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Doc #19358

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STATE OF IOWA

THOMAS J. VILSACK, GOVERNOR
SALLY J. PEDERSON, LT. GOVERNOR

DEPARTMENT OF NATURAL RESOURCES
JEFFREY R. VONK, DIRECTOR

July 24, 2001

Mr. Irv Jenkins
Shell Oil Company
One Shell Plaza
910 Louisiana Street, Room 1426
Houston, TX 77002

RE: Former Shell Distribution Facility
215 South 31st Street, Bettendorf, Iowa Site

Dear Mr. Jenkins:

This letter is in response to the request on behalf of Shell Oil Company from Scott Burkey, Equiva Services, LLC in a letter dated May 31, 2001 for a "No Further Action" (NFA) determination of the above-referenced facility. The May 31, 2001 letter also requested that the NFA determination be made outside of the Iowa Land Recycling Program (LRP) and requested removal of the Site from the LRP. These requests are granted as described below.

The department will require no further action at the former Shell Distribution Facility contingent on the placement of an institutional control on the facility that prevents an inappropriate use of on-site groundwater, especially for drinking water. This determination is based on the information presented in the April 10, 2000 Tier 2 Site Cleanup Report submitted by Delta Environmental Consultants, Inc. As you are aware, this determination does not constitute a "no action required classification" pursuant to 567 Iowa Administrative Code (IAC) 135.12(6), which applies only to regulated underground storage tanks (USTs) nor does it provide any of the liabilities protections available in the LRP. Furthermore, the determination that additional action is not required is subject to change should additional information subsequently become available that suggests that further action is warranted.

The preferred form of institutional control is an environmental protection easement in accordance with subrule 567 IAC 137.7(3). A copy of the subrule and a sample easement form are attached. If you desire to use another form of institutional control, please submit a proposal for such to this department for approval. There is still a possibility that all the sites in the area could be addressed collectively in some manner. It is likely that such action would include some form of an institutional control, potentially replacing whatever institutional control you select now.

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While the former Shell distribution facility in Bettendorf, Iowa has been removed from the Iowa LRP, Shell Oil Company will still receive a final accounting of LRP oversight costs.

Since no further action is required, the disposition of the monitoring wells on the site is at the discretion of Shell Oil Company. Since the former Shell distribution facility is located in the vicinity of several similar sites, we recommend that at least some of the monitoring wells be maintained. If monitoring wells are abandoned, they should be abandoned in accordance with the chapter 567 IAC 39, a copy of which is attached.

Please contact me a (515) 281-8900 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert Drustrup". The signature is fluid and cursive, with the first name "Robert" and last name "Drustrup" clearly distinguishable.

Robert Drustrup
Contaminated Sites Section

cc: Scott Burkey, Equiva Services LLC
Shawn Rodeck, Handex of Illinois
Susan Dixon, DNR Land Quality Bureau Chief
Stuart Schmitz, DNR Contaminated Sites Section Supervisor
DNR Field Office #6