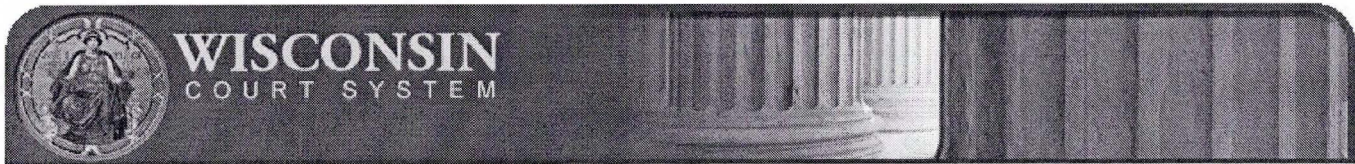


Midstate Oil – Giese, Randy
02-43-545221

Original File is with Waste – Midstate Oil
Filed by FID #999753920



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State Of Wis vs Randy Giese

Oconto County Case Number 1993CV000081

[What is RSS?](#)

[RSS](#)

Filing Date

03-31-1993

Case Type

Civil

Case Status

Closed

Court Record Events

- ☒ Ascending Date Order
☐ Descending Date Order

Class Code Description

Unclassified

Responsible Official

Judge, Michael T

Branch Id

1

Parties

Party Type	Party Name	Party Status
Plaintiff	State Of Wis	
Defendant	Giese, Randy	
Third party plaintiff	Giese, Randy	
Third party defendant	Petroleum Equipment Service	

Civil Judgment(s)

Type	Debtor Name	Multiple Debtors	Amount	Satisfaction	Judgment Status	Date
Judgment for money	Giese, Randy	No	\$ 1,847.26	No		
Judgment for money	Giese, Randy	No	\$ 22,121.91	Full	Full satisfaction	05-03-2010

Party Details

State Of Wis - Plaintiff

Date of Birth Sex Race ¹
Address Address Updated On
03-31-1993

Party Attorney(s)

Attorney Name GAL Entered
Remington, Frank David No 03-31-1993

Giese, Randy - Defendant

Date of Birth Sex Race ¹
Address Address Updated On
03-31-1993

Party Attorney(s)

Attorney Name GAL Entered
Carlson, Richard J No 03-31-1993

Giese, Randy - Third party plaintiff

Date of Birth **Sex** **Race ¹**
Address **Address Updated On**
d/b/a Midstate Oil, WI 03-31-1993

Party Attorney(s)
Attorney Name **GAL Entered**
Carlson, Richard J No 03-31-1993

Petroleum Equipment Service - Third party defendant

Date of Birth **Sex** **Race ¹**
Address **Address Updated On**

Party Attorney(s)
Attorney Name **GAL Entered**
Bachhuber, Bruce R No 06-07-1993

Civil Judgment(s)

What is RSS?

**Judgment for money**

County	Case Number	Case Caption
Oconto	<u>1993CV000081</u>	State Of Wis vs Randy Giese
Judgment/Lien Date	Total Amount	Warrant Number
10-31-1994	\$ 1,847.26	
Date and Time Docketed	Service/Event Date	
11-07-1994 at 04:00 pm		

Satisfaction	Judgment Status	Date	Type Of Tax
No			

Property/Remarks**Judgment Parties**

Party Type	Name	Dismissed	Status	Address	Attorney Name
Debtor	Giese, Randy	No	Active	5575 Samson Road, d/b/a Midstate Oil, Abrams, WI 54101	Carlson, Richard J
Creditor	Petroleum Equipment Service	No	Active	1850 Velp Avenue, a/k/a Petroleum Equip Ser of Wis, Green Bay, WI	Bachhuber, Bruce R

Costs / Amounts

Description	Amount
Costs and Disbursements	\$ 1,847.26

Judgment for money

County	Case Number	Case Caption
Oconto	<u>1993CV000081</u>	State Of Wis vs Randy Giese
Judgment/Lien Date	Total Amount	Warrant Number
04-04-1994	\$ 22,121.91	
Date and Time Docketed	Service/Event Date	
01-15-1996 at 04:00 pm		

Satisfaction	Judgment Status	Date	Type Of Tax
Full	Full satisfaction	05-03-2010	

Property/Remarks**Civil Judgment Events**

Date	Type	Amount
09-11-2009	Amended judgment	\$ 22,121.91

10-03-2005 Extended Judgment \$ 0.00

05-03-2010 Full satisfaction \$ 22,121.94

Judgment Parties

Party Type	Name	Dismissed	Status	Address	Attorney Name
Debtor	Giese, Randy	No	Active	5575 Sampson Road, d/b/a Midstate Oil, Abrams, WI 54101	Carlson, Richard J
Creditor	State Of Wis	No	Active	P O Box 7857, 123 W Washington Ave, Madison, WI 53707-7857	Remington, Frank David

Costs / Amounts

Description	Amount
Judgment amount	\$ 22,121.91

¹ The designation listed in the Race field is subjective. It is provided to the court by the agency that filed the case.

² Non-Court activities do not require personal court appearances. For questions regarding which court type activities require court appearances, please contact the Clerk of Circuit Court in the county where the case originated.

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**TECHNICAL SOLUTIONS
NORTH AMERICA**



8/27/10

August 11, 2010

Ms. Roxanne Nelezen Chronert
Wisc DNR – Northeast Region HQ
2984 Shawno Avenue
Green Bay, WI 54313

Dear Ms. Chronert,

Enclosed please find your hazardous waste certificates of disposal (COD's) forms for your shipments from July 1, 2008 through June 30, 2009.

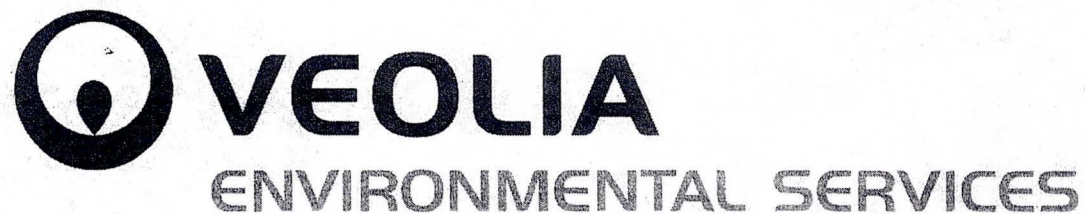
Thank you for your business opportunities. If you have any questions about these documents, please feel free to contact me at (800) 255-5092 x 72636.

Sincerely,

A handwritten signature in black ink, appearing to read "John Mueller".

John Mueller
Operations Manager

Type	Cust #	Gen #	Generator Name	Original Destination	Date Originally Shipped	Original Manifest	Original Approval Code	Outbound Manifest Number	Dest Name
DNR	441333	557354	WI DNR @ MIDSTATE/GIESE LAND	CWD - VEOLIA	12/08/08	000206466VES	CWDSGRHAZ	ZZ00162777	VES - GLACIER RIDGE
DNR	441333	557354	WI DNR @ MIDSTATE/GIESE LAND	CWD - VEOLIA	12/08/08	000206467VES	CWDFUELS	000229445VES	GREENCASTLE WDF FACILITY
DNR	441333	557354	WI DNR @ MIDSTATE/GIESE LAND	CWD - VEOLIA	12/08/08	000206467VES	CWDTWIORGD	000367501VES	TWI - VEOLIA
DNR	441333	557354	WI DNR @ MIDSTATE/GIESE LAND	CWD - VEOLIA	12/08/08	000206467VES	CWDTWISOL	000367509VES	TWI - VEOLIA
DNR	441333	557354	WI DNR @ MIDSTATE/GIESE LAND	CWD - VEOLIA	12/08/08	000206467VES	TWISOL004	000186418VES	TWI - VEOLIA



Certificate of Treatment and Disposal

Veolia Environmental Services, Controlled Waste Division (WID003967148) has received Waste material from UW-Madison, Superior, Oshkosh, La Crosse, Whitewater, Platteville, Kettle Moraine Correctional, Racine Youthful Offender Correctional, WDOT-Bridges, WDNR and WDMA, between the dates 8/20/08 and 6/15/09, described on Waste Manifests, SEE ATTACHMENT.

Final Treatment Method

Landfill

I certify on behalf of the above listed facility that, to the best of my knowledge, the waste was managed and disposed of in compliance with all applicable laws, regulations, permits and licenses.

A handwritten signature in cursive script that reads "William Banks". The signature is written in dark ink and is positioned above a horizontal line.

William Banks

Veolia Environmental Services - Controlled Waste Division Signature

Greencastle WDF Facility

***P.O. Box 486, Greencastle, IN 46135
(765) 653-8816***

Certificate of Thermal Destruction

Generator: VEOLIA MF

Address: W124N9451 BOUNDARY ROAD
MENOMONEE FALLS, WI 53051

Buzzi Unicem USA

Greencastle WDF Facility, received waste from: VEOLIA MF
identified as:

Manifest Number:

000229445

Profile No:

LS01660

Greencastle Load No:

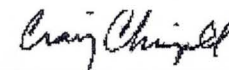
51794

lbs Received:

39780

And hereby certifies that this material was subsequently destroyed in accordance with the requirements of 40 CFR 268.42 on or about 12/19/2008.

Signed:



Title:

Alternate Fuels Manager

Date:

12/20/2008

Veolia ES Technical Solution LLC
Federal EPA ID: ILD098642424
State EPA ID: 1031210009
7 Mobile Avenue
Sauget, IL 62201-1069
(815)271-2804

VEOLIA ES TECHNICAL SOLUTIONS
ATTN: MANIFEST SECTION
NJD980538593
W124N0451 BOUNDARY RD
MENOMONEE FALLS, WI 53051-1603

Certificate of Destruction

Trade Waste Incineration has received waste material from
VEOLIA ES TECHNICAL SOLUTIONS on 01/06/2009
as described on [State Manifest or Uniform] Hazardous Waste Manifest number(s)
000367501VES

Profile Number:	351070
OES Tracking ID:	338023
Process:	Rotary Kiln Incineration
Treatment Date:	01/11/2009
Total Pieces Destroyed:	1

I certify, on behalf of the above listed treatment facility
that to the best of my knowledge, the above-described waste
was managed in compliance with all applicable laws,
regulations, permits, and licenses on the date listed above.

Gary F. Brehe

Gary F. Brehe

Certificate #: 154743
03/24/2009

Invoice Customer:
City:

VEOLIA ES TECHNICAL SOLUTIONS
MENOMONEE FALLS

Veolia ES Technical Solution LLC
Federal EPA ID: ILD098642424
State EPA ID: 1631210009
7 Mobile Avenue
Sauget, IL 62201-1069
(618)271-2804

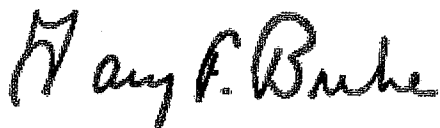
VEOLIA ES TECHNICAL SOLUTIONS
ATTN: MANIFEST SECTION
WID003967148
W124N9451 BOUNDARY RD
MENOMONEE FALLS, WI 53051-1603

Certificate of Destruction

Trade Waste Incineration has received waste material from
VEOLIA ES TECHNICAL SOLUTIONS on 01/26/2009
as described on [State Manifest or Uniform] Hazardous Waste Manifest number(s)
000367509VES

Profile Number:	351070
OES Tracking ID:	339010
Process:	Rotary Kiln Incineration
Treatment Date:	01/31/2009

I certify, on behalf of the above listed treatment facility
that to the best of my knowledge, the above-described waste
was managed in compliance with all applicable laws,
regulations, permits, and licenses on the date listed above.



Gary F. Brehe

Certificate #: 159026
11/06/2009

Invoice Customer:
City:

VEOLIA ES TECHNICAL SOLUTIONS
MENOMONEE FALLS

Veolia ES Technical Solution LLC
Federal EPA ID: ILD098642424
State EPA ID: 1631210009
7 Mobile Avenue
Sauget, IL 62201-1069
(618)271-2804

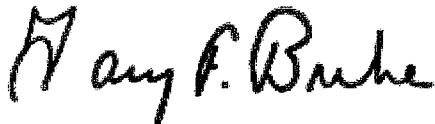
VEOLIA ES TECHNICAL SOLUTIONS
ATTN: MANIFEST SECTION
WID003967148
W124N9451 BOUNDARY RD
MENOMONEE FALLS, WI 53051-1603

Certificate of Destruction

Trade Waste Incineration has received waste material from
VEOLIA ES TECHNICAL SOLUTIONS on 12/23/2008
as described on [State Manifest or Uniform] Hazardous Waste Manifest number(s)
000186418VES

Profile Number:	LOP005
OES Tracking ID:	337528
Process:	Rotary Kiln Incineration
Treatment Date:	01/27/2009
Total Pieces Destroyed:	6

I certify, on behalf of the above listed treatment facility
that to the best of my knowledge, the above-described waste
was managed in compliance with all applicable laws,
regulations, permits, and licenses on the date listed above.

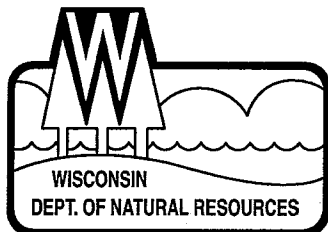


Gary F. Brehe

Certificate #: 161797
05/21/2010

Invoice Customer:
City:

VEOLIA ES TECHNICAL SOLUTIONS
MENOMONEE FALLS



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor
Matthew J. Frank, Secretary
Ronald W. Kazmierczak, Regional Director

Northeast Region Headquarters
2984 Shawano Ave.
Green Bay, Wisconsin 54313-6727
Telephone 920-662-5100
FAX 920-662-5413
TTY Access via relay - 711

March 26, 2010

Mr. Randy Giese
5575 Sampson Road
Abrams, WI 54101

SUBJECT: Final Case Closure
Midstate Oil – Giese, 5575 Sampson Road, Abrams, WI
WDNR BRRTS Activity #: 02-43-545221

Dear Giese:

On March 19, 2010, the Northeast Region Closure Committee reviewed your request for closure of the case described above. The Closure Committee reviews environmental remediation cases for compliance with state rules and statutes to maintain consistency in the closure of these cases.

Based on the correspondence and data provided, it appears that your case meets the closure requirements in ch. NR 726, Wisconsin Administrative Code. The Department considers this case closed and no further investigation or remediation is required at this time. However, any future property owner needs to be aware that only a small portion of this property has been investigated as part of this case. Other areas of environmental concern unknown to the Department may exist somewhere else on the property.

Please be aware that this case may be reopened pursuant to s. NR 726.09, Wisconsin Administrative Code, if additional information regarding site conditions indicates that contamination on or from the site poses a threat to public health, safety or welfare, or the environment.

The Department appreciates your efforts to restore the environment at this site. If you have any questions regarding this closure decision or anything outlined in this letter, please contact me at (920) 662-5420.

Sincerely,

Keld B. Lauridsen
Hydrogeologist
Bureau for Remediation & Redevelopment

cc: Dave Fries, OMMNI Associates, Inc. (ecopy - David.Fries@omnni.com)
Anne Van Grinsven, WDNR - Green Bay (ecopy)
Lorraine Stoltzfus, DOJ (ecopy)
Bruce Urban, WDNR – Green Bay (ecopy)
Leonard Polczynski, WDNR – Green Bay (ecopy)

Closure Routing for Signatures

☒ Closure Approved
 _____ Keld
 _____ ~~Rox~~
 _____ ~~Len~~
☒ Raquel *yes*
 _____ ~~Bruce~~
 _____ Closure Denied
 _____ Keld
 _____ Rox

Date Reviewed
 _____ *3-17-10*
 _____ *3-17-10*
 _____ *3-18-10*
 _____ *3-18-10*

BRRTS Codes Needed with Closure Code 11

	48	NR 140 Exemption at Closure
	56	Land Use Control at Closure
	84	Conditional Closure
	86	Site Specific Condition
	220	Industrial land use
	222	Cap over contaminated area
	224	Structural impediment
	226	Vapor mitigation
	228	Site-specific condition
	230	Maintain liability exemption
	710/232	Soil contamination remains
	234	Lost monitoring well
	700/236	GW above NR140 enforcement standards

Return Closure Request to Diane Hansen

TO: Keld Spuridsen
 FROM: NER Closure Committee
 DATE: 3/19/10
☒ Closure Approved – No Restrictions
 _____ Closure Approved With Restrictions
 _____ Closure Denied

Send Appropriate Letter

For BRRTS # 02-43-545221
 Activity Name Midstate Oil - Giese

The following information is needed or missing	The following information is in BRRTS
<input type="checkbox"/> No acres indicated <input type="checkbox"/> (100 ac or less) <input type="checkbox"/> Not all fees paid <input type="checkbox"/> Risk <input type="checkbox"/> Priority	<input type="checkbox"/> Acres recovered <input type="checkbox"/> These fees have been entered <input type="checkbox"/> Closure Fee <input type="checkbox"/> Soil GIS <input type="checkbox"/> GW GIS <input type="checkbox"/> Risk is _____ <input type="checkbox"/> Priority is _____

Please forward information to Diane Hansen

Closure letter should be uploaded into Doc module.

NER Closure Cover Sheet

Revised 5-12-09

BRRTS #:

02-43-545221

Date:

Mar 15, 2010

Activity Name:

Midstate Oil - Giese

Project Manager/Preparer:

Lauridsen

First Review by Closure Committee:

☒ Yes

☐ No

1. Brief site history (include applicable items such as current and prior usage, any controversial issues, VPLE, industrial/non-industrial, redevelopment issues, etc.). If re-submittal, include any unresolved issues from denial:

Site formerly accepted waste petroleum products from tanks pulls etc. The facility was shut down by the Waste Program as the RP was operating illegally. Recently, drums and a soil/sludge pile were removed by R&R and later paid for by RP. A total of about 14.5 tons of stored hazardous waste was removed during December 2008

2. Are there other sites present close by? ☐ Yes ☒ No If present, provide overview map from GIS Registry.

3. Type(s) and source(s) of contamination (include how discovered) and if co-contamination present:

Petroleum products identified as spilled on surface soil by Waste Program.

4. Is degree and extent of contamination defined in both soil and groundwater ☒ Yes ☐ No
(if No is there a reason) and the GW plume stable?

5. What remedy has been implemented?

Small historic soil excavation. Stored hazardous waste recently removed.

6. Soil type (mention if soil fill or waste is present):

Silty clay with sand

7. Depth to groundwater & flow direction (note unusual occurrences or conditions):

Unknown - not encountered

8. Depth to bedrock:

Unknown - not encountered

9. SSRCL Developed & is DNR PM in agreement with SSRCL:

N/A

10. Surface Cover (impervious, pervious, vegetative, etc)?

Gravel

NER Closure Cover Sheet

Revised 5-12-09

11. Any issues with utilities, vapors, free product, etc?

N/A

12. Potable wells present and sampled (if impacted, has DW been advised)?

Yes - not likely to be impacted as insignificant impacts identified

13. Any surface water issues?

N/A

14. Project Manager Opinion: ☒ Approval ☐ Denial

If approval is recommended, list all soil (include if soil is listed for GW protection, Direct Contact, or both) and groundwater exceedances by boring or monitoring point (e.g. soil - B100 > RCL GW; Boring B1400 > RCL DC; groundwater - MW12>ES; MW10 > PAL; etc.)

Close as clean closure.

Final letter should indicate that only small area of property investigated where the Waste program observed surface spillage. Other areas of concern unknown to the Department may exist on the property.

15. Closure Conditions (Off-site letters or ROW Notifications issued, cap plan prepared Project Manager Opinion):

☐ Off-Site

☐ ROW

☐ Cap Plan

☐ Fees

☐ Other

WDNR BRRTS CASE # 02 - 43 - 545221

WDNR SITE NAME : Midstate Oil

WISCONSIN DEPARTMENT OF NATURAL RESOURCES

Bureau for Remediation and Redevelopment

This form is intended to provide instructions and a list of information that must be submitted for evaluation for case closure, each time a request is made. The closure of a case means that the Department has determined that no further response is required at that time based on the information that has been submitted to the Department.

NOTICE: *Completion of this form is mandatory for applications for case closure pursuant to ch. 292, Wis. Stats. and ch. NR 726, Wis. Adm. Code, including cases closed under ch. NR 746 and ch. NR 726. The Department will not consider, or act upon your application, unless all applicable sections are completed on this form and the closure fee and any other applicable fees, required under ch. NR 749, Wis. Adm. Code, Table 1 are included. It is not the Department's intention to use any personally identifiable information from this form for any purpose other than reviewing closure requests and determining the need for additional response action. The Department may provide this information to requesters as required by Wisconsin's Open Records law [ss. 19.31 - 19.39, Wis. Stats.].*

In order to expedite the closure process, provide a complete and accurate closure package according to the following instructions, each time a closure decision is requested:

- Submit the Case Closure Request form and the required attachments as a stand-alone, **unbound** package. Include all information requested per section, as appropriate to the site, in the order shown. Include all attachments per section, as appropriate. Do not attach previously submitted reports. Correctly reference any reports in the case summary, as applicable.
- Include fees with this request at the time it is submitted to the department in order for the application to be considered complete.
- Specify your selected closure option.
- Use forms 4400-245 and 4400-246 for Section H. Include all **GIS Registry information** (in Section H) as a stand-alone document (*do not refer to materials in other attachments*). Include copies of all off-source property and ROW notifications.
- Place a ☒ (attached) or NA (not applicable) in the blank next to each attachment, in each section.
- Include a maintenance plan, if it is required for the implemented remedial action.
- **Maps for the GIS Registry may not be larger than 8.5 x 14 inches**, unless maps are submitted in electronic form in portable document format (pdf) readable by the Adobe Acrobat Reader. For electronic document submittal requirements, see <http://www.dnr.wi.gov/org/aw/rr/archives/pubs/RR690.pdf>.
- Prepare maps according to the applicable portions of ss. NR 716.15(2)(h)1 and 726.05(3)(a)4.d. Prepare visual aids, including maps, plans, drawings, cross sections, fence diagrams, tables and photographs according to s. NR 716.15(2)(h)1. - 4.
- Use a **bold font** on information of importance on tables, maps and figures. A **bold font** (for ES exceedances) and *italics* (for PALs) are preferred when differentiation is necessary. **Please do not use shading or highlights** on any of the analytical tables (per s. NR 726.05(3)) and maps as the shading obscures the information that is scanned for inclusion in the GIS Registry.
- Put multiple tables submitted for contaminated media data (eg. pre- and post-remedial data) in chronological order. Include the level of detection for results which are below the detection level (i.e. do not just list as no detect (ND)). Summaries of all data should include information collected by previous consultants. Do not submit lab data sheets unless these have not been submitted in a previous report. Tabulate all data required in s. NR 716.15(2)(g)3 in the format required in s. NR 716.15(2)(h)3.
- Document free product recovery estimates as required in s. NR 708.15, if applicable.

Case Closure Request

Form 4400-202 (R 5/08)

Page 2 of 9

WDNR BRRTS CASE # 02 - 43 - 545221

WDNR SITE NAME : Midstate Oil

Section A: Case History and Closure Pathway Selected

ATTACHMENTS:

- _____ A brief site summary including results of all investigative activities, interim and remedial actions taken, a description of any residual soil and/or groundwater contamination and their locations, a description of any other media affected, and a description of how actual and potential impacts to receptors have been addressed.
- _____ Site location map on USGS topographic base map.
- _____ Site map including buildings, utilities, property lines of source property and impacted non-source properties, ground cover and supply wells, including any municipal wells. *These maps may be combined.*
- _____ Verification of the zoning for affected properties.

INFORMATION NEEDED:

1. Site Name Midstate Oil - GIESE
Street Address: 5575 Sampson Road
City/Zip Code: Abrams, WI 54101
2. BRRTS #: 02-43-545221
3. DNR FID #: 999753920 PECFA Claim#: N/A
4. Responsible Party Name Mr. Randy Giese
Mailing Address: 5575 Sampson Road City/Zip Code: Abrams, WI 54101
Phone number: (920) 471-6393 Contact Person: Randy Giese
5. Date of Incident/Discovery: 3/12/92 Contaminant Type(s): Petroleum, lead
6. Quantity Released: unknown
7. Land Use:
Current : ☒ Residential ☒ Commercial ☐ Industrial ☐ Other
If other, specify: _____
Planned Post Remediation : ☒ Residential ☒ Commercial ☐ Industrial ☐ Other
If other, specify: _____
8. Is a zoning change required? ☐ Y ☒ N
If so, has it been completed for post remedial land use? ☐ Y ☐ N
9. 4.5 Acres ready for use (The total area in acres of all adjacent tax parcels owned by the same entity on the site where the contamination originated, rounding fractions to nearest .5 acre and noting >100 acres for acreages above 100 acres. For multiple discharges that are cleaned up concurrently, count the acres once.)
10. Geographic Coordinates (meters/ WTM83/91) E ~~674804~~ 674737 N ~~478610~~ 478618 Pm
RSS
11. Method Used to Obtain Geographic Coordinates:
☐ On-site using GPS equipment, converted or projected into WTM83/91 coordinates
☐ Used county web map site to get coordinates
☒ Used RR Sites Map web site to get WTM83/91 coordinates
☐ Other (specify): _____
12. *Groundwater Contamination Remaining (>ES):
On Source Property ☐ Y ☒ N
Off Source Property ☐ Y ☒ N
13. *Residual Soil Contamination > Generic or Site-Specific RCL:
On Source Property ☐ Y ☒ N
Off Source Property ☐ Y ☒ N
14. Contamination in Right of Way: ☐ Y ☒ N
15. Closure Pathway Selected: check all that apply

CLOSURE via <u>NR 726</u>	
Soil	Groundwater <u>N/A - Not tested</u>
<input checked="" type="checkbox"/> < s. NR 720.09/720.11 Generic RCLs	< s. NR 140.10 Table 1 & Table 2 Values
<input type="checkbox"/> s. NR 720.19(2) Soil Performance Standards	s. NR 140.28(2) PAL Exemption
<input type="checkbox"/> s. NR 720.19(4) Groundwater Pathway	s. NR 726.05(2)(b), ≥ ES Natural Attenuation
<input type="checkbox"/> s. NR 720.19(5) Direct Contact	

WDNR SITE NAME: Midstate Oil

<u>CLOSURE via NR 746 and NR 726</u>	
<u>Petroleum Storage Tank Soil Options for Closure:</u>	
___s. NR 746.07 Requirements Met-Post Investigation	
___s. NR 746.08 Requirements Met-Post Remed.	
<u>Petroleum Storage Tank GW Options for Closure:</u>	<u>Petroleum Storage Tank GW Options for Closure:</u>
<u>Within Permeable Material:</u>	<u>Within Low Permeability Material:</u>
___s. NR 746.07(3) ≥PAL <ES, Post Investigation	___s. NR 746.07(2), Post Investigation
___s. NR746.07(4) >ES, Post Investigation	___s. NR 746.08(2), Post Remediation
___s. NR 746.08(3)≥ PAL, <ES, Post Remediation	
___s. NR 746.08(4) >ES, Post Remediation	

1. Extent Defined? X Y ___ N ___ If not, explain why. _____
2. Soil Type(s): Silty-clay with sand
3. Depth of Contamination: Top: 0 Bottom: Approx 6"

Case Closure Request

Form 4400-202 (R 5/08)

Page 4 of 9

WDNR BRRTS CASE # 02 - 43 - 545221

WDNR SITE NAME: Midstate Oil

4. Type of Bedrock: Not encountered Depth to Bedrock: not determined
5. Is Any Contaminated Soil (Unsaturated or Saturated) in Contact With the Bedrock? Y N not determined
6. Measurable Free Product? Y N Depth/Location: not determined

Section D: Soil Remediation Information

ATTACHMENTS:

- _____ Map showing remediated area (for example, excavation limits or area influenced by SVE) and locations of post-remediation soil samples (if any). This map should show the locations and extent of residual soil contamination exceeding ch. NR 720 RCLs. These samples should be noted in bold font. A copy of the map(s) from Section H(form 4400-245) may be used.
_____ Soil disposal documentation
_____ NR 720.19 analysis, assumptions and calculations for site specific RCLs (SSRCLs), with justification
_____ Calculations and results of EPA Soil Screening Level Model.
_____ Post-remedial cross-section(s) with post remedial soil sampling results, if soil removal or treatment has occurred. Identify sample results and depths. A copy of the cross-section(s) from Section H(form 4400-245) may be used or you may refer to the cross-section(s) in Section E, as appropriate.
_____ see Section E

INFORMATION NEEDED:

1. Remedial Action Completed? X Y N
2. Were immediate or interim actions conducted? Y X N If yes, what action was taken?
3. Brief description of remedial action taken: Excavation of estimated 5 yds³ of soil, removal of a separate soil pile
4. Were soils excavated? X Y N Quantity: approx. 5 yds³ Disposal Method: land fill (14.56 tons)
5. Final Confirmation Sample Collection Methods: None
6. Final Soil/Drill Cuttings Disposal Location: Veolia land fill
7. Estimated volume and depth of in situ soils exceeding ch. NR 720 Table RCLs or Site Specific RCLs: 0 yds³
8. Estimated volume and depth of in situ soils exceeding ch. NR 746 Table 1 or Table 2 or Site Specific RCLs (underground petroleum tank systems, as defined in ch. NR 746 only): 0 yds³
9. s. NR 720.19 Analysis? Y X N
____ Performance Standard -NR 720.19(2)
____ SSRCL - NR 720.19(3) and (4),(5) or (6)
10. If the remedy includes a Soil Performance Standard, what type? X not applicable
____ Cap ____ Soil ____ Building ____ Natural Attenuation of Groundwater ____ Other
Specify other: _____
11. Will the maintenance of the SPS be consistent with the planned post remediation land use?
____ Y ____ N If No, please explain: _____
12. Is the EPA Soil Screening Level Model used as justification for closure of sites with residual contaminated soils?
____ Y ____ N Are the input numbers used: ____ Site Specific, or ____ WI Defaults?

Section E: Groundwater Information

ATTACHMENTS:

- _____ Table identifying all contaminants, summarizing all pre- and post-remediation groundwater analytical results, with sample collection dates (prepared in accordance with guidance document RR-628)
_____ Groundwater sample location map showing the site facilities and all monitoring wells, sumps, extraction wells, and potable and non-potable wells.

WDNR BRRTS CASE # 02 - 43 - 545221

WDNR SITE NAME: Midstate Oil

- _____ Isoconcentration map(s) when included as part of the site investigation or map(s) of the horizontal extent of contamination based on most recent data. *A copy of the map(s) from Section H (from 4400-245) may be used.*
- _____ A map showing groundwater flow direction(s) and summarizing the maximum variation in flow direction. *Multiple maps may be used. A copy of the map(s) from Section H (form 4400-245) may be used.*
- _____ A table summarizing all groundwater elevations, with dates, and top and bottom elevations of well screens. *(Wells are to be referenced to national geodetic survey datum, as per NR 141.065(2)).*
- _____ Graphs and statistical analyses which demonstrate the dynamics of the groundwater plume, for sites requesting closure using natural attenuation that meet the criteria s. NR 726.05(2)(b) or of s. NR 746 (permeable soils). *Refer to WDNR publication RR-614 for guidance.*
- _____ Geologic cross-sections showing extent of residual soil and/or groundwater contamination, as applicable. *A copy of the cross-section(s) from Section H, (form 4400-245) may be used.*

INFORMATION NEEDED:

1. Extent of Contamination Defined? Y N X N/A
2. Remedial Action Completed? Y N X N/A
- Brief Description of Remedial Action Taken: None

3. Depth(s) to Groundwater Not determined Flow Direction(s): not determined
4. Field Analyses? Y X N
Lab Analyses? Y X N
5. _____ # of Sample Rounds
_____ # of Sampling Points
_____ # NR 141 Monitoring Wells Sampled
_____ # Temporary GW Sampling Points Sampled
_____ # Recovery Sumps Sampled
_____ # Municipal Wells Sampled
_____ # Private Wells Sampled
6. Was DNR notified of substances in groundwater without standards? Y N X N/A
If yes, how many? _____ What substances? _____

7. Preventive Action Limit currently exceeded? Y N If yes, identify location(s) _____

8. Enforcement Standard currently exceeded? Y N If yes, identify location(s) _____

9. Measurable free product detected? Y N Pre-remediation
Y N Post-remediation

10. Was free product remediated? Y N
Method: _____

Purge water or free product-groundwater mixture disposal method? _____

11. Potable wells within 1200 feet of site? X Y N
Have they been sampled? Y X N
Type (i.e. municipal, private, etc.)? private

[NOTE: Include wells on groundwater well location map]

12. Has DNR been provided with all results of private well sampling? Y N N/A
13. Have well owners/occupants been notified of results? (Sec. B Attachments) Y N N/A
(Results also need to be sent to the DNR Water Supply Specialist)
14. Are there any monitoring wells that have not been located for abandonment? Y N N/A
15. Identify the property address(es) where the missing well is located: _____

Section F. Other Contaminated Media Information:

Case Closure Request

Form 4400-202 (R 5/08)

Page 6 of 9

WDNR BRRTS CASE # 02 - 43 - 545221

WDNR SITE NAME : Midstate Oil

ATTACHMENTS:

_____ Table of analytical results for all contaminants for media other than soil or groundwater

INFORMATION NEEDED:

1. Have other media been impacted (either on-site or off-site e.g. sediment, utilities, air)? _____Y X N
Briefly describe type and extent of **all** contamination found in media other than soil or groundwater:

2. Remedial action completed? _____Y _____N X N/A

Brief description of remedial action taken: _____

3. # of Post Remedial Sample Rounds: _____

of Sampling Points: _____

Field Analyses? _____Y _____N

Lab Analyses? _____Y _____N

Section G. Associated Site Closure Information:

ATTACHMENTS:

_____ Construction documentation or as-built report for any constructed remedial action or portion of, or interim action specified in s. NR 724.02(1), in accordance with s. NR 724.15.

_____ Maps and photos documenting the cap area, and/or integrity of the cap, with date.

_____ Description of any soil performance standard cover system used, including a description of how it meets the requirement to be protective until residual contaminant concentrations no longer pose a threat to public health, safety, welfare or the environment, per s. NR 720.19(2), s. NR 722.09(2) and (3).

_____ Maintenance plan associated with 292.12 land use control or for performance standard remedy. (per ss. NR 720.19(2) and 724.13(2))

INFORMATION NEEDED:

1. Enforcement actions closed out? X Y _____N _____N/A

2. Permits closed out? _____Y _____N X N/A

3. Describe how the following pathways are protected:

a) Direct Contact Pathway: None

b) Groundwater: None

c) Other: _____

Section H. Required GIS Registry Information: Use form 4400-245, GIS Registry Checklist, and form 4400-246, Impacted Off-Source Property Information. Submit these forms and their attachments with this closure request form.

Case Closure Request

Form 4400-202 (R 5/08)

Page 7 of 9

WDNR BRRTS CASE # 02 - 43 - 545221

WDNR SITE NAME: Midstate Oil

I certify that, to the best of my knowledge, the information presented on and attached to this form is true and accurate. This recommendation for case closure is based upon all available data as of 3/1/10 (date). I have read the Case Closure Request Form instructions and all required information has been included.

Form Completed By: _____

(Signature)

(Date)

☒ \$750.00 Closure Review Fee Attached

☐ \$250.00 GIS Registry Maintenance Fee Attached (GW and/or monitoring well to be abandoned)

☐ \$200.00 GIS Registry Maintenance Fee Attached (Soil)

Printed Name: Dave Fries

Company Name: OMNNI Associates, Inc.

Email address: dave.fries@omnni.com

If not site owner, relationship to site owner: consultant

Address: One Systems Drive City/Zip Code Appleton WI 54914

Telephone Number: (920) 735-6900 FAX Number: (920) 830-6100

Source Property Owner's Name (if different from person conducting the cleanup): _____

Address: _____ City/Zip Code _____

Telephone Number: (____) _____ Email Address: _____

Environmental Consultant (if different than above): _____

Address: _____ City/Zip Code _____

Email Address: _____

Telephone Number: (____) _____ FAX Number: (____) _____

WDNR BRRTS CASE # _____

WDNR SITE NAME : _____

FOR DEPARTMENT USE ONLY

PROJECT MANAGER: _____ Date Reviewed: _____

() Approved () Denied () Sent to Committee (Date: _____)

CLOSURE COMMITTEE DECISION ON CLOSURE:

FIRST COMMITTEE REVIEW DATE: 3/17/10 ☒ Approved () Denied

[Signature]
(Signature)

[Signature]
(Signature)

[Signature]
(Signature)

[Signature]
(Signature)

COMMITTEE RECOMMENDATION:

☒ Closure Approved With:

- ☒ No Restrictions
- ☐ Listing on GIS Registry due to Groundwater impacts
- ☐ Listing on GIS Registry due to Soil impacts
- ☐ Zoning Verification
- ☐ Well Abandonment Documentation
- ☐ Soil Disposal Documentation
- ☐ NR 140 Exemption For: _____
- ☐ VPLE Insurance needed
- ☐ ROW notification needed
- ☐ Cap required, maintenance plan needed for cap
- ☐ Structural Impediment – notification and investigation needed if change in land use
- ☐ Maintain Zoning - Industrial Land Use soil standards applied
- ☐ - notification needed if change in land use
- ☐ Site Specific Closure Letter
- ☐ Deed Restriction
- ☐ Deed Notice
- ☐ Other

Conditions/Comments:

Final letter should
indicate that only a small
area of the property has been
investigated.

☐ Closure Denied, Needs More:

- ☐ Investigation
 - ☐ Groundwater Monitoring
 - ☐ Soil Remediation
 - ☐ Groundwater Remediation
 - ☐ Documentation of Soil Landspreading or Biopile Destiny
- Specific Comments:

Case Closure Request

Form 4400-202 (R 5/08)

Page 9 of 9

WDNR BRRTS CASE # _____ WDNR SITE NAME : _____

FOR DEPARTMENT USE ONLY

PROJECT MANAGER: _____ Date Reviewed: _____

() Approved () Denied () Sent to Committee (Date: _____)

CLOSURE COMMITTEE DECISION ON CLOSURE:

SECOND COMMITTEE REVIEW DATE: _____ () Approved () Denied

(Signature)

(Signature)

(Signature)

(Signature)

COMMITTEE RECOMMENDATION:

_____ Closure Approved With:

_____ No Restrictions

_____ Listing on GIS Registry due to Groundwater impacts

_____ Listing on GIS Registry due to Soil impacts

_____ Zoning Verification

_____ Deed Restriction

_____ Deed Notice

_____ Site Specific Close Out Letter

_____ Well Abandonment Documentation

_____ Soil Disposal Documentation

_____ NR 140 Exemption For: _____

_____ VPLE Insurance needed

_____ Other Conditions/Comments: _____

_____ Closure Denied, Needs More:

_____ Investigation

_____ Groundwater Monitoring

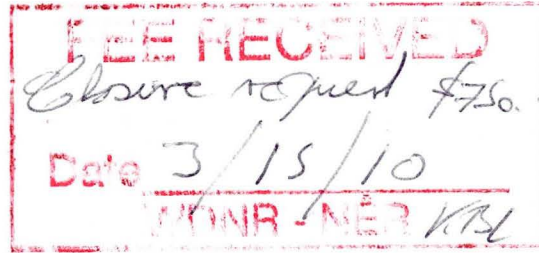
_____ Soil Remediation

_____ Groundwater Remediation

_____ Documentation of Soil Landspreading or Biopile Destiny

_____ Specific Comments: _____

March 12, 2010



Mr. Keld Lauridsen
Remediation and Redevelopment
Wisconsin Department of Natural Resources
2984 Shawano Avenue
Green Bay, WI 54307

RE: Closure Request for the Midstate Oil property, 5575 Sampson Road, Abrams, WI. (BRRTS #02-43-545221 and WTM91 674804, 478610)

Dear Mr. Lauridsen:

On behalf of Midstate Oil, OMNNI Associates, Inc., (OMNNI) requests that the above site be reviewed for closure. The site is located at 5575 Sampson Road, Abrams, WI in the NE ¼, NW ¼, Section 2, T26N, R20E. (See Figure 1 – Site Location Map, attached.) The Case Closure Request Form (4400-202) and the WDNR case review fee of \$750 are enclosed. Per a conversation with you, a GIS Registry for remaining soil and/or groundwater contamination at the site is not necessary.

Introduction/Background

According to the WDNR, Midstate Oil was an unlicensed solid waste storage facility. Much of the material stored at the site was from cleaning storage tanks that had contained petroleum products. It is OMNNI's understanding that the WDNR has been attempting to bring the facility into compliance since the early 1990's. Many storage tanks, drums, and a "lugger box full of sludge" were removed from the site prior to OMNNI's involvement in the project. It is also our understanding that on September 15, 1995, U.S. Oil Inc. excavated contaminated soil from a small spill that occurred when they were emptying tanks inside the building in July 1995. The area was located on the east side of the building and was approximately 20 – 25 feet long, and 4 – 6 feet wide and 6-inches deep. It was noted that contamination appeared to exist below the 6-inch depth of the excavation and it was attributed to the operations at the facility.

