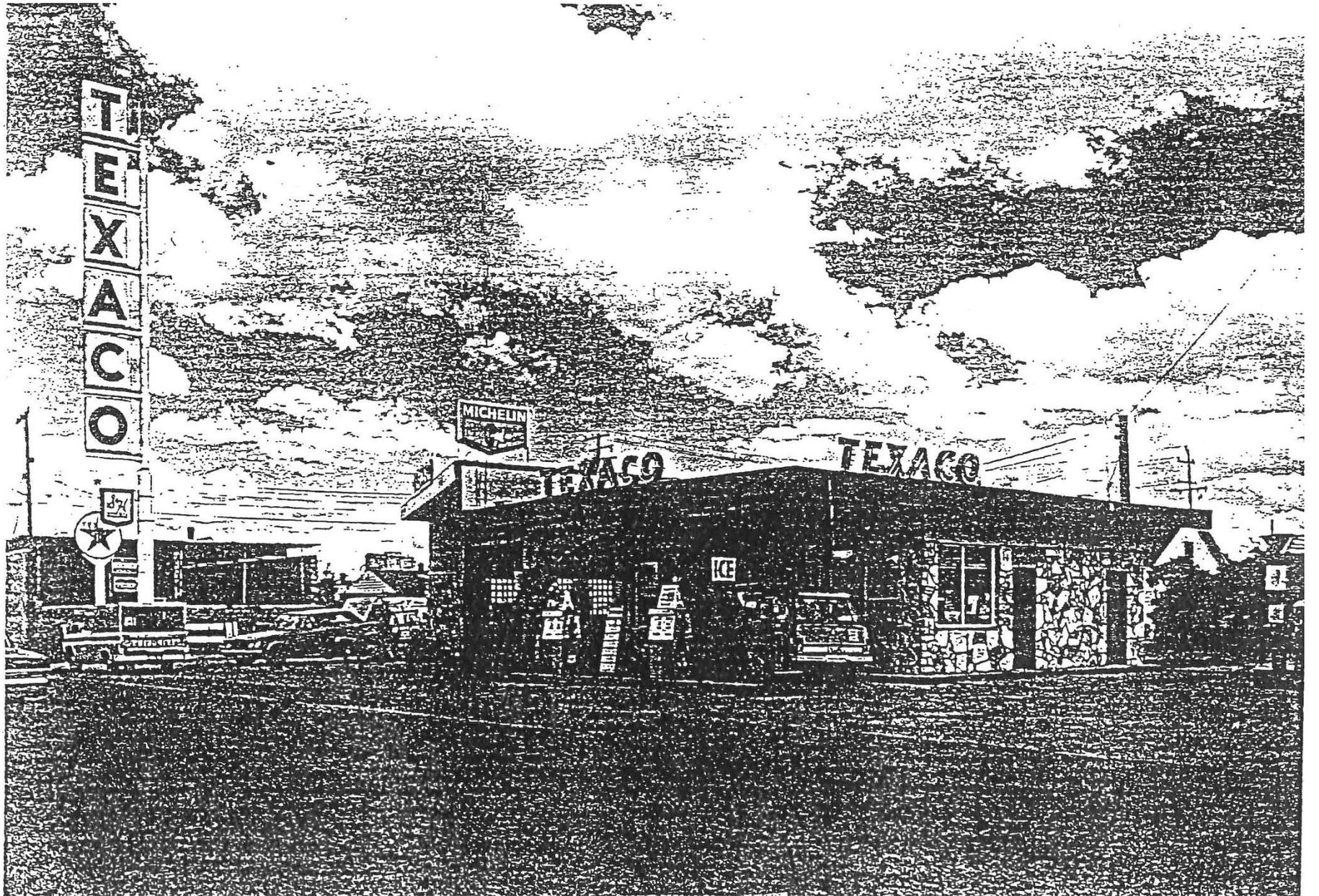


**Request for Eligibility  
of  
Bank West Building  
Kalispell, Montana**

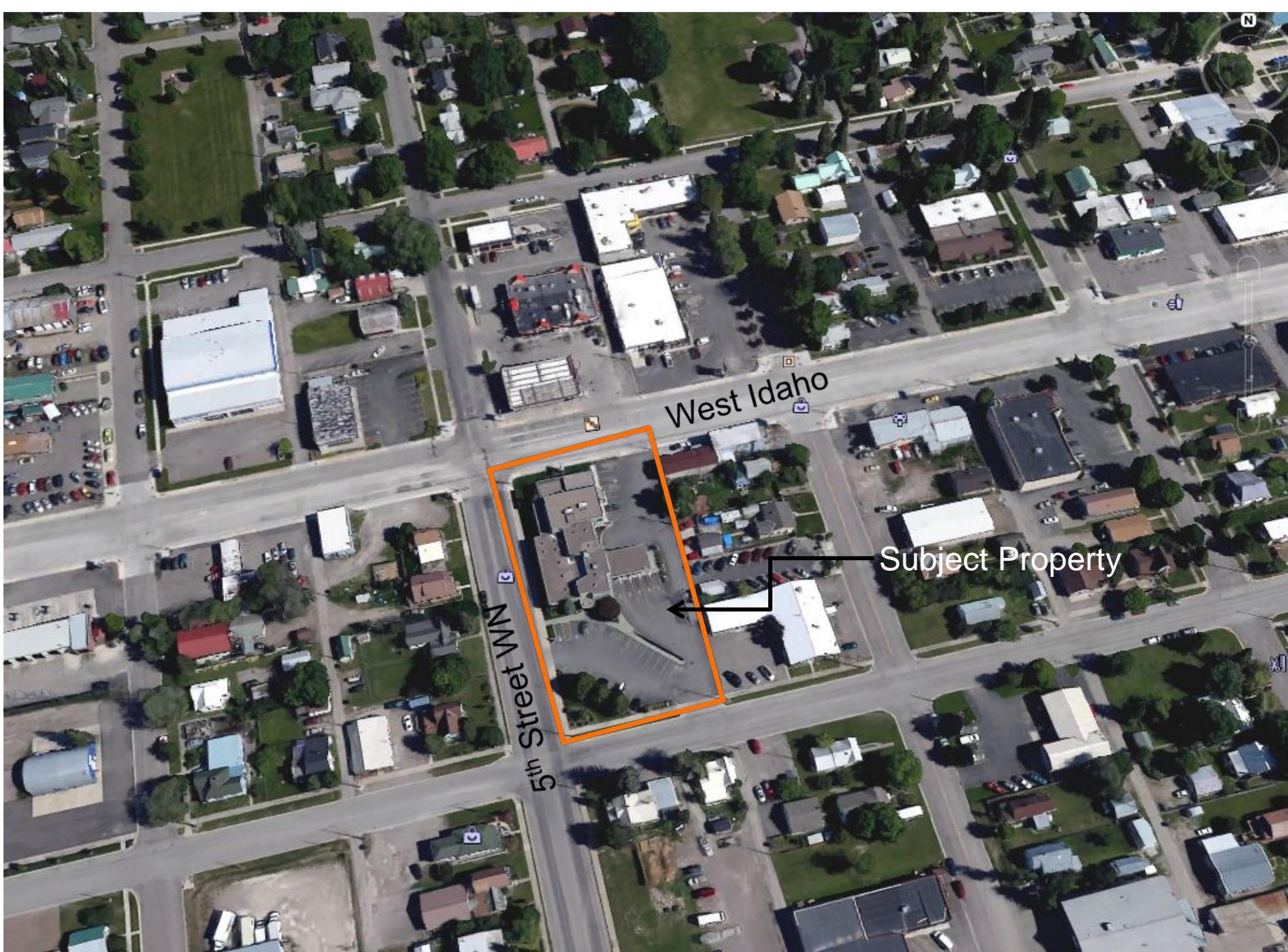
Facility #15-12006

Release #528



# Chain of Ownership

Lot 12 Block 11		
Date	Owner	Comments
April 15, 1960	City Service Company	Contract from Lewis
September 20, 1960	Conrad National Bank	Assignment of Contract
September 30, 1960	City Service Company	Contract Deed
January 4, 1971	City Service Incorporated	Warranty Deed
September 6, 1984	Glen & Shelley Graham	Warranty Deed
June 25, 1987	Bank West NA	Warranty Deed
August 11, 1993	Bank West	Amended Plat
2015	First Interstate Bank	Acquisition of MW Bank



