



CERTIFIED MAIL/RETURN RECEIPT REQUESTED

January 10, 2023

PATRICK VOLK
P.O. BOX 772
THREE LAKES, WI 54562

Subject: **Status Update Request**
Old Volk Service Station, 8062 US Highway 45, Three Lakes, Wisconsin
DNR BRRTS Activity # 03-44-555683
DNR FID # 744089830

Dear Mr. Volk:

On August 11, 2010, the Wisconsin Department of Natural Resources (DNR) notified you of your legal responsibilities under Wisconsin Statute (Wis. Stat.) § 292.11 to investigate the degree and extent of the hazardous substance discharge on the above-referenced site. On September 27, 2021, the DNR sent you a Closure Not Recommended (CNR)/Notice of Non-Compliance(NON) letter. Both letters are attached for your review. The DNR has not received information concerning your efforts to respond to this hazardous substance discharge since a lab report for a private well sample was submitted on December 20, 2021.

The DNR requests that the following information be submitted **by February 15, 2023**:

- 1.) A written status update including schedules for sampling the monitoring well network, replacement MW-12/PZ-2 well nest, and for assessing and sampling private wells within 1200 feet of the site.

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 move this 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."

Wisconsin Administrative Code (Wis. Admin. Code) chs. NR 700 to NR 799 establish requirements for emergency and interim actions, public information, site investigations, design and operation of remedial action systems, and case closure.

The DNR appreciates your cooperation and looks forward to an update regarding this site. If you have any questions regarding the site or this letter, please contact me at (715) 360-1966 or via email at Carrie.Stoltz@Wisconsin.gov

Sincerely,

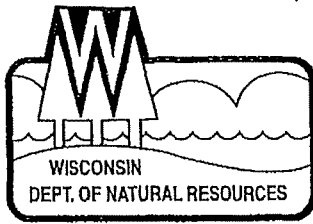
Carrie Stoltz

Carrie Stoltz
Hydrogeologist -Remediation & Redevelopment Program
Northern Region

Attachments:

- Responsible Party letter, DNR, August 11, 2010
- CNR/NON letter, DNR, September 21, 2021

cc: Ken Lassa-REI (via email)



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor
Matthew J. Frank, Secretary
John Gozdzialski, Regional Director

Northern Region Headquarters
107 Sutliff Ave.
Rhinelander, Wisconsin 54501-3349
Telephone 715-365-8900
FAX 715-365-8932
TTY Access via relay - 711

August 11, 2010

VIA CERTIFIED RETURN-RECEIPT US MAIL

Patrick Volk
6445 Maywood La.
PO Box 218
Three Lakes, WI 54562

Subject: Reported Contamination at Old Volt Service Station, 8062 Highways 45 & 32, Three Lakes, Oneida County, WI; WDNR BRRTS Activity # 03-44-555683

Dear Mr. Volk:

On August 9, 2010, Department of Natural Resources and the Department of Commerce witnessed the removal of three underground storage tanks (USTs) and associated piping at the above referenced site. From visual and olfactory observation during the UST tank removal, it has been confirmed that soil contamination from three removed underground tanks exists on the property.

Based on the information that has been witnessed by the WDNR regarding this site, we believe you as the owner of record of the property as listed in the Oneida County Tax roles are responsible for investigating and restoring the environment at the above-described site under Section 292.11, Wisconsin Statutes, known as the hazardous substances spills law.

This letter describes the legal responsibilities of a person who is responsible under section 292.11, explains what you need to do to investigate and clean up the contamination, and provides you with information about cleanups, environmental consultants, possible financial assistance, and working cooperatively with the WDNR and the Department of Commerce ("Commerce").

Legal Responsibilities:

Your legal responsibilities are defined both in statute and in administrative codes. The hazardous substances spill law, Section 292.11 (3) Wisconsin Statutes, states:

- **RESPONSIBILITY.** A person who possesses or controls a hazardous substance which is discharged or who causes the discharge of a hazardous substance shall take the actions necessary to restore the environment to the extent practicable and minimize the harmful effects from the discharge to the air, lands, or waters of the state.

Wisconsin Administrative Code chapters NR 700 through NR 749 establish requirements for emergency and interim actions, public information, site investigations, design and operation of remedial action systems, and case closure. Wisconsin Administrative Code chapter NR 140 establishes groundwater standards for contaminants that reach groundwater.

