



George E. Meyer
Secretary

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Southern District Headquarters
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April 19, 1994

File Ref: LUST
UST - Dane County

Mr Samuel Amato
3201 Kingston Drive
Madison WI 53713

**BRTS
Duplicate**

Subject: Amato Realty, 501 South Park Street, Madison

Dear Mr. Amato:

On April 15, 1994, Bill Kness reported the discovery of petroleum contamination while performing a site assessment at the above site. The extent of contamination will need to be determined.

The Spill Law authorizes the Department of Natural Resources to enforce clean-up of contaminated sites. Section 144.76 of the Wisconsin Statutes (Spill Law) requires that,

"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."

As the owner of the property where a petroleum release has occurred, Amato Realty is required to determine the horizontal and vertical extent of contamination and clean-up/properly dispose of the contaminants. The fire department must be notified immediately of any possible explosive vapors in buildings or utilities resulting from the release. Known or possible contaminated drinking water supplies must be identified.

Owners of federally-regulated tanks must comply with federal underground storage tank requirements (40 Code of Federal Regulations Parts 280 & 281). The federal Environmental Protection Agency (EPA) has the authority to enforce those requirements, but will generally not take action against parties cooperating with the state. You will be able to fulfill your responsibilities under federal law by working with a qualified environmental consultant who follows Department of Natural Resources' guidance and codes.

It is important that an investigation begins at your site as soon as possible. The longer contamination is left in the environment, the farther it can spread and the more difficult it becomes to cleanup. Remediation of petroleum contamination requires professional engineering and hydrogeologic experience.



Mr Samuel Amato - April 19, 1994

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Within 30 days, please submit verification that you have hired a consultant (such as a letter from the firm) and indicate the date the consultant will begin the investigation.

This site will be considered an on-going site. When you and your consultant feel that cleanup has occurred, you can request that the site be reviewed by the Closeout Committee. Following review by the DNR Closeout Committee, you will be notified in writing if the Department deems the site closed and no further work is required. Until you have a closure letter from the Department of Natural Resources, the site is considered active.

Financial assistance to owners of eligible underground storage tanks is offered through the state's Petroleum Storage Remedial Action Fund, commonly called PECFA. This fund is administered by the Wisconsin Department of Industry, Labor and Human Relations (DILHR). Please contact DILHR at (608) 267-3753 to determine your eligibility for this program or for more information.

You should also know that cleanup must be conducted according to the new PECFA regulations contained in chapter ILHR 47 in order for you to be eligible for PECFA reimbursement. You should confirm that your consultant knows and understands these regulations.

I am enclosing materials to aid you in your search for a consultant, and additional information about the LUST process.

If you have any questions, please call me at the number shown below.

Sincerely,



Marilyn Jahnke, Program Assistant
Emergency & Remedial Response Program
Telephone: (608) 275-3212

Enc.

cc: Mr. Bill Morrissey, DILHR, Bureau of Petroleum Inspection, Room 103,
201 East Washington Avenue, P.O. Box 7969, Madison, WI 53707
Bill Kness, Keil Environmental Engineering, 5620 S Woodland Dr,
Waunakee WI 53597