



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny, Secretary
Box 12436
Milwaukee, Wisconsin 53212
TELEFAX NO. 414-263-8483

November 23, 1992

File Ref: 4440-2916
County: Waukesha
ER-LUST

Akerman, Inc.
1005 Perkins Avenue
Waukesha, WI 53186

Dear Gentlemen:

RE: Akerman, Inc., - 1005 Perkins Avenue, Waukesha, WI

Wisconsin Department of Natural Resources (WDNR) has been notified that petroleum contamination was discovered September 1, 1992 at the above referenced location. Based on the site specific information provided, this case has been assigned to the Medium 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 which is discharged or who causes the discharge of a hazardous substance shall notify the Department immediately of any discharge not exempted 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. You are required to:

1. Immediately notify the WDNR Spills Hotline at (414) 263-8491 should emergency conditions involving explosive vapors and/or well contamination develop.
2. Conduct an investigation to determine the extent of soil and groundwater contamination.
3. Remediate all of the environmental impacts caused by this situation.
4. Sample private water supply wells which may have been impacted by the release.

The Department suggests that you have a qualified environmental engineer or hydrogeologist direct the remedial investigation, assess the environmental impact, and coordinate the implementation of a cleanup program. Within 15 days of receiving this letter, you should provide the WDNR with the date the remedial investigation will begin.

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).

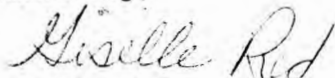
Final documentation of the investigation and cleanup should be prepared according to the guidance enclosed and sent to this office on completion of compliance with all applicable federal, state and local laws and regulations. Remedial actions must adequately cleanup contaminated soil and/or groundwater to current WDNR guidelines and/or standards. All product, soil, wastewater, and sludge must be disposed of in compliance with all applicable federal, state and local laws and regulations. Because the Department is experiencing a backlog of leaking underground storage tank cases of emergency status and your case is not currently ranked as an emergency, your submittals will be reviewed as time permits. Investigation and cleanup should not, however, be delayed pending WDNR review of your case.

The WDNR requests that concise LUST project updates be submitted every six months for all medium priority sites; biannual updates will enable WDNR project managers to monitor the status of remedial investigations and/or corrective actions on projects which are not under direct WDNR oversight.

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 at (608) 267-4545 to obtain current information regarding the PECFA program.

Please be aware that your ability to utilize PECFA funds will be dependent on your cooperation in adequately addressing this problem.

Sincerely,



Giselle Red
Program Assistant, Environmental Repair Section

Enclosures: Remedial Investigation Checklist
Application to Treat or Dispose of Petroleum Contaminated Soil

c: SED Case File