

**ATTACHMENT D**

**Delta  
Environmental  
Consultants, Inc.**

2637 Midpoint Drive, Suite F  
Fort Collins, CO 80525  
303 493-0800

RECEIVED

JUN 20 1988

DEPT. OF ENVIRONMENTAL CONTROL

June 14, 1988

Nebraska Department of Environmental Control  
Technical Services Section  
Call Number 98922  
State House Station  
301 Centennial Mall South  
Lincoln Nebraska 68509-8922

Attn: Mr. Bill Imig  
  
Subj: RAC Classification  
Bernston Oil Company  
Lexington, Nebraska  
Claim No. 7-41Z-54  
Delta No. 30-87-350

Dear Mr. Imig:

I have reviewed the correspondence from Mr. Chambers dated June 9, regarding the RAC-1 classification and final clean-up levels for the Bernston Oil Company facility in Lexington, Nebraska.


We agree that considering the RAC criteria, there is little alternative to a RAC-1 classification for the water table aquifer underlying the site. We tentatively accept the proposed clean-up levels as follows:

- a. benzene - .005 mg/l
- b. toluene - 2.42 mg/l
- c. xylenes - .4 mg/l
- d. removal of all free floating hydrocarbons

However, we would like to retain the option to contest the proposed clean-up levels in the future based on feasibility and cost considerations.

We believe that most of the free hydrocarbons can be extracted using a conventional dual-pump product recovery system. Many of the components of such a system already are in place and we anticipate the system's completion within the next 60 days.

Treatment of the dissolved phase will be accomplished using a packed column air stripping tower. The effluent will be discharged to a drainage ditch which flows to the South Platte River. The allowable concentration of contaminants in the treated water will need to be discussed by our two offices. We will contact your office within the coming weeks to discuss this item.



PAGE TWO

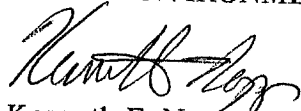
Mr. Imig  
RAC Classification  
June 14, 1988

We are disappointed that the RAC criteria do not include consideration of the location of water supply wells with respect to gradient or depth. In addition, it appears that background water quality is not used as criteria either. Nevertheless, we are prepared to comply with your directive and look forward to the timely reclamation of this site.

If you have any questions regarding this letter or any aspect of the project, please call me or Mr. Allen Rechnagel at (303)493-0800.

Sincerely,

DELTA ENVIRONMENTAL CONSULTANTS, INC.



Kenneth F. Napp  
Its Project Manager

KFN:njl

cc: Mr. Pat Bird  
Federated Insurance Company

1154 8171



12000 Pecos Street  
Suite 300  
Denver, Colorado 80234-2079  
303/452-3600  
FAX: 303/452-5018

April 5, 1995

Nebraska Department of Environmental Quality  
P.O. Box 98922  
Lincoln, Nebraska 68509-8922

Attention: Mr. Jim Borovich

Subject: Monitoring Report  
Berntson Oil Facility  
Lexington, Nebraska  
Delta No. C087-350

RECEIVED  
APR 10 1995  
DEPARTMENT OF  
ENVIRONMENTAL QUALITY

Dear Mr. Borovich:

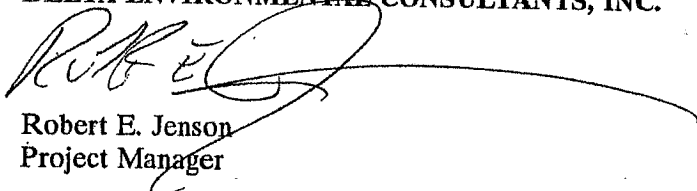
Enclosed, please find one copy of Delta Environmental Consultants, Inc's. (Delta's) monitoring report for the Berntson Oil facility located near Lexington, Nebraska. This report addresses monitoring activities performed at the site in December 1994 and February 1995 as part of the post-cleanup monitoring phase for this site.

In previous correspondence, we had discussed using the remedial equipment from this site at another remediation site in Gering, Nebraska. After designing the remedial system for the other site, Delta has decided that purchasing new equipment would better suit the needs of the other project. Therefore, the equipment dedicated to Lexington remains on site.

If you have any questions regarding activities at the site, please telephone Mr. Mike Gerstner or me at (303)452-3600.

Sincerely,

DELTA ENVIRONMENTAL CONSULTANTS, INC.

  
Robert E. Jenson  
Project Manager

REJ/cap

Enclosure

cc: Mr. Paul Bernston - Bernston Oil Co.