OMNNI was contracted by the WDNR to collect three shallow soil samples with a hand auger at the site in September 2007. The soil sample locations were chosen based on a meeting with the WDNR at the site on the same day. (See Figure 2 – Site Detail Map, attached.) The three soil samples were collected from areas that were thought to be impacted by operations at the facility. Per the WDNR request, the samples were tested for volatile organic compounds (VOCs), polynuclear aromatic hydrocarbons (PAHs), and resource conservation and recovery act (RCRA) metals. Results of analytical testing showed no detections of contaminants above the applicable soil standards. (See Table 1 – Summary of Laboratory Analysis – Soil Boring Samples.) The work is documented in a report prepared by OMNNI dated October 31, 2007. Based on the results of the limited shallow soil sampling at the site, the WDNR did not require additional investigation at the site.

OMNNI was also contracted by the WDNR to coordinate the disposal of 27, 55-gallon drums of material and a soil pile at the site. The material in the drums was thought to be sludge from cleaning underground petroleum storage tanks. The sample collection occurred on July 10, 2008. Per the WDNR's request, a

composite soil sample was collected from the soil pile and tested for RCRA metals using the toxicity characteristic leaching procedure (TCLP). The composite sample collected from the 27 drums was tested for diesel range organics (DRO), gasoline range organics (GRO), PCBs, RCRA metals, VOCs, flash point and free liquids. The results of the testing were forwarded to the WDNR and the disposal of the material in the drums and soil pile were coordinated by the WDNR. These field activities were documented in a report prepared by OMNNI dated August 18, 2008. A total of 14.56 tons of soil were disposed of at Veolia Landfill.

OMNNI was contracted by Mr. Robert Giese, the owner of the property, to prepare a closure request for the site.

Justification for Case Closure

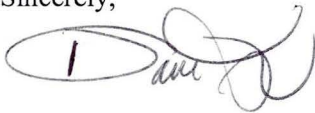
OMNNI recommends that the site be reviewed for closure. (See Case Closure Request Form 4400-202, Attached.) It is OMNNI's understanding, that the contaminated material that was present at the site in various storage devices has been removed and properly disposed of at a licensed landfill. A small excavation occurred at the site in September 1995 to remove material that was contaminated during a small spill and a soil pile that was located inside the building has also been disposed of at a licensed landfill.

Results of analytical testing conducted on three soil samples collected from shallow, hand-augered borings, revealed no contamination above applicable soil standards. Based on the results of this limited investigation, the WDNR did not required additional investigation at the site.

The limited nature of the investigation did not show evidence of an impact to the air quality in adjacent buildings. Bedrock was not encountered during the investigation, therefore, contamination is not expected within a meter of bedrock. Groundwater monitoring wells were not installed to determine if free product would be encountered in the groundwater at the site. The site has a private water supply well. OMNNI has not collected a sample from the well. There does not appear to be a discharge of contamination to a nearby surface water or wetland at this site, and there is no evidence that the contaminant plume is expanding.

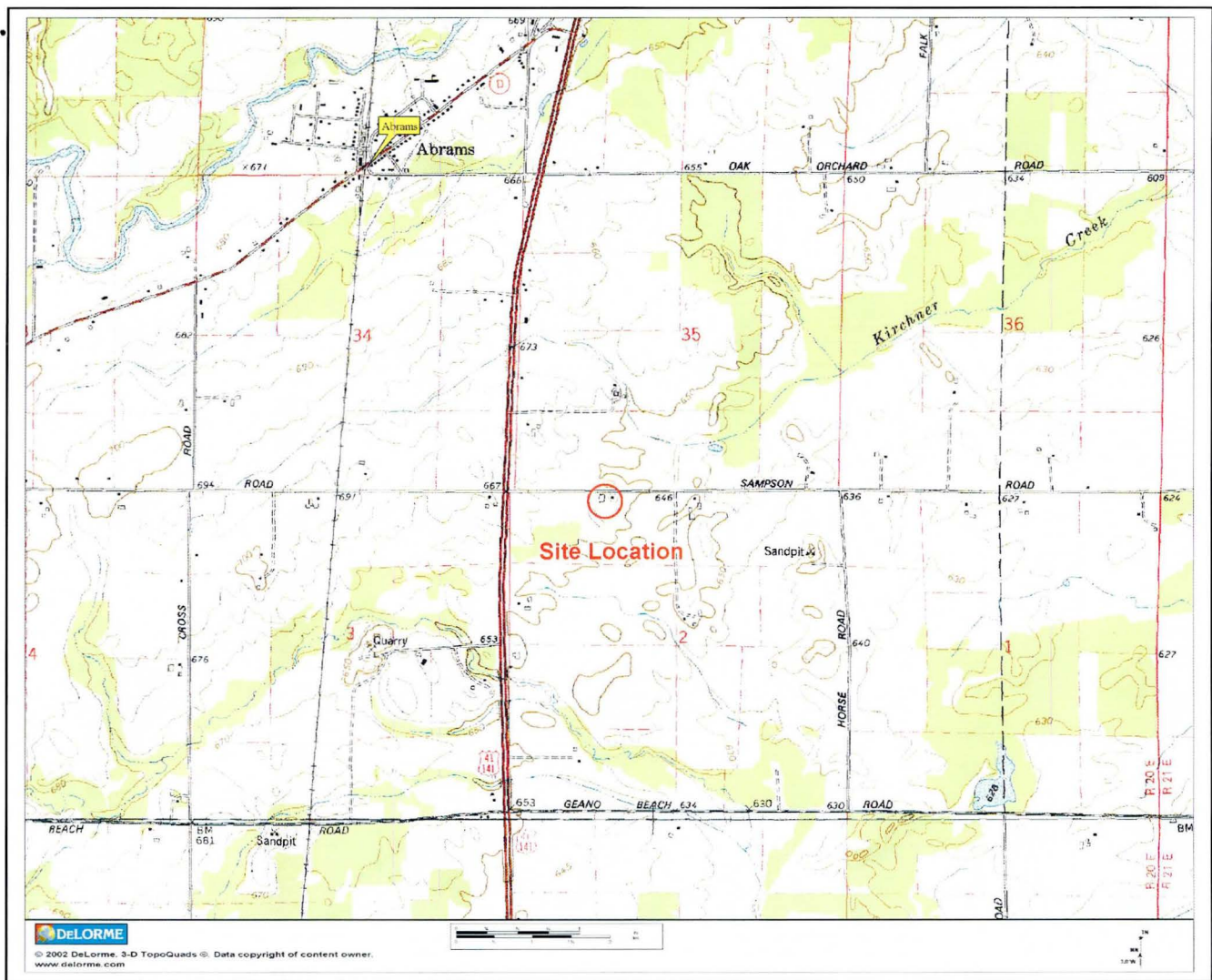
If you have any comments or questions about the project, please contact me at 920-735-6900 or at dave.fries@omnni.com.

Sincerely,

A handwritten signature in black ink, appearing to read "Dave Fries", with a stylized flourish at the end.

Dave Fries, P.G., CHMM
Hydrogeologist

cc: Mr. Randy Giese
Midstate Oil Co.
5575 Sampson Road
Abrams, WI 54101



Source: 2000 DeLorme Topo Tools



Figure 1
Site Location Map

Midstate Oil
5575 Sampson Road, Abrams, WI

OMNI
ASSOCIATES

Project Number:
N1978A07

Date: 10/31/07

One Systems Drive, Appleton, Wisconsin 54914-1654
Phone: (920) 735-6900 Fax: (920) 830-6100

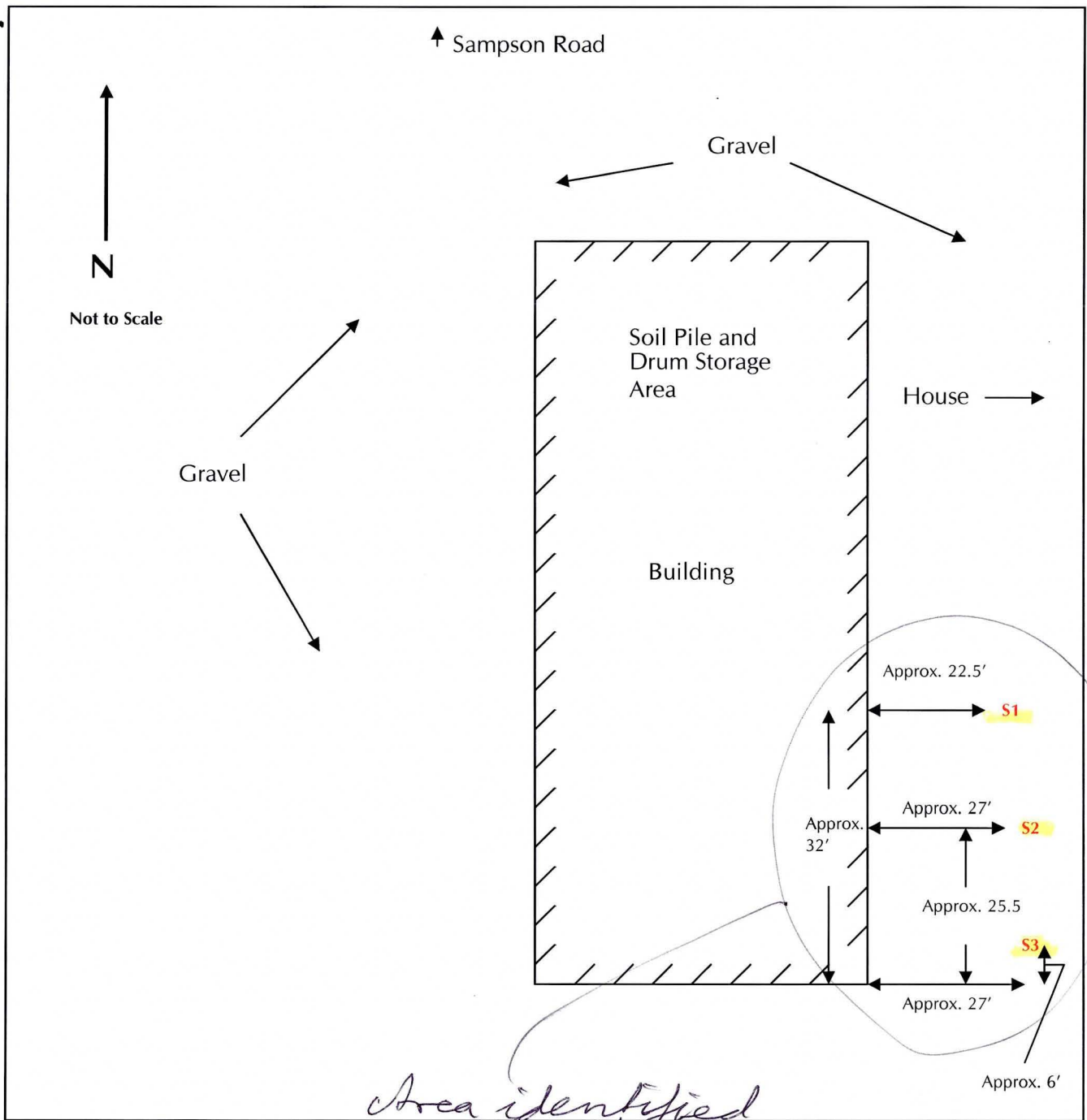


Figure 2
Site Detail Map

Midstate Oil Property
5575 Sampson Road, Abrams, WI



Project Number: N1978A07

Date: 8/18/08

One Systems Drive, Appleton, Wisconsin 54914-1654
Phone: (920) 735-6900 Fax: (920) 830-6100

C RCL

TABLE 1
SUMMARY OF LABORATORY
ANALYSIS - SOIL BORING SAMPLES
SEPTEMBER 24, 2007 SAMPLING EVENT

PARAMETER	STANDARD	S1	S2	S3
SAMPLE DEPTH (FT)		1.5	1.0	8-inches
SAMPLE DATE		9/24/07		
DETECTED RCRA METALS (mg/kg)				
BARIUM	-	36	36	45
CADMIUM	8	0.14"J"	<0.035	<0.035
TOTAL CHROMIUM	14/16,000	14	21	25
LEAD (mg/kg)	50	11	5.9	4.8
SELENIUM	-	3.2	<2.3	4.5
DETECTED PAHs (µg/kg) non-indus				
FLUORENE	600,000	<8.5	<8.5	8.7"J"
1-METHYL NAPHTHALENE	1.1 x 10 ⁶	<13	<13	22.9"J"
PHENANTHRENE	18,000	<15	<15	18.9"J"
DETECTED VOCs (µg/kg)	NONE			

21 = detected over the standard

8.7"J" = detected between the limit of detection and the limit of quantitation.

Lauridsen, Keld B - DNR

From: Lauridsen, Keld B - DNR
Sent: Wednesday, September 30, 2009 2:20 PM
To: Cooke, Timothy C - DNR
Cc: Urben, Bruce G - DNR
Subject: Midstate Oil - Giese
Attachments: 20090930135316490.pdf

Tim,

Per your request, I have attached a copy of the check reimbursing WDNR for the funds spent on contractor services at the site referenced above. I will route it through finance in NER. As you probably remember, other smaller checks have been provided previously through the bankruptcy trustee. This check was provided by the responsible party. He has now provided the required funds to DOJ, WDNR and OMNNI Associates. OMNNI will prepare a closure request soon and we can hopefully close the case and not have to worry about it anymore.

Let me know if you need anything else.

-Keld



2009093013531649
0.pdf (97 KB)

Keld B. Lauridsen
Hydrogeologist
Wisconsin Department of Natural Resources
2984 Shawano Avenue.
Green Bay, WI 54313-6727

Phone (920) 662-5420
Fax (920) 662-5197
E-mail Keld.Lauridsen@wisconsin.gov
Visit us on the web -----> www.dnr.state.wi.us/org/aw/rr

Lauridsen, Keld B - DNR

From: Stoltzfus, Lorraine C. [stoltzfuslc@DOJ.STATE.WI.US]
Sent: Tuesday, September 29, 2009 2:20 PM
To: Van Grinsven, Anne - DNR
Cc: SchaefferUtter, Meg E - DOJ; Lauridsen, Keld B - DNR
Subject: RE: Giese--CONFIDENTIAL

Anne, the check went out in today's mail. Please let me know when you receive it.

Yes, I'm glad too that this appears to be working out. Now for the site closure yet, and then we can all close this one out.(!)

From: Van Grinsven, Anne - DNR [mailto:Anne.VanGrinsven@Wisconsin.gov]
Sent: Tuesday, September 29, 2009 1:21 PM
To: Stoltzfus, Lorraine C.
Cc: Schaeffer-Utter, Meg E.; Lauridsen, Keld B - DNR
Subject: RE: Giese--CONFIDENTIAL

I am so glad that this one is working out ~~~~ you can send the check to me.

thanks again for all of your help on this !

NOTICE OF CONFIDENTIALITY

THIS MESSAGE MAY CONTAIN INFORMATION WHICH, BY LAW, IS PRIVILEGED, CONFIDENTIAL OR EXEMPT FROM DISCLOSURE. PLEASE CONTACT THE SENDER FOR PERMISSION PRIOR TO DISCLOSING THE CONTENTS OF THIS MESSAGE TO ANY OTHER PERSON.

 *Anne M. Van Grinsven*

Environmental Enforcement Specialist - Leadworker

Bureau of Law Enforcement

Wisconsin Department of Natural Resources

(☎) phone: (920) 662-5163

(☎) fax: (920) 662-5413

(✉) e-mail: Anne.Vangrinsven@wisconsin.gov

From: Lauridsen, Keld B - DNR
Sent: Tuesday, September 29, 2009 8:44 AM
To: Stoltzfus, Lorraine C - DOJ
Cc: SchaefferUtter, Meg E - DOJ; Van Grinsven, Anne - DNR
Subject: RE: Giese--CONFIDENTIAL

Lorraine,

I would suggest sending it directly to Anne and she can then pass it on to me. Thanks again for all your

09/30/2009

help.

-Keld

Keld B. Lauridsen
Hydrogeologist
Wisconsin Department of Natural Resources
2984 Shawano Avenue.
Green Bay, WI 54313-6727

Phone (920) 662-5420
Fax (920) 662-5197
E-mail Keld.Lauridsen@wisconsin.gov
Visit us on the web -----> www.dnr.state.wi.us/org/aw/rr

From: Stoltzfus, Lorraine C. [mailto:stoltzfuslc@DOJ.STATE.WI.US]
Sent: Monday, September 28, 2009 3:35 PM
To: Van Grinsven, Anne - DNR
Cc: Lauridsen, Keld B - DNR; SchaefferUtter, Meg E - DOJ
Subject: Giese--CONFIDENTIAL

Well, guess what we got in this afternoon's mail! A check from Giese for DNR's costs!! Anne, you've probably told me before, but I'm not remembering: to whom at DNR should we give the original check? Thanks.

Lorraine C. Stoltzfus
Assistant Attorney General
608-266-9226

09/30/2009

Lauridsen, Keld B - DNR

From: Stoltzfus, Lorraine C. [stoltzfuslc@DOJ.STATE.WI.US]
Sent: Thursday, September 17, 2009 3:05 PM
To: Lauridsen, Keld B - DNR
Cc: Van Grinsven, Anne - DNR; Urban, Bruce G - DNR
Subject: RE: State v. Randy Giese--CONFIDENTIAL

Thanks for checking. Although that means that technically Randy is in violation of the stipulation, I'll let it go for now. Because we do have para. 6 of the stip that requires him to "take whatever actions are necessary" in order for the site to be properly closed out. So if OMNNI can't do it for \$3700 and needs more, or needs to do more work, Randy will have to take care of it if he wants that site to be closed out and the lien taken off. We'll wait and see. . .

Lorraine

From: Lauridsen, Keld B - DNR [mailto:Keld.Lauridsen@wisconsin.gov]
Sent: Tuesday, September 15, 2009 2:34 PM
To: Stoltzfus, Lorraine C.
Cc: Van Grinsven, Anne - DNR; Urban, Bruce G - DNR
Subject: RE: State v. Randy Giese--CONFIDENTIAL

Lorraine,

I already checked with OMNNI. They have a check in hand. Not for \$4,000 but for around 3,700 which was the cost estimate that OMNNI gave Randy Giese originally. They feel comfortable they can get it done for that so I guess I'm OK with it.

-Keld

Keld B. Lauridsen
 Hydrogeologist
 Wisconsin Department of Natural Resources
 2984 Shawano Avenue.
 Green Bay, WI 54313-6727

Phone (920) 662-5420
 Fax (920) 662-5197
 E-mail Keld.Lauridsen@wisconsin.gov
 Visit us on the web -----> www.dnr.state.wi.us/org/aw/rr

From: Stoltzfus, Lorraine C. [mailto:stoltzfuslc@DOJ.STATE.WI.US]
Sent: Tuesday, September 15, 2009 2:25 PM
To: Van Grinsven, Anne - DNR; Lauridsen, Keld B - DNR
Subject: FW: State v. Randy Giese--CONFIDENTIAL

I spoke with Randy Giese today, and he said that he mailed the check on Saturday to OMNNI. He said he spoke with Dave Frieze (sp?) at OMNNI about the closure report, and was told they will get to it in six

09/17/2009

weeks. Keld, at some point when you have a minute and feel like it, can you briefly check with OMNI and be sure they really did get the check? Thanks.

Lorraine

From: Schaeffer-Utter, Meg E.
Sent: Tuesday, September 15, 2009 9:57 AM
To: Van Grinsven, Anne - DNR; Lauridsen, Keld B - DNR
Cc: Stoltzfus, Lorraine C.
Subject: State v. Randy Giese

Attached for your file are copies of the Stipulation and Order for Amended Judgment, and Amended Judgment in *State of Wisconsin v. Randy Giese d/b/a Midstate Oil* that were entered by the court on September 11, 2009.

Meg Schaeffer-Utter
Wisconsin Department of Justice
Post Office Box 7857
Madison, WI 53707-7857
(608) 264-9442
(608) 266-2250 Fax

09/17/2009

STATE OF WISCONSIN

CIRCUIT COURT
BRANCH 1

OCONTO COUNTY

STATE OF WISCONSIN,

Plaintiff,

v.

Case No. 93-CV-0081
Unclassified - Civil: 30703

RANDY GIESE
d/b/a MIDSTATE OIL,

Defendant and
Third Party Plaintiff,

vs.

PETROLEUM EQUIPMENT SERVICE,

Third Party Defendant.

AUTHENTICATED COPY

SEP 11 2009

CLERK OF COURTS
OCONTO COUNTY, WI

STIPULATION AND ORDER FOR AMENDED JUDGMENT

This stipulation is entered into between the plaintiff State of Wisconsin and defendant Randy Giese d/b/a Midstate Oil. The parties state that the defendant is currently subject to a stipulation and order for judgment and a judgment filed on April 7, 1994 in the Oconto County Circuit Court. The stipulation and judgment requires a total payment in forfeitures and penalty assessment of \$101,375, and it requires investigation and remediation of the defendant's contaminated site located at 5575 Sampson Road, Abrams, Wisconsin.

The parties further state that the defendant failed to comply with the judgment, and that therefore the State filed a motion for contempt on August 13, 1997. On November 3, 1997, the Oconto County Circuit Court entered an order that required the defendant to undertake certain actions on the site, and to pay monies towards investigation and remediation of the site.

The parties further state that the defendant only partially complied with that order, and that eventually the Wisconsin Department of Natural Resources (WDNR) retained environmental consultants to perform an investigation of the site and ultimately to remove and dispose of the hazardous waste oil at the site, using monies from the WDNR's Environmental Fund in the Environmental Management account. The defendant has reimbursed the WDNR only some of the total costs, and he currently owes the WDNR a total of \$8,121.91 in past costs to reimburse the environmental fund account for State Lead work conducted at the site.

The parties further state that the site is not yet closed out. A closure report needs to be prepared and submitted to the WDNR's closure committee to determine if the site may be closed pursuant to Wis. Admin. Code ch. NR 726.

The parties further state that the State filed for and obtained an Order Granting Extension of Judgment Lien, and this Order was filed by the Oconto County Circuit Court on October 3, 2005.

Based on all of the above facts and history of this lawsuit, the parties wish to enter into a stipulation that will resolve all of the outstanding judgments and orders and will prevent the need for further litigation. The parties hereby stipulate and agree as follows:

1. An amended judgment shall be entered in favor of the State of Wisconsin and against the defendant in the total amount of \$22,121.91. This sum is comprised as follows: payment to WDNR for its remaining costs of \$8,121.91 to reimburse the WDNR's Environmental Fund in the Environmental Management account for State Lead work conducted at the defendant's site; payment of \$4,000 to OMNNI Associates for a closure report to be submitted to the WDNR closure committee; and forfeitures and penalty assessment totaling \$10,000.

2. The defendant shall pay the sum of \$4,000 to OMNNI Associates by no later than September 15, 2009, and shall pay the remaining two sums by no later than September 30, 2009.

3. Payment of the \$4,000 to bring the defendant's site to the WDNR closure committee shall be by check payable to OMNNI Associates and shall be postmarked or delivered by no later than September 15, 2009 to OMNNI Associates, One Systems Drive, Appleton, Wisconsin 54914. The defendant shall also simultaneously mail a photocopy of both the cover letter and the check to the Environmental Protection Unit, Attention: Lorraine Stoltzfus, Wisconsin Department of Justice, Post Office Box 7857, Madison, Wisconsin 53707-7857.

4. Payment of the WDNR's past costs of \$8,121.91 shall be by check payable to "Wisconsin Department of Natural Resources," and shall be postmarked or delivered by no later than September 30, 2009 to the Environmental Protection Unit, Attention: Lorraine Stoltzfus, Wisconsin Department of Justice, 17 West Main Street, Post Office Box 7857, Madison, Wisconsin 53707-7857.

5. Payment of the \$10,000 in forfeitures and statutory surcharges shall be by check payable to the "Oconto County Clerk of Circuit Court" and shall be postmarked or delivered by no later than September 30, 2009. A cover letter, noting the named parties to this case and noting its case number, along with an enclosed check for the payment shall be mailed to the attention of Mr. Michael Hodkiewicz, Clerk of Circuit Court, Oconto County Circuit Court, Oconto County Courthouse, 301 Washington Street, Oconto, Wisconsin 54153-1675. Defendant shall also simultaneously mail a photocopy of both the cover letter and the check to the Environmental Protection Unit, Attention: Lorraine Stoltzfus, Wisconsin Department of Justice, Post Office Box 7857, Madison, Wisconsin 53707-7857.

6. The defendant shall take whatever actions are necessary in order for his contaminated site located at 5575 Sampson Road, Abrams, Wisconsin to be properly closed out pursuant to Wis. Admin. Code ch. NR 726. If the WDNR closure committee identifies any remaining actions that must be done in order for the site to be closed out, the defendant shall commence those activities no later than 10 days after notification by the WDNR that additional action is needed, and shall complete the activities as soon as reasonably possible.

7. The defendant's compliance with this stipulation and with the amended judgment shall constitute full satisfaction and release of defendant's liability for all of the violations alleged in the complaint filed in this action.

8. If the defendant fails to comply with any of the requirements of this stipulation as set forth in paragraphs 1 through 6 above, this entire stipulation and the

amended judgment is null and void, and the defendant shall continue to be subject to the original stipulation and judgment that required payment of a total of \$101,375 in forfeitures and penalty assessment and also required that the site be fully remediated from the effects of the hazardous waste discharge on the site.

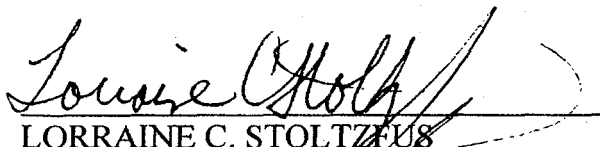
9. The provisions of this stipulation and the amended judgment shall apply to and be binding upon the parties and their agents, servants, employees, trustees, successors and assigns.

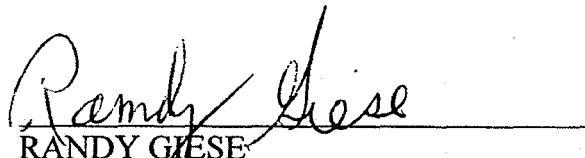
10. The accompanying Amended Judgment may be entered incorporating the terms of this Stipulation without further notice and without additional costs to either party. The parties hereby waive their rights to appeal the Amended Judgment that is entered pursuant to this Stipulation.

Dated: Aug. 10, 2009

Dated: _____

J. B. VAN HOLLEN
Attorney General


LORRAINE C. STOLTZFUS
Assistant Attorney General
State Bar No. 1003676
Attorneys for Plaintiff


RANDY GIESE
Defendant

ORDER FOR AMENDED JUDGMENT

The terms of the above stipulation in *State of Wisconsin v. Randy Giese d/b/a Midstate Oil*, No. 93-CV-0081, are approved by the Court, under which the defendant must pay \$8,121.91 to WDNR to reimburse the WDNR's Environmental Fund in the Environmental Management account for State Lead work conducted at the defendant's site; \$4,000 to OMNNI Associates for it to bring the defendant's site to the WDNR closure committee, and \$10,000 in forfeitures and penalty assessment. This is a final Order for purposes of appeal under Wis. Stat. § 808.03(1). The clerk is directed to enter and docket the judgment accordingly.

Dated this 11 day of Sept, 2009.

BY THE COURT:

/s/ MICHAEL T. Judge

The Honorable Michael Judge
Oconto County Circuit Court

STATE OF WISCONSIN

CIRCUIT COURT
BRANCH 1

OCONTO COUNTY

STATE OF WISCONSIN
17 West Main Street
Post Office Box 7857
Madison, Wisconsin 53707-7857,

Plaintiff,

v.

Case No. 93-CV-0081
Unclassified - Civil: 30703

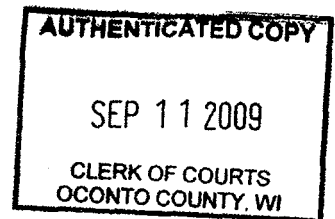
RANDY GIESE, d/b/a MIDSTATE OIL,
5575 Sampson Road
Abrams, Wisconsin 54101

Defendant and
Third Party Plaintiff,

v.

PETROLEUM EQUIPMENT SERVICE,

Third Party Defendant.



AMENDED JUDGMENT

Based on the Stipulation between the parties and upon the Court's Order, the terms of which are to be incorporated into this judgment in their entirety, judgment is hereby granted in favor of the plaintiff, State of Wisconsin, and against the defendant, Randy Giese, d/b/a Midstate Oil, in the amount of \$22,121.91. This sum is comprised as follows: payment to WDNR for its remaining costs of \$8,121.91 to reimburse the WDNR's Environmental Fund in the Environmental Management account for State Lead work conducted at the defendant's site; payment of \$4,000 to OMNNI Associates for a closure report to be

submitted to the WDNR closure committee; and forfeitures and penalty assessment totaling \$10,000.

The defendant shall pay the sum of \$4,000 to OMNNI Associates by no later than September 15, 2009, and shall pay the remaining two sums by no later than September 30, 2009.

Payment of the \$4,000 to bring the defendant's site to the WDNR closure committee shall be by check payable to OMNNI Associates and shall be postmarked or delivered by no later than September 15, 2009 to OMNNI Associates, One Systems Drive, Appleton, Wisconsin 54914. The defendant shall also simultaneously mail a photocopy of both the cover letter and the check to the Environmental Protection Unit, Attention: Lorraine Stoltzfus, Wisconsin Department of Justice, Post Office Box 7857, Madison, Wisconsin 53707-7857.

Payment of the WDNR's past costs of \$8,121.91 shall be by check payable to "Wisconsin Department of Natural Resources," and shall be postmarked or delivered by no later than September 30, 2009 to the Environmental Protection Unit, Attention: Lorraine Stoltzfus, Wisconsin Department of Justice, 17 West Main Street, Post Office Box 7857, Madison, Wisconsin 53707-7857.

Payment of the \$10,000 in forfeitures and statutory surcharges shall be by check payable to the "Oconto County Clerk of Circuit Court" and shall be postmarked or delivered by no later than September 30, 2009. A cover letter, noting the named parties to this case and noting its case number, along with an enclosed check for the payment shall be mailed to the attention of Mr. Michael Hodkiewicz, Clerk of Circuit Court.

Oconto County Circuit Court, Oconto County Courthouse, 301 Washington Street, Oconto, Wisconsin 54153-1675. Defendant shall also simultaneously mail a photocopy of both the cover letter and the check to the Environmental Protection Unit, Attention: Lorraine Stoltzfus, Wisconsin Department of Justice, Post Office Box 7857, Madison, Wisconsin 53707-7857.

If the defendant fails to comply with any of the requirements of the amended stipulation and amended judgment, the entire amended stipulation and the amended judgment are null and void, and the defendant shall continue to be subject to the original stipulation and judgment that required payment of a total of \$101,375 in forfeitures and penalty assessment and also required that the site be fully remediated from the effects of the hazardous waste discharge on the site.

Dated this 11 day of Sept, 2009.

BY THE COURT:

K/MICHAEL T. Judge

Lauridsen, Keld B - DNR

From: Chronert, Roxanne N - DNR
Sent: Wednesday, September 02, 2009 2:53 PM
To: Lauridsen, Keld B - DNR
Subject: FW: NEED HELP - Dorn and Wink case - Oconto County Simazine Case

From: Cooke, Timothy C - DNR
Sent: Tuesday, July 14, 2009 11:34 AM
To: Chronert, Roxanne N - DNR
Subject: FW: NEED HELP - Dorn and Wink case - Oconto County Simazine Case

Hi Roxanne-

Here's the code for the cost recovery for the other site we just talked about.

Tim

From: Cooke, Timothy C - DNR
Sent: Wednesday, May 27, 2009 04:21 PM
To: Chronert, Roxanne N - DNR; Strous Jr, Robert E - DNR
Subject: RE: NEED HELP - Dorn and Wink case - Oconto County Simazine Case

Hi Roxanne-

As we discussed on the phone, I am sure Finance would appreciate getting a check just for DNR's portion of the cost recovery. We may be able to work something out if we get one combined check for DNR, DATCP, and the sportsman's club, but the sportsman's club would have to send an invoice to DNR and things could get complicated. Three separate checks for the three parties receiving reimbursement would not only save Finance work, but would also make the transaction more transparent.

The revenue string should be what I've attached below, but Bob, can you confirm?

Fund	Appr	Org	Sub Org	Activity	Rev Source	Sub Rev Source
274	200R	ZZEM	--	ZZZZ	9200	25

Tim

From: Chronert, Roxanne N - DNR
Sent: Wednesday, May 27, 2009 03:59 PM
To: Strous Jr, Robert E - DNR; Cooke, Timothy C - DNR
Subject: FW: NEED HELP - Dorn and Wink case - Oconto County Simazine Case

Tim or Bob - do you know what fund (revenue string) we use to ensure the spills reimbursement money goes back into the environmental fund?

From: Van Grinsven, Anne - DNR
Sent: Tuesday, May 26, 2009 10:44 AM
To: Paul, Joseph J - DNR; Sevener, Gregory A - DNR; Gutknecht, Robert H - DATCP; Chronert, Roxanne N - DNR; Moeller, Jason W - DNR
Subject: Dorn and Wink case - Oconto County Simazine Case

We have settled the case for \$21,000 --- \$3,000 going to the community sportsman club. Bob --- the full amount going to DATCP. Rox --- the full amt going to spills

Joe ---- can you please make contact with someone and determine how the check should be made out, who

will be responsible to ensure that it goes towards their stocking efforts, and who I should send the check to when it is received (we are still several weeks out maybe longer depending on ability to pay issues but I need to have this info in place).

Bob ---- how do we need to designate DATCP reimbursement in the stipulation? Who does the check go to?

Rox ---- how do we need to designate the spills reimbursement in the stipulation so you get it and it does not go back into the general fund? Do you get the check?

I believe Wink will pay in full but Dorn is requesting 3 years --- I am not sure how each of the reimbursements will be broken out yet ----

No signed documents yet --- so not yet public.

NOTICE OF CONFIDENTIALITY

THIS MESSAGE MAY CONTAIN INFORMATION WHICH, BY LAW, IS PRIVILEGED, CONFIDENTIAL OR EXEMPT FROM DISCLOSURE. PLEASE CONTACT THE SENDER FOR PERMISSION PRIOR TO DISCLOSING THE CONTENTS OF THIS MESSAGE TO ANY OTHER PERSON.

 *Anne M. Van Grinsven*

Environmental Enforcement Specialist - Leadworker

Bureau of Law Enforcement

Wisconsin Department of Natural Resources

(☎) phone: (920) 662-5163

(☎) fax: (920) 662-5413

(✉) e-mail: Anne.Vangrinsven@wisconsin.gov



STATE OF WISCONSIN
DEPARTMENT OF JUSTICE

J.B. VAN HOLLEN
ATTORNEY GENERAL

Raymond P. Taffora
Deputy Attorney General

17 W. Main Street
P.O. Box 7857
Madison, WI 53707-7857
www.doj.state.wi.us

Karen Gurholt
Paralegal
gurholtks@doj.state.wi.us
608/266-8979
FAX 608/267-2223

August 31, 2009

Ms. Anne M. Van Grinsven
Department of Natural Resources
2984 Shawano Avenue
Green Bay, WI 54313

Re: *In re: Randall D. Giese*
Case No. 05-37650-svk

Dear Ms. Van Grinsven:

On September 6, 2006, DOJ on behalf of DNR, filed a second amended proof of claim in the amount of \$241,122.52 (\$210,752.52 unsecured and \$30,400.00 secured) in the above-referenced bankruptcy. The basis of the proof of claim is the judgment entered in Oconto County Case No. 93-CV-81.

On August 25, 2009, we received a check in the amount of \$12.67 from the bankruptcy trustee for the unsecured portion of the proof of claim. We deducted the 16% collection fee of \$2.03, and are submitting a check for the balance, \$10.64.

Sincerely,

Karen Gurholt

Karen Gurholt
Paralegal

Attachment

Please process the attached check:

274 200R ZZEM ZZZZ 9200 25

9/2/09

Ed Prairie

→ File

BRRTS# 02-43-545221
Midstate Oil - Giese



STATE OF WISCONSIN
DEPARTMENT OF JUSTICE

J.B. VAN HOLLEN
ATTORNEY GENERAL

Raymond P. Taffora
Deputy Attorney General

17 W. Main Street
P.O. Box 7857
Madison, WI 53707-7857
www.doj.state.wi.us

Karen Gurholt
Paralegal
gurholtks@doj.state.wi.us
608/266-8979
FAX 608/267-2223

July 7, 2009

Copy to:
- File
- Tim Cooke -
RR/S

Ms. Anne M. Van Grinsven
Department of Natural Resources
2984 Shawano Avenue
Green Bay, WI 54313

Re: *In re: Randall D. Giese*
Case No. 05-37650-svk

Dear Ms. Van Grinsven:

On September 6, 2006, DOJ on behalf of DNR, filed a second amended proof of claim in the amount of \$241,122.52 (\$210,752.52 unsecured and \$30,400.00 secured) in the above-referenced bankruptcy. The basis of the proof of claim is the judgment entered in Oconto County Case No. 93-CV-81.

On June 30, 2009, we received a check in the amount of \$746.43 from the bankruptcy trustee for the unsecured portion of the proof of claim. We deducted the 16% collection fee of \$119.43, and are submitting a check for the balance, \$627.00.

Sincerely,

Karen Gurholt

Karen Gurholt
Paralegal

Attachment

7-14-09
NER Finance -
Please process attached check # A 657 5947 for \$627.00
Revenue String:

274
Fund

200R
Appr.

22EM
Org

2222
Activity

9200 25
Rev. Source sub

nm/lo
209

Chronert, Roxanne N - DNR

From: Chronert, Roxanne N - DNR
Sent: Wednesday, July 15, 2009 9:03 AM
To: Cooke, Timothy C - DNR
Subject: MidState Oil-Giese

Attachments: 20090715085702171.pdf



2009071508570217

1.pdf (137 KB)...

BRRTS #02-43-545221

Activity Codes used to pay the \$13,000 invoice for disposal are on the bottom of the attached Veolia Invoice (attached). We paid \$4,000+ from money that had been submitted by Giese. He stopped paying and is contempt. DNR paid \$8,000+ balance from Environmental Fund. Copy of Check sent to you yesterday was from DOJ bankruptcy proceedings. NER Enforcement will continue to pursue cost recovery for the \$8,000+.

Thanks for being so patient during all my questions. Rox

-----Original Message-----

From: RR_ld430@dnrgreenbay.com [mailto:RR_ld430@dnrgreenbay.com]
Sent: Wednesday, July 15, 2009 07:57 AM
To: Chronert, Roxanne N - DNR
Subject:

This E-mail was sent from "NRNEGBRR01" (MP C3000/LD430c).

Scan Date: 07.15.2009 08:57:01 (-0400)
Queries to: RR_ld430@dnrgreenbay.com

Lauridsen, Keld B - DNR

From: Schaeffer-Utter, Meg E. [SchaefferUtterME@DOJ.STATE.WI.US]
Sent: Friday, August 14, 2009 2:37 PM
To: Van Grinsven, Anne - DNR; Lauridsen, Keld B - DNR
Cc: Stoltzfus, Lorraine C - DOJ
Subject: State v. Giese

Attachments: Scan001.PDF



Scan001.PDF (197
KB)

Attached for your file is a letter to Mr. Giese.

Meg Schaeffer-Utter
Wisconsin Department of Justice
Post Office Box 7857
Madison, WI 53707-7857
(608) 264-9442
(608) 266-2250 Fax



STATE OF WISCONSIN
DEPARTMENT OF JUSTICE

J.B. VAN HOLLEN
ATTORNEY GENERAL

Raymond P. Taffora
Deputy Attorney General

17 W. Main Street
P.O. Box 7857
Madison, WI 53707-7857
www.doj.state.wi.us

Lorraine C. Stoltzfus
Assistant Attorney General
608/266-9226
FAX 608/266-2250

August 14, 2009

Mr. Randy Giese
5575 Sampson Road
Abrams, WI 54101

Re: *State of Wisconsin v. Randy Giese d/b/a Midstate Oil*
Case No. 93-CV-0081


Dear Mr. Giese:

As we have discussed by telephone, enclosed is the original and one copy of the Stipulation and Order for Amended Judgment that, if fully complied with, will resolve all of your outstanding liability for the above-referenced lawsuit. Please sign the original and return it to me in the enclosed addressed and postage-paid envelope. You may keep the copy for your records.

As soon as I receive the signed amended stipulation from you, I will sign on behalf of the State of Wisconsin. I will then promptly send the Amended Stipulation and Judgment to the Court for review and hopefully, approval. I will then provide you with a final copy that has been approved by the Court.

