

Spill ID Number 04-02-043745  
~~04-02-043745~~  
Y Y M M D D 0-99

Date of Incident <u>5-31-89</u>	Day of Week <u>Wed</u>	Time of Incident <u>6:00 ?</u>	<input checked="" type="checkbox"/> A.M. <input type="checkbox"/> P.M.	Reported By (Name) <u>Ashland City</u>	Telephone Number ( )
Date Reported <u>5-31-89</u>	Day of Week <u>Wed</u>	Time Reported <u>1:00</u>	<input type="checkbox"/> A.M. <input checked="" type="checkbox"/> P.M.	Agency or Firm Reporting <u>Ashland Fire</u>	Reported thru Div. Emergen. Gov't. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Substance Involved <u>Gasoline</u>		Quantity <u>2596</u>	Units <u>Gals</u>	Person or Firm Responsible <u>Quearm Oil Co.</u>	
Substance Involved		Quantity	Units	Contact Name <u>George Moniza</u>	Telephone Number <u>682-2477</u> <u>(715) 746-2540</u>

Physical Characteristics  
 Solid  Liquid  Semisolid  Gas  
 Color \_\_\_\_\_ Odor \_\_\_\_\_

Address - Street or Route  
105 - 6th St West  
 City, State, Zip Code  
Ashland, Wis. 54806

Cause of Incident  
Leak in tank

Exact Location Description (intersection, mileage, etc.)  
105 - 6th St West, Ashland

County Location  
Ashland  
 1/4, 1/4, Section, Town, Range  
 \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, T \_\_\_\_\_, N, R \_\_\_\_\_

DNR Dist NWD DNR Area BR Groundwaters Affected  
 Yes  No  Potential

Surface Waters Affected  
 Yes  No  Potential Name of Surface Water  
Lake Superior

Date District Notified  
5-31-89 Day of Week  
Wed Time District Notified  
1:00  
 A.M.  P.M.

District Person Notified  
Paul T Martin Telephone Number  
(715) 682-5408

Date Investigated  
5-31-89 Day of Week  
Wed Time Investigated  
1:15  
 A.M.  P.M.

Person Investigating  
Paul T Martin Telephone Number  
(715) 682-5408

Action Taken By DNR  
 No Action Taken  Investigation  Supervise/Conduct Cleanup

Spiller Required To Take Action; Type  
Recover & dig

Contractor Hired By DNR; Name \_\_\_\_\_

Amount Recovered \_\_\_\_\_

29.29 Enforcement

Other Agencies on Scene  
Local Ashland PD + Fire

State DNR

Federal Coast Guard

Additional Comments:  
Mr. Moniza failed to report. All information turned over for possible prosecution DISPOSED TO ATZEN

Action Taken By Spiller  
 No Action Taken  Notification  Investigate  
 Containment; Type Dyke  
 Cleanup; Method Dig up soil  
 Amount Recovered unknown  
 Monitor Lisa A Hrubosky  
 Contractor Hired; Name Twin City Testry  
 Other Action \_\_\_\_\_

Spill Location  
 Industrial Facility/Paper Mill/Chem. Co.  
 Gas/Service Station/Garage, Auto Dealer, Repair Shop  
 Ag Coop/Facility/Cheese Factory/Creamery  
 Other Small Business (bank, grocery, insurance co., etc.)  
 Public Property (city, county, state, church, school, etc.)  
 Utility Co., Power Generating/Transfer Facility  
 Private Property (home/farm)  
 Pipeline, Terminal, Tank Farm, Oil Jobber/Wholesaler  
 Transportation Accident, Fuel Supply Tank Spill  
 Transportation Accident, Load Spill  
 Construction, Excavation, Wrecking, Quarry, Mine  
 Other \_\_\_\_\_

Spilled Substance Destination  
 Air  Soil  Groundwater  Surface Water  Storm Sewer  Sanitary Sewer  Contained/Recovered  Other \_\_\_\_\_

Person Filing This Report (print name)  
Paul T Martin

Signature Paul T Martin Date Signed 7-5-89



JUN 1, 1989

State Div. Emergency Gov't.  
U.S. Nat'l. Response Center  
Chemtrec/Pesticides/Chlorine