**MONITORING REPORT**  
**BERNTSON OIL FACILITY**  
**LEXINGTON, NEBRASKA**  
**DELTA NO. C087-350**  
**UG #10237-MBS-1535**

**RECEIVED**  
**APR 10 1995**  
**DEPARTMENT OF**  
**ENVIRONMENTAL QUALITY**

**Prepared by:**

**Delta Environmental Consultants, Inc.**  
**12000 Pecos Street, Suite 300**  
**Denver, Colorado 80234-2079**  
**(303)452-3600**

**March 28, 1995**



**20040033225**

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Appendix A:	Background Information
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**MONITORING REPORT**  
**BERNTSON OIL FACILITY**  
**LEXINGTON, NEBRASKA**  
**DELTA NO. C087-350**  
**UG #10237-MBS-1535**

**1.0 INTRODUCTION**

The purpose of this report is to provide information regarding ground water monitoring conducted at the Berntson Oil facility located at Interstate 80 and Highway 283 near Lexington, Nebraska. Our last report was submitted on September 14, 1994. Mr. Jim Borovich of the Nebraska Department of Environmental Quality (NDEQ) sent a letter on August 16, 1994 stating the remediation system would be terminated and semi-annual monitoring for one year was to be performed. The sampling reported in this document was conducted in general accordance with the August 16, 1994 letter.

Since our September 14, 1994 report, Delta has visited the site to collect ground water samples from site monitoring wells and the recovery well. The ground water samples were analyzed to determine concentrations of benzene, toluene, ethylbenzene and xylenes (BTEX). Ground water measurements from all monitoring wells were also recorded.

**2.0 BACKGROUND INFORMATION**

Background information regarding previous site activities has been reported in the documents outlined in Appendix A, which were submitted to the Nebraska Department of Environmental Quality (NDEQ). A site location map is provided as Figure 1 and existing site conditions and monitoring well locations are illustrated on Figure 2.

**3.0 PROJECT ACTIVITIES**

Influent and effluent from the remediation system were sampled on August 9, 1994. The remediation system was de-activated in September 1994 following the NDEQ's written approval on August 16, 1994. On December 16, 1994, ground water levels were measured and water samples were collected from all existing monitoring wells for the first semi-annual sample report. Ground water samples were collected from monitoring wells MW-2, MW-4, MW-5, MW-7 and PEMW-1 on December 16, 1994. The recovery well was inadvertently not sampled in December but was sampled on February 16, 1995. The samples were analyzed by Technology Laboratory, Inc. of Fort Collins, Colorado for BTEX.

## 4.0 PROJECT RESULTS

### 4.1 Ground Water and Free Product Levels

The recent ground water level measurements and prior data are summarized in Table 1. Inferred water table elevations based on the December 16, 1994 data are shown on Figure 2.

Measurable quantities of free product have not been present in the monitoring wells since July 1990. Free product has not been observed in the recovery well since December 1990.

### 4.2 Dissolved Phase Petroleum Hydrocarbons

Dissolved phase petroleum hydrocarbons were detected in water quality samples collected from monitoring wells MW-2, MW-4, PEMW-1 and the recovery well. Data collected during this period are shown in plan view on Figure 3. Water quality data are summarized in Table 2 for the monitoring wells and Table 3 for the recovery well. The analytical reports are in Appendix B. Figures 4 through 9 illustrate benzene, toluene, and xylenes concentrations in monitoring wells MW-2 and MW-4 and in the recovery well since July 1991.

### 4.3 Effluent Discharge

The remediation system has been shut down at this site since September 1994; thus there has not been any discharge from the site since then. The analyses of the effluent on and prior to August 9, 1994 are shown on Table 3. We will keep the discharge permit on inactive status until we are sure it is no longer needed. The permit will then be canceled.

## 5.0 DISCUSSION

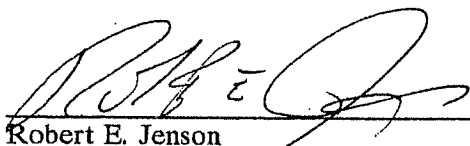
As in the past, dissolved phase petroleum hydrocarbons were detected in water quality samples collected from monitoring wells MW-2, MW-4 and the recovery well. As illustrated in Figures 4 through 9, the concentrations are similar to those measured during the last report period. Concentrations in these wells continue to fluctuate above and below the established maximum contaminant concentrations for benzene and toluene. The concentrations are below the current maximum contaminant concentration for xylenes. As required in the NDEQ's letter to Mr. Paul Berntson dated August 16, 1994, Delta sampled all monitoring wells including monitoring well PEMW-1. This monitoring well had not been sampled by Delta in the past. Analytical results for benzene, toluene, and xylene in this well are included on Figure 3 and Table 2.



**6.0 REMARKS**

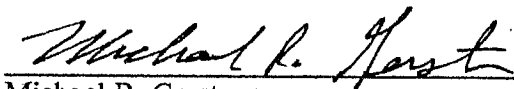
The discussion contained in this report represents our professional opinions. These opinions are based on currently available information and are arrived at in accordance with currently accepted hydrogeologic and engineering practices at this time and location. Other than this, no warranty is implied or intended.

This report was prepared by DELTA ENVIRONMENTAL CONSULTANTS, INC.

