

04-71-401942

24-Hour Emergency Hotline Number: 1-800-943-0003

Date & Military Time Of Incident: 09/05/2000		Date & Military Time Reported: 09/05/2000		Spill File #	
Person Reporting:			Representing:		Phone # () Fax # ()
Responsible Party (RP) / Spiller: Dennis Barth Auto Shop - Dennis Barth			RP Decision Based On:		Phone # () Fax # ()
RP Address: 87 Racine St			City Menasha		State WI
RP Contact Name & Title: Dennis Barth			Phone # () Fax # ()		Zip Code
Substance Involved: Battery Acid		Amount & Units Released: 1 batteris worth		Amount & Units Recovered: small amount	
<input type="checkbox"/> Solid <input type="checkbox"/> Semisolid <input checked="" type="checkbox"/> Liquid		<input type="checkbox"/> Gas Color:		Odor:	
Exact Location Of Incident: (including street name, bldg. #, mileage, etc.) 87 Racine Street, End of driveway in apron to street				Facility Name / Property Owner: Dennis Barth	
<input checked="" type="checkbox"/> City <input type="checkbox"/> Village <input type="checkbox"/> Township Menasha		County Winnebago		Latitude/Longitude	
DNR Region: NER		1/4 1/4 Sec T N R <input type="checkbox"/> E <input type="checkbox"/> W		Weather Conditions:	
Cause Of Incident: intentional dumping of battery acid					
Spilled Substance Impact To: (check X all that apply) <input type="checkbox"/> Air <input type="checkbox"/> Potential <input checked="" type="checkbox"/> Concrete/Asphalt <input type="checkbox"/> Potential <input type="checkbox"/> Contained/Recovered <input type="checkbox"/> Groundwater <input type="checkbox"/> Potential <input type="checkbox"/> Private Well <input type="checkbox"/> Potential <input type="checkbox"/> Sanitary Sewer <input type="checkbox"/> Potential <input type="checkbox"/> Soil <input type="checkbox"/> Potential <input checked="" type="checkbox"/> Storm Sewer <input type="checkbox"/> Potential <input type="checkbox"/> Surface Water <input type="checkbox"/> Potential Name: <input type="checkbox"/> Other:		Spill Cause/Site: <input type="checkbox"/> Ag Coop/Food Factory <input type="checkbox"/> Airport Facility <input type="checkbox"/> Railroad Facility <input type="checkbox"/> Construction, Excavation, Wrecking, Quarry, Mine <input checked="" type="checkbox"/> Gas/Service Station/Garage/Auto Dealer/Repair Shop <input type="checkbox"/> Hydraulic Line Break <input type="checkbox"/> Industrial Facility <input type="checkbox"/> Paper Mill <input type="checkbox"/> Chemical Co. <input type="checkbox"/> Pipeline/Terminal/Tank Farm/Oil Jobber/Wholesaler <input type="checkbox"/> Private Property (home/farm) <input type="checkbox"/> Public Property (city, state, church, school, etc.) <input type="checkbox"/> Transportation Accident, Fuel Tank Spill <input type="checkbox"/> Transportation Accident, Load Spill <input type="checkbox"/> Utility Co. Power Generating/Transfer Facility <input type="checkbox"/> Other:		Action Taken By Spiller: <input checked="" type="checkbox"/> Cleanup Method: <input checked="" type="checkbox"/> Absorbent <input type="checkbox"/> Excavation <input type="checkbox"/> Containment <input checked="" type="checkbox"/> Contractor Hired Name: FD <input type="checkbox"/> Monitor <input type="checkbox"/> No Action Needed <input type="checkbox"/> No Action Taken <input checked="" type="checkbox"/> Waste Destination: Badger Highways <input type="checkbox"/> Other:	
Injuries? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes how many?		Has An Evacuation Occurred? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Potential? <input type="checkbox"/> Yes <input type="checkbox"/> No			
Are There Any Resource Damages? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Potential What Kind?					
Other Agencies Notified: (check first column, if notified; check both columns, if on the scene) <input type="checkbox"/> Fire Department <input checked="" type="checkbox"/> Local DNR <input type="checkbox"/> EPA <input checked="" type="checkbox"/> Local Law Enforcement <input type="checkbox"/> Div. Emerg. Mgt. <input type="checkbox"/> Nat'l Resp Ctr 800-442-8802 <input type="checkbox"/> LEPC or Local Emer. Mgt. <input type="checkbox"/> Coast Guard <input type="checkbox"/> Chemtrec 800-424-9300 <input type="checkbox"/> Level A/Level B Team <input type="checkbox"/> DHFS 608-258-0099 <input type="checkbox"/> Other:					Incident Commander: Phone # ()
Prepared By: RN Chronert		Phone # 920-492-5592		Date:	
Person Notified:		Phone #		Date:	
Investigated By:		Sign:		Date:	
Spill Coordinator Signoff: 1526-02		Transferred To: ERP <input type="checkbox"/> DATCP <input type="checkbox"/> Date: Case# No		Incident Closed? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Date: 10-12-2000	
				NFA Letter Sent? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Spill Packet Sent? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No To:	

