



## State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor  
Scott Hassett, Secretary  
John Gozdziwski, Regional Director

Antigo Service Center  
223 E Steinfest Rd  
Antigo, Wisconsin 54414  
Telephone 715-623-4190  
FAX 715-623-6773

November 2, 2004

Subject: Murphy Oil, Superior, WI  
WDNR BRRTS # **02-16-534621**

Dear Ms. Lundmark:

On September, 8, 2003, the Wisconsin Department of Natural Resources (WDNR) was notified of an 80 gallon crude oil spill near Tank 50 at the Murphy Oil Refinery. Spill BRRT's # is 04-16-516582. The department's Spills Program addresses the immediate response and cleanup of spills. The cleanup response at this site has progressed into an investigation of potential groundwater contamination. Investigations of this nature are handled by the department's Environmental Repair Program.

Based on the information submitted to the WDNR, we believe you are responsible for restoring the environment at the referenced site under Section 292, Wisconsin Stats., known as the hazardous substances spills law.

This letter describes your legal responsibilities, explains what you need to do to investigate and clean up the contamination, and provides you with information about cleanups, environmental consultants, possible financial assistance, and working cooperatively with the WDNR and Department of Commerce (Commerce).

### **Legal Responsibilities:**

Your legal responsibilities are defined both in statute and in administrative codes. The hazardous substances spill law, Section 292.11 (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 Code chapters NR 700 through NR 749 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 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 three steps to take:

1. Within the next **30 days**, you must submit written verification (such as a letter from the consultant) that you have hired an environmental consultant.
2. Within the next **60 days**, your consultant must submit a workplan and schedule for the investigation. The consultant must follow the WDNR administrative codes and technical guidance documents. To facilitate prompt agency review of your reports, your consultant should use the site investigation and closure formats which are available on-line at [www.dnr.state.wi.us](http://www.dnr.state.wi.us).

Once an investigation has established the degree and extent of contamination involved at your site, your consultant will be able to determine whether Commerce or the WDNR has authority over the case.

3. Within 30 days of completion of the site investigation, you or your consultant must provide a brief report at least every 90 days per NR 724.13(3). Quarterly reports need only include one or two pages of text, plus any relevant maps and tables. Should conditions at your site warrant, we may require more frequent contacts.
4. Sites where discharges to the environment have been reported are entered into the Bureau for Remediation and Redevelopment Tracking System (BRRTS), a version of which appears on the WDNR's internet site. You may view the information related to your site at any time (<http://www.dnr.state.wi.us/org/aw/rr/brrts>) and use the feedback system to alert us to any errors in the data.

If you want a formal response from the agency on a specific submittal, please be aware that a review fee is required in accordance with s. NR 749, Wis. Adm. Code. If a fee is not submitted with your reports, you should proceed under the advice of your consultant to complete the site investigation to maintain your compliance with the spills law and chs. NR 700 through NR 749. **Do not delay the investigation of your site by waiting for an agency response.** We have provided detailed technical guidance to environmental consultants. Your consultant is expected to know our technical procedures and administrative codes and should be able to answer your questions on meeting cleanup requirements.

All correspondence regarding this site should be sent to:

Danielle Lancour  
Remediation and Redevelopment Program  
Wisconsin Department of Natural Resources  
223 E Steinfest Rd  
Antigo, WI 54409

Unless otherwise requested, please send only one copy of plans and reports. To speed processing, correspondence should reference the BRRTS and FID numbers (if assigned) shown at the top of this letter.

**Additional Information for Site Owners:**

Information to help you select a consultant, and materials on controlling costs, understanding the cleanup process, and choosing a site cleanup method are enclosed. In addition, *Fact Sheet 2, Voluntary Party Remediation and Exemption from Liability* provides information on obtaining the protection of limited liability under s. 292.15, Stats.

**Financial Assistance:**

Reimbursement from the Petroleum Environmental Cleanup Fund (PECFA) is available for some of the costs of cleaning up contamination from eligible petroleum storage tanks. Please refer to the enclosed information sheet entitled "*Information About PECFA*" for more information on eligibility and regulations for this program. For more information on the PECFA program, please call the Department of Commerce at 608-266-2424 or visit their web site at: <http://www.commerce.state.wi.us>.

Thank you for your cooperation.

