

Complaint Overview

Complaint ID: 29761
Complaint Against: Stephan Palen
Date Received: 07/21/2021 Received By: Ted Petersen
Date Assigned: 07/21/2021 Assigned To: Bill Gibbons
Date Responded: 07/22/2021 Status: Closed

Complainant Detail

Anonymous Y

Statement of Complaint

In Oskaloosa, Iowa, a clean-up of a problematic property is occurring. The owner, Larry Clabaugh, has been storing dozens and dozens of junk cars at his property at 1107 South 7th street, Oskaloosa. Clean up has started, but when driving by, one can smell a strong petroleum odor from the street. I am concerned about un-contained petroleum spills inside and around the building. Please consider investigating this site. My understanding is that a Mr. Steve Palen out of Ottumwa has purchased the properties and intends to clean up the properties and then prepare them to be sold to a new owner.

County Contact

County Contact: Eric Dursky Phone: (641)660-3419 Date: 7/21/2021

Type Detail

Complaint Types
Spills

Program Types
Contaminated Sites

Complaint Against Detail

Complaint Against: Stephan Palen
Mailing Address: 25 Schwartz Drive
Mailing City/State/Zip: Ottumwa IA 52501

Site Detail

Site Name	Superior Ideal Incorporated	State ID	310816783
Location Address	1107 S. 7TH ST.	Derived Address	
City / State / Zip	Oskaloosa IA 52577	Direction	
County	Mahaska	GIS Accuracy	30
Field Office	FO 5-Des Moines	Location Comment	
Township Name			
Section:	Tier:	Range:	

Program Name	Program Id
Field Office - FO	19541
Misc. - Toxic Release	52577SPRRD1107S
RCRA - RCRA	IAD062765359

Staff Action Detail

Complaint - 29761

Staff Action ID: 153155

Staff Name: Bill Gibbons

Action Taken: Deficiency, but no NOV

Program Id: 19541 - FO

Program Type: Contaminated Sites

Status: Closed

Date of Staff Action: 07/22/2021

Staff Action: Investigation for Complaint

Authority:

Notes:

bill.gibbons@dnr.iowa.gov

08/20/2021

On August 18, 2021 I received a phone call from Linclon Lynch. He said he had not seen anything from Mahaska County Landfill as far as a Permit to dispose of the petroleum contaminated soil. I called Mike Fairchild and he said he thought Deb Danley the landfill Office Manager had emailed a permit to Lincoln. Mike said he would call Deb Danley and see if she sent the permit. Mike called me back and said she emailed the permit to Lincoln Lynch again and that he might want to make sure her emails weren't going to his spam folder since there was an attachment (the permit). I called Lincoln Lynch and told him they emailed him the permit. We discussed the clean up that it would go to sight and smell in the area where they were preparing and moving vehicles and crushing them and to excavate the areas we identified on the side and back of the property. Lincoln said they should be able to begin work next week.

bill.gibbons@dnr.iowa.gov

08/20/2021

On August 12, 2021 Linclon Lynch sent the Limited Phase II Report to me, Mike Fairchild, Susan Johnson, Deb Danley (Office Manager at the landfill), and Dustan Smith.

bill.gibbons@dnr.iowa.gov

08/20/2021

On August 12, 2021 I forwarded the Limited Phase II report to Eric Dursky and Mike Fairchild.

bill.gibbons@dnr.iowa.gov

08/20/2021

On August 11, 2021 I received a Limited Phase II Environmental Site Assessment from Dustan Smith with Environmental Edge. They collected samples from four locations for a TCLP test and for benzene. The only parameter that had had measurable amounts was Barium with the highest laboratory analytical result being 1.29 mg/L at test location FLC-1. Please see the attached report.

bill.gibbons@dnr.iowa.gov

08/19/2021

On July 27, 2021 I replied to Eric Dursky, Lincoln Lynch, Dustan Smith and Mike Fairchild as follows:

Thanks Mike and everyone else for proceeding.

Sincerely,
Bill Gibbons

bill.gibbons@dnr.iowa.gov

08/19/2021

On July 27, 2021 I received replies from Eric Dursky, Lincoln Lynch, Dustan Smith and Mike Fairchild as follows:

Eric Dursky - Yes

Lincoln Lynch - Yes

Dustan Smith - Yes

Mike Fairchild - Yes. We will put this on an internal permit. It's a simple process. Ill have Deb send the application to Lincoln. Once we have the analytics back we should be able to proceed with disposal.

