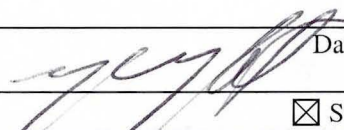


State of Wisconsin Substance Release Notification Form
Department of Natural Resources Form 4400-91 (Rev. 12-04, e-form)
24-Hour Emergency Hotline Number: 1-800-943-0003

04-39-543552

Date & Military Time Of Incident: 12/15/2004 2400hrs		Date & Military Time Reported: 12/16/2004 1000hrs		Spill File # ner12162004_01 BRRTS #	
Person Reporting: PETE LEMKE, EXT 250. & 920.360.1182		Representing: Performa		Phone # (920) 336-9929 Fax # ()	
Responsible Party (RP) / Spiller: BRAKEBUSH BROTHERS, INC		RP Decision Based On: PROTOCOL		Phone # () Fax # ()	
RP Address: N4993 6th Drive				City	State
				WESTFIELD	WI
				Zip Code 53964-9511	
RP Contact Name & Title: DAVID MEYER, EXT 1317 - on site manager				Phone # (800) 933-2121 Fax # ()	
Substance Involved: SOYBEAN OIL		Amount & Units Released: 400 GAL		Amount & Units Recovered: UNKNOWN	
<input type="checkbox"/> Solid <input type="checkbox"/> Semisolid <input checked="" type="checkbox"/> Liquid <input type="checkbox"/> Gas		Color: CLEAR Odor:			
Exact Location Of Incident: (including street name, bldg. #, mileage, etc.) STORM DRAIN ON NORTH SIDE OF PLANT, NEAR ENTRANCE. DRAIN COULD LED TO MONTELLO CREEK RIVERSHED.				Facility Name / Property Owner: Brakebush Brothers	
<input type="checkbox"/> City <input checked="" type="checkbox"/> Village <input type="checkbox"/> Township Westfield		County MARQUETTE		Latitude/Longitude deg. ' " , deg. ' "	
DNR Region: NER		NE1/4 NE1/4 Sec1 T15N R8 <input checked="" type="checkbox"/> E <input type="checkbox"/> W		Weather Conditions:	
Cause of Incident: Water from Sanitation cycle in the plant was inadvertently pumped into the oil holding tank. Hot oil reacted with water causing the tank to boil over.					
Spilled Substance Impact To: (check X all that apply) <input type="checkbox"/> Air <input type="checkbox"/> Potential <input checked="" type="checkbox"/> Concrete/Asphalt <input type="checkbox"/> Potential <input type="checkbox"/> Contained/Recovered <input type="checkbox"/> Groundwater <input type="checkbox"/> Potential <input type="checkbox"/> Private Well <input type="checkbox"/> Potential <input type="checkbox"/> Sanitary Sewer <input type="checkbox"/> Potential <input type="checkbox"/> Soil <input type="checkbox"/> Potential <input checked="" type="checkbox"/> Storm Sewer <input type="checkbox"/> Potential <input type="checkbox"/> Surface Water <input type="checkbox"/> Potential Name: <input checked="" type="checkbox"/> Other: GRASS/GRAVEL		Spill Cause and/or Site: <input checked="" type="checkbox"/> Ag Coop/Food Factory <input type="checkbox"/> Airport Facility <input type="checkbox"/> Railroad Facility <input type="checkbox"/> Construction, Excavation, Wrecking, Quarry, Mine <input type="checkbox"/> Gas/Service Station/Garage/Auto Dealer/Repair Shop <input type="checkbox"/> Hydraulic Line Break <input type="checkbox"/> Industrial Facility <input type="checkbox"/> Paper Mill <input type="checkbox"/> Chemical Co. <input type="checkbox"/> Pipeline/Terminal/Tank Farm/Oil Jobber/Wholesaler <input type="checkbox"/> Private Property (home/farm) <input type="checkbox"/> Public Property (city, state, church, school, etc.) <input type="checkbox"/> Transportation Accident, Fuel Tank Spill <input type="checkbox"/> Transportation Accident, Load Spill <input type="checkbox"/> Utility Co. Power Generating/Transfer Facility <input type="checkbox"/> Other:		Action Taken By Spiller: <input checked="" type="checkbox"/> Cleanup Method: <input checked="" type="checkbox"/> Absorbent <input checked="" type="checkbox"/> Excavation <input checked="" type="checkbox"/> vacuum/wash gravel <input type="checkbox"/> Containment <input checked="" type="checkbox"/> Contractor Hired Name: VACUUM TRUCKS <input type="checkbox"/> Monitor <input type="checkbox"/> No Action Needed <input type="checkbox"/> No Action Taken <input checked="" type="checkbox"/> Waste Destination: sand - landsread <input checked="" type="checkbox"/> Other: reprocess oil	
Injuries? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes how many?		Has An Evacuation Occurred? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Potential? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Are There Any Resource Damages? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Potential What Kind?					
Other Agencies Notified: (check first column, if notified; check both columns, if on the scene) <input type="checkbox"/> Fire Department <input checked="" type="checkbox"/> Local DNR <input type="checkbox"/> EPA <input type="checkbox"/> Local Law Enforcement <input type="checkbox"/> Div. Emerg. Mgt. <input type="checkbox"/> Nat'l Resp Ctr 800-442-8802 <input type="checkbox"/> LEPC or Local Emer. Mgt. <input type="checkbox"/> Coast Guard <input type="checkbox"/> Chemtrec 800-424-9300 <input type="checkbox"/> Level A/Level B Team <input type="checkbox"/> DHFS 608-258-0099 <input type="checkbox"/> Other:				Incident Commander: Phone # ()	
Prepared By: JE		Phone # (608) 267-7450		Date: 12/16/2004	
				Rpt'd To DATCP? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Date:	
				Transferred to DATCP <input type="checkbox"/> Yes <input type="checkbox"/> No Date:	
Person Notified: WARDEN NIGBOR		Phone # ()		Date: 12/16/2004	
				Spill Packet Sent? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Date:	
				To:	
Investigated By:		Sign:		Date:	
				Transferred to ERP <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Date:	
				Case #	
Spill Coordinator Signoff: 02/17/2005				Date:	
				NFA Letter Sent? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Date:	
				Incident Closed? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Date: 02/17/2005	
<input checked="" type="checkbox"/> See Additional Comments On Reverse (Please, print page 2 of 2)					

