

State of Wisconsin - Department of Natural Resources  
 Substance Release Notification Report (SERTS)  
 Report created on 08/17/2010

SPILL ID# 20090729WC37-1 BRRTS# 04-37-554032

Incident Date & Time: 07/29/2009 12:37	Reported Date & Time: 07/29/2009 12:37	BRRTS No: 04-37-554032	Spill ID: 20090729WC37-1
DATCP Reported? No DATCP Transferred? No	NFA Letter Sent? No	ERP Transferred? No	Incident Closed? Yes : 08/19/2009

Location		
Region: WC	County: Marathon	Municipality: WAUSAU, CITY OF
Facility/Property Name and Street Address: PHILLIPS 66 GAS STATION (RMP) 4601 RIB MOUNTAIN ROAD		Description: GAS PUMPS (715)359-9179
Facility Type: Gas or Service Station, Garage, Auto Dealer, Repair Shop		
Lat/Long:	PLSS:	WTM:
Weather Conditions: Sunny		

Responsible Parties			
Name/Address (1): TOM DELHENTY 108 HOPE FARM RD SOCORRO, NM 87801- (505) 550-3123 x Primary	Contact: TOM DELHENTY SELF (505) 550-3123 x primary	Other Contact:	Spill Packet:

Cause
UNATTENDED GAS PUMP AT THE GAS STATION, CAUSED SPILL OVER OF 15 GALLONS OF GAS. CUSTOMER STARTED FILL THEN LEFT THE PUMP RUNNING WHILE HE WENT TO THE BATHROOM.
Cause Type: Overfill (storage tank, vehicle or equipment)

Substances						
Name	Other / Comments	Amt Released	Amt Recovered	Type	Color	Odor
Gasoline		EST 15.0 Gal	UNK	LIQUID		

Environmental Impacts / Damages			
Environmental Impacts: CONCRETE SOIL : Potential	Resource Damages: No	Injuries: No	Evacuation: No

Cleanup Actions	
Method	Description
Absorbent (oil dry, sand, sawdust)	

Cleanup Action Comments
ATTENDANT USED ABSORBENT

Contractors Hired	
Name	Description

Waste Destinations	
Location	Description

Agencies Notified / On Scene		
Agency	Notified	On Scene

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SPILL ID# 20090729WC37-1 BRRIS# 04-37-554032

DNR	X	X		
WAYNE SANTROCH	X	X		
<b>Additional Comments</b>				
CALLER WAS THE CUSTOMER AT THE GAS STATION AND LEFT LINE UNATTENDED. STATED HE DIDN'T THINK THE GAS STATION WAS GOING TO CLEAN UP THE SPILL. SUBMITTED VIA SERTS WEB FORM REF # 4545 WARDEN RADER INSPECTED THE SITE AFTERWARD AND DETERMINED NO RESOURCE IMPACT. TOM KENDZIERSKI REFERRED THE INCIDENT TO COMMERCE PETROLEUM INSPECTORS. WAYNE SANTROCH - COMMERCE INVESTIGATED THE COMPLAINT AND FOUND THE AUTOMATIC SHUTOFF ON THE PUMP NOZZLE TO BE WORKING CORRECTLY. SEE SANTROCH'S REPORT WITH PHOTOS IN THE SPILL FILE. TK				
<b>Enforcement Action/Citation</b>				
Enforcement Action/Citation? No				
Case Activity Reports:				
<b>Person Reporting</b>				
Name	Representing / Address	Primary Phone		
TOM DELHENTY	SELF	(505) 550-3123 x		
		Secondary Phone		
<b>Contractors Hired</b>				
Name / Address		Zone Contractor Hired by DNR?		
		No		
<b>Contacts</b>				
Role	Name	Office Phone	Date	Time
Prepared By:	Adrienne (Andy) Casper	(608) 267-0844 x	07/29/2009	
Person Notified:	WARDEN PAUL LEEZER		07/29/2009	
Investigated By:	WARDEN MICHAEL RADER		07/29/2009	
Incident Commander:				
Spill Coordinator:	THOMAS KENDZIERSKI, WC Region	(715) 839-1604 x	08/19/2009	
<b>Electronic Attachments (list)</b>				
Name				Type