  
\_\_\_\_\_  
Robert E. Jenson  
Geologist/Project Manager

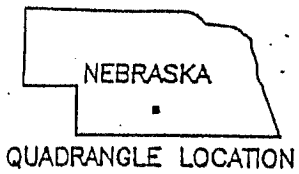
Date 3/29/95

Reviewed by:

  
\_\_\_\_\_  
Michael R. Gerstner  
Senior Hydrogeologist

Date 3/29/95

REJ/cap



LEXINGTON E. & W, BERTRAND NW  
JOHNSON LAKE QUADRANGLES

NEBRASKA  
7.5 MINUTE SERIES (TOPOGRAPHIC)

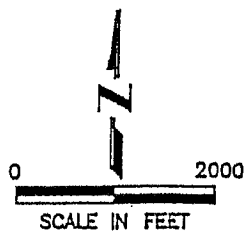
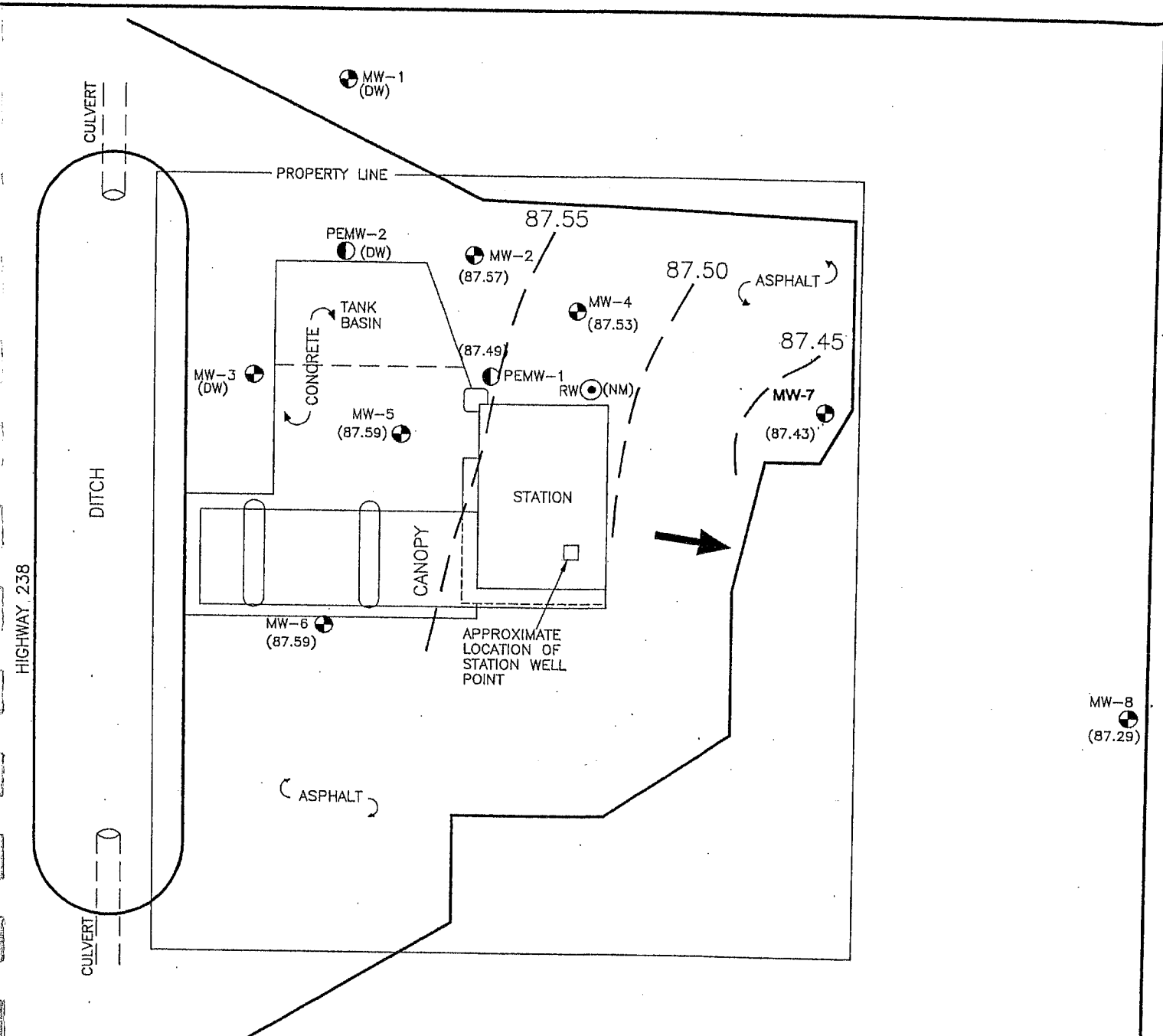


FIGURE 1  
SITE LOCATION MAP  
BERNTSON OIL COMPANY  
LEXINGTON, NEBRASKA

PROJECT NO.	PREPARED BY
30-87-350	CJM
DATE	REVIEWED BY
8/17/93	MAG





**LEGEND**

- MONITORING WELL
- PRE-EXISTING MONITORING WELL
- RECOVERY WELL
- PUMP ISLANDS
- (NM) NOT MEASURED
- (DW) DESTROYED WELL

