



George E. Meyer
Secretary

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Brule Area Headquarters
P.O. Box 125
Brule, WI 54820
TELEPHONE 715-372-4866
TELEFAX 715-372-4836

FILE COPY

July 28, 1994

MR BILL THOMAS
24 NIMIKON ST
GILE WI 54550

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Re: Petroleum Contamination at the Former Thomas Service Station, STH 77, Montreal, Wisconsin

Dear Mr. Thomas:

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.

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. The Department was notified on June 20, 1994 by an employee of Enviroscience of petroleum contamination discovered during the installation of soil borings in Department of Transportation right-of-way along STH 77. The notification indicated that a soil sample collected near the former pump island contained 100 mg/Kg Diesel Range Organics. The notification also indicated that two 1,000 gallon underground storage tanks remain at the 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.

Wisconsin Administrative Code chs. 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 ch. NR 140 establishes groundwater standards.

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 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.



The Department is, therefore, requesting that by August 28, 1994, you contact the person identified below in writing 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 or discharge.
2. Show proof by September 28, 1994 that you have retained a qualified environmental consultant, acceptable to the Department, to conduct the necessary investigation and/or remediation. However, for sites that are eligible for reimbursement from the Petroleum Environmental Cleanup Fund (PECFA), consultants must be hired based on a comparison of three proposals, and the consulting firm must provide only consulting services. Consultants and consulting firms must be registered with the Department of Industry, Labor and Human Relations (DILHR).
3. Determine and document the degree and extent of soil and groundwater contamination.
4. Recommend remedial options and discuss their 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 investigating 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 the PECFA program, administered by DILHR. Please contact them at 608/267-3753 for a list of registered consultants, or further information or an application package. A fact sheet regarding the PECFA program is attached to this letter.

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 715/372-4866.

Sincerely,



Christopher A. Saari
Hydrogeologist

Attach.

cc: Tom Kendzierski - DNR Spooner

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