

DATE: October 5, 2007

TO: Kulas Enforcement File

FROM: Dan Helsel, BRF

SUBJECT: Documentation of recent discharge/spill

On September 25, 2007, Watershed Program Supervisor, Dan Helsel, received a phone message from Ron Tuschner, chairperson from the town of Arcadia regarding a discharge of manure from the Richard Kulas barnyard. Tuschner left message that manure discharged from the Kulas facility had plugged a roadside culvert and filled the roadside ditches running along Jaszewski Lane. Helsel called Tuschner back on September 26, 2007 and discussed whether this discharge would be classified as a spill. Tuschner indicated the ditches were full and there was no manure on the roadway. Helsel said he would talk with Tom Kendzierski, WCR spill coordinator, to determine if a spill response was necessary. Helsel talked with Kendzierski on Monday, September 29 and a decision was made not to consider the last discharge since the manure wasn't on the road and no one from the department had determined the imminent hazard for the manure to reach the streams.

Helsel and Ken Schreiber, water quality coordinator, conducted a site inspection of the roadside ditches on Jaszewski Lane on Wednesday, October 3<sup>rd</sup>, 2007. Both roadside ditches were full of manure (see photos). Some of the manure discharged had run underneath Jaszewski Lane filling the culvert full. The discharged manure also filled the northern roadside ditch, where it ran north, toward the culvert by the bridge. Once the manure reached the culvert, it flowed underneath the road, to the west and toward the navigable, un-named tributary to the Trempealeau River. Helsel did not expect the amount of manure in the ditches he observed. Helsel concluded the next rain event would wash the manure discharged in the roadside ditches to the navigable waterways with the potential to harm fish and other aquatic life. Helsel contacted Doug Joseph, who was filling in for Kendzierski as the WCR spill coordinator. Helsel described the manure filled road side ditches and the proximity to the un-named tributaries. Helsel and Joseph concluded the discharge of manure to the roadside ditches should be handled as a spill. Joseph said he would contact Kendzierski to confirm since Kendzierski had handled the previous spill at this location. Joseph called Helsel back and confirmed the decision to handle this manure discharge as a spill.

Helsel left a message on Ron Tuschner's home and cell phone indicating that the DNR has designated this discharge as a spill and the DNR would reimburse the Town for expenditures to clean up the manure from the ditches as previously done. Helsel contacted Ron Tuschner on his cell phone later that evening and discussed the Town's willing to coordinate the clean up efforts. Tuschner indicated the town would hire a contract to remove the manure and dispose of it properly.

On Friday, October 12, 2007 at approximately 7:00 pm, Tuschner left a message that the town of arcadia did contract for the clean up of the manure spill and the site was clean up. Tuschner indicated he would send the clean up bill to Kendzierski for processing.

Photos Taken October 3, 2007