Spill ID Number  
04-02-043745pdf  
Y Y M M D D 0-99 *addon*

Date of Incident <u>5-31-89</u>	Day of Week <u>Wed.</u>	Time of Incident <u>Unknown</u>	<input type="checkbox"/> A.M. <input type="checkbox"/> P.M.	Reported By (Name) <u>Gary Nielsen</u>	Telephone Number <u>( ) 1266-3115</u>
Date Reported <u>5-31-89</u>	Day of Week <u>Wed.</u>	Time Reported <u>10:22</u>	<input checked="" type="checkbox"/> A.M. <input type="checkbox"/> P.M.	Agency or Firm Reporting <u>Quorum</u>	Reported thru Div. Emergen. Gov't. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Substance Involved <u>gasoline</u>		Quantity <u>3,000 gal.</u>	Units	Person or Firm Responsible <u>Quorum Oil Co.</u>	
Substance Involved		Quantity	Units	Contact Name <u>George Moniza</u>	Telephone Number <u>(715) 682-2477</u>
Physical Characteristics				Address - Street or Route <u>Ellis + 6th St.</u> <i>or Jack Stolarzyk (Ashland Fire Dept.) (715) 682-7032</i>	
<input type="checkbox"/> Solid	<input type="checkbox"/> Liquid	Color _____		City, State, Zip Code <u>Ashland, Wi.</u>	
<input type="checkbox"/> Semisolid	<input type="checkbox"/> Gas	Odor _____		Action Taken By Spiller	
Cause of Incident <u>Unknown</u>				<input type="checkbox"/> No Action Taken <input type="checkbox"/> No Notification <input type="checkbox"/> Investigate	
Exact Location Description (intersection, mileage, etc.) <u>Ellis + 6th St. Ashland, Wi.</u>					
County Location		¼¼, ¼, Section, Town, Range			
<u>Ashland</u>		---, ---, ---, T ---, N, R ---			
DNR Dist. <u>NW Brule</u>	DNR Area	Groundwaters Affected		Name of Surface Water	
		<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Potential		<u>Chequamegon Bay</u>	
Surface Waters Affected		Name of Surface Water			
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Potential		<u>Chequamegon Bay</u>			
Date District Notified <u>5-31-89</u>	Day of Week <u>Wed.</u>	Time District Notified <u>11:45</u>		<input type="checkbox"/> A.M. <input type="checkbox"/> P.M.	
District Person Notified <u>(Brule area)</u>		Telephone Number <u>( ) was transferred from N.W. Dist.</u>			
Date Investigated	Day of Week	Time Investigated		<input type="checkbox"/> A.M. <input type="checkbox"/> P.M.	
Person Investigating		Telephone Number <u>( )</u>			
Action Taken By DNR					
<input type="checkbox"/> No Action Taken <input type="checkbox"/> Investigation <input type="checkbox"/> Supervise/Conduct Cleanup					
<input type="checkbox"/> Spiller Required To Take Action; Type _____					
<input type="checkbox"/> Contractor Hired By DNR; Name _____					
<input type="checkbox"/> Amount Recovered _____					
<input type="checkbox"/> 29.29 Enforcement					
Other Agencies on Scene					
Local _____					
State _____					
Federal _____					
Spill Location					
<input type="checkbox"/> Industrial Facility/Paper Mill/Chem. Co.					
<input type="checkbox"/> Gas/Service Station/Garage, Auto Dealer, Repair Shop					
<input type="checkbox"/> Ag Coop/Facility/Cheese Factory/Creamery					
<input type="checkbox"/> Other Small Business (bank, grocery, insurance co., etc.)					
<input type="checkbox"/> Public Property (city, county, state, church, school, etc.)					
<input type="checkbox"/> Utility Co., Power Generating/Transfer Facility					
<input type="checkbox"/> Private Property (home/farm)					
<input type="checkbox"/> Pipeline, Terminal, Tank Farm, Oil Jobber/Wholesaler					
<input type="checkbox"/> Transportation Accident, Fuel Supply Tank Spill					
<input type="checkbox"/> Transportation Accident, Load Spill					
<input type="checkbox"/> Construction, Excavation, Wrecking, Quarry, Mine					
<input type="checkbox"/> Other _____					
Spilled Substance Destination					
<input type="checkbox"/> Air					
<input type="checkbox"/> Soil					
<input type="checkbox"/> Groundwater					
<input type="checkbox"/> Surface Water					
<input type="checkbox"/> Storm Sewer					
<input type="checkbox"/> Sanitary Sewer					
<input type="checkbox"/> Contained/Recovered					
<input type="checkbox"/> Other _____					
Person Filing This Report (print name) <u>Barbara Stangler</u>					
Signature <u>B. Barbara Stangler</u>				Date Signed <u>5-31-89</u>	

Additional Comments:  
Ashland Fire Dept. + Police are at the site.  
The Fire dept is spraying foam on the spill.

