



State of Wisconsin

DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny  
Secretary

BOX 7921  
MADISON, WISCONSIN 53707  
4190

File Ref:

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mr. Donald Lentz  
Lentz Fertilizer, Inc.  
Route 2  
Menomonie, WI 54751

Dear Mr. Lentz:

You have failed to comply with the terms of Special Order #2A-84-1245, issued to you by the Department of Natural Resources. You have failed to comply with the following terms:

1. That you remove and properly dispose of the drain tile and contaminated soils as identified in the March 12, 1985 and November 7, 1985 reports of Twin City Testing and Soil Exploration Co.
2. That you install approved temporary filtering devices on all private water supplies as a temporary measure while a permanent replacement is found.
3. That you provide the Department with a plan of corrective action to restore the contaminated groundwater by November 19, 1985.

Pursuant to the provisions of Section 144.98, Stats., the Department is immediately referring the matter to the Office of the Attorney General for further legal action to insure the objectives of the state laws are achieved. Any questions regarding this referral should be directed to Mr. Charles Verhoeven, District Environmental Enforcement Specialist, 715/839-3752.

Sincerely,  
Division of Enforcement

Kathryn A. Curtner  
Assistant Administrator

Date \_\_\_\_\_

cc: C. Verhoeven  
J. Paddock  
R. Krill - WS/2  
T. Amman - SW/3  
R. Prosise - LC/5

## CORRESPONDENCE/MEMORANDUM

STATE OF WISCONSIN

Date: October 30, 1985

File Ref: 3300

To: File

From: James E. Boettcher

J.E.B.

Subject: October 29, 1985 Conversations Regarding Order Number 2A-84-1245

On the morning of October 29, 1985 I contacted John O'Brien, an attorney representing Federated Insurance Company in the Lentz Fertilizer, Inc. case.

I informed him that deadlines for two requirements contained in order number 2A-84-1245 would expire on October 30 and 31, 1985.

Those requirements are: By October 30 submit a report which indicates the degree of contamination and predicted direction of contaminant movement beneath Rusk; and by October 31 install activated carbon filtration systems on all water supplies in Rusk that are impacted by herbicide.

I informed Mr. O'Brien that I had a telephone conversation with Al Rechnagel of Soil Exploration Company late in the week of October 14 or early in the week of October 21 regarding the above deadlines. At that time, Mr. Rechnagel informed me that he expected to have a report to WDNR addressing the above items by Thursday, October 24 or Friday, October 25. That report was also to have contained a proposal for investigation of the feasibility of replacing contaminated water supplies with individual private wells.

Mr. O'Brien stated that he would contact Mike Hatampa at Federated Insurance to find out the status of those reports.

A short time later, Mr. O'Brien called me back and stated that Mr. Hatampa was not in but he had contacted Jerry Rick, Al Rechnagel's supervisor at Soil Exploration Company who would call me shortly.

When Jerry Rick called me, I informed him of the above conversations. He indicated that he had not seen the report cross his desk.

As Al Rechnagel's supervisor, he stated he would have received the document before it left SEC's office.

Mr. Rick stated that Mr. Rechnagel has an extremely heavy work load and would not be back to the office until October 31. Mr. Rick stated that he would assign another engineer to lead the project with Mr. Rechnagel remaining in an advisory capacity. Mr. Rick asked for a deadline extension until November 7, 1985.

I told Mr. Rick that I do not have the authority to grant an extension to a Department order but would discuss the matter with John Paddock and Charles Verhoeven. I told Mr. Rick that I would call him and John O'Brien and let them know the results of our discussion.

The consensus of the discussion between Paddock, Verhoeven, and myself was to have Mr. Verhoeven prepare a referral package and forward it through the Bureau of Legal Services to the Attorney General's office.

If continuing progress is made in complying with the order, an actual lawsuit may not have to be filed to satisfy the order. If satisfactory progress is not attained, no further time will be lost in gaining compliance through the courts.

Mr. Rick and Mr. O'Brien were called and informed of the decision. Both indicated a willingness to comply with the order and avoid any penalties.

cc: J. Paddock  
D. Swailes  
→ C. Verhoeven  
E. Imhof - WS/2

JBT107



State of Wisconsin  
West Central District Headquarters  
1300 West Clairemont Avenue  
Call Box 4001  
Eau Claire, WI 54702-4001

DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny  
Secretary

September 10, 1985

File Ref: 4190

Mr. John R. O'Brien  
Law Offices of Jardine, Logan and O'Brien  
1900 Conwed Tower  
444 Cedar Street  
St. Paul, Minnesota 55101

Re: Letters of September 5, 1985 (your File #13081) to Mr. Muza  
and myself

Dear Mr. O'Brien:

Thank you for keeping me up to date with your involvement in the Lentz Fertilizer Inc. matter. We have no objections to providing a copy of Jim Boettcher's list to Mr. Muza. There are two clarifications I would like to make in the conversation summary of your letter to Mr. Muza.

I would like to point out that the testing and exploring is being done only by Twin City Testing. The DNR ordered investigative work to be done by Lentz Fertilizer Inc. who in turn hired Twin City Testing. The DNR will approve or deny plans to correct the pesticide contamination problems at Rusk based on the results of the investigation, its experience in these matters, and adherence to state statute and Wis. Adm. Code.

I believe its important to note that the Lentz order contains a number of conditions to be met and specific dates, and all of these conditions are expected to be attained. An apparent lack of communication between Lentz Fertilizer Inc., Federated Insurance, Twin City Testing, and Soil Exploration resulted in some delays earlier this year. Modifications to the Lentz Order have been proposed that will provide additional time to complete further investigation. When these modifications are approved, the order will allow Lentz Fertilizer Inc. to explore the possibility of drilling individual wells to provide water for Rusk residents. The DNR was not satisfied that the order was being followed but we are hopeful that investigative work will now progress rapidly at Rusk.

Sincerely,

*Charles Verhoeven*

Charles Verhoeven  
Environmental Enforcement Specialist

CV:dd

cc: John Paddock

R. Muza, 541 Broadway, P.O. Box 408, Menomonie, WI 54751

CVT221

DONALD M. JARDINE  
JERRE F. LOGAN (1923-1983)  
JOHN R. O'BRIEN\*  
GRAHAM HEIKES  
GERALD M. LINNIHAN\*  
ALAN R. VANASEK  
JOHN M. KENNEDY, JR.\*  
EUGENE J. FLICK\*  
CHARLES E. GILLIN\*  
JAMES J. GALMAN\*  
PIERRE N. REGNIER  
MARK A. FONKEN\*  
GREGORY G. HEACOX

LAW OFFICES OF  
**JARDINE, LOGAN & O'BRIEN**  
1900 CONWED TOWER  
444 CEDAR STREET  
ST. PAUL, MINNESOTA 55101  
(612) 227-0601

September 5, 1985

CAROL A. HOOTEN  
GEORGE W. KUEHNER  
ARLEN R. LOGREN  
BRIAN N. JOHNSON  
THOMAS J. LINNIHAN  
MARY A. RICE\*  
JAMES A. JARDINE  
JOHN C. DUNLAP  
PATTI J. SKOGLUND  
SEAN E. HADE  
KIRK C. THOMPSON  
LAWRENCE M. ROCHEFORD\*  
TIMOTHY S. CROM  
BRETT W. OLANDER  
GREGG A. JOHNSON  
MARLENE S. GARVIS  
MARIE A. DARST\*  
WM. CHRISTOPHER PENWELL  
\*ADMITTED TO  
PRACTICE IN WISCONSIN

Robert F. Muza  
Attorney at Law  
541 Broadway  
P.O. Box 408  
Menomonie, WI 54751

Re: Our File: 13081  
City of Rusk v. Lentz Fertilizer, Inc.