NOTES:  
 THE STATION HAS BEEN REMOVED  
 → GROUND WATER FLOW DIRECTION  
 BASED ON DATA OBTAINED  
 BEFORE PUMPING FROM  
 THE RECOVERY WELL

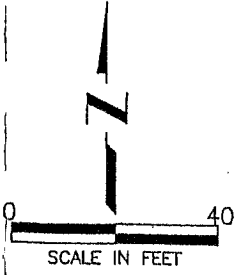


FIGURE 2  
 WATER TABLE ELEVATIONS  
 DECEMBER 16, 1994  
 BERNTSON OIL  
 LEXINGTON, NEBRASKA

PROJECT NO. CO-87-350	PREPARED BY: CRM	DRAWN BY: DD/JL	 DELTA ENVIRONMENTAL CONSULTANTS, INC.
DATE 2-2-95	REVIEWED BY: [Signature]	FILE NO. COR7350A	

MEDIATION ENHANCEMENT WORK PLAN

BERNSTON OIL FACILITY

LEXINGTON, NEBRASKA

DELTA NO. 30-87-350

INTRODUCTION

Purpose

As a result of an estimated loss of 1,350 gallons of regular leaded fuel in 1987 at the Bernston Oil Facility near Lexington, Nebraska, free product recovery and ground water restoration was initiated. Free product recovery and ground water restoration is being accomplished by a two pump recovery system in a single well. The recovery well and associated equipment were installed and have been in operation on a continuous basis since January 1989.

The purpose of this work plan is to provide options for enhancing the remediation activities at this site and pursue project closure. The options outlined are 1) ground water depression with product skimming, 2) ground water depression with product removal via the existing system, 3) product removal enhanced via an active vapor extraction system with a series of vapor extraction well points in conjunction with the ground water depression and product recovery system, and 4) product removal enhancement via an active vapor extraction system on the recovery well in conjunction with the ground water depression and product recovery systems.

Remediation Enhancement Options

Option 1: Ground Water Depression with Product Skimming.

This option would utilize the existing recovery system at the site with the exception of the product pump. The product pump would be replaced with a product skimming pump. The purpose for replacing the current product pump is that as the recovery system operates now, approximately 0.2 to 0.5 feet of product on the water table cannot be recovered without the manual operation of the product pump. By replacing the current product pump with a product skimmer pump, additional free product would be recovered on a continuous basis.

Remediation Enhancement Work Plan

Bernston Oil Facility

Lexington, Nebraska

Delta No. 30-87-350

Page 2

Disadvantages associated with this are 1) additional costs for equipment, and 2) the hydrocarbon contamination within the unsaturated zone just above the water table, would not be addressed. This zone of contamination will provide a continuous source for ground water contamination. The contamination within the unsaturated zone would naturally attenuate over time and may extend the life of the project, requiring long term ground water monitoring.

Option 2: Existing System.

This option would require no additional recovery equipment since the existing equipment would remain in operation.

Disadvantages associated with this system are 1) the current manual pumping of free product from the recovery well and 2) contamination within the unsaturated zone would not be addressed. The contamination will provide a continuous source for ground water contamination, and 3) the contamination within the unsaturated zone will naturally attenuate over time and may extend the life of the project requiring long term ground water monitoring and equipment maintenance.

Option 3: Vacuum Enhancement with Vapor Extraction Points.

This option takes into consideration the current recovery system on site. The depression pump will be maintained and the product pump will be operated on an automatic and manual basis for free product removal and recovery. A series of two to four vapor extraction wells would be installed within the area of contamination. The vapor extraction wells would be manifolded together and fitted to a vacuum pump for enhancing the removal of free product and addressing contamination within the unsaturated zone.

Disadvantages to this option are 1) drilling additional soil borings and installing vapor extraction wells, 2) additional site work which would include electrical and trenching, and 3) purchasing additional equipment for the remediation of the site.

Option 4: Vacuum Enhancement Utilizing Existing Recovery System.

This option is similar to Option 3 in which contamination within the unsaturated zone would be addressed. Instead of installing vapor extraction wells, the recovery well would be retro-fitted with a vacuum pump for product removal enhancement. In addition, contamination within the unsaturated zone would be addressed. It is quite probable that the project closure may be achieved in a more timely manner. Advantages to this option are the same as Option 3.

Disadvantages to this option include 1) retro-fitting the well head for vacuum enhancement, 2) additional site work which would include electrical and trenching, and 3) purchasing additional equipment for the remediation of the site.

Comments

In view of progress made toward remediating the reference site, we feel that Option 4 will effectively address the remaining contamination in a timely and cost effective manner and project closure will be successfully achieved.