As you know, the Amended Stipulation and Judgment will resolve all of your outstanding liability for this lawsuit as long as you fully comply with its requirements. If you do not, it will become null and void, and the original Judgment for \$101,375 will go back into effect. I look forward to receiving the signed amended stipulation from you promptly.

Sincerely,


Lorraine C. Stoltzfus
Assistant Attorney General

LCS:msu

Enclosures

c: Anne Van Grinsven
Keld Lauridsen

STATE OF WISCONSIN

CIRCUIT COURT
BRANCH 1

OCONTO COUNTY

STATE OF WISCONSIN,

Plaintiff,

v.

Case No. 93-CV-0081
Unclassified - Civil: 30703

RANDY GIESE
d/b/a MIDSTATE OIL,

Defendant and
Third Party Plaintiff,

vs.

PETROLEUM EQUIPMENT SERVICE,

Third Party Defendant.

STIPULATION AND ORDER FOR AMENDED JUDGMENT

This stipulation is entered into between the plaintiff State of Wisconsin and defendant Randy Giese d/b/a Midstate Oil. The parties state that the defendant is currently subject to a stipulation and order for judgment and a judgment filed on April 7, 1994 in the Oconto County Circuit Court. The stipulation and judgment requires a total payment in forfeitures and penalty assessment of \$101,375, and it requires investigation and remediation of the defendant's contaminated site located at 5575 Sampson Road, Abrams, Wisconsin.

The parties further state that the defendant failed to comply with the judgment, and that therefore the State filed a motion for contempt on August 13, 1997. On November 3, 1997, the Oconto County Circuit Court entered an order that required the defendant to undertake certain actions on the site, and to pay monies towards investigation and remediation of the site.

The parties further state that the defendant only partially complied with that order, and that eventually the Wisconsin Department of Natural Resources (WDNR) retained environmental consultants to perform an investigation of the site and ultimately to remove and dispose of the hazardous waste oil at the site, using monies from the WDNR's Environmental Fund in the Environmental Management account. The defendant has reimbursed the WDNR only some of the total costs, and he currently owes the WDNR a total of \$8,121.91 in past costs to reimburse the environmental fund account for State Lead work conducted at the site.

The parties further state that the site is not yet closed out. A closure report needs to be prepared and submitted to the WDNR's closure committee to determine if the site may be closed pursuant to Wis. Admin. Code ch. NR 726.

The parties further state that the State filed for and obtained an Order Granting Extension of Judgment Lien, and this Order was filed by the Oconto County Circuit Court on October 3, 2005.

Based on all of the above facts and history of this lawsuit, the parties wish to enter into a stipulation that will resolve all of the outstanding judgments and orders and will prevent the need for further litigation. The parties hereby stipulate and agree as follows:

1. An amended judgment shall be entered in favor of the State of Wisconsin and against the defendant in the total amount of \$22,121.91. This sum is comprised as follows: payment to WDNR for its remaining costs of \$8,121.91 to reimburse the WDNR's Environmental Fund in the Environmental Management account for State Lead work conducted at the defendant's site; payment of \$4,000 to OMNNI Associates for a closure report to be submitted to the WDNR closure committee; and forfeitures and penalty assessment totaling \$10,000.

2. The defendant shall pay the sum of \$4,000 to OMNNI Associates by no later than September 15, 2009, and shall pay the remaining two sums by no later than September 30, 2009.

3. Payment of the \$4,000 to bring the defendant's site to the WDNR closure committee shall be by check payable to OMNNI Associates and shall be postmarked or delivered by no later than September 15, 2009 to OMNNI Associates, One Systems Drive, Appleton, Wisconsin 54914. The defendant shall also simultaneously mail a photocopy of both the cover letter and the check to the Environmental Protection Unit, Attention: Lorraine Stoltzfus, Wisconsin Department of Justice, Post Office Box 7857, Madison, Wisconsin 53707-7857.

4. Payment of the WDNR's past costs of \$8,121.91 shall be by check payable to "Wisconsin Department of Natural Resources," and shall be postmarked or delivered by no later than September 30, 2009 to the Environmental Protection Unit, Attention: Lorraine Stoltzfus, Wisconsin Department of Justice, 17 West Main Street, Post Office Box 7857, Madison, Wisconsin 53707-7857.

5. Payment of the \$10,000 in forfeitures and statutory surcharges shall be by check payable to the "Oconto County Clerk of Circuit Court" and shall be postmarked or delivered by no later than September 30, 2009. A cover letter, noting the named parties to this case and noting its case number, along with an enclosed check for the payment shall be mailed to the attention of Mr. Michael Hodkiewicz, Clerk of Circuit Court, Oconto County Circuit Court, Oconto County Courthouse, 301 Washington Street, Oconto, Wisconsin 54153-1675. Defendant shall also simultaneously mail a photocopy of both the cover letter and the check to the Environmental Protection Unit, Attention: Lorraine Stoltzfus, Wisconsin Department of Justice, Post Office Box 7857, Madison, Wisconsin 53707-7857.

6. The defendant shall take whatever actions are necessary in order for his contaminated site located at 5575 Sampson Road, Abrams, Wisconsin to be properly closed out pursuant to Wis. Admin. Code ch. NR 726. If the WDNR closure committee identifies any remaining actions that must be done in order for the site to be closed out, the defendant shall commence those activities no later than 10 days after notification by the WDNR that additional action is needed, and shall complete the activities as soon as reasonably possible.

7. The defendant's compliance with this stipulation and with the amended judgment shall constitute full satisfaction and release of defendant's liability for all of the violations alleged in the complaint filed in this action.

8. If the defendant fails to comply with any of the requirements of this stipulation as set forth in paragraphs 1 through 6 above, this entire stipulation and the

amended judgment is null and void, and the defendant shall continue to be subject to the original stipulation and judgment that required payment of a total of \$101,375 in forfeitures and penalty assessment and also required that the site be fully remediated from the effects of the hazardous waste discharge on the site.

9. The provisions of this stipulation and the amended judgment shall apply to and be binding upon the parties and their agents, servants, employees, trustees, successors and assigns.

10. The accompanying Amended Judgment may be entered incorporating the terms of this Stipulation without further notice and without additional costs to either party. The parties hereby waive their rights to appeal the Amended Judgment that is entered pursuant to this Stipulation.

Dated: _____

Dated: _____

J. B. VAN HOLLEN
Attorney General

LORRAINE C. STOLTZFUS
Assistant Attorney General
State Bar No. 1003676
Attorneys for Plaintiff

RANDY GIESE
Defendant

ORDER FOR AMENDED JUDGMENT

The terms of the above stipulation in *State of Wisconsin v. Randy Giese d/b/a Midstate Oil*, No. 93-CV-0081, are approved by the Court, under which the defendant must pay \$8,121.91 to WDNR to reimburse the WDNR's Environmental Fund in the Environmental Management account for State Lead work conducted at the defendant's site; \$4,000 to OMNNI Associates for it to bring the defendant's site to the WDNR closure committee, and \$10,000 in forfeitures and penalty assessment. This is a final Order for purposes of appeal under Wis. Stat. § 808.03(1). The clerk is directed to enter and docket the judgment accordingly.

Dated this _____ day of _____, 2009.

BY THE COURT:

The Honorable Michael Judge
Oconto County Circuit Court

7/9/09

Keld,

As we discussed, please deduct \$746.43 from the amount you spent on the state lead. Can you please let me know how much you still need to be reimbursed for the state expenditures?

Thanks,
Shane

Van Grinsven, Anne - DNR

From: Gurholt, Karen S. [gurholtks@DOJ.STATE.WI.US]
Sent: Tuesday, July 07, 2009 7:28 AM
To: Stoltzfus, Lorraine C - DOJ; Van Grinsven, Anne - DNR
Cc: Remington, Debra L - DOJ
Subject: RE: State v. Randy Giese--CONFIDENTIAL

We received a check in the amount of \$746.43 from the bankruptcy trustee. We deducted the 16% collection fee, which is our procedure in bankruptcy cases, in the amount of \$119.43, and will submit the balance, \$627.00 to DNR.

We ask the agencies to deduct the entire amount received by DOJ, in this case, \$746.43, from the amount owed.

Karen

From: Stoltzfus, Lorraine C.
Sent: Monday, July 06, 2009 5:10 PM
To: Van Grinsven, Anne - DNR
Cc: Gurholt, Karen S.; Remington, Debra L.
Subject: State v. Randy Giese--CONFIDENTIAL

Anne,

As I mentioned to you last week, the State has gotten a small payment from Giese via the bankruptcy. We have a check made payable to the Department of Natural Resources. Who should it go to over at the central office? Could you please "reply to all" when you answer, so that the bankruptcy paralegal (Karen Gurholt) can see the answer and send the check to the appropriate DNR person? (I thought I had an email about this, but can't find it, so it must have been for a different case).

Karen G., could you please tell me the amount of the check to DNR, so that I can subtract that amount from what is still owing to DNR in costs?

Thanks.

Lorraine C. Stoltzfus
Assistant Attorney General
608-266-9226

07/07/2009



STATE OF WISCONSIN
DEPARTMENT OF JUSTICE

J.B. VAN HOLLEN
ATTORNEY GENERAL

Raymond P. Taffora
Deputy Attorney General

17 W. Main Street
P.O. Box 7857
Madison, WI 53707-7857
www.doj.state.wi.us

Karen Gurholt
Paralegal
gurholtks@doj.state.wi.us
608/266-8979
FAX 608/267-2223

July 7, 2009

Ms. Anne M. Van Grinsven
Department of Natural Resources
2984 Shawano Avenue
Green Bay, WI 54313

Re: *In re: Randall D. Giese*
Case No. 05-37650-svk

Dear Ms. Van Grinsven:

On September 6, 2006, DOJ on behalf of DNR, filed a second amended proof of claim in the amount of \$241,122.52 (\$210,752.52 unsecured and \$30,400.00 secured) in the above-referenced bankruptcy. The basis of the proof of claim is the judgment entered in Oconto County Case No. 93-CV-81.

On June 30, 2009, we received a check in the amount of \$746.43 from the bankruptcy trustee for the unsecured portion of the proof of claim. We deducted the 16% collection fee of \$119.43, and are submitting a check for the balance, \$627.00.

Sincerely,

Karen Gurholt
Paralegal

Attachment

Chronert, Roxanne N - DNR

From: Cooke, Timothy C - DNR
Sent: Wednesday, July 08, 2009 10:53 AM
To: DNR DL RR Team LDR
Subject: Team Action Plans

The following message is being sent on behalf of Mark Giesfeldt

Hello Team Leaders-

I am asking you to work with your team sponsor to revise your Team Action Plans by **August 15, 2009**, to reflect the three categories listed below. Each program within the Division has been directed to develop a plan to deal with workload based upon the budget situation. The RR program's approach takes into account specific funding sources plus the inability to fill vacancies and furloughs. The program's approach is:

Assess and Focus Priority Work: The program will categorize the program's work into 3 categories:

1. Must complete.
2. If time is available and resources not needed in another organization unit commit some effort to complete.
3. Will not work on unless directed by the RRMT.

The "Must Complete" items are:

- **Cost Recovery Activities**
 - Stimulus Activities-Brownfields and LUST, and Superfund if it receives funding.
 - Fee related activities-tied into the fee related Performance Output Measure proposed.
 - Federal Grant/Cooperative Agreement Commitments, including Brownfields Competitive assessments and cleanup funds awarded to the DNR.
- **Spill and Abandoned Container Response-noting clarification under "Will not work on category".**
 - WISC-ties into Climate Change goal for division.
 - State Aids-SAG and Greenspace.
 - Dry Cleaner response work covered by funding.
 - DOT response work covered by funding.
 - **Maintenance of existing state funded activities-operation and maintenance.**

The "If time and resources available category":

- New state leads
- **Team activities-if time permits.**
- Non Fee Related Environmental Repair and Brownfields Site Work

The "Will not do category":

- Cross agency activities-such as State Fair, Sturgeon watch, etc.
- **Spill/Abandoned Container work the EPA OSC can do. The Spill Team is charged with developing Guiding Criteria by August 15th to be implemented statewide.**
- Reduce LUST activities to match the grant-no more over earning the LUST grant. Key cause is disputes with Commerce-Implement Commerce Dispute Minimization process by July 15th. Petroleum Team Leader is charged with assignment to draft criteria for program.

Current drafts of the Team Action Plans can be found at the following link \\CENTRAL\\ERRFILES\\CO\\Workplanning_FY10\\DRAFT_Team_Action_Plans_FY10-11. Please save revised Team Action Plans in this folder and let Tim Cooke know when you have updated your TAP based on the above guidance.

If you have any questions, please contact me. Thanks.

DRAFT Spill Team FY 2010 Action Plan 07-14-09

Deleted: 05-21

High Priority Tasks	Work Products - Description	Focus Priority work (7-8-09 Guidance Must, If, Will Not)	Formatted Table Complet	
Statewide Spills Manual Revisions: Annual review and update of the Statewide Spills Manual. Each RSC to update the Regional phone lists and Region specific appendices. Distribution of updates to Regional staff and posting on the Spills Team Intranet. Development of 7 additional response fact sheets to be incorporated into the Statewide Spills Manual.	Distribution of revised Statewide Spills Manual and incorporation of 7 additional substance response fact sheets.	<u>Must Complete</u> <u>If time and resources available</u>	4-1-10	
Intranet Updates: Revise Spills Intranet Page to incorporate information contained in the Statewide Spills Manual for consistency and ease of finding information.	Updated Spills Intranet Page	<u>If time and resources available</u>	4-1-10	
Outreach: Each Region to suggest at least 1 topic and work with CO Outreach staff to write an article regarding a spill incident or topic.	Minimum of 5 RR NEWS, DNR internet, or other outlets.	<u>Must Complete</u>	On-going (bi-	
SERTS Manual: Update SERTS Users Manual. Develop and provide training to address changes or challenges within SERTS or the SERTS Web Form.	Revised SERTS Manual (Amman, Chronert, Mukhieva).	<u>If time and resources available</u>	Manual – 11- Training – Or	
Spill Backlog Prevention: Quarterly update on the number of open spills to Regional Supervisors, number of sites requiring to QA/QC to Regional Supervisors and Mark Gordon as outline on the April 2009 RRMT Conference Call.	Quarterly Spill Backlog Updates (Chronert)	<u>Must Complete</u>	March, June, December	

Team Member	Hours per Year
Team Leader: Roxanne Chronert	325
NER: Jason Moeller	125
NOR: John Sager	125
SCR: Dino Tsoris	125
SER: Scott Ferguson	125
WCR: Tom Kendzierski	125
CO: Ted Amman	400

Activity Code: RRGB

As needed, list other RRMT-approved tasks and trainings/outreach the team may or will address once high priority work is completed.

Other Approved Tasks, including outreach or training	Work Products - Description	Focus Priority work (7-8-09 Guidance)	Formatted Table Anticipated Dat	
Financial Module: Data enter all spill expenditures for FY09 and outstanding open expenditures (cost recovery) into BRRTS once Financial Module is finalized. Data enter financial information into BRRTS in a timely	FY09 and future expenditures and cost recovery data entered into BRRTS (Fox, Mukhieva, Amman). Expenditure and cost recoveries data entered into BRRTS (RSC	<u>Must Complete</u>	1-1-10, dependant when Financial Mo is complete On-going	

manner once the Financial Module is finalized.	& Fox).			
Tracking Database: Recommend critical changes to BRRTS/SERTS.	Adjustments to databases (Amman)	<u>Must Complete</u>	On-going	
Annual review of substance names/groups to reflect changes in conjunction with Database Forum.	Revised substance names/groups (Amman, Fox, Chronert)	<u>If time and resources available</u>	7-1-09	
Annual review Spill Cause and Facility Type trends to reflect changes in the spill incidents.	Revised, if needed, Spill Cause and Facility Type in SERTS & BRRTS (Lead by Amman)	<u>If time and resources available</u>	7-1-09	

Please note: Page 2 contains a listing of maintenance and routine tasks for which the Team is responsible. We estimate that these routine items will take approximately 50% of the team's time in FY 08. The remaining 50% will be used to address the discrete high priority tasks itemized above.

Maintenance/Routine Tasks	Work Products	Focus Priority work (7-8-09 Guidance)	Completion Dates	Formatted Table
Team Meetings: Team members will attend 1 team meeting per year and 11 team conference calls.	Includes team meetings, travel and meeting notes (most meeting preparation time by spill team leader).	<u>If, attempt will be made in FY10 to reduce calls to 1 or 1.5 hours.</u>	On-going	
Consistency: Round Robin on monthly spill team conference call, e-mails and issue papers as needed.	Consistency in spill reporting, response, cost recovery, zone contract use, and enforcement. Resolutions are to be documented in team conf call/meeting minutes and added to consistency tracking system (when developed).	<u>If time and resources available</u>	On-going	
Spill Exercises: Participate in statewide spill exercises and animal waste spill response demonstrations as they arise.	Includes time for planning, travel, participation, and/or debriefing.	<u>If time and resources available</u>	On-going	
Program Guidance: Revise and update guidance, fact sheets, manual codes, and intranet/internet as necessary.	Updated guidance or fact sheets.	<u>Must Complete</u>	On-going	
Technical & Administrative Assistance: Team member support for immediate responders during spill response, zone contract response, cost recovery, etc.	Efficient statewide spill response program.	<u>Must Complete</u>	On-going	
Terrorism Team: Serve on Terrorism Team from a spill response perspective.	Chronert call in for 2-3 conference calls per year. Relay information to appropriate RR, LE, or other response staff.	<u>Will not do, unless specific review request</u>	On-going	
Mercury Team: Serve on Mercury Advisory Team from a spill response perspective.	Chronert call in for 6 conference calls per year. Relay information to appropriate RR, LE, or other response staff.	<u>Will not do, unless specific review request</u>	On-going	
Biofuel Team: Serve on Biofuel Advisory Team from a spill response perspective.	Chronert will response electronically to Biofuel team issues.	<u>Will not do, unless specific review request</u>	On-going	

LIST spill/ABNO container work

- Circumstances where USEPA will utilize Federal Resources and staff to complete. State spill coord's will NOT complete using guiding criteria.

Will not do



CUSTOMER INVOICE	
INVOICE DATE	INVOICE NUMBER
12/29/2008	830558594
DUE DATE IS 10 DAYS FROM INVOICE DATE	

For Billing Inquiries

Call ANNA M. HEIMILLER at 1(262) 255-6655

Customer No. 441333

BILL TO: WISC DNR-NORTHEAST REGION HQ

P.O. BOX 10448

GREEN BAY, WI 54307-0448

ROXANNE NELEZEN CHRONERT

JOB SITE: WI DNR @ MIDSTATE/GIESE LAND

5575 SAMPSON ROAD

ABRAMS, WI 54101

KELD LAURIDSEN

Generator No. 557354

MANIFEST NUMBERS:

A 000206466VES

B 000206467VES

CUSTOMER P.O. NUMBER		SERVICE DATE RANGE		TERR.		
{none}		12/08/2008		CB2		
DESCRIPTION			UOM	QTY	UNIT PRICE	EXTENSION
66699	999999 LEAD CONTAMINATED SOIL	CWD	TON	14.56	\$125.00	\$1,820.00
66699	999999 Lead Contaminated Sludge	CWD	551A2	27.00	\$350.00	\$9,450.00
Material	800002 Rolloff Lugger Liners		EACH	1.00	\$50.00	\$50.00
Misc.	800004 Bulk (Rolloff/Tanker) Trans		MILE	300.00	\$1.90	\$570.00
Misc.	200019 Mobilization Zone 10 Non Milk Run		EACH	2.00	\$350.00	\$700.00
Misc.	800006 Fuel Surcharge		PERCNT	1,270.00	\$0.05	\$63.50
Manpwr.	400001 On-Site Labor		HOUR	2.00@2.50	\$54.00	\$270.00
Manpwr.	DRIVER		HOUR	1.00@1.50	\$85.00	\$127.50
<i>Approved for payment</i> 274 XCDK 2224 REKA \$ 4,302.09 274 RRF 2724 REKA \$ 8,748.91 <i>Keld Lauridsen 2/9/09</i>						
TOTAL						\$13,051.00

Veolia ES Technical Solutions LLC is permitted for and has capacity to accept waste listed above in container quantities.

ALL PAST DUE AMOUNTS WILL BEAR INTEREST AT 1.5% PER MONTH OR THE MAXIMUM RATE ALLOWED BY LAW, WHICHEVER IS LESS.

CUSTOMER COPY

PLEASE REMIT TO: PO BOX 73709, CHICAGO, IL 60673-7709



Please print or type. (Form designed for use on elite (12-pitch) typewriter.)

Form Approved. OMB No. 2050-0039

UNIFORM HAZARDOUS WASTE MANIFEST		1. Generator ID Number WIR000002212	2. Page 1 of 1	3. Emergency Response Phone (877) 818-0087	4. Manifest Tracking Number 000206467 VES		
5. Generator's Name and Mailing Address WI DNR @ MIDSTATE/GIESE LAND PO BOX 10448 ATTN: ROXANNE CHRONERT GREEN BAY, WI 54307		Generator's Site Address (if different than mailing address) WI DNR @ MIDSTATE/GIESE LAND 5575 SAMPSON ROAD ABRAMS, WI 54101					
Generator's Phone: 920 662-5420							
6. Transporter 1 Company Name VEOLIA ES TECHNICAL SOLUTIONS		U.S. EPA ID Number NJ D 0 8					
7. Transporter 2 Company Name		U.S. EPA ID Number					
8. Designated Facility Name and Site Address VEOLIA ES TECHNICAL SOLUTIONS, W124 N9451 BOUNDARY		U.S. EPA ID Number WID003967148					
Facility's Phone: 262 255-6655 MENOMONEE FALLS, WI 53051							
GENERATOR	9a. HM	9b. U.S. DOT Description (including Proper Shipping Name, Hazard Class, ID Number, and Packing Group (if any))	10. Containers No.	Type	11. Total Quantity	12. Unit Wt./Vol.	13. Waste Codes
	X	1. NA3077, HAZARDOUS WASTE, SOLID, n.o.s., (LEAD, SOIL), 9, III, RQ (D008)	002	DM	00800 10,000	P	D008
	X	2. NA3082, Hazardous Waste Liquid, n.o.s., (Lead, Sludge), 9, III, RQ (D008)	025	DM	10,000 00800	P	D008
		3.					
		4.					
14. Special Handling Instructions and Additional Information FIELD SERVICES **STATE WASTE**		1) ERG:171 W:66699 A:CWDTWIORGD + ER Service Contracted by VESTS PC165 WI 2) ERG W: 947005 171 A: TWISOL001CWP					
15. GENERATOR'S/OFFEROR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by the proper shipping name, and are classified, packaged, marked and labeled/placarded; and are in all respects in proper condition for transport according to applicable international and national governmental regulations. If export shipment and I am the Primary Exporter, I certify that the contents of this consignment conform to the terms of the attached EPA Acknowledgment of Consent. I certify that the waste minimization statement identified in 40 CFR 262.27(a) (if I am a large quantity generator) or (b) (if I am a small quantity generator) is true.							
Generator's/Offor's Printed/Typed Name Randy Giese		Signature 		Month Day Year 12 8 08			
TRANSPORTER INT'L	16. International Shipments <input type="checkbox"/> Import to U.S. <input type="checkbox"/> Export from U.S.		Port of entry/exit: Date leaving U.S.:				
	17. Transporter Acknowledgment of Receipt of Materials						
TRANSPORTER	Transporter 1 Printed/Typed Name Todd Guse		Signature 		Month Day Year 12 8 08		
	Transporter 2 Printed/Typed Name		Signature		Month Day Year		
DESIGNATED FACILITY	18. Discrepancy						
	18a. Discrepancy Indication Space <input type="checkbox"/> Quantity <input type="checkbox"/> Type <input type="checkbox"/> Residue <input type="checkbox"/> Partial Rejection <input type="checkbox"/> Full Rejection						
	Manifest Reference Number:						
	18b. Alternate Facility (or Generator)		U.S. EPA ID Number				
	Facility's Phone:						
18c. Signature of Alternate Facility (or Generator)		Month Day Year					
19. Hazardous Waste Report Management Method Codes (i.e., codes for hazardous waste treatment, disposal, and recycling systems)							
1. 2. 3. 4.							
20. Designated Facility Owner or Operator: Certification of receipt of hazardous materials covered by the manifest except as noted in Item 18a							
Printed/Typed Name		Signature		Month Day Year			



Please print or type. (Form designed for use on elite (12-pitch) typewriter.)

Form Approved. OMB No. 2050-0039

UNIFORM HAZARDOUS WASTE MANIFEST		1. Generator ID Number WIR000002212	2. Page 1 of 1	3. Emergency Response Phone (877) 818-0087	4. Manifest Tracking Number 000206466 VES	
5. Generator's Name and Mailing Address WI DNR @ MIDSTATE/GIESE LAND PO BOX 10448 ATTN: ROXANNE CHRONERT GREEN BAY, WI 54307		Generator's Site Address (if different than mailing address) WI DNR @ MIDSTATE/GIESE LAND 5575 SAMPSON ROAD ABRAMS, WI 54101				
Generator's Phone: 920 662-5420		U.S. EPA ID Number WI DNR 08 06 3 1 3 8 9				
6. Transporter 1 Company Name VEOLIA ES TECHNICAL SOLUTIONS		U.S. EPA ID Number WID003967148				
7. Transporter 2 Company Name		U.S. EPA ID Number				
8. Designated Facility Name and Site Address VEOLIA ES TECHNICAL SOLUTIONS, W124 N9451 BOUNDARY		U.S. EPA ID Number WID003967148				
Facility's Phone: 262 255-6655		MENOMONEE FALLS, WI 53051				
9a. HM	9b. U.S. DOT Description (including Proper Shipping Name, Hazard Class, ID Number, and Packing Group (if any))	10. Containers No.	Type	11. Total Quantity	12. Unit Wt./Vol.	13. Waste Codes
X	1. NA3077, HAZARDOUS WASTE, SOLID, n.o.s., (LEAD, SOIL), 9, III, RQ (D008)	001	CM	00020 00045	Y T	D008
	2.					
	3.					
	4.					
14. Special Handling Instructions and Additional Information 1) ERG:171 W:66699 A:CWDSGRHAZ + ER Service Contracted by VESTS PC165 WI FIELD SERVICES **STATE WASTE** 14.56 tons						
15. GENERATOR'S/OFFEROR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by the proper shipping name, and are classified, packaged, marked and labeled/placarded, and are in all respects in proper condition for transport according to applicable international and national governmental regulations. If export shipment and I am the Primary Exporter, I certify that the contents of this consignment conform to the terms of the attached EPA Acknowledgment of Consent. I certify that the waste minimization statement identified in 40 CFR 262.27(a) (if I am a large quantity generator) or (b) (if I am a small quantity generator) is true.						
Generator's/Officer's Printed/Typed Name DANDY GIESE		Signature <i>[Signature]</i>		Month Day Year 12 8 08		
16. International Shipments <input type="checkbox"/> Import to U.S. <input type="checkbox"/> Export from U.S.		Port of entry/exit: Date leaving U.S.:				
17. Transporter Acknowledgment of Receipt of Materials						
Transporter 1 Printed/Typed Name Todd Guse		Signature <i>[Signature]</i>		Month Day Year 12 8 08		
Transporter 2 Printed/Typed Name		Signature		Month Day Year		
18. Discrepancy						
18a. Discrepancy Indication Space <input type="checkbox"/> Quantity <input type="checkbox"/> Type <input type="checkbox"/> Residue <input type="checkbox"/> Partial Rejection <input type="checkbox"/> Full Rejection						
Manifest Reference Number:						
18b. Alternate Facility (or Generator) U.S. EPA ID Number						
Facility's Phone:						
18c. Signature of Alternate Facility (or Generator) Month Day Year						
19. Hazardous Waste Report Management Method Codes (i.e., codes for hazardous waste treatment, disposal, and recycling systems)						
1. 2. 3. 4.						
20. Designated Facility Owner or Operator: Certification of receipt of hazardous materials covered by the manifest except as noted in item 18a						
Printed/Typed Name		Signature		Month Day Year		

TELEPHONE LOG

SITE NAME: MIDSTATE OIL

DATE: 11/17/08

DNR NO.: 02-43-545221

TIME: 14³⁰

PECFA CLAIM NO.: _____

(800)
(920) 471-6393

TO/FROM: RAVD/ GISS

NUMBER: (414)

COMPANY/AGENCY: RP

(608)

(262)

I called Mr. Giese to let him know we are ready to hire a contractor to remove contaminated soil/drum from his property.

Mr. Giese was happy to hear that and indicated that he has a fork lift on site to move drums and that he would make arrangements to have a bob cat available to remove soil. He also stated that he would like to pay the bill when the contractor is in site and avoid to have a lien filed.

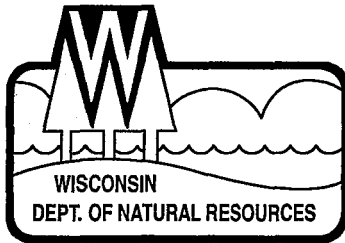
11/17/08 @ 15⁰⁰

Left message for Greg Holtzen, Viola, to call me back.

11/19/08 @ 14³⁰

Talked to Greg Holtzen, Viola. They are able to pick up waste 12/8/08. I called Mr. Giese and he confirmed that would be OK. He will have a cashier's check to pay Viola.

KELD LAURIDSEN



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor
Matthew J. Frank, Secretary
Ronald W. Kazmierczak, Regional Director

Northeast Region Headquarters
2984 Shawano Ave., P.O. Box 10448
Green Bay, Wisconsin 54307-0448
Telephone 920-662-5100
FAX 920-662-5413
TTY Access via relay - 711

CERTIFIED – RETURN RECEIPT REQUESTED

November 3, 2008

Mr. Randall Giese
5575 Sampson Road
Abrams, WI 54101

SUBJECT: Notice of Intent to Incur Expenses
Midstate Oil – Giese, 5575 Sampson Road, Abrams, WI
WDNR ERP Case #: 02-43-545221

Dear Mr. Giese,

As discussed previously, you are hereby notified that the Wisconsin Department of Natural Resources (Department) intends to proceed with the use of environmental funds under s. 292.11, Stats., to hire a contractor to remove and properly dispose of hazardous lead contaminated soil and 27 drums of hazardous tank sludge generated as part of the former petroleum recycling activities you conducted and currently stored at your property located at 5575 Sampson Road in Abrams, WI. The Department is proceeding with these activities as you are unable to take action to conduct the work. Previously you have been found to be financially unable to conduct the contaminated waste removal and disposal on your own.

This letter constitutes the Department's formal notice to you that under s. 292.11(7)(b), Stats., you could be liable for the expenses incurred by the Department when removing and disposing of the contaminated soil and drums of tank sludge currently stored on your property and that the Department, under s. 292.81(4), Stats., could file a lien on your property. The purpose of the lien would be to provide a mechanism for the Department to recover any monies expended for the costs incurred by the Department dealing with the contaminated waste on your Property. If filed, such a lien would remain on the property until the funds are recovered.

The Department has obtained a cost estimate in the amount of approximately \$13,000 for removal and disposal of the contaminated waste stored on your property. Approximately \$ 4,300 is available from the funds provided by you to the Department of Justice. Hence, it is anticipated that a lien in the amount of approximately \$ 8,700 could be filed with your property deed after the completion of the waste removal and disposal activities.

The Department will be contacting you via telephone within a week to discuss this in more detail. If you have any questions regarding this matter, please feel free to call me at (920) 662-5420.

Sincerely,

A handwritten signature in cursive script, appearing to read "Keld Lauridsen".

Keld B. Lauridsen
Hydrogeologist
Remediation & Redevelopment Program

cc: Shannon Blazek, 5575 Sampson Road, Abrams, WI 54101
Joseph Renville, WDNR, Madison (ecopy)
Anne Van Grinsven, WDNR, Green Bay (ecopy)
Len Polczynski, WDNR, Green Bay (ecopy)
Bruce Urben, WDNR, Green Bay (ecopy)



State of Wisconsin

Department of Natural Resources
Northeast Region Headquarter
2984 Shawano Avenue
P. O. Box 10448
Green Bay, WI 54307-0448

CERTIFIED MAIL™



7007 0710 0004 6541 9227



UNITED STATES POSTAGE
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02 1M
0004226458
\$ **05.32⁰**
NOV 03 2008
MAILED FROM ZIP CODE 54307

155 11/4/08

WFL
RETURN REQUESTED

Shannon Blazek
5575 Sampson Road
Abrams, WI 54101

RECEIVED

NOV 14 2008

DNR GREEN BAY

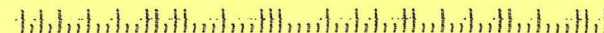
11/14/08
not able to locate
current address.
WBL

NIXIE 530 SE 1 05 11/11/08

RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSED
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BC: 54307044848 *2686-09485-11-21

54307@0448



UNITED STATES POSTAL SERVICE



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First-Class Mail
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USPS
Permit No. G-10

- Sender: Please print your name, address, and ZIP+4 in this box •

WELD LAURIDSEN

DEPARTMENT OF NATURAL RESOURCES

NORTHEAST REGION HEADQUARTERS

2984 SHAWANO AVENUE

PO BOX 10448

GREEN BAY WI 54307-0448



SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

RANDALL GIESE
5575 SAMPSON RD.
ABRAMS, WI 54101

2. Article Number

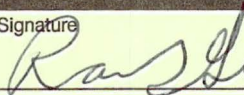
(Transfer from service label)

7007 0710 0004 6541 9234

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent☒ Addressee

B. Received by (Printed Name)

C. Date of Delivery

11/7/08

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below:

☐ No

3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

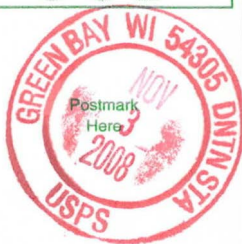
☐ Yes

U.S. Postal Service™ *KBLD LAURIDSEN*
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com®

OFFICIAL USE

Postage	\$.42
Certified Fee	2.10
Return Receipt Fee (Endorsement Required)	2.20
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 5.32



Sent To

RANDALL GIESE

Street, Apt. No.;

or PO Box No.

5575 SAMPSON RD.

City, State, ZIP+4

ABRAMS, WI 54101

7007 0710 0004 6541 9234

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

- Sender: Please print your name, address, and ZIP+4 in this box •

KELD LAURIDSEN
DEPARTMENT OF NATURAL RESOURCES
NORTHEAST REGION HEADQUARTERS
2984 SHAWANO AVENUE
PO BOX 10448
GREEN BAY WI 54307-0448

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

SHANNON BLAZEK
5575 SAMPSON RD
ABRAMS, WI 54101

2. Article Number

(Transfer from service label)

7007 0710 0004 6541 9227

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent☐ AddresseeB. Received by (*Printed Name*)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ YesIf YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.4. Restricted Delivery? (*Extra Fee*)☐ Yes

U.S. Postal Service™ *WELD LAURIDSON*
CERTIFIED MAIL™ RECEIPT

(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com®

OFFICIAL USE

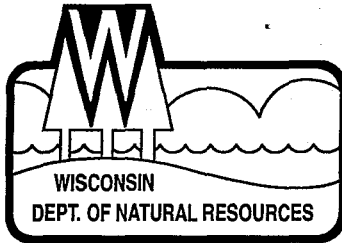
Postage	\$ 42
Certified Fee	2.70
Return Receipt Fee (Endorsement Required)	2.20
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 5.32



Sent To

SHANNON BLAZEK
Street, Apt. No.;
or PO Box No. *5575 SAMPSON RD*
City, State, ZIP+4
ARBANS, WI 54101

7007 0710 0004 6549 9227



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor
Matthew J. Frank, Secretary
Ronald W. Kazmierczak, Regional Director

Northeast Region Headquarters
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WDNR ERP Case #: 02-43-545221

Dear Mr. Giese,

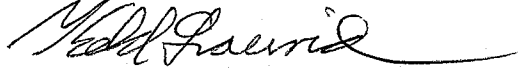
As discussed previously, you are hereby notified that the Wisconsin Department of Natural Resources (Department) intends to proceed with the use of environmental funds under s. 292.11, Stats., to hire a contractor to remove and properly dispose of hazardous lead contaminated soil and 27 drums of hazardous tank sludge generated as part of the former petroleum recycling activities you conducted and currently stored at your property located at 5575 Sampson Road in Abrams, WI. The Department is proceeding with these activities as you are unable to take action to conduct the work. Previously you have been found to be financially unable to conduct the contaminated waste removal and disposal on your own.

This letter constitutes the Department's formal notice to you that under s. 292.11(7)(b), Stats., you could be liable for the expenses incurred by the Department when removing and disposing of the contaminated soil and drums of tank sludge currently stored on your property and that the Department, under s. 292.81(4), Stats., could file a lien on your property. The purpose of the lien would be to provide a mechanism for the Department to recover any monies expended for the costs incurred by the Department dealing with the contaminated waste on your Property. If filed, such a lien would remain on the property until the funds are recovered.

The Department has obtained a cost estimate in the amount of approximately \$13,000 for removal and disposal of the contaminated waste stored on your property. Approximately \$ 4,300 is available from the funds provided by you to the Department of Justice. Hence, it is anticipated that a lien in the amount of approximately \$ 8,700 could be filed with your property deed after the completion of the waste removal and disposal activities.

The Department will be contacting you via telephone within a week to discuss this in more detail. If you have any questions regarding this matter, please feel free to call me at (920) 662-5420.

Sincerely,

A handwritten signature in cursive script, appearing to read "Keld Lauridsen", written in dark ink.

Keld B. Lauridsen
Hydrogeologist
Remediation & Redevelopment Program

cc: Shannon Blazek, 5575 Sampson Road, Abrams, WI 54101
Joseph Renville, WDNR, Madison (ecopy)
Anne Van Grinsven, WDNR, Green Bay (ecopy)
Len Polczinski, WDNR, Green Bay (ecopy)
Bruce Urben, WDNR, Green Bay (ecopy)

QUOTATION WORKSHEET

No. Q525000994

Page 01



MANIFEST FROM:

**WI DNR-Midstate Oil/Giese Proper
5575 Sampson Rd.**
Abrams, WI 54101

RETURN MANIFEST TO:

***** Same Address *****

CERTIFICATE TO:

***** Same Address *****

CONTACT: {not selected}

QUOTE DATE: 09/15/2008

TERRITORY: CB2

PHONE:

FAX:

SALES REP: DAVE LAMBRECHT

Line	Service	Description	Quantity	Price	Unit	Extension
	Waste Stream:	Lead Contaminated Soil	15.00	125.00	EA	\$1875.00
	Technology:	Stabilization for disp.offsite				
	Facility:	VEOLIA ES TECHNICAL SOLUTIONS				
	UOM/Container:	TONS				
	Materials:	LINER ROLL-OFF	1.00	50.00	EACH	\$50.00
	Personnel:	DRIVER	1 at 1.00	85.00	HOUR	\$85.00
		FIRST HOUR IS FREE				
	Miscellaneous:	MILEAGE RUNNING	300.00	1.90	MILE	\$570.00
Line Total						\$2580.00
	Waste Stream:	Lead Contaminated Sludge	27.00	350.00	EA	\$9450.00
	Technology:	Store,bulk,transfer off-site				
	Facility:	VEOLIA ES TECHNICAL SOLUTIONS				
	UOM/Container:	55 GALLON DRUM				
	Personnel:	ENVIRONMENTAL SPECIALIST II	2 at 1.50	54.00	HOUR	\$162.00
	Miscellaneous:	MOBILIZATION ZONE 10 NON MILK RUN	2.00	350.00	EACH	\$700.00
		FUEL SURCHARGE	700.00	0.14	PERCNT	\$98.00
Line Total						\$10410.00
All ONYX Terms and Conditions described in the previous pages will apply.						Quote Total \$12990.00

Use 274 XCDK 2224 REKA for \$ from Giese
 Use 274 - ~~XCDK~~ 2724 REKA for any additional cost.
 R2FP
 Per Bob Brown
 on 2/9/09

Per Bob Brown
 on 10/3/08 VBL

Lauridsen, Keld B - DNR

From: Greg.Holtzen@veoliaes.com
Sent: Monday, September 15, 2008 1:38 PM
To: Lauridsen, Keld B - DNR
Subject: Re: FW: Project# N1978A07

Attachments: Quote Schedule for Q525000994.pdf



Quote Schedule for
Q525000994....

Here is a quote for the 27 drums and 10 yards of lead contaminated material.
Please let me know if you have any questions.

