

George E. Meyer
Secretary

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

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August 4, 1994

File Ref: FID# 241486630
ERR/ERP
Milwaukee County

Ms. Jennifer Black
Allwaste, Inc.
5151 San Felipe, Suite 1600
Houston, Texas 77056-3609

SUBJECT: Reported Contamination at Allwaste, Inc. property
12305 W. Silver Spring Rd., Milwaukee, Wisconsin

Dear Ms. Black:

The Wisconsin Department of Natural Resources has received your letter, dated May 13, 1994, in which you reported a hazardous substance release on the above referenced property. Your letter indicated that the released substances are gasoline and diesel range organic compounds and polynuclear aromatic hydrocarbons.

Based on the information received by the Department of Natural Resources, we believe Allwaste, Inc. is responsible for restoring the environment at this site under Section 144.76, Wisconsin Stats., known as the hazardous substances spills law. 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:

Allwaste's 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. 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 12, 1994, please submit written verification (such as a letter from the consultant) that you have hired an environmental consultant. You will need to work quickly to meet this time frame.
2. By October 12, 1994, 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 (such as an underground tank removal report or a preliminary site assessment report).
3. 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.
4. When the site investigation is complete, your consultant must submit a full report on the extent and degree of soil and groundwater 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, unless the DNR specifically directs you to do so. 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. I have recently spoken to Deb Young, of Swanson Environmental, and instructed her to submit a scope of work, but proceed with the investigation without waiting for DNR review of the work plan. You should contact the DNR upon submittal of the investigation

report and remediation plan to see whether we will be providing a review at that time.

Please send one copy of all correspondence, plans and reports for this site to the Department at the following address:

WISCONSIN DEPARTMENT OF NATURAL RESOURCES
P.O. Box 12436
Milwaukee, Wisconsin 53212

ATTN: Environmental Repair Program

Correspondence should be identified with the assigned DNR identification number (FID) which is listed at the top of this letter.

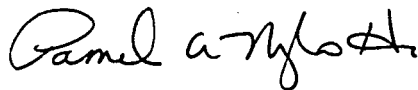
Information for Site Owners:

Enclosed is a list of environmental consultants and some important tips on selecting a consultant. If you are eligible for reimbursement of costs under Wisconsin's PECFA program, you will need to compare at least three consultants' proposals before hiring a consultant. Consultants and laboratories working in the PECFA program are required to carry errors and omissions insurance to help protect you against unsuitable work. 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 (414) 961-2726. Thank you for your cooperation.

Sincerely,
WISCONSIN DEPARTMENT OF NATURAL RESOURCES



Pamela A. Mylotta
Hydrogeologist, Environmental Repair Program

Enclosures

c: SED Casefile