

Review Notes on Off-Site Discharge Exemption Request Application

June 15, 1999

Property Name: Ponderosa, 130 South Bluemound Rd, Appleton, WI 54915

Site Name: Adj. to Hardees, 3225 W. College Ave, Appleton, WI 54914

Site ID: 03-45-182502

The application and supporting reports and documentation show that there is no confirmed contamination in soils or groundwater on the Property (occupied by Ponderosa). The application states that criterion A - C must be satisfied. Criteria A states, "Document that there is hazardous substance contamination present in soil or groundwater on the Property." This has not been satisfied. Therefore, an off-site discharge exemption letter cannot be granted.

I spoke with Kathy Erdmann with the DNR on this issue. The documentation shows that petroleum released on the adjacent property, Hardees, has migrated to the Hardee's property border (adjacent to the Property), but there is no documentation that the contamination has migrated across the property line onto the Property.

Hardee's Property Analytical Data

MW-5, located on Hardees property near property line, shows benzene = 32 ppb in groundwater on 7/20/98. Round two on 10/5/98 shows benzene = 2.5 ppb. Soil boring 9 (adjacent to MW-5) shows benzene = 1800 ppb in soils. Soil boring 10 (MW-5) shows benzene = 990 ppb and xylene = 5200 ppb.

(Ponderosa) Property Analytical Data

MW-13, located on the Property near the property line, shows no contaminants above preventive action limits (PALs) in groundwater. SB22 (MW-13) and SB 23 (adjacent to MW-13) show no detects in soils.

KE agreed that an off-site discharge exemption cannot be granted and felt that a General Liability Clarification (GLC) letter is more appropriate in this situation. KE advised I send a modified GLC letter.

Jennifer Tobias 