GENERAL COMPLAINT REPORT

Date Complaint Received: July 29, 2009
Facility / Company Subject of Complaint: Rib Mountain Petro Mart Inc.
Street Address: 4601 Rib Mountain Dr.
City, State: Wausau, WI
Complainant: [ ] Phone [ ] In Person [X] Written (attach copy) [ ] Anonymous
Name: Tom Delhenty
Street Address: Unknown
City, State: Unknown
[X] UST [ ] AST [X] Operating system [ ] System not operating [ ] Contractor issue [ ] Other

Nature of Complaint: Spill resulting from failure of automatic shutoff device in fuel nozzle.

Inspector performing follow-up: Wayne A. Santroch, District 2 Inspector Complaint #: WAS0220090729

Findings (including applicable code references): Automatic nozzle operating properly per COMM 10.605(1)(d)

Action Taken (include dates): Call and written complaint via e-mail recd. 7/29/09; investigated 7/29/09.

Other info: While in the field, this inspector received a call from Supervisor Bertram on 7/29/09 at approximately 14:00 hours stating a complaint referral was subsequently received by him from Thomas Kendzierski of the Wisconsin DNR. The DNR had received a complaint from a consumer at 12:37 hours on 7/29/09 indicating a fuel spill occurred while he was fueling a vehicle owned by him at the referenced location. The complainant claimed the fuel nozzle failed to shut off, resulting in a spill of over 15 gallons of gasoline on the surrounding pavement. Complainant informed the attendant on duty about the incident, and that he was not going to pay for the fuel. It's alleged that station personnel were indifferent about the incident and commented that it was a repeat occurrence at this particular dispenser. Supervisor Bertram requested I visit the site to investigate and to photograph evidence of the release.

Upon my arrival at the facility on 7/29/09 at 15:49 hours, the fuel spill was very evident; and it was readily determined that the spill originated from dispenser #6.

After taking several photos of the spill area, I examined the nozzle and hose set for any indication of physical damage, or recent replacement. The entire assembly was in good condition and all components appeared used, in that nothing had been recently replaced. I fueled a portable gas container and the state-owned vehicle with the nozzle in question at all flow rates. The automatic shutoff mechanism in the nozzle functioned properly. In addition, the spring for the hold-open device on the nozzle was in place and functioned as required.

The manager stated the complainant began fueling his vehicle at dispenser #6, which is the west or "street side" of the dispenser that is located in the southwest corner of this group of four gas units. This fueling position is only allowed to dispense fuel after a pre-pay is authorized inside the station, or the customer pays at the dispenser with a credit/debit card. In this case, the customer enacted the fueling transaction with his credit/debit card. Per the requirements of NFPA 30A 9.5.2, this dispenser was clearly labeled that user must remain in attendance while fueling.

The manager went on to say that while the vehicle was being fueled, the complainant and his family exited the vehicle, as well as the fueling area, to come into the station. It was reported that at least the complainant was using the restroom at this time.

The attendant observed gas flowing on the concrete pavement and down the asphalt driveway, at which point the attendant activated the "emergency stop" button, shutting down all systems at the station. The complainant then informed the attendant, as well as the station manager; that the nozzle didn't shut off, and that there was 15-gallons of gas on the pavement that he was not going to pay for; even though this pump was authorized by himself with his own credit/debit card and that the transaction had already been charged to him.

The manager stated she thought there was no more than five gallons of gas on the pavement, which she addressed with the application of clay absorbent material. I stated I could not duplicate any problem with the operation of the nozzle, and questioned if the nozzle possibly fell out of the vehicle while it was being fueled? The manager stated the vehicle was being fueled on the opposite side of the dispenser – out of the attendant's view.