Dear Mr. Muza:

Your letter of August 15, 1985 to Federated has been forwarded to me as I am assisting Federated in the handling of Lentz Fertilizer matters.

First of all, I would like to advise you that Federated and Lentz have been working with the following representatives of the Wisconsin DNR:

John F. Paddock - (715)839-3727  
James E. Boettcher - (715)836-2945  
Charles R. Verhoeven - (715)839-3752

In turn, the DNR representatives have been working with Twin City Testing Laboratories.

I had a fairly lengthy conversation yesterday, September 4th, with Mr. Verhoeven of the DNR and indicated to him the following:

1. I am advised that Federated has agreed to afford coverage (subject to the limits of insurance set forth in its policy) for the property damage claim now being asserted by the DNR which, in turn, seems to be seeking a solution to the problem. Again, the DNR and Twin City Testing are working towards a solution to remedy the "alleged water problem."
2. Mr. Verhoeven indicated that his group and Twin City Testing are seeking some solution. At this point, we primarily have the DNR and Twin City Testing doing tests and exploring different alternatives.

3. Mr. Verhoeven has indicated, as of yesterday, that at least at the present time, the DNR seems satisfied with what Twin City Testing is doing and again the two groups, Twin City Testing and the DNR, seem to work well together.
4. I have indicated to Mr. Verhoeven that my involvement at the present times includes the probable commencement of an action against the suppliers of the chemicals, seeking, of course, indemnification or other relief under the doctrine of strict liability, failure to warn, etc.
5. I have indicated to Mr. Verhoeven that I have another involvement in the matter that involves endeavoring on the part of Lentz and Federated to bring some other insurers into the picture. We have information that Lentz, in earlier years, was covered with one or two other insurance companies and our office is commencing an action to try to force these other insurers to participate in the potential solution to the problem.

I would like to have from you a list of the people that you represent and, of course, would also refer you to the three fellows from the DNR that are mentioned above.

Very truly yours,

JARDINE, LOGAN & O'BRIEN

John R. O'Brien

JRO/ky

RECEIVED

LAW OFFICES OF

JARDINE, LOGAN & O'BRIEN

1900 CONWED TOWER

444 CEDAR STREET DNR-WCD

ST. PAUL, MINNESOTA 55101

(612) 227-0601

September 5, 1985

DONALD M. JARDINE  
JERRE F. LOGAN (1923-1983)  
JOHN R. O'BRIEN\*  
GRAHAM HEIKES  
GERALD M. LINNIHAN\*  
ALAN R. VANASEK  
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GREGG A. JOHNSON  
MARLENE S. GARVIS  
MARIE A. DARST\*  
WM. CHRISTOPHER PENWELL  
\*ADMITTED TO  
PRACTICE IN WISCONSIN

Mr. Charles R. Verhoeven  
State of Wisconsin  
Department of Natural Resources  
1300 West Clairemont Ave.  
Call Box 4001  
Eau Claire, WI 54702

Re: Our File: 13081  
City of Rusk v. Lentz Fertilizer, Inc.

Dear Mr. Verhoeven:

As I mentioned to you yesterday, September 4, 1985, I have received a rather lengthy letter from some attorney in Stevens Point by the name of Hiram Anderson. I do not think I can at this time disclose the contents to you because he apparently has been hired by Lentz Fertilizer, and because he is an attorney, there possibly would be some privileged information. I am forwarding his letter to Federated and to Twin City Testing, and perhaps either of those groups will be in touch with you.

I am enclosing a letter dated August 15, 1985, from Attorney Muza and my letter in reply thereto. In my letter to Mr. Muza I think I have spelled out the present status of the matter and believe that I have fairly well spelled out the substance of the discussion you and I had yesterday.

As you can see from my letter to Mr. Muza, I am asking him to give me a list of the people he does represent and unless you have some reason for not doing so, I perhaps could give Mr. Muza a copy of the list that Mr. Boettcher sent me early in August.

I would appreciate your keeping in touch with me and with Mr. Hatanpa at Federated, and hope that you and Twin City Testing can continue to work together. Please keep me posted.

Very truly yours,

JARDINE, LOGAN & O'BRIEN

John R. O'Brien

JRO/ky  
Enc.

Date: August 20, 1985

File Ref: 4190

To: Kathy Curtner - ADM/5

From: James L. Lissack

*JLL/DKW*

Subject: Modification of Special Order #2A-84-1245 Issued to Lentz Fertilizer

The West Central District staff believe the proposed modifications outlined in the attached letter by Allen Rechnagel of Soil Exploration Company are necessary.

The modifications allow time for study of the contaminated plume and planning and testing for individual water supply systems.

Please route this package to the appropriate people for review and approval.

Attach.

cc: John Paddock

CVT207



# CORRESPONDENCE/MEMORANDUM

STATE OF WISCONSIN

Date: August 29, 1985

File Ref: 4190

To: Kathy Curtner - ADM/5

From: James L. Lissack

*JLL/DKW*

Subject: Modification of Special Order #2A-84-1245 Issued to Lentz Fertilizer

The West Central District staff also proposes that the activated carbon filtration units be installed in Rusk by October 10, 1985.

cc: J. Paddock

RECEIVED

AUG 16 1985

ENVELOPE



SOIL EXPLORATION  
company

662 CROMWELL AVENUE  
ST. PAUL, MN 55114  
PHONE 612/645-6446

August 13, 1985

a sister corporation to TWIN CITY TESTING AND ENGINEERING LABORATORY INC.

Wisconsin Department of Natural Resources  
West Central District  
1300 West Clairmont Avenue  
Eau Claire, Wisconsin 54701

Attn: Mr. Charles Verhoven  
District Enforcement Specialist

Subj: Administrative Order Amendment  
Special Order #2A-84-1245  
Lentz Fertilizer, Inc.  
Rusk, Wisconsin  
#120 86-596

OFFICERS:  
CHARLES W. BRITZIUS  
chairman of the board  
NORMAN E. HENNING  
president  
ROBERT F. WITTMAN  
executive vice president  
CLINTON R. EUE  
secretary/treasurer

HOME OFFICE:  
ST. PAUL, MN

OFFICES IN:  
MANKATO, MN  
ROCHESTER, MN  
WAITE PARK, MN

Dear Mr. Verhoven:

As discussed with you during our meeting of Wednesday, August 7, 1985, we respectively request time extensions and modifications to those established in the above referenced order and in our request for modification of December 31, 1985. Recent developments have rendered completion of the project as originally defined impossible within the previous layed-out time frame. Below we have outline the items and estimated time frame for completion of each remaining task for this project.

Item 1: Item 1 of the original "Administrative Order" requests evaluation of the extent, magnitude and direction of movement of the contaminant plume(s) in ground water beneath Rusk and degree of soil contamination in areas used or possibly used by Lentz Fertilizer, Inc. The results of the initial investigation was addressed in Soil Exploration Company (SEC) report #120-12681 dated March 12, 1985. Expansion of the investigative efforts aimed at definition of contaminant plume(s) and soil contamination was requested by the Wisconsin Department of Natural Resources (WDNR) in their letter of April 25, 1985. The WDNR has requested additional administrative items listed above. This work will include, drilling soil test borings, installing monitoring wells, field sampling, chemical analyses and report preparation. We estimate that about 60 days from the start of initial field activities will be required to complete this second phase of investigation. We anticipate mobilizing to the site to begin enactment of field activities on or about August 19, 1985.

Wisconsin Department of Natural Resources  
August 13, 1985  
Page Two  
#120 86-596

Therefore, we respectfully request that the original deadline be modified to be "completed on or prior to October 18, 1985".

Items 3 and 6: These items of the original order deal with, in part, excavation of contaminated soils. Logistics problems during initial site work resulted in all work not being completed. In addition, more extensive field investigation of potentially contaminated area has been requested by the WDNR, which will be addressed through the work discussed above. No specific date was specified in the original "Administrative Order". At this time, further excavation work can not be undertaken as crops have since been planted in most areas where excavation will be required. For this reason, we request that the portions of the administrative order be dealing with time frames for site excavation be modified to read, "This construction season or prior to December 1, 1985".