(See attached file: Quote Schedule for Q525000994.pdf)

Greg Holtzen, CHMM
Project Manager
Veolia ES - Technical Solutions
Phone : 262-255-6655
Cell Phone : 414-861-2891
Fax : 262-255-5794
greg.holtzen@veoliaes.com

"Lauridsen, Keld
B - DNR"
<Keld.Lauridsen@wisconsin.gov>

<greg.holtzen@veoliaes.com>

To

cc

09/04/2008 01:17
PM

Subject

FW: Project# N1978A07

Greg,

I have attached the sampling results for two composite samples collected at a site in Oconto County. One is from a soil pile (5-10 cubic yards) and the other is from the 27 drums of suspected tank sludge.

I would like to get a quote for pickup and disposal. Obviously the State would like this done in a cost effective manner so if there is any way this can be combined with another job, that would be preferred.

I appreciate your help,

-Keld

From: David L. Fries [mailto:David.Fries@omni.com]
Sent: Wednesday, July 23, 2008 3:15 PM

To: Lauridsen, Keld B - DNR
Subject: FW: Project# N1978A07

Keld,

I am forwarding the lab data for the Giese site. At a glance, the flash point on the drums and the lead levels for the soil pile make it hazardous. Let me know if you need anything else. I assume that the State contract will be used to dispose of the material. Hope you had a great vacation.

Dave

From: Mike Ricker [mailto:mricker@water-right.com]
Sent: Tuesday, July 22, 2008 3:15 PM
To: David L. Fries
Subject: Project# N1978A07

<<Report>> <<5017480coc.pdf>> [attachment "Report.pdf" deleted by Greg Holtzen/OES/ONYX]
[attachment "5017480coc.pdf" deleted by Greg Holtzen/OES/ONYX]

Lauridsen, Keld B - DNR

From: Hintz, Diane R - DNR
Sent: Monday, October 06, 2008 2:02 PM
To: Lauridsen, Keld B - DNR
Subject: RE: Giese Property

Keld,

Here's what I find in WiSMART, the State Central Accounting System:

Revenue received	\$7,157.09
FY08 payments to Omni	(1,518.75)
FY09 y-t-d payments to Omni	<u>(1,336.25)</u>
Balance	\$4,302.09

This is what has hit the system so far. If there's an invoice/payment floating around that hasn't been processed, I wouldn't know about it.

From: Lauridsen, Keld B - DNR
Sent: Friday, October 03, 2008 11:08 AM
To: Hintz, Diane R - DNR
Subject: RE: Giese Property

Diane,

Can you tell me how much is left of the \$7,157.09 originally transferred to us from DOJ?

Thanks,

-Keld

From: Hintz, Diane R - DNR
Sent: Tuesday, June 19, 2007 12:33 PM
To: Strous Jr, Robert E - DNR
Cc: Lauridsen, Keld B - DNR
Subject: FW: Giese Property

Let's use activity code REKA. I forgot that one had been set up specifically for the site.

From: Hintz, Diane R - DNR
Sent: Tuesday, June 19, 2007 9:24 AM
To: Strous Jr, Robert E - DNR
Cc: Lauridsen, Keld B - DNR
Subject: Giese Property

Bob,

DOJ transferred \$7,157.09 to DNR's appropriation (2)(du), numeric 222, Site Specific Remediation and I've set up all necessary budget codes. Let's charge all supply line expenditures direct to the following budget code:

274-XCDK-2224-RRGE (Is activity code RRGE OK to use? The activity isn't that critical since we're charging direct to appr. 222.)

Let me know if any questions.

Lauridsen, Keld B - DNR

From: Renville, Joe W - DNR
Sent: Tuesday, October 14, 2008 1:52 PM
To: Lauridsen, Keld B - DNR
Cc: Urben, Bruce G - DNR
Subject: Midstate Oil - Giese - notice of intent to file lien.doc

Attachments: Midstate Oil - Giese - notice of intent to file lien.doc

Keld,

OK
Your letter, with revisions. I do not see a need to provide them an opportunity to disagree with this approach. Either they can conduct the activities on their own or they can't and we have already indicated they do not have the money.

Per Deconto County Register of Deeds: Mr. Giese is sole owner. 10/22/08 KBL
Is Randall the only owner of the property listed on the deed? If his wife or someone else is listed as an owner their names also need to be included.

Any mortgagees of record for the property that need to be notified also? The statute requires that they be provided notice also.



Midstate Oil - Giese
- notice ...

*Shannon Blasek per document for
Register of Deeds WBB*

Joseph Wm. Renville, Attorney
Bureau of Legal Services
Wisconsin Department of Natural Resources
PO Box 7921
Madison, WI 53707-7921

Phone: 608-266-9454
Fax: 608-266-6983
E-mail: <mailto:joe.renville@wi.gov>

CONFIDENTIALITY: This message may contain information which, by law, is privileged, confidential or exempt from disclosure. Contact the sender for permission prior to disclosing the contents of this message to any other person.

This message is intended solely for the use of the addressee. If you are not the addressee, you are hereby notified that any use, distribution or copying of this message is strictly prohibited. If you received this message in error, please notify us by reply e-mail or by telephone (608) 266-9454 and immediately delete this message and any and all of its attachments.

Lauridsen, Keld B - DNR

From: Mella, Timothy L - DNR
Sent: Wednesday, October 29, 2008 4:32 PM
To: Lauridsen, Keld B - DNR
Subject: Document

Attachments: 20081029162419830.pdf



2008102916241983
0.pdf (799 KB)...

-----Original Message-----

From: Huff, John J - DNR
Sent: Wednesday, October 29, 2008 4:29 PM
To: Mella, Timothy L - DNR
Subject: FW:

Mortgage from Giese to Blazek.

P John Huff
Wildlife Biologist
Wisconsin Department of Natural Resources PO Box 208 Peshtigo, WI 54157
(*) phone: (715) 582-5047
(*) fax: (715) 582-5005
(*) e-mail: John.Huff@wisconsin.gov

-----Original Message-----

From: ld425@dnrpeshtigo.com [mailto:ld425@dnrpeshtigo.com]
Sent: Wednesday, October 29, 2008 3:24 PM
To: Huff, John J - DNR
Subject:

This E-mail was sent from "NRNEPECS04" (Aficio MP 2550).

Scan Date: 10.29.2008 16:24:06 (-0400)
Queries to: ld425@dnrpeshtigo.com

**INSTALLMENT PROMISSORY
MORTGAGE NOTE**

\$30,000.00

Pulaski, Wisconsin
AUGUST 1, 2003

FOR VALUE RECEIVED, the undersigned, **RANDALL D. GIESE**, currently of Abrams, Wisconsin (the "Borrower") does hereby promise to pay to the order of **SHANNON K. BLAZEK**, currently of Pulaski, Wisconsin, or the holder hereof (the "Holder"), the principal sum of **THIRTY THOUSAND AND 00/100 (\$30,000.00) DOLLARS**, together with interest on the unpaid principal balance from the date hereof at the rate of 11.00% per annum until this Note is paid in full. Principal and accrued interest shall be paid in equal, consecutive monthly installments of principal and interest in the amount of \$513.67 per month, commencing August 1, 2003 and continuing on the first day of each month thereafter until paid in full. The entire principal balance, together with all accrued interest thereon, shall be paid in full on or before July 1, 2010 (the "Maturity Date"). Interest shall be computed monthly on the basis of a 360-day year of twelve 30-day months. All payments shall be made to the Holder at the address of the Holder or at such other place as the Holder may designate by written notice to the Borrower.

All payments received hereunder shall be applied first to interest, then to principal and other sums due under the terms and conditions of this Note. The Borrower may prepay this Note in full, or in part, at any time without penalty, except that partial prepayments shall be applied to principal in the inverse order of maturity and shall not delay the due dates or change the principal portion of the remaining installment payments until this Note is paid in full.

This Installment Promissory Mortgage Note is secured by a Mortgage, given by the Borrower to the Holder the even date herewith, the terms of which Mortgage are incorporated herein and made a part hereof.

If the Borrower fails to make payment when due on the Maturity Date, or upon any default under the Mortgage securing this Note, which default is not cured within thirty (30) days following the date of mailing of a written notice to the Borrower, the Holder may declare the Note and to be immediately due and payable, without notice and demand. It is understood and agreed that no written notice is required prior to any acceleration due to a default in performance or a default in payment.

It is further agreed and understood that time is of the essence with respect to the repayment of this Note. Presentment, protest and notice of dishonor are hereby waived by the Borrower. All costs and expenses, including actual reasonable attorneys fees, incurred in the collection of this obligation, shall be added to the principal and paid, as incurred, and shall be included in any judgment that may be rendered hereon.

MORTGAGE

VOL. 1169 PAGE 615

Document Number: **579610**

RECORDED

3 O'CLOCK PM

Return Address: Randy Giese
5575 Sampson Rd
Abrams WI 54101

SEP 19 2005

Parcel I. D. Number: 002-02-0200821

**LORALEE LASLEY
REGISTER OF DEEDS
OCONTO COUNTY, WI**

1500

KNOW ALL MEN that **RANDY GIESE**, of Abrams, Oconto County, Wisconsin (the "Mortgagor") hereby mortgages to **SHANNON BLAZEK** of Pulaski, Shawano County, Wisconsin (the "Mortgagee") for the sum of **THIRTY THOUSAND AND 00/100 (\$30,000.00) DOLLARS**, the following tract of land located in Oconto County, Wisconsin, and more particularly described as:

Section 02, Township 26 North, Range 20 East, fractional Northeast Quarter of the Northwest Quarter, except part described in Volume 572, Page 6, n/k/a Lot One (1), Certified Survey Maps, Volume 9, Page 35, except Lot One (1), Certified Survey Maps, Volume 15, Page 85, n/k/a Lot Two (2), Certified Survey Maps, Volume 15, Page 85. CERTIFIED SURVEY MAP # 2569

The Mortgagor agrees to pay all taxes and assessments on said premises, and actual reasonable attorney's fees, in case of foreclosure thereof.

19th IN WITNESS WHEREOF the said Mortgagors have hereunto set their hands and seals this day of Sept, 2005

Randy Giese
Randy Giese

ACKNOWLEDGMENT

STATE OF WISCONSIN)
) ss.
COUNTY OF BROWN)

Personally came before me this 19th day of Sept, 2005 the above named **RANDY GIESE**, to me known to be the person who executed the foregoing instrument and acknowledged the same.

(NOTARY SEAL)

Judith A. Baker
JUDITH A. BAKER (Print or Type Name)
Notary Public
Brown County, Wisconsin
My commission exp 3-25-07

This instrument drafted by William J. Vande Castle, VANDE CASTLE & DONARSKI, S. C., P. O. Box 993, Green Bay, Wisconsin 54305-0993.

IN WITNESS WHEREOF, the undersigned Borrower has hereunto set his hand and seal this 19th day of Sept., 2005.

BORROWER:

Randall D Giese
Randall D. Giese

ACKNOWLEDGMENT

STATE OF WISCONSIN)
) ss.
COUNTY OF BROWN)

Personally came before me this 19th day of Sept., 2005, the above named **RANDALL D. GIESE**, to me known to be the person who executed the foregoing instrument and acknowledged the same.

[NOTARY SEAL]

Janet Baker
Notary Public
Brown County, Wisconsin
My commission exp. 3-25-07

*This instrument drafted by William J. Vande Castle, VANDE CASTLE & DONARSKI, S. C.,
P. O. Box 993, Green Bay, Wisconsin 54305-0993.*

2008 Waste Shipment Report

WI DNR @ MIDSTATE/GIESE LAND
5575 SAMPSON ROAD
ABRAMS
WIR000002212

Waste Total: 39,920.00

Acute Waste Total:

Facility EPA ID: WID003967148



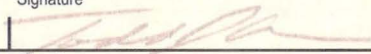
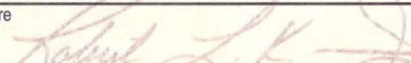
Disposal Facility: VEOLIA ES TECHNICAL SOLUTIONS (CWD) Facility Waste Total: 39,920.00


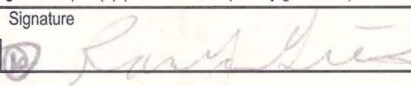

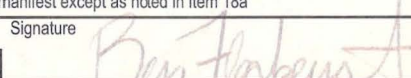
Waste Description	Weight	Acute	Technology	EPA Codes
Lead Sludge	10,000.00		141	D008
Lead Soil	29,920.00		141	D008

Ultimate Disposal by Technology

Technology	Pounds
040	10,800.00
111	29,120.00

WIR000 003 970
Midstate Oil

UNIFORM HAZARDOUS WASTE MANIFEST		1. Generator ID Number WIR000002212	2. Page 1 of 1	3. Emergency Response Phone (877) 818-0087	4. Manifest Tracking Number 000206467 VES			
5. Generator's Name and Mailing Address WI DNR @ MIDSTATE/GIESE LAND PO BOX 10448 ATTN: ROXANNE CHRONERT GREEN BAY, WI 54307			Generator's Site Address (if different than mailing address) WI DNR @ MIDSTATE/GIESE LAND 5575 SAMPSON ROAD ABRAMS, WI 54101					
Generator's Phone: 920 682-5420								
6. Transporter 1 Company Name VEOLIA ES TECHNICAL SOLUTIONS							U.S. EPA ID Number NJ00803136	
7. Transporter 2 Company Name							U.S. EPA ID Number	
8. Designated Facility Name and Site Address VEOLIA ES TECHNICAL SOLUTIONS W124 N9451 BOUNDARY			U.S. EPA ID Number					
Facility's Phone: 262 255-0655 MENOMONEE FALLS, WI 53051			WID003967148					
GENERATOR	9a. HM	9b. U.S. DOT Description (including Proper Shipping Name, Hazard Class, ID Number, and Packing Group (if any))	10. Containers No. Type		11. Total Quantity	12. Unit Wt./Vol.	13. Waste Codes	
	X	1. NA3077, HAZARDOUS WASTE, SOLID, n.o.s., (LEAD, SOIL), 9, III, RQ (D008)	002	DM	00800 10,000	P	D008	
	X	2. NA3082, Hazardous Waste Liquid, n.o.s., (Lead, Sludge), 9, III, RQ (D008)	025	DM	10,000 00800	P	D008	
		3.						
		4.						
14. Special Handling Instructions and Additional Information 1) ERG 171 W:66699 A:CWDTWIORGD - ER Service Contracted by VESTS PC165 WI FIELD SERVICES "STATE WASTE" 2) ERG 171 W: 947005 A: TWI50L001CWD								
15. GENERATOR'S/OFFEROR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by the proper shipping name, and are classified, packaged, marked and labeled/placarded, and are in all respects in proper condition for transport according to applicable international and national governmental regulations. If export shipment and I am the Primary Exporter, I certify that the contents of this consignment conform to the terms of the attached EPA Acknowledgment of Consent. I certify that the waste minimization statement identified in 40 CFR 262.27(a) (if I am a large quantity generator) or (b) (if I am a small quantity generator) is true.								
Generator's/Offeror's Printed/Typed Name RANDY GIESE			Signature 		Month 12	Day 8	Year 08	
TRANSPORTER	16. International Shipments <input type="checkbox"/> Import to U.S. <input type="checkbox"/> Export from U.S. Port of entry/exit: Date leaving U.S.:							
	17. Transporter Acknowledgment of Receipt of Materials Transporter 1 Printed/Typed Name: Todd Guse Signature:  Month: 12 Day: 8 Year: 08 Transporter 2 Printed/Typed Name: Signature: Month: Day: Year:							
DESIGNATED FACILITY	18. Discrepancy							
	18a. Discrepancy Indication Space <input type="checkbox"/> Quantity <input type="checkbox"/> Type <input type="checkbox"/> Residue <input type="checkbox"/> Partial Rejection <input type="checkbox"/> Full Rejection Manifest Reference Number:							
	18b. Alternate Facility (or Generator)			U.S. EPA ID Number				
	Facility's Phone:							
	18c. Signature of Alternate Facility (or Generator)						Month: Day: Year:	
19. Hazardous Waste Report Management Method Codes (i.e., codes for hazardous waste treatment, disposal, and recycling systems)								
1. H141		2. H141		3.		4.		
20. Designated Facility Owner or Operator: Certification of receipt of hazardous materials covered by the manifest except as noted in Item 18a								
Printed/Typed Name ROBERT L. KANN JR.			Signature 		Month 12	Day 16	Year 08	

UNIFORM HAZARDOUS WASTE MANIFEST		1. Generator ID Number WI D 0 0 0 0 0 2 2 1 2		2. Page 1 of 1		3. Emergency Response Phone (877) 818-0087		4. Manifest Tracking Number 000206466 VES	
		5. Generator's Name and Mailing Address WI DNR @ MIDSTATE/GIESE LAND PO BOX 10448 ATTN: ROXANNE CHRONERT GREEN BAY, WI 54307 Generator's Phone: 920 662-5420		Generator's Site Address (if different than mailing address) WI DNR @ MIDSTATE/GIESE LAND 5575 SAMPSON ROAD ABRAMS, WI 54101					
6. Transporter 1 Company Name VEOLIA ES TECHNICAL SOLUTIONS		U.S. EPA ID Number N J D 0 8 2 6 3 1 3 6		7. Transporter 2 Company Name				U.S. EPA ID Number	
8. Designated Facility Name and Site Address VEOLIA ES TECHNICAL SOLUTIONS, W124 N9451 BOUNDARY Facility's Phone: 262 255-6655 MENOMONEE FALLS, WI 53051		U.S. EPA ID Number W I D 0 0 3 9 6 7 1 4 8							
GENERATOR	9a. HM	9b. U.S. DOT Description (including Proper Shipping Name, Hazard Class, ID Number, and Packing Group (if any))		10. Containers No. Type		11. Total Quantity	12. Unit Wt./Vol.	13. Waste Codes	
	X	1. NA3077, HAZARDOUS WASTE, SOLID, n.o.s., (LEAD, SOIL), 9, III, RQ (D008)		0 0 1 C M		00020 00015	Y +	D008	
		2.							
		3.							
		4.							
14. Special Handling Instructions and Additional Information FIELD SERVICES "STATE WASTE" 1) ERG:171 W:66699 A:CWDSGRHAZ +- ER Service Contracted by VESTS PC165 WI 14.56									
15. GENERATOR'S/OFFEROR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by the proper shipping name, and are classified, packaged, marked and labeled/placarded, and are in all respects in proper condition for transport according to applicable international and national governmental regulations. If export shipment and I am the Primary Exporter, I certify that the contents of this consignment conform to the terms of the attached EPA Acknowledgment of Consent. I certify that the waste minimization statement identified in 40 CFR 262.27(a) (if I am a large quantity generator) or (b) (if I am a small quantity generator) is true.									
Generator's/Offeror's Printed/Typed Name D. BARRY GIESE		Signature 				Month Day Year 12 8 08			
INT'L	16. International Shipments <input type="checkbox"/> Import to U.S. <input type="checkbox"/> Export from U.S. Port of entry/exit: Date leaving U.S.:								
	Transporter signature (for exports only):								
TRANSPORTER	17. Transporter Acknowledgment of Receipt of Materials								
	Transporter 1 Printed/Typed Name Todd Giese		Signature 				Month Day Year 12 8 08		
	Transporter 2 Printed/Typed Name		Signature				Month Day Year		
DESIGNATED FACILITY	18. Discrepancy								
	18a. Discrepancy Indication Space <input type="checkbox"/> Quantity <input type="checkbox"/> Type <input type="checkbox"/> Residue <input type="checkbox"/> Partial Rejection <input type="checkbox"/> Full Rejection								
	Manifest Reference Number:								
	18b. Alternate Facility (or Generator)		U.S. EPA ID Number						
	Facility's Phone:								
18c. Signature of Alternate Facility (or Generator)							Month Day Year		
19. Hazardous Waste Report Management Method Codes (i.e., codes for hazardous waste treatment, disposal, and recycling systems)									
1. H111		2.		3.		4.			
20. Designated Facility Owner or Operator: Certification of receipt of hazardous materials covered by the manifest except as noted in Item 18a									
Printed/Typed Name BEN FIECKENSTEIN		Signature 				Month Day Year 12 09 08			

August 18, 2008

Mr. Keld Lauridsen
WDNR
2984 Shawano Avenue
Green Bay, WI 54307



RE: Report documenting the soil and drum content sampling activities performed at the Midstate Oil Property, 5575 Sampson Road, Abrams, WI. (BRRTS#02-43-545221).

Dear Keld:

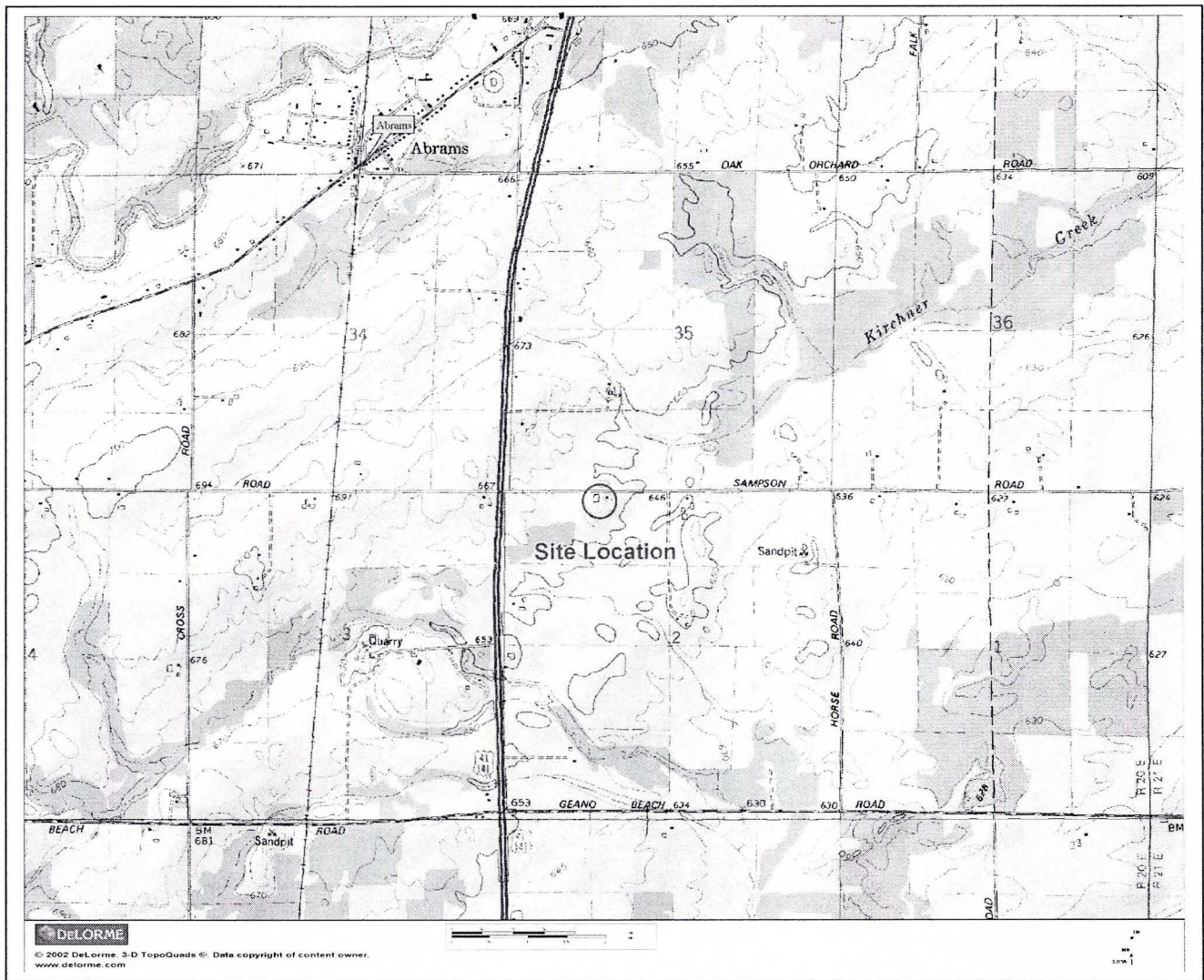
The purpose of this report is to document the soil and drum content sampling activities performed at the Midstate Oil facility located at the above address. (See Figure 1 – Site Location Map, enclosed.) The samples were collected on July 10, 2008. A composite soil sample was collected from a soil pile and a separate composite sample was collected from 27 drums located at the site. The soil pile and drums were located inside the north end of the building on-site. (See Figure 2 – Site Detail Map, enclosed.) The samples were delivered to a certified laboratory for analysis in order to coordinate the proper disposal of the material. The composite soil pile sample was tested for resource conservation and recovery act (RCRA) metals using the toxicity characteristic leaching procedure (TCLP). The composite sample collected from the drums was tested for diesel range organics (DRO), gasoline range organics (GRO), PCB's, RCRA metals using the TCLP, volatile organic compounds (VOCs), and flash point and free liquids. Laboratory results from the sampling event are enclosed.

If you have any questions regarding the work, please feel free to contact OMNNI.

Sincerely,
OMNNI Associates, Inc.

Dave Fries, P.G., CHMM
Hydrogeologist

Enclosures



Source: 2000 DeLorme Topo
Tools

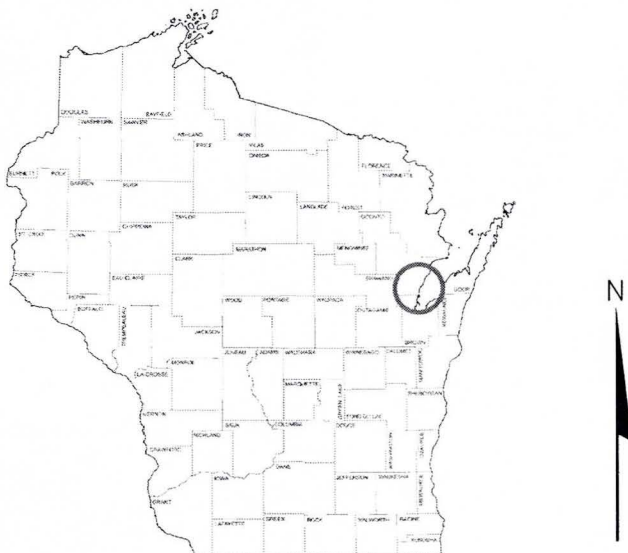


Figure 1
Site Location Map

Midstate Oil
5575 Sampson Road, Abrams, WI

OMNI
ASSOCIATES

Project Number:
N1978A07

Date: 10/31/07

One Systems Drive, Appleton, Wisconsin 54914-1654
Phone: (920) 735-6900 Fax: (920) 830-6100

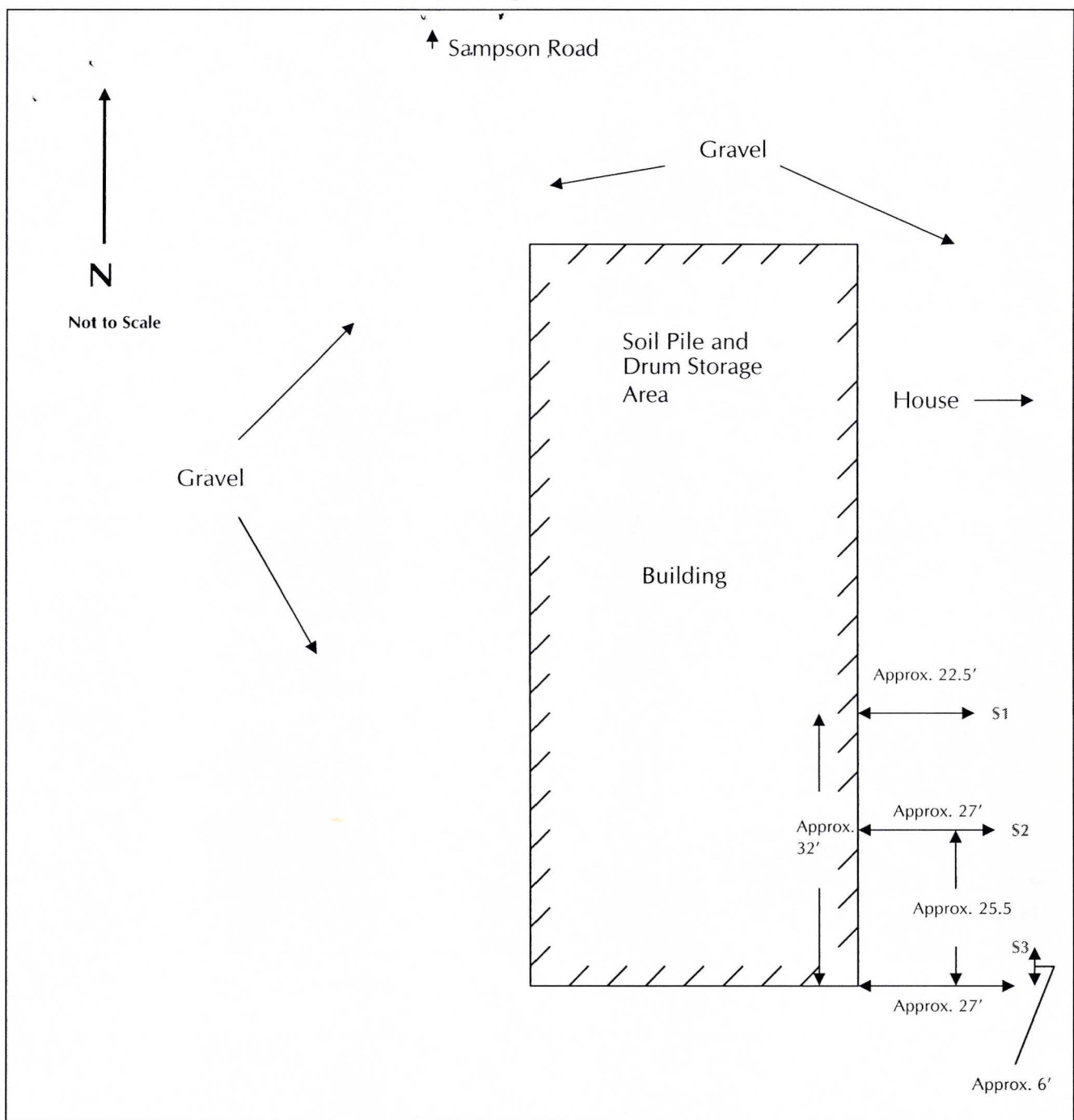


Figure 2
Site Detail Map

Midstate Oil Property
5575 Sampson Road, Abrams, WI



Project Number: N1978A07

Date: 8/18/08

One Systems Drive, Appleton, Wisconsin 54914-1654
Phone: (920) 735-6900 Fax: (920) 830-6100

Synergy Environmental Lab, INC.

1990 Prospect Ct., Appleton, WI 54914 *P 920-830-2455 * F 920-733-0631

DAVE FRIES
OMNNI ASSOCIATES INC
ONE SYSTEMS DRIVE
APPLETON WI 54914-1654

Report Date 22-Jul-08

Project Name MIDSTATE OIL
Project # N1978A07

Invoice # E17480

Lab Code 5017480A
Sample ID SOIL PILE
Sample Matrix Soil
Sample Date 7/10/2008

	Result	Unit	LOD	LOQ	Dil	Method	Ext Date	Run Date	Analyst	Code
Inorganic										
Metals										
TCLP Arsenic	< 0.05	mg/l	0.05		1	6010B		7/14/2008	ESC	1
TCLP Barium	0.65	mg/l	0.15		1	6010B		7/14/2008	ESC	1
TCLP Cadmium	0.092	mg/l	0.05		1	6010B		7/14/2008	ESC	1
TCLP Chromium	< 0.05	mg/l	0.05		1	6010B		7/14/2008	ESC	1
TCLP Lead	9.7	mg/l	0.05		1	6010B		7/14/2008	ESC	1
TCLP Mercury	0.0023	mg/l	0.001		1	7470A		7/16/2008	ESC	1
TCLP Selenium	< 0.05	mg/l	0.05		1	6010B		7/14/2008	ESC	1
TCLP Silver	< 0.05	mg/l	0.05		1	6010B		7/14/2008	ESC	1

Lab Code 5017480B
Sample ID DRUMS
Sample Matrix Soil
Sample Date 7/10/2008

	Result	Unit	LOD	LOQ	Dil	Method	Ext Date	Run Date	Analyst	Code
General										
General										
Solids Percent	70.0	%			1	5021		7/10/2008	MDK	1
Inorganic										
Metals										
TCLP Arsenic	< 0.05	mg/l	0.05		1	6010B		7/14/2008	ESC	1
TCLP Barium	1.5	mg/l	0.15		1	6010B		7/14/2008	ESC	1
TCLP Cadmium	< 0.05	mg/l	0.05		1	6010B		7/14/2008	ESC	1
TCLP Chromium	< 0.05	mg/l	0.05		1	6010B		7/14/2008	ESC	1
TCLP Lead	20	mg/l	0.05		1	6010B		7/14/2008	ESC	1

Project Name MIDSTATE OIL
Project # N1978A07

Invoice # E17480

Lab Code 5017480B
Sample ID DRUMS
Sample Matrix Soil
Sample Date 7/10/2008

	Result	Unit	LOD	LOQ	Dil	Method	Ext Date	Run Date	Analyst	Code
TCLP Mercury	< 0.001	mg/l	0.001		1	7470A		7/16/2008	ESC	1
TCLP Selenium	< 0.05	mg/l	0.05		1	6010B		7/14/2008	ESC	1
TCLP Silver	< 0.05	mg/l	0.05		1	6010B		7/14/2008	ESC	1
Organic										
General										
Diesel Range Organics	102000	mg/kg	82	260	100	DRO95		7/21/2008	MJR	1
Gasoline Range Organics	8200	mg/kg	215	700	50	GRO95/8021		7/16/2008	CJR	1
PCB'S										
PCB-1016	< 0.01	mg/kg	0.01	0.085	5	EPA 8082		7/15/2008	ESC	1 49
PCB-1221	< 0.0245	mg/kg	0.025	0.085	5	EPA 8082		7/15/2008	ESC	1 49
PCB-1232	< 0.036	mg/kg	0.036	0.085	5	EPA 8082		7/15/2008	ESC	1 49
PCB-1242	< 0.0245	mg/kg	0.025	0.085	5	EPA 8082		7/15/2008	ESC	1 49
PCB-1248	< 0.0135	mg/kg	0.014	0.085	5	EPA 8082		7/15/2008	ESC	1 49
PCB-1254	< 0.025	mg/kg	0.025	0.085	5	EPA 8082		7/15/2008	ESC	1 49
PCB-1260	< 0.014	mg/kg	0.014	0.085	5	EPA 8082		7/15/2008	ESC	1 49
VOC's										
Benzene	26800	ug/kg	4000	12800	200	8260B		7/18/2008	CJR	1
Bromobenzene	< 6800	ug/kg	6800	21400	200	8260B		7/18/2008	CJR	1
Bromodichloromethane	< 3200	ug/kg	3200	10200	200	8260B		7/18/2008	CJR	1
Bromoform	< 4600	ug/kg	4600	14400	200	8260B		7/18/2008	CJR	1
tert-Butylbenzene	< 4600	ug/kg	4600	15000	200	8260B		7/18/2008	CJR	1
sec-Butylbenzene	42000	ug/kg	5000	16200	200	8260B		7/18/2008	CJR	1
n-Butylbenzene	52000	ug/kg	7000	22000	200	8260B		7/18/2008	CJR	1
Carbon Tetrachloride	< 4200	ug/kg	4200	13400	200	8260B		7/18/2008	CJR	1
Chlorobenzene	< 3200	ug/kg	3200	10400	200	8260B		7/18/2008	CJR	1
Chloroethane	< 4600	ug/kg	4600	14600	200	8260B		7/18/2008	CJR	1
Chloroform	< 10000	ug/kg	10000	32000	200	8260B		7/18/2008	CJR	1
Chloromethane	< 8600	ug/kg	8600	27200	200	8260B		7/18/2008	CJR	1
2-Chlorotoluene	< 6200	ug/kg	6200	19400	200	8260B		7/18/2008	CJR	1
4-Chlorotoluene	< 4800	ug/kg	4800	15400	200	8260B		7/18/2008	CJR	1
1,2-Dibromo-3-chloropropane	< 7400	ug/kg	7400	23600	200	8260B		7/18/2008	CJR	1
Dibromochloromethane	< 4200	ug/kg	4200	13200	200	8260B		7/18/2008	CJR	1
1,4-Dichlorobenzene	< 8400	ug/kg	8400	26400	200	8260B		7/18/2008	CJR	1
1,3-Dichlorobenzene	< 8200	ug/kg	8200	26000	200	8260B		7/18/2008	CJR	1
1,2-Dichlorobenzene	< 6400	ug/kg	6400	20600	200	8260B		7/18/2008	CJR	1
Dichlorodifluoromethane	< 6600	ug/kg	6600	21000	200	8260B		7/18/2008	CJR	1
1,2-Dichloroethane	< 4800	ug/kg	4800	15000	200	8260B		7/18/2008	CJR	1
1,1-Dichloroethane	< 4400	ug/kg	4400	13800	200	8260B		7/18/2008	CJR	1
1,1-Dichloroethene	< 5400	ug/kg	5400	17400	200	8260B		7/18/2008	CJR	1
cis-1,2-Dichloroethene	< 4800	ug/kg	4800	15400	200	8260B		7/18/2008	CJR	1
trans-1,2-Dichloroethene	< 5800	ug/kg	5800	18400	200	8260B		7/18/2008	CJR	1
1,2-Dichloropropane	< 3800	ug/kg	3800	11800	200	8260B		7/18/2008	CJR	1
2,2-Dichloropropane	< 23000	ug/kg	23000	73000	200	8260B		7/18/2008	CJR	7
1,3-Dichloropropane	< 4200	ug/kg	4200	13400	200	8260B		7/18/2008	CJR	1
Di-isopropyl ether	< 3000	ug/kg	3000	9600	200	8260B		7/18/2008	CJR	1
EDB (1,2-Dibromoethane)	< 4200	ug/kg	4200	13200	200	8260B		7/18/2008	CJR	1
Ethylbenzene	249000	ug/kg	3200	10400	200	8260B		7/18/2008	CJR	1
Hexachlorobutadiene	< 10000	ug/kg	10000	31800	200	8260B		7/18/2008	CJR	1

Project Name MIDSTATE OIL
Project # N1978A07

Invoice # E17480

Lab Code 5017480B
Sample ID DRUMS
Sample Matrix Soil
Sample Date 7/10/2008

	Result	Unit	LOD	LOQ	Dil	Method	Ext Date	Run Date	Analyst	Code
Isopropylbenzene	29600	ug/kg	6000	19000	200	8260B		7/18/2008	CJR	1
p-Isopropyltoluene	23200	ug/kg	6000	19000	200	8260B		7/18/2008	CJR	1
Methylene chloride	95000	ug/kg	8800	28000	200	8260B		7/18/2008	CJR	4
Methyl tert-butyl ether (MTBE)	< 4600	ug/kg	4600	14400	200	8260B		7/18/2008	CJR	1
Naphthalene	150000	ug/kg	23400	74600	200	8260B		7/18/2008	CJR	1
n-Propylbenzene	57000	ug/kg	5800	18600	200	8260B		7/18/2008	CJR	1
1,1,2,2-Tetrachloroethane	< 5000	ug/kg	5000	15800	200	8260B		7/18/2008	CJR	1
1,1,1,2-Tetrachloroethane	< 5400	ug/kg	5400	17400	200	8260B		7/18/2008	CJR	1
Tetrachloroethene	350000	ug/kg	3600	11400	200	8260B		7/18/2008	CJR	1
Toluene	940000	ug/kg	4600	14400	200	8260B		7/18/2008	CJR	1
1,2,4-Trichlorobenzene	< 10600	ug/kg	10600	33800	200	8260B		7/18/2008	CJR	1
1,2,3-Trichlorobenzene	< 17400	ug/kg	17400	55400	200	8260B		7/18/2008	CJR	1
1,1,1-Trichloroethane	118000	ug/kg	5400	16800	200	8260B		7/18/2008	CJR	1
1,1,2-Trichloroethane	< 6000	ug/kg	6000	18800	200	8260B		7/18/2008	CJR	1
Trichloroethene (TCE)	39000	ug/kg	4000	13000	200	8260B		7/18/2008	CJR	1
Trichlorofluoromethane	< 3200	ug/kg	3200	10200	200	8260B		7/18/2008	CJR	2
1,2,4-Trimethylbenzene	380000	ug/kg	4000	12600	200	8260B		7/18/2008	CJR	1
1,3,5-Trimethylbenzene	112000	ug/kg	4800	15400	200	8260B		7/18/2008	CJR	1
Vinyl Chloride	< 3400	ug/kg	3400	11200	200	8260B		7/18/2008	CJR	1
m&p-Xylene	870000	ug/kg	6600	20800	200	8260B		7/18/2008	CJR	1
o-Xylene	303000	ug/kg	3000	9400	200	8260B		7/18/2008	CJR	1
Wet Chemistry										
General										
Free Liquid	yes				1	9095A		7/14/2008	ESC	1
Flash Point	146	Deg. F			1	D93		7/15/2008	ESC	1

"J" Flag: Analyte detected between LOD and LOQ

LOD Limit of Detection

LOQ Limit of Quantitation

Code Comment

- 1 Laboratory QC within limits.
- 2 Relative percent difference failed for laboratory spiked samples.
- 4 The continuing calibration standard not within established limits.
- 7 The LCS not within established limits.
- 49 Sample diluted to compensate for matrix interference.