Michael Fairchild
Landfill Manager
Mahaska County Solid Waste Commission
Office: 641-673-9266
Cell: 515-975-3046
Email: mike.mcs@outlook.com

bill.gibbons@dnr.iowa.gov

08/19/2021

On July 27, 2021 I forwarded Susan Johnson's reply to all of the parties involved (Eric Dursky, Lincoln Lynch, Dustan Smith and Mike Fairchild) and asked the following:

Are we all agreed to proceed with Susan Johnson's sampling recommendations?

Sincerely,
Bill Gibbons

bill.gibbons@dnr.iowa.gov

08/19/2021

On July 27, 2021 I received the following reply from Susan Johnson:

Bill,
Petroleum contaminated soil is one of three general special waste in 109.11(2), thus no special waste authorization is required. They can remediate it as stated in chapter 109.11(2), or directly bury it if the landfill permit allows it. I recommend they test TCLP for the 8 RCRA metals and for benzene prior to acceptance.

Let me know if you have further questions.

Sincerely,

Sue Johnson

bill.gibbons@dnr.iowa.gov

08/19/2021

Continuation of email to Susan Johnson on 7/23/2021:
Here is a listing of the parties involved.

Property Owner
Stephan Palen
25 Schwartz Drive
Ottumwa, IA 52501
Phone: (641) 777-0525

Representative for Stephan Palen
Lincoln Lynch
Lynch Realty, Inc.
106 S Madison Street
Bloomfield, IA 52537
Cell Phone: (641) 208-3649
Email: lincoln_lynch@hotmail.com

Dustan Smith
Environmental Edge
2801 Roemer Avenue
Ottumwa, IA 52501
Cell Phone (641) 226-4483
Email: dustanp@msn.com

Michael Fairchild - Landfill Manager
Oskaloosa Sanitary Landfill
2979 U.S. Hwy 63
Oskaloosa, IA 52577
Mike.mcs@outlook.com

Eric Dursky - Sanitarian
Mahaska County Environmental Services
Secondary Roads Office
2074 Old Hwy. 63
Oskaloosa, IA 52577
Cell Phone: (641) 6603419
Email: sanitarian@mahaskacounty.org

Sincerely,
Bill Gibbons

bill.gibbons@dnr.iowa.gov

08/19/2021

On July 23, 2021 I sent the following email to Susan Johnson with the Iowa DNR Solid Waste Section:

Hi Susan,

I visited a site yesterday in Oskaloosa; the site of the Former Larry Clabaugh site now owned by Stephan Palen. The property is located at 1107 S 7th Street, Oskaloosa, IA 52577.

Larry Clabaugh had been putting vehicles, cars and trucks, at the site for possibly 20 years. These were primarily junk vehicles. Some of the vehicles leaked fluids on the ground while being stored on the property which likely included oil, fuel and antifreeze. The new property owner Stephan Palen is cleaning up the property and had a crusher come on-site to process the vehicles for scrap. They drained fluids from the vehicles and put them in large plastic totes. However, fuel and oil leaked on the ground as vehicles were moved around and crushed. I instructed the representative for the property owner (Lincoln Lynch) and an Environmental Consultant Dustan Smith with Environmental Edge, the contaminated soil would need to be excavated to sight and smell and properly disposed of.

The County Sanitarian Eric Dursky and I talked to Michael Farichild, the operator of the Mahaska County Sanitary Landfill about whether he could take petroleum contaminated soil at the landfill. Michael met us at the property and said he is permitted to take petroleum contaminated soil but the owner of the property would have to obtain a Special Waste Authorization which would likely include some type of sampling and laboratory analysis of the contaminated soil before it could be taken to the landfill.