Item 6: The final requested modification of the "Administrative Order" deals with the portion of the order which refers to the "permanent replacement of contaminated water supplies and supplies threatened by contamination". The original feasibility study, submitted by Short-Elliott-Hendrickson, Inc. deals with an alternate supply consisting of a centralized system. Since the submittal of this plan impending public opposition has rendered a centralized system unattractive from a logistics standpoint, and potentially from ultimate settlement standpoint. For these reasons, we wish to explore the technical feasibility of supplying individual water supplies (wells) to Rusk residents. We feel that a feasibility study regarding the installation of individual water supply wells is warranted for the following reasons:

1. Preliminary data suggest that individual water supplies systems can be designed which will supply herbicide free water.
2. If individual systems are proven technically feasible, the overall time frame for completion of the necessary installation would be much lower than for design and construction of a central water supply system.
3. Very preliminary cost estimates indicate that the design and construction of individual system would be comparable to those associated with a central system.
4. Public acceptance of individual systems should be more easily gained than acceptance of a central system.

Wisconsin Department of Natural Resources  
August 13, 1985  
Page Three  
#120 86-596

Determining the feasibility of an individual water supply system will, in general, necessitate the following:

1. Hydrogeologic evaluation in regard to the continuity of a low hydraulic conductivity layer.
2. Design and installation of at least 1, and possibly 2, pilot study wells.
3. Pump testing of these wells and extensive chemical analyses of the ground water discharge.
4. Well design based on analytical data generated.

We anticipate beginning initial work on the field portions of the expanded feasibility study on or about August 19, 1985. Based on the general work scope outlined above, we anticipate that about 90 days will be required for final report submittal including well designs. We, therefore, respectfully request that the original "Administrative Order" be modified to read, "Completed by November, 19, 1985".

Currently, bottled water is being supplied to Rusk residents as an alternate potable drinking water supply. As we understand, some concern has been expressed regarding dermal exposure to herbicide contaminants, as well exposure through ingestion. To minimize dermal exposure during the above feasibility study, we are proposing to explore the feasibility of supplying activated carbon filtration units to the existing water supply systems of Rusk residents. We estimate that carbon filtration units, if technically feasible, could be installed at each Rusk residents within 30 days.

We appreciate your consideration of the "Administrative Order" modification and look forward to working with you on the solution to the Rusk situation. If you have any questions regarding the above information, or if we can be of further service, please contact us.

Very truly yours,

Soil Exploration Company



Allen R. Rechnagel  
Senior Consultant/Project Manager

ARR/jr

LAW OFFICES OF

# MUZA & MUZA

541 BROADWAY  
MENOMONIE, WISCONSIN 54751

ROBERT F. MUZA / STEPHEN F. MUZA  
Erik R. Loy  
POST OFFICE BOX 408  
TELEPHONE 715/235 5591

August 15, 1985

Mr. Mike Hatanpa  
Sr. Claims Supervisor  
Federated Insurance  
Pentagon Office Park  
4570 West 77th Street  
Minneapolis, Minnesota 55435

Re: Claim #: 44G-4058  
Insured: Lentz Fertilizer

Dear Mr. Hatanpa:

Please be advised that Muza & Muza Law Office has been retained by Richard Risler and a number of other home and business owners in the Rusk area to represent them in the above referenced claim.

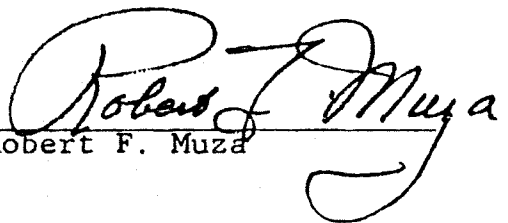
I would like to have the opportunity to discuss this matter with you. I ask that you please contact me within the next ten (10) days, if at all possible.

Awaiting your response, I remain,

Very sincerely yours,

MUZA & MUZA

By

  
Robert F. Muza

ERL:dma

To: Home Office Claims Dept.
CLAIM NO.
DATE
FROM: [illegible] AS A. O.

*Handwritten:* 11/2/85

*file*

## CORRESPONDENCE/MEMORANDUM

STATE OF WISCONSIN

**Date:** January 4, 1985**File Ref:**

4190

**To:** Kathy Curtner - ADM/5**From:** James L. Lissack**Subject:** Modification of Special Order #2A-84-1245 Issued to Lentz Fertilizer

The West Central District staff believes that the proposed modifications outlined in the attached letter by Allen Rechnagel of Soil Exploration Company are necessary.

These modifications were discussed with Mr. Rechnagel, an authorized consultant for Lentz Fertilizer and Federated Insurance Company, and provide a realistic time frame for completion of the order.

Please route this package to the appropriate people for review and approval.

CV:dd  
Attach.

CVT095



State of Wisconsin

DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny  
Secretary

BOX 7921  
MADISON, WISCONSIN 53707

January 7, 1985

File Ref: 4190  
CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mr. Donald Lentz  
Lentz Fertilizer, Inc.  
Route 2  
Menomonie, WI 54751

Re: Modification of Special Order #2A-84-1245  
Department of Natural Resources

Dear Mr. Lentz:

The request for modification of item 1, item 2, and item 6 of Special Order #2A-84-1245 issued to you has been granted. The amended items in the order should read as follows:

THE DEPARTMENT OF NATURAL RESOURCES, THEREFORE, ORDERS:

1. That Lentz Fertilizer, Inc. retain an experienced consultant to determine the outer limits of the plume of herbicide contamination, the direction in which it is moving, and the depth of contamination in the aquifer through the installation and monitoring of appropriate monitoring wells. The required monitoring wells should be installed within five days of the active date of this order. A report which indicates the degree of contamination and predicted direction of movement shall be submitted to the Department of Natural Resources by February 28, 1985. This report shall also indicate the extent or magnitude of soil contamination in the areas used by Lentz Fertilizer, Inc.
2. That Lentz Fertilizer, Inc. build suitable secondary containment around its herbicide and storage tanks in the Town of Red Cedar. These containment structures shall be lined with an impermeable barrier to prevent the downward movement of spilled product and shall have at least the capacity to contain completely the contents of the largest tank onsite. The containment structure shall be completed and operational by April 30, 1985, or prior to application periods, whichever is first.

6. That Lentz Fertilizer, Inc. shall retain an experienced consultant to develop and submit to the Department of Natural Resources for its approval, a plan for the cleanup and restoration of herbicide contaminated groundwater and soil in the community of Rusk, and for the permanent replacement of contaminated water supplies and all water supplies threatened by contamination. This plan shall be submitted to the Department by April 30, 1985 and work begun within 30 days after this Department notifies Lentz Fertilizer, Inc. of the plan's approval.

All other provisions of Special Order #2A-84-1245 will remain in effect as stated.

This modified order replaces all previous orders issued to Lentz Fertilizer, Inc.. If you have any questions regarding this letter, or the order, please call Charles Verhoeven, District Enforcement Specialist, at 715/836-2046.

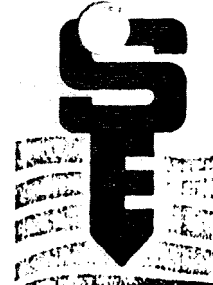
Sincerely,  
DIVISION OF ENFORCEMENT

Kathryn A. Curtner  
Assistant Administrator

\_\_\_\_\_  
Date

cc: Charles Verhoeven  
John Paddock  
Linda Wymore - LEG/5  
Allen Rechnagel, Soil Exploration Company, 662 Cromwell  
Avenue, St. Paul, MN 55114





**SOIL EXPLORATION**  
company

662 CROMWELL AVENUE  
ST. PAUL, MN 55114  
PHONE 612/645-6446

**RECEIVED**

JAN 1 1985

December 31, 1984

~~ST. PAUL - WISCONSIN~~ corporation to TWIN CITY TESTING AND ENGINEERING LABORATORY INC.

