



## State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

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January 16, 1997

LUST Activity (BRRTS)# : 03-41-112118

Facility ID#: 241830490  
ERR LUST

LOU GRAES  
GRAEF ANHALT SCHLOEMER  
345 N 95TH ST  
MILWAUKEE WI 53226

SUBJECT: Reported Contamination at 1836 S. 3rd St., Milwaukee

Dear Mr. Graes:

On 12-21-95 Matthew Stevens of Summit Envirosolutions informed the Department that petro/paint products which leaked from an underground storage tank caused soil contamination at the subject address.

Although our original understanding was that David Plunket was owner of the property, it has come to our attention through Mr. Plunket's attorney that Mr. Plunket defaulted on a land contract due to bankruptcy and that ownership reverted to the original vendor, Milwaukee Investment Co. We have been instructed to send this letter to you. Please see the enclosed copy of the attorney's letter.

Based on the information submitted to the Wisconsin Department of Natural Resources (WDNR), we believe you are responsible for restoring the environment at the referenced site under Section 292, Wisconsin Stats., known as the hazardous substances spills law. Utilizing information submitted to the Department, this case has been assigned an unknown ranking due to the lack of information concerning soil and groundwater contamination.

### WDNR SE District Prioritization and Scoring Policy

Within 30 days of receiving this letter please notify the Department that a qualified environmental consultant has been retained; within 60 days of receiving this letter please submit a workplan for conducting a remedial investigation.

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, environmental consultants, 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 292.11 (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 four steps to take:

1. By 2-26-97, 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 4-9-97, 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).
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 in the WDNR Southeast District, we will be unable to provide workplan approvals for investigations or remedial actions. 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:

Binyoti F. Amungwafor, Annex  
Wisconsin Department of Natural Resources  
Box 12436  
4041 N Richards St  
Milwaukee WI 53212  
414-229-0847

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

**Information for Site Owners:**

Enclosed is a list of environmental consultants and some important tips on selecting a consultant. 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. 292, 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. 292 Stats., is available to persons who meet the definition of "purchaser" in s. 292 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.

Thank you for your cooperation.

Sincerely,

Michael G. Farley  
Program Assistant  
414-229-0808