ESC denotes sub contract lab - Certification #998093910

All solid sample results reported on a dry weight basis unless otherwise indicated. All LOD's and LOQ's are adjusted for dilutions but not dry weight.

Authorized Signature

Chain # No 359

Page ____ of ____

Lab I.D. #	
Account No. :	Quote No.:
Project #: N1978A0T	
Sampler: (signature) [Signature]	

Environmental Lab, Inc.

1990 Prospect Ct. • Appleton, WI 54914
920-830-2455 • FAX 920-733-0631

Sample Handling Request

☐ Rush Analysis Date Required ☐
 (Rushes accepted only with prior authorization)
☒ Normal Turn Around

[illegible]

Comments/Special Instructions (*Specify groundwater "GW", Drinking Water "DW", Waste Water "WW", Soil "S", Air "A", Oil, Sludge etc.)

Sample Integrity - To be completed by receiving lab. Method of Shipment: <u>air</u> Temp. of Temp. Blank: <u> </u> °C On Ice <input checked="" type="checkbox"/> Cooler seal intact upon receipt: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Relinquished By: (sign) <u>[Signature]</u>	Time <u>9:15</u>	Date <u>7/10/08</u>	Received By: (sign) <u> </u>	Time <u> </u>	Date <u> </u>
	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
	Received in Laboratory By: <u>[Signature]</u>	Time: <u>9:15</u>	Date: <u>7/10/08</u>	<u> </u>	<u> </u>	<u> </u>

September 12, 2008

Mr. Keld Lauridsen
Hydrogeologist/Project Manager
WDNR-Northeast Region RR
P.O. Box 10448
Green Bay, WI 54307-0448



**RE: Midstate Oil Soil Sampling – Project Status Report
Final OMNI Invoice For Work Performed during August 2008**

Dear Mr. Lauridsen:

Enclosed please find OMNI's invoice for services performed during August at the Midstate Oil Site. Invoice #52351 is for work on the report to document the drum and soil pile sampling at the site. The report has been sent to you.

Please let us know if we can be of further assistance on this project.

If you have any questions regarding this invoice or the project in general, please do not hesitate to call.

Sincerely,
OMNI Associates, Inc.

Dave Fries, P.G., CHMM
Hydrogeologist

Enclosures

Fed Tax ID: 39-1095924

Invoice

Please Make Checks Payable To OMNI Associates

Please Include Invoice Number With Payment

(SOW02.2)

To: Keld Lauridsen,
Department of Natural Resources
Northeast Region Finance
P.O. Box 10448
Green Bay, WI 54307-0448

Invoice Date: September 09, 2008

Invoice #: 52351

OMNI Project #: N1978A07

Project Name: WDNR - Midstate Oil

Invoice Total: \$43.25

Billing Group: 001

Contract ID #: Email Authorization

Soil Sampling

Services Rendered through: August 31, 2008

Contract Maximum:	\$	2,855.00
Prior Billings Against Max:	\$	2,811.75
Current Billing Against Max:	\$	43.25
Balance After This Invoice:	\$	-

Professional Services

Environmental Investigation Services

Reports

Fries, David

Hours	Rate	Charge
-------	------	--------

2.00	\$99.00	\$ 198.00
------	---------	-----------

Professional Services Totals: \$ 198.00

Billing Group Subtotal: \$ 198.00

Contract Exceeds Max: \$ (154.75)

Billing Group Total: \$ 43.25

Invoice Total: \$ 43.25

David Fries, Project Manager
920-830-6145
david.fries@omni.com

Invoice net due 30 days from date of invoice. A late charge of 1.5% per month, 18% per annum will be added to any unpaid balance after 30 days.

Approved for payment
Keld Lauridsen 9/16/08
274 XCDK 2224 REKA

Celebrating 40 Years Of Engineering Innovation

August 11, 2008



Mr. Keld Lauridsen
Hydrogeologist/Project Manager
WDNR-Northeast Region RR
P.O. Box 10448
Green Bay, WI 54307-0448

**RE: Midstate Oil Soil Sampling – Project Status Report
OMNNI Invoice For Work Performed during July 2008**

Dear Mr. Lauridsen:

Enclosed please find OMNNI's invoice for services performed during July at the Midstate Oil Site. Invoice #52185 is for planning and performing the drum and soil pile sampling at the site.

Please let us know if we can be of further assistance on this project.

If you have any questions regarding this invoice or the project in general, please do not hesitate to call.

Sincerely,
OMNNI Associates, Inc.

Dave Fries, P.G., CHMM
Hydrogeologist

Enclosures

Fed Tax ID: 39-1095924

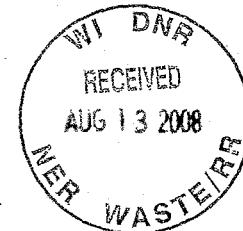
Invoice

Please Make Checks Payable To OMNI Associates
Please Include Invoice Number With Payment

(SOW02.2)

To: Keld Lauridsen
Department of Natural Resources
Northeast Region Finance
P.O. Box 10448
Green Bay, WI 54307-0448

Invoice Date: August 06, 2008
Invoice #: 52185
OMNI Project #: N1978A07
Project Name: WDNR - Midstate Oil



Invoice Total: \$1,293.00

Billing Group: 001

Contract ID #: Email Authorization
Soil Sampling
Services Rendered through: July 31, 2008

Contract Maximum:	\$	2,855.00
Prior Billings Against Max:	\$	1,518.75
Current Billing Against Max:	\$	1,293.00
Balance After This Invoice:	\$	43.25

Professional Services

Environmental Investigation Services

	<u>Hours</u>	<u>Rate</u>		<u>Charge</u>
Project Management				
Fries, David	2.50	\$99.00	\$	247.50
Sampling				
Fries, David	4.50	\$85.00	\$	382.50
Professional Services Totals:			\$	630.00

Outside Services

	<u>Date</u>	<u>Units</u>	<u>Cost</u>		<u>Charge</u>
Synergy Enviromental Lab	7/22/2008	1.00	\$663.00	\$	663.00
Outside Services Totals:				\$	663.00

Billing Group Total: \$ 1,293.00

Invoice Total: \$ 1,293.00

Approved for payment
Keld Lauridsen 8/21/08

David Fries, Project Manager
920-830-6145
david.fries@omni.com

274 XCDK 2224 REKA

Lauridsen, Keld B - DNR

From: David L. Fries [David.Fries@omni.com]
Sent: Wednesday, July 02, 2008 7:00 AM
To: Lauridsen, Keld B - DNR
Subject: RE: Giese

Thanks Keld. I will call him before the end of the week.

Dave

From: Lauridsen, Keld B - DNR [mailto:Keld.Lauridsen@wisconsin.gov]
Sent: Tuesday, July 01, 2008 2:41 PM
To: David L. Fries
Cc: Van Grinsven, Anne - DNR; Urban, Bruce G - DNR; Polczynski, Leonard - DNR
Subject: RE: Giese

Dave,

This email serves as your notice to proceed with the work proposed in your email below.

I just talked to Mr. Giese. He indicated that he is willing to get all the drums down and have them open for you to sample as long as we call him a week in advance. He can be reached at (920) 471-6393. I suggest you call him within the next couple of days to discuss the situation so we can get any problems resolved prior to me going on vacation Friday. Per Mr. Giese, some of the drums contain fresh paint stored in their original container. Those drums are not to be sampled or disposed of under this contract. The paint is to be handled by Mr. Giese on his own.

Mr. Giese also indicated that he would like to have his BRRTS case closed. This is a separate issue from the drums and soil pile. Any cost for potentially putting a closure request together are to be paid by Mr. Giese under a separate contract with an environmental consultant. There is only minimal data available for the site so I suspect that putting a closure request together would not be that labor intensive.

Let me know if you need anything else.

-Keld

From: David L. Fries [mailto:David.Fries@omni.com]
Sent: Friday, June 27, 2008 12:53 PM
To: Lauridsen, Keld B - DNR
Subject: RE: Giese

Keld,

I've reviewed the appropriate parts of SW846 and OMNRI will be sure to sample appropriately. Any questions, let me know.

Dave

From: Lauridsen, Keld B - DNR [mailto:Keld.Lauridsen@wisconsin.gov]
Sent: Friday, June 13, 2008 11:29 AM

08/20/2008

To: David L. Fries
Subject: RE: Giese

Dave,

Per the NER Waste Program, we need to follow the procedure in SW846 (EPA document available online) to determine how to ensure that the one composite sample collected is going to be representative of the entire soil pile. There should be a procedure outlined in that document on how to collect a composite sample.

-Keld

From: David L. Fries [mailto:David.Fries@omnni.com]
Sent: Friday, June 13, 2008 10:45 AM
To: Lauridsen, Keld B - DNR
Subject: RE: Giese

Keld,

I typically take a little soil from a couple locations and mix it together in a clean container or ziplock bag to have a composite sample. If you would like I can take more composite samples, however, they cost just over \$200 per sample to test for RCRA metals using the TCLP.

Dave

From: Lauridsen, Keld B - DNR [mailto:Keld.Lauridsen@wisconsin.gov]
Sent: Friday, June 13, 2008 10:27 AM
To: David L. Fries
Cc: Brian Wayner
Subject: RE: Giese

Dave,

How are you going to ensure that the composite sample you propose to collect from the soil pile is representative of the contents of the entire pile?

-Keld

From: David L. Fries [mailto:David.Fries@omnni.com]
Sent: Thursday, June 12, 2008 3:39 PM
To: Lauridsen, Keld B - DNR
Subject: RE: Giese

Keld,

Sorry I didn't get back sooner, I had a day of field work today. The landfill has told me that their minimum requirement is 1 sample per 300 cubic yards, so 1 for the drums and 1 for the pile should be representative. If you feel differently, let me know. Otherwise the analysis has been confirmed as well. Anything else, let me know. I am on vacation next week, so sampling will have to wait at least one more week.

Dave

08/20/2008

From: Lauridsen, Keld B - DNR [mailto:Keld.Lauridsen@wisconsin.gov]
Sent: Wednesday, June 11, 2008 12:03 PM
To: David L. Fries
Subject: RE: Giese

Dave,

Did you confirm that the landfill is following their protocol by having one composite sample collected from all the drums?

Also, did you take a look at Chapter 9 of SW846 in order to determine the number of samples needed from the soil pile?

-Keld

From: David L. Fries [mailto:David.Fries@omnni.com]
Sent: Wednesday, June 11, 2008 8:44 AM
To: Lauridsen, Keld B - DNR
Subject: Giese

Keld,

I reviewed our proposal to Mr. Giese dated October 9, 2007, and for us to provide only the sampling services, we estimate \$800 for OMNNI and \$655 for lab. The estimate assumes that it will take approximately 15 minutes to open, sample, and close each of the 27 drums. If the drums are not made accessible to OMNNI, it may take longer. It would also help if they are opened. The remainder of our budget would be to coordinate the waste disposal and write a short report to document the work. Thanks.

Dave

DuFresne, Kristin I - DNR

From: DuFresne, Kristin I - DNR
Sent: Thursday, October 18, 2007 10:59 AM
To: 'David L. Fries'
Cc: Lauridsen, Keld B - DNR
Subject: Midstate Oil - Giese (WDNR BRRTS # 02-43-545221)

Hello Dave. Keld is on vacation until October 24, 2007 so I'm trying to help out with some of his mail.

The Department received OMNRI's October 9, 2007 submittal regarding the Midstate Oil - Giese site. I'm not sure what type of agreement you and Keld had set up but my cursory review tells me we shouldn't be doing composite sampling for 27 drums. I'd also suggest sampling below the soil pile after it is removed to ensure native soil has not been impacted. The size of the soil pile will dictate the number of samples to collect.

These are just my suggestions. Since I don't know the specific details of this site I would suggest you wait to hear from Keld.

Thanks!

Kristin DuFresne - Hydrogeologist
Remediation & Redevelopment Program
WDNR - Northeast Region
2984 Shawano Avenue
P.O. Box 10448
Green Bay, WI 54307-0448
Phone: 920-662-5443
Fax: 920-662-5197
E-mail: kristin.dufresne@wisconsin.gov

LETTER OF TRANSMITTAL

To: Mr. Keld Lauridsen
WDNR
2984 Shawano Avenue
Green Bay, WI 54307-0448

Date: October 9, 2007
Project No.:
Project: Giese Property
Client:



We are sending you ☒ Attached ☐ Under separate cover via _____ the following items:
☐ Shop drawings ☐ Prints ☐ Plans ☐ Samples ☐ Specifications ☐ Copy of letter ☐ Change order
☒ Other Proposal

Copies	Date	No.	Description
1			

These are transmitted as checked below:

- | | | |
|--|---|---|
| <input type="checkbox"/> For approval | <input type="checkbox"/> Approved as submitted | <input type="checkbox"/> Resubmit _____ copies for approval |
| <input checked="" type="checkbox"/> For your use | <input type="checkbox"/> Approved as noted | <input type="checkbox"/> Submit _____ copies for distribution |
| <input checked="" type="checkbox"/> As requested | <input type="checkbox"/> Returned for corrections | <input type="checkbox"/> Return _____ corrected prints |
| <input type="checkbox"/> For review and comment | <input type="checkbox"/> Other | |
| <input type="checkbox"/> For bids due _____ | <input type="checkbox"/> Prints returned after loan to us | |

Remarks: Keld, Let me know if you have any questions.

Copy to: _____

Signed: 
Dave Fries

October 9, 2007

Mr. Randy Giese
5575 Sampson Road
Abrams, WI 54101

RE: Proposed professional services for soil pile and drum sampling at the Midstate Oil property, 5575 Sampson Road, Abrams, WI.

02-43-545221

Dear Mr. Giese:

According to you, 27, 55-gallon drums containing tank sludge exist at the property. The drums contain either gasoline, fuel oil, or waste oil tank sludge. A soil pile that had once tested over the State standard for lead contamination also exists at the site. The soil pile is estimated to contain approximately 5 – 10 tons of soil. The Wisconsin Department of Natural Resources is requiring the removal of the drums and the soil pile.

OMNNI proposes to perform the drum and soil pile sampling and to coordinate the disposal of the waste. We propose to collect a composite sample of the estimated 27 drums per the landfill request and deliver the sample to a certified laboratory for testing. Per my conversation with the landfill, they require that the composite sample be tested for gasoline range organics (GRO), diesel range organics (DRO), PCBs, volatile organic compounds (VOCs), resource conservation and recovery act (RCRA) metals, flash point, and free liquids.

size? Per my conversation with the landfill, one composite soil sample will be collected from the soil pile and delivered to the laboratory for testing of RCRA metals. All RCRA metal testing will be performed using the toxicity characteristic leaching procedure (TCLP). Once laboratory data is available, OMNNI will prepare an application for disposal for the landfill and we will coordinate the disposal of the waste. A short report will also be prepared for the WDNR.

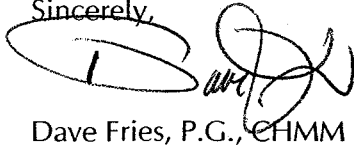
For the purposes of this proposal, OMNNI estimates that it will take approximately 15 minutes to open, sample, and reseal each drum. The drums must be made accessible to OMNNI personnel. The landfill's costs will depend on the actual amount of soil and sludge disposed of (number of drums), and is therefore, only an estimate based on the information provided to OMNNI by the owner and the WDNR.

The laboratory fees, waste disposal fees, and fees to load and haul the soil are not included in the attached service agreement. The laboratory fees are expected to be approximately \$655. The quote from the landfill is attached. Based on the estimate of 27 drums, this fee is expected to be approximately \$3,000. The cost to load and transport the soil pile to the landfill are estimated to be approximately \$700. OMNNI will review the subcontractor's invoices for inclusion in our invoices.

6/5/08 @ 15³⁰
Discussed this approach
w/ Bruce Uebe & Len
Potasinski. They both
concurred w/ approach
with the above comments.
VBL

Thank you for asking us to propose our services. A service agreement is attached for your signature with details of the proposed work.

Sincerely,

A handwritten signature in black ink, appearing to be "Dave Fries", written over a large, loopy oval shape.

Dave Fries, P.G., CHMM
Hydrogeologist

Enclosures: professional services agreement with cost estimate; fee schedule

**Drum and Soil Pile Sampling and Waste Disposal Coordination at the Midstate
Oil Property, 5575 Sampson Road, Adrams, WI**
Professional Services Agreement

THIS AGREEMENT is entered into between **Randy Giese** (Client), 5575 Sampson Road, Abrams, WI 54101 and **OMNNI Associates, Inc.** (Consultant), One Systems Drive, Appleton, WI 54914, for the following reasons:

1. Client intends to have a soil pile and drums sampled and the waste properly disposed of from the Midstate Oil property, 5575 Sampson Road, Abrams, WI (the Project); and,
2. Client requires certain professional services in connection with the Project (the Services); and,
3. Consultant is prepared to provide the Services.

In consideration of the promises contained in this Agreement, Client and Consultant agree as follows:

ARTICLE 1 - EFFECTIVE DATE

The effective date of this Agreement shall be October 9, 2007.

ARTICLE 2 – GOVERNING LAW

This Agreement shall be governed by the laws of the State of Wisconsin.

ARTICLE 3 - SCOPE OF SERVICES

A. Consultant shall provide the Services described as follows:

- 1) Collect a composite sample from an estimated 27, 55-gallon drums and a composite sample from a soil pile from the site.
- 2) Deliver the samples to a certified laboratory for analysis. The composite collected from the drums will be tested for gasoline range organics (GRO), diesel range organics (DRO), PCBs, volatile organic compounds (VOCs), resource conservation and recovery act (RCRA) metals, flash point, and free liquids. The composite sample collected from the soil pile will be tested for RCRA metals. RCRA metals testing will be performed using the toxicity characteristic leaching procedure (TCLP). OMNNI estimates 15 minutes per drum to open, sample, and re-seal each drum. The estimate assumes that the drums will be made accessible to OMNNI personnel.
- 3) Prepare an application for disposal for each waste (the drums and soil pile).
- 4) Prepare a short letter report for the Wisconsin Department of Natural Resources.
- 5) Perform project management.

B. The following Services are not initially included in this Agreement, but shall be provided as Additional

Services if authorized or confirmed in writing by the Client:

- 1) Additional drum sampling beyond the estimated twenty seven drums.
- 2) Additional investigation or remediation at the site.

C. In conjunction with the performance of the foregoing Services, Engineer shall provide the report as described above.

ARTICLE 4 - SCHEDULE

Consultant shall exercise its reasonable efforts to perform those Services and deliver the report within 60 days upon completion of the field work.

ARTICLE 5 - COMPENSATION

A. In return for the performance of the foregoing obligations, Client shall pay to the Consultant the amount of approximately \$6,105, based on hourly billing rates shown on the attached fee schedule, plus expenses for costs directly attributable to the Project. Invoices are due and payable upon receipt. Costs for laboratory services, waste disposal services, and loading and hauling of the soil are included in the estimated fee and subcontracted by OMNNI. The laboratory fees can be expected to be approximately \$655, the waste disposal fees are estimated to be approximately \$3,000, and the loading and transportation of the soil will be approximately \$700.

B. Compensation for Additional Services (if any) shall be paid by Client to Consultant on a lump sum or hourly cost plus expenses basis, as specified in any subsequent authorization for such services.

Invoices shall be due and payable upon receipt. Client shall give prompt written notice of any disputed amount and shall pay the remaining amount. Invoice amounts not paid within 30 days after receipt shall accrue interest at the rate of 1.5% per month (or the maximum rate permitted by law, if less), with payments applied

**Drum and Soil Pile Sampling and Waste Disposal Coordination at the Midstate Oil
Property, 5575 Sampson Road, Adrams, WI**
Professional Services Agreement

first to accrued interest and then to unpaid principal. Client shall pay Consultant's reasonable attorneys' fees incurred in connection with any litigation instituted to recover invoice amounts.

ARTICLE 6 – CLIENT'S RESPONSIBILITIES

Client shall perform and/ or provide the following in a timely manner so as not to delay the Services of the Consultant. Unless otherwise provided in this Agreement, Client shall bear all costs incidental to compliance with the following:

- A. Provide access to the site.
- B. Have each drum accessible for sampling.
- C. Coordinate on-site activities with other parties involved with the project.

ARTICLE 7 - STANDARD OF CARE

The same degree of care, skill, and diligence shall be exercised in the performance of the Services as is ordinarily possessed and exercised by a member of the same profession, currently practicing, under similar circumstances. No other warranty, express or implied, is included in this Agreement or in any drawing, specification, report, opinion, or other instrument of service, in any form or media, produced in connection with the Services.

ARTICLE 8 - INDEMNIFICATION AND LIABILITY

General. Having considered the potential liabilities that may exist during the performance of the Services, the relative benefits and risks of the Project, and the Consultant's fee for the Services, and in consideration of the promises contained in this Agreement, Client and Consultant agree to allocate and limit such liabilities in accordance with this Article.

Indemnification. Consultant agrees to indemnify and hold the Client harmless from and against legal liability for all judgments, losses, damages, and expenses to the extent such judgments, losses, damages, or expenses are caused by the Consultant's negligent acts, errors, or omissions arising out of its performance of the Services. In the event judgments, losses, damages, or expenses are caused by the joint or concurrent negligence of Consultant and Client, they shall be borne by each party in proportion to its own negligence.

Limitation of Liability. To the fullest extent permitted by law, the total aggregate liability of Consultant and its subconsultants to Client for all judgments, losses, damages, and expenses resulting in any way from the

performance of the Services shall not exceed the total compensation actually received by Consultant for Services completed under this Agreement.

Consequential Damages. To the fullest extent permitted by law, Consultant shall not be liable to Client for any consequential damages resulting in any way from the performance of the Services.

Survival. The terms and conditions of this Article shall survive completion of the Services, or any termination of this Agreement.

ARTICLE 9 - INSURANCE

During the term of this Agreement, Consultant shall maintain the following insurance:

- A. General Liability Insurance, with a combined single limit of \$1,000,000 per occurrence and \$2,000,000 annual aggregate.
- B. Automobile Liability Insurance, with a combined single limit of \$1,000,000 for each person and \$1,000,000 for each accident.
- C. Workers' Compensation Insurance in accordance with statutory requirements and Employers' Liability Insurance, with a limit of \$100,000 for each occurrence.
- D. Professional Liability Insurance, with a limit of \$1,000,000 annual aggregate.

Consultant shall, upon written request, furnish Client certificates of insurance which shall include a provision that such insurance shall not be canceled without at least thirty days' written notice to Client. Client shall require all Project contractors to include Client and Consultant as additional insureds on their General and Automobile Liability insurance policies, and to indemnify both Client and Consultant, each to the same extent.

Consultant and Client waive all rights against each other and their directors, officers, partners, commissioners, officials, agents, and employees for damages covered by property insurance during and after the completion of the Services. If the Services result in any construction related to the Project, a similar provision shall be incorporated into all construction contracts entered into by Client and shall protect Client and Consultant to the same extent.

ARTICLE 10 - LIMITATIONS OF RESPONSIBILITY

Consultant shall not be responsible for (a) construction means, methods, techniques, sequences, procedures, or safety precautions and programs in connection with the

**Drum and Soil Pile Sampling and Waste Disposal Coordination at the Midstate Oil
Property, 5575 Sampson Road, Adrams, WI**
Professional Services Agreement

Project; (b) the failure of any contractor, subcontractor, vendor, or other Project participant, not under contract to Consultant, to fulfill contractual responsibilities to Client or to comply with federal, state, or local laws, regulations, and codes; or (c) procuring permits, certificates, and licenses required for any construction unless such procurement responsibilities are specifically assigned to Consultant in this Agreement.

ARTICLE 11 - OPINIONS OF COST AND SCHEDULE

Because Consultant has no control over the cost of labor, materials, or equipment furnished by others, or over the resources provided by others to meet Project schedules, Consultant's opinion of probable costs and of Project schedules, if any, shall be made on the basis of experience and qualifications as a professional. Consultant does not guarantee that proposals, bids, or actual Project costs will not vary from Consultant's cost estimates or that actual schedules will not vary from Consultant's projected schedules.

ARTICLE 12 - REUSE OF DOCUMENTS

All documents, including, but not limited to, drawings, specifications, and computer software prepared by Consultant pursuant to this Agreement are instruments of service in respect to the Project. They are not intended or represented to be suitable for reuse by Client or others on modifications or extensions of the Project or on any other project. Any reuse without prior written verification or adaptation by Consultant for the specific purpose intended will be at Client's sole risk and without liability or legal exposure to Consultant. Client shall indemnify and hold harmless Consultant and its subconsultants against all judgments, losses, damages, injuries, and expenses, including reasonable attorneys' fees, arising out of or resulting from such reuse. Any verification or adaptation of documents will entitle Consultant to additional compensation at rates to be agreed upon by Client and Consultant.

ARTICLE 13 - OWNERSHIP OF DOCUMENTS AND INTELLECTUAL PROPERTY

Except as otherwise provided herein, documents, drawings, and specifications prepared by Consultant and furnished to Client as part of the Services shall become the property of Client; provided, however, that Consultant shall have the unrestricted right to their use. Consultant shall retain its copyright and ownership rights in its design, drawing details, specifications,

databases, computer software, and other proprietary property. Intellectual property developed, utilized, or modified in the performance of the Services shall remain the property of Consultant.

ARTICLE 14 - TERMINATION AND SUSPENSION

This Agreement may be terminated by either party upon written notice in the event of substantial failure by the other party to perform in accordance with the terms of this Agreement; provided, however, the non-performing party shall have 14 calendar days from the receipt of the termination notice to cure or to submit a plan for cure acceptable to the other party.

Client may terminate or suspend performance of this Agreement for Client's convenience upon written notice to Consultant. Consultant shall terminate or suspend performance of the Services on a schedule acceptable to Client, and Client shall pay Consultant for all the Services performed plus termination or suspension expenses. Upon restart of suspended Services, an equitable adjustment shall be made to Consultant's compensation and the Project schedule.

ARTICLE 15 - DELAY IN PERFORMANCE

Neither Client nor Consultant shall be considered in default of this Agreement for delays in performance caused by circumstances beyond the reasonable control of the non-performing party. For purposes of this Agreement, such circumstances include, but are not limited to, abnormal weather conditions; floods; earthquakes; fire; epidemics; war, riots, and other civil disturbances; strikes, lockouts, work slowdowns, and other labor disturbances; sabotage; judicial restraint; and delay in or inability to procure permits, licenses, or authorizations from any local, state, or federal agency for any of the supplies, materials, accesses, or services required to be provided by either Client or Consultant under this Agreement. Consultant shall be granted a reasonable extension of time for any delay in its performance caused by any such circumstances.

Should such circumstances occur, the nonperforming party shall, within a reasonable time of being prevented from performing, give written notice to the other party describing the circumstances preventing continued performance and the efforts being made to resume performance.

ARTICLE 16 - NOTICES

Any notice required by this Agreement shall be made in writing to the address specified below:

**Drum and Soil Pile Sampling and Waste Disposal Coordination at the Midstate Oil
Property, 5575 Sampson Road, Adrams, WI**
Professional Services Agreement

Client: Mr. Randy Giese
5575 Sampson Road
Abrams, WI 54101

Consultant: Dave Fries
OMNNI Associates, Inc.
One Systems Drive
Appleton, WI 54914
Tel: (920) 830-6145

Nothing contained in this Article shall be construed to restrict the transmission of routine communications between representatives of Client and Consultant.

ARTICLE 17 - DISPUTES

In the event of a dispute between Client and Consultant arising out of or related to this Agreement, the aggrieved party shall notify the other party of the dispute within a reasonable time after such dispute arises. If the parties cannot thereafter resolve the dispute, each party shall nominate a senior officer of its management to meet to resolve the dispute by direct negotiation.

Should such negotiation fail to resolve the dispute, the Client and Consultant agree that all disputes between them arising out of or relating to this Agreement shall be submitted to non-binding mediation unless the parties mutually agree otherwise.

During the pendency of any dispute, the parties shall continue diligently to fulfill their respective obligations hereunder.

ARTICLE 18 - EQUAL EMPLOYMENT OPPORTUNITY

The Consultant hereby affirms its support of affirmative action and that it abides by the provisions of the "Equal Opportunity Clause" of Section 202 of Executive Order 11246 and other applicable laws and regulations.

Consultant affirms its policy to recruit and hire employees without regard to race, age, color, religion, sex, sexual preference/orientation, marital status, citizen status, national origin or ancestry, presence of a disability or status as a Veteran of the Vietnam era or any other legally protected status. It is Consultant's policy to treat employees equally with respect to compensation, advancement, promotions, transfers and all other terms and conditions of employment.

Consultant further affirms completion of applicable governmental employer information reports including the EEO-1 and VETS-100 reports, and maintenance of a

current Affirmative Action Plan as required by Federal regulations.

ARTICLE 19 - WAIVER

A waiver by either Client or Consultant of any breach of this Agreement shall be in writing. Such a waiver shall not affect the waiving party's rights with respect to any other or further breach.

ARTICLE 20 - SEVERABILITY

The invalidity, illegality, or unenforceability of any provision of this Agreement or the occurrence of any event rendering any portion or provision of this Agreement void shall in no way affect the validity or enforceability of any other portion or provision of this Agreement. Any void provision shall be deemed severed from this Agreement, and the balance of this Agreement shall be construed and enforced as if it did not contain the particular portion or provision held to be void. The parties further agree to amend this Agreement to replace any stricken provision with a valid provision that comes as close as possible to the intent of the stricken provision. The provisions of this Article shall not prevent this entire Agreement from being void should a provision which is of the essence of this Agreement be determined void.

ARTICLE 21 - INTEGRATION

This Agreement, and respective attachments, if any, represents the entire and integrated agreement between Client and Consultant. It supersedes all prior and contemporaneous communications, representations, and agreements, whether oral or written, relating to the subject matter of this Agreement.

ARTICLE 22 - SUCCESSORS AND ASSIGNS

Client and Consultant each binds itself and its successors, executors, administrators, permitted assigns, legal representatives and, in the case of a partnership, its partners, to the other party to this Agreement and to the successors, executors, administrators, permitted assigns, legal representatives, and partners of such other party in respect to all provisions of this Agreement.

ARTICLE 23 - ASSIGNMENT

Neither Client nor Consultant shall assign any rights or duties under this Agreement without the prior written consent of the other party, which consent shall not be unreasonably withheld; provided, however, Consultant may assign its rights to payment without Client's

**Drum and Soil Pile Sampling and Waste Disposal Coordination at the Midstate Oil
Property, 5575 Sampson Road, Adrams, WI**
Professional Services Agreement

consent. Unless otherwise stated in the written consent to an assignment, no assignment will release or discharge the assignor from any obligation under this Agreement. Nothing contained in this Article shall prevent Consultant from engaging independent consultants, associates, and subcontractors to assist in the performance of the Services.

ARTICLE 24 - NO THIRD PARTY RIGHTS

The Services provided for in this Agreement are for the sole use and benefit of Client and Consultant. Nothing in this Agreement shall be construed to give any rights or benefits to anyone other than Client and Consultant.

ARTICLE 25 - LIEN RIGHTS

As required by the Wisconsin construction lien law, Consultant hereby notifies the Client that persons or

companies furnishing labor or materials for the construction on Client's land may have lien rights on Client's land and buildings if not paid. Those entitled to lien rights, in addition to Consultant, are those who contract directly with the Client or those who give the Client notice within 60 days after they first furnish labor or materials for the construction. Accordingly, Client probably will receive notices from those who furnish labor or materials for the construction, and should give a copy of each notice received to the mortgage lender, if any. Consultant agrees to cooperate with the Client and the Client's lender, if any, to see that all potential lien claimants are duly paid.

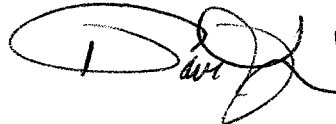
IN WITNESS WHEREOF, Client and Consultant have executed this Agreement.

RANDY GIESE
(Client)

Mr. Randy Giese

Date: _____

OMNNI ASSOCIATES, INC.
(Consultant)



Dave Fries
Project Manager



Tim Bolwerk
Chief Operating Officer

Date: 10/9/07



**SOLID WASTE
NORTH AMERICA**

October 2, 2007

Dave Fries
Omni & Associates
One Systems Drive
Appleton, WI 54914-1654

Dear Mr. Fries:

We look forward to the opportunity to work together on your pending project. This letter will serve to meet your request for pricing information for the direct disposal of drummed waste from the project in Abrams, WI going to the Subtitle-D VEOLIA Hickory Meadows Landfill, LLC in Hilbert, WI.

Direct Disposal of Drummed Waste

• Quantity	<u>27 Drums</u>
• Direct Disposal	<u>\$70.00/Drum</u>
• Taxes and Fees	<u>\$3.81/Ton</u>
• Profile Review Fee	<u>\$50.00/Approval</u>
• Environmental Fee	<u>\$3.00/Scale Ticket</u>
• Transportation	<u>\$700.00/Trip</u>

(Transportation based on drums being accessible for pick up, weigh less than 650 pounds each, be properly labeled and in good condition.)

Direct Disposal of Impacted Soil

• Quantity	<u>5 Tons</u>
• Direct Disposal	<u>\$18.00/Ton</u>
• Profile Review Fee	<u>\$50.00/Approval</u>
• Environmental Fee	<u>\$3.00/Scale Ticket</u>

This quote is based on material meeting the acceptance criteria classification of non-hazardous. Analytical data supplied must meet VHML landfill requirements for direct disposal.

This quote includes current taxes and fees and will be subject to any increases that are imposed by the state.

This quote is submitted based on the negotiation of a mutually acceptable service agreement.

Veolia ES prides itself on responsible technology, which protects the environment and our customer's liabilities. From start to finish, Veolia ES has the resources and equipment to economically and efficiently handle your bioremediation and disposal needs.

Thank you for the opportunity to submit a quote. If you have questions or need further assistance, please do not hesitate to contact us at 920/853-8553.

Sincerely,

Veolia ES Solid Waste, Inc.
Hickory Meadows Landfill, LLC
W3105 Schneider Road, Hilbert, WI 54129
tel: 920-853-8553 - fax: 920-853-3513
www.veoliaes.com

Veolia ES Hickory Meadows Landfill, LLC

Kari A. Rabideau
Environmental Projects Coordinator

The foregoing rate quotation is for services which may be provided by Veolia ES, at its discretion, for the Customer specifically requesting the quotation. The quotation is confidential and shall not be disseminated by the Customer to any person or for any purpose except as may be necessary to the Customer's evaluation thereof. The parties expressly agree that the issuance and delivery of this quotation shall create no legal rights or obligations on the part of either party, except the confidentiality restriction described above. In particular, Veolia ES may modify or revoke this quotation at any time prior to the execution by the parties of a comprehensive written agreement for its services. No other legal rights or obligations can be created except by the parties' execution of such comprehensive written agreement.

October 31, 2007



Mr. Keld Lauridsen
WDNR
2984 Shawano Avenue
Green Bay, WI 54307

RE: Report documenting the soil sampling activities performed at the Midstate Oil Property, 5575 Sampson Road, Abrams, WI. (BRRTS#02-43-545221).

Dear Keld:

The purpose of this report is to document the soil sampling activities performed at the Midstate Oil facility located at the above address. (See Figure 1 – Site Location Map, enclosed.) The soil samples were collected using a hand auger on September 24, 2007. The hand auger locations are shown on the attached figure as S1 – S3. (See Figure 2 – Site Detail Map, enclosed.) Sample S1 was collected at a depth of approximately 1.5 feet deep, sample S2 was collected from a depth of approximately 1.0 foot deep and sample S3 was taken from a depth of approximately 8-inches. The native soil at each location was a silty-clay with some sand. Laboratory results from the sampling event are enclosed.

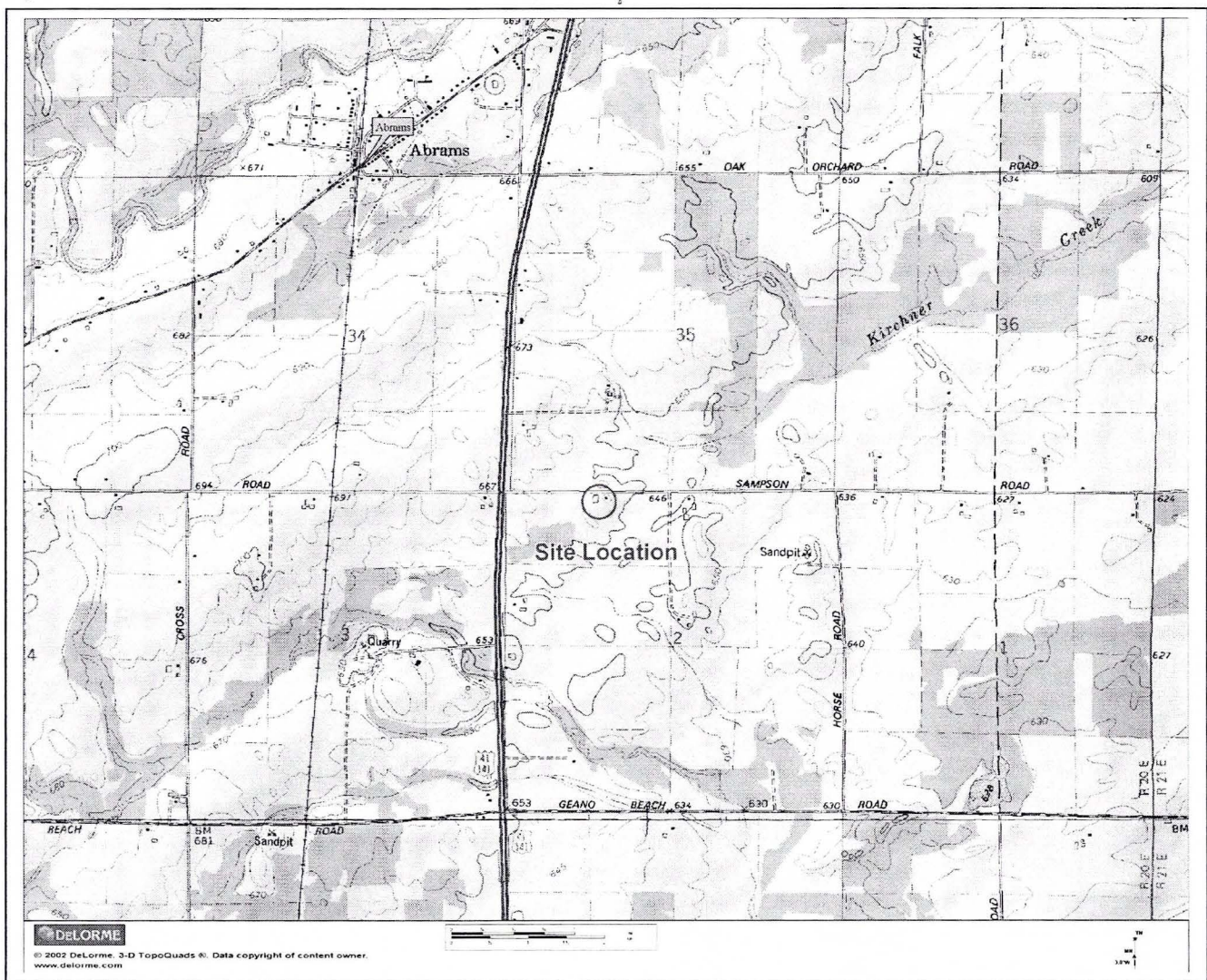
If you have any questions regarding the work, please feel free to contact OMNNI.

Sincerely,
OMNNI Associates, Inc.

A handwritten signature in dark ink, appearing to read "Dave Fries", written over a horizontal line.

