

Iowa Department of Transportation

800 Lincoln Way, Ames, Iowa 50010 515-239-1476

**CON 12-15
Doc #16417**

August 30, 1991

570
Dubuque
Rainbo Oil Site

Jim Thayer
Solid Waste Section
Iowa Dept. of Natural Resources
Wallace State Office Building
Des Moines, Iowa 50319


Dear Jim:

In response to your request of July 30, 1991, the Iowa Department of Transportation (DOT) respectfully declines to assume responsibility for a site assessment which addresses the problems found at and adjacent to the old Rainbo Oil Co. Tank farm site at Dubuque, Iowa.

Per our previous conversations, it is apparent that we both believe the problem is far too widespread and complex to be adequately addressed by a site assessment covering the limited area presently under the DOT's control. All of our efforts to date have been designed to remove possible existing sources of contamination and to mitigate further spreading. All of these actions have been as approved by or directed by the Iowa Department of Natural Resources. In taking these actions, we feel that we have not caused the contamination, have not failed to conduct activities to prevent release, have met our obligation to abate and, in fact, are innocent owners of a property contaminated by others from other sources.

In conclusion, the Iowa DOT feels that it does not meet the required definition for a "responsible person" and that you have failed to provide us with a Notification of Facts stating why we should take the requested action.

Sincerely,


Kermit L. Dirks

KLD/djb