TOXIC AND HAZARDOUS INCIDENT ALERT FORM

Report Prepared by

G. NIELSON

1) Date of Incident 5/31/89		2) Time of Incident UNK.		3) Reported by ASHLAND F.D. JACK STOLARZYK		4) Telephone No. (715) 682-7052	
5) Date Reported 5/31/89		6) Time Reported 1020		7) Person or Firm Responsible QUARON OIL CO.			
8) Substance Involved GASOLINE		9) Quantity (unit) 3,000 GAL		10) Contact Name GEO. MONIZA		11) Telephone No. (715) 682-2477	
12) Substance Involved		13) Quantity (unit)		14) Address ELLIS AVE & 6TH ST.			
15) Physical Characteristics <input type="checkbox"/> Solid <input type="checkbox"/> Semisolid    Odor _____ <input checked="" type="checkbox"/> Liquid <input type="checkbox"/> Gas                    Color _____				16) City, State, Zip Code ASHLAND, WI			
				17) Weather Conditions Wind Speed _____ Direction _____ Precipitation ___ Yes ___ No    Temperature _____ Direction of Spill Movement _____			
18) Exact Location (Highways, Intersections, Mileage, Etc.) ELLIS AVE & 6TH ST.						19) County ASHLAND	
20) Cause of Incident UNKNOWN    GAS GOING INTO STORMSEWER 6 1/2 BLOCKS FROM CHEQUAMEGON BAY						21) Transportation Related <input type="checkbox"/> Transportation <input type="checkbox"/> Highway <input type="checkbox"/> Facility <input checked="" type="checkbox"/> Related	
22) If Nuclear Facility - Type of Alert _____ Unusual Event    _____ Alert    _____ Site Emergency    _____ General Emergency							
23) Surface Water Affected Yes ___ No ___ Potential <input checked="" type="checkbox"/>		24) Ground Water Affected Yes ___ No ___ Potential _____		Agency		Person Contacted	
25) Distance to - Nearest Water _____ Nearest Well _____ Surface Water Name _____		26) Distance From - Population _____ Medical Care Fac. _____ Correctional Fac. _____ Senior Citizen Center _____		NR Center /Chemtrec		800-424-8802	
27) Local Units on Scene <input type="checkbox"/> EG <input checked="" type="checkbox"/> Fire <input checked="" type="checkbox"/> Enforcement <input type="checkbox"/> EMS <input type="checkbox"/> Other <input type="checkbox"/> Engineering				DNR		BARB SPANGLER	
				DNR		Days 266-2141 Pager No. 608-275-9049	
28) Actions Taken on Scene F.D. USING FOAM				DOT/State Patrol			
				H&SS		24 hr. Number 608-266-2830	
				NRC		312-932-2500	
				PSC			
				DILHR			
				MFGR			

PROJECT MAINTENANCE FORM  
(To be initiated by Management Accountant.)

04-02-043745 PDF  
02-02-000105 Transferred

1. Action Code: A, D, or C
2. PMN: SP 826
3. Fiscal Year: 1989
4. Title: QUEAM OIL - ASHLAND  
-----  
----- (45 Char.)  
-----
5. Short Title: ----- (25 Char.)
6. Property Code: ----- (used when 806L submitted)
7. Property Name: \_\_\_\_\_
8. Grant Number: ----- (To be completed by Grant Accountant)
9. Project Manager: (Last Name; FI) NANCY ATZEN
10. PMN Group: \_\_\_ (DV-development; BC-building commission; ST-special transfer; GD-gifts and donations)
11. Project Checkbook: -----
12. Project Subunit: -----
13. Approval Date: \_\_\_ / \_\_\_ / \_\_\_
14. Start Date: 5 / 31 / 89
15. Starting F/Y: 19 \_\_\_
16. Ending Date: \_\_\_ / \_\_\_ / \_\_\_
17. Close Out Date: \_\_\_ / \_\_\_ / \_\_\_
18. Continuing Project: Y \_\_\_ N \_\_\_  
(was it in last year's handbook)
19. Continue Salary Transfers: Y \_\_\_ N \_\_\_
20. Grant Eligible: Y \_\_\_ N \_\_\_ If yes, complete #8 above and write Grant Title below:

21. Does this need a time code: Y \_\_\_ N \_\_\_ If yes, what is task no. \_\_\_  
Time Code Descriptor: (For word processing update only - no char. limit - use back of this page for description)

APPROVAL ROUTING

INITIAL

DATE

Mgt. Accountant

\_\_\_\_\_

\_\_\_\_\_

Grant Accountant (Jan/Clara/Terri)

\_\_\_\_\_

\_\_\_\_\_

Fiscal Approval (Jim Goers)

\_\_\_\_\_

\_\_\_\_\_

PMN Table (Diane LaCrosse)

\_\_\_\_\_

\_\_\_\_\_

Time Code (Terri Burns)

\_\_\_\_\_

\_\_\_\_\_

Table (Cheryl Krull)

\_\_\_\_\_

\_\_\_\_\_

cc: Marian Genin FN/1  
Bob Dvoraczky FN/1  
Management Accountant FN/1





State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadry  
Secretary

101 South Webster Street  
Box 7921  
Madison, Wisconsin 53707  
TELEPHONE 608-266-2621  
TELEFAX 608-267-3579  
TDD 608-267-6897

June 19, 1992

IN REPLY REFER TO: 4190

SP826

Mr. George Moniza  
Quearm Oil Company  
105 West 6th Street  
Ashland, WI 54806

FID # 802054330  
Case # NWD-019091

Dear Mr. Moniza:

Enclosed is your copy of the signed Consent Order.

Failure to abide by the conditions of this Order to which you agreed may cause the Department to pursue further enforcement action.

If you have any questions on this matter, please contact Mick Michaelsen in Spooner at 715-635-4069. For technical questions or clarifications you can contact Christopher Saari at 715-762-3204.

Sincerely,

John LaFontaine, Director  
Office of Environmental Enforcement  
Division of Enforcement

cc: Linda Meyer - L/5  
Laurie Egge - SW/3  
Gary LeRoy - NWD  
Mick Michaelsen - NWD  
Entrack - EE/5 -

BEFORE THE  
STATE OF WISCONSIN  
DEPARTMENT OF NATURAL RESOURCES

In the Matter of Hazardous Substance        )  
Discharges at the Quearm Oil Company        )  
Property in City of Ashland, Ashland        )  
County, Wisconsin                            )

ORDER No. NWD-019-91  
ENTRACK FID No. 802054330

FINDINGS OF FACT, CONCLUSIONS OF LAW AND CONSENT ORDER

The following constitutes a summary of the Findings of Fact and Conclusions of Law upon which the Department of Natural Resources (Department) bases this Consent Order. Quearm Oil Company enters into this Consent Order for the purposes of settlement and avoiding the expense, delay and uncertainties of a contested case hearing. Nothing in this Consent Order, including the Findings of Fact and Conclusions of Law constitutes or shall be interpreted or construed as an admission by Quearm Oil Company including but not limited to:

1. An admission of liability under federal, state or local law, ordinance, statute, regulation or common law;
2. An admission or determination of fact or law; or
3. An admission of violation of any law, regulation, ordinance or common law.

By entering into this Consent Order, Quearm Oil Company does not waive, other than as to enforcement of this Consent Order, any claim, right or defense that might be raised in any administrative or judicial action or proceeding.

FINDINGS OF FACT

The Department of Natural Resources (the Department) finds that:

1. Quearm Oil Company is a petroleum product distributorship in the City of Ashland, Wisconsin.
2. Quearm Oil Company is located at 105 West Sixth Street, Ashland, Wisconsin 54806. Quearm Oil Company uses its bulk plant to handle, store and distribute petroleum products in the form of motor gasoline and fuel oil.
3. On May 31, 1989, a sudden and accidental gasoline leak from an aboveground storage tank on Quearm property was detected and reported to the Department by City of Ashland Fire Department. An estimated 2,000 to 3,000 gallons of gasoline was discharged by the tank leak.