West Idaho

5th Street WN

Subject Property

# Chronology of Events

Date	Event
Pre-April 13, 1989	Anecdotal Information
April 13, 1989	Date of Statute Creating PTRC
April 28, 1989	First documented report of petroleum release
May 5, 1989	DEQ notifies owner (i.e. Bank West) of a release
April 28, 1994	Initial Remedial Investigation Report by NTL, Inc.
2015	First Interstate Bank acquires Mountain West Bank
January 5, 2015	First Interstate Bank submits PTRC eligibility application

# Source of Contamination Unknown

## DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES



STAN STEPHENS, GOVERNOR

COGSWELL BUILDING

STATE OF MONTANA

FAX # (406) 444-2606

Underground Storage Tank Program  
(406) 444-5970

HELENA, MONTANA 59620

May 5, 1989

Mr. Doug Morton  
Bank West  
161 5th Avenue WN  
Kalispell, MT 59901

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

RE: Possible Soil and Groundwater Contamination at former Texaco Service Station Site

Dear Mr. Morton:

purposes. This by no means implies that the property owned by Bank West is the sole source of these off-site complaints or other known or previously unknown groundwater contamination in the area. It is possible that other closed or currently operating fueling facilities in the area may have also contributed some amount of contamination to soil and groundwater. Therefore, we plan to investigate other potential sources.

# Source of Contamination Unknown

DEPARTMENT OF  
HEALTH AND ENVIRONMENTAL SCIENCES  
Underground Storage Tank Program  
(406) 444-5970

12004



STAN STEPHENS, GOVERNOR

FAX # (406) 444-1499

STATE OF MONTANA

OFFICE 836 Front Street  
LOCATION: Helena, Montana

MAILING Coqswell Building  
ADDRESS: Helena, MT 59620

January 2, 1991

Dave Tongen  
City Service  
1645 Highway 93 South  
Kalispell, MT 59901

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Re: Petroleum release at former "Rainbow Texaco" - property currently owned by Bank West, 444 West Idaho St., Kalispell, MT

Dear Mr. Tongen,

As you know, the Underground Storage Tank Program (UST) has responded to gasoline vapor complaints from the AAA which leases the property from Bank West. During our phone conversation on December 31, 1989, you explained that the gasoline leak **may have occurred** from a gasoline tank that was taken out-of-service prior to your purchase of the

# Chronology of Events

Date	Event
Pre-April 13, 1989	Anecdotal Information
April 13, 1989	Date of Statute Creating PTRC
April 28, 1989	First documented report of petroleum release
April 28, 1989	DEQ documents "Confirmed Release"
April 28, 1994	Initial Remedial Investigation Report by NTL, Inc.
2015	First Interstate Bank acquires Mountain West Bank
January 5, 2015	First Interstate Bank submits PTRC eligibility application

DHES LUST TRACKING FORM

VP

1. Facility ID # 12006 *No Number* 2. Leak ID # 528
3. Tank ID # \_\_\_\_\_ 4. Owner ID # \_\_\_\_\_
- Owner's Name: Bank Waste Construction Site
- Location Name: 5th West of Indian
- Address: 161 5th Ave. NW
- City: Kalispell State: MT Zip: 59901
5. Federally regulated tank? Y/N 6. Investigator's Initials: \_\_\_\_\_

