



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny
Secretary

Box 12436
Milwaukee, Wisconsin 53212
Fax: (414) 263-8483

February 3, 1992

File Ref: ER-LUST

Mr. Peter Agnos
860 E. Briar Ridge Drive
Waukesha, WI 53186

Dear Mr. Agnos:

RE: Soil Contamination - Ace Cleaners, 6129 W. Beloit Road, West
Allis, WI 53219

The Wisconsin Department of Natural Resources (WDNR) has been notified that petroleum contamination was discovered January 29, 1992 at the above referenced location. Jennifer King, the WDNR Project Manager for your area may be reached at (414) 263-8650 or the above address. Based on the site specific information provided, this case has been assigned to the High 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), Wisconsin Statutes, 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 this state."

Because you possess or control a hazardous substance which has been released to the environment, the Department identifies you as the party responsible for taking the actions necessary to restore the environment. The conditions present at this site pose a potential threat to human health and/or the environment. You are required to immediately identify any risks of explosive vapors and/or well contamination. You are required to conduct an investigation to determine the extent of contamination, the potential for groundwater impacts and the remedial action(s) necessary to cleanup contaminated soil and groundwater. You are required to sample private water supply wells which may have been impacted by the release. You must dispose of or treat all products, soils, wastewater or sludges in compliance with all applicable federal, state and local laws and regulations. The Department requests that within 10 days of receiving this letter you notify this office that you have hired an qualified environmental hydrogeologic, or engineering consultant and that within 30 days, your consultant submit a workplan to conduct a remedial investigation.

In accordance with NR 141.23 and NR 141.25 The Department requires that the location of the tank and/or release be submitted with the work plan. Requirements for location are Latitude, Longitude, 1/4, 1/4, Township, and Range (east or west).

You are encouraged to contact the Department of Industry, Labor, and 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 (608) 267-4545 to obtain current information regarding the PECFA program.

Your cooperation in this matter will be appreciated. Please be aware that your ability to use PECFA funds is dependent on your cooperation in adequately addressing this problem.

Sincerely,



Giselle Red
Program Assistant, Environmental Repair Section

Enclosures: Requirements for Scope of Work Plan
Application to Treat or Dispose of Petroleum Contaminated Soil
Remedial Investigation Checklist

c: Dan Furdek - Gaidish Environmental
SED Case File