Dave Fries, P.G., CHMM
Hydrogeologist

Enclosures



Source: 2000 DeLorme Topo
Tools



Figure 1
Site Location Map

Midstate Oil
5575 Sampson Road, Abrams, WI

OMNI
ASSOCIATES

Project Number:
N1978A07

Date: 10/31/07

One Systems Drive, Appleton, Wisconsin 54914-1654
Phone: (920) 735-6900 Fax: (920) 830-6100

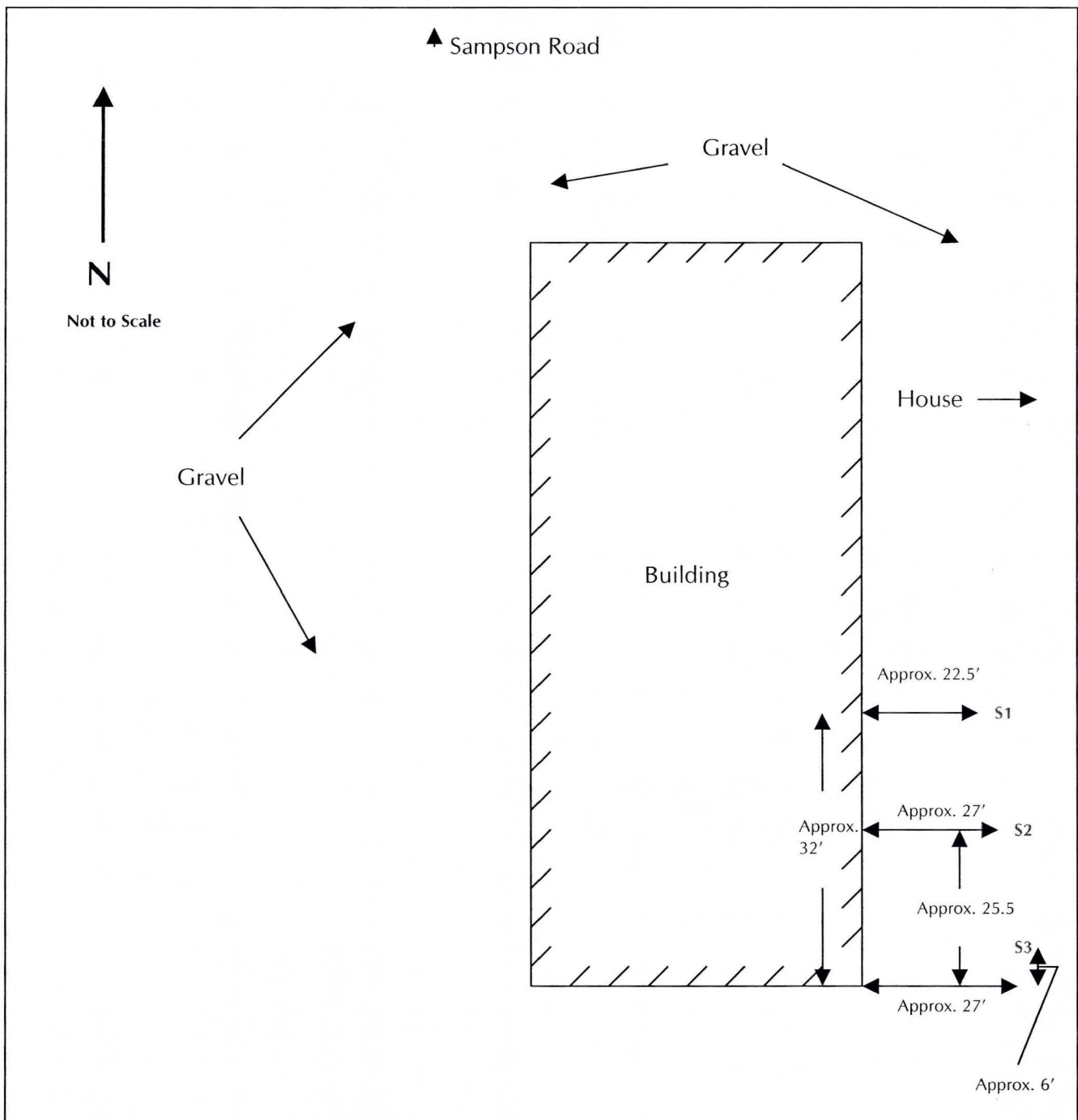


Figure 2
Site Detail Map

Midstate Oil Property
5575 Sampson Road, Abrams, WI



Project Number: N1978A07

Date: 10/31/07

One Systems Drive, Appleton, Wisconsin 54914-1654
Phone: (920) 735-6900 Fax: (920) 830-6100

Synergy Environmental Lab, INC.

1990 Prospect Ct., Appleton, WI 54914 *P 920-830-2455 * F 920-733-0631

RECEIVED

OCT 10 2007

OMNNI ASSOCIATES

DAVE FRIES
OMNNI ASSOCIATES INC
ONE SYSTEMS DRIVE
APPLETON WI 54914-1654

Report Date 05-Oct-07

Project Name MIDSTATE OIL
Project # N1978A07

Invoice # E16094

Lab Code 5016094A
Sample ID S1
Sample Matrix Soil
Sample Date 9/24/2007

	Result	Unit	LOD	LOQ	Dil	Method	Run Date	Analyst	Code
General									
General									
Solids Percent	84.1	%			1	5021	9/25/2007	DJB	1
Inorganic									
Metals									
Arsenic, Total	< 0.4	mg/kg	0.4	1	1	6010B	9/29/2007	ESC	1
Barium, Total	36	mg/kg	0.05	0.25	1	6010B	9/29/2007	ESC	1
Cadmium, Total	0.14 "J"	mg/kg	0.035	0.25	1	6010B	9/29/2007	ESC	1
Chromium, Total	14	mg/kg	0.12	0.5	1	6010B	9/29/2007	ESC	1
Lead, Total	11	mg/kg	0.12	0.25	1	6010B	9/29/2007	ESC	1
Mercury, Total	< 0.0015	mg/kg	0.002	0.02	1	7471	9/30/2007	ESC	1
Selenium, Total	3.2	mg/kg	0.46	1	1	6010B	9/29/2007	ESC	1
Silver, Total	< 0.12	mg/kg	0.12	0.5	1	6010B	9/29/2007	ESC	1
Organic									
PAH SIM									
Acenaphthene	< 7.2	ug/kg	7.2	23	1	M8270	9/27/2007	MJR	1
Acenaphthylene	< 7	ug/kg	7	22	1	M8270	9/27/2007	MJR	1
Anthracene	< 14	ug/kg	14	43	1	M8270	9/27/2007	MJR	1
Benzo(a)anthracene	< 15	ug/kg	15	49	1	M8270	9/27/2007	MJR	1
Benzo(a)pyrene	< 15	ug/kg	15	49	1	M8270	9/27/2007	MJR	1
Benzo(b)fluoranthene	< 8.1	ug/kg	8.1	26	1	M8270	9/27/2007	MJR	1
Benzo(g,h,i)perylene	< 14	ug/kg	14	45	1	M8270	9/27/2007	MJR	1
Benzo(k)fluoranthene	< 11	ug/kg	11	36	1	M8270	9/27/2007	MJR	1
Chrysene	< 13	ug/kg	13	40	1	M8270	9/27/2007	MJR	1
Dibenzo(a,h)anthracene	< 11	ug/kg	11	35	1	M8270	9/27/2007	MJR	1
Fluoranthene	< 13	ug/kg	13	42	1	M8270	9/27/2007	MJR	1
Fluorene	< 8.5	ug/kg	8.5	27	1	M8270	9/27/2007	MJR	1
Indeno(1,2,3-cd)pyrene	< 10	ug/kg	10	32	1	M8270	9/27/2007	MJR	1
1-Methyl naphthalene	< 13	ug/kg	13	41	1	M8270	9/27/2007	MJR	1
2-Methyl naphthalene	< 17	ug/kg	17	53	1	M8270	9/27/2007	MJR	1

Project Name MIDSTATE OIL
Project # N1978A07

Invoice # E16094

Lab Code 5016094A
Sample ID S1
Sample Matrix Soil
Sample Date 9/24/2007

	Result	Unit	LOD	LOQ	Dil	Method	Run Date	Analyst	Code
Naphthalene	< 12	ug/kg	12	39	1	M8270	9/27/2007	MJR	1
Phenanthrene	< 15	ug/kg	15	48	1	M8270	9/27/2007	MJR	1
Pyrene	< 13	ug/kg	13	43	1	M8270	9/27/2007	MJR	1
VOC's									
Benzene	< 25	ug/kg	20	65	1	8260B	10/2/2007	CJR	1
Bromobenzene	< 25	ug/kg	14	44	1	8260B	10/2/2007	CJR	1
Bromodichloromethane	< 25	ug/kg	24	76	1	8260B	10/2/2007	CJR	1
Bromoform	< 25	ug/kg	10	33	1	8260B	10/2/2007	CJR	1
tert-Butylbenzene	< 25	ug/kg	14	46	1	8260B	10/2/2007	CJR	1
sec-Butylbenzene	< 25	ug/kg	17	55	1	8260B	10/2/2007	CJR	1
n-Butylbenzene	< 25	ug/kg	16	50	1	8260B	10/2/2007	CJR	1
Carbon Tetrachloride	< 25	ug/kg	23	72	1	8260B	10/2/2007	CJR	1
Chlorobenzene	< 25	ug/kg	21	68	1	8260B	10/2/2007	CJR	1
Chloroethane	< 25	ug/kg	19	60	1	8260B	10/2/2007	CJR	1
Chloroform	< 25	ug/kg	20	63	1	8260B	10/2/2007	CJR	1
Chloromethane	< 25	ug/kg	17	54	1	8260B	10/2/2007	CJR	1
2-Chlorotoluene	< 25	ug/kg	18	58	1	8260B	10/2/2007	CJR	1
4-Chlorotoluene	< 25	ug/kg	16	51	1	8260B	10/2/2007	CJR	1
1,2-Dibromo-3-chloropropane	< 25	ug/kg	23	72	1	8260B	10/2/2007	CJR	1
Dibromochloromethane	< 25	ug/kg	23	74	1	8260B	10/2/2007	CJR	1
1,4-Dichlorobenzene	< 25	ug/kg	15	47	1	8260B	10/2/2007	CJR	1
1,3-Dichlorobenzene	< 25	ug/kg	15	48	1	8260B	10/2/2007	CJR	1
1,2-Dichlorobenzene	< 25	ug/kg	18	57	1	8260B	10/2/2007	CJR	1
Dichlorodifluoromethane	< 25	ug/kg	20	62	1	8260B	10/2/2007	CJR	1
1,2-Dichloroethane	< 25	ug/kg	19	60	1	8260B	10/2/2007	CJR	1
1,1-Dichloroethane	< 25	ug/kg	20	62	1	8260B	10/2/2007	CJR	1
1,1-Dichloroethene	< 25	ug/kg	24	76	1	8260B	10/2/2007	CJR	1
cis-1,2-Dichloroethene	< 25	ug/kg	19	60	1	8260B	10/2/2007	CJR	1
trans-1,2-Dichloroethene	< 25	ug/kg	20	62	1	8260B	10/2/2007	CJR	1
1,2-Dichloropropane	< 25	ug/kg	23	73	1	8260B	10/2/2007	CJR	1
2,2-Dichloropropane	< 25	ug/kg	21	66	1	8260B	10/2/2007	CJR	1
1,3-Dichloropropane	< 25	ug/kg	23	73	1	8260B	10/2/2007	CJR	1
Di-isopropyl ether	< 25	ug/kg	18	58	1	8260B	10/2/2007	CJR	1
EDB (1,2-Dibromoethane)	< 25	ug/kg	22	69	1	8260B	10/2/2007	CJR	1
Ethylbenzene	< 25	ug/kg	17	54	1	8260B	10/2/2007	CJR	1
Hexachlorobutadiene	< 25	ug/kg	23	74	1	8260B	10/2/2007	CJR	1
Isopropylbenzene	< 25	ug/kg	17	53	1	8260B	10/2/2007	CJR	1
p-Isopropyltoluene	< 25	ug/kg	14	44	1	8260B	10/2/2007	CJR	1
Methylene chloride	< 25	ug/kg	19	60	1	8260B	10/2/2007	CJR	1
Methyl tert-butyl ether (MTBE)	< 25	ug/kg	15	47	1	8260B	10/2/2007	CJR	1
Naphthalene	< 25	ug/kg	20	65	1	8260B	10/2/2007	CJR	1
n-Propylbenzene	< 25	ug/kg	13	43	1	8260B	10/2/2007	CJR	1
1,1,2,2-Tetrachloroethane	< 25	ug/kg	21	68	1	8260B	10/2/2007	CJR	1
1,1,1,2-Tetrachloroethane	< 25	ug/kg	23	72	1	8260B	10/2/2007	CJR	1
Tetrachloroethene	< 25	ug/kg	21	67	1	8260B	10/2/2007	CJR	1
Toluene	< 25	ug/kg	21	68	1	8260B	10/2/2007	CJR	1
1,2,4-Trichlorobenzene	< 25	ug/kg	25	78	1	8260B	10/2/2007	CJR	1
1,2,3-Trichlorobenzene	< 25	ug/kg	24	76	1	8260B	10/2/2007	CJR	1
1,1,1-Trichloroethane	< 25	ug/kg	23	73	1	8260B	10/2/2007	CJR	1
1,1,2-Trichloroethane	< 25	ug/kg	24	78	1	8260B	10/2/2007	CJR	1
Trichloroethene (TCE)	< 25	ug/kg	17	54	1	8260B	10/2/2007	CJR	1
Trichlorofluoromethane	< 25	ug/kg	25	81	1	8260B	10/2/2007	CJR	1

Project Name MIDSTATE OIL
Project # N1978A07

Invoice # E16094

Lab Code 5016094A
Sample ID S1
Sample Matrix Soil
Sample Date 9/24/2007

	Result	Unit	LOD	LOQ	Dil	Method	Run Date	Analyst	Code
1,2,4-Trimethylbenzene	< 25	ug/kg	20	63	1	8260B	10/2/2007	CJR	1
1,3,5-Trimethylbenzene	< 25	ug/kg	16	52	1	8260B	10/2/2007	CJR	1
Vinyl Chloride	< 25	ug/kg	19	62	1	8260B	10/2/2007	CJR	1
m&p-Xylene	< 50	ug/kg	40	129	1	8260B	10/2/2007	CJR	1
o-Xylene	< 25	ug/kg	23	72	1	8260B	10/2/2007	CJR	1

Lab Code 5016094B
Sample ID S2
Sample Matrix Soil
Sample Date 9/24/2007

	Result	Unit	LOD	LOQ	Dil	Method	Run Date	Analyst	Code
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General

General

Solids Percent	90.8	%			1	5021	9/25/2007	DJB	1
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Inorganic

Metals

Arsenic, Total	< 2	mg/kg	2	5	5	6010B	9/29/2007	ESC	1 49
Barium, Total	36	mg/kg	0.05	0.25	1	6010B	9/29/2007	ESC	1
Cadmium, Total	< 0.035	mg/kg	0.035	0.25	1	6010B	9/29/2007	ESC	1
Chromium, Total	21	mg/kg	0.12	0.5	1	6010B	9/29/2007	ESC	1
Lead, Total	5.9	mg/kg	0.6	1.25	5	6010B	9/29/2007	ESC	1
Mercury, Total	< 0.0015	mg/kg	0.002	0.02	1	7471	9/30/2007	ESC	1
Selenium, Total	< 2.3	mg/kg	2.3	5	5	6010B	9/29/2007	ESC	1 49
Silver, Total	< 0.12	mg/kg	0.12	0.5	1	6010B	9/29/2007	ESC	1

Organic

PAH SIM

Acenaphthene	< 7.2	ug/kg	7.2	23	1	M8270	9/27/2007	MJR	1
Acenaphthylene	< 7	ug/kg	7	22	1	M8270	9/27/2007	MJR	1
Anthracene	< 14	ug/kg	14	43	1	M8270	9/27/2007	MJR	1
Benzo(a)anthracene	< 15	ug/kg	15	49	1	M8270	9/27/2007	MJR	1
Benzo(a)pyrene	< 15	ug/kg	15	49	1	M8270	9/27/2007	MJR	1
Benzo(b)fluoranthene	< 8.1	ug/kg	8.1	26	1	M8270	9/27/2007	MJR	1
Benzo(g,h,i)perylene	< 14	ug/kg	14	45	1	M8270	9/27/2007	MJR	1
Benzo(k)fluoranthene	< 11	ug/kg	11	36	1	M8270	9/27/2007	MJR	1
Chrysene	< 13	ug/kg	13	40	1	M8270	9/27/2007	MJR	1
Dibenzo(a,h)anthracene	< 11	ug/kg	11	35	1	M8270	9/27/2007	MJR	1
Fluoranthene	< 13	ug/kg	13	42	1	M8270	9/27/2007	MJR	1
Fluorene	< 8.5	ug/kg	8.5	27	1	M8270	9/27/2007	MJR	1
Indeno(1,2,3-cd)pyrene	< 10	ug/kg	10	32	1	M8270	9/27/2007	MJR	1
1-Methyl naphthalene	< 13	ug/kg	13	41	1	M8270	9/27/2007	MJR	1
2-Methyl naphthalene	< 17	ug/kg	17	53	1	M8270	9/27/2007	MJR	1
Naphthalene	< 12	ug/kg	12	39	1	M8270	9/27/2007	MJR	1
Phenanthrene	< 15	ug/kg	15	48	1	M8270	9/27/2007	MJR	1
Pyrene	< 13	ug/kg	13	43	1	M8270	9/27/2007	MJR	1

VOC's

Benzene	< 25	ug/kg	20	65	1	8260B	10/4/2007	CJR	1
Bromobenzene	< 25	ug/kg	14	44	1	8260B	10/4/2007	CJR	1
Bromodichloromethane	< 25	ug/kg	24	76	1	8260B	10/4/2007	CJR	1
Bromoform	< 25	ug/kg	10	33	1	8260B	10/4/2007	CJR	1
tert-Butylbenzene	< 25	ug/kg	14	46	1	8260B	10/4/2007	CJR	1
sec-Butylbenzene	< 25	ug/kg	17	55	1	8260B	10/4/2007	CJR	1

Project Name MIDSTATE OIL
Project # N1978A07

Invoice # E16094

Lab Code 5016094B
Sample ID S2
Sample Matrix Soil
Sample Date 9/24/2007

	Result	Unit	LOD	LOQ	Dil	Method	Run Date	Analyst	Code
n-Butylbenzene	< 25	ug/kg	16	50	1	8260B	10/4/2007	CJR	1
Carbon Tetrachloride	< 25	ug/kg	23	72	1	8260B	10/4/2007	CJR	1
Chlorobenzene	< 25	ug/kg	21	68	1	8260B	10/4/2007	CJR	1
Chloroethane	< 25	ug/kg	19	60	1	8260B	10/4/2007	CJR	4
Chloroform	< 25	ug/kg	20	63	1	8260B	10/4/2007	CJR	1
Chloromethane	< 25	ug/kg	17	54	1	8260B	10/4/2007	CJR	3
2-Chlorotoluene	< 25	ug/kg	18	58	1	8260B	10/4/2007	CJR	1
4-Chlorotoluene	< 25	ug/kg	16	51	1	8260B	10/4/2007	CJR	1
1,2-Dibromo-3-chloropropane	< 25	ug/kg	23	72	1	8260B	10/4/2007	CJR	1
Dibromochloromethane	< 25	ug/kg	23	74	1	8260B	10/4/2007	CJR	1
1,4-Dichlorobenzene	< 25	ug/kg	15	47	1	8260B	10/4/2007	CJR	1
1,3-Dichlorobenzene	< 25	ug/kg	15	48	1	8260B	10/4/2007	CJR	1
1,2-Dichlorobenzene	< 25	ug/kg	18	57	1	8260B	10/4/2007	CJR	1
Dichlorodifluoromethane	< 25	ug/kg	20	62	1	8260B	10/4/2007	CJR	3
1,2-Dichloroethane	< 25	ug/kg	19	60	1	8260B	10/4/2007	CJR	1
1,1-Dichloroethane	< 25	ug/kg	20	62	1	8260B	10/4/2007	CJR	1
1,1-Dichloroethene	< 25	ug/kg	24	76	1	8260B	10/4/2007	CJR	1
cis-1,2-Dichloroethene	< 25	ug/kg	19	60	1	8260B	10/4/2007	CJR	1
trans-1,2-Dichloroethene	< 25	ug/kg	20	62	1	8260B	10/4/2007	CJR	1
1,2-Dichloropropane	< 25	ug/kg	23	73	1	8260B	10/4/2007	CJR	1
2,2-Dichloropropane	< 25	ug/kg	21	66	1	8260B	10/4/2007	CJR	1
1,3-Dichloropropane	< 25	ug/kg	23	73	1	8260B	10/4/2007	CJR	1
Di-isopropyl ether	< 25	ug/kg	18	58	1	8260B	10/4/2007	CJR	1
EDB (1,2-Dibromoethane)	< 25	ug/kg	22	69	1	8260B	10/4/2007	CJR	1
Ethylbenzene	< 25	ug/kg	17	54	1	8260B	10/4/2007	CJR	1
Hexachlorobutadiene	< 25	ug/kg	23	74	1	8260B	10/4/2007	CJR	1
Isopropylbenzene	< 25	ug/kg	17	53	1	8260B	10/4/2007	CJR	1
p-Isopropyltoluene	< 25	ug/kg	14	44	1	8260B	10/4/2007	CJR	1
Methylene chloride	< 25	ug/kg	19	60	1	8260B	10/4/2007	CJR	1
Methyl tert-butyl ether (MTBE)	< 25	ug/kg	15	47	1	8260B	10/4/2007	CJR	1
Naphthalene	< 25	ug/kg	20	65	1	8260B	10/4/2007	CJR	1
n-Propylbenzene	< 25	ug/kg	13	43	1	8260B	10/4/2007	CJR	1
1,1,2,2-Tetrachloroethane	< 25	ug/kg	21	68	1	8260B	10/4/2007	CJR	1
1,1,1,2-Tetrachloroethane	< 25	ug/kg	23	72	1	8260B	10/4/2007	CJR	1
Tetrachloroethene	< 25	ug/kg	21	67	1	8260B	10/4/2007	CJR	1
Toluene	< 25	ug/kg	21	68	1	8260B	10/4/2007	CJR	1
1,2,4-Trichlorobenzene	< 25	ug/kg	25	78	1	8260B	10/4/2007	CJR	1
1,2,3-Trichlorobenzene	< 25	ug/kg	24	76	1	8260B	10/4/2007	CJR	1
1,1,1-Trichloroethane	< 25	ug/kg	23	73	1	8260B	10/4/2007	CJR	1
1,1,2-Trichloroethane	< 25	ug/kg	24	78	1	8260B	10/4/2007	CJR	1
Trichloroethene (TCE)	< 25	ug/kg	17	54	1	8260B	10/4/2007	CJR	1
Trichlorofluoromethane	< 25	ug/kg	25	81	1	8260B	10/4/2007	CJR	1
1,2,4-Trimethylbenzene	< 25	ug/kg	20	63	1	8260B	10/4/2007	CJR	1
1,3,5-Trimethylbenzene	< 25	ug/kg	16	52	1	8260B	10/4/2007	CJR	1
Vinyl Chloride	< 25	ug/kg	19	62	1	8260B	10/4/2007	CJR	3
m&p-Xylene	< 50	ug/kg	40	129	1	8260B	10/4/2007	CJR	1
o-Xylene	< 25	ug/kg	23	72	1	8260B	10/4/2007	CJR	1

Project Name MIDSTATE OIL
Project # N1978A07

Invoice # E16094

Lab Code 5016094C
Sample ID S3
Sample Matrix Soil
Sample Date 9/24/2007

	Result	Unit	LOD	LOQ	Dil	Method	Run Date	Analyst	Code
General									
General									
Solids Percent	90.8	%			1	5021	9/25/2007	DJB	1
Inorganic									
Metals									
Arsenic, Total	< 2	mg/kg	2	5	5	6010B	9/29/2007	ESC	1 49
Barium, Total	45	mg/kg	0.05	0.25	1	6010B	9/29/2007	ESC	1
Cadmium, Total	< 0.035	mg/kg	0.035	0.25	1	6010B	9/29/2007	ESC	1
Chromium, Total	25	mg/kg	0.12	0.5	1	6010B	9/29/2007	ESC	1
Lead, Total	4.8	mg/kg	0.12	0.25	1	6010B	9/29/2007	ESC	1
Mercury, Total	< 0.0015	mg/kg	0.002	0.02	1	7471	9/30/2007	ESC	1
Selenium, Total	4.5	mg/kg	0.46	1	1	6010B	9/29/2007	ESC	1
Silver, Total	< 0.12	mg/kg	0.12	0.5	1	6010B	9/29/2007	ESC	1
Organic									
PAH SIM									
Acenaphthene	< 7.2	ug/kg	7.2	23	1	M8270	9/27/2007	MJR	1
Acenaphthylene	< 7	ug/kg	7	22	1	M8270	9/27/2007	MJR	1
Anthracene	< 14	ug/kg	14	43	1	M8270	9/27/2007	MJR	1
Benzo(a)anthracene	< 15	ug/kg	15	49	1	M8270	9/27/2007	MJR	1
Benzo(a)pyrene	< 15	ug/kg	15	49	1	M8270	9/27/2007	MJR	1
Benzo(b)fluoranthene	< 8.1	ug/kg	8.1	26	1	M8270	9/27/2007	MJR	1
Benzo(g,h,i)perylene	< 14	ug/kg	14	45	1	M8270	9/27/2007	MJR	1
Benzo(k)fluoranthene	< 11	ug/kg	11	36	1	M8270	9/27/2007	MJR	1
Chrysene	< 13	ug/kg	13	40	1	M8270	9/27/2007	MJR	1
Dibenzo(a,h)anthracene	< 11	ug/kg	11	35	1	M8270	9/27/2007	MJR	1
Fluoranthene	< 13	ug/kg	13	42	1	M8270	9/27/2007	MJR	1
Fluorene	8.7 "J"	ug/kg	8.5	27	1	M8270	9/27/2007	MJR	1
Indeno(1,2,3-cd)pyrene	< 10	ug/kg	10	32	1	M8270	9/27/2007	MJR	1
1-Methyl naphthalene	22.9 "J"	ug/kg	13	41	1	M8270	9/27/2007	MJR	1
2-Methyl naphthalene	< 17	ug/kg	17	53	1	M8270	9/27/2007	MJR	1
Naphthalene	< 12	ug/kg	12	39	1	M8270	9/27/2007	MJR	1
Phenanthrene	18.9 "J"	ug/kg	15	48	1	M8270	9/27/2007	MJR	1
Pyrene	< 13	ug/kg	13	43	1	M8270	9/27/2007	MJR	1
VOC's									
Benzene	< 25	ug/kg	20	65	1	8260B	10/4/2007	CJR	1
Bromobenzene	< 25	ug/kg	14	44	1	8260B	10/4/2007	CJR	1
Bromodichloromethane	< 25	ug/kg	24	76	1	8260B	10/4/2007	CJR	1
Bromoform	< 25	ug/kg	10	33	1	8260B	10/4/2007	CJR	1
tert-Butylbenzene	< 25	ug/kg	14	46	1	8260B	10/4/2007	CJR	1
sec-Butylbenzene	< 25	ug/kg	17	55	1	8260B	10/4/2007	CJR	1
n-Butylbenzene	< 25	ug/kg	16	50	1	8260B	10/4/2007	CJR	1
Carbon Tetrachloride	< 25	ug/kg	23	72	1	8260B	10/4/2007	CJR	1
Chlorobenzene	< 25	ug/kg	21	68	1	8260B	10/4/2007	CJR	1
Chloroethane	< 25	ug/kg	19	60	1	8260B	10/4/2007	CJR	4
Chloroform	< 25	ug/kg	20	63	1	8260B	10/4/2007	CJR	1
Chloromethane	< 25	ug/kg	17	54	1	8260B	10/4/2007	CJR	3
2-Chlorotoluene	< 25	ug/kg	18	58	1	8260B	10/4/2007	CJR	1
4-Chlorotoluene	< 25	ug/kg	16	51	1	8260B	10/4/2007	CJR	1
1,2-Dibromo-3-chloropropane	< 25	ug/kg	23	72	1	8260B	10/4/2007	CJR	1
Dibromochloromethane	< 25	ug/kg	23	74	1	8260B	10/4/2007	CJR	1
1,4-Dichlorobenzene	< 25	ug/kg	15	47	1	8260B	10/4/2007	CJR	1

Project Name MIDSTATE OIL
Project # N1978A07

Invoice # E16094

Lab Code 5016094C
Sample ID S3
Sample Matrix Soil
Sample Date 9/24/2007

	Result	Unit	LOD	LOQ	Dil	Method	Run Date	Analyst	Code
1,3-Dichlorobenzene	< 25	ug/kg	15	48	1	8260B	10/4/2007	CJR	1
1,2-Dichlorobenzene	< 25	ug/kg	18	57	1	8260B	10/4/2007	CJR	1
Dichlorodifluoromethane	< 25	ug/kg	20	62	1	8260B	10/4/2007	CJR	3
1,2-Dichloroethane	< 25	ug/kg	19	60	1	8260B	10/4/2007	CJR	1
1,1-Dichloroethane	< 25	ug/kg	20	62	1	8260B	10/4/2007	CJR	1
1,1-Dichloroethene	< 25	ug/kg	24	76	1	8260B	10/4/2007	CJR	1
cis-1,2-Dichloroethene	< 25	ug/kg	19	60	1	8260B	10/4/2007	CJR	1
trans-1,2-Dichloroethene	< 25	ug/kg	20	62	1	8260B	10/4/2007	CJR	1
1,2-Dichloropropane	< 25	ug/kg	23	73	1	8260B	10/4/2007	CJR	1
2,2-Dichloropropane	< 25	ug/kg	21	66	1	8260B	10/4/2007	CJR	1
1,3-Dichloropropane	< 25	ug/kg	23	73	1	8260B	10/4/2007	CJR	1
Di-isopropyl ether	< 25	ug/kg	18	58	1	8260B	10/4/2007	CJR	1
EDB (1,2-Dibromoethane)	< 25	ug/kg	22	69	1	8260B	10/4/2007	CJR	1
Ethylbenzene	< 25	ug/kg	17	54	1	8260B	10/4/2007	CJR	1
Hexachlorobutadiene	< 25	ug/kg	23	74	1	8260B	10/4/2007	CJR	1
Isopropylbenzene	< 25	ug/kg	17	53	1	8260B	10/4/2007	CJR	1
p-Isopropyltoluene	< 25	ug/kg	14	44	1	8260B	10/4/2007	CJR	1
Methylene chloride	< 25	ug/kg	19	60	1	8260B	10/4/2007	CJR	1
Methyl tert-butyl ether (MTBE)	< 25	ug/kg	15	47	1	8260B	10/4/2007	CJR	1
Naphthalene	< 25	ug/kg	20	65	1	8260B	10/4/2007	CJR	1
n-Propylbenzene	< 25	ug/kg	13	43	1	8260B	10/4/2007	CJR	1
1,1,2,2-Tetrachloroethane	< 25	ug/kg	21	68	1	8260B	10/4/2007	CJR	1
1,1,1,2-Tetrachloroethane	< 25	ug/kg	23	72	1	8260B	10/4/2007	CJR	1
Tetrachloroethene	< 25	ug/kg	21	67	1	8260B	10/4/2007	CJR	1
Toluene	< 25	ug/kg	21	68	1	8260B	10/4/2007	CJR	1
1,2,4-Trichlorobenzene	< 25	ug/kg	25	78	1	8260B	10/4/2007	CJR	1
1,2,3-Trichlorobenzene	< 25	ug/kg	24	76	1	8260B	10/4/2007	CJR	1
1,1,1-Trichloroethane	< 25	ug/kg	23	73	1	8260B	10/4/2007	CJR	1
1,1,2-Trichloroethane	< 25	ug/kg	24	78	1	8260B	10/4/2007	CJR	1
Trichloroethene (TCE)	< 25	ug/kg	17	54	1	8260B	10/4/2007	CJR	1
Trichlorofluoromethane	< 25	ug/kg	25	81	1	8260B	10/4/2007	CJR	1
1,2,4-Trimethylbenzene	< 25	ug/kg	20	63	1	8260B	10/4/2007	CJR	1
1,3,5-Trimethylbenzene	< 25	ug/kg	16	52	1	8260B	10/4/2007	CJR	1
Vinyl Chloride	< 25	ug/kg	19	62	1	8260B	10/4/2007	CJR	3
m&p-Xylene	< 50	ug/kg	40	129	1	8260B	10/4/2007	CJR	1
o-Xylene	< 25	ug/kg	23	72	1	8260B	10/4/2007	CJR	1

"J" Flag: Analyte detected between LOD and LOQ

LOD Limit of Detection

LOQ Limit of Quantitation

Code Comment

- 1 Laboratory QC within limits.
- 3 The matrix spike not within established limits.
- 4 The continuing calibration standard not within established limits.
- 49 Sample diluted to compensate for matrix interference.

Authorized Signature

Michael J. Ricker

CHAIN OF CUSTODY RECORD

Synergy

Environmental Lab, Inc.

Chain # No 0226

Page 1 of 1

Sample Handling Request

____ Rush Analysis Date Required ____
(Rushes accepted only with prior authorization)
____ Normal Turn Around

Lab I.D. #	
Account No. :	Quote No.:
Project #: N1978A07	
Sampler: (signature) [Signature]	

1990 Prospect Ct. • Appleton, WI 54914
920-830-2455 • FAX 920-733-0631

Project (Name / Location): Midstate Oil, 5575 Sampson Rd, Abrams, WI

Reports To: Dave Fries

Invoice To: Mr. Keld Lauridsen

Company OMNI Associates

Company WDNR

Address One Systems Drive

Address 2984 Shawano Avenue

City State Zip Appleton, WI 54914

City State Zip *Green Bay, WI 54307*

Phone 920-735-6900

Phone G. Dave Fries

FAX 920-830-6100

FAX 04NN1

[illegible]

Comments/Special Instructions (*Specify groundwater "GW", Drinking Water "DW", Waste Water "WW", Soil "S", Air "A", Oil, Sludge etc.)

Sample Integrity - To be completed by receiving lab.

Method of Shipment: air

Temp. of Temp. Blank. _____ °C On Ice: ∞

Cooler seal intact upon receipt: ☒ Yes ☐ No

Relinquished By: (sign)

Time

Date _____

Received By: (sign)

Time

Date _____

Received in Laboratory By: _____

Time: 17y

Date: _____

Lauridsen, Keld B - DNR

From: Lauridsen, Keld B - DNR
Sent: Friday, September 21, 2007 11:33 AM
To: 'David L. Fries'
Cc: 'Brian Wayner'
Subject: RE: Giese site

Dave,

This email serves as your notice to proceed with the proposed soil sampling activities scheduled for Monday, September 24, at the Giese site in Oconto County. See you around 9 am.

Let me know if you need anything else.

-Keld

Keld B. Lauridsen
Hydrogeologist
Wisconsin Department of Natural Resources
2984 Shawano Avenue.
P.O. Box 10448
Green Bay, WI 54307-0448

Phone (920) 662-5420
Fax (920) 662-5197
E-mail Keld.Lauridsen@wisconsin.gov
Visit us on the web -----> www.dnr.state.wi.us/org/aw/rr

From: David L. Fries [<mailto:David.Fries@omnni.com>]
Sent: Thursday, September 20, 2007 8:41 AM
To: Lauridsen, Keld B - DNR
Subject: RE: Giese site

6010B for all but mercury which is 7471.

From: Lauridsen, Keld B - DNR [<mailto:Keld.Lauridsen@wisconsin.gov>]
Sent: Thursday, September 20, 2007 7:58 AM
To: David L. Fries
Subject: RE: Giese site

What method will be used for metals?

-Keld

09/24/2007

Keld B. Lauridsen
Hydrogeologist
Wisconsin Department of Natural Resources
2984 Shawano Avenue.
P.O. Box 10448
Green Bay, WI 54307-0448

Phone (920) 662-5420
Fax (920) 662-5197
E-mail Keld.Lauridsen@wisconsin.gov
Visit us on the web -----> www.dnr.state.wi.us/org/aw/rr

From: David L. Fries [mailto:David.Fries@omnni.com]
Sent: Wednesday, September 19, 2007 5:57 AM
To: Lauridsen, Keld B - DNR
Subject: RE: Giese site

Keld,

The lab uses method 8270 for PAH analysis. 9:00 or so works.

Let me know.

Dave

From: Lauridsen, Keld B - DNR [mailto:Keld.Lauridsen@wisconsin.gov]
Sent: Monday, September 17, 2007 10:33 AM
To: David L. Fries
Cc: Hegeman, Terry L - DNR
Subject: RE: Giese site

Dave,

My plan is to have up to 4 shallow soil samples collected at a depth of less than one foot. It may be hard work with the hand auger as it sounds like we will encounter gravel onsite. All soil samples are to be analyzed for VOC, PAH and metals. When the sampling results are available, we will evaluate if groundwater sampling is needed. Do you know what method your lab generally uses for PAH analysis?

I suggest we have the work done in the morning on the 24th. Let me know what time works for you?

-Keld

Keld B. Lauridsen
Hydrogeologist
Wisconsin Department of Natural Resources
2984 Shawano Avenue.
P.O. Box 10448
Green Bay, WI 54307-0448

Phone (920) 662-5420
Fax (920) 662-5197
E-mail Keld.Lauridsen@wisconsin.gov
Visit us on the web -----> www.dnr.state.wi.us/org/aw/rr

From: David L. Fries [mailto:David.Fries@omnni.com]
Sent: Friday, September 14, 2007 9:37 AM
To: Lauridsen, Keld B - DNR
Subject: RE: Giese site

The 24th works too. Please let me know the scope of work, i.e. number of hand augers, depth, analysis etc.

Dave

From: Lauridsen, Keld B - DNR [mailto:Keld.Lauridsen@wisconsin.gov]
Sent: Thursday, September 13, 2007 5:18 PM
To: David L. Fries
Cc: Van Grinsven, Anne - DNR; Hegeman, Terry L - DNR
Subject: Giese site

Dave,

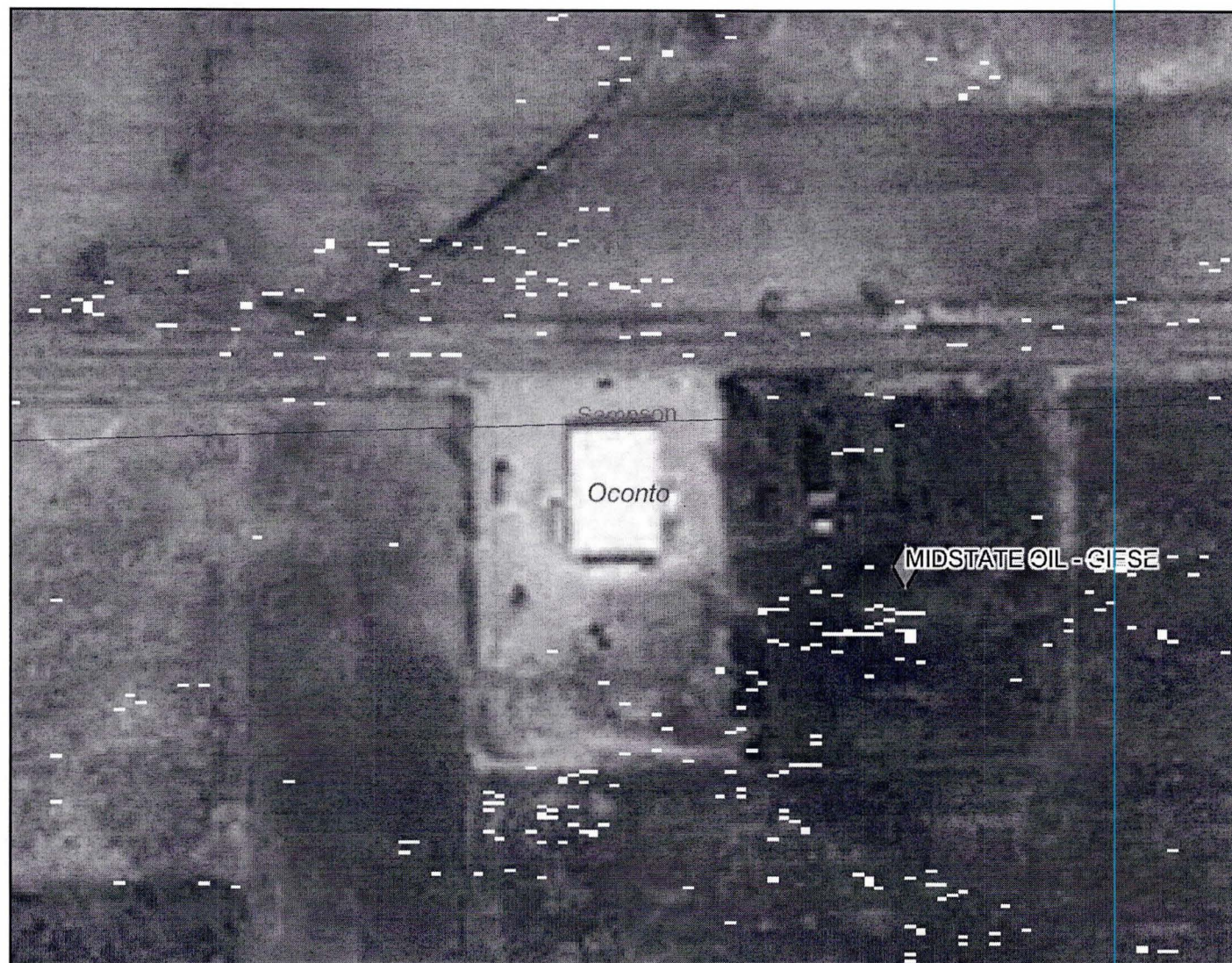
Would the 24th of this month work for you or Brian to go and collect soil samples at the Giese site in Oconto County? Mr. Giese is not available on the 27th.

