



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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MEMO TO: DENR SPILL FILE – 2018.083

May 30, 2018

FROM: Kim McIntosh, Administrator,  
Ground Water Quality Program

SUBJECT: No Further Action - Pertaining to a floating tote, Firesteel Creek, Mitchell.

The Department of Environment and Natural Resources will be placing this file into "No Further Action" status based on the following:

- Case file 2018.083 was initiated on May 23, 2018 in response to a report of a floating tote that was recovered from Firesteel Creek during the afternoon of May 23, 2018. Records indicate: Davison County Emergency Manager Jeff Bathke initiated actions to recover the tote from Firesteel Creek; the tote contained approximately 15 gallons of used engine oil and an oil filter; the tote and its contents was transported to the Davison County Highway Shop; and the contents were managed in accordance to Davison County Highway Department standard operating practices.
- It is understood: the tote may have been located in Firesteel Creek for a month or more; the tote did not appear to have sunk below the water's surface in its entirety but the lid was missing; and no visual evidence of oil spillage into Firesteel Creek was noted.
- The person most responsible for the tote and its contents is unknown. The tote had been previously used to store 2,4D Ester but had apparently been emptied and was being used to store used engine oil. It is unknown when, how, or from where the tote was displaced.
- It is believed the actions taken by Davison County Emergency Manager Jeff Bathke and those assisting his efforts effectively mitigated the threats to Firesteel Creek from the floating tote of used engine oil. The department appreciates the efforts of Davison County to protect water resources.
- It is understood a spillage of engine oil was not identified. The negative consequences, if a spill occurred from the container, have already been realized.

The department will place 2018.083 into "No Further Action" (NFA) status. The placement of case 2018.083 into NFA status by the Ground Water Quality Program in no way limits the investigation or actions that might be required by other regulatory authorities. Case 2018.083 can be reopened if information is provided that negates the statements listed above.

Rick Lancaster  
Ground Water Quality Program

cc: Jeff Bathke, Davison County Emergency Management, Mitchell  
Patrick Snyder, DENR Surface Water Quality Program, Pierre