State of Wisconsin Substance Release Report (Cont'd)
Form 4401-91 Rev 12-01

Date and Military Time Of Incident:

Responsible Party:

Additional Comments :

Case Activity Report: ☐ Yes ☐ No CAR#:

(Please, attach copy of all CAR and other documentation)

Enforcement Action: ☐ Yes ☐ No (Explain Below)

missing spill form -
Rnk 4-25-01

Chronert, Roxanne L

From: Jarozewski, Amie J
Sent: Thursday, October 12, 2000 12:05 PM
To: Chronert, Roxanne L
Subject: RE: Dennis Barth Release on 9-5-00

Winn Co

I think I did a spill report on this or someone else when it was called in. yes, I made contact with Barth a week or so later when I asked him about removing soil/pavement from the corner of the lot--he took it to Badger Highways. I saw the receipt for that. That's all I had contact with him.

Amie J. Jarozewski

Conservation Warden
(920)832-2745

From: Chronert, Roxanne L
Sent: Monday, October 09, 2000 2:27 PM
To: Jarozewski, Amie J
Subject: Dennis Barth Release on 9-5-00

A police report landed on my desk the other day. It looks like it has been routed from Misterek to Pelczar to Lauridsen, etc. and finally to me.

An officer Amy Cook responded to a battery acid & fuel oil spill on 9-5-00. Apparently she also spoke to you regarding the incident. Superior responded to the incident and cleaned up the acid & fuel oil. Did you complete a spill form on this incident? Have you had any contact with Mr. Barth? If you have not had any contact with him I will complete a spill form and request a copy of the Superior NFA Report.

BRR Tracking System - Activity Action Report

Activity: 03-71-001607 BARTH PROPERTY

Activity Type: LUST

Start Date: 09/01/1993

End Date: OPEN

VPLE: ☐

Gen Prop: ☐

Co-Contamination: ☐

Transferred DCom: ☐

Pecfa Eligible: ☒

Tracked by DCom: ☒

Pecfa 80k: ☐

Pecfa 80k Failure: ☐

Location: BARTH PROPERTY

87 RACINE ST

MENASHA

Code	Action Name	Action Date
1	Notification	09/01/1993
2	RP Letter Sent	09/28/1993
HIRE CONSULTANT		
3	Notice of Noncompliance (NON)	04/09/1994
BANKRUPTCY		
70	Emergency Response Start	09/01/1994
36	Site Investigation Workplan Approved	11/23/1994
35	Site Investigation Workplan Received (w/out Fee)	11/23/1994
3	Notice of Noncompliance (NON)/2	06/04/1998
58	Enforcement Start	08/27/1998
8	Significant Violator	09/30/1998
14	Notice of Violation (NOV)	10/19/1998
14	Notice of Violation (NOV)/2	12/04/1998
4	Enforcement Conference	12/16/1998
18	Administrative Order	10/06/1999
23	Referral to DOJ	12/20/1999

OFFICER AMY COOK 09/05/00

On Tuesday, 09/05/00, I was dispatched to the area of Racine/First Street, where TIM JACOBSON from City of Menasha reported that he observed

BARTH, DENNIS, C.

M/W

DOB: 10/16/44

dumping battery acid.

Upon my arrival to DENNIS BARTH'S AUTO SHOP at 87 Racine Street, I did speak with DENNIS regarding the possibility of him or another employee dumping battery acid into the drainage system. DENNIS immediately said he was the one, that he dumped the battery acid and that it wasn't into the drainage system, that he was simply using it to clean up an oil spill.

DENNIS walked me over to the apron of his driveway on the Racine Street side of his building and showed me the area in which he poured the battery acid. It should be noted that I did observe a Die-Hard Battery sitting near the location where the cement was obviously wet with battery acid. DENNIS did not feel that there was anything wrong with pouring the battery acid onto the concrete in that area, as he explained that he was using it for the purpose of cleaning spilled oil and that he was not illegally dumping anything. DENNIS also stated that there was nothing wrong with doing that, because he watered down the battery acid and that there was no way it was going to harm anyone or get into the water system.

I observed a rather large area of the cement apron that was wet from the battery acid and due to the slope of the apron, it did run down to the Racine Street border and south down Racine Street towards the drainage system. There was a rather large puddle on the side of the road, which could have been mixed substances, including water, oil, and battery acid.