Sincerely,



Norman Dunbar  
Bureau for Remediation & Redevelopment

C. Jim Hoesch DWK-Superior



24-Hour Emergency Hotline Number: 1-800-943-0003

Date & Military Time Of Incident: 09/08/2003 09:15		Date & Military Time Reported: 09/08/2003 9:50		Spill File # nor09082003_01 <b>04-16-516582</b>	
Person Reporting: Kelly Cresap		Representing: Murphy Oil		Phone # (715)398-3533 Fax # ( )	
Responsible Party (RP) / Spiller: Murphy Oil		RP Decision Based On:		Phone # ( ) Fax # ( )	
RP Address: 2400 Stinson Avenue			City Superior	State WI	Zip Code 54880
RP Contact Name & Title: Liz Lundmark			Phone # (715)398-8434 Fax # ( )		
Substance Involved: Crude Oil		Amount & Units Released: 80 gallons		Amount & Units Recovered: recovered 50	
<input type="checkbox"/> Solid		<input type="checkbox"/> Semisolid		<input checked="" type="checkbox"/> Liquid	
<input type="checkbox"/> Gas		Color:		Odor:	
Exact Location Of Incident: (including street name, bldg. #, mileage, etc.) same as above by <u>tank 50</u>				Facility Name / Property Owner: Murphy Oil	
<input checked="" type="checkbox"/> City <input type="checkbox"/> Village <input type="checkbox"/> Township Superior		County Douglas		Latitude/Longitude	
DNR Region: NOR		NW 1/4 Sec 36 T49N R14 <input type="checkbox"/> E <input checked="" type="checkbox"/> W		Weather Conditions: cloudy overcast	
Cause Of Incident: mixer seal failure spilled into catch box					
Spilled Substance Impact To: (check X all that apply)		Spill Cause/Site:		Action Taken By Spiller:	
<input type="checkbox"/> Air <input type="checkbox"/> Potential <input type="checkbox"/> Concrete/Asphalt <input type="checkbox"/> Potential <input checked="" type="checkbox"/> Contained/Recovered <input type="checkbox"/> Groundwater <input type="checkbox"/> Potential <input type="checkbox"/> Private Well <input type="checkbox"/> Potential <input type="checkbox"/> Sanitary Sewer <input type="checkbox"/> Potential <input type="checkbox"/> Soil <input type="checkbox"/> Potential <input type="checkbox"/> Storm Sewer <input type="checkbox"/> Potential <input type="checkbox"/> Surface Water <input type="checkbox"/> Potential Name: <input checked="" type="checkbox"/> Other: gravel soil		<input type="checkbox"/> Ag Coop/Food Factory <input type="checkbox"/> Airport Facility <input type="checkbox"/> Railroad Facility <input type="checkbox"/> Construction, Excavation, Wrecking, Quarry, Mine <input type="checkbox"/> Gas/Service Station/Garage/Auto Dealer/Repair Shop <input type="checkbox"/> Hydraulic Line Break <input type="checkbox"/> Industrial Facility <input type="checkbox"/> Paper Mill <input type="checkbox"/> Chemical Co. <input type="checkbox"/> Pipeline/Terminal/Tank Farm/Oil Jobber/Wholesaler <input type="checkbox"/> Private Property (home/farm) <input type="checkbox"/> Public Property (city, state, church, school, etc.) <input type="checkbox"/> Transportation Accident, Fuel Tank Spill <input type="checkbox"/> Transportation Accident, Load Spill <input type="checkbox"/> Utility Co. Power Generating/Transfer Facility <input checked="" type="checkbox"/> Other: refines crude oil into gasoline		<input checked="" type="checkbox"/> Cleanup Method: <input type="checkbox"/> Absorbent <input checked="" type="checkbox"/> Excavation <input checked="" type="checkbox"/> using a vacuum truck <input type="checkbox"/> Containment <input checked="" type="checkbox"/> Contractor Hired Name: CEDA <input type="checkbox"/> Monitor <input type="checkbox"/> No Action Needed <input type="checkbox"/> No Action Taken <input type="checkbox"/> Waste Destination: <input type="checkbox"/> Other:	
Injuries? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes how many?		Has An Evacuation Occurred? <input type="checkbox"/> Yes <input type="checkbox"/> No		Potential? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Are There Any Resource Damages? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Potential What Kind?					
Other Agencies Notified: (check first column, if notified; check both columns, if on the scene)				Incident Commander: Liz Lundmark	
<input type="checkbox"/> Fire Department <input checked="" type="checkbox"/> Local DNR <input type="checkbox"/> EPA <input type="checkbox"/> Local Law Enforcement <input type="checkbox"/> Div. Emerg. Mgt. <input type="checkbox"/> Nat'l Resp Ctr 800-442-8802 <input type="checkbox"/> LEPC or Local Emer. Mgt. <input type="checkbox"/> Coast Guard <input type="checkbox"/> Chemtrec 800-424-9300 <input type="checkbox"/> Level A/Level B Team <input type="checkbox"/> DHFS 608-258-0099 <input type="checkbox"/> Other:				Phone # (715)398-8434	
Prepared By: Merry Nelson		Phone # 608-264-8536		Date: 09/08/2003	
Person Notified: John Krull, WEM, Jim Hosch		Phone #		Date: 09/08/2003	
Investigated By: <i>John Krull</i>		Sign: <i>[Signature]</i>		Date: 09-08-03	
Spill Coordinator Signoff: <i>Normy Dunbar</i>		Date: 9/20/04		Incident Closed? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Transferred To: ERP <input checked="" type="checkbox"/>		NFA Letter Sent? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Spill Packet Sent? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
DATCP <input type="checkbox"/> Date:		Case # 02-16-534624 To:		<input type="checkbox"/> See Additional Comments On Reverse Please, print page 2 of 2	