Fields of Opportunities

STATE OF IOWA

TERRY E. BRANSTAD, GOVERNOR
KIM REYNOLDS, LT. GOVERNOR

DEPARTMENT OF NATURAL RESOURCES
CHUCK GIPP, DIRECTOR

December 16, 2015

TSL Companies
ATTN: Ritch Reckling
10001 152nd Street
Omaha, NE 68138-3801

SUBJECT: **Notice of Violation -** Hazardous Incident Reporting Requirements
Hazardous Substances Incident Investigation
HSI # 102315-JDJ-1535

Dear Mr. Reckling:

At 3:35 pm on October 23, 2015, the Iowa Department of Natural Resources (DNR) was notified of a release of approximately 200 gallons of diesel fuel (the amount was amended to 1,600 gallons at a later date) that occurred at 4:30 pm on October 22, 2015, at the TSL facility located at 108 "H" Avenue in Carter Lake, Iowa.

Subrule 567--131.2 of the Iowa Administrative Code (IAC) requires any person manufacturing, storing, handling, transporting or disposing of a hazardous substance to notify this department of the occurrence of a hazardous condition. This must be done as soon as possible, but in no case later than six hours after the discovery of a hazardous condition. The 24-hour telephone number for this department is **515/725-8694**.

The incident referenced above indicates a violation of the 6 hour notification requirement. Future violation of this reporting requirement may result in legal action being taken by this department. A copy of the department's rules is available if you do not have a copy. It can also be found on the internet at https://www.legis.iowa.gov/docs/ACO/IAC/LINC/09-15-2004.Rule.567.131.2.pdf

In addition to this verbal report, Section 455B.386 of the Iowa Code requires any person manufacturing, storing, handling, transporting or disposing of a hazardous substance to submit a written report of particulars of a hazardous condition within 30 days of the Department's request.

On October 26, 2015, I visited the TSL facility. The purpose of the visit was to observe the cleanup activities conducted to date and to recommend any further actions that may be necessary. Upon arrival I met with you; Michael Heglin, with AmeriClaim (Claims adjuster for Great Western Casualty who insures the fuel delivery company); John Sempeck with Environmental Services Inc.; and Kris LeVier with RDG Geosciences and Technology.

According to the initial report, on the afternoon of October 22, 2015, while filling the three above ground fuel storage tanks on-site, the fuel transport driver was distracted and allowed the tanks to overfill, causing product to come out the vent pipe and spill on to the ground. TSL

personnel on site immediately secured an excavator and began to remove the contaminated soil. In addition, an interceptor trench was dug beyond the furthest observed location of the diesel fuel. The excavated soil was placed in trucks and placed inside of buildings on the premises in anticipation of approaching rainfall. The excavated area around the tanks was covered with plastic for the same reason.

After arriving at the facility on the 26th, we toured the release site to observe the current status. We observed that soil had been removed from the south, west, and north sides of the concrete slab underneath the three tanks. In addition, we observed that the recovery trench was located to the north of the northern-most observed location of the diesel fuel and was approximately two feet deep. After discussion regarding the assignment of duties for the project by the assorted personnel, Ms. LeVier and I walked the site to more closely observe the contaminated soils.

We observed that there were areas with surface staining to the north of the slab that would require further excavation. There was also accumulated diesel fuel underneath the plastic on the south side of the slab indicating the same need for further excavation. In addition, we observed staining on materials that had accumulated on the concrete slab itself (oil dry, soil, etc.) that would need to be removed so that the contamination did not migrate off the slab and recontaminate the area.

I indicated that the site should be cleaned up to the point where there was no site or smell of diesel fuel. We agreed that Ms. LeVier would collect samples at ten foot intervals in a grid pattern and test with a PID for petroleum vapors. Samples would be collected on the surface and, if anything was detected, another sample would be collected from 3 feet below the level of the first sample. Ms. LeVier will return on 10/28/2015 to conduct her assessment and the additional excavation will be conducted some time the week of 11/3/2015.

On November 3, 2015, I received a telephone call from Ms. LeVier with an update on the cleanup process. She indicated that groundwater had been encountered while there was still detectable contamination in the soil being removed to the north of the tanks. It was agreed that a groundwater sample should be collected in addition to the soil removal on the north side. Ms. LeVier also indicated that there was some additional soil to be removed to the south of the concrete slab and that she was still waiting on sample results from the excavation on the west.

On December 2, 2015, an Environmental Site Assessment report was received from RDG. The RDG report states that not all contaminated soil was removed and that the excavation was backfilled with clean fill. Based on the contaminant levels in the groundwater and the fact that the RDG report confirms that not all contaminated soil was removed from the spill site, further investigation is necessary. Pursuant to 567 IAC Subrule 133.4(3), the extent and levels of contamination must be determined through a further Site Assessment. This shall be conducted under the supervision of a registered professional engineer, an expert in the field of hydrogeology, or other qualified person, such as a certified groundwater professional. **The Site Assessment report must be submitted to the DNR no later than March 1, 2016.** The site assessment report must also include a remedial action plan for the removal of the contamination documented to remain at this site.

If you should have any questions, please contact me at 712/243-1934 or by email at jerry.jordison@dnr.iowa.gov .

Sincerely,

Jerry Jordison

Jerry Jordison
Environmental Specialist
Field Services & Compliance Bureau

cc: Emergency Response & Homeland Security Section, IDNR, Des Moines, Iowa 50309
Cal Lundberg, IDNR Contaminated Sites Section, Des Moines, IA (EMAIL)
Spill File

file:JDJ/jdj/sp/Carter Lake102315.sp.TSL 6 hour NOV and Spill Letter.Jordison..doc

SUSPENSE: March 1, 2016 – submit site assessment report IAC 567-133.4(3)