



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

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Southeast Region Annex  
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August 20, 1997

In Response Refer To: FID#268091890  
County of Waukesha

Mr. Dominic Giuffre  
Mallory Improvements  
6635 S. 13th Street  
Milwaukee, WI 53221

SUBJECT: Reported Contamination at 1005 Perkins Avenue,  
Waukesha, Wisconsin 53187

Dear Mr. Giuffre:

The purpose of this letter is to notify you of information the Wisconsin Department of Natural Resources (WDNR) has obtained about the apparent contamination of the property located at 1005 Perkins Avenue, Waukesha, Wisconsin. It is the Department's belief that you are responsible for restoring the environment at this high priority site. The following information exists regarding the site:

On May 2, 1993, the WDNR received an anonymous complaint that there were drums buried at the site. On November 11, 1993, the WDNR visited the site and observed partially buried 55-gallon drums containing paint-like waste located on the north east corner of the property.

On December 20, 1994, one soil sample (HW3) and two paint waste samples (HW1 and HW2) were collected from the site by the WDNR. Sample HW1 quantified lead concentrations above the regulatory limit of 5 mg/L whereby classifying this waste material as a characteristic hazardous waste. All three samples showed high levels of heavy metals.

Site investigative activities were undertaken on May 23, 1996. During the excavation of test pits, WDNR staff observed several buried containers holding waste paint. A laboratory analytical sample of waste paint from one container was determined to be a characteristic hazardous waste.

On March 10, 1997, the WDNR visited the site for the purpose of collecting six additional soil samples. During the site visit, WDNR staff observed approximately two dozen containers throughout the site. All six discrete soil samples showed high levels of metals.

The remainder of this letter is to inform you of your legal responsibilities; describe what steps are necessary for you to investigate and remediate the site; and to provide you with information about cleanups, environmental consultants and working cooperatively with the WDNR.

**Legal Responsibilities**

Your legal responsibilities are defined both in statute and in administrative codes. The hazardous substance spills law, s. 292.11(3), Wisconsin Statutes, states:

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- \* **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 728, establish code requirements for the investigation and remediation of sites. Wisconsin Administrative Code chapter NR 140 establishes groundwater standards for contaminants that reach groundwater.

It is the WDNR's belief that this section of state law does apply to you and consequently you, along with Hein-Werner, are responsible for taking the necessary actions. While the WDNR does have limited resources, it is the intention of the Department to work cooperatively with you as the site is investigated and remediated.

#### Steps to Take

To ensure that your cleanup complies with Wisconsin's laws and administrative codes, you should hire a professional environmental consultant who understands what needs to be done. These are the first four steps to take:

1. By September 22, 1997, please submit written verification (such as a letter from the consultant) that you hired an environmental consultant. You will need to work quickly to meet this timeline.
2. By October 22, 1997, your consultant must submit a work plan and a schedule for conducting the investigation per ch. NR 716, Wis. Adm. Code. The consultant must follow the Department's administrative codes and our technical guidance documents. Please include with your work plan a copy of any previous information that has been completed (such as an underground tank removal report or a preliminary soil excavation report).

Your work plan for site investigation needs to address the following tasks:

- a. the proper removal, containerization, and management of all containers and contaminated soil associated with the containers, as well as confirmation sampling of soil in order to ensure that remediation is complete;
  - b. a proposal to implement a site-wide groundwater monitoring system that clearly defines the direction of groundwater flow and at the same time monitors groundwater quality via the installation of monitoring wells and quarterly sampling for VOCs, PAHs, and metals; and,
  - c. a determination of the status of the two existing groundwater wells for possible inclusion in the site-wide groundwater monitoring system.
3. Please keep us informed of what is being done at your site. Submittal requirement timelines are dependent upon the contaminants of concern at the site. As described in s. NR 700.11, if the site meets the criteria for a "simple site," progress reports must be submitted semi-annually, beginning six months from the initial notification date. If the site meets the criteria for a "complex

site," the site investigation report and a draft remedial options report must be submitted to the WDNR within 30 days of completion of both reports. Your consultant must clearly document the extent and degree of soil and groundwater contamination and submit a proposal for cleaning up the contamination.

4. For complex sites, per s. NR 724.13(3), you or your consultant must provide us with a brief report at least every 90 days, starting after the remediation system begins operation. The 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.

Due to the number of contaminated sites and our staffing levels in the WDNR Southeast Region, we may be unable to provide work plan approvals for investigations or remedial actions. To maintain your compliance with the spills law and chs. NR 700 to 728, do not delay the investigation and cleanup of your site by waiting for WDNR responses. We have provided detailed technical guidance to environmental consultants. Your consultant is expected to be familiar with our technical guidance 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:

Scott Ferguson  
Wisconsin Department of Natural Resources, SER  
P.O. Box 12436  
Milwaukee, WI 53212

Unless otherwise requested, please send only one copy of all plans and reports. To speed processing, correspondence should reference the FID number at the top of this letter.

**Additional Information**

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. 292, Stats., please contact Jim Schmidt at (414)229-0863, for more information. The liability exemption under s. 292, Stats., is available to persons who meet the definition of "purchaser" in s. 292, Stats., 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.

Thank you for your cooperation. Should you have any questions, please contact me at (414)229-0849.

Mr. Dominic Giuffre, August 20, 1997

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Sincerely,



Scott J. Ferguson, Hydrogeologist  
Waste Management Section

sjf:giuffre2.rp

enclosures

xc: Lakshmi Sridharan - SER  
Doug Hoskins - SER  
Frank Schultz - SER  
Frances Koonce - SER  
Walt Ebersohl - SER  
Ed Lynch - RR/3  
Deb Roszak - SER  
Jenny Schumacher - EE/5  
Mike Ellenbecker - SER  
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