01-26-04 10:23

Date and Military Time Of Incident: hrs	Responsible Party:
---	---------------------------

Additional Comments : 12-16-04 Left voice mail for David Meyer.

Case Activity Report: Yes No CAR#: _____ (Please, attach copy of all CAR and other documentation)

Enforcement Action: Yes No (Explain Below)



FACILITY SITE PLAN
 NOTE: TANK SIZES AND LOCATIONS ARE APPROXIMATE

4/13/2005 10:29:46 AM 1:1973119
 Topjs

NO.	REVISIONS	BY	DATE

Performa
 301 N. BROADWAY, SUITE 210 P.O. BOX 5156
 DE PERE, WISCONSIN 54115
 920-336-9929 FAX: 920-336-2899 www.performainc.com

Brulebush Brothers Inc.

PRODUCTION FACILITY

FACILITY SITE PLAN

TITLE	
DRAWN	CHWD
DATE	NB TB
SCALE	2-4-05
CAD FILE	AS NOTED
DRAWING NO.	SPCC.DWG
C1.1	
PROJECT NO.	03089
REV.	0

Roxanne Chronert
Wisconsin Department of Natural Resources
2984 Shawano Ave.
Green Bay, Wi.
54313



Roxanne,

This letter is a follow-up to the oral notification from Brakebush Brothers Inc. as it relates to the Soy Bean Oil release on December 15, 2004. A complete review of the response, written programs and training has been completed and we believe the response was effective to control the release and quickly clean-up and remediate the contaminated areas. The Brakebush response team diligently performed their duties and to avoid further exposures and conducted an investigated into the incident to see if further program enhancements could be made to prevent uncontrolled releases in the future. It should be noted that the Brakebush Brothers Inc. have HAZWOPER training in accordance to 29 CFR 1910.120(q) and Emergency Action and Fire Prevention Plan training according to 29 CFR 1910.38 and .39.

