

Route to:
(1) file
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OFFICE MEMORANDUM

File: _____

Location: Ditmer Oil
(City, Village, Township, Section, Range, County, etc.)

Subject: Due Care / Separating The recent + old releases

By Whom: Jamet Berryhill Date: 7/6/90

Investigation _____ Conference _____ Office _____ Field _____ Hearing _____ Meeting _____ Phone

- Items to be Covered:
- (1) Those present and/or those interviewed
 - (2) Situation
 - (3) Further action, follow-up, recommendations

1. Mark Milsop, CME

2. I told Mark I felt that the new release could be separated from the old release. This is going to be useful to his client because Ditmer's Insurance agent (federated) feels it is not responsible for the old release, but may be responsible for paying for the new release.

Due Care: Mark said he wasn't told exactly what happened. The fitting leaked for ~ one month. If it was loose - rollies probably did not tighten it properly. They claim they tested it and it was tight. They may have not tested it, or they may have tested it improperly. The tanks / fittings were not connected over for 1-2 weeks after installation. The fitting may have broke from the weight of trucks when filling the tanks. Another Due care issue is why didn't Ditmer notice the loose fitting for 3 weeks

I also told him corrective action cannot be approved until the land app is submitted and approved. He will send a proposal in a few weeks. I asked him if he thought Ditmer would be responsible and clean up the old leaks if I let him get

reimbursed now for the new leak. He said Ditmer has actually already asked him to start working on the old leaks

But Mark suggested that they finish up the new leak first.

With this information, I feel comfortable separating the leaks, and allowing Dittmer to be reimbursed for the new leak now.

I spoke to Mike Kanner about the due care issue.

He said he was more concerned about the fact that Dittmer may not have been doing inventory than that Rollies might not have tightened every thing down.

3. Ask industry people what they would need to know to figure out due care. Send a speed memo to Leo Clobes asking for the information.

7/7/90

Brian Ettisvold advised me to ask for the Dittmer's monthly average sales and their daily inventory in order to determine whether or not the Dittmer Oil exercised due care