



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

January 16, 2020

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

Subject: Closure designation for DENR File# 2019. 219, pertaining to the release of diesel fuel as the result of an overfill event, 1700 West Havens Avenue, Mitchell, South Dakota. SD Facility# 08-00026.

Dear Mr. Tate:

The Department of Environment and Natural Resources (DENR) has reviewed the information provided in reference to the release of diesel fuel due to an overfill event at the above-referenced facility. Based on the information provided, there is no identified risk to human health or further risk to the environment as a result of this release. Therefore, the Department is closing this case.

Reports indicate the released product was recovered with dry sweep and other absorbent materials to the extent practicable. All contaminated dry sweep and petroleum-impacted materials have been properly disposed of at the City of Mitchell landfill. Please note that if future problems arise related to this release, Cubby's Inc., will be responsible to perform further assessment and cleanup.

If you have questions or concerns about your site's closure designation, please contact Marshall Brown of my staff at 605-773-3296. Thank you for your cooperation in cleaning up this release.

Sincerely,

Kim McIntosh
Administrator
Ground Water Quality Program

Cc: Jeff Bathke, Emergency Manager Davison County, Mitchell, SD
Faith Luntz, Store Manager, Cubby's West, Mitchell, SD