BEFORE THE NEBRASKA DEPARTMENT OF ENVIRONMENTAL CONTROL

THE CASE OF )  
BERNTSON OIL COMPANY, INC., ) Case No. 1359  
)  
)  
Respondent. ) STIPULATION FOR ENTRY OF  
SCHEDULE OF COMPLIANCE

This Stipulation for Entry of Schedule of Compliance is entered into by Complainant, Nebraska Department of Environmental Control (NDEC) and by Respondent, Berntson Oil Company, Inc., (hereinafter Berntson Oil or Respondent) a Nebraska corporation in good standing, whose President and registered agent is Paul Berntson, 925 West Pacific Street, Lexington, NE 68850.

WHEREAS, on October 23, 1987, free-phase gasoline was detected in a monitoring well located on the premises of a gasoline service station (facility or site) owned and operated by Berntson Oil, which is located on the east side of Highway 283 approximately 0.25 miles north of the I-80 Interchange, in the NW¼, SW¼, SE¼ of Section 17, Township 9 North, Range 21 West, in Dawson County, Nebraska, and

WHEREAS, subsequent investigation confirmed contamination of ground water and the presence of both free-phase produce and dissolved phase product gasoline contaminant plumes associated with the underground storage tank (UST) system at the facility, and

WHEREAS, it was determined by NDEC that the released gasoline is a regulated substance as defined by Nev. Rev. Stat. §81-15,119(5)(Cum. Supp. 1990), and

WHEREAS, it was determined by NDEC that the underground storage tank causing the release was a "tank" as defined by Neb. Rev. Stat. §81-15,119(7)(Cum. Supp. 1990), and

WHEREAS, it was determined by NDEC that Respondent is an owner or operator as defined by Neb. Rev. Stat. §81-15,119(1)(2)(Cum. Supp. 1990) and

WHEREAS, under the direction of NDEC, Respondent performed a site assessment pursuant to Neb. Rev. Stat. §81-124 (Cum. Supp. 1990) and Title 118, Appendix A, Ground Water Remedial Action Protocol, and

WHEREAS, NDEC provided the required public notice period pursuant to Title 118, Appendix A, Ground Water Remedial Action Protocol and received no public comment,

NOW, THEREFORE, it is stipulated by and between the parties as follows:

#### I. JURISDICTION

The NDEC has general administrative jurisdiction in this matter pursuant to the Nebraska Environmental Protection Act, Neb. Rev. Stat. §§81-1501 et. Seq. (Reissue 1987 and Cum. Supp. 1990) and specific authority under Neb. Rev. Stat. §81-15,124 (Cum. Supp. 1990).

#### II. PARTIES BOUND

This Stipulation for Entry of Schedule of Compliance shall apply to and be binding upon the Complainant and



Respondent and upon their officers, directors, agents, employees, contractors, successors, and assigns, and upon all persons acting under or for them. The undersigned representative of each party certifies that he or she is fully authorized to enter into the terms and conditions of this document and to execute and to legally bind that party to it.

### III. STIPULATIONS

#### A. Recovery System and Goals

1. Respondent and/or its agents have constructed a recovery system and monitoring wells pursuant to a remedial action plan (RAP) dated January 7, 1988, and "as built" report dated July 10, 1989, which were approved by NDEC. Respondent or its agents shall perform maintenance on the said recovery system as necessary to maintain efficiency of the system, which shall operate year around. NDEC shall be notified of any "down" time or modifications of the system. Such notification shall be included in the appropriate quarterly report.

2. The Respondent and/or its agents commenced operation of the recovery system at the site on February 27, 1989, pursuant to the RAP approved by NDEC.

3. Pursuant to the assignment by NDEC of this site to Remedial Action Class One (RAC I), remedial action shall continue until all free-phase product is removed from the ground water and the concentration of the following named dissolved contaminants are achieved for the time period set herein concerning Post-Restoration Monitoring (see section III.C):

Benzene	0.005 mg/l
Toluene	2.4 mg/l
Xylene	0.4 mg/l

4. If field work is to be performed by the Respondent's agents, then a copy of the Stipulation portion (section III) of this document shall be provided to such agents by the Respondent.

B. Ground Water Monitoring Program

1. Respondent and/or its agents have installed monitoring wells pursuant to the RAP as approved by NDEC.

2. Respondent or its agents shall monitor the recovery system, recovery wells, and all non-pumping wells (or monitoring wells) in accordance with the approved RAP. Monitoring of all non-pumping wells shall include:

- a. Determination of depth to water table to the nearest .01 feet, referenced to a local bench mark.
- b. Determination of presence and thickness (to the nearest .01 feet) of free-phase floating product.
- c. Determination of benzene, toluene and xylene (BTX) concentrations in wells not exhibiting free-phase floating product.
- d. Ground water samples shall be collected in such a manner as to obtain a representative sample from the aquifer.
- e. Suction, air-lift or peristaltic pumps shall not be used for collection of samples.
- f. Samples shall be collected and handled in

accordance with the instruction of the laboratory performing the analysis. A chain-of-custody record must be attached to the laboratory analysis report form and submitted to NDEC with the required monitoring report.

