



Montana Department of
ENVIRONMENTAL QUALITY

Copy: Tracy

Judy Martz, Governor

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

November 23, 2004

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



Re: Approval to Landfarm Contaminated Soils from the Fulton Fuel Release Site

Dear Mr. Hesla:

The Montana Department of Environmental Quality (DEQ) has reviewed the information included in the landfarm application submitted by Fulton Fuel Company (FFC) and HydroSolutions, Inc (HSI). The purpose of this landfarm is to treat soils that were contaminated with crude oil due to a FFC pipeline release. DEQ approves this landfarm located at Township 37 North, Range 4 East, Section 7, Southeast ¼, Southwest ¼ in Liberty County.

The proposed landfarm's location is approximately 400 feet away from the well for the FFC field office. DEQ generally requires landfarms to be located more than 500 feet away from a domestic well. However, because of the tight nature of the soils (clay loam), the depth of the well (300 feet) with static water level at 60 feet, and because the well water is not used for drinking (it apparently has a naturally bad taste), DEQ approves the location of this landfarm at this site. It appears unlikely that crude contamination will be able to impact the facility well given the site conditions.

No more than 1,600 cubic yards of soil may be placed in the landfarm. DEQ understands that HSI estimates that less than 1,600 will be placed in the landfarm. Soil must be spread no more than 6 inches deep, and must be bermed on any downslope edges to prevent runoff. Mark the corners of the landfarm with flags or stakes so that it can be identified at a later date. Soil must be mechanically tilled at least monthly from May through October beginning in 2005 and continuing every year until DEQ determines that treatment can be stopped. Sampling of soil will occur on an annual basis until Risk-Based Corrective Action (RBCA) levels for residential surface soil are met. During each sampling event, two composite soil samples will be collected. These samples must be analyzed for extractable petroleum hydrocarbon (EPH) screen and volatile petroleum hydrocarbons (VPH). If the EPH screen produces a total extractable hydrocarbons (TEH) value greater than 50 parts per million then the sample must be analyzed for EPH

EXHIBIT 9

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fractions and polynuclear aromatic hydrocarbons via method 8270. DEQ may alter analysis requirements if sampling indicates that one or more analytes no longer exceeds Risk-Based Screening Levels. Any change to the sampling and analysis requirement must be approved by DEQ.

Please note that, in general, the Solid Waste section of DEQ's Permitting and Compliance Division is the agency responsible for approving and registering one-time landfarms that are not under the authority of the Petroleum Release Section. After January 1, 2005, any new landfarms in the Groundwater Remediation Program will need to be approved and registered through the Solid Waste section rather than the Groundwater Remediation Program.

Please contact me if you have questions regarding the requirements of this letter. I can be reached at (406) 841-5962 and lalvey@state.mt.us.

Sincerely,



Laura Alvey
Groundwater Remediation Program
Remediation Division

Cc: Cynthia Brooks, DEQ Legal Unit
Toole County Sanitarian, 226 1st Street South, Shelby, MT 59474
Mark Nitz, HydroSolutions, PO Box 80866, Billings, MT 59108-0866

MONTANA DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ)
PETROLEUM RELEASE SECTION
1100 N. LAST CHANCE GULCH
PO. BOX 200901
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Phone (406) 841-5000
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APPROVAL TO LANDFARM CONTAMINATED SOILS

[Redacted]

and

[Redacted]

(name of landfarm site owner)

(name of landfarm site operator)

are allowed to landfarm up to [Redacted] cubic yards of soil

at the following location:

[Redacted]

The contaminated soil is from the property owned by:

[Redacted]

and was originally located at the following address:

[Redacted]

REQUIREMENTS:

Soil Sampling of Treatment Area:

of samples

Test for

Frequency

[Redacted]

[Redacted]

[Redacted]

Landfarm site to be bermed? Yes No

Tilling frequency:

[Redacted]

Other:

[Redacted]

APPROVED BY:

Laura Alvey

DATE:

10-25-04

Any impacts to public health and the environment resulting from the landfarming of contaminated soils at this site, are the responsibility of the owner of the landfarm site property.

DEQ-original; Owner/Operator copy; Inspector copy