



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

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June 27, 1996

NCD UID #: 03-64-104379

Mr. Ken Francois  
PO Box 69  
Cedarburg, WI 53012

Subject: Ken Francois Property, 1870 W Hwy 47, Lac du Flambeau, WI

Dear Mr. Francois:

On June 27, 1996, the Department of Natural Resources - Leaking Underground Storage Tank Program was notified by Tim McCormick of Northern Environmental, that petroleum contamination was discovered during tank removal activities at the above referenced site.

Based on the information we have received, the Department believes that you are responsible for restoring the environment at this site under Section 144.76, Wisconsin Stats. (hazardous substances spills law). This includes first investigating the extent of the contamination, then selecting and implementing the most appropriate remedial action. Enclosed is information to help you understand what you need to do to ensure your compliance with the spills law.

The purpose of this letter is threefold: 1) to describe your legal responsibilities, 2) to explain what you need to do to investigate and clean up the contamination, and 3) to provide you with information about cleanups, environmental consultants, and working cooperatively with the Department of Natural Resources.

**Legal Responsibilities:**

Your legal responsibilities are defined both in statute and in administrative rules. The hazardous substances spill law, Section 144.76 (3) Wisconsin Statutes, states:

- \* **RESPONSIBILITY.** A person who possesses or controls a hazardous substance which is discharged or who causes the discharge of a hazardous substance shall take the actions necessary to restore the environment to the extent practicable and minimize the harmful effects from the discharge to the air, lands, or waters of the state.

Wisconsin Administrative Codes NR 700 through NR 728 establish requirements for interim actions, public information, site investigations, design and operation of remedial action systems, and case closure. Wisconsin Administrative Code NR 140 establishes groundwater standards.



### Steps to Take:

The longer contamination is left in the environment the farther it can spread and the more it may cost to clean up. Quick action may lessen damage to your property and to neighboring properties and reduce your costs in investigating and cleaning up the contamination. To ensure that your cleanup complies with Wisconsin's laws and rules, you should hire a professional environmental consultant who understands what needs to be done. The following are the first four steps to take:

1. By August 15, 1996, please submit written verification (such as a letter from the consultant) that you have hired an environmental consultant. You will need to work quickly to meet this timeline.
2. By September 15, 1996, your consultant must submit a workplan and a schedule for conducting the investigation. The consultant must follow the Department's administrative rules and our technical guidance documents. Please include with your workplan a copy of any previous information that has been completed for your site (such as an underground tank removal report, or a preliminary soil excavation report).
3. Please keep us informed of what is being done at your site. You or your consultant must provide us with a brief report at least every 90 days, starting after your workplan is submitted. These quarterly reports should summarize the work completed since the last report. Quarterly reports need only include one or two pages of text, plus any relevant maps and tables. However, please note that should conditions at your site warrant, you may receive a letter requiring more frequent contacts with the Department. You will also receive one annual site status report form in February.
4. When the site investigation is complete, your consultant must submit a full report on the extent and degree of soil and groundwater contamination and a proposal for cleaning up the contamination.

Due to the number of contaminated sites and our staffing levels we will be unable to respond to each report. To maintain your compliance with the spills law and chs. NR 700 through NR 728, do not delay the investigation and cleanup by waiting for DNR responses. We have provided detailed technical guidance to environmental consultants. Your consultant is expected to be familiar with our technical procedures and administrative rules and should be able to answer your questions on meeting Wisconsin's cleanup requirements.

Your correspondence and reports regarding this site should be sent to the Department at the following address: Connie Antonuk, Unit Leader, Emergency & Remedial Response, P.O. Box 818, Rhinelander, WI 54501. Unless otherwise requested, please send only one copy of all plans and reports.

**Information for Site Owners:**

Enclosed is a list of environmental consultants and some important tips on selecting a consultant. If you are eligible for Wisconsin's PECFA program (see end of letter) you will need to compare at least three consultants' proposals before hiring a consultant. Consultants and laboratories working in the PECFA program are required to carry errors and omissions insurance to help protect you against unsuitable work. Also enclosed are materials on controlling costs, understanding the cleanup process, and choosing a site cleanup method. This information has been prepared to help you understand your responsibilities and what your environmental consultant needs to do. Please read this information carefully.

If you are interested in obtaining the protection of limited liability under s. 144.765, Stats., please contact Mark Giesfeldt at (608) 267-7562 or Darsi Foss at (608) 267-6713, in the Department of Natural Resources' Madison office for more information. The liability exemption under s. 144.765, Stats., is available to persons who meet the definition of "purchaser" in section 144.765(1)(c) and receive Department approval for the response actions taken at the property undergoing cleanup. The Department will determine eligibility for this program on a case-by-case basis, prior to the "purchaser" developing a scope of work for conducting a ch. NR 716 site investigation at the property.

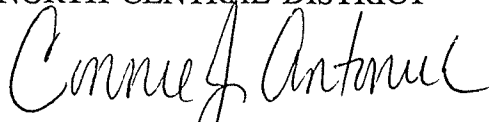
**Financial Information:**

Reimbursement from the Petroleum Environmental Cleanup Fund (PECFA) is available for the costs of cleaning up contamination from eligible petroleum storage tanks. The fund is administered by the Department of Industry, Labor, and Human Relations (DILHR). Please contact DILHR at (608) 266-2424 for more information on eligibility and regulations for this program.

If you have any questions about this letter or your responsibilities, please call me at (715) 365-8986.

Thank you for your cooperation.

Sincerely,  
NORTH CENTRAL DISTRICT



Connie J. Antonuk  
Unit Leader  
Leaking Underground Storage Tank Program

Enclosures

→ c: File  
Tim McCormick, Northern Environmental, 330 4th Ave S, Park Falls, WI 54552