I concluded by stating the fact that the reported problem could not be duplicated, and there was no repair or replacement of the affected equipment prior to my investigation; suggested an undetermined cause if there was an equipment malfunction. The situation was exacerbated due to the complainant's failure to remain in attendance of the fueling process.

In addition, this inspector informed the manager that although the dispenser was being authorized & operated strictly by the user; the incident occurred during regular business hours, and there was an attendant on duty to monitor all fuel sales. The attendant is required to monitor refueling operations, and to shut off any dispenser that is being operated in a hazardous fashion, which includes not remaining in attendance of the vehicle while it's being fueled.

**FINAL REPORT.**









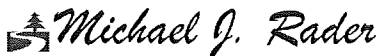
## Kendzierski, Thomas J - DNR

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**From:** Rader, Michael J - DNR  
**Sent:** Thursday, July 30, 2009 9:04 AM  
**To:** Kendzierski, Thomas J - DNR  
**Subject:** RE: Fuel Oil Spill in Big Eau Pleine River 07-26-2009

Thanks, Tom. I went by the Phillips 66 on Rib Mountain Dr. to check on the gasoline spill. I saw a fuel stain on the pavement and some oil dry, but no apparent adverse impact to natural resources. I informed the station they would have to properly dispose of the oil dry. Let me know if you need anything else.

Mike

 *Michael J. Rader*

Conservation Warden  
NW Marathon Co. - Wisconsin River Team  
Wisconsin Dept. of Natural Resources  
5301 Rib Mountain Dr.  
Wausau, WI 54401

(☎) phone: (715) 359-1032  
(☎) fax: (715) 355-5253  
(✉) e-mail: michael.rader@wisconsin.gov

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**From:** Kendzierski, Thomas J - DNR  
**Sent:** Wednesday, July 29, 2009 5:09 PM  
**To:** Rader, Michael J - DNR  
**Subject:** RE: Fuel Oil Spill in Big Eau Pleine River 07-26-2009

Mike,

If you composed this within SERTS on your Toughbook off-line, you will have to connect to the DNR Network and then open SERTS. Then it will migrate to the Open

If you do these off-line it goes into your "Local" repository until you open SERTS on-line.

I don't see it in the SERTS Open Repository right now.

**Tom Kendzierski**  
715 839 1604

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**From:** Rader, Michael J - DNR  
**Sent:** Monday, July 27, 2009 4:55 PM  
**To:** Kendzierski, Thomas J - DNR  
**Subject:** Fuel Oil Spill in Big Eau Pleine River 07-26-2009

Tom,

Just wanted to make sure you were aware of this one. We don't know how full the fuel tank in the truck was because responsible party was taken to hospital in serious condition. Let me know if you need more info. I'm still waiting on further info from the Marathon Co. Sheriff's Office.

Mike << File: spillTemp.xml831828.pdf >>

 *Michael J. Rader*  
Conservation Warden

NW Marathon Co. - Wisconsin River Team  
Wisconsin Dept. of Natural Resources  
5301 Rib Mountain Dr.  
Wausau, WI 54401

(☎) phone: (715) 359-1032  
(☎) fax: (715) 355-5253  
(✉) e-mail: [michael.rader@wisconsin.gov](mailto:michael.rader@wisconsin.gov)



**Kendzierski, Thomas J - DNR**

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**From:** Santroch, Wayne A - COMMERCE  
**Sent:** Friday, July 31, 2009 1:39 PM  
**To:** Bertram, Robert D - COMMERCE; Kendzierski, Thomas J - DNR  
**Cc:** Rader, Michael J - DNR; Fehrenbach, Mike R - COMMERCE  
**Subject:** RE: WI SPILL #4545 SERTS ID 20090729WC37-1 - GAS - AEROSOL  
**Attachments:** lmg\_2790.jpg; lmg\_2784.jpg; lmg\_2785.jpg; lmg\_2786.jpg; lmg\_2787.jpg; lmg\_2788.jpg; lmg\_2789.jpg; 2009-07-29 Compl.doc

Attached are photos of the incident, as well as my report. Please e-mail or call with any questions.