SITE STATUS INFORMATION

7. Code: 40 Date: 4-28-89
- \_\_\_\_\_
- \_\_\_\_\_

*Former Service Station  
(1 Rainwater Tank & 1 AC Tank)  
Hazardous Waste*

Comment: Potential LUST Trust site

8. Priority Code: 05-low 10-medium 15-high 70 other: \_\_\_\_\_

REPORTING PARTY INFORMATION

9. REPORTING PARTY Type (code): 40
10. Name: Joe Russell
- Title: Flathead County Health Dept.
- Address: 723 5th Ave. East
- City: Kalispell State: MT Zip: 59901
- Phone: 756-5632

Comment: \_\_\_\_\_

CORRESPONDENCE INFORMATION

11. Notification Date: 4-28-89 Inspection Date: 6-7-90

12. Correspondence Code Date Required Date Rec/Approved Date Closed

CODE: 10 8 4-28-89

COMMENT: \_\_\_\_\_

CODE: 22 5-5-89

COMMENT: \_\_\_\_\_

## CORRESPONDENCE INFORMATION CONTINUED

Correspondence Code Date Required Date Rec/Approved Date Closed

CODE: 24 01-02-91  
 COMMENT: Agreed to initiate site investigation/clean up

CODE: 25 01-31-91 1-15-91  
 COMMENT: intention to purchase cleanup ✓

CODE: 25 1-15-91  
 COMMENT: insurers hired to investigate ✓  
25. rec'd eng. plan - 1-16-91

CODE: 24 2-5-91  
 COMMENT: plan adequate - subd approval given to Busby & French

## FORECAST

13. Has Owner/Operator been identified?  Y  N  
 14. Date Identified 4-28-89  
 15. Is Owner/Operator capable of conducting cleanup?  Y  N  
 16. Has the responsible party been identified?  Y  N  
 17. Date Identified 4-28-89  
 18. How much money has been spent at the site?  
 State \_\_\_\_\_ Federal \_\_\_\_\_ Other \_\_\_\_\_

## LEAK INFORMATION

19. Were inventory records provided?  Y  N 20. Date: \_\_\_\_\_  
 21. Type of Facility (code): 07  
 22. Product (code): 10 23. Est. Quantity Lost: Unknown  
 24. Cause: Unknown  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 25. Detection Method: High vapor readings in basement of AAA-Travel Office (former gas station). Highest concentrations recorded in E. groundwater pump.  
 \_\_\_\_\_  
 26. Leak Impact: Contaminated soil and groundwater  
 \_\_\_\_\_  
 \_\_\_\_\_

**SITE ID: 46683**      **BANK WEST BUILDING #528**  
**Facility ID: 1512006**      444 W Idaho St  
**Release #: 528**      Kalispell, MT 59901

**Resolved Date:**

*Page # 4 of 4*  
*05-Feb-2010*

Doc ID	Document Type	From: - To: - Title: - Abstract	Issued	Due	Received
971	Work Plan Request	Abstract: REQUEST FOR REMEDIAL INVESTIGATION WP; DUE BY 8/14/94	7/13/1994		
970	Telephone Log	From: Robert Brown - Abstract: NEEDS TO INSTALL VENTING SYSTEM; ASK FOR COMMENTS			6/13/1994
969	General Correspondence	From: NTL Engineering and Geoscience Inc Great Falls - Abstract: 4/28/94-REPORT ON INITIAL REMEDIAL INVESTIGATION			4/29/1994
968	Telephone Log	From: Robert Brown - Abstract: NTL-FAX, SOIL ANALYSIS SUBMITTED 3/10/94	4/18/1994		
967	General Correspondence	From: DAVE TONJUM Abstract: COMMENTS ON NTL REMEDIAL INVESTIGATION WP	3/14/1994		
966	Telephone Log	Abstract: K MUNSKI ON-SITE FRI & SAMPLED DH-5,NO SHEEN,HAD GASOLINE VAPORS			3/10/1994
965	Report, Abbreviated	Abstract: FIELD INSPECTION REPORT BY JEFF KUHN			3/2/1994
964	Telephone Log	From: KEN MUNSKI Abstract: VERBAL APPROVAL TO PROCEED WITH WORKPLAN			2/25/1994
963	Work Plan, Standardized	From: NTL Engineering and Geoscience Inc Great Falls - Abstract: NTL/REMEDIAL INVESTIGATION AND WORK PLAN (FAX)			2/25/1994
962	Violation Letter	Abstract: VIOLATION;REQUEST FOR RI WP & VAPOR MONITORING RESULTS/DUE 3/9/94	2/9/1994		
961	Work Plan Request				8/21/1991
960	General Correspondence	Abstract: SITE VISIT/CHECKED OUT VAPOR RECOVERY SYSTEM			5/9/1991
959	General Correspondence	Abstract: PLAN ADEQUATE/VERBAL APPROVAL GIVEN TO BURL FRENCH			2/5/1991
956	General Correspondence	Abstract: TO RECEIVE THEIR INTENTION IN PURSUING CLEANUP		1/31/1991	1/15/1991
958	General Correspondence	Abstract: ENGINEERING PLAN			1/16/1991
957	General Correspondence	Abstract: ENGINEER HIRED TO INVESTIGATE			1/15/1991
955	General Correspondence	Abstract: REQUEST TO INITIATE SITE INVESTIGATION/CLEANUP OF CONTAMINATION			1/2/1991
954	30-day Release Package				5/5/1989
953	Confirmation of Release				4/28/1989