Wisconsin Department of Natural Resources  
West Central District  
1300 West Clairemont Avenue  
Eau Claire, Wisconsin 54701

Attn: Mr. Charles Verhoven  
District Enforcement Specialist

Subj: Administrative Order Amendment  
Special Order #2A-84-1245  
Lentz Fertilizer, Inc.  
Rusk, Wisconsin  
#120-12681

OFFICERS:  
CHARLES W. BRITZIUS  
chairman of the board  
NORMAN E. HENNING  
president  
ROBERT F. WITTMAN  
executive vice president  
CLINTON R. EUE  
secretary/treasurer

HOME OFFICE:  
ST. PAUL, MN

OFFICES IN:  
MANKATO, MN  
ROCHESTER, MN  
WAITE PARK, MN

Dear Mr. Verhoven,

As discussed with you during our meeting of December 28, 1984 we respectively request that amendments be made to some of the dates and deadlines established in the above referenced administrative order.

Item 1 of the above order refers to hydrogeologic evaluation of the site. This evaluation should entail evaluation of the direction of movement, lateral distance, thickness and predicted future movement of a contaminant plume potentially originating at the Lentz Facility. This evaluation shall also indicate the extent and degree of soil contamination in areas used or possibly used during the course of Lentz's operations. The original order dictates that the hydrogeologic evaluation be completed by January 30, 1985. We request that this deadline be extended to on or about February 28, 1985 for the following reasons.

- 1) Soil Exploration Company, authorized consultant for Lentz Fertilizer and Federated Insurance Company, did not receive the "order" until December 14, 1984, and, therefore, has had limited response time.
- 2) The upcoming field work for hydrogeologic evaluation will entail about a two week time frame for completion.
- 3) The evaluation will also entail extensive chemical analyses of soils and ground water which will require at least a four week turnaround time for completion.

Wisconsin Department of Natural Resources

December 31, 1984

Page Two

#120-12681

Item 2 of the administrative order refers to the construction of "suitable secondary containment around its herbicide and storage tanks which shall be completed and operational by April 1, 1985." We respectfully request that this deadline be extended to on about April 30, 1985 or prior to application periods. This request is made primarily due to technical difficulties and high costs associated with construction during snow cover and frozen soil conditions.

The final requested modification pertains to Item 6 of the order which refers to "a plan for the cleanup and restoration of herbicide contaminated ground water and soil in the community of Rusk, and for the permanent replacement of contaminated water supplies threatened by contamination". The order dictates that this plan be submitted by April 1, 1985. Design and preparation of the forthcoming plan will be based primarily upon information generated during the site hydrogeologic evaluation, which we anticipate will be completed as stated above. If completed on February 28, 1985, only about a 31 day time frame will remain for completion of a rather detailed design plan. Therefore, we respectfully request that the April 1, 1985 deadline for Item 6 be extended to on or about April 30, 1985. In addition, bottled water is currently being supplied to threatened Rusk residents. This has effectively removed the immediate health risk. Bottled water, or an approved alternate, will be made available until a permanent solution to the water supply problem is operational.

We appreciate your consideration of the above Administrative Order modification and look forward to working with you on the solution to the Rusk situation. If you have any questions regarding the above information, or if we can be of further service, please contact us.

Sincerely,

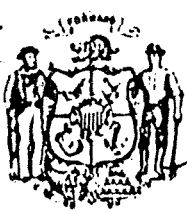
Soil Exploration Company



Allen R. Rechnagel,  
Senior Consultant/Project Manager

ARR/cr

- cc: 1 - Lentz Fertilizer, Inc.  
Attn: Mr. Don Lentz  
2 - Federated Insurance Company  
Attn: Mr. Steve Simonson



State of Wisconsin

DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny  
Secretary

BOX 7921

MADISON, WISCONSIN 53707

File Ref: 4190

November 29, 1984

RECEIVED  
DEC 3 1984  
DNR - WIS

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mr. Don Lentz  
Lentz Fertilizer, Inc.  
Route 2  
Menomonie, WI 54751

Re: Special Order No. 2A-84-1245, Department of Natural  
Resources


Dear Mr. Lentz:

The enclosed Order of the Department of Natural Resources includes an administrative finding that herbicide from your business operation caused the groundwater to become contaminated in the community of Rusk. Based on this finding, you are required by Section 144.76(7) (b), Wisconsin Statutes, to reimburse the Department for all costs which were incurred in identifying, locating, and monitoring contamination in that area and additional costs which will be incurred when the monitoring wells are abandoned. The Order requires you to replace private water supplies which have been contaminated with herbicides, and make corrections to ensure future safety.

If a public hearing on this Order is desired, a written request for a hearing must be submitted to the Secretary of the Department no later than 30 days after the date this Order is served.

If you have any questions regarding this matter, please call Charles Verhoeven, District Enforcement Specialist, at 715/836-2046.

Sincerely,  
DIVISION OF ENFORCEMENT

  
Kathryn A. Curtner  
Assistant Administrator

Date: November 29, 1984

Enc.

cc: Charles Verhoeven  
→ John Paddock - wcd

BEFORE THE  
DEPARTMENT OF NATURAL RESOURCES

In the Matter of Groundwater Contamination )  
Caused by Herbicide Spills on the Property )  
Owned by Lentz Fertilizer, Inc., in the )  
Community of Rusk, Town of Red Cedar, Dunn )  
County, Wisconsin )

SPECIAL ORDER #2A-84-1245

FINDINGS OF FACT

THE DEPARTMENT FINDS THAT:

1. Lentz Fertilizer, Inc., is a retailer and commercial applicator of fertilizers and herbicides. The company is located in the community of Rusk, in the NW 1/4 of the SW 1/4 of section 15, T28N, R12W. The company has several types of applicators, pumps, and tanks for storage and mixing of herbicides and fertilizers. Don Lentz, owner, president, and operator of Lentz Fertilizer, Inc., routinely handles herbicides and fertilizers as part of his day-to-day operation. The company mixes and spreads herbicides and fertilizers for agricultural use.

2. The unincorporated community of Rusk in the Town of Red Cedar has a population of approximately 75 persons. All water is supplied through private water systems. Soils in the area are predominantly sand, sandy loam, and some gravel. The water table in this area is generally 15-20 feet deep. The private wells in Rusk are shallow, generally 20-40 feet in depth. Both driven and drilled type wells are in use.

3. The coupling and uncoupling of hoses to transfer liquid fertilizers and herbicides from tank to tank have caused numerous small spills to occur on the Lentz Fertilizer, Inc., property. There is a lack of adequate containment facilities and impermeable barriers to prevent fertilizers, herbicides, and wash water from entering the soils and groundwater. Lentz Fertilizer, Inc.'s vehicles, used for the transport and spreading of fertilizers, are washed near the office buildings. A drain is installed into the soil near the south edge of the property for draining excess surface water runoff.

4. A sample taken from the well at Lentz Fertilizer, Inc., on May 29, 1984, as part of a statewide groundwater survey, detected several herbicides, including Alachlor (Lasso), Metolachlor (Dual), Butylate (Sudan-Plus), and Atrazine (Aatrix). State health advisory limits have been set for Alachlor, Metolachlor and Atrazine: Alachlor, 10.0 ug/l; Metolachlor, 2.5 ug/l; and Atrazine, 215.0 ug/l. The amounts of Alachlor and Metolachlor in the water taken from the Lentz Fertilizer well exceeded state health advisory limits. The results of this test prompted sampling of additional wells in the area. Twenty-eight wells in Rusk were tested between May 29, 1984 and October 12, 1984; 24 of these wells showed at least one herbicide at the time of testing. Twelve of these wells had Alachlor, Metolachlor, or both in amounts at or above health advisory limits.