- g. Samples shall be analyzed using an U.S. E.P.A. - approved method for BTX. Methods not approved by the U.S.E.P.A. or those approved methods which have been modified will not be accepted by NDEC.
- h. Ground water monitoring shall continue on a quarterly basis for calendar quarters ending in March, June, September, and December, with all monitoring wells being measured for depth to ground water and to identify and measure thickness of any free-phase product layer each quarter. Samples of ground water from each monitoring well which does not contain visible free-phase product shall be collected and submitted for laboratory analysis for BTX during the two quarters ending in June and December.

3. Requests to modify any of the monitoring or analysis requirements must be submitted, in writing, to NDEC together with supporting information.

C. Post-Restoration Ground Water Monitoring Program

1. When each monitoring and recovery well exhibits contaminant (BTX) concentrations at or below the cleanup levels published in the public notice and established in section

III.A.3 of this document for a period of no less than three (3) consecutive quarters which shall include both quarters which end in June and December, the recovery operation may be terminated.

2. Respondent shall continue to collect and analyze samples from each monitoring and recovery well semi-annually in the quarters ending in June and December for a period of one year and annually in the quarter ending in June for an additional period of two (2) years. All samples are to be collected and analyzed pursuant to the requirements established in section III.B. of this document.

3. Monitoring reports for the post-restoration monitoring period shall be submitted to NDEC pursuant to the requirements established in section III.G. of this document.

D. Vapor Extraction/Soil Vent Monitoring Requirements

1. Respondent and/or its agents have installed at the facility vapor extraction/soil vent monitoring wells which have been approved by NDEC. The vacuum data for each vacuum extraction well and each vacuum monitoring well, blower discharges, vapor concentrations (ppm by volume) and operating days on a quarterly basis shall be kept by the Respondent and submitted to NDEC with the reports due pursuant to section III.G. of this document.

2. Operating days, vapor concentrations, blower discharges, and calculated gallons of gasoline removed shall be submitted in the required reports in typewritten tabular format.

E. Other Report Requirements

1. The amount of free-phase product recovered shall be recorded and submitted to NDEC in typewritten tabular format with each quarterly report which shall include a cumulative total in gallons of such recovered product.

2. Ground water levels, free-phase floating product thickness, and BTX concentrations shall be submitted in the form of a contour map, thickness map, and/or isoconcentration map, respectively. The data shall also be submitted in tabular format and referenced to the specific well to which such data applies.

3. An efficiency report shall be submitted to NDEC each year as established in section III.G.2. Such efficiency report shall include, but is not limited to, the following:

- a. a discussion of the operating efficiency of the recovery system.
- b. a calculation of the amount of contaminant recovered.
- c. cumulative graphs of:
  - i. amount of free-phase floating product recovered
  - ii. dissolved product concentrations
  - iii. ground water levels
  - iv. vapor concentrations vs. time.
- d. All calculations, equations and references used to support the information supplied shall be included in the efficiency report.

F. Specific Requirements

If the Respondent, after receipt of the prior approval of NDEC, relocates or permanently removes a monitoring or recovery well, each such well shall be abandoned pursuant to the regulations set forth in Title 178 - Department of Health & Environmental Control Council, Chapter 12 - "Regulations Governing Water Well Construction, Pump Installation and Water Well Abandonment Standards".

G. Monitoring Frequency

1. During the recovery phase, monitoring shall proceed on a quarterly basis. Respondent or its agents shall collect the monitoring data during the months of March, June, September, and December of each year, and shall submit laboratory data, if needed, and all other required information to NDEC on or before the 28th day of April, July, October, and January, respectively.

2. An annual efficiency report, pursuant to the requirements established in section III.E.3 shall be submitted as part of, or in addition to, the quarterly monitoring report due each year in the month of April.

3. Post-recovery phase monitoring and reports shall follow the schedule established in section III.G.1. above.

4. If free-phase floating product appears during post-recovery phase monitoring, NDEC shall be notified by telephone within twenty-four hours, or the next regular business day to be followed by written confirmation within five (5) days.

#### IV. RETENTION OF AUTHORITY

NDEC reserves its authority to require any further remedial action based on information gathered during the term of this Stipulation. The authority to require such remedial action shall be exercised in a manner consistent with the Nebraska Environmental Protection Act, §§81-1501 et seq. (Reissue 1987 and Cum. Supp. 1990), and with any rules and regulations adopted pursuant to such act.

#### V. USE OF STIPULATED FACTS

Respondent's stipulation of facts herein is made to be used solely for all purposes necessary or convenient in the above captioned proceeding, including enforcement thereof, and for no other purpose.

#### VI. FINAL ORDER

Upon the effective date of this Stipulation and Entry of Schedule of Compliance, the Stipulation shall be deemed a final order for all purposes of appeal pursuant to §81-1509 (Cum. Supp. 1990).

