



December 8, 2020

JAY SCHAEFER
FOREST COUNTY HUMANE SOCIETY
701 INDUSTRIAL PARKWAY
CRANDON WI 54520
(electronically sent)

Subject: Reported Contamination at:
George's Self Service Station, 500 South Lake Street, Crandon
DNR BRRTS Activity # 03-21-559086
DNR FID # 721032180

Dear Mr. Schaefer:

On September 18, 2012, Tim Petrick of Endpoint Solutions, on behalf of Environmental Services Plus, Ltd., notified the Department of Natural Resources ("department") that a hazardous substance discharge was detected at the site described above.

Based on the information available to the department regarding ownership of this property, we believe that Forest County Humane Society is the current landowner in possession or control of the hazardous substance discharge or other environmental pollution (hereafter referred to as "contamination") at the above-described site. The term "site" includes the property where the contamination occurred and any other property it has migrated to, pursuant to Wisconsin Administrative Code ("Wis. Admin. Code") § NR 700.03(56).

The purpose of this letter is to inform you of the contamination at the site and notify you that as the possessor and controller of the contamination, you may be held responsible under Wisconsin Statutes ("Wis. Stats.") ch. 292 for the investigation and cleanup of the contamination. Presently, the department is exercising its discretion to pursue the person who caused the contamination. If the causer continues to make sufficient progress under Wis. Admin. Code chs. NR 700 through NR 754, the department will not seek your involvement in investigation and cleanup; however, if the causer is no longer able or willing to continue progress, the department will require that you take the appropriate response actions.

Legal Responsibilities

Wis. Stats. ch. 292 and Wis. Admin. Code chs. NR 700 through NR 754 provide specific requirements for undertaking appropriate response actions to address contamination, including requirements for emergency and interim actions, public information, site investigations, remedy selection, design and operation of remedial action systems, and case closure. For more information on the responsibilities relating to contamination investigation and cleanup, see the enclosed letter to Michael Nixon, dated September 18, 2012.

Under Wis. Stat. ch. 292, continuing obligations may be applied to a property upon the closure of an environmental investigation and cleanup case. Continuing obligations are legal requirements designed to protect public health and the environment from contamination that remains on a property. If the department

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places continuing obligations on the property at the time of closure, these obligations will become the property owner's responsibility. For more information, please see the enclosed DNR publication RR-819, *Continuing Obligations for Environmental Protection Responsibilities of Wisconsin Property Owners*.

Additional Information

The department tracks information on all cleanup sites in a department database available at dnr.wi.gov and search "BRRTS". The Bureau for Remediation and Redevelopment Tracking System (BRRTS) identification number for this site is listed at the top of this letter. You may view information related to your site on this database at any time.

All correspondence regarding this site should be directed to:

John T. Hunt
Remediation and Redevelopment Program
Wisconsin Department of Natural Resources
223 E. Steinfest Road, Antigo, WI 54409
john.t.hunt@wisconsin.gov

To speed up processing, your correspondence should reference the BRRTS and Facility Identification (FID) numbers (if assigned) listed at the top of this letter. **Consultants and representatives of responsible parties are required to submit one paper copy and one electronic copy of submittals, including case closure documents.** Wis. Admin. Code § NR 700.11(3g), and other specific provisions within Wis. Admin. Code ch. NR 700, outline the requirements for submittals, including electronic submittals. See the enclosed DNR publication RR-690, *Guidance for Electronic Submittals for the Remediation and Redevelopment Program*, for assistance in proper document submittal.

Please visit the department's Remediation and Redevelopment program website at dnr.wi.gov and search "brownfields" for information on selecting a consultant, seeking financial assistance, and understanding the investigation and cleanup process. Information regarding review fees, liability clarification letters, post-cleanup liability and more.

Your cooperation in this matter is appreciated. If you have any questions regarding the content of this letter, please feel free to contact me at (715) 701-9383 or by email at john.t.hunt@wisconsin.gov.

Sincerely,



John T. Hunt
Hydrogeologist
Remediation & Redevelopment Program

Enclosures:

Letter to Michael Nixon, dated September 18, 2012

cc: Robert Kennedy (Kennedy Law, ra.kennedy.law@gmail.com)



September 18, 2012

Michael Nixon
1101 N Lake Ave
Crandon, WI 54520

Subject: Reported Contamination at George's Self Service Site
500 South lake Avenue, Crandon, WI
WDNR BRRTS Activity # 03-21-559086

Dear Mr. Nixon:

On August 1, 2012, Tim Petrick with Endpoint Solutions, on behalf of Environmental Services Plus, Ltd. (ESP), notified the Wisconsin Department of Natural Resources ("WDNR") that petroleum contamination had been detected at the site described above.

Based on the information that has been submitted to the WDNR regarding this site, 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, Wis. Stats., 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 Safety and Professional Services (DSPS) or the Department of Agriculture, Trade and Consumer Protection (DATCP).

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 **30 days**, by October 24, 2012, 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 **60 days**, by November 21, 2012, 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 DNR 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 Safety and Professional Services or the WDNR has authority over the case. For agrichemicals, your case will be transferred to the Department of Agriculture, Trade and Consumer Protection for oversight.

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://dnr.wi.gov/botw/SetUpBasicSearchForm.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:

Greer Lundquist
Remediation and Redevelopment Program
Wisconsin Department of Natural Resources
107 Sutliff Ave
Rhineland, WI 54501
Greer.Lundquist@Wisconsin.gov

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.

Site Investigation and Vapor Pathway Analysis

As you develop the site investigation workplan, we want to remind you to include an assessment of the vapor intrusion pathway. Chapter NR 716, Wisconsin Administrative Code outlines the requirements for investigation of contamination in the environment. Specifically, s. NR 716.11(3)(a) requires that the field investigation determine the "nature, degree and extent, both areal and vertical, of the hazardous

substances or environmental pollution in all affected media". In addition, section NR 716.11(5) specifies that the field investigation include an evaluation of the "pathways for migration of the contamination, including drainage improvements, utility corridors, bedrock and permeable material or soil along which vapors, free product or contaminated water may flow".

You will need to include documentation with the Site Investigation Report that explains how the assessment was done. If the pathway is being ruled out, then the report needs to provide the appropriate justification for reaching this conclusion. If the pathway cannot be ruled out, then investigation and, if appropriate, remedial action must be taken to address the risk presented prior to submitting the site for closure. The DNR has developed guidance to help responsible parties and their consultants comply with the requirements described above. The guidance includes a detailed explanation of how to assess the vapor intrusion pathway and provides criteria which identify when an investigation is necessary. The guidance is available at:

<http://dnr.wi.gov/org/aw/rr/archives/pubs/RR800.pdf>.

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.

If you have questions, please contact me at 715-365-8970 for more information or visit the RR web site at the address above.

Thank you for your cooperation.

Sincerely,



Greer Lundquist
Hydrogeologist
Remediation & Redevelopment Program

cc: Tim Petrick
Endpoint Solutions
12065 West Janesville Road, Suite 300
Hales Corners, WI 53130

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