5. The results of a water table survey conducted on October 11 and 12, 1984 by the Department of Natural Resources indicated the groundwater is moving from east to west through the community of Rusk, which means that the contaminated wells are downgradient of the Lentz Fertilizer, Inc., property.

6. Six wells outside the community of Rusk were also sampled. All of these wells were located not more than 1/2 mile from Rusk, and generally surrounded Rusk. There was no herbicide contamination detected in any of these wells.

7. The Department has determined that Lentz Fertilizer, Inc., is responsible for the groundwater contamination in the unincorporated community of Rusk in the Town of Red Cedar, and has rendered all of the private water supplies in Rusk unfit for human consumption because all of the wells are either contaminated with herbicides or threatened with imminent contamination.

#### CONCLUSIONS OF LAW

##### THE DEPARTMENT CONCLUDES THAT:

1. Alachlor, Metolachlor, Butylate and Atrazine, the herbicides which have contaminated the groundwater in the community of Rusk, Town of Red Cedar, Dunn County, are "hazardous substances" as that phrase is defined in section 144.01(4m), Wisconsin Statutes.

2. Lentz Fertilizer, Inc., had possession of, and control over, these herbicides before they were discharged and has responsibility under section 144.76(3), Wisconsin Statutes, to take the actions necessary to restore the environment to the extent possible, and to minimize the harmful effects from any discharge to the air, land, or waters of the state.

3. Section 144.76(7)(b), Wisconsin Statutes, requires the person who possessed or controlled the hazardous substance which is discharged, to reimburse the Department of Natural Resources for actual and necessary expenses incurred in carrying out its duties under section 144.76(7)(a), Wisconsin Statutes.

4. The Department of Natural Resources has the authority under section 144.76(7)(c), Wisconsin Statutes to issue emergency orders or special orders for the protection of public health, safety, or welfare.

5. Under section 144.265, Wisconsin Statutes, the Department of Natural Resources has the authority to order the owner or operator of a regulated activity to replace contaminated private water supplies which it has caused to become contaminated.

#### ORDER

##### THE DEPARTMENT OF NATURAL RESOURCES, THEREFORE, ORDERS:

✓ 1. That Lentz Fertilizer, Inc., retain an experienced consultant to determine the outer limits of the plume of herbicide contamination, the direction in which it is moving, and the depth of contamination in the aquifer

through the installation and monitoring of appropriate monitoring wells. The required monitoring wells should be installed within 5 days of the effective date of this order. A report which indicates the degree of contamination and the predicted direction of movement shall be submitted to the Department of Natural Resources by January 30, 1985. This report shall also indicate the extent and magnitude of soil contamination in the areas used by Lentz Fertilizer, Inc.

RULES  
10  
4305  
✓ 2. That Lentz Fertilizer, Inc., build suitable secondary containment around its herbicide and storage tanks in the Town of Red Cedar. These containment structures shall be lined with an impermeable barrier to prevent the downward movement of spilled product and shall have at least the capacity to contain completely the contents of the largest tank onsite. The containment structures shall be completed and operational by April 1, 1985.

3. That Lentz Fertilizer, Inc., remove the drain originating on the south edge of its property, and remove any herbicide-contaminated soils associated with that drain.

RULES  
10  
304  
✓ 4. That Lentz Fertilizer, Inc., install a catch basin to collect and contain rinse water from tank cleaning and equipment filling operations, by April 1, 1985. Any material collected in this basin shall be disposed of immediately in accordance with the instructions found on the label of the herbicide being handled.

✓ 5. That Lentz Fertilizer, Inc., shall dispose of all herbicide containers in the manner described on the container label.

6. That Lentz Fertilizer, Inc., shall retain an experienced consultant to develop and submit to the Department of Natural Resources for its approval, a plan for the cleanup and restoration of herbicide contaminated groundwater and soil in the community of Rusk and for the permanent replacement of contaminated water supplies and all water supplies threatened by contamination. This plan shall be submitted to this Department by April 1, 1985 and work begun within 30 days after this Department notifies Lentz Fertilizer, Inc., of the plan's approval.

AN  
27/24  
✓ 7. That Lentz Fertilizer, Inc. supply safe and adequate temporary alternative water supplies to all residents and businesses in the community of Rusk, Town of Red Cedar beginning no later than five days after the effective date of this order until a permanent water supply is in place. Residents and businesses to be supplied with water are listed on Exhibit A, attached hereto and made a part hereof.

✓ 8. The Department of Natural Resources retains jurisdiction to amend this order if such action is necessary for the protection of public health, safety, or welfare.

#### NOTICE OF APPEAL RIGHTS

This order shall be effective 30 days after it is served, unless Lentz Fertilizer, Inc., submits a petition for a hearing to the Secretary of the Department of Natural Resources within that 30-day period. If a hearing is

requested, this order shall not become effective until after the hearing is concluded and the hearing examiner has issued a decision affirming or modifying the order. This notice is provided pursuant to section 227.11(2), Wisconsin Statutes.

Dated at Madison, Wisconsin

November 29, 1984

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES  
For the Secretary

By

Kathryn A. Curtner

Kathryn A. Curtner, Assistant Administrator  
Division of Enforcement

4516J

EXHIBIT A

Lentz Fertilizer  
Rusk Implement  
Rusk Rural Gas Service  
Red Cedar Town Hall  
Arnold Hagen  
James Huber, Sr.  
Larry Selvig  
Carlton Grambo  
Risler Rental  
Ed Vehrs  
Rusk Rural Gas Service  
William Harvey  
Donald Wagner  
Louis Solberg  
George Shilts  
Opal Thibado  
Jerome Prochnow Rental  
Lester Fruit  
Herbert Kaliher  
Tom Burton  
Joe Stokes  
Elmer Koepnic  
Margaret Kent  
Robert Dodge  
Larry Hjelter  
Jerome Prochnow Farm

4516J





Wisconsin Dept. of Natural Resources  
West Central District  
1300 W. Clairemont Ave.  
Call Box 4001  
Eau Claire, WI 54702-4001

September 28, 1984

MENOMONIE -- A meeting on groundwater contamination in the community of Rusk, Dunn County, will be held on Tuesday, Oct. 2 at the Red Cedar Town Hall.

The session will be chaired by Town of Red Cedar Chairman Jerome Prochnow.

Department of Natural Resources representatives will discuss the dynamics of groundwater flows in the area, alternative water sources, and a well compensation program that is part of the state's new groundwater protection bill.

Potential health effects of the herbicide contamination found in water wells will be discussed by a representative of the State Department of Health and Social Services.

(More)

(Add One)

The Department of Natural Resources sent letters recently to owners of all wells in the community advising them to find other drinking water sources. Tests of wells in the community showed 85 percent of the wells contained some herbicides and that 37 percent of the wells contained at least one compound in concentrations above health standards established by the U.S. Environmental Protection Agency, Wisconsin Division of Health, and National Academy of Sciences.

Eric Imhof, Madison, a Department of Natural Resources environmental engineer, will discuss the state's private well victim compensation program. John Paddock, Eau Claire, chief of the agency's West Central District water quality section, will discuss groundwater contamination.

- 30 -

CONTACT:

John Paddock  
Chief, Water Quality Section  
Dept. of Natural Resources  
Call Box 4001  
Eau Claire, Wisconsin 54702-4001  
(715) 836-5163

David Weitz  
District Information Officer  
Dept. of Natural Resources  
Call Box 4001  
Eau Claire, Wisconsin 54702-4001  
(715) 836-2956



Wisconsin Dept. of Natural Resources  
West Central District  
1300 W. Claiborne Ave.  
Call Box 4001  
Eau Claire, WI 54602-4001

September 24, 1984

EAU CLAIRE -- Owners of 27 wells in the rural Dunn County unincorporated community of Rusk today are to receive notice from the Department of Natural Resources to discontinue drinking water from their wells because of herbicide contamination.