-Keld

Keld B. Lauridsen
Hydrogeologist
Wisconsin Department of Natural Resources
2984 Shawano Avenue.
P.O. Box 10448
Green Bay, WI 54307-0448

Phone (920) 662-5420
Fax (920) 662-5197
E-mail Keld.Lauridsen@wisconsin.gov
Visit us on the web -----> www.dnr.state.wi.us/org/aw/rr

Map Created on May 22, 2007



Legend

All activities

- LUST open
- ERP open
- LUST close
- ERP closed

Larger Activities

- LUST open
- ERP open
- LUST closed
- ERP closed
- County Boundary
- 24K Open Water
- Municipalities

0 180 360 540 ft.

Map created on May 22, 2007



Scale: 1:1,897

This map is a user generated static output from an Internet mapping site and is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION.

November 9, 2007



Mr. Keld Lauridsen
Hydrogeologist/Project Manager
WDNR-Northeast Region RR
P.O. Box 10448
Green Bay, WI 54307-0448

**RE: Midstate Oil Soil Sampling – Project Status Report
OMNNI Invoice For Work Performed during September and October 2007**

Dear Mr. Lauridsen:

Enclosed please find OMNNI's invoice for services performed during September and October at the Midstate Oil Site. Invoice #50656 is for planning and performing the hand augers at the site and for preparation of the report documenting the field work. The report has been mailed to you.

OMNNI has mailed a proposal to Mr. Giese for the drum sampling at the site, but has not heard back from him. Please let us know if we can be of further assistance on this project.

If you have any questions regarding this invoice or the project in general, please do not hesitate to call.

Sincerely,
OMNNI Associates, Inc.

A handwritten signature in dark ink, appearing to read "Dave Fries".

Dave Fries, P.G., CHMM
Hydrogeologist

Enclosures



Invoice

Please Make Checks Payable To OMNNI Associates

Please Include Invoice Number With Payment

(SOW02.2)

To: Keld Lauridsen
Department of Natural Resources
Northeast Region Finance
P.O. Box 10448
Green Bay, WI 54307-0448

Invoice Date: November 06, 2007

Invoice #: 50656

OMNNI Project #: N1978A07

Project Name: WDNR - Midstate Oil

Invoice Total: \$1,400.00

Billing Group: 001

Contract ID #: Email Authorization

Soil Sampling

Services Rendered through: October 31, 2007

Contract Maximum:	\$	1,400.00
Prior Billings Against Max:	\$	-
Current Billing Against Max:	\$	1,400.00
Balance After This Invoice:	\$	-

Professional Services

Environmental Investigation Services

Project Management

Fries, David

0.25

\$99.00

\$

24.75

Reports

Fries, David

2.00

\$99.00

\$

198.00

Sampling

Fries, David

6.00

\$85.00

\$

510.00

Professional Services Totals: \$ 732.75

Reimbursables

Company Vehicle

Date
9/24/2007

Units
105.00

Cost
\$0.800

\$

Charge
84.00

Reimbursables Totals: \$ 84.00

Outside Services

Synergy Environmental Lab

Date
10/5/2007

Units
1.00

Cost
\$702.00

\$

Charge
702.00

Outside Services Totals: \$ 702.00

Billing Group Subtotal: \$ 1,518.75

Contract Exceeds Max: \$ (118.75)

Approved for payment
Keld Lauridsen 11/15/07
274 XCD K 2224 REKA

Billing Group Total: \$ 1,400.00

Invoice Total: \$ 1,400.00

David Fries, Project Manager
920-830-6145
david.fries@omni.com

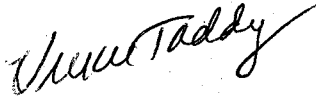
Invoice net due 30 days from date of invoice. A late charge of 1.5% per month, 18% per annum will be added to any unpaid balance after 30 days.

DATE: September 20, 2007

FILE REF: BRRTS Number : 02-43-545221

TO: Keld Lauridsen

FROM: Vickie Taddy



SUBJECT: Documents for Midstate Oil-Giese Site

I obtained the attached copies of documents from the Oconto County Register of Deeds office and the Oconto County Clerk of Courts office on the morning of September 20, 2007.



Quit Claim Deed VOL. 1169 PAGE 614

Document Number: 579609

RECORDED

3 O'CLOCK P M

Return Address: Randy Giese
5575 Sampson Rd
Abrams WI 54101

SEP 19 2005

LORALEE LASLEY
REGISTER OF DEEDS
OCONTO COUNTY, WI

Parcel I. D. Number: 002-02000821 and 002-020200821B

SHANNON BLAZEK does hereby quit claim and convey, without warranty to RANDY GIESE, a single person, the following described real estate located in Oconto County, Wisconsin, as more particularly described as follows:

Lot 1, Certified Survey Map Number 1377, which is a part of the fractional Northeast Quarter of the Northwest Quarter (NE 1/4 of NW 1/4) of Section 2, Township 26 North, Range 20 East, Town of Abrams, Oconto County, Wisconsin. *NOW KNOWN AS LOTS 1 & 2 CERTIFIED SURVEY MAP # 2569 VOL 15, PAGE 85 OF C.S. MAPS*

This is not homestead property.

Dated this 19th day of September, 2005

WIS. TRANSFER FEE
\$ 150.00
OCONTO CO.

Shannon BlazeK
Shannon BlazeK

ACKNOWLEDGMENT

STATE OF WISCONSIN)
) ss.
COUNTY OF BROWN)

Personally came before me this 19th day of September 2005, the above named SHANNON BLAZEK, to me known to be the person who executed the above instrument and acknowledged the same.

(NOTARY SEAL)

Judith A. Baker (Signature)
JUDITH A. BAKER (Print Name)
Notary Public
Brown County, Wisconsin
My commission exp. 3-25-07

This instrument drafted by William J. Vande Castle, VANDE CASTLE & DONARSKI, S. C., P. O. Box 993, Green Bay, Wisconsin 54305-0993.

Quit Claim Deed VOL. 1169 PAGE 613

Document Number: 579608

RECORDED

3 O'CLOCK PM

Return Address: Randy Giese
5575 Sampson Rd
Abrams WI 54101

SEP 19 2005

**LORALEE LASLEY
REGISTER OF DEEDS
OCONTO COUNTY, WI**

Parcel I. D. Number: 002-020200821 and 002-020200821B

ROGER RICHARDS and CARRIE RICHARDS, his wife, does hereby quit claim and convey, without warranty to RANDY GIESE and SHANNON BLAZEK, as tenants in common, an undivided one-half interest, the following described real estate located in Oconto County, Wisconsin, as more particularly described as follows:

-VOL 9-PAGE 35 OF C.S. MAPS.
Lot 1, Certified Survey Map Number 1377, which is a part of the fractional Northeast Quarter of the Northwest Quarter (NE 1/4 of NW 1/4) of Section 2, Township 26 North, Range 20 East, Town of Abrams, Oconto County, Wisconsin.

*NOW KNOWN AS LOTS 1-2
CERTIFIED SURVEY MAP # 2569
VOL. 15 PAGE 85 OF C.S. MAPS.*

This is not homestead property.

Dated this 30 day of JUNE, 2003.

WIS. TRANSFER FEE
\$ 160.50
OCONTO CO.

Roger Richards
Roger Richards

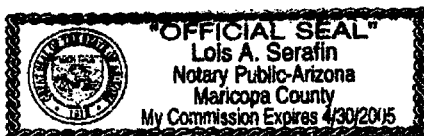
Carrie Richards
Carrie Richards

ACKNOWLEDGMENT

STATE OF AZ)
) ss.
COUNTY OF MARICOPA)

Personally came before me this 30 day of JUNE, 2003, the above named ROGER RICHARDS and CARRIE RICHARDS, to me known to be the persons who executed the above instrument and acknowledged the same.

(NOTARY SEAL)



Lois A. Serafin (Signature)
LOIS A SERAFIN (Print Name)
Notary Public
MARICOPA County, AZ
My commission 4-30-2005

KIM H PRITZLAFF, RLS
HARRY (JESS) SMITH, I.
Job No. JN96-2173



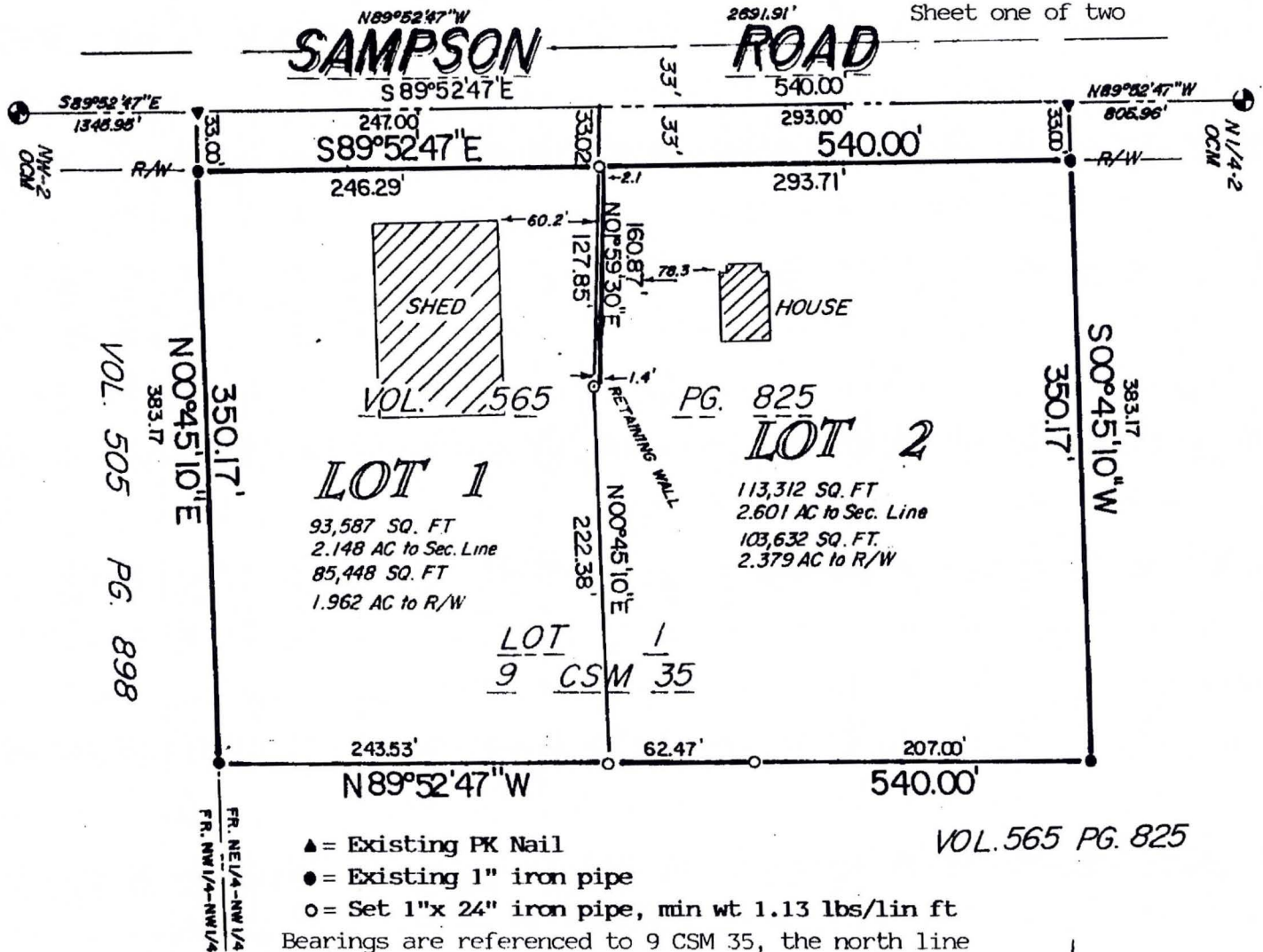
aaron
associates
Registered Wisconsin Land Surveyors

5830 DONEGAL LANE
OCONTO FALLS, WI 54154
414-846-8264

CERTIFIED SURVEY MAP NO. 2569

All of Lot 1 of 9 CSM 35 being part of the FR. NE $\frac{1}{4}$ of the NW $\frac{1}{4}$,
Section 2, T26N, R20E, Town of Abrams, Oconto County, Wisconsin

Sheet one of two

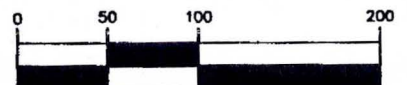


LEGAL DESCRIPTION

Part of the Fractional Northeast quarter of the
Northwest quarter of Section 2, Township 26 North,
Range 20 East, Town of Abrams, Oconto County, Wisconsin
described as follows:

Commencing at the Northwest corner of said
Section 2; Thence South 89 degrees 52 minutes
47 seconds East along the north line thereof,
a distance of 1345.95 ft.; Thence South 00 degrees
45 minutes 10 seconds West, a distance of 33 feet to
the POINT OF BEGINNING:
Thence South 89 degrees 52 minutes 47 seconds East,
a distance of 540.00 ft.;
Thence South 00 degrees 45 minutes 10 seconds West,
a distance of 350.17 ft.;
Thence North 89 degrees 52 minutes 47 seconds West,
a distance of 540.00 ft.;
Thence North 00 degrees 45 minutes 10 seconds East,
a distance of 350.17 ft. to the POINT OF BEGINNING.

Subject to and including any easements, covenants,
or restrictions of record.



GRAPHIC SCALE
1 inch = 100 ft.





STATE OF WISCONSIN
DEPARTMENT OF JUSTICE

PEGGY A. LAUTENSCHLAGER
ATTORNEY GENERAL

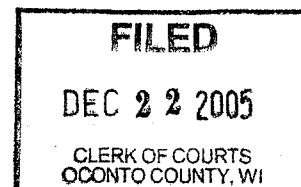
Daniel P. Bach
Deputy Attorney General

17 W. Main Street
P.O. Box 7857
Madison, WI 53707-7857
www.doj.state.wi.us

Debra L. Remington
Assistant Attorney General
remingtndl@doj.state.wi.us
608/266-1765
FAX 608/267-2223

December 20, 2005

Michael C. Hodkiewicz
Clerk of Circuit Court
Oconto County Courthouse
301 Washington Street
Oconto, WI 54153-1675



Re: *State of Wisconsin v. Randy Giese d/b/a Midstate Oil, et al.*
Case No. 93-CV-81

Dear Mr. Hodkiewicz:

Enclosed is a copy of the Order Granting Extension of Judgment Lien signed by the Honorable Michael Judge on October 3, 2005. Please enter this order on the judgment lien and docket in Oconto County, to reflect that the judgment lien has been extended for an additional ten years. In essence, we are "re-docketing" the original judgment, to continue the State's judgment lien. A \$5.00 check is enclosed for the docketing fee.

Thank you.

Sincerely,

Debra L. Remington
Assistant Attorney General
State Bar #1006620

DLR:ksg
Enclosures
c: Randall D. Giese
John A. Foscatto

remingtndl\giese, randall d\oconto co. clerk of circuit court 122005.doc

STATE OF WISCONSIN

CIRCUIT COURT

OCONTO COUNTY

STATE OF WISCONSIN

17 West Main

PO Box 7857

Madison, WI 53707,

Plaintiff,

v.

Case No. 93-CV-81

RANDY GIESE, d/b/a

MIDSTATE OIL

5575 Sampson Road

Abrams, WI 54101,

Defendant and

Third Party Plaintiff,

FILED

OCT 3 2005

CLERK OF COURTS
Oconto County, WI

vs.

PETROLEUM EQUIPMENT SERVICE

1850 Velp Avenue

Green Bay, WI 54303

Third Party Defendant.

ORDER GRANTING EXTENSION OF JUDGMENT LIEN

Plaintiff's motion for extension of the judgment lien was heard on October 3, 2005, on due notice. Assistant Attorney General Lorraine C. Stoltzfus, plaintiff's attorney, appeared by telephone for the motion and _____ appeared on behalf of defendant Randy Giese. *- did not appear*

The Court has read and considered plaintiff's affidavit and the judgment docket, and is fully advised in the matter.

Therefore, it is ordered that the judgment lien in this case be extended pursuant to
Wis. Stat. §§ 806.23 and 806.15.

Dated this 3rd day of OCTOBER 2005.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Michael Judge", written over a horizontal line.

Honorable Michael Judge
Oconto County Circuit Court Judge



STATE OF WISCONSIN
DEPARTMENT OF JUSTICE

JAMES E. DOYLE
ATTORNEY GENERAL

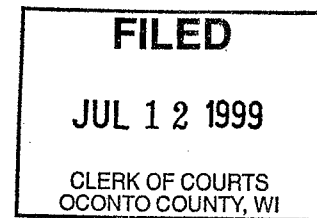
Burneatta L. Bridge
Deputy Attorney General

123 West Washington Avenue
P.O. Box 7857
Madison, WI 53707-7857

Frank D. Remington
Assistant Attorney General
remingtonfd@doj.state.wi.us
608/266-3542
FAX 608/266-2250
TTY 608/267-8902

July 9, 1999

Michael Hodkiewicz
Clerk of Circuit Court
Oconto County Courthouse
301 Washington Street
Oconto, Wisconsin 54153



Re: State v. Randy D. Giese
Case No. 93CV81

Dear Mr. Hodkiewicz:

Enclosed for filing in the above-entitled case is an affidavit of service showing substitute service of the Notice of Motion and Motion for Remedial Sanctions for Contempt of Court on Randy Giese.

Thank you.

Sincerely,

Frank D. Remington /mab

Frank D. Remington
Assistant Attorney General

FDR:mab

Enclosure

Sheriff's Office, County of Oconto
AFFIDAVIT OF SERVICE

CASE # 93CV81
FILED DATE 6/28/99

CASE SEQUENCE 1543
RECEIVED DATE 6/30/99

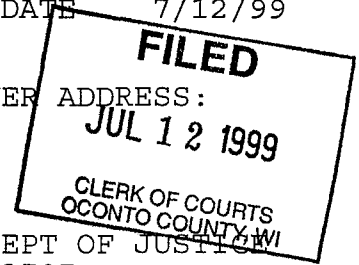
DIE DATE 7/12/99

DEFENDANT/WITNESS GIESE, RANDY D
PRIMARY ADDRESS:

5575 SAMPSON RD
ABRAMS, WI 54101

(920) 826-2207

ALTERNATE/EMPLOYER ADDRESS:



STATE OF WI DEPT OF JUSTICE
MADISON, WI 53707

PLAINTIFF STATE OF WISCONSIN

PAPERS SERVED: NOTICE OF MOTION AND MOTION FOR REMEDIAL SANCTIONS FOR
CONTEMPT OF COURT, SUBPOENA

(A) I CERTIFY THAT I SERVED THE ABOVE PAPERS ON THE DEFENDANT AS FOLLOWS:

- 1 PERSONAL SERVICE: BY LEAVING A COPY OF THE ABOVE PAPERS
WITH THE NAMED DEFENDANT PERSONALLY.
- 2 SUBSTITUTE SERVICE: BY LEAVING A COPY OF THE ABOVE PAPERS
AT THE ABOVE ABODE WITH SOME PERSON OF THE FAMILY, OF THE AGE OF 15
YEARS OR UPWARDS, AND INFORMING THAT PERSON OF THE CONTENTS
THEREOF. ALSO, A COPY OF THE ABOVE PAPERS WAS MAILED TO THE
DEFENDANT AT THE ABOVE ADDRESS.
- 3 SERVICE ON: CORPORATION COMPANY BUSINESS PARTNERSHIP
BY LEAVING A COPY OF THE ABOVE PAPERS (OR INTERROGATORIES)
WITH THE REGISTERED AGENT, AUTHORIZED PERSON OR PARTNER OF THE
DEFENDANT.

(B) Douglas McMahon, SHERIFF

Bill Titab DEPUTY

NAME OF DEFENDANT/WITNESS - GIESE, RANDY D
SEX M RACE W DOB 3/27/56

PERSON SERVED FOR DEFENDANT/WITNESS *Shannon Bleszk*

RELATIONSHIP TO DEFENDANT/WITNESS *Girlfriend*

ADDRESS SERVED *5575 SAMPSON Rd - Twn ABRAMS*

THIS *30* DAY OF *JUNE*, 19 *99* TIME *5:30* AM/PM

ADDITIONAL REMARKS

REASON NOT SERVED:

- ☐ MOVED
☐ WRONG ADDRESS
☐ RETURNED BY ATTY
☐ OTHER REASONS

ATTEMPTED SERVICES

DATE TIME
6/30/99 10:30 AM/PM
____/____/____ :____ AM/PM
____/____/____ :____ AM/PM
____/____/____ :____ AM/PM

SHERIFFS FEES:

SERVICE

MILEAGE

RETURN

TOTAL

STATE OF WISCONSIN,
123 West Washington Avenue
Post Office Box 7857
Madison, Wisconsin 53707-7857

Plaintiff,

v.

Case No. 93-CV-81

ROGER R. RICHARDS and
CARRIE RICHARDS
10452 Snead Drive
Sun City, Arizona 85351,

Defendants,

and

RANDY GIESE, d/b/a MIDSTATE OIL
5575 Sampson Road
Abrams, Wisconsin 54101,

Defendant and
Third Party Plaintiff,

vs.

PETROLEUM EQUIPMENT SERVICE
1850 Velp Avenue
Green Bay, Wisconsin 54303,

Third Party Defendant.

STIPULATION AND ORDER FOR JUDGMENT

This Stipulation is executed this 22nd day of March, 1994, by the State of Wisconsin (the "State"), and the defendants Randy Giese, Roger R. Richards, and Carrie Richards (the "defendants")

The parties hereby agree as follows:

1. Based on Randy Giese's admission that he received and continuously stored hazardous waste at his Midstate Oil facility located at 5575 Sampson Road, Abrams, Wisconsin (hereinafter

13-1

Michael C. Hodkiewicz Clerk of Courts
certify that the copy annexed has been compared by me with the original on file and required by law to be in my custody, the same is a correct transcript and true copy of the original record. I herewith set my hand and affix the seal of the Clerk of Courts of Oconto County at Oconto, this 22nd day of March, A.D. 20 94
Michael C. Hodkiewicz Clerk
Amy Schaefer Deputy Clerk

"Midstate Oil") since January 1, 1992, and based on the fact that tests performed to date by the Department of Natural Resources (the "DNR") establish that the sludge tank and tanks 1, 5 and 7 are hazardous waste, and that tests confirmed that based on a sample of the drums, the drums also contain hazardous waste, and in consideration of the fact that Giese has at no time possessed a license to store hazardous waste at Midstate Oil, pursuant to sec. 144.44(4)(a), Stats., Randy Giese shall pay the State the minimum daily forfeiture of \$100.00 per day for a total amount of forfeitures of \$81,100.00. Randy Giese shall also pay the State the required 25% penalty assessment of \$20,275.00. The \$81,100.00 in forfeitures is payable under sec. 144.74(1), Stats., and the \$20,275.00 penalty assessment is payable under secs. 144.992 and 165.87(2), Stats. The total forfeitures and penalty assessment payment to the State shall therefore be \$101,375.00.

2. Compliance with the Stipulation and with the Judgment entered pursuant to the Stipulation, including the payment in full of the sum specified in paragraph 1, and the action specified in paragraph 3, shall fully resolve, settle and dispose of all of the State's claims as described in the Complaint against the defendants.

3. The defendants shall comply with the requirements of sec. 144.76(3), Stats., in the following manner:

A. Randy Giese shall remove and properly dispose of all waste oil, sludge, and solid waste stored at Midstate Oil. All hazardous waste shall be removed by a licensed hazardous waste disposal company. The defendants shall at all times

comply with the order signed by the court on March 31, 1993, regarding the removal of waste oil from Midstate Oil.

B. Defendants shall, within ten days of the entry of judgment, retain an environmental consultant and notify the DNR in writing, the name of the consultant retained. Unless otherwise extended by the DNR the defendants shall, no later than July 15, 1994, submit to the DNR for its approval an investigative workplan, pursuant to Wis. Admin. Code § NR 600.07. The investigative workplan submitted by the defendants shall conform and comply with all applicable administrative rules and regulations as to form and content. Within 20 days after approval of this plan, or at a later time approved by the DNR, the consultant shall begin implementation of the approved workplan.

C. Unless otherwise directed by the DNR, a site remediation plan shall be submitted to the DNR within 45 days following completion of the investigation. This site remediation plan shall set forth in detail the steps necessary to remove all remaining hazardous waste from the facility and to complete the investigation and remediation of the site and surrounding area affected by the discharges of hazardous waste, waste oil, sludge or solid waste. This workplan shall include timeframes, schedules and deadlines for completion of all work. Environmental cleanup at Midstate Oil shall begin within 15 workdays following DNR's approval of the plan.

D. Unless otherwise directed by the DNR, within 45 work days following DNR's approval of the defendants' site

remediation plan, the defendants shall clean, remove and dispose of all storage tanks located at Midstate Oil. The defendants shall ensure that the cleaning, removal, and disposal of all tanks are in full and complete compliance with all applicable rules and regulations. In the alternative, within the aforementioned period of time, the defendants shall complete all the actions required in the "STATE ORDERS" served upon defendant Randy Giese by the Department of Industry, Labor and Human Relations on June 14, 1993 (copy attached hereto and incorporated herein).

E. In all other respects the defendants shall comply with all the terms and conditions set forth by the DNR in response to the workplans and shall complete all steps required in said plans to remediate the effects of the identified discharges according to the deadlines approved by the DNR.

4. Within 10 days of the date the court signs the judgment, defendant Randy Giese shall provide and install an adequate cover on all uncovered tanks and uncovered drums containing waste oil.

5. Nothing in this Stipulation and Order for Judgment shall bar, estop, or otherwise preclude the plaintiff from requiring further remediation and/or assessment activities (hereinafter "future department decisions") in the event that the defendants are unable to remove all product from Midstate Oil facility and remediate the site in accordance with the site plan submitted by the defendants' consultant.

6. Except as between the parties to this action, nothing in this Stipulation or the accompanying Judgment shall be construed as an admission in any other judicial proceeding now pending or hereinafter commenced.

7. The defendants specifically reserve any rights they may have against any third parties that may be liable to them for contribution or on any other basis for any of the costs or expenditures covered by this Stipulation and Order for Judgment.

8. In the event any or all of the defendants seek and receive any money from any third party at any time in any action for contribution or on any other basis for any of the costs or expenditures covered by this Stipulation and Order for Judgment, the defendants shall deposit all monies received in such action or actions in the trust account of Attorney Richard Carlson.

9. In addition to any monies discussed in paragraph 8 above pertaining to other potential actions or claims, with respect to the defendant Randy Giese's third party claim against Petroleum Equipment Service in Case No. 93-CV-81, defendant Giese shall deposit all monies obtained from Petroleum Equipment Service of Wisconsin, Inc., Petroleum Installations, Inc., or its officers, shareholders, directors, employees or agents, (hereinafter "Petroleum Equipment") directly into the trust account of Attorney Richard Carlson.

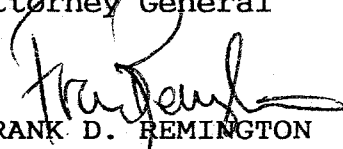
10. All money received from the sale of any marketable oil, or any other asset owned by Randy Giese which was used at Midstate Oil, shall be deposited in the trust account of Richard Carlson.

11. All monies referenced in paragraphs 8, 9 and 10 above shall be held in the trust account of Attorney Richard Carlson to be used to facilitate disposal or sale of the oil at Midstate Oil, to assess and remediate the site and to pay forfeitures to the plaintiff. All disbursements shall be made directly from Attorney Carlson's trust account, shall have the prior written approval of the DNR and shall only be used to facilitate the sale of marketable oil, testing of waste oil, attorneys fees, the disposal of hazardous or solid waste, and site investigation and clean-up of the Midstate Oil facility. Any money remaining shall be paid promptly to the Wisconsin Department of Justice as payable toward the forfeitures and penalties agreed to in paragraph 1 above.

12. The accompanying Judgment may be entered, incorporating the terms of this Stipulation, without cost to either party.

Dated this 22nd day of March, 1994.

JAMES E. DOYLE
Attorney General

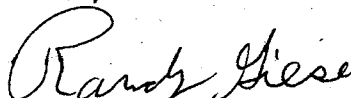


FRANK D. REMINGTON
Assistant Attorney General
State Bar No. 1001131

Attorneys for Plaintiff
State of Wisconsin

Wisconsin Department of Justice
Post Office Box 7857
Madison, Wisconsin 53707-7857
(608) 266-3542

Dated this 22nd day of March, 1994.



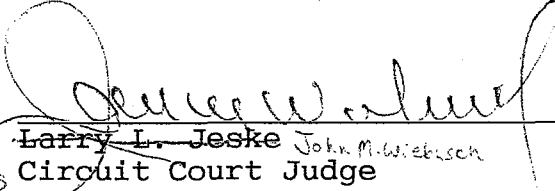
Randy Giese

ORDER FOR JUDGMENT

The terms and conditions of the foregoing Stipulation are hereby approved and made binding upon the parties.

IT IS HEREBY ORDERED that the terms and conditions contained in the foregoing Stipulation are adopted and made the judgment of this Court this 4 day of April, 1994.

BY THE COURT:


~~Larry L. Jeske~~ John M. Wiebisch
Adm. Circuit Court Judge



Phone: (414) 492-5608
FAX: (414) 492-5604

SAFETY & BUILDINGS DIVISION
Storage Tank Section
2331 San Luis Place
Green Bay, WI 54304

State of Wisconsin
Department of Industry, Labor and Human Relations

STATE ORDERS

June 14, 1993

Case No. CLF42063.001

Owner (Corporate/Individual)

RANDY GIESE
MIDSTATE OIL
5575 Sampson Road
Abrams, WI. 54101

Location of Violation

MIDSTATE OIL
5575 Sampson Road
Abrams, WI. 54101
(414) 826-2207

Property Owner (If Different)

Same

Operator/Manager

RANDY GIESE
MIDSTATE OIL
5575 Sampson Road
Abrams, WI. 54101

Re: State Orders--Flammable & Combustible Liquid Code Requirements per ILHR 10.

This letter is in response to an inspection of this facility on April 29, 1993. The intent of this letter is to (1) confirm the information; (2) make the owner aware of the problems; and (3) start enforcement action to gain compliance. This letter then serves as formal notice that the storage tank(s) and/or system(s) located on your property are in violation of the Wisconsin State Administrative Code, ILHR 10, regulations. A reasonable compliance date for correction would be July 16, 1993. Noncompliance at that time would mean that this case would be referred to the State Attorney General for further enforcement action.

Even though a compliance date has been issued for the noted code violations, this does not relieve the owner of the responsibility for any fire damage, injuries, third-party lawsuits, etc., which these code violations might cause. Oversights and omissions not cited do not signify code compliance.

The following listed items require code compliance completion:



State of Wisconsin
Department of Industry, Labor and Human Relations

Violation 1:

ILHR 10.105 PLAN REVISION. Any change in the initial installation which deviates from original approved or conditionally approved plans shall be submitted for review as a revision. Changes to facilities which shall be submitted for review as a revision include changes in tank placement, size of tank, length of piping run, and changes in monitoring equipment. Additions or modifications to systems after the closing of the excavation and commencement of system operation shall be submitted for review as a new installation.

Action Required: At this time the current approved plan did not match this facility. Bring current systems into compliance with the approved plans or submit for a plan revision.

Violation 2:

ILHR 10.14 REGISTRATION - EXISTING ABOVEGROUND AND UNDERGROUND STORAGE TANKS. (1) GENERAL. (a) 1. All in-use or temporarily out-of-service underground storage tanks installed prior to the effective date of this subsection shall be registered with the department.

2. Except for pipeline facilities, aboveground tanks of 110 gallons or less capacity, farm and residential aboveground tanks of 1,100 gallons or less capacity storing petroleum not for resale, and aboveground tanks used for storing heating oil for consumptive use on the premises where stored and tanks owned by the state or federal government, all in-use or temporarily out-of-service aboveground petroleum storage tanks installed prior to the effective date of this subsection shall be registered by the department.

(b) 1. The owner of the storage tank shall be responsible for registering the tank.

2. The owner of an existing storage tank previously used to store a nonregulated substance undergoing a change to store a regulated substance shall be responsible for registering the change operation of the underground storage tank within 10 days of the change.

3. The new owner of an existing storage tank shall be responsible for registering the change of ownership within 10 days of the change.

4. The owner of an existing tank system which undergoes any of the following changes shall be responsible for registering the change within 10 days of the change.

a. A change in service;



State of Wisconsin
Department of Industry, Labor and Human Relations

- b. Permanent or temporary closure;
- c. A change in service or permanent closure of a temporarily closed tank;
- d. The addition of release detection, spill or overfill control or corrosion protection of any part of the system; and
- e. Tank lining.

5. The owner of an existing tank at a facility which undergoes a name change or an owner who undergoes a change of mailing address shall be responsible for registering the name change or address change within 10 days of the change.

(2) REGISTRATION PROCEDURE. An Underground Storage Tank Registration Form (SBD-7437) for each underground storage tank shall be completed and submitted to the department by the tank owner. An Underground Storage Tank Use Permit Application (SBD-7658) shall be sent by the department to the underground storage tank owner in response to the registration within the timeframes specified in s. ILHR 10.17.

Note #1: See Appendix A for examples of the Underground Storage Tank Registration Form (SBD-7437), Aboveground Storage Tank Registration Form (SBD-8731), and the Underground Storage Tank Use Permit Application (SBD-7658). Forms SBD-7437, SBD-8731 and SBD-7658 are available from the Department of Industry, Labor and Human Relations, Division of Safety and Buildings, P.O. Box 7969, Madison, Wisconsin 53707, or from the local fire department or authorized agent.

Note #2: Eligibility for Petroleum Environmental Clean Up Fund Act (PECFA) funds requires prior tank registration.

Action Required: Register all tanks.

Violation 3:

ILHR 10.23 PENALTIES. Penalties for violations of the rules of this chapter shall be assessed in accordance with s. 101.09 (5), Stats., or 40 CFR s. 281.41 of US EPA regulations or both.

Note: Section 101.09 (5), Stats., states "(5) PENALTIES. Any person who violates this section or any rule or order adopted under this section shall forfeit not less than \$10 nor more than \$1,000 for each violation. Each violation of this section or any rule or order under this section constitutes a separate offense and each day of continued violation is a separate offense." Section 281.41 of 40 CFR, US EPA regulations requires the department to assess fines of up to \$5,000 or more for each tank for each day of violation.

Lauridsen, Keld B - DNR

From: Van Grinsven, Anne - DNR
Sent: Tuesday, August 28, 2007 6:20 AM
To: Lauridsen, Keld B - DNR
Cc: Remington, Debra L.; Stoltzfus, Lorraine C - DOJ; Polczynski, Leonard - DNR; Urban, Bruce G - DNR
Subject: Randy Giese access agreement -
Importance: High

Keld -

Please see the message below -- Randy is agreeable for the work to be completed on his property but has several questions to finalize the access. Randy has provided his cell phone number ---- can you please contact him and work the details that are needed for you to work out there? Do you still want a signed document - if so, when you (or Len) meet with Randy to get the key, have him sign an access agreement. Let me know if you need any assistance in this matter.

Thanks~

NOTICE OF CONFIDENTIALITY

THIS MESSAGE MAY CONTAIN INFORMATION WHICH, BY LAW, IS PRIVILEGED, CONFIDENTIAL OR EXEMPT FROM DISCLOSURE. PLEASE CONTACT THE SENDER FOR PERMISSION PRIOR TO DISCLOSING THE CONTENTS OF THIS MESSAGE TO ANY OTHER PERSON.

P Anne M. Van Grinsven
Environmental Enforcement Specialist - Leadworker Bureau of Law Enforcement Wisconsin
Department of Natural Resources
(*) phone: (920) 662-5163
(*) fax: (920) 662-5413
(*) e-mail: Anne.Vangrinsven@wiscsconsin.gov

-----Original Message-----

From: Remington, Debra L. [mailto:RemingtonDL@DOJ.STATE.WI.US]
Sent: Monday, August 27, 2007 2:30 PM
To: Van Grinsven, Anne - DNR
Subject: FW: Randy Giese

I just got off the phone with Randy Giese. He can be reached on his cell phone at 920-471-6393.

Randy has no problem with DNR entering his property. He said the barrels the DNR is interested in, as well as a pile of dirt, are in a portion of his large barn that are easily accessible. Access to the barn is through a locked 10' x 14' door. The door is locked. He is willing to give a key to someone from the DNR. He mentioned a couple of times that Len Polczynski knows his property, so I think he would trust Len to hold the key.

Randy wants to know where the well would be placed on his property. It sounds to me like he would like a say in that matter.

Randy said he will build a make-shift wall to divide up the barn, so that the DNR could have access to the portion of the barn where the barrels are, but he does not want the DNR wandering through the rest of the barn. I think he said he stores equipment and other stuff for others in the barn, and he didn't want DNR people walking through that "stuff".

Lastly, Randy would like an estimate for what sort of lien the DNR will place on his property. I told him I did not know the dollar value of your work--but it seems to me you

did give me a number early on. He would like to know the estimate.

Now that I have been assured that we have Randy's cooperation, would you please give Randy a call to work out the details? Randy said he would have the barn ready for the DNR by Labor Day, so the DNR could have access for the months of September and October. I hope that's enough time--and hopefully we won't see snow in October!

Debbie Remington



STATE OF WISCONSIN
DEPARTMENT OF JUSTICE

J.B. VAN HOLLEN
ATTORNEY GENERAL

Raymond P. Taffora
Deputy Attorney General

17 W. Main Street
P.O. Box 7857
Madison, WI 53707-7857
www.doj.state.wi.us

Debra L. Remington
Assistant Attorney General
remingtondl@doj.state.wi.us
608/266-1765
FAX 608/267-2223

August 14, 2007

Mr. Randall Giese
5575 Sampson Road
Abrams, WI 54101

Re: *State of Wisconsin v. Randy Giese,*
d/b/a Midstate Oil, et al.
Oconto County Case No. 93-CV-0081

In re: Randall D. Giese, Debtor
U.S. Bankruptcy Court, Eastern District of Wisconsin
Case No. 05-37650-svk

Dear Mr. Giese:

The Department of Natural Resources ("DNR") would like your permission to enter your property over a two-month period to conduct a site assessment to determine the extent of contamination to your property. The DNR intends to hire a private consulting company, to obtain soil and water samples and to check on the condition of the oil drums, some of which may be located in your barn. In addition, a monitoring well may have to be installed on your property. Access to the property will not involve entering your home.

Shortly after the state obtained its judgment, you paid \$7,000 to the state, which we are holding in an escrow account. The DNR plans to use those funds to pay for the site assessment. If the DNR's costs exceed the \$7,000 held in escrow, the DNR will use state or federal funds to complete the assessment. After the assessment is done, the DNR will file with the Register of Deeds a deed affidavit that would put any potential purchaser on notice that this property is contaminated and may need remediation. The affidavit will include all of the costs incurred by the DNR in doing the site assessment (in excess of the \$7,000 held in escrow).

The state is aware that you are still in a chapter 13 bankruptcy and that the automatic stay is in effect. It is our position that the site assessment will not violate the automatic stay because it is a necessary regulatory action being taken by the state, pursuant to 11 U.S.C. § 362(b)(4) of the Bankruptcy Code. I have contacted Mr. Foscatto regarding the site assessment. He assured me that you would have no objection to the DNR's site assessment of your property, and he

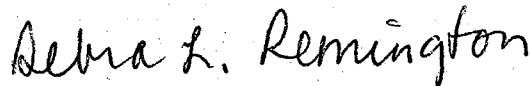
Mr. Randall Giese
August 14, 2007
Page 2

recommended that we deal with you directly in deciding the time period when the site assessment will take place.

Please contact me when you receive this letter, to let me know the dates that would be acceptable to you. I also need to know if there is a lock on the barn. If there is, we need to arrange for the DNR to have a key to that lock during the site assessment. I understand that you drive a truck and that you are frequently out of town. It is important that the DNR and/or the private contractors have easy access to your property for a two-month period, whether or not you are present. If you have no preference as to what months the DNR enters your property for this site assessment, please let me know that as well, and I will ask the DNR to choose a two-month time period. It is important that this work be done before winter.

