



October 11, 2023

CERTIFIED MAIL / REGULAR MAIL

JON WELLS
NEW COOPERATIVE INC
2626 1ST AVE S
FORT DODGE IA 50501

SUBJECT: Notice of Violation - Failure to document Financial Responsibility

Sites:

DC	Registration	Name	Address	City	FO
181	198600022	NEW COOPERATIVE - AFTON	109 E RAILROAD ST	AFTON	4
181	198610233	NEW COOPERATIVE - CHARITON	2120 OSCEOLA AVE	CHARITON	5
181	198602097	NEW COOPERATIVE CLEARFIELD CARDTROL	600 HIGHWAY 25 S	CLEARFIELD	4
181	198602333	NEW COOPERATIVE - CLEARFIELD	210 BROADWAY ST	CLEARFIELD	4
181	198604081	NEW COOPERATIVE - CORNING	408 6TH ST	CORNING	4
181	198607555	NEW COOPERATIVE - CORNING	306 6TH ST	CORNING	4
181	198811765	NEW COOPERATIVE - CRESTON CARDTROL	300 OSAGE ST	CRESTON	4
181	198601819	NEW COOPERATIVE - LACONA	254 W MAIN ST	LACONA	5
181	201500014	NEW COOPERATIVE - MOUNT AYR	201 EAST SOUTH ST	MOUNT AYR	4
181	198600110	NEW COOPERATIVE - RED OAK	203 W OAK ST	RED OAK	4

Dear Mr. Wells,

The Iowa Department of Natural Resources (DNR) was notified by you of a change in the ownership for the underground storage tanks (USTs) referenced above. Owners or operators of UST systems are required to have a method of financial responsibility on the tanks before they can be operated.

The change of ownership forms provided did not include documentation of financial responsibility. Iowa Administrative Code 567-Chapter 135.3(3)(i)(1) states: *A person, company or lending institution that assumes ownership or operation of a regulated underground storage tank must submit notification to the department on a form provided by the department within 30 days of acquisition and PRIOR to tank operation. The owner must include copies of training certificates for the Class A and Class B operators (135.4(6)) and proof of financial responsibility required in 567—Chapter 136. The new owner is responsible for any current and back tank management fees that have not been previously paid.*

Based on the information provided, the USTs at the referenced facilities are out of compliance. UST systems cannot be operated without a financial responsibility mechanism. Iowa regulations (IAC 567 – Chapter 136.4) provides that owners or operators of petroleum USTs must demonstrate financial responsibility for taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental releases arising from the operation of petroleum underground storage tank until the UST system has been permanently closed.

Iowa Administrative Code (IAC) Chapter 135.3(8) item 5 - delivery prohibition process, provides when an owner or operator has failed to provide proof of financial responsibility in accordance with 567 – Chapter 136, the site may be placed on delivery prohibition.

The sites referenced above will be placed on delivery prohibition if documentation of financial responsibility is not provided by close of business on October 16, 2023. Once red tags are placed, no further fuel deliveries may be made to the tanks. You are free to use the fuel that remains in the tanks but additional deliveries are barred until documentation of financial responsibility is provided for each site.

In order for the red-tags to be removed, you must provide proof of financial responsibility (pollution liability insurance) for the petroleum USTs at each facility in accordance with State regulations. Financial responsibility documents may be submitted by fax at 515-725-8202 or by email to USTOPERATIONS@DNR.IOWA.GOV [A list of known UST insurance providers may be found at www.epa.gov/ust/list-insurance-providers-ust-financial-responsibility-requirements].

Please contact me at 515-805-6664 or Dawn.SantaMaria@dnr.iowa.gov if you have any questions.

Sincerely,



Dawn Santa Maria
Environmental Specialist
Underground Storage Tank Section

CC: Jon Wells via email jwells@newcoop.com

Field Office 4 via email
Field Office 5 via email