4. On June 13, 1989, Twin City Testing reported in a letter to Quearm Oil Company that some contaminated soils were removed as part of an emergency response to inhibit the spread of contamination. The consultant recommends placing soil borings on site to delineate the subsurface soil contamination to better assess the extent of hydrocarbon contamination. Sample results were included in this document.
5. On June 28, 1990, the Department received a report titled "Subsurface Investigation Report of the Burlington Northern, Wisconsin Central, and Quearm Oil Company Properties in Ashland, Wisconsin" prepared by Pace, Incorporated. The report states that laboratory analyses of soil samples taken on Quearm property in May, 1990 indicated petroleum hydrocarbon contamination exists in the soil on Quearm Oil Company property.
6. On December 10, 1991, a conference was held with Quearm Oil Company at which time Quearm Oil Company presented an April 3, 1990, Phase I Soil Boring Investigation proposal prepared by Twin Ports Testing, Inc. At the enforcement conference Quearm Oil Company agreed to retain a consultant; and develop a work plan and submit a work schedule to conduct an investigation to determine the extent of soil and groundwater contamination on Quearm Oil Company property.

#### CONCLUSIONS OF LAW

1. Petroleum products and their constituents are hazardous substances as defined by s. 144.01(4m), Wis. Stats.
2. Under s. 144.76(3), Wis. Stats., Quearm Oil Company, as owner and operator of the site, possessed or controlled a hazardous substance which was discharged, or caused the discharge of a hazardous substance, and 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.
3. Under s. 144.76(7)(c), Wis. Stats., the Department has the authority to issue Special Orders to the person possessing, controlling, or responsible for the discharge of hazardous substances to fulfill their duty imposed by s.144.76(3), Wis. Stats.
4. This Order is enforceable under ss. 144.98 and 144.99, Wis. Stats.
5. Under s. 227.44(4), Wis. Stats., the Department has the authority to enter into Consent Orders.

#### CONSENT ORDER

The Department and Quearm Oil Company agree to the following and the Department therefore orders that:

1. Within thirty (30) calendar days of the effective date of this Consent Order, Quearm Oil Company shall present three (3) copies of a draft work plan for the subsurface investigation of the Quearm Oil property. The report will include:
  - a. Locations of all proposed soil sampling, soil borings and monitoring wells;
  - b. A description of all monitoring well design and installation consistent with ch. NR 141, Wis. Adm. Code;
  - c. A description of sampling methodology;
  - d. A proposed work schedule for the implementation of the subsurface investigation.

The technical and analytical procedures proposed in the draft work plan shall be consistent with petroleum investigation procedures stated in the April, 1992 version of the Department's LUST program Corrective Action Plan guidance document.

If modifications of the draft work plan are required by the Department, then Quearm Oil Company shall submit a revised work plan within thirty (30) days after receiving the Department's comments.

2. Within thirty (30) days after the Department issues its final, unconditional approval of the work plan for subsurface investigation at the Quearm Oil Company property submitted pursuant to paragraph 1, Quearm Oil Company shall implement the investigation described in such final work plan.
3. Within thirty (30) days after the analytical results are available from the field work implemented pursuant to the final work plan for the subsurface investigation, Quearm Oil Company will submit three (3) copies of a final report of the results of such subsurface investigation. Such report shall present the data and summarize findings and recommendations for further investigation, if any, and for remedial action, if any.
4. All Reports required under this Order shall be submitted to:

Mr. Christopher Saari  
Department of Natural Resources  
P.O. Box 220  
Park Falls, WI 54552 (2 copies)

Wisconsin Department of Natural Resources  
Emergency & Remedial Response Section SW/3  
P.O. Box 7921  
Madison, WI 53707 (1 copy)



5. The Department retains jurisdiction to amend this order to protect public health, safety, welfare or the environment.
6. This Consent Order is effective on the date it is signed by the parties hereto.

STATE OF WISCONSIN  
DEPARTMENT OF NATURAL RESOURCES

BY: John LaFontaine  
John LaFontaine

DATE: 6/19/92

BY: George Moriza  
Quearm Oil Company

STIPULATION AND WAIVER

Quearm Oil Company stipulates to the issuance of this Consent Order and waives further notice of its hearing rights, as related to matters covered in this Consent Order, waives its statutory right to demand a hearing before the Department of Natural Resources regarding matters covered by this Consent Order and waives its right to challenge this Consent Order in any Circuit Court under ss. 227.52 and 227.53, Wis. Stats., or under any other provision of law. Quearm Oil Company further stipulates that this Consent Order is enforceable under ss. 144.98 and 144.99, Wis. Stats., as soon as it is signed by The Department of Natural Resources. The undersigned certify that they are authorized to sign this Consent Order, and this Stipulation and Waiver on behalf of Quearm Oil Company.

QUEARM OIL COMPANY

By: George Moriza  
George Moriza, Owner

6/16/92  
Date