

## State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor  
Matthew J. Frank, Secretary  
Gloria L. McCutcheon, Regional Director

Southeast Region Headquarters  
2300 N. Dr. Martin Luther King, Jr. Drive  
Milwaukee, Wisconsin 53212-3128  
FAX 414-263-8606  
Telephone 414-263-8500  
TTY Access via relay - 711

November 30, 2010

Bishop Sedgwick Daniels  
Holy Redeemer Church  
3500 Mother Daniel's Way  
Milwaukee, WI 53209

Certified No.: 7007 3020 0000 6917 6767

Subject: Fuel Oil Discharge Located on the Northeast Corner of Building #1, Bishop's Creek Community Redevelopment Site, 4763 North 32nd Street, Milwaukee, WI

FID: 341055770  
BRRTS: 03-41-556393

Dear Bishop Daniels:

On November 4, 2010, Giles Engineering, in a telephone conversation, notified the Wisconsin Department of Natural Resources ("the Department") of a fuel oil discharge to the environment. Deb Roszak (WDNR Enforcement & Science) and I visited the site to document this occurrence (see enclosed photographs). We both observed that fuel oil was floating on top of the groundwater and contaminated soil was stocked piled next to the trenched area. On November 30, 2010, the Department received laboratory documentation that fuel oil sampled from the soil excavated from the trench had a TPH-DRO of 25,000 ppm. This is above the s. NR 720.09(4)(a), Wis. Adm. Code, generic residual contaminant level of 100 ppm.

Based on the observations and laboratory documentation, we believe you 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, Department of Commerce ("Commerce") or the Department of Agriculture, Trade and Consumer Protection.

### 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.

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.

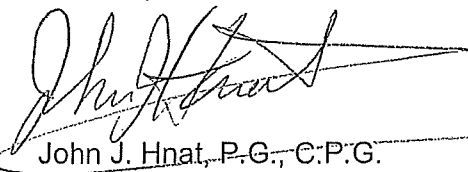
**Additional Information for Site Owners:**

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.

Information on selecting a consultant, environmental services contractor list, and environmental contamination basics, is listed at the end of this letter.

If you have any questions or comments, please feel free to contact me at the above address or at (414) 263-8644. Please refer to the FID number at the top of this letter in any future correspondence. Future correspondence should be sent directly to the Remediation and Redevelopment Program Assistant Vicky Stovall (414-263-8688) at the above address.

Sincerely,



John J. Hnat, P.G., C.P.G.  
Project Manager/Hydrogeologist  
Southeast Region  
Remediation and Redevelopment

Enclosures: 7 photographs of the area

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

Environmental Services Contractor List – RR-024  
<http://dnr.wi.gov/org/aw/rr/archives/pubs/RR024.pdf>

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

C: Deb Roszak, WDNR Enforcement  
Saji Villoth, WDNR Enforcement  
Jenny Gibson, WDNR Law Enforcement  
Daren Daniels, Bishop's Creek Community Development  
George Marek, Quarles and Brady  
Kevin Bugel, Giles Engineering  
WDNR SER Files





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