, Inc., Golden Valley
Farris Incentives, Inc., Eagan
Hill & Associates, Big Lake
House of Rental Inc., Champlin
Norsemen Travel, Chaska
St. Croix Valley Clinic PA, Stillwater
Staudhar Knoll, Ltd., Minneapolis
Tioga, Inc., Golden Valley
Title Express, Inc., St. Louis Park

"The dues that I pay will never equal the amount of savings I've received from reduced workers' compensation rates. This is only one reason why I am a member of the Minnesota Chamber."

-Jim Sawyer, Owner, College City Beverage, Northfield

Chamber Committee Meeting Calendar

October

- 1 Fiscal Policy Committee
- 5 Transportation Policy Committee
- 8 Energy Policy Committee
- 8 Environmental Policy Committee
- 9 Minnesota Business Network
- 14 Communications Committee
- 15 Labor Management Committee
- 15 Small Business Policy Committee
- 28 Health Care Policy Committee

If you'd like to attend a meeting or join a committee, please call the Chamber at (651) 292-4650 or (800) 821-2230. Find more committee information on our Web site: www.mnchamber.com.

Chamber recognizes manufacturers Minnesota Manufacturer's Week, October 12 - 16

More than 700 manufacturers are members of the Minnesota Chamber of Commerce and Manufacturer's Week provides an excellent opportunity to recognize them and all Minnesota manufacturers.

Governor Arne Carlson has proclaimed October 12-16 Minnesota Manufacturer's Week. From the paper mills in the northeast to the food processing in southern Minnesota and the high technology companies across the state, manufacturing employs more than 20 percent of Minnesota workers in high skill, high wage jobs.

One of the reasons that manufacturing has continued to flourish in Minnesota is because the legislature has made the business environment more productive for companies. Through the leadership of the Chamber, workers' compensation and property tax reform, the elimination of the sales tax on replacement equipment and the overall reduc-

tion in the price of government has made our manufacturing companies more competitive. These reforms have also helped to maintain a strong economy in Minnesota.

In order to compete in a rapidly expanding world economy, we must continue to advocate public policy that will make our companies strong - 425,000 Minnesota workers are counting on it.

The Minnesota Chamber of Commerce will be working with local chambers of commerce state-wide to coordinate plant tours and recognition events. If you would like to coordinate an event at your facility, please call Jennifer Byers at (651) 292-4673.

**Visit our Web site for more information on
Manufacturer's Week: www.mnchamber.com.**

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Minnesota Pollution Control Agency



October 1, 1998

League of Minnesota Cities
145 University Avenue West
St. Paul, Minnesota 55103

RE: Request for Assistance

To Whom It May Concern:

The Minnesota Legislature in 1998 (Minn. Laws ch. 341) directed the Minnesota Pollution Control Agency (MPCA) to prepare a report by January 15, 1999, on the implications of a change in the statute of limitations in the state Superfund law. The law as changed requires the state and any other person who wishes to recover costs incurred in cleaning up a site to commence a lawsuit "no later than six years after initiation of physical on-site construction of a response action."

The MPCA is seeking information on the number of public and/or government entities who have commenced a cost recovery action to recover costs incurred in cleaning up a contaminated site or who have a potential claim for recovery of such costs. The MPCA is also seeking information on the amount of money at stake. The identity of the company or person need not be disclosed but the agency would like to have a count on the number, the amount of money involved, and the date when the costs were first incurred.

The MPCA would like to receive this information by November 16, 1998. For further information, or to respond to this request, please contact Rachel LaVell at (651) 296-7187 or Gary Krueger at (651) 296-6139.

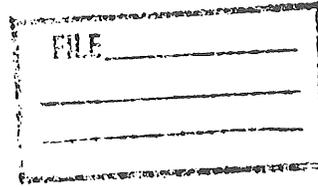
Sincerely,

Mark Schmitt
Supervisor
Site Remediation Unit
Policy & Planning Division

MS:lk



Minnesota Pollution Control Agency



October 1, 1998

Association of Minnesota Counties
125 Charles Avenue
St. Paul, Minnesota 55103-2108

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Sincerely,

Mark Schmitt
Supervisor
Site Remediation Unit
Policy & Planning Division

MS:lk