



September 27, 2021

MR PATRICK VOLK
PO BOX 772
THREE LAKES WI 54562

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

SUBJECT: **Case Closure Under Wis. Admin. Code ch. NR 726 Not Recommended
Notice of Non-Compliance: Action Required by November 11, 2021**
Old Volk Service Station, 8062 US Highway 45, Three Lakes, Wisconsin
BRRTS Activity #03-44-555683
FID #744089830

Dear Mr. Volk:

The Department of Natural Resources' (DNR) Remediation and Redevelopment Program discussed the Old Volk Service Station case (Site) on June 26, 2020, due to the impending sunset date for the Petroleum Environmental Cleanup Fund Award (PECFA) program on June 30, 2020. The DNR determined the monitoring wells and piezometers should not be abandoned at that time, because the degree and extent of groundwater contamination was not defined, and groundwater contamination trends had not yet been established. On June 29, 2020, the DNR sent an email summarizing the discussion to your environmental consultant (REI).

On June 29, 2020, REI submitted a case closure request on your behalf. The DNR determined the request to be incomplete and requested additional information on July 2, 2020. On January 15, 2021, the DNR sent you a letter requesting an update on the status of the case. On January 19, 2021, you spoke by telephone with DNR Project Manager Carrie Stoltz, who explained the reason for the letter and the information needed for a complete closure request. The history of the site was discussed, and you stated you had no funds to continue the investigation. After the call, Ms. Stoltz informed REI of your response.

Case closure is not recommended because additional legal requirements must be met. The purpose of this letter is to inform you of the remaining requirements for obtaining closure, and to point out that you are not in compliance with your legal requirements related to the hazardous substance discharge.

Additional Requirements Needed for Case Closure Under Wis. Admin. Code ch. NR 726

As noted above, additional work is necessary to meet the requirements for case closure because the degree and extent of groundwater contamination has not been defined. A complete closure packet will need to be submitted for review upon completion of these requirements.

Need to Define the Degree and Extent of Contamination

Additional groundwater and private well sampling is needed to define the degree and extent of contamination, per Wis. Admin. Code § NR 716.11. A new well nest location for the former MW-12/PZ-2 nest should be established because of contaminant concentrations in that area. Due to the presence of private wells downgradient of the

source area, additional investigation is needed there as well. Investigation of other potential sources should be considered during completion of this work.

Need to Conduct Additional Groundwater Monitoring

Additional groundwater monitoring is needed to establish compliance with the closure criteria of Wis. Admin. Code § NR 726.05 (6). If monitored natural attenuation is to be used as a remedial action, additional documentation is needed to demonstrate that natural attenuation is applicable and effective in this case, in compliance with Wis. Admin. Code §§ NR 726.05 (6) (a) 6., (b), (c) and (d).

Notice of Noncompliance

Given the DNR's concerns with the potential threat to drinking water quality at the downgradient private wells and the incomplete definition of degree and extent of contamination, the DNR believes that you are not in compliance with Wis. Stat. chapter 292 and Wis. Admin. Code chapters NR 700 through 754. Further downgradient investigation appears warranted based on previously submitted sampling results.

As the responsible party for this hazardous substance discharge, you have the legal responsibility under Wis. Stat. § 292.11 to investigate and clean up contamination resulting from the hazardous substance discharge. The DNR will work with you to return this case to compliance with legal requirements and move the site towards closure.

Your legal responsibilities are defined in statute and in administrative code. The hazardous substances spill law, Wis. Stat. § 292.11(3), states "A person who possesses or controls a hazardous substance which is discharged or who causes the discharge of a hazardous substance shall take the actions necessary to restore the environment to the extent practicable and minimize the harmful effects from the discharge to the air, lands, or waters of the state."

Wis. Admin. Code chs. NR 700 to NR 754 establish requirements for emergency and interim actions, public information, site investigations, design and operation of remedial action systems, and case closure. Wis. Admin. Code ch. NR 708 includes provisions for immediate actions in response to contamination. Wis. Admin. Code ch. NR 140 establishes groundwater standards for contaminants that reach groundwater.

Please understand that you are not in compliance and will remain in a noncompliant status until you fulfill all requirements of the statute. Failure to take the actions required by Wis. Stat. § 292.11 to address this contamination will cause the DNR to review this case for enforcement actions. Additionally, please be advised that the DNR is authorized under Wis. Stat. § 292.94 to assess non-reimbursable fees for any reports you are required to submit as part of additional enforcement actions.

Schedule

Within 45 days of the date of this letter, respond in writing with a schedule and scope of work for your plans to meet these requirements. This should include a schedule for sampling the monitoring well network, and a schedule for assessing and sampling private wells within 1200 feet of the site. There could be potential health risks for private wells located downgradient from the site, so time is of the essence. You must then submit a report documenting the work upon completion of these requirements.

Until requirements are met, your site will remain "open" and you are required to submit semi-annual progress reports, per Wis. Admin. Code § NR 700.11. You are also responsible for any operation and maintenance activities required under Wis. Admin. Code § NR 724.13.

If you have any questions regarding the information in this letter or would like to schedule a meeting to discuss this case, please contact the DNR Project Manager, Carrie Stoltz at 715-360-1966 or by email at Carrie.Stoltz@Wisconsin.gov. You may also contact me at 715-208-4004 or by email at Christopher.Saari@Wisconsin.gov.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Christopher A. Saari". The signature is fluid and cursive, with the first name being the most prominent.

Christopher A. Saari
Northern Region Team Supervisor
Remediation and Redevelopment Program

cc: Ken Lassa – REI (via email)
Linda Conlon – Oneida County Health Department Director (via email)
Carrie Stoltz – DNR Rhinelander (via email)