The FIRE DEPARTMENT was dispatched to clean up the mess and they did respond and put down Oil-Dry, but due to the toxic nature of this substance, they are unable to pick up and dispose of the Oil-Dry, once it has saturated the battery acid and oil mixture.

The FIRE DEPARTMENT had to notify the Hazardous Waste Company to have them come to the site to dispose of the Oil-Dry and acid mixture. While on scene, the fire fighters noticed a rather large amount of oil in the parking lot adjacent to DENNIS BARTH'S property, directly to the south of his property, and in questioning DENNIS about the oil, he stated that he did not know where it came from. It was such a large quantity that the FIRE DEPARTMENT also had to start a case of their own regarding that spill and clean that up.

Four pictures were taken on Squad 21's camera, Film #990-593 of the oil spill directly south of DENNIS BARTH'S property and those pictures should be given to the FIRE DEPARTMENT for their report. Four pictures were also taken for this case number on the same roll of film, which showed the area, in which DENNIS poured the battery acid and the battery that DENNIS poured the acid out of.

I was advised by LT. BONNEVILLE to contact the DNR tomorrow to attempt to find a more severe charge against him for this illegal dumping. The only City Ordinance that was located was under Ordinance #8-1-5, Deposit of Deleterious Substances is Prohibited. LT. BONNEVILLE stated that we should talk with the DNR and they could advise us of the appropriate charge to use against DENNIS.

DENNIS was advised that he will be charged with the illegal dumping and he will be likely charged for the cost of having the Hazardous Materials Company come to clean up the mess.

Follow-up will consist of my contacting the DNR tomorrow and issuing appropriate charges to DENNIS BARTH.

sb

OFFICER AMY COOK - 9/6/00

On 9/6/00, I made a phone call to the Dept. of Natural Resources and spoke with the Warden AIME JAROZEWSKI and explained the situation that occurred at DENNIS BARTH'S shop last night. AIME advised me that even with a ground water pollution fine, the fine would only be \$404, so she advised me to go with my city ordinance under ord. 8-1-5 deposit of deleterious substances prohibited which carries a \$458.00 fine. I did issue a city summons #29723 with a court date of 9/21/00 at 9:30am to DENNIS BARTH for Ord. 8-1-5. I went to his business at 87 Racine St. and received no answer there.

I then went to his home at 420 Racine St. and DENNIS was not at home. I was able to leave a copy of the summons with his adult daughter, TINA C. BARTH, DOB:11/04/76.

The Warden asked whether or not the substance could have made it into a drain and I went back to that location and observed a storm sewer drain on Racine St. at Broad St. with a definite trail leading from 87 Racine St. all the way down to that drain. It can be noted that it is quite possible that the battery acid and or other substances coming from the apron driveway to DENNIS BARTH'S shop did run all the way down the street into the sewer drainage system. I spoke with the warden about doing a site inspection on this location for other soil contamination or pollution violations. She advised they would be doing a site inspection and she would be needing a copy of this report for that purpose.

When I delivered the summons to 420 Racine St. DENNIS BARTH'S daughter, TINA, spoke with me, briefly, about the business that DENNIS runs. I was asking if there was any sort of name for this business. She said, not really, he is still going to court about some issues, including issues with the DNR. I don't know what the DNR has been involved with regarding DENNIS BARTH in the past, but it appears as though there has already been some history with DENNIS and the DNR.

DENNIS was advised, yesterday, that he would be receiving either a summons or that the arrest would be referred to court on the incident that occurred last night and that he would be held responsible for the bill from Superior Specialty Services out of Fond Du Lac, who is the Haz Mat team that had to come and clean up the mess at his shop last night.

TINA was advised that if DENNIS had any questions, he could give me a call.

Probable cause does exist that DENNIS BARTH did violate Ord. 8-1-5 deposit of deleterious substances prohibited when he dumped battery acid on a public sidewalk and street Sept. 5, 2000, in the City of Menasha, Winnebago County, State of Wisconsin. The ordinance reads no person shall deposit or cause to be deposited in any public street or on any public ground or on any private property not his own any refuse, garbage, litter, waste material or liquid or any other objectionable material or liquid when any such material is placed on the person's own private property, it shall be properly enclosed and covered as to prevent the same from becoming a public nuisance.

DENNIS did pour an objectionable liquid being battery acid onto the driveway apron of his shop at 87 Racine St. to supposedly clean up an oil spill, all of which ran down Racine St. and into the storm sewer drain.

A copy of this report was sent to the DNR WARDEN by OFFICER COOK.

Report cleared by arrest.

mll