



Montana Department of  
**ENVIRONMENTAL QUALITY**

Judy Martz, Governor

P.O. Box 200901 • Helena, MT 59620-0901 • (406) 444-2544 • [www.deq.state.mt.us](http://www.deq.state.mt.us)



October 13, 2004

Mark Hesla  
Fulton Fuel Company  
127 Main Street  
Shelby, MT 59474

**Re: Fulton Crude Oil Release into Fred and George Creek, Toole County, Montana  
(CVID #7972)**

Dear Mr. Hesla:

The Montana Department of Environmental Quality (DEQ) has reviewed the work plan for remediation of Fred and George Creek dated September 29, 2004. This work plan was prepared by HydroSolutions, Inc. (HSI) on your behalf. DEQ approves the work plan provided the following comments and requirements are incorporated into the final work plan:

1. DEQ understands that HSI has been working with the Army Corp of Engineers (COE) and the Toole County Conservation District (CCD) regarding permits, authorizations, etc. for work that is planned in the stream. I have spoken with Doug McDonald of the COE, who indicated that the COE would work with HSI to issue a Nationwide Permit to allow the remediation work to proceed quickly. The COE will be responsible for approving any stream reclamation, reconstruction, revegetation, diversions, or other related activities. Based on the September 7, 2004 email from Sara Shepard of the CCD, it appears that the CCD will have limited involvement with the Fred and George Creek remediation effort.
2. DEQ understands that HSI intends to dispose of heavily contaminated soils in the nearest appropriate landfill. Moderately contaminated materials will be placed in a one-time landfarm, which is in the process of being approved by DEQ. Please describe to DEQ how HSI will distinguish "moderately" from "heavily" contaminated soils. If the landfarm has not been approved at the time of the remedial excavation, the soils must be temporarily stockpiled with appropriate safeguards to prevent contaminant migration (plastic sheeting, berming, covering, etc.).
3. When conducting confirmation sampling in the source area excavation, please analyze samples for volatile petroleum hydrocarbons (VPH) in addition to those analyses described in the work plan. The VPH samples must be grab samples, unless

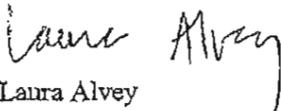
Exhibit 7

subsamples are collected for compositing in the laboratory. Please be aware that the maximum surface area allowed for a single confirmation sample is 625 square feet.

4. Please ensure that relevant standard operating procedures are followed for items including sample collection, preservation, and handling.
5. Please ensure that absorbent pads and booms are onsite in case sheen or oil is released to surface water or to water that may seep into the excavation. Please also have bottles and preservatives onsite in the event that water samples need to be collected.
6. DEQ will work with HSI to determine appropriate screening levels for sediments that may be contaminated. Sediment samples from the site have been analyzed for total organic carbon (TOC), and an average of these TOC values can be used in the event that contamination results must be normalized to organic-carbon.
7. Please be aware that DEQ may require additional work, depending on the results of the excavation and confirmation sampling activities. This additional work may include a survey of aquatic insects upstream, at the release site, and downstream of the release to document possible affects of residual petroleum on stream biology.

Please contact me at (406) 841-5062 or [lalvey@state.mt.us](mailto:lalvey@state.mt.us) if you have any questions about the requirements of this letter. Keep me informed of work dates, as I would like to be present during the remedial excavation.

Sincerely,



Laura Alvey  
Groundwater Remediation Program  
Remediation Division

cc: Cynthia Brooks, DEQ Legal Unit  
Mark Nitz, HydroSolutions, PO Box 80866, Bullings, MT 59108-0866  
Chad Anderson, DEQ Enforcement Division  
Toole County Sanitarian, 226 1<sup>st</sup> Street South, Shelby, MT 59474  
Sarah Shepherd, Toole County Conservation District, 1125 Oilfield Avenue, Shelby, MT 59474  
Allan Steinle, U.S. Army Corps of Engineers, 10 West 15<sup>th</sup> Street, Suite 2200, Helena, MT 59626

NORTH B CRUDE OIL SPILL

VENDOR	INVOICE #	INVOICE DATE	AMOUNT
PREWETT EXCAVATING	1859	81705	\$ 460.00
HYDRO SOLUTIONS	30486	6/7/2005	\$ 1,514.75
HYDRO SOLUTIONS	30449	5/3/2005	\$ 3,829.68
MT SALINITY CONTROL ASSOC SPTO-16		4/20/2005	\$ 1,746.00
ENERGY LABS	250550047	5/2/2005	\$ 990.00
HYDRO SOLUTIONS	30403	3/31/2005	\$ 27.00
HYDRO SOLUTIONS	30407	3/31/2005	\$ 5,294.86
HYDRO SOLUTIONS	30363	3/28/2005	\$ 2,706.25
PREWETT EXCAVATING	1429	3/23/2005	\$ 2,168.00
PREWETT EXCAVATING	1413	2/22/2005	\$ 11,603.00
HYDRO SOLUTIONS	30325	1/31/2005	\$ 3,635.25
ENERGY LABS	250150623	1/17/2005	\$ 200.00
ENERGY LABS	250150392	1/11/2005	\$ 600.00
NORTHERN MT JT REFUSE	10605	1/6/2005	\$ 6,135.05
ENERGY LABS	250150142	1/5/2005	\$ 1,755.00
HYDRO SOLUTIONS	30295	12/31/2004	\$ 13,810.79
PREWETT EXCAVATING	1392	12/29/2004	\$ 2,192.50
ENERGY LABS	241251197	12/30/2004	\$ 3,900.00
ROCKY'S WELDING	7696	12/29/2004	\$ 696.00
ENERGY LABS	241250994	12/22/2004	\$ 3,510.00
PREWETT EXCAVATING	1380	12/2/2004	\$ 113,846.51
HYDRO SOLUTIONS	30262	11/30/2004	\$ 3,313.09
HYDRO SOLUTIONS	30224	10/31/2004	\$ 2,378.13
ENERGY LABS	241050480	10/12/2004	\$ 6,095.00
ENERGY LABS	241050062	10/1/2004	\$ 390.00
HYDRO SOLUTIONS	30202	9/30/2004	\$ 5,053.80
PREWETT EXCAVATING	1345	9/23/2004	\$ 4,881.25
ENERGY LABS	240951145	9/28/2004	\$ 222.85
ENERGY LABS	240650850	6/22/2004	\$ 2,025.00
HYDRO SOLUTIONS	30140	8/31/2004	\$ 4,028.95
HYDRO SOLUTIONS	30139	7/31/2004	\$ 3,444.11
HYDRO SOLUTIONS	30103	9/30/2004	\$ 6,116.00
ROCKY'S WELDING	7626	6/17/2004	\$ 391.50
ALME CONSTRUCTION	56364	3/2/2004	\$ 79.00
ALME CONSTRUCTION	56365	3/4/2004	\$ 380.00
ALME CONSTRUCTION	56366	3/4/2004	\$ 79.00
TOTALS			\$ 219,498.12

Exhibit 8