Notifying Parties

Brakebush Brothers Owner Representative
Carey Brakebush – Operations Project Manager
N4993 6th Drive,
Westfield, WI 53964-9511
1-800-933-2121 ext. 1683

Brakebush Brothers Site Manager
David Meyer – Utilities Manager
N4993 6th Drive,
Westfield, WI 53964-9511
1-800-933-2121 ext. 1317

Compliance Consultant
Peter Lemke – CHMM, CEA (Performa Inc.)
301 N. Broadway
De Pere, WI 54115
1-920-336-9929 ext. 250

Date: 12/15/04

Timed events

At approximately 12:00 midnight the sanitation manager was notified that the used oil tank was full. Upon inspection it was found that the oil tank had overflowed. In conjunction with the maintenance and utilities department an immediate clean-up and containment was initiated. The oil soaked materials were collected and will be properly disposed of.

First thing in the morning, at 7:30 a.m., the utilities manager was made aware of the spill and did a follow-up assessment. At that point he made the determination that the spill had entered the storm sewer and progressed under the interstate. Upon this further discovery, the utilities, maintenance, and production managers initiated further Clean-up and diking at the farthest point of contamination travel. The contaminated materials were removed and properly disposed of.

Photos of the spill trail were taken along the entire route. Samples of the spill were obtained at multiple points. Ph strips were done on all samples. The spill pictures are part of this submission and are burned to the attached CD ROM.

Source

On-site tanker truck containing used soybean oil located at N 4993 6th Drive, Westfield, Wi., 53964-9511.

Speed:

Slow to intermediate.

Destination:

Drained toward outfall 001 and was contained before it migrated into the water system. SEE orange highlighted line on site map.

Site Use and Location

Brakebush Brothers, Inc. process raw chicken parts into various products for wholesale distribution. The process used by Brakebush Brothers include: battering, breading, deep frying, freezing, and packaging.

The facility is located approximately 5 miles south of Westfield, Wisconsin, in the NE ¼ of the NE ¼ of Section 1, town 15 North, range 8 East. The production facility is bordered to the north by woods, on the east by US Highway 51, on south by trees and farm fields, and on the west by woods and farm fields.

Facility Site Map and Drainage Map – Attached

A Site Map and Drainage Map were created from existing facility maps and onsite observations. The total area of the Brakebush Brothers property is approximately 1400 acres. Approximately 25 acres are covered by the production facility. The remaining 1375 acres are covered by land uses consisting of farm land and woods.

Of the 25 acres of production facility, approximately 13 acres have impervious surfaces including: building; and asphalt surfaced parking lots and the remaining acres consists of: grass; woods; gravel surfaces; and a permitted aerated lagoon treatment system. The total of four outfalls have been identified at the facility and indicated on the Drainage Map. The majority of the runoff drains to the east (outfalls 001 and 002). The roof drains discharge to outfall 001, 002, and 004. The employee parking lot on the southeast side of the facility discharges to outfalls 002, 003 and 004. The semi trailer parking lot, storage building and asphalt yard on the south side of the facility discharges to outfall 004. The asphalt area by the garage discharges to outfall 002.

Physical State and Quantity of Materials:

Material was soybean oil / water mixture comprised of no more than 400 gallons of non-food grade soy bean oil. See attached MSDS and Certificate of Analysis.

Physical, Chemical, Hazardous and Toxicological Characteristics of the Substance:

According to the attached MSDS, this material is non-hazardous under current Department of Labor Definitions, but does require clean-up in the State of Wisconsin because it is an "oil" compound.

Cause of Discharge

Water from the sanitation cycle in the plant was inadvertently pumped into the oil holding tank. The hot oil in the tank reacted with the water causing the tank to boil over which subsequently drained toward outfall 001 and was contained before it migrated into the water system. (See Employee Statements)

Actions Taken:

Material was cleaned upon by the on-site HAZWOPER team and the liquid portion of the spill was removed by a local vacuum truck contractor(Tracy & Son's). Materials, like stone fill, that could be washed and reused were decontaminated and will be reused. The sand component will be land spread under Brakebush's permit for land spreading and the liquid portion was taken to Tracy and Brother's where it will be pressed and land spread under their permit.