All wells in the community are affected by the notice. Rusk is located about two miles northeast of the City of Menomonie.

Residents are being advised to use bottled water or secure water from sources that are known to be safe. Additional information about health concerns will be available from the Dunn County Public Health Nurse.

The letter sent to residents and landowners says in part, "Due to the widespread occurrence of herbicide contamination in Rusk and the close proximity of individual wells to each other within ... Rusk, it is the recommendation of this Department, from the standpoint of health, that all residents of ... Rusk discontinue use of their wells as a source of water for drinking and cooking."

(More)

(Add One)

The groundwater contamination was first discovered as the result of routine Department of Natural Resources monitoring. An intensified monitoring effort has revealed that 85 percent of the wells in the community show some level of herbicide.

As the result of investigations into the source of the contamination, the Department of Natural Resources will issue an administrative order to Lentz Fertilizer Inc., Rusk, under state hazardous substance spill statutes (NR 144.76) alleging that the firm spilled hazardous substances and contaminated groundwater.

Under the hazardous substance spill law any firm or individual causing such pollution is responsible for investigation and cleanup efforts.

The law says in part, "A person who possesses or controls the discharge of a hazardous substance shall take the action necessary to restore the environment to the extent practicable and minimize the harmful effects from the discharge to the air, lands, or water of the state."

The DNR order will require Lentz Fertilizer Inc. to do the following:

- install containment measures to prevent future spills;

(More)

(Add Two)

- investigate and delineate the area that has been contaminated;
- submit to the Department of Natural Resources a remedial action plan to restore the contaminated area to its previous condition;
- provide a safe water supply for well owners and residents using affected wells in Rusk.

The herbicides discovered during the investigation, which has taken place during the past four months, are alachlor, metolachlor, atrazine, butylate, and cyanazine.

In addition, high nitrate levels were discovered in many of the wells.

Of the 27 wells affected, 20 are serving residences and four are serving businesses. The Red Cedar Town Hall well also is affected by the advisory.

The majority of the wells are driven points from 20 to 30 feet deep. The area has a high water table and sandy soils. Such water and soil conditions are typical of those often resulting in contamination of groundwater.

(More)

(Add Three)

In addition to sampling wells in Rusk, Department of Natural Resources specialists sampled wells serving six residences near the village. No herbicides were detected in any of the wells in the surrounding area.

The well monitoring that revealed the herbicide contamination in wells at Rusk is part of an ongoing Department of Natural Resources effort to determine where groundwater problems may exist. Samples taken for testing are analyzed at the State Laboratory of Hygiene to determine herbicide concentrations.

Chemicals found in Rusk, their trade names, and health limits established by the Environmental Protection Agency, Wisconsin Division of Health, and National Academy of Sciences are as follows:

<u>GENERIC NAME</u>	<u>TRADE NAME</u>	<u>HEALTH LIMIT</u>
Alachlor	Lasso	10 parts per billion
Metolachlor	Dual	25 parts per billion
Atrazine	Aatrex	215 parts per billion
Butylate	Sutan+	No limit established
Cyanazine	Bladex	60 parts per billion
Eptam	Eradicane	No limit established

(More)

(Add Four)

Under Wisconsin's recently enacted groundwater protection bill individuals whose wells are contaminated with herbicides can apply for compensation Jan. 1, 1985 but claims cannot be made based on any actual construction work or well drilling that has taken place before that date. After July 1, 1985 all claims for compensation made during the first six months of the year will be added and, if claims exceed state allocations, the claims will be paid on a prorated basis.

- 30 -

**CONTACT:**

John Paddock  
Chief, Water Quality Section  
Dept. of Natural Resources  
Call Box 4001  
Eau Claire, Wisconsin 54702-4001  
(715) 836-5163

David Weitz  
District Information Officer  
Dept. of Natural Resources  
Call Box 4001  
Eau Claire, Wisconsin 54702-4001  
(715) 836-2956

ok'd  
by Prochnow  
8.14 pm  
235-  
2362 9/27/84

MENOMONIE -- Health effects of herbicide concentrations found in water wells in the rural Town of Red Cedar community of Rusk will be discussed by a representative of the state Department of Health and Social Services during a ~~meet~~ meeting at 7:30 p.m. Oct. 2 at the Red Cedar Town Hall in Rusk.

The session will be chaired by Town of Red Cedar Chairman Jerome Prochnow.

Department of Natural Resources representatives will discuss the dynamics of groundwater flows in the area, alternative water sources and a well compensation program that is part of the state's new groundwater protection bill.

The Department of Natural Resources sent letters recently to owners of all wells in the community advising them to find other drinking water sources. Tests of wells in the community show ~~that~~ 85 per<sup>^</sup>cent of the wells contained some herbicides and that 37 percent of the wells contained ~~her~~ at least one compound in concentrations above health standards established by the Environmental Protection Agency, Wisconsin Division of Health and National Academy of Sciences.



Eric Imhoff, Madison, a Department of Natural Resources environmental engineer, will discuss the state's private well victim compensation program. John Paddock, Eau Claire, ~~will~~ chief of the agency's ~~west~~ West Central District water quality section, will discuss groundwater contamination.

CONTACT:

John Paddock

*JP*

David Weitz

*etc*

1 - interview  
of On Lutz

1-A - complaint  
report

2 - map of affected  
area

3 - Test results

1

This is a typewritten copy of a statement I took from Donald R. Lentz on 9/21/84.

I started this statement at 10:25 a.m. and completed it at 11:07 a.m. At 11:30 a.m. I asked the subject to sign the statement after I had read it back to him and he declined and refused to sign such a statement. Here then follows that statement:

Donald R. Lentz is 35 years old and has 4 years of vocational education. He provided the information to William G. Barton who is writing it down.

I, Donald R. Lentz, am owner of Lentz Fertilizer, Route 2, Menomonie and have owned this incorporated company for about 15 years or since 1971. I have about 17 employees at the peak of the season. I drive truck and am generally the only one on duty during the winter months with the exception of my bookkeeper. I do drive my own truck once in awhile. I do handle all these products like Lasso, Dual, Atrazine, Sutan+, Bladex, Eradicane, yes, I handle all of them. They come in all sizes by private carrier, liquid, powder, and granular. They come in paper bags, plastic bags, plastic cans, tin cans, plastic and metal drums. Fertilizer is the only material shipped by rail. I am a restricted use applicator and have a license issued by the State of Wisconsin. It is not required that I have an applicators license to apply the above-listed products. I also handle ~~paraquat~~ <sup>Eura</sup> and ferridan on occasions. I didn't use any ferridan and only about 70 gallons of paraquat this year. I used about 3800 gallons of Lasso, 180 gallons of Dual, 4500 gallons of Atrazine, 3500 gallons of Sutan+, 150 gallons of Bladex, and about 400 gallons of Eradicane this year. I spray about 10,000 acres of farm land with all of these products. Each chemical has a different rate per acre and is mixed in my company yard. No spills or accidents that I can recall on my property have occurred. The cans are rinsed and added to the load. No waste product is involved. In order to prevent spills of any kind, I mix 80 to 90 percent of all chemicals at my place of business for the 10,000 acres of farm land that I spray. The men wear rubber goggles and rubber boots to protect themselves from spills. A truck rolled over that was owned by me and it had fertilizer (pot ash) on it. A picture was shown to me showing the site, but the tree that's dead in the scene was already dead before this fertilizer was spilled there. It was all cleaned up by me except that the soil was not removed from the scene. It was reported through the Sheriff's office. No waste material is dumped anywhere. It is used up in the fields. Basically, the only spills I have are the two quarts out of the hoses or the 1-3 gallons out of semi hoses. Preventative measures have been started to correct these problems. These disconnects amount to a lot of material being lost. About three gallons a day for about three weeks for maybe 4-5 years is what has spilled on my property since I have been handling chemicals. This is mixed material of pesticides and fertilizers for application. I am making a concrete filling area to prevent groundwater contamination and to prevent product loss. I don't wish to sign this document, was the statement of Donald Lentz at 11:30 a.m.