Thank you for your help. My direct phone number is 608-266-1765. If I am not available when you call, please leave me a detailed phone message.

Sincerely,



Debra L. Remington
Assistant Attorney General
State Bar #1006620

DLR:kdh

c: Anne Van Grinsven
Department of Natural Resources

remingtond\giese, randall d\giese, randall 081407.doc

Lauridsen, Keld B - DNR

From: Hintz, Diane R - DNR
Sent: Tuesday, June 19, 2007 12:33 PM
To: Strous Jr, Robert E - DNR
Cc: Lauridsen, Keld B - DNR
Subject: FW: Giese Property

Let's use activity code REKA. I forgot that one had been set up specifically for the site.

From: Hintz, Diane R - DNR
Sent: Tuesday, June 19, 2007 9:24 AM
To: Strous Jr, Robert E - DNR
Cc: Lauridsen, Keld B - DNR
Subject: Giese Property

Bob,

DOJ transferred \$7,157.09 to DNR's appropriation (2)(du), numeric 222, Site Specific Remediation and I've set up all necessary budget codes. Let's charge all supply line expenditures direct to the following budget code:

274-XCDK-2224-RRGE (Is activity code RRGE OK to use? The activity isn't that critical since we're charging direct to appr. 222.)

Let me know if any questions.



STATE OF WISCONSIN
DEPARTMENT OF JUSTICE

cc: Keld Lauridsen

J.B. VAN HOLLEN
ATTORNEY GENERAL

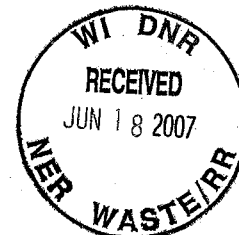
Raymond P. Taffora
Deputy Attorney General

17 W. Main Street
P.O. Box 7857
Madison, WI 53707-7857
www.doj.state.wi.us

Debra L. Remington
Assistant Attorney General
remingtondl@doj.state.wi.us
608/266-1765
FAX 608/267-2223

June 14, 2007

Mr. John A. Foscatto
Post Office Box 1133
Green Bay, WI 54305-1133



Re: *State of Wisconsin v. Randy Giese, d/b/a Midstate Oil, et al.*
Oconto County Case No. 93-CV-0081

In re: Randall D. Giese, Debtor
U.S. Bankruptcy Court, Eastern District of Wisconsin
Case No. 05-37650-svk

Dear John:

The Department of Natural Resources ("DNR") would like Mr. Giese's permission to enter his property over a two-month period to conduct a site assessment to determine the extent of contamination on Mr. Giese's property. The DNR intends to hire a private consulting company, to obtain soil and water samples and to check on the condition of the oil drums, some of which may be located in Mr. Giese's barn. In addition, a monitoring well may have to be installed on Mr. Giese's property. Access to the property will not involve entering Mr. Giese's home.

Shortly after the state obtained its judgment, Mr. Giese paid \$7,000 to the state, which we are holding in an escrow account. The DNR plans to use those funds to pay for the site assessment. If the DNR's costs exceed the \$7,000 held in escrow, the DNR will use state or federal funds to complete the assessment. After the assessment is done, the DNR will file with the Register of Deeds a deed affidavit that would put any potential purchaser on notice that this property is contaminated and may need remediation. The affidavit will include all of the costs incurred by the DNR in doing the site assessment (in excess of the \$7,000 held in escrow). The state is aware that Mr. Giese is still in a chapter 13 bankruptcy, and that the automatic stay is in effect. It is our position that the site assessment will not violate the automatic stay.

Mr. John A. Foscatto
June 14, 2007
Page 2

Please let me know the dates that would be acceptable to Mr. Giese, and let me know if there is a lock on the barn. I understand that Mr. Giese drives a truck, and is frequently out of town. It is important that the DNR and/or the private contractors have easy access to his property for a two-month period, whether or not Mr. Giese is present.

Thank you for your help.

Sincerely,

Debra Remington

Debra L. Remington
Assistant Attorney General
State Bar #1006620

DLR:kdh

c: Anne Van Grinsven
Department of Natural Resources

Lorraine Stoltzfus
Department of Justice

remingtond\giese, randall d\foscatto, john a. 061407.doc



May 3, 2006
Anne M. Van Grinsven
Environmental Enforcement Specialist
Wisconsin Department of Natural Resources

Re: Midstate Oil Property (Randy Giese)

Dear Ms. Grinsven:

In discussing and reviewing the information provided by Leonard Polczinski and your self. Onyx Special Service has put together a cost estimate to remediate the surface contamination and a cost to evaluate the ground water at the site. Please find below a breakdown of the associated cost for each segment of work.

<u>Sampling, Characterizing and Analysis of the containers of materials or waste located onsite.</u>	\$17,125.00
<u>Repackaging and preparing all containers for shipment offsite</u>	\$13,984.00
<u>Transportation and disposal of all containers onsite.</u>	\$15,548.00
<u>Excavation, transportation and disposal of contaminated soil Located onsite (approximately 2000 tons)</u>	\$89,767.00
<u>Phase II Ground Water assessment</u>	\$34,384.00
Total	\$170,808.00

If you have any questions or need additional information please call me at 1-920-208-1301

Thank You

Jerry Raeder
Regional Estimating Manager

Lauridsen, Keld B.

From: Chronert, Roxanne N.
Sent: Thursday, May 18, 2006 10:11 AM
To: Lauridsen, Keld B.
Subject: FW: Midstate Oil Site Remediation (Randy Giese)
Attachments: WDNR Ann Van Grinsven 5-3-06.doc

Can you put this in the file. I will print.

From: Polczynski, Leonard
Sent: Thursday, May 04, 2006 11:39 AM
To: Urben, Bruce G; Chronert, Roxanne N.
Subject: FW: Midstate Oil Site Remediation (Randy Giese)

From: Jerry L Raeder [mailto:JLRAEDER@onyxsp.com]
Sent: Wednesday, May 03, 2006 3:57 PM
To: Van Grinsven, Anne; Polczynski, Leonard
Cc: Chris Hohol
Subject: Midstate Oil Site Remediation (Randy Giese)

Please find attached the cost estimate to Remediate the surface contamination and to do a Ground water investigation .If you have any questions or need additional information please call me on one of the phone numbers listed below or send me a E-Mail to the address listed above

Thank You

Jerry Raeder

Onyx becomes Veolia Environmental Services in 2006

Office Phone Number 1-920-208-1301
Mobile Phone Number 1-920-226-1810
Fax Phone Number 1-920-458-0936

05/23/2006

DATE: April 27, 2006

FILE REF: [Click [here](#) and type file ref.]TO: Roe Renville *Joe*FROM: Anne Van Grinsven *Anne*

SUBJECT: Randy Giese Documentation

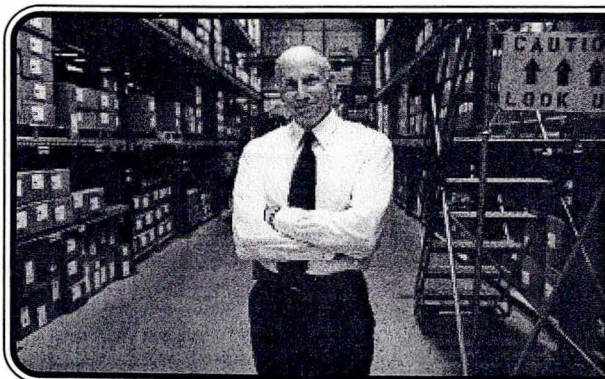
As a follow-up conversation with Bruce and Roxanne, I am attaching copies of the Randy Giese/Midstate Oil enforcement file. There is not a lot of information in our file – the case predates me. As we discussed, DOJ is trying to obtain money from the bankruptcy court to apply towards a clean-up. Please look at the documents to see if we can do anything from the RR standpoint – possible deed notification.


Documents included:

1. April 1, 1993 NOV – Addresses operating a solid/hazardous waste facility without a license. Page 2 discusses spills noted on the ground. If you want me to dig through the HW file for more information – I can.
2. February 8, 1994 NOV – Addresses operating a solid/hazardous waste facility without a license and the need for proper disposal.
3. April 4, 2004 Stipulation / Order / Judgment – This documents references an older court order dated March 31, 1993, which I do not have. I can get it from the court if you need it. The order addresses the need for investigation and remediation – pages 3 and 4.
4. January 15, 1996 – Judgment docketed.
5. April 4, 1997 Supplemental Proceedings – Attempts at collection and ordered not to sell property.
6. August 13, 1997 Contempt Action – Giese has not addressed environmental concerns nor pay forfeitures.
7. November 11, 1997 Order Granting Contempt Action
8. January 20, 1998 letter – State requesting status of \$1,000 deposited into trust account.
9. February 11, 1998 letter - State requesting status of \$1,000 deposited into trust account.
10. February 26, 1998 letter - State requesting status of \$1,000 deposited into trust account.
11. January 4, 2000 letter - State requesting status of \$1,000 deposited into trust account. Follow-up letter April 11, 2000, payment received.
12. January 11, 2001 letter - State requesting status of \$1,000 deposited into trust account.

Cc: Bruce Urben – memo only

Roxanne Chronert – memo only

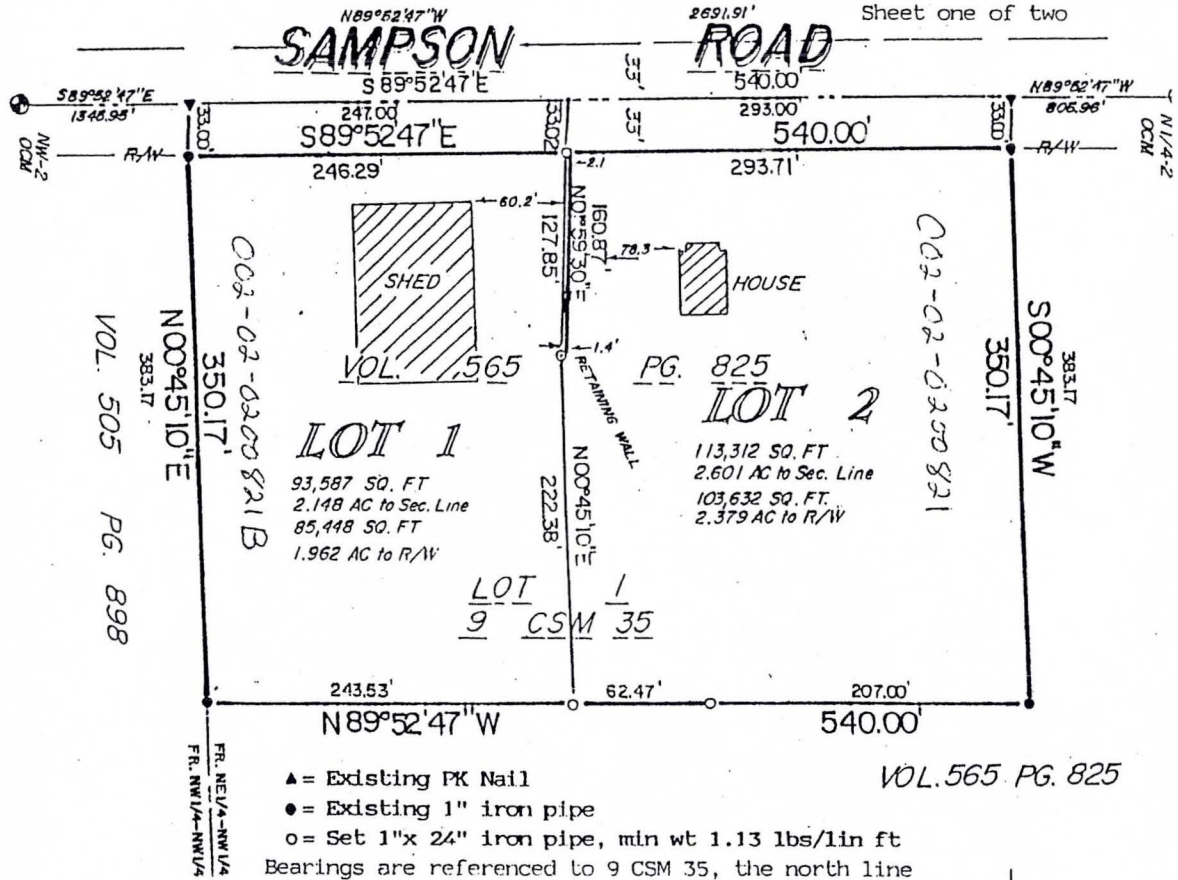


A Touchstone EnergySM Cooperative 
The power of human connections



CERTIFIED SURVEY MAP NO. 256

All of Lot 1 of 9 CSM 35 being part of the FR. NE $\frac{1}{4}$ of the NW $\frac{1}{4}$,
Section 2, T26N, R20E, Town of Abrams, Oconto County, Wisconsin

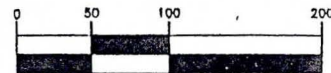


LEGAL DESCRIPTION

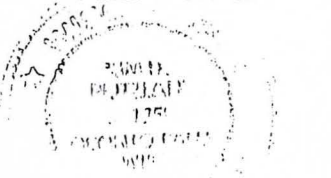
Part of the Fractional Northeast quarter of the
Northwest quarter of Section 2, Township 26 North,
Range 20 East, Town of Abrams, Oconto County, Wisconsin
described as follows:

Commencing at the Northwest corner of said
Section 2; Thence South 89 degrees 52 minutes
47 seconds East along the north line thereof,
a distance of 1345.95 ft.; Thence South 00 degrees
45 minutes 10 seconds West, a distance of 33 feet to
the POINT OF BEGINNING:
Thence South 89 degrees 52 minutes 47 seconds East,
a distance of 540.00 ft.;
Thence South 00 degrees 45 minutes 10 seconds West,
a distance of 350.17 ft.;
Thence North 89 degrees 52 minutes 47 seconds West,
a distance of 540.00 ft.;
Thence North 00 degrees 45 minutes 10 seconds East,
a distance of 350.17 ft. to the POINT OF BEGINNING.

Subject to and including any easements, covenants,
or restrictions of record.



GRAPHIC SCALE
1 inch = 100 ft.



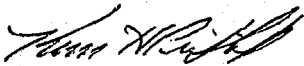
Sheet two of two

SURVEYOR'S CERTIFICATE

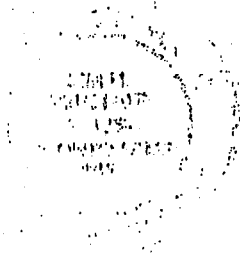
I, Kim H Pritzlaff, Registered Land Surveyor, hereby certify:
that by the order of Randy Giese acting for Rodger Richards, owner
of lands described in Volume 565 Records, Page 825 of the Oconto
County, Registry, I have surveyed, divided, and mapped all of
Lot 1 of Volume 9 of Certified Survey Maps, Page 35, being located
in part of the Fractional Northeast quarter of the Northwest quarter
of Section 02, Township 26 North, Range 20 East, Town of Abrams,
Oconto County, Wisconsin as described herein.

The within map is a true and correct representation of the exterior
boundaries of the lands surveyed and I have fully complied with
the provisions of chapter 236.34 of the Wisconsin Statutes and with
the Oconto County Zoning Ordinance in the surveying and mapping
of same.

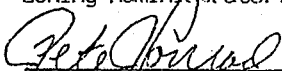
Dated this 29th day of January, 1997.



Kim H Pritzlaff, RLS No. 1259



Approved this 21 day of April, 1997 by the Oconto County
Zoning Administrator.



Oconto County Zoning Administrator

VOL 15 PAGE 85
OF C.S. Maps

447550

REGISTER OF DEEDS
OCONTO COUNTY

AT 1 O'CLOCK PM

APR 22 1997


REGISTER

Stock No. 26273

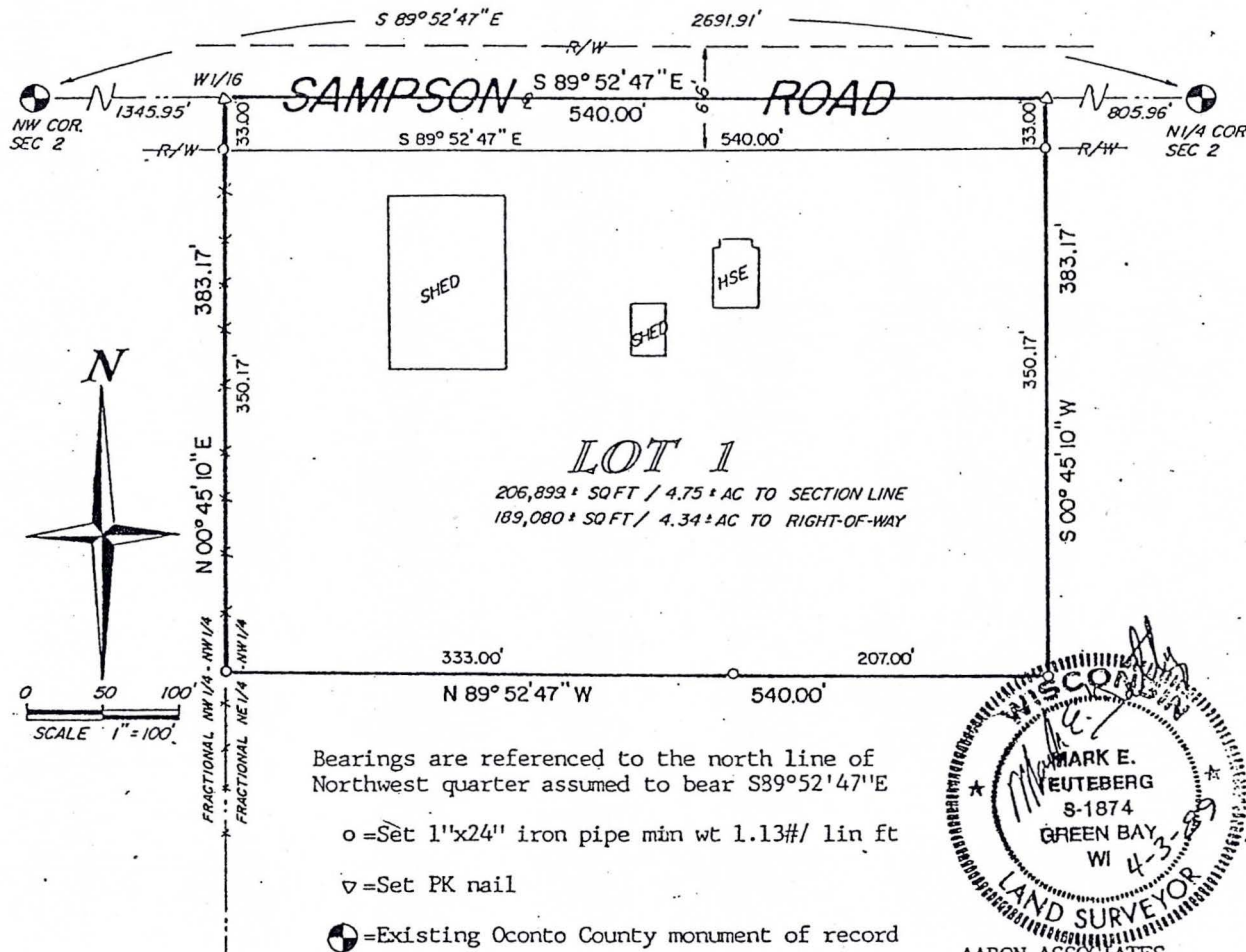
JN89-955

FB#50

Victor#17

CERTIFIED SURVEY MAP NO. 1377

PART OF THE FRACTIONAL NORTHEAST QUARTER OF THE
NORTHWEST QUARTER OF SECTION 2,
TOWNSHIP 26 NORTH, RANGE 20 EAST,
TOWN OF ABRAMS, OCONTO COUNTY, WISCONSIN.

**SURVEYOR'S CERTIFICATE**

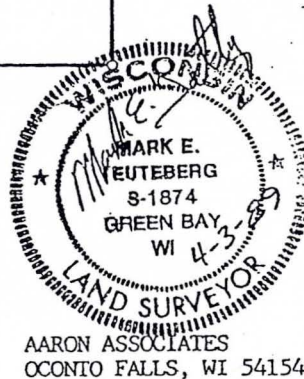
I, Mark E Teuteberg, Registered Land Surveyor hereby certify:
that by the order and under the direction of Mr Rodger Richards, owner of those lands as previously described in Volume 565, Page 825 of the Oconto County Registry also being a Part of the Fractional Northeast quarter of the Northwest quarter of Section 2, Township 26 North, Range 20 East, Town of Abrams, Oconto County, Wisconsin, described as follows.

Commencing at the Northwest corner of Section 2:
Thence S89°52'47"E, along the north line of the northwest quarter of said Section a distance of 1345.95 feet to the West one-sixteenth corner and the Point of Beginning....

Thence S89°52'47"E, along said north line a distance 540.00 feet;
Thence S00°45'10"W, a distance of 383.17 feet;
Thence N89°52'47"W, a distance of 540.00 feet to the west line of Fractional Northeast quarter of the Northwest quarter of said Section;
Thence N00°45'10"E, along the west line thereof a distance of 383.17 feet the Point of Beginning.....

Excepting the north 33 feet thereof for roadway purposes.
Together with and subject to any restrictions, easements or covenants of record.

I further certify that the within map is a true and correct representation of the exterior boundaries of the lands surveyed and that I have fully complied with the provisions of the Wisconsin Statutes, Chapter 236.34 in the surveying and mapping of same.



In the event of any prepayment, this contract shall not be treated as in default with respect to payment so long as the unpaid balance of the contract is not less than \$100.00.

CASE ACTIVITY REPORT
Form CARLMD 8-91

State of Wisconsin
Department of Natural Resources
Environmental Enforcement

Case Number 93-C268-002	Case Title Mid State Oil Company
Activity Review of Deed And Tax Records	Date of Activity March 23, 1995

Narrative

On March 23, 1995 Enforcement Specialists Walker and Helf went to the Register of Deeds office at the Oconto Courthouse to review their records. It was determined that a 4.75 acre parcel, parcel #002-020200821, was registered to Roger R. and Carrie E. Richards. The total taxes paid for 1994 was \$1240.07. The clerk informed Walker and Helf the 1995 taxes for the first half of the year had been paid. However, a total of \$620.03 was due in July for the second half of the 1995 year. The clerk stated the land was appraised at \$7,900.00 with improvements of \$35,500.00 for a total of \$43,400.00. The fair market value of the property and improvements was recorded as \$49,117.00. No information was found to show transfer of the property or house to Randy Giese.

cc: Frank Remington - DOJ
T. Hegeman - LMD

Enforcement Specialist Reporting David C. Walker <i>David C. Walker</i>	Date of Report March 23, 1995	Exhibit Reference ^C
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This document was produced as a result of an official Environmental Enforcement investigation. Contents, in whole or part, are privileged by s. 905.09, Wis. Stats., and may not be used without express permission of the Office of Environmental Enforcement or appropriate Assistant Attorney General.

SAMPSON ROAD
ASPHALT SURFACE

GRAVEL

WAREHOUSE

CONCRETE

CONCRETE

PRIVATE
WELL

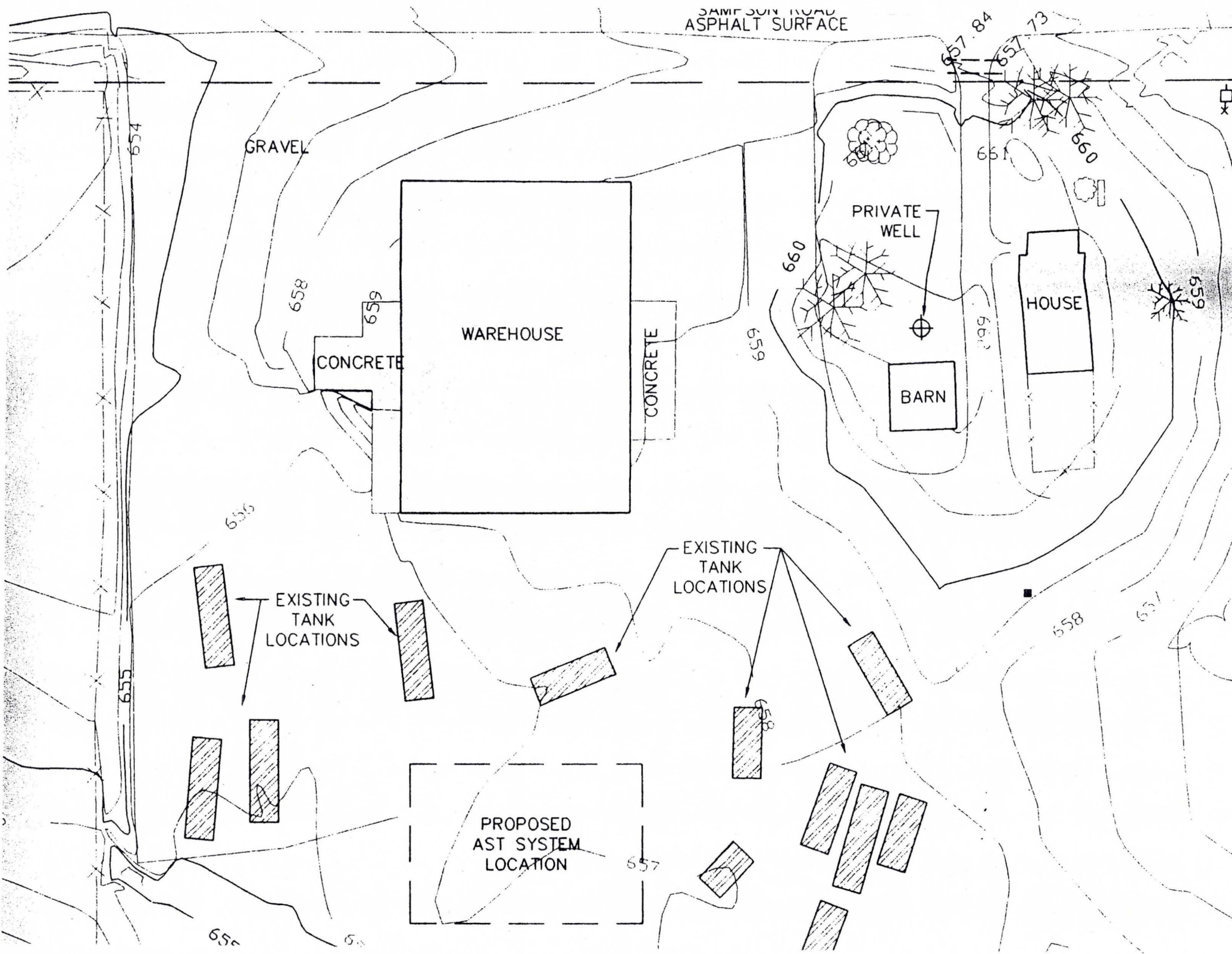
BARN

HOUSE

EXISTING
TANK
LOCATIONS

EXISTING
TANK
LOCATIONS

PROPOSED
AST SYSTEM
LOCATION



DATE: October 26, 2000

TO: Anne Brey

FROM: Terry Hegeman *TH*

SUBJECT: Midstate Oil

On October 21, 2000, at 10:00 a.m. Karl Roovers and Terry Hegeman met with Randy Giese, owner, and operator of Midstate Oil at Giese's facility located on Sampson Road in the Town of Abrams. The meeting was prompted by a telephone call from Superior Special Services claiming that they picked up the rolloff container from Midstate Oil on October 18, that had been used by MSO to store hazardous waste for several years. Superior Special Services stated the rolloff container was empty and they did not know what happened to the hazardous waste that had been stored in the container.

Giese lead Roovers and Hegeman to an area on the northwest end of the building where the hazardous waste was stored on plastic laid on the floor of the building and up against some pallets. Giese said that Giese borrowed a skid-steer from a friend and used it to remove the sludge from the rolloff. Giese said the skid-steer was small enough that he could drive it through the end gate of the rolloff and pick up the hazardous waste in the bucket. Giese said he emptied the rolloff container because Superior Specialty Services had a lawyer bugging him about payment and getting the rolloff container back. Hegeman estimated that the pile of hazardous waste was about 12 - 15 cubic yards in volume. Giese said that he did not know the volume of waste in the pile.

Roovers and Hegeman told Giese that he could not store hazardous waste on plastic, that it must be stored in an approved container and that Giese should either place the hazardous waste in drums or in a rolloff container. Giese said he had some drums that he had not cut up and asked if they could be used. Roovers and Hegeman looked at the drums identified by Giese and told Giese they would not be acceptable. Roovers and Hegeman also explained to Giese that Giese would pay more to dispose of waste stored in drums. Hegeman and Roovers told Giese that if he were to buy drums or build a rolloff container that Giese might be better off financially by using this money to pay to dispose of the waste.

Hegeman asked Giese if Giese intended to make the \$1000 payment to WDOJ required by the Courts. Giese replied that he intended to make the payment since he did not want to meet Frank Remington again. Giese asked Hegeman how much money had been accrued in the account. Hegeman told Giese that Hegeman did not know the exact amount since the account was managed by Wisconsin Department of Justice. Giese stated that there might be as much as \$6000 in the account to pay for disposal of the waste. Giese asked Hegeman how much would it cost to dispose of the hazardous waste sludge that was in the rolloff container. Hegeman told Giese that Hegeman believed that the last estimate from Superior Special Services was on the order of \$15,000 and that the estimate included charges for rental of the rolloff container. Hegeman told Giese that this estimate was several years old and was likely not accurate of today's costs. Hegeman told Giese that Hegeman and Roovers would get

estimates on disposal costs. Giese agreed to contact Hegeman on Monday, October 28 to discuss whether Giese would pursue disposal of the hazardous waste.

Giese was advised that he could possibly be prosecuted criminally for placing the hazardous waste on the floor of the building. Giese laughed and said that Giese had been sued so many times that one more wouldn't matter. Giese was informed that a criminal conviction would make Giese a felon.

The sludge and water contained in drums had been consolidated by Giese into 27 drums. Giese cut the heads and bottoms off the empty drums and was taking them to a scrap dealer [Samuels Recycling]. Giese said he took one trailer load to the scrap dealer and had another load ready to be hauled out. Giese showed Roovers and Hegeman a semi-trailer located in the southwest corner of the property that was filled with drums that had no bottoms or heads.

After returning to the office, Hegeman checked his records. The file contains a December 2, 1998, memo stating that on November 25, 1998, Hegeman inspected the MSO property and found approximately 77 drums of waste present inside the building. The memo further states that Hegeman found that Giese had been consolidating the drums and advised Giese not to consolidate the drums. Hegeman has some concerns about Giese's ability to consolidate the contents of 77 drums into 27 drums, which roughly represents about a 2/3 reduction in the number of drums.

As an additional note, it appears that Giese's placing the hazardous waste onto the floor of the building creates a hazardous waste containment building regulated under ch. NR 655, Wisc. Adm. Code. The regulations [s. NR 655.05(1)] require any person who maintains or operates a hazardous waste containment building to obtain an interim license, operating license, variance or waiver from the Department per NR 600.09 NR 680. None of the above have been issued to Midstate Oil. Giese's actions do not comply with the licensing requirements.

Cc: Len Polczinski - NER
S. Nogalski - PESH
P. Flaherty - HW-SW/3

CORRESPONDENCE/MEMORANDUM

State of Wisconsin

DATE: April 15, 1997
TO: Brenda Hagman - EE/5
FROM: Ed Lynch - RR/3 *EL*
SUBJECT: Civil Referral of Roger & Carrie Richards
Case #: 93-NEEE-142

This is in response to a recent request concerning the use of hazardous substance spill law (s. 292.11, Stats.) in the above referenced case. We agree with the use of the spill law at this case pending concurrence of Department Legal staff (I note that you plan to route this to Joe Renville). NER Remediation and Redevelopment (RR) program staff also agree with the use of spill law in this case.

We also agree with the statement in the March 31 memo from Kevin Kessler to you that any alleged violation of spill law should be determined in cooperation with the RR program. Typically, I anticipate that in a majority of cases, this connection would take place prior to the stage of the process when the referral is being drafted which is appropriate. To expedite the RR program review of referrals with alleged spill law violations or other RR program violations that occur along with other program alleged violations, we recommend that the referral packages be routed simultaneously to the RR bureau along with the other program bureaus, rather than sequentially. We would appreciate your efforts in this regard.

Please let either Mark Giesfeldt or myself know if you would like to discuss. Thanks for the opportunity to comment.

cc: Mark Giesfeldt - RR/3
~~Bruce Urban - RR/3~~
~~Jon Polczinski - NER~~
Joe Renville - LC/5
Jenny Schumacher - EE/5

TO: Terry
↑

by G. Thompson
ernor



State of Wisconsin
Department of Health and Social Services

DIVISION OF HEALTH
1 WEST WILSON STREET
P. O. BOX 309
MADISON WI 53701-0309

September 23, 1996

Randy Giese
P.O. Box 32
Little Suamico, WI 54141

RECEIVED
OCT 11 1996
LMD SOLID WASTE

Dear Mr. Giese:

On September 11th, Mary Young with the Bureau of Public Health, along with Terry Hegeman of the Department of Natural Resources, visited Mid-State Oil Recycling, located at 5575 Sampson Road, in Abrams, Oconto County. The purpose of this visit was to identify any possible public health hazards associated with spills and the storage of hazardous chemicals on this property.

Based on this visit and discussions I have had with Ms. Young, we conclude that: 1) there is a fire hazard because of materials stored in the barrels located in the building; 2) if the doors to the building are not properly locked, trespassers who enter the building may be exposed to spilled materials; 3) trespassers may be injured by scrap metal and other debris found outside the building; 4) people may be exposed to elevated levels of lead if they touch contaminated soils around the dumpster located in the back of the building; and 5) if groundwater under the property is contaminated, people who drink this water may be exposed to hazardous chemicals.

During the site visit, Ms. Young noticed that you have a young child. You should make sure this child stays away from contaminated soils, particularly those soils located around the storage building which may be contaminated with lead. Young children are more sensitive than adults to the effects of hazardous chemicals, notably lead. The mental and physical development of small children is greatly affected by very low levels of lead. Exposure to lead in children is also associated with behavior and learning difficulties.

The drinking water from your private well may be contaminated from spills at the recycling operation. If you are interested in having your water tested, please contact Mr. Keith Hutchison, with the DNR, at 414-492-5892.

If you have any questions related to this letter or site visit, please contact me at 608-266-3479.

Sincerely,

A handwritten signature in cursive script that reads "Henry Nehls-Lowe".

Henry Nehls-Lowe
Bureau of Public Health

cc: Terry Hegeman, DNR Lake Michigan Office, Green Bay
Keith Hutchison, DNR Lake Michigan Office, Green Bay
Debbie Konitzer, Oconto County Department of Human Services



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny
Secretary

Lake Michigan District Headquarters
1125 N. Military Avenue
P.O. Box 10448
Green Bay, WI 54307-0448
TELEPHONE # (414)492-5916
TELEFAX # (414)492-5859

August 4, 1992

File Ref:

Mr. Randy Giese
Midstate Oil
PO Box 32
Little Suamico, WI 54141

Subject: Notice of Noncompliance Followup - Midstate Oil, 5575 Sampson Road,
Abrams, WI 54101 (Oconto County)

Dear Mr. Giese:

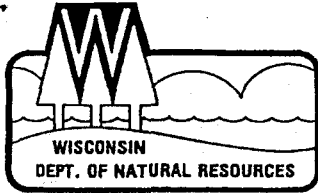
On May 15, 1992, the Department of Natural Resources, Lake Michigan District, received written documentation from you in response to alleged violations documented in a letter dated March 17, 1992, from Len Polczynski. This letter referenced shortcomings detected during a March 12, 1992, inspection of your facility.

You responded to the open containers/pails of liquid waste which were found outside, stating in your May 15, 1992, letter, that the facility has been cleaned up and all open containers/pails of liquid waste have been stored in closed containers.

With regard to developing a sampling and analysis program/plan, you stated in your letter of May 15, 1992, that you were in the process of developing such a plan. To date, you have not sent a copy of that plan to the Department. Please do so by August 17, 1992.

Midstate Oil is operating an unlicensed storage facility and was required to submit to the Department, engineering plans and meet other requirements under NR 500.08, Wis. Adm. Code. You stated in your May 15, 1992, letter that you hired Petroleum Equipment Service of Wisconsin to develop and install a state-approved waste oil collection system. You further stated the plan would be ready for review approximately 30 days from the date of your letter, namely, June 15, 1992. To date the Department has received no response from you or your consultant. The plan is to be sent to this Department for review by August 17, 1992.

The Department requested that Midstate Oil develop a spill prevention plan under Wis. Stats. 144.76, Spills Law. You did not respond to this request in your May 15, 1992, correspondence. Your response is due by August 17, 1992. If Midstate Oil chooses not to



Carroll D. Besedny
Secretary

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Lake Michigan District Headquarters
1126 N. Military Avenue
P.O. Box 10448
Green Bay, WI 54307-0448
TELEPHONE # (414)492-5908
TELEFAX # (414)492-5913

March 17, 1992

Mr. Randy Giese
Midstate Oil
P.O. Box 32
Little Suamico, WI 54141

Subject: Midstate Oil, 5575 Sampson Road, Abrams, WI 54101 (Oconto County)

Dear Mr. Giese:

On March 12, 1992, Carol Schmidt and I inspected your facility. I noted that the tanks on-site have not been cleaned. The tanks must be cleaned and resultant tank residue must be sampled to determine whether it is a hazardous waste. I refer you to NR 610.05, Hazardous Waste Determination, Wisconsin Administrative Code (copy enclosed).

Open containers/pails of liquid waste were found outside. This waste must be stored in closed containers.

Midstate Oil must develop a sampling and analysis program/plan to consistently check the oil that has been picked up from various clients to ensure that Midstate Oil is not transporting or selling a hazardous waste to asphalt plants. This sampling and analysis program should also include procedures to ensure that individual generators of this waste oil are sampling their respective waste oil streams at least annually to ensure they aren't mixing listed hazardous wastes with their waste oil.

Currently Midstate Oil is operating an unlicensed storage facility. Midstate Oil must immediately submit, to the department, engineering plans and meet other requirements under NR 502.08, Wisconsin Administrative Code, for department approval for the licensing of a storage facility.

Additionally, the U.S. Environmental Protection Agency (EPA) has regulations which may apply to waste oil storage facilities. These regulations pertain to burning waste oil (on-specification and off-specification) and the type of classification (being a marketer, generator, and/or burner). Through Midstate Oil's sampling and analysis plan, Midstate Oil, a marketer, can ensure only on-specification oil is handled which is then sold to asphalt plans to be burned

as a fuel. Please advise the department of the plants you will be selling the waste oil to. I'm enclosing a fact sheet on EPA regulations for used waste oil burned for energy recovery. You should review this information, and the 40 CFR, Subpart E - Used Oil Burned for Energy Recovery of the Code of Federal Regulations.

NR 500 and NR 600, Wisconsin Administrative Codes, are available from Document Sales, Wisconsin Department of Administration, P.O. Box 7840, Madison, WI 53707-7840. The phone number is (608) 266-3358. There is a fee for the codes.

Due to the large quantity of oil housed at Midstate Oil, the department requests that Midstate Oil develop a spill prevention plan under Wis. Stats. 144.76, Spills Law. The department believes such a plan needs to be prepared by a professional consultant. If Midstate Oil chooses not to submit this plan, the department has the ability under Wis. Stats. 144.76, to require, by Order, preventive measures to prevent discharges.

Be advised waste oil, at no time, should be allowed to remain in the floor sumps and/or trenches. These sumps/trenches, per our conversation, are designed to contain spills that occur within the building. These sumps/trenches should be immediately pumped when spills do occur. At the time of the inspection, the sumps/trenches were full of waste oil.

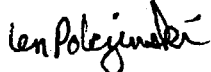
With regard to a spill, be aware, under Wis. Stats. 144.76, "A person who possesses or controls a hazardous substance or who causes the discharge of a hazardous substance shall notify the department immediately of any discharge not exempted under sub. (9)." Your responsibility would be to notify the DNR, Marinette Area Warden, at (715) 732-0101 and take responsible clean-up action to abate the nuisance.

The department received your Collection and Transportation license application/renewal on March 16, 1992, with the appropriate fees and late fees. Processing of your license will be handled directly from the Madison office.

The department is providing Midstate Oil with 60 days to resolve the above-noted alleged violations. Please send to this office, in writing, a formal letter documenting how these alleged violations have been resolved within the time limit established in order to avoid enforcement action.

Thank you for the cooperation you extended to Carol Schmidt and myself. If you have any questions, please contact me at (414) 492-5870.

Sincerely,



Len Polczinski
Solid and Hazardous Waste Unit Supervisor

cs

cc: SW/3
Carol Schmidt - LMD
Stan Nogalski - MAR