I am contacting you about the Special Waste Authorization and sampling protocol that will be needed to see if the petroleum contaminated soil can be disposed of at the Oskaloosa Sanitary Landfill.

bill.gibbons@dnr.iowa.gov

07/23/2021

On Friday, July 22, 2021 I sent the following email to Lincoln Lynch and Dustan Smith explaining the clean-up standard for removal and disposal of petroleum contaminated soil at the site. The email read as follows:
Lincoln and Dustan,

Thanks for meeting with us yesterday at the property at 1107 S 7th Street in Oskaloosa. On the east side of the property off of South 7th Street, during the process of cleaning up the property, removing and crushing junk vehicles some oil, fuel and possibly antifreeze was spilled on the ground surface even though fluids were collected from the vehicles before they were crushed. There were also several areas on the north side of the property and the back of the property (west side) where fluids leaked onto the ground surface while vehicles had been sitting.

Clean up of the petroleum contaminated soil will involve excavating the affected (contaminated) soil to the standard of sight and smell. This means removing the contaminated soil down to where you find fresh/uncontaminated soil.

I contacted Susan Johnson with the Iowa DNR Solid Waste Section. Susan issues special waste authorizations. We are hoping you can dispose of the petroleum contaminated soil at the Mahaska County Sanitary Landfill and a special waste authorization (issued by the Iowa DNR) will be needed. This will require sampling and laboratory analysis of a soil sample or samples per Susan Johnson's instructions as to the number of samples and what parameters will be required.

Lincoln thought the clean up could be completed by September 1, 2021.

Please let me know if you have any questions.

Sincerely,
Bill Gibbons

bill.gibbons@dnr.iowa.gov

07/23/2021

On Friday, September 22, 2021 I sent an email to Susan Johnson with the Iowa DNR Solid Waste Section explaining the situation, the need for the special waste authorization and asking her what parameters they needed to have soil samples analyzed for.

bill.gibbons@dnr.iowa.gov

07/23/2021

Thursday, July 22, 2021 continued:

Lincoln Lynch arrived at 1:00 PM and we walked the property showing him the areas where we found contaminated soil. In the front (east side) much of that area was affected and on the north and west sides of the property there were spots where fluids had leaked from vehicles when they had been sitting on the ground that needed to be cleaned up. I instructed Lincoln the contaminated soil would need to be excavated to sight and smell and hopefully it could be disposed of at the Mahaska County Sanitary Landfill.

Lincoln Lynch explained he was managing the clean-up of the property for the owner Stephan Palen. While we were there a consultant working for Environmental Edge arrived. He had been retained to collect asbestos samples from the buildings because they were going to be demolished. We filled him in on the situation with the contaminated soil and he said he could collect soil samples once we received information from Susan Johnson as to the parameters that needed to be analyzed to obtain the special waste authorization. Lincoln Lynch believed they could complete clean up of the contaminated soil by September 1, 2021.

bill.gibbons@dnr.iowa.gov

07/23/2021

We contacted Mike Fairchild the landfill operator for the Mahaska County Sanitary Landfill to find out if they could take petroleum contaminated soil at the landfill. He agreed to meet us at the site on S 7th Street. We met Mike at the site and he said the landfill had it in their permit to use petroleum contaminated soil for daily cover but the people disposing of the soil would need a special waste authorization which would likely include some sampling and laboratory analysis of the soil. Susan Johnson with Iowa DNR issues the special waste authorizations and I agreed to find out from Susan what would be needed.

bill.gibbons@dnr.iowa.gov

07/23/2021

On Thursday, July 22, 2021 I went to the site with the Mahaska County Sanitarian, Eric Dursky. There was no one on-site (no one removing or crushing vehicles). Most of the vehicles were gone and we could see where they had moved vehicles to a crusher (large area with oil-dry applied). There were two large plastic totes containing fluids next to the building. There was a strong oil-fuel odor and we could see where oil-fuel had been spilled on the ground surface in the area just off South 7th Street (east side of property). We walked around the north side of the buildings and property in the back (west side of property). We found several spots where vehicles had been sitting and oil or other vehicle fluids leaked onto the ground. We went to the former Larry Clabaugh property at 1107 S 11th Street. We met two people working in the building and they called Lincoln Lynch who was in charge of the property clean-up. I spoke to Mr. Lynch and he agreed to meet us at approximately 1:00 PM at the property on S 7th Street.

County Contact _____

County Contact:

Date:

Fax Confirmation:

Attached Documents _____

Description	Location
Limitedj Phase II	Limited Phase II Environmental Site Assessment.pdf