REPORT OF  
INITIAL REMEDIAL INVESTIGATION  
FORMER RAINBOW TEXACO PROPERTY  
KALISPELL, MONTANA  
MDHES FACILITY ID NO. 15-12006

SUBMITTED TO:  
CITY SERVICE  
P.O. BOX 1  
KALISPELL, MONTANA 59903

APR 29 1994  
MonteS  
Solid and Heavy

PREPARED BY:  
NTL ENGINEERING & GEOSCIENCE, INC.  
GREAT FALLS, MONTANA

JOB NO. 194-06

APRIL 28, 1994

# Interview with Glen Graham

- Removed USTs were intact and had not leaked.
- Acknowledged there was free product in excavation when 3 USTs removed.
- Does not know source of contamination.
- Historic owner, O'Boyle told Glen that it could be from former Exxon Station to NW.



West Idaho

5th Street WN

Subject Property

# Chain of Ownership

## Lot 4 - Block 147

Date	Owner	Comments
November 15, 1940	Yale Oil Corporation	
June 12, 1944	Leader Oil Company	
June 12, 1944	The Carter Oil Company	
January 1960	Humble Oil & Refining Co.	(now Exxon)
December 7, 1978	City Service, Inc.	W.D. from Exxon
August 11, 1981	City Service, Corp.	
August 20, 1981	Volume Shoe	W.D. from City Service
February 3, 1983	Keller, LLC	

# Owner/Operator Responsible

LAW OFFICES OF  
JOHNSON, BERG, MCEVOY & BOSTOCK, PLLP  
221 First Avenue East  
P. O. Box 3038  
Kalispell, Montana 59903-3038  
ESTABLISHED 1891

JAMES W. JOHNSON  
STEPHEN C. BERG  
BRUCE MCEVOY  
THOMAS R. BOSTOCK  
KENT P. SAXBY  
PAUL A. SANDRY  
BRYCE R. FLOCH  
JOSHUA A. RACKI

GARY R. CHRISTIANSEN, P.C.  
Of Counsel

July 21, 2004

VIA MAIL AND TELEFAX TO  
406.444.1923

Mr. Daniel R. Kenney  
Environmental Enforcement Specialist  
Montana Department of Environmental Quality  
P.O. Box 200901  
Helena, Montana 59620-0901

Re: City Service Incorporated, of Kalispell  
Property at 444 West Idaho, Kalispell, MT

Dear Mr. Kenney:

This firm represents City Service Incorporated, of Kalispell ("City Service") in connection with certain matters of a legal nature. Your letter of June 28, 2004 regarding the above-referenced property has been referred to me for a response. In your letter you indicated that City Service was being provided an opportunity to enter into an Administrative Order on Consent to resolve alleged violations involving the Montana Underground Storage Act, as

