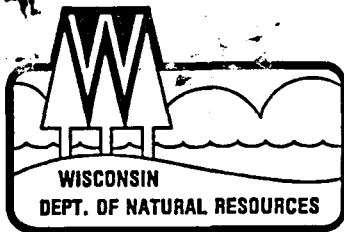


FILE



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Southeast District - Annex building  
Post Office Box 12436  
4041 N. Richards St.  
Milwaukee, Wisconsin 53212  
TELEPHONE: 414-961-2727  
TELEFAX #: 414-961-2770

George E. Meyer  
Secretary

September 7, 1994

File Ref: FID# 241496530  
ERR/ERP

Wisconsin Gas Company  
Attn: Mr. Art Covi  
626 East Wisconsin Avenue  
Milwaukee, Wisconsin 53202

SUBJECT: Reported Contamination at property bounded by North Milwaukee and East Menomonee Streets, Milwaukee

Dear Mr. Covi:

The Wisconsin Gas Company notified the Department of Natural Resources (WDNR) in 1985 of its environmental investigation of contamination associated with past operations at a manufactured gas plant formerly at the referenced address. To date, analysis has indicated that soils, groundwater and river sediments have been impacted by these past operations.

Based on the information received by the Department of Natural Resources, we believe the Wisconsin Gas Company is responsible for restoring the environment at this site under Section 144.76, Wisconsin Stats., known as the hazardous substances spills law. Utilizing information submitted to the Department, this case has been assigned to the low priority ranking group.

WDNR SE District Review Prioritization Policy

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 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.

Your responsibilities include investigating the extent of the contamination and then selecting and implementing the most appropriate remedial action. Enclosed is information to help you understand what you need to do to ensure your compliance with the spills law.

The purpose of this letter is threefold: 1) to describe your legal responsibilities, 2) to explain what you need to do to investigate and clean up the contamination, and 3) to provide you with information about cleanups, environmental consultants, possible financial assistance, and working cooperatively with the Department of Natural Resources.

Legal Responsibilities:

Your legal responsibilities are defined both in statute and in administrative codes. The hazardous substances spill law, Section 144.76 (3) Wisconsin Statutes, states:

- \* RESPONSIBILITY. 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.

Wisconsin Administrative Codes chapters NR 700 through NR 728 establish requirements for emergency and interim actions, public information, site investigations, design and operation of remedial action systems, and case closure. Chapter NR 708 includes provisions for immediate actions in response to limited contamination. Wisconsin Administrative Code chapter NR 140 establishes groundwater standards for contaminants that reach groundwater.

**Steps to Take:**

The longer contamination is left in the environment the farther it can spread and the more it may cost to clean up. Quick action may lessen damage to your property and to neighboring properties and reduce your costs in investigating and cleaning up the contamination. These are steps to take:

1. By November 7, your consultant must submit a workplan and a schedule for conducting the investigation. The consultant must follow the Department's administrative codes and our technical guidance documents. Please include with your workplan a copy of any previous information that has been completed which has not already been submitted to the Department.
2. Please keep us informed of what is being done at your site. You or your consultant must provide us with a brief report at least every 90 days, starting after your workplan is submitted. These quarterly reports should summarize the work completed since the last report. Quarterly reports need only include one or two pages of text, plus any relevant maps and tables. However, please note that should conditions at your site warrant, you may receive a letter requiring more frequent contacts with the Department. You will also receive one annual site status report form in February.
3. When the site investigation is complete, your consultant must submit a full report on the extent and degree of soil, groundwater and sediment contamination and a proposal for cleaning up the contamination.

Due to the number of contaminated sites and our staffing levels, we will be unable to respond to each report. To maintain your compliance with the spills law and chs. NR 700 through NR 728, do not delay the investigation and cleanup of your site by waiting for DNR responses. We have provided detailed technical guidance to environmental consultants. Your consultant is expected to be familiar with our technical procedures and administrative codes and should be able to answer your questions on meeting Wisconsin's cleanup requirements.

Your correspondence and reports regarding this site should be sent to the Department at the following address:

Ms. Margaret Graefe  
c/o ERR/ERP  
Wisconsin Department of Natural Resources  
P.O. Box 12436  
Milwaukee, Wisconsin 53212

Unless otherwise requested, please send only one copy of all plans and reports. Correspondence should be identified with the assigned DNR facility identification number (FID#, ERR/ERP) which is listed at the top of this letter.

**Information for Site Owners:**

Enclosed is a list of environmental consultants and some important tips on selecting a consultant. Also enclosed are materials on controlling costs, understanding the cleanup process, and choosing a site cleanup method. This

P.O. Box 12436  
Milwaukee, Wisconsin 53212

Unless otherwise requested, please send only one copy of all plans and reports. Correspondence should be identified with the assigned WDNR facility identification number (FID#, ERR/ERP) which is listed at the top of this letter.

Information for Site Owners:

Enclosed is a list of environmental consultants and some important tips on selecting a consultant. Also enclosed are materials on controlling costs, understanding the cleanup process, and choosing a site cleanup method. This information has been prepared to help you understand your responsibilities and what your environmental consultant needs to do. Please read this information carefully.

If you are interested in obtaining the protection of limited liability under s. 144.765, Stats., please contact Mark Giesfeldt at (608) 267-7562 or Darsi Foss at (608) 267-6713, in the Department of Natural Resources' Madison office for more information. The liability exemption under s. 144.765, Stats., is available to persons who meet the definition of "purchaser" in s. 144.765(1)(c) and receive Department approval for the response actions taken at the property undergoing cleanup. The Department will determine eligibility for this program on a case-by-case basis, prior to the "purchaser" developing a scope of work for conducting a ch. NR 716 site investigation at the property.

If you have any questions about this letter or your responsibilities, please call me at 961-2773.

Thank you for your cooperation.

Sincerely,



Linda Michalets  
Environmental Specialist

Enclosures: Selecting an Environmental Consultant  
Environmental Services Contractors List  
Cleanup Process for the Emergency and Remedial Response Program  
Quarterly Updates for Cleanup of Contaminated Properties  
Cleanup Methods for Petroleum-Contaminated Soil and Groundwater  
Wisconsin Administrative Code NR 700 Outline

c: SED Casefile