



8-7-91 2

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny
Secretary

1125 N. Military Avenue
P.O. Box 10448
Green Bay, WI 54307-0448
TELEFAX 414-492-5913

CERTIFIED MAIL/RETURN RECEIPT REQUESTED

August 7, 1991

COPY

Mr. Ken Jacomet
Highway 141
Middle Inlet, WI 54114

Subject: Leaking Underground Storage Tank Systems
WDOT - Jacomet Property, Highway 141,
Middle Inlet
LUST Case #38-00931

Dear Mr. Jacomet:

The Wisconsin Department of Natural Resources (WDNR) was notified on August 7, 1991, that petroleum contamination was discovered on April 24, 1991, at the above-referenced location. Based on the site-specific information provided, this case has been assigned to the HIGH PRIORITY rank group. The purpose of this letter is to inform you of your legal responsibilities to address this situation.

Releases from underground storage tanks regulated under Subtitle I of the Resource Conservation and Recovery Act require compliance with the provisions of 40 CFR, Parts 280 and 281. The Environmental Protection Agency (EPA) has the authority to take enforcement action at any time, but will generally not take actions against parties cooperating with the state. The WDNR proceeds in LUST cases under the authority of s. 144.76, Wisconsin Statutes, commonly referred to as Wisconsin's Hazardous Substance Spill Law. The definition of "hazardous substance" as found in s. 144.01(4m), Stats., includes petroleum products.

Wisconsin Statute 144.76(2a) states: "A person who possesses or controls a hazardous substance or who causes the discharge of a hazardous substance shall notify the Department immediately of any discharge not exempt under sub. (9)."

Wisconsin Statute 144.76(3) states: "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."

Because you possess or control a hazardous substance that has been released to the environment, the Department identifies you as the party responsible for taking the actions necessary to restore the environment. The conditions present at this site pose a potential threat to human health and/or the environment. You are required to immediately identify any risks or explosive vapors and/or well contamination. You are required to conduct an investigation to determine the extent of contamination, the potential for groundwater impacts, and the remedial action(s) necessary to clean up contaminated soil and groundwater. You must dispose of or treat all products, soils, wastewater, or sludges in compliance with all applicable federal, state, and local laws and regulations. All groundwater remediation projects which discharge to surface or groundwater (including all discharges to storm sewers) must be covered by a WPDES Discharge Permit. The only discharges not requiring a permit are those to a sanitary sewer; however, in those cases, the treatment facility receiving the discharge and the owner of the sewer system must be contacted for approval. An application must be submitted as early as possible to allow time for needed monitoring or additional data collection prior to discharge. The permit will contain discharge limits for pollutants of concern, along with sampling frequency and test methods.

Before any contaminated soil can be treated or disposed, the enclosed form (4400-120 or 4400-149, "Application to Treat or Dispose of Petroleum Contaminated Soil") must be completed and approved by the DNR; however, prior approval by the DNR is not necessary if soil is to be buried at a landfill. Until the contaminated soils can be treated or disposed of, they should be stored on an impermeable surface, bermed to prevent runoff and runoff, and covered with an impermeable cover material such as plastic.

The Department requests that, within 30 days, your consultant submit a work plan to conduct a remedial investigation. However, you will be required to get prior approval from your WDNR project manager, whose name is listed at the end of this letter, before implementing a remediation program.

You are encouraged to contact the Department of Industry, Labor & Human Relations (DILHR), the state agency that administers the Petroleum Environmental Cleanup Fund (PECFA). This fund may reimburse you for eligible costs associated with the remedial investigation and cleanup. DILHR should be contacted at (608) 267-4545 to obtain current information regarding the PECFA program.

Your cooperation in this matter will be appreciated. Please be aware that your ability to use PECFA funds is dependant on your

cooperation in adequately addressing this problem. Failure to comply with these requirements could subject you to further enforcement action.

CORRESPONDENCE AND REPORTS SHOULD BE DIRECTED TO YOUR WDNR PROJECT MANAGER AT THE FOLLOWING ADDRESS:

Matt Hostak, DNR, Industrial Parkway, Box 16,
Marinette, WI 54143

Sincerely,

Janis DeBrock

Janis DeBrock, Program Assistant
Leaking Underground Storage Tank Unit

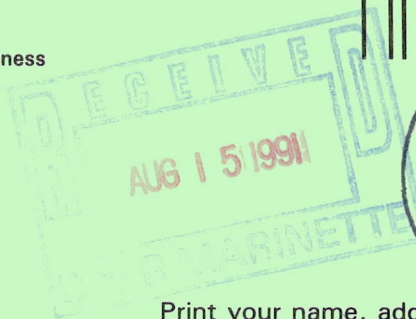
Enc: Well/Drill Hole/Borehole Abandonment (3300-5B)
Groundwater Monitoring Well Information Form (4400-89)
Monitoring Well Construction/Development (4400-113 A&B)
Applic. to Treat/Dispose of Petroleum Contaminated Soil
Soil Boring Log Information (4400-122)
Remedial Investigation Checklist

cc: Julie White, RMT, 744 Heartland Trail, PO Box 8923,
Madison, WI 53708-8923
Paul Cedergren, DILHR, 2331 San Luis Place, Green Bay,
WI 54304
Gerald Schrader, Wisconsin Dept. of Transportation,
944 Vanderperren Way, Green Bay, WI 54304

Dick Sabourin - DOT, District 3, Design

United States Postal Service

Official Business



PENALTY FOR PRIVATE
USE, \$300

Print your name, address and ZIP Code here

M. Hostak

DEPARTMENT OF NATURAL RESOURCES
LAKE MICHIGAN DISTRICT HEADQUARTERS
1125 NORTH MILITARY AVENUE
P. O. BOX 10448
GREEN BAY, WI 54307-0448

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece next to the article number.

I also wish to receive the following services (for an extra fee):

1. Addressee's Address
2. Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

Mr. Ken Jacomet
 Hwy 141
 Middle Inlet, WI 54114
 Re: WDOT-Jacomet Property
 LUST #38-00931

4a. Article Number

P 699 573 118

4b. Service Type

- | | |
|---|---|
| <input type="checkbox"/> Registered | <input type="checkbox"/> Insured |
| <input checked="" type="checkbox"/> Certified | <input type="checkbox"/> COD |
| <input type="checkbox"/> Express Mail | <input type="checkbox"/> Return Receipt for Merchandise |

7. Date of Delivery

8-13-91

5. Signature (Addressee)



8. Addressee's Address (Only if requested and fee is paid)

6. Signature (Agent)

P 699 573 118



Certified Mail Receipt

No Insurance Coverage Provided

Do not use for International Mail

(See Reverse) *M. Hostak*

Sent to

Mr. Ken Jacomet

Street & No.

Hwy 141

P.O., State & ZIP Code

Middle Inlet, WI 54114

Postage

\$

Certified Fee

Special Delivery Fee

Restricted Delivery Fee

Return Receipt Showing to Whom & Date Delivered

9 1991

Return Receipt Showing to Whom, Date, & Address of Delivery

TOTAL Postage & Fees

\$

Postmark or Date

Re: WDOT-Jacomet Property
LUST #38-00931

PS Form 3800, June 1990