RECEIVED

JUL 26 2004

Department of  
Environmental Quality  
Kalispell Regional Office

MERRITT N. WARDEN  
1914 - 1996

TELEPHONE (406) 755-5535  
TELEFAX (406) 756-9436

EMAIL ADDRESS  
jbmb@centurytel.net

RECEIVED

JUL 23 2004

77432.1

Dept. of Environmental Quality  
Remediation Division

RECEIVED

JUL 22 2004

MT Dept. of Environmental Quality  
Enforcement Division

# Owner/Operator Responsible

There are also substantial, unresolved questions regarding the source of any environmental contamination that may be on the property. In this regard, when the underground storage tanks were removed from this property, the parties involved with the removal indicate that none of the tanks appeared to have been leaking. Additionally, there was no apparent, significant environmental contamination to the property surrounding the tanks. There were also no complaints of petroleum vapors, or other environmental concerns expressed by the parties which were my client's successors in interest with respect to this property until 1989, approximately five (5) years after my client had sold this property. In 1989 an owner or tenant of the property expressed concern about a petroleum smell, and as a consequence a vapor extraction system was installed. This apparently resolved the petroleum vapor problem, but in 1994 and 1995, in connection with further investigations and monitoring of the property conducted by an environmental consultant, new contamination, including fresh petroleum product was discovered on the property. This occurred more than ten (10) years after the underground storage tanks had been removed from the property previously owned by City Service. Given this significant passage of time, it is clear that this contamination migrated from another property onto the former City Service property. Given that the property was then being used as a bank and other professional offices, it is impossible for fresh petroleum products to have contaminated property unless such product had migrated from other property(ies). Up until that point my client had been willing to assist with

# Burger King: Facility #32-10677

Excerpt from: Remedial Investigation Report  
Shannon Environmental Services, Dec. 28, 1994

## 2.0 SITE HISTORY

The Burger King property was historically a gasoline service station. Above ground storage tanks (ASTs) on the southwestern portion of the site stored both gasoline and diesel fuel (see Figure 3). Underground piping connected the ASTs to the fuel dispensers, which were located on the southeastern side of the property. The ASTs, dispensers and associated piping were removed in approximately 1986. According to a report prepared by MSE, Inc. (1994) one neighboring property occupant reported petroleum odors in their well water (Dairy Queen) and another neighboring property occupant (Matuska Dentist) reported petroleum odors in their basement (see Figure 3). Sporadic petroleum odors have also been reported in the Burger King facility (MSE, 1994).

## **#2 Burger King, Missoula, Facility ID #32-10677, DEQ Release #02198**

The Board staff recommended the release be deemed ineligible for reimbursement because statutorily there were no tanks located at this site on April 13, 1989. All tanks and piping were removed in the 1970's. Jean Riley stated that no additional information was received from the owner prior to the meeting.

Stuart Blundell, Integrated Geoscience, was representing Bill Nooney Sr. with Hi Noon Petroleum. Stuart gave a brief history of the site and indicated he had a question about when was the actual removal of the tanks. He mentioned Hi Noon Petroleum removed the underground storage tanks, at the same time as the Burger King site, and at an additional property called Comnet, retrofitted and then used them at their Surejam facility since the tanks were only five years old. The notification form for the Surejam facility was filled out on

**Site was ratified eligible on February 11, 1999**

**PTRC processed 32 claims for cleanup**

**Resolved and closed August 9, 2012**

# Release Discovery Date

17.58.311

## PETROLEUM TANK RELEASE COMPENSATION BOARD

17.58.311 DEFINITIONS The following definitions apply throughout this chapter:

(25) "Release discovery date" means the earliest of:

- (a) the date of discovery by an owner or an operator of any of the conditions set forth in ARM 17.56.502(1), provided that a release is confirmed in any manner provided in ARM 17.56.504 or 17.56.506 after the condition is discovered;
- (b) the date that the owner or operator had actual knowledge of a release; or
- (c) the date that the release is confirmed in any manner provided in ARM 17.56.504.

