

File



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Cumberland Area Headquarters
Box 397
Cumberland, WI 54829

Carroll D. Besadny, Secretary

January 23, 1991

File Ref: 4440
(Case #273)

Mr. Bruce Davis
Davis Auto Body
Route 2, Box 324
Turtle Lake, WI 54889

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Dear Mr. Davis:

**RE: Petroleum Contamination Identified at Davis Auto Body, South Side of USH 8,
Village of Turtle Lake, Barron County, Wisconsin**

The Department of Natural Resources has responsibility under Wisconsin law to regulate and enforce laws relating to hazardous substance spills or discharges. We also have responsibility for regulation and enforcement of other laws protecting public health, safety and environmental quality.

Citizen cooperation plays a big role in helping us keep a safe, clean Wisconsin. Most people recognize that Wisconsin's environmental quality and way of life makes a great place to raise families and do business.

Unfortunately, hazardous substance discharges do occur. The purpose of this letter is to make sure persons who may be responsible for such discharges know their responsibilities under the law and act accordingly. If you are already involved in a clean-up, this letter is intended as clarification and information.

Based on information available to the Department, we believe you have such a responsibility. This office was notified on September 17, 1990, by Cedar Corporation of petroleum contamination identified at the above-described site.

Under s. 144.76(3), Wisconsin Statutes, any person who possesses or controls a hazardous substance which is discharged, or who causes the discharge of a hazardous substance, must take the actions necessary to restore the environment and minimize the harmful effects from the discharge to the air, lands or waters of the State.

The Department is, therefore, requesting that within 30 days of receipt of this letter you contact the person identified below and indicate whether you intend to conduct the following activities*:

1. Immediately determine whether or not the discharge poses an imminent fire, exposure or safety threat to persons, structures, sewers, surface waters, groundwater or the community **AND take appropriate emergency action.** In the event of an emergency situation, contact your local fire department and other emergency officials. You do not need DNR approval to take appropriate action to minimize the harmful effects of a spill.
2. Show proof within 90 days that you have retained a qualified environmental consultant, acceptable to the Department, to conduct the necessary investigation and/or remediation.
3. Determine and document the degree and extent of soil and groundwater contamination.
4. Recommend remedial options and feasibility.
5. Implement any necessary remedial activities.
6. Propose and adhere to a schedule for regular progress reports and completion of the above tasks.

The Department wishes to remind you that time is of the essence in responding to environmental contamination incidents. Generally, the more quickly a release is discovered and responded to, the smaller the damaging impacts and the cost of investigation and/or remediation. Attached to this letter is guidance developed by the Department to aid persons in investigation and/or remediating hazardous substance releases.

Although such investigations may be expensive, the state does provide assistance in some cases. You may be eligible to be reimbursed for your investigation and/or remediation costs from Wisconsin's Petroleum Storage Remedial Action Fund. This fund is administered by the Wisconsin Department of Industry, Labor and Human Relations (DILHR). Please contact them in Madison at 608/267-4545 or 608/267-7538 for further information or an application package.

If the hazardous substance was, or may have been, released from an underground storage tank regulated under Subtitle I or the Resource Conservation and Recovery Act, you are also required to comply with the provisions of that law and 40 CFR Parts 280 and 281. You may be able to fulfill your responsibilities under the federal law by working with the Department to investigate and/or remediate the suspected release.

*If you have already engaged in clean-up activities, please provide the Department with a status report.


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3.

We prefer to work cooperatively with people to resolve problems. However, if you fail to respond within the time period identified above, or if you fail to take the appropriate action, the Department has the authority under s. 144.76(7), Wis. Stats., to take the necessary action and to seek reimbursement for all its actual and necessary expenditures from the responsible parties. If the Department utilizes federal funds to undertake the necessary actions, the U.S. Environmental Protection Agency also has the right to seek reimbursement for all Department expenditures from the responsible party(ies).

If there is anything you don't understand about this letter or have any concerns at all, please write or call me at 715/822-3590.

Sincerely,


Michael V. Michaelsen
Hydrogeologist

Attach.

cc: John Anderson, Fire Prevention Coordinator, DILHR, 13 E. Spruce St.,
Chippewa Falls, WI 54729

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