**Wayne A. Santroch**

*Tank System Specialist  
State of Wisconsin, Dept. of Commerce  
2715 Post Rd.  
Stevens Point, WI 54481-6456  
Tel. (715) 344-1970  
Fax (715) 345-5269  
Cell (715) 570-0203  
e-mail [wayne.santroch@wisconsin.gov](mailto:wayne.santroch@wisconsin.gov)*

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

**From:** Bertram, Robert D - COMMERCE  
**Sent:** Wednesday, July 29, 2009 2:09 PM  
**To:** Kendzierski, Thomas J - DNR; Santroch, Wayne A - COMMERCE  
**Cc:** Rader, Michael J - DNR; Fehrenbach, Mike R - COMMERCE  
**Subject:** RE: WI SPILL #4545 SERTS ID 20090729WC37-1 - GAS - AEROSOL

Wayne is in the field and will be checking on the situation. Possible a bad nozzle on the dispenser and he will take pictures if the spill stain still exists.

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

**From:** Kendzierski, Thomas J - DNR  
**Sent:** Wednesday, July 29, 2009 1:47 PM  
**To:** Bertram, Robert D - COMMERCE  
**Cc:** Rader, Michael J - DNR  
**Subject:** FW: WI SPILL #4545 SERTS ID 20090729WC37-1 - GAS - AEROSOL  
**Importance:** High

Hi Bob,

It looks like Sheldon is on vacation so I'm forwarding this directly to you.

I assume Wausau is in your shop? If not, please forward & call with any questions.

Thanks.

Tom Kendzierski  
Regional Spill Coordinator/Hydrogeologist WDNR Eau Claire SPILL HOTLINE CALL 1 800 943-0003  
(\* ) desk phone: (715) 839-1604  
(\* ) fax: (715) 839-6076

08/19/2009

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

From: Kendzierski, Thomas J - DNR  
Sent: Wednesday, July 29, 2009 1:42 PM  
To: Schall, Sheldon - COMMERCE  
Cc: Rader, Michael J - DNR  
Subject: FW: WI SPILL #4545 SERTS ID 20090729WC37-1 - GAS - AEROSOL

Hi Sheldon,

Here is an overfill at Pump 6 at this gas station by an inattentive customer.

This is preliminary, we don't have all the facts, but this is a summary of what we've heard so far;

CITY OF WAUSAU  
PHILLIPS 66 GAS STATION (RMP)  
4601 RIB MOUNTAIN ROAD  
GAS PUMPS (715)359-9179

The customer alleges that the shutoff equipment was defective, and that the staff was indifferent to the spill. Station staff mentioned that this was a repeat occurrence at this pump.

DNR Conservation Warden Mike Rader is checking to be sure that the spill was property cleaned up.

Much appreciated if your staff would be able to check this out to see if future occurrences could be prevented.

Thanks.

Tom Kendzierski  
Regional Spill Coordinator/Hydrogeologist WDNR Eau Claire SPILL HOTLINE CALL 1 800 943-0003  
(\* ) desk phone: (715) 839-1604  
(\* ) fax: (715) 839-6076

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

From: SERTS\_SYSTEM@dnr.state.wi.us [mailto:SERTS\_SYSTEM@dnr.state.wi.us]  
Sent: Wednesday, July 29, 2009 1:08 PM  
To: Kendzierski, Thomas J - DNR  
Subject: WI SPILL #4545 SERTS ID 20090729WC37-1 - GAS - AEROSOL

The following Substance Release Notification was submitted through the Wisconsin DNR Spill Electronic Reporting and Tracking System (SERTS) web form:

SERTS Spill ID:  
20090729WC37-1

Date/Time Reported:  
07/29/2009 12:37

Person Reporting (PR):  
TOM DELHENTY  
SELF  
(505) 550-3123

Date/Time Occurred:  
07/29/2009 12:37

08/19/2009

Location:  
WC REGION  
MARATHON COUNTY  
CITY OF WAUSAU  
PHILLIPS 66 GAS STATION (RMP)  
4601 RIB MOUNTAIN ROAD  
GAS PUMPS (715)359-9179

Responsible Party (RP):  
TOM DELHENTY  
UNKNOWN  
WI  
(505) 550-3123

RP Contact:  
TOM DELHENTY  
SELF  
SELF  
(505) 550-3123

Substance:  
GAS - AEROSOL  
Released Amt: 15  
Recovered Amt: none  
UOM: GAL

Spill Cause:  
UNATTENDED GAS PUMP AT THE GAS STATION, CAUSED SPILL OVER OF 15 GALLONS OF GAS

Environmental Impact:  
CONTACT TO CONCRETE (CRACKED CONCRETE)

Weather:  
SUNNY

Contractor Hired:  
NONE

Cleanup Method:  
NONE

Additional Comments:  
CALLER WAS THE CUSTOMER AT THE GAS STATION AND LEFT LINE UNATTENDED. STATED HE DIDN'T THINK THE GAS STATION WAS GOING TO CLEAN UP THE SPILL.

Notified WARDEN PAUL LEEZER at 12:48 by Voicemail

Notified WARDEN MIKE RADER at 12:52 by Phone

This Email Also Sent To:  
michael.rader@wisconsin.gov

Form Completed by:  
Adrienne (Andy) Casper  
(608) 267-0844  
adrienne.casper@wisconsin.gov

The Immediate Responder should document their response by updating SERTS record 20090729WC37-1 with additional information.

08/19/2009

**Date Complaint Received:** July 29, 2009      **Initially received by:** Robert Bertram; Dist 2 Supv.  
**Facility / Company Subject of Complaint**      **Phone No.**  
Rib Mountain Petro Mart Inc.      (715) 359-9179  
**Street Address**      **City, State**      **Zip Code**  
4601 Rib Mountain Dr.      Wausau, WI      54401  
**Complainant:**  Phone     In Person     Written (attach copy)     Anonymous    **Phone No.**  
Name: Tom Delhenty      (505) 550-3123  
**Street Address**      **City, State**      **Zip Code**  
Unknown      Unknown      Unknown  
 UST     AST       Operating system     System not operating     Contractor issue     Other

**Nature of Complaint:** Spill resulting from failure of automatic shutoff device in fuel nozzle.

**Inspector performing follow-up:** Wayne A. Santroch, District 2 Inspector      **Complaint #:** WAS0220090729

**Findings (including applicable code references):** Automatic nozzle operating properly per COMM 10.605(1)(d)

**Action Taken (include dates):** Call and written complaint via e-mail recd. 7/29/09; investigated 7/29/09.

**Other info:** While in the field, this inspector received a call from Supervisor Bertram on 7/29/09 at approximately 14:00 hours stating a complaint referral was subsequently received by him from Thomas Kendzierski of the Wisconsin DNR. The DNR had received a complaint from a consumer at 12:37 hours on 7/29/09 indicating a fuel spill occurred while he was fueling a vehicle owned by him at the referenced location. The complainant claimed the fuel nozzle failed to shut off, resulting in a spill of over 15 gallons of gasoline on the surrounding pavement. Complainant informed the attendant on duty about the incident, and that he was not going to pay for the fuel. It's alleged that station personnel were indifferent about the incident and commented that it was a repeat occurrence at this particular dispenser. Supervisor Bertram requested I visit the site to investigate and to photograph evidence of the release.

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**FINAL REPORT.**