Steps to Take:

The longer contamination is left in the environment, the farther it can spread and the more it may cost to clean up. Quick action may lessen damage to your property and neighboring properties and reduce your costs in investigating and cleaning up the contamination. To ensure that your cleanup complies with Wisconsin's laws and administrative codes, you should hire a professional environmental consultant who understands what needs to be done. These are the first steps to take:

1. Within the next **10 days**, by August 23, 2010, you should submit written verification (such as a letter from the consultant) that you have hired an environmental consultant. If you do not take action within this time frame, the WDNR may initiate enforcement action against you.
2. Within the next **30 days**, by September 13, 2010, your consultant should submit a work plan and schedule for the investigation. The consultant must comply with the requirements in the NR 700 Wis. Adm. Code rule series and should adhere to current WDNR technical guidance documents.

In addition, within 30 days of completion of the site investigation, your consultant should submit a site investigation report to the department or other agency with administrative authority.

For sites with petroleum contamination, when your investigation has established the degree and extent of contamination, your consultant will be able to determine whether the Department of Commerce or the WDNR has authority over the case.

Sites where discharges to the environment have been reported are entered into the Bureau for Remediation and Redevelopment Tracking System ("BRRTS"), a version of which appears on the WDNR's internet site. You may view the information related to your site at any time (<http://botw.dnr.state.wi.us/botw/Welcome.do>) and use the feedback system to alert us to any errors in the data.

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

All correspondence regarding this site should be sent to:

William Schultz
Remediation and Redevelopment Program
Wisconsin Department of Natural Resources
107 Sutliff Ave.
Rhinelander, WI 54501

BillSchultz@wisconsin.com
745.365.3965

Unless otherwise requested, please send only one copy of plans and reports. In addition to the paper copy, an electronic copy may also be submitted. To speed processing, correspondence should reference the BRRTS and FID numbers (if assigned) shown at the top of this letter.

Additional Information for Site Owners:

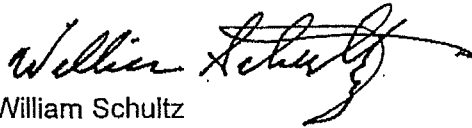
We encourage you to visit our website at <http://dnr.wi.gov/org/aw/rr>, where you can find information on selecting a consultant, financial assistance and understanding the cleanup process. You will also find information there about liability clarification letters, post-cleanup liability and more.

Included with this letter is a list of environmental consultants that have notified us of their willingness in being a potential "agent" for sites where Responsible Party (RP) needs assistance in funding a cleanup. RP's needing assistance in funding are encouraged to contact consultants on this list.

If you have questions, feel free to call or contact me at the address above.

Thank you for your cooperation.

Sincerely,



William Schultz
Project Manager
Remediation & Redevelopment Program

Enclosures:

Selecting a Consultant – RR-502
<http://dnr.wi.gov/org/aw/rr/archives/pubs/RR502.pdf>

PECFA Agent List – July 2010

Environmental Contamination Basics, RR-674
<http://dnr.wi.gov/org/aw/rr/archives/pubs/RR674.pdf>

Petroleum Environmental Cleanup Fund Award, Information about PECFA Reimbursement,
Commerce publication ERS-10083-P (on Commerce web site)
[http://commerce.wi.gov/ERpdf/pecfa/ER-PECFA-ERS10083\(Info\) REV 7-07.pdf](http://commerce.wi.gov/ERpdf/pecfa/ER-PECFA-ERS10083(Info) REV 7-07.pdf)

cc: Dave Blair – DOC

Connie Lefebvre – DNR Drinking Water Specialist

7008 2810 0000 5856 7993

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Sent To Patrick Volk
 Street, Apt. No., or PO Box No. PO Box 218
 City, State, ZIP+4 Three Lakes, WI 54562
 PS Form 3800, August 2006 See Reverse for Instructions

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- 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:
Patrick Volk
PO Box 218
Three Lakes, WI
54562

COMPLETE THIS SECTION ON DELIVERY

A. Signature (X) Patrick Volk Agent Addressee
 B. Received by (Printed Name) Patrick Volk C. Date of Delivery 8/12/10
 D. Is delivery address different from item 1? Yes No
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Bill Schultz
10DNR
107 Suttiff Ave
Rhineclanden, WI 54501

State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
2501 Golf Course Rd.
Ashland WI 54806-3505

Tony Evers, Governor
Preston D. Cole, Secretary
Telephone 608-266-2621
Toll Free 1-888-936-7463
TTY Access via relay - 711



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 cursive script, appearing to read "Christopher A. Saari".

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)