BBT158

USB  
taken by Bill Barton  
LE Staff Specialist

CASE NO. 84-404-11

RELATED CASE NOS. None

COMPLAINT AREA: ☐ FEED ☐ FERTILIZER ☐ LIME ☐ SEED ☒ PESTICIDE

SUSPECTED VIOLATOR: Name and address Donald Lentz  
Lentz Fertilizer, Inc. Route 2, Menomonie, Wis.

Phone No.

Applicator  
Cert. No.

EMPLOYER/DISTRIBUTOR

Name and address

Phone No.

COMPLAINANT: Name and address Mike Degan DNR ground water engineer, Eau Claire Office.

Phone No.

HEALTH COMPLAINT: ☒ Human ☐ Livestock ☐ No

Physician/Veterinarian Contamination of well water

Phone No.

VIOLATION SUSPECTED: Use of pesticide contrary to label

1984

Date 1st Week in July Sec. cited Ag 29.15(1)(a)

PRODUCT INFORMATION: If necessary, provide additional information in narrative

1. Chemical/ingredient Alachlor-Metalochlor-Atrazine-butylate ? Unknown herbicide for samples.

Product name

Lot

EPA

Reg. No.

Labeler name and address

2. Chemical/ingredient

Product name

Lot

EPA

Reg. No.

Labeler name and address

PESTICIDE USE CATEGORY: 1.1

APPLICATION METHOD:

☐ Aerial

☐ Bait

☐ Fumigant

☒ Gran. applic.

☐ Ground spray

☐ Irrigation

☐ Mist blower

☐ Hand

LOCATION: County Dunn

Address Route 2

City/Village Menomonie

Township Red Cedar

Description: T: 28N R: 12W Sec: 15

INSPECTOR ACTION: ☐ Warning Notice ☐ Verbal Warning TO:

☐ Holding Order

☐ Stop Sale

☐ Vol. Removal No.

☒ Photos

☒ Samples (No.) 404-917 & 404-918

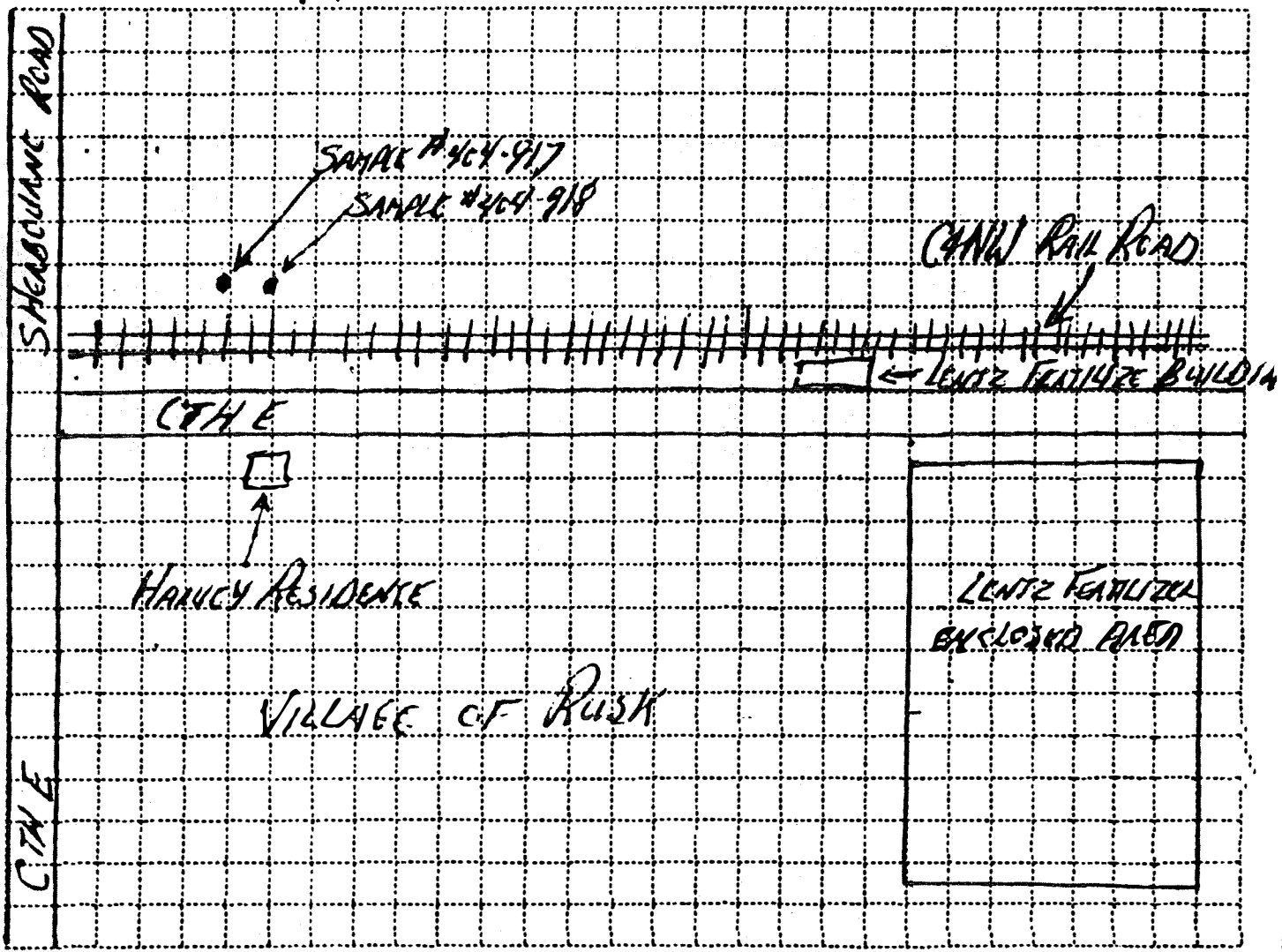
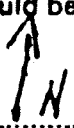
DATE

8-03-84

INSPECTOR SIGNATURE

*[Signature]*

Location: Include landmarks such as Roads, Fencelines, Adjacent Fields, Water Sources, etc. Also indicate Sampling Sites, Crop Row Direction, an Approximate Scale of Distance, Directional North, and other information you feel would be helpful.



Name Lentz Fertilizer, Inc.  
Address R#2, Menomonie, Wis  
Case Number 84-404-11

Date of Incident 1st Week in July, 84  
Date of Report 8-03-84  
Complainant Mike Degan-DNR

On 8-03-84, I received notification from our office that Mike Degan, Eau Claire District DNR office had contacted us in referne to the Lentz Fertilizer, Inc. operation.

I Contacted Mike Degan at his Eau Claire office. He advised that he has taken (15) water samples from wells within the Village of Rusk. Town of Red Cedar, Dunn County. Of these samples, they found excessive levels of Iasso & Dual in many wells. (See attached Exhibit #2 map & list of wells checked). He also showed me pictures taken of possible dumping or rinsing sites that may have been caused by Lentz Fertilizer, Inc. herbicide useage. (Exhibit #1 is copies of Mike Degan's photos).

