



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

George E. Meyer
Secretary

Southeast District
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January 17, 1995

FID Number: 265003640
ERR/LUST

02-65-252601

Mr. Jim Gavin
Interlaken Resort
W4240 State Highway 50
Lake Geneva, WI 53147

SUBJECT: Gasoline Spill / Interlaken Resort W4240 State Highway 50, Lake Geneva

Dear Mr. Gavin:

The Wisconsin Department of Natural Resources (WDNR) has been notified that a release of gasoline to the environment has occurred at the above referenced location. The purpose of this letter is to inform you of your legal responsibilities to address this situation.

The WDNR proceeds in contamination 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), Wisconsin Statutes, includes any discharged solid, semisolid, liquid or gaseous substance that can cause harm to the environment or human health.

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 this state."

Because you possess or control a hazardous substance (that) has been released to the environment and are the legal owner of the property where the release occurred, the WDNR identifies you as the party responsible for taking the actions necessary to restore the environment. You are required to:

1. Immediately identify any risks of explosive vapors, free product and/or well contamination, notify the WDNR of those risks and undertake measures to remedy any emergency conditions.

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2. 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.
3. Develop and carry out a remedial action plan for the site in accordance with state laws, regulations and guidance.
4. Treat or dispose of all remediation residuals (products, soils, air emissions, wastewater or sludges) in compliance with all applicable federal, state and local laws and regulations.

Due to the WDNR workload, it is necessary to rank all contamination cases for review priority. The highest priority sites have assigned WDNR project managers who are actively reviewing and approving investigation and remediation plans. Lower priority cases do not always have assigned WDNR project managers, however, responsible parties are required to proceed with investigation and clean-up efforts. Based on the information currently known about this site, the WDNR has assigned it a lower priority status. Although your case will not likely receive direct WDNR oversight, you should proceed to submit all plans and reports, as well as quarterly status updates, to this office. The WDNR will notify you if active oversight is to be given to your site.

The WDNR suggests that you have a qualified environmental engineer or hydrogeologist direct the remedial investigation, assess the environmental impact and coordinate the implementation of a clean-up program.

Within 30 days of receiving this letter, you should provide the WDNR with the following information:

1. The name of the individual/firm who will be directing the remedial actions at this site.
2. The date the remedial investigation will begin (or the date the next work phase will begin, if applicable).
3. Any existing investigation or remediation documentation that you have not already submitted to the WDNR.

Please be advised that, if you fail to respond within the time period stated above, or if you fail to take appropriate action, the WDNR has the authority to proceed with any of the following actions:

1. The WDNR may pursue further enforcement actions to require the appropriate remedial response to comply with s. 144.76, Wis. Stats. Violation of s. 144.76, Wis. Stats. may ultimately result in forfeitures of up to \$5,000 per day of violation.

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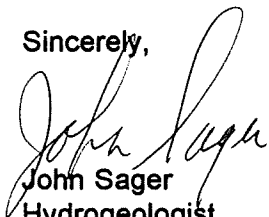
2. The WDNR has the authority, under s.144.76(7), Wis. Stats., to take actions necessary to remediate the site and to seek reimbursement for all actual and necessary expenditures from responsible parties.

You should send the information requested in this letter and future submittals to:

Mr. John Sager
c/o ERRP/ERP
Wisconsin Department of Natural Resources
P.O. Box 12436
Milwaukee, Wisconsin 53212

Your cooperation in this matter will be appreciated. If you have any questions about this letter, please contact me at (414) 961-2747.

Sincerely,



John Sager
Hydrogeologist
Environmental Repair Program

cc: SED File

ACTIVITY REPORT

TRANSMISSION OK

TX/RX NO.	7692
CONNECTION TEL	914142455016
CONNECTION ID	INTERLAKEN
START TIME	01/17 14:51
USAGE TIME	04'57
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