#### VII. FAILURE TO COMPLY

If respondent fails to comply with its commitments outlined in section III hereof, except for reasons of force majeure beyond its reasonable control, it agrees to entry of judgment in the District Court of Dawson County, Nebraska for equitable relief to enforce the said terms of the Agreement, and for violation of Neb. Rev. Stat. §81-15,124 (Cum. Supp. 1990) which is subject to a civil penalty of up to \$5,000.00 per day of violation as provided in Neb. Rev. Stat. §81-15,125 (Reissue 1987).

This Stipulation for Entry of Schedule of Compliance shall be effective on the latter of the two dates signed.

NEBRASKA DEPARTMENT OF ENVIRONMENTAL CONTROL

\_\_\_\_\_  
Date

\_\_\_\_\_  
Randolph Woods, Director

BERNTSON OIL COMPANY, INC.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Paul Berntson, President



# STATE OF NEBRASKA



DEPARTMENT OF ENVIRONMENTAL QUALITY

Randolph Wood

Director

Suite 400, The Atrium

1200 'N' Street

P.O. Box 98922

Lincoln, Nebraska 68509-8922

Phone (402) 471-2186

NOV - 4 1996

E. Benjamin Nelson  
Governor

Mr. Harold Kirkpatrick  
P.O. Box 6  
Lexington, NE 68850

RE: Former Berntson Oil  
UG# 10237-MBS-1535

Dear Mr. Kirkpatrick:

In response to our phone conversation on October 28, 1996, I am providing the following information regarding the cleanup status of the above referenced petroleum release. As you are aware, this site formerly contained a service station owned and operated by Mr. Paul Berntson; a gasoline release from an underground storage tank (UST) was discovered in October 1987.

Cleanup of the release was begun in February 1990 with the installation of a pump and treat remediation system and the later addition of a soil vapor extraction system. During the course of cleanup, all free phase gasoline was removed from the ground water surface and dissolved contamination reduced to levels below cleanup levels. Active cleanup was discontinued in August 1994, and one year of post-cleanup monitoring was required. In April 1995, prior to the last scheduled sampling event, work was suspended at this site, as well as the majority of petroleum release sites in the state, due to limited resources.

As of this time, the Department deems that Berntson Oil has completed all actions required by the Department and that no further remedial actions will be required other than standard site closure activities, which are discussed in further detail below. Should the need for additional actions arise in the future due to this release, Berntson Oil will remain the responsible party.

Final closure activities at this site would include the abandonment of monitoring and recovery wells and the disposition of remaining remedial equipment at the site. Unfortunately, with the limited resource base under which we are currently operating, the Department cannot require Berntson Oil to perform these activities at this time. Should Mr. Berntson, or some other party, wish to complete the final closure requirements without seeking reimbursement from the Department's Title 200 fund, they may do so after providing a written statement to that effect.

I hope that this information will be of use to you. Should you have any additional questions regarding this letter, please contact me at 402/471-4230.

Sincerely,

Jim Borovich, Geologist  
LUST/ER Section  
Water Quality Division

JB

# STATE OF NEBRASKA



DEPARTMENT OF ENVIRONMENTAL QUALITY

Randolph Wood

Director

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NOV 13 1996

Benjamin Nelson  
governor

Mr. Paul Berntson  
Berntson Oil Company  
P.O. Box 464  
Lexington, NE 68850

RE: Final Remedial Actions  
Highway 283 & I-80 Interchange, Lexington  
UG# 10237-MBS-1535

Dear Mr. Berntson:

This letter is in response to a recent conversation with Mr. Harold Kirkpatrick, owner of the property within which the above referenced petroleum release occurred. It is my understanding from Mr. Kirkpatrick that he wishes to sell the property but cannot due to questions regarding the status of the release cleanup and the presence of unsecured and unused remedial equipment on the property. The purpose of this letter is to provide you with the same information I have provided to Mr. Kirkpatrick and to discuss various options to achieve final site closure.

If you will recall, cleanup of the release was begun in February 1990 with the installation of a pump and treat system to remove both free phase gasoline and dissolved phase contamination from the ground water. In a letter dated August 16, 1994, the Department discontinued active cleanup based on the following reasons:

1. No free phase product had been present since December 1990;
2. The extent of the dissolved contaminant plume was limited to two adjacent monitoring wells;
3. Dissolved contamination, where present, was basically below the required cleanup levels; and
4. Available data indicated that contamination levels had approached an asymptotic limit (steady-state situation) which would require a substantial upgrade of the present remediation system to effectively improve additional cleanup.

The August 1990 letter also indicated that post-cleanup monitoring was to be undertaken for one year following system shutdown, specifically during December 1994 and June 1995. However, in a letter dated April 25, 1995, work was suspended at this and the majority of other petroleum release sites in the state due to limited resources. Since that time, there has been no activity at the site.