I went out to the seen, locating all sites within his pictures. I then contacted several residents, looking for possible use violations they may have seen within Lentz's pesticide operation. I talked to Mr & Mrs William Harvey, R#2, Menomonie, (within the Village of Rusk), & #15 on Exhibit #2. They advised me that about the first part of July, 1984, they observed a large yellow boom truck, ~~which~~, which appeared to be Lentz's truck that passed by their house every day, dump their pesticide rinse over the bank, just north of their house. (See attached Exhibit #3 from the Harveys').

I then took (2) dirt samples #'s 404-917 & 404-918. The samples are taken from border property of the C&NW railroad right of way and land owned by Neil Govin woods, (old gravel pit area).

I then contacted Donald Lentz about the general "house keeping" of his pesticide mixing. I pointed out the mis-use of empty pesticide containers being used for other the labeled product. He agreed to get rid of such containers.

Inspector 

Name Lentz Fertilizer

Date of Incident \_\_\_\_\_

Address \_\_\_\_\_

Date of Report \_\_\_\_\_

Case Number 84-404-11

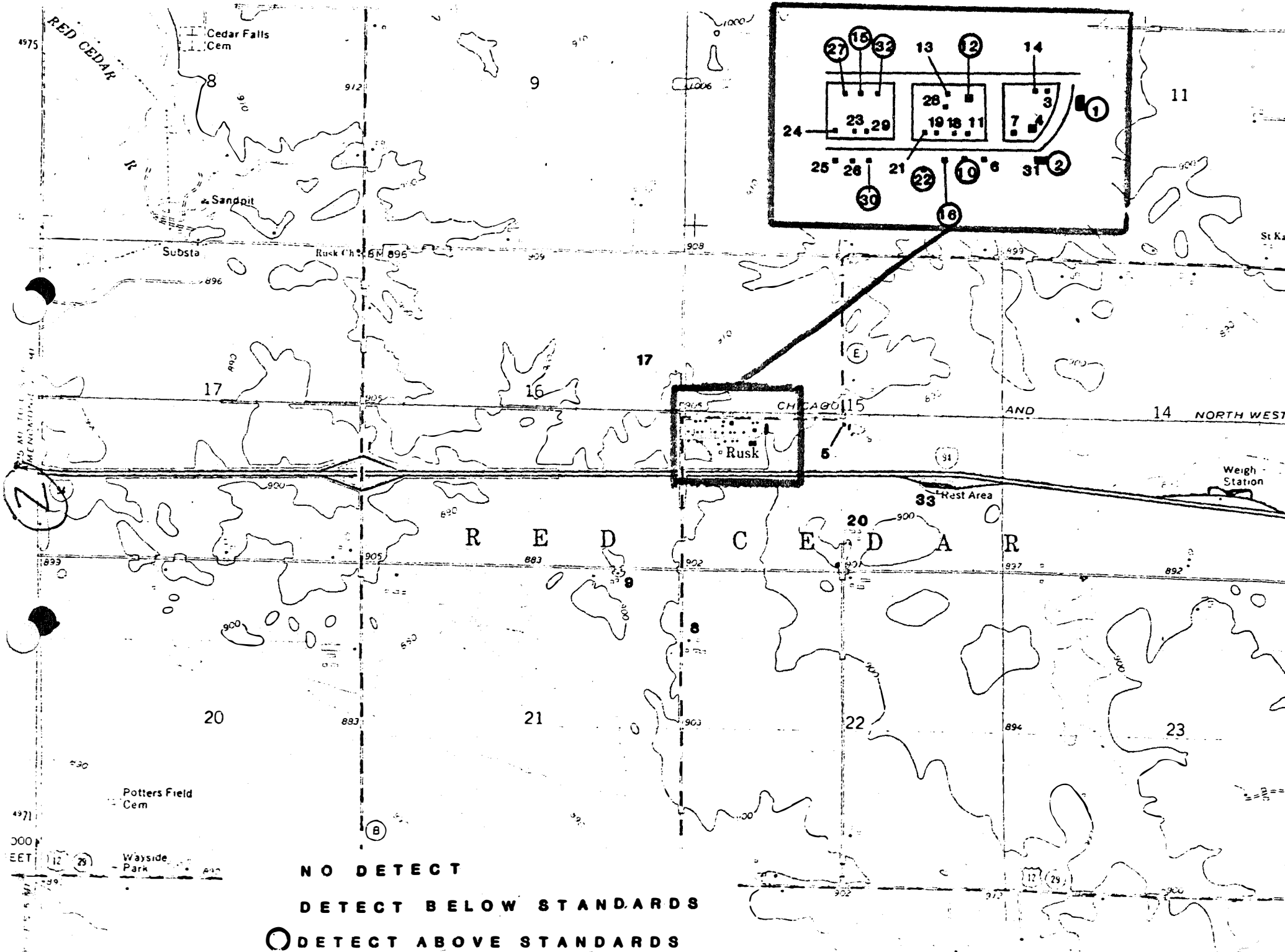
Complainant \_\_\_\_\_

He questioned the DNR's water samples, advising that he has no idea what is tolerable. (I was able to obtain a copy of Mike Degan's findings & later dropped this off with Lentz's Secretary). He also advised that all the neighboring farmers use pesticides, the same as he does. He also showed me the corn crop that grows right next to his fence line, plus the embankment made, to insure there wouldn't be any herbicide runoff.

I did not mention the samples taken.

Attached Exhibit #4 shows detected levels found in Lentz Fertilizer's well & limitations allowable.

Inspector [Signature]



NO DETECT  
DETECT BELOW STANDARDS  
○ DETECT ABOVE STANDARDS



## LIST SAMPLE SITES

SITE	FACILITY NAME	FACILITY NUMBER	DETECTS	OVER HEALTH
1	LENTZ FERTILIZER	17002040	YES	YES
2	RUSK IMPLEMENT, INC. 01	17002260	YES	YES
3	RUSK RURAL GASERVICE 01	17002150	YES	NO
4	RED CEDAR TOWN HALL	17002310	NO	NO
5	JEROME PROCHNOW RNTL 01	17002430	NO	NO
6	ARNOLD HAGEN RES.	17002700	YES	NO
7	JAMES HUBER SR. RES.	17002500	YES	NO
8	WILLIS DIA RES.	17002920	NO	NO
9	RONALD PROCHNOW FARM	17003470	NO	NO
10	LARRY SELVIG RES.	17003360	YES	YES
11	CARLTON GRAMBO RES.	17003580	YES	NO
12	RISLER RENTAL	17003140	YES	YES
13	ED VEHR'S RESIDENCE 01	17003690	YES	NO
14	RUSK RURAL GASERVICE 02	17003030	YES	NO
15	WILLIAM HARVEY RES.	17003800	YES	YES
16	DONALD WAGNER RES.	17004020	YES	YES
17	NEIL GOVIN FARM	17003910	NO	NO
18	LOUIS GOLDBERG RES.	17003360	YES	NO

## LIST SAMPLE SITES

SITE	FACILITY NAME	FACILITY NUMBER	DETECTS	OVER HEALTH
19	GEORGE SHILTS RES.	17004130	YES	NO
20	TERRY SOLBERG FARM	17004350	NO	NO
21	OPAL THIBADO RES.	17004480	YES	NO
22	JEROME PROCHNOW RNTL 02	17004570	YES	YES
23	LESTER FRUIT RES.	17004680	YES	NO
24	HERBERT KALINER RES.	17004790	NO	NO
25	TOM BURTON RES.	17004900	YES	NO
26	JOE STOKES RES.	17005010	YES	NO
27	ELMER KOEPNIC RES.	17005670	YES	YES
28	ED VEHRS RESIDENCE 02	17005340	YES	NO
29	MARGARET KENT RES.	17005230	NO	NO
30	ROBERT DODGE RES.	17005120	YES	YES
31	RUSK IMPLEMENT, INC. 02	.	NO	NO
32	LARRY HJELTER RES.	17005450	YES	YES
33	MILE 48 REST AREA	17005670	NO	NO