Impact Statement:

Over 99% of the material was recovered quickly and therefore there should be no environmental, health or drinking water impact due to the release.

Weather During Duration

12:00 a.m. 32 degrees no precipitation / calm

4:30 a.m. 30 degrees no precipitation / calm

8:00 a.m. 30 degrees no precipitation / calm

Employee Statements:

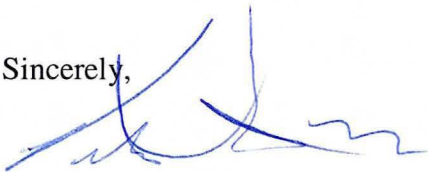
On the night of Dec 15th at approximately midnight I was notified by Mark Matrick that the used oil tanker had run over and spilled on the north side of the Brakebush Brothers, Inc. plant. Mark informed me that he had used the small skytracker to scoop sand out of the excavation area to be used as a containment dyke. I asked Chip Landgraf to assist Mark in covering the oil spill with sand and to stockpile the oil soaked sand on the blacktop by the line six 480-room exit.

Patrick Hamilton

On the night of December 15th I left the compressor room 2 area with the gray Dodge pickup truck and proceeded west on the north side of the building. I was on my way to the WWTP. This was at 10:30 P.M., nothing was coming out of the tanker at that time. I heard a call on the radio at approximately 11:20 – 11:30 that the tanker was full. The call I heard was for Keith Kemnetz to change out the tanker. I found out at about 11:50 that the tanker had overflowed and that Mark Matrick had already put sand in the spillway to contain the oil. I talked with Pat Hamilton and Mark and it was decided to put more sand down and start the cleanup. I started with 8 to 10 skytracker buckets of sand and worked it from side to side with the Dodge truck snow plow to get the sand to absorb the oil. I started at the East end and worked towards the West. We then piled the oil soaked sand on the blacktop by the hydraulic room and line six 480-room exit.

Pete Landgraf

Sincerely,



Peter T. Lemke CHMM, CEA (Compliance Consultant for Brakebush Brothers Inc.)
Director of Facility Management and Property Services
Performa Inc.



Chronert, Roxanne N.

From: Pete Lemke [Petel@performainc.com]
Sent: Monday, February 07, 2005 4:42 PM
To: Chronert, Roxanne N.
Subject: RE: Oil spill response letter - Brakebush Brothers



BB Responce
Letter.doc

Roxanne,

This is the document I will be sending you via certified mail. I thought you would like an electronic document also. Could you read it prior to sending out a certified document and let me know if you want more information?

Thank You
Peter T. Lemke CHMM, CEA

>>> "Chronert, Roxanne N." <Roxanne.Chronert@dnr.state.wi.us> 1/28/2005 1:10:58 PM >>>

Yes, I am the correct person to send the report to for the 12-15-04 incident.

We have not yet moved (hopefully in March). We will continue to have our PO Box when we move.

PO Box 10448
Green Bay WI 54307-0448

Roxanne Nelezen Chronert
Spills Coordinator - Hydrogeologist
Wisconsin Department of Natural Resources
1125 N Military Avenue - PO Box 10448
Green Bay WI 54307-0448
phone: (920) 492-5592
fax: (920) 492-5859
e-mail: Roxanne.chronert@dnr.state.wi.us
Visit us on the web at www.dnr.wi.gov

-----Original Message-----

From: Pete Lemke [mailto:Petel@performainc.com]
Sent: Friday, January 28, 2005 12:55 PM
To: Chronert, Roxanne N.
Subject: Oil spill response letter

I need to know if you are the correct person to send a response letter to for a soybean oil cleanup in your territory covered by Judi Nigbor (conservation warden)

Peter Lemke CHMM, CEA
Performa, Inc.