Based on the review of all information collected to date, it is the opinion of the Department that the release has been remediated to a degree protective of human health and the environment. The Department will not be requiring further remedial actions, other than standard site closure requirements, to address this release. However, should problems arise in the future that are a result of this release, Berntson Oil will remain the responsible party.

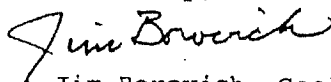
Closure requirements for the site would include the proper abandonment of all monitoring and recovery wells and the disposition of all remedial equipment left on site. Unfortunately, the Department cannot require you to proceed with site closure due to the same resource constraints which caused the site work to be suspended originally. Should you wish to carry out these actions in order to obtain site closure now, you may do so utilizing one of the following strategies.

Legislation enacted within the last year allows a responsible party (RP) to voluntarily carry out corrective actions and remain eligible for future potential reimbursement from the Title 200 program. Under this Voluntary Remedial Action (VRA) program, the RP would perform corrective actions, including site closure actions, using available guidelines or regulations, and save all appropriate invoices and cost information from this work. The Department would review these activities as staff resources allow, and, although the site would remain on the priority list of sites, the RP could receive a closure letter if closure activities were performed satisfactorily. At some future time, when funds became available, the RP would be contacted and be able to make application to the Title 200 fund.

Alternatively, the RP may waive the right to apply for potential reimbursement by stating such in writing. Once the final closure procedures have been performed, the Department would review the actions and, if all requirements have been met, issue a final closure letter for the release.

Should you be interested in pursuing one of these alternatives, I would be happy to discuss them in further detail. If you have any other questions regarding this letter, please contact me at 402/471-4230.

Sincerely,




Jim Borovich, Geologist  
LUST/ER Section  
Water Quality Division

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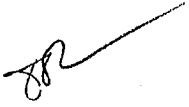
cc: Mr. Harold Kirkpatrick

Date: November 13, 1997


To: Berntson Oil LUST & T200 Files  
NDEQ UG# 10237-MBS-1535

From: Jim Borovich, PM 

RE: Disposition of Used Remedial Equipment



Active remediation at the above referenced site was ended in around September 1994. Prior to the end of post-cleanup monitoring, site work was suspended in April 1995. The Department has since determined that additional remedial actions, other than closure activities, will not be required to mitigate the release. The RP's consultant, Delta Environmental, has proposed work to abandon all wells, remove all existing remedial equipment and dispose of said equipment in the local landfill in an effort to achieve site closure. I have informed the consultant that although I cannot approve the proposed work, I have no problems with this proposed scope of work.

The RP and consultant have been informed that closure activities may only be reimbursed through the Voluntary Remedial Action (VRA) program. Concerns have been raised regarding the need to inventory and evaluate the used remedial equipment for its reuse potential. The purpose of this memorandum is to acknowledge several phone conversations with the consultant wherein I have concurred with their assessment that there is no usable remedial equipment left associated with this site. This is in large part due to the age of the system and the wear of weather on the equipment. I further state here that I have myself inspected the property and system and concur with Delta's assessment. The poor condition of the remedial equipment has also been documented in the site LUST file by John Fogerty. 

# STATE OF NEBRASKA



E. Benjamin Nelson  
Governor

Ms. Patsy Berntson  
Berntson Oil Company  
P. O. Box 464  
Lexington, NE 68850

RE: Unusable Remedial Equipment  
Highway 283 & I-80 Interchange, Lexington  
UG# 10237-MBS-1535

Dear Ms. Berntson:

This letter is in response to correspondence received by the Department from Delta Environmental Consultants dated August 28, 1997, regarding the disposition of used remedial equipment and closure of on-site wells at the above referenced site.

In a letter dated November 13, 1996, the Department indicated that this release had been remediated to a degree protective of human health and the environment and that no further actions would be required of Berntson Oil, other than standard site closure requirements. The Department could not at that time and still cannot at this time require you to proceed with site closure activities due to the same resource constraints which caused the site work to be suspended originally in April 1995.

Under normal circumstances, standard site closure requirements would include an evaluation of tangible personal property. That is, when release sites with remediation system costs reimbursed under the Department's Title 200 reimbursement program are being closed, the proportional ownership of equipment between the responsible party and the Department, as well as the re-use potential of the equipment, must be determined. In a case where disposal of equipment into a landfill is involved, a Certificate of Destruction from the State Department of Administrative Services (DAS) would need to be obtained prior to disposal. However, upon review of information contained within our files, it is apparent that the remediation equipment for your particular site was installed and operational prior to the creation and without the benefit of the Title 200 fund. It follows, then, that proportional ownership of this equipment with the Department is not an issue for this particular site.

Therefore, should you wish to proceed with Delta's proposed scope of work, future reimbursement of this work may be possible under the Department's Voluntary Remedial Action (VRA) program. Under this legislation, enacted in April 1996, you may voluntarily perform corrective actions, including closure activities, using available guidelines or regulations. The Department would review these activities and, although the site would remain on the suspended

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