



George E. Meyer
Secretary

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Southeast District - Annex Building

Post Office Box 12436
4041 N. Richards Street
Milwaukee, Wisconsin 53212
TELEPHONE: 414-229-0800
TELEFAX #: 414-229-0810

July 24, 1995

File Ref: FID #241564620
ERR/ERP

Mr. Mohsen Amiran
BioGenesis Enterprises, Inc.
610 West Rawson Avenue
Oak Creek, WI 53154

SUBJECT: Reported Contamination at the BioGenesis Enterprises Facility, 610 West Rawson Avenue, Oak Creek

Dear Mr. Amiran:

The Wisconsin Department of Natural Resources (WDNR) Environmental Repair Program (ERP) was notified that the subject site has been impacted by past surface releases of petroleum products. An inspection of the site by WDNR representatives on July 10, 1995 documented areas of surface staining in the areas of former and current above ground storage tanks, as well as dead vegetation around drums. The lateral and vertical extent of impacts has yet to be determined.

Based on the information received by the Department of Natural Resources, we believe BioGenesis Enterprises, Inc. is responsible for restoring the environment at this site under Section 144.76, Wisconsin Stats., known as the hazardous substances spills law. The conditions present at this site may pose a serious threat to human health and/or the environment. The site specific information known to the WDNR at this time, however, is not adequate to evaluate the relative potential threat from this site.

WDNR SE District Review Prioritization Policy

Due to the WDNR workload, it is necessary to rank all contamination cases for review priority. The highest priority sites have assigned WDNR project managers who are actively reviewing and approving investigation and remediation plans. Lower priority cases do not always have assigned project managers, however, responsible parties are required to proceed with investigation and clean-up efforts. Due to the lack of information about this site, it's relative priority cannot be determined. Therefore, the priority ranking of this site is considered unknown. Until a priority has been assigned to this site, you should proceed with the required response work, submitting all plans and reports, along with quarterly status reports, to this office. The WDNR will notify you if active oversight for you site will be given.

Your responsibilities include investigating the extent of the contamination and 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, possible financial assistance, and working cooperatively with the Department of Natural Resources.

Legal Responsibilities:

Your legal responsibilities are defined both in statute and in administrative codes. 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 chapters NR 700 through NR 728 establish requirements for emergency and interim actions, public information, site investigations, design and operation of remedial action systems, and case closure. Chapter NR 708 includes provisions for immediate actions in response to limited contamination. Wisconsin Administrative Code chapter NR 140 establishes groundwater standards for contaminants that reach groundwater.

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 administrative codes, you should hire a professional environmental consultant who understands what needs to be done. These are the first three steps to take:

1. By September 25, 1995, your consultant must submit a workplan and a schedule for conducting the investigation. The consultant must follow the Department's administrative codes and our technical guidance documents. Please include with your workplan a copy of any previous information that has been completed (such as an underground tank removal report or a preliminary soil excavation report).
2. 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.
3. 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 of your site by waiting for WDNR responses. We have provided detailed technical guidance to environmental consultants. Your consultant is expected to be familiar with our technical procedures and administrative codes 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:

Ms. Margaret Graefe, c/o ERR/ERP, Wisconsin Department of Natural Resources,
4041 North Richards Street, P.O. Box 12436, Milwaukee, Wisconsin 53212

Unless otherwise requested, please send only one copy of all plans and reports. Correspondence should be identified with the assigned WDNR facility identification number (FID#, ERR/ERP) which is listed at the top of this letter.

Information for Site Owners:

If you are eligible for reimbursement of costs under Wisconsin's PECFA program (see last paragraph) 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 s. 144.765(1)(e) 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 (414) 229-0801.

Thank you for your cooperation.

Sincerely,

Julie Hanrahan
Program Assistant

Enclosures: Cleanup Process for the Emergency and Remedial Response Program
Quarterly Updates for Cleanup of Contaminated Properties
Cleanup Methods for Petroleum-Contaminated Soil and Groundwater
Wisconsin Administrative Code NR 700 Outline

c: SED Casefile