



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

December 6, 2019

Barry Tate
Cubby's Inc.
9229 Mormon Bridge Plaza
Suite 6
Omaha, NE 69152

Subject: Department of Environment and Natural Resources File Number 2019.219: pertaining to the diesel release due to an overfill at Cubby's West, 1700 West Havens Avenue, Mitchell, South Dakota

Dear Mr. Tate:

The Department of Environment and Natural Resources is contacting you regarding the event noted above. A copy of the initial spill report form is enclosed for your review. Based upon the information provided, up to 50 gallons of dyed diesel was released due to a transportation accident. The procedures for the assessment and cleanup of spills such as this were developed to protect surface and groundwater resources. It is understood that the spill was contained to the concrete with sand and, in this situation, DENR requires the following:

- Please provide inventory reports of fuel levels at the station on December 4th and fuel remaining in the transportation tank;
- Please pick up and properly dispose of any contaminated sand and fuel residue. Please provide landfill receipts to document disposal;
- Please provide a written narrative detailing the actions taken in response to this event;
- By January 2, 2019, please complete the attached Written Contamination Incident Follow Up Report form (this is a standard form so some questions will not apply to this situation, just skip those questions).

Marshall Brown has been assigned as the project manager of DENR case 2019.219 and will review your information to determine if additional cleanup is required. Please contact Marshall or me at 605.773.3296 if you need additional information. Thank you for your cooperation and assistance.

Sincerely,

Trish Kindt
Ground Water Quality Program
Phone: (605) 773-3296

cc: Jeff Bathke, Emergency Manager Davison County, Mitchell, SD
Faith Luntz, Store Manager, Mitchell, SD

South Dakota Spill Report Form

Dept. of Ag. Case No.

State Case No. 2019.219

Reported: (mm/dd/yy) 12/05/19		Time: 12:05 PM		Recorded By: TK	
A. REPORTER	Reported By: Lisa S from Jeff Bathke				
	Organization Name: OEM/Davison Co. EM				
	Organization: <input type="checkbox"/> discharger <input type="checkbox"/> public <input checked="" type="checkbox"/> state <input checked="" type="checkbox"/> local <input type="checkbox"/> federal				
	Address:				
	City: Pierre		County: Hughes		State: SD
Zip: 57501			Phone:		
B. DISCHARGER (Responsible Party)	Name: Cubby's Inc. attn: Barry Tate				
	Address: 9229 Mormon Bridge Plaza, Suite 6				
	City: Omaha		County:		State: NE
	Zip: 69152			Phone: 402-598-3297	
C. INCIDENT LOCATION	As Above in B Street or Approx. Location				
	Cubby's 1700 West Havens Avenue				
	Survey Description: 43.702830, -98.047527				
	City: Mitchell		Zip: 57301		County: Davison State: SD
D. DATE	Spill Date: (mm/dd/yy) 12/05/19			Spill Time: 11:45 AM	
	E. MATERIAL	Material Type (Code/Name):		Quantity Spilled	Spilled in Water
<input type="checkbox"/> hazardous substance <input type="checkbox"/> oil <input type="checkbox"/> material unknown <input checked="" type="checkbox"/> other		30-50		<input type="radio"/> lb. <input type="radio"/> bbl. <input checked="" type="radio"/> gal. <input type="radio"/> oth.	
#1 dyed Diesel				<input type="radio"/> lb. <input type="radio"/> bbl. <input type="radio"/> gal. <input type="radio"/> oth.	
				<input type="radio"/> lb. <input type="radio"/> bbl. <input type="radio"/> gal. <input type="radio"/> oth.	
F. SOURCE	Source of Spill: <input type="radio"/> AST <input checked="" type="radio"/> UST <input type="radio"/> railway <input type="radio"/> transport <input type="radio"/> fixed facility <input type="radio"/> pipeline <input type="radio"/> highway <input type="radio"/> other				
	Description: UST overfilled				
G. MED.	Medium Affected: <input type="checkbox"/> air <input checked="" type="checkbox"/> land <input type="checkbox"/> water <input type="checkbox"/> groundwater <input type="checkbox"/> within facilities only				
	Waterway Affected: n/a				
H. CAUSE	Reported Cause: <input type="radio"/> transportation accident <input type="radio"/> operational error <input type="radio"/> dumping <input type="radio"/> equipment failure <input type="radio"/> natural phenomenon <input type="radio"/> unknown <input checked="" type="radio"/> Other:				
	Description: Overfill				
I. DAM-AGES	Damages: No. of injuries: 0 No. of deaths: 0				
	Evacuation Response Action Taken: Blocked the storm drain with sandbags; Applied Floor-Dry				
K. NOTI-FIED	Responding Agency: <input type="checkbox"/> DENR <input type="checkbox"/> DOA <input checked="" type="checkbox"/> discharger <input type="checkbox"/> federal <input type="checkbox"/> EPA <input type="checkbox"/> local				
	Agencies Notified: DENR				
L. COMMENTS	Comments:				
	Ordered a truck load of sand to further contain spill; Left sand on site to soak up fuel; Spill was contained to asphalt.				

Department of Environment and Natural Resources
Ground Water Quality Program
523 East Capitol Avenue
Pierre, South Dakota 57501

Business Hours M thru F 8:00 - 5:00 pm
Normal business hours - (605) 773-3296
After business hours - (605) 773-3231