

George E. Meyer
Secretary

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Lake Michigan District Headquarters
Solid & Hazardous Waste Program
1125 N. Military Avenue, PO Box 10448
Green Bay, WI 54307-0448
TELEPHONE: (414)492-5916
TELEFAX: (414)492-5859

CERTIFIED MAIL/RETURN RECEIPT REQUESTED

February 8, 1993

Mr. Dick Schwan
PO Box 69
Hortonville, WI 54944

COPY

RE: Petroleum Contamination from Underground Storage Tank System
Schwan Oil Co. - Bulk Plant, Alley #2 & Lincoln St, Hortonville
WDNR LUST ID #45-01398

Dear Mr. Schwan:

The Wisconsin Department of Natural Resources (WDNR) was notified on January 29, 1993, that petroleum contamination was discovered at the above-referenced location. Based on the site-specific information provided, this case has been assigned to the MEDIUM 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 action 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. You are required to:

1. Immediately notify your WDNR project manager, should emergency conditions involving explosive vapors and/or well contamination develop.
2. Conduct an investigation to determine the extent of soil and groundwater contamination.
3. Remediate all of the environmental impacts caused by this situation.
4. Properly dispose of all petroleum contaminants.

The Department suggests that you have a qualified environmental engineer or hydrogeologist direct the remedial investigation, assess the environmental impact, and coordinate the implementation of a cleanup program (a list of consultants is enclosed for your information). By April 10, 1993, your consultant should submit a work plan to conduct a site investigation. If groundwater contamination is suspected at the site, all wells within 1200 feet should be identified on a site map and those closest to the site should be sampled.

Final documentation of the investigation and cleanup should be prepared according to WDNR guidance and sent to your WDNR project manager on completion of the project. Remedial actions must adequately clean up contaminated soil and/or groundwater to current WDNR guidelines and/or standards. All product, soils, wastewater, and sludge must be disposed of 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, an "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.

Because the Department is experiencing a backlog of leaking underground storage tank cases of emergency status, and your case is not currently ranked as an emergency, your submittals will be reviewed as time permits. Investigation and cleanup should not, however, be delayed pending WDNR review. You must proceed to determine the extent of soil and groundwater contamination, and to remediate the site in accordance with state groundwater standards as specified in Chapter NR 140, Wisconsin Administrative Code.

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.

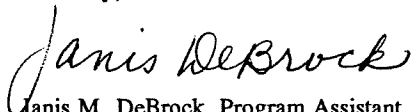
Failure to comply with these requirements could subject you to further enforcement action. Your cooperation in this matter will be appreciated.

DUE TO CURRENT WORKLOAD AND STAFFING LEVELS, A WDNR PROJECT MANAGER HAS NOT BEEN ASSIGNED TO THIS CASE; HOWEVER, CORRESPONDENCE AND REPORTS SHOULD BE SENT TO THE DEPARTMENT AT THE FOLLOWING ADDRESS:

Wisconsin Department of Natural Resources
Attn: Tom Verstegen
905 Bayshore Drive, Box 2565
Oshkosh, WI 54903

All correspondence and reports should be identified with the assigned WDNR LUST ID number. Unless otherwise requested, please send only one copy of all submittals.

Sincerely,



Janis M. DeBrock, Program Assistant
Leaking Underground Storage Tank Unit

Enc: Consultant List
Cleanup Methods for Petroleum Contaminated Soil & Groundwater

cc: Carl Frisque, DILHR, 2331 San Luis Place, Green Bay, WI 54304
Jeffrey LaViolette, Robert E. Lee & Associates, PO Box 2100, Green Bay, WI 54306-2100

P 884 374 174



Certified Mail Receipt

No Insurance Coverage Provided

Do not use for International Mail

(See Reverse) **Verstegen-Osh**

Sent to	
Mr. Dick Schwan	
Street & No. , , :	
P.O. Box 69	
P.O., State & ZIP Code	
Hortonville, WI 54944	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Address of Delivery	
TOTAL Postage & Fees	\$
Postmark or Date	
RE: LUST ID #45-01398 Schwan Oil Co.	

PS Form 3800, June 1990

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 below the article number.
- The Return Receipt Fee will provide you the signature of the person delivered to and the date of delivery.

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. Dick Schwan P.O. Box 69 Hortonville, WI 54944 RE: LUST ID #45-01398 Schwan Oil Co.	4a. Article Number P 884 374 174
	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
5. Signature (Addressee)	7. Date of Delivery 2-10-93
6. Signature (Agent) <i>Dick Schwan</i>	8. Addressee's Address (Only if requested and fee is paid)