# Suspected Release

17.56.502 REPORTING OF SUSPECTED RELEASES (1) Owners and operators, any person who installs or removes an UST, or who performs subsurface investigations for the presence of regulated substances, and any person who performs a tank tightness or line tightness test pursuant to ARM 17.56.407 or 17.56.408, must report suspected releases to a person within the Remediation Division of the department and the implementing agency or to the 24-hour Disaster and Emergency Services officer available at telephone number (406) 324-4777 within 24 hours of discovery of the existence of any of the following conditions:

- (a) visual or olfactory observations, field monitoring results or other indicators of the presence of regulated substances in soil or nearby surface or ground water, or the presence of free product or vapors in basements, sewer or utility lines;
- (b) the sudden or unexplained loss of product from the tank system;
- (c) a failed tightness test, performed in accordance with subchapter 4, unless the tank system is found to be defective but not leaking and is immediately repaired or replaced;

# Confirmed Release

## Release Reporting, Investigation, and Confirmation

17.56.506 REPORTING OF CONFIRMED RELEASES (1) Upon confirmation of a release in accordance with ARM 17.56.504, or after a release from the PST or UST system is identified in any other manner, owners and operators, any person who installs or removes an UST, or who performs subsurface investigations for the presence of regulated substances, and any person who performs a tank tightness or line tightness test pursuant to ARM 17.56.407 or 17.56.408, must report releases to the department and the implementing agency within the specified timeframes and in the following manner:

(b) When a release is confirmed from laboratory analysis of samples collected from a site, the release must be reported to the department and implementing agency by a method that ensures the department or the implementing agency receives the information within seven days of release confirmation. **The date of release confirmation, for purposes of this rule, is the date the owner, operator, installer, remover, or person who performs subsurface investigations for the presence of regulated substances received notification of the sample results from the laboratory.**

# **Bank West and First Interstate have been Responsive**

**December 23, 2011** – First GW Monitoring Report;

**June 8, 2012** – Second GW Monitoring Report;

**November 23, 2012** – CAP for Additional Remedial Investigation;

**March 21, 2013** – Additional Remedial Investigation (Geoprobe soil and gw samples);

**October 31, 2014** – CAP for Monitoring Well Installation

**May 11, 2015** – Additional Remedial Investigation (install 8 monitoring wells).

**January 20, 2016** – GW Monitoring Report for Intrinsic Bioremedial Indicators

# SUMMARY

- 1) DEQ records state Release Date is: **April 28, 1989**;
- 2) DHES first contacted the actual owner (i.e. Bank West) on **May 5, 1989** about “Possible Soil Contamination”;
- 3) Release confirmed by laboratory results in report dated **April 28, 1994**.
- 4) Release is after **April 13, 1989** and should be deemed eligible.

# Summary

- Information regarding occurrence of a release prior to April 13, 1989 supports a “suspected release”;
- No unequivocal evidence of release prior to April 13, 1989; and
- Board must use factual data to support their decision.

# Potential Cleanup Costs

<b>Task</b>	<b>Estimated Cost</b>
Dismantle and remove existing soil vapor extraction system	\$1,050
Conduct vapor intrusion survey in basement of AAA building	\$2,650
Removal of petroleum contaminated soil and ORC treatment	\$184,500
Installation of eight groundwater monitoring wells and sampling	\$28,500
Long-term groundwater monitoring	\$22,000
<b>Subtotal Estimated Cost</b>	<b>\$238,700</b>
Second tier groundwater remediation system	\$35,000
Contingency (estimate 20 percent)	\$47,740
<b>Total Estimated Cost</b>	<b>\$321,440</b>

# **Board has previously approved eligibility for other sites.**

- 1) Rocky Mountain Supply – Fac. #56-13286
- 2) Korner One Stop – Fac. #53-11603
- 3) Townsend Sinclair – Fac. #04-00096
- 4) Swank Enterprises – Fac. 337-06080