

Rationale for No Action Required

Date: April 14, 2021

Date stamped: April 14, 2021

Name and description of site: 2019 91st St. Pleasant Prairie, WI

Who is submitting and for whom? Submitted by John Moyer on behalf of Kenosha County

What has been submitted? Summary email and photo of excavation

Description of contamination: Personal diesel fuel powered generator leaked during a fire on the property in June 2018. Leaked diesel fuel in the immediate area of the generator. Soil was thick clay, limiting migration.

Does the submitted information apply to a federally regulated UST? ___YES X NO

For a federal UST, has a new confirmed release been verified? ___YES ___NO

What is being requested? No further response action.

Conclusions: Riley Neumann & Jane Pfeiffer responded to the discharge location to meet with Kenosha County on November 6, 2020, to discuss excavation requirements. Kenosha County performed the excavation on November 10, 2020. Contamination was taken to a Waste Management landfill for proper disposal. Kenosha County removed contamination based on visual and olfactory observations. Kenosha County has indicated that no observations of contamination remained after over excavation. Based on the available information, impacts have been removed to the extent practicable and no further actions appear necessary at this time.

BRRTS #: 02-30-583151

Completed By: Riley Neumann **Date:** April 14, 2021

From: John Moyer <John.Moyer@kenoshacounty.org>
Sent: Tuesday, April 13, 2021 2:06 PM
To: Neumann, Riley D - DNR; isaac.ross@wisconsin.gov
Cc: Andy Buehler
Subject: Jabs property 2019 91st St. Pleasant Prairie
Attachments: Jabs contam removal 11 20.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Good Afternoon Riley, Isaac,

This email is a follow-up to our meeting last November to the above referenced Kenosha County property. Please find attached a photo to verify that several cubic yards of soil were removed by County employees. There is no longer a diesel fuel smell in the soil which remains and over which fill was installed. I have also visited the site to verify the removal and disposal of the soil. The employees who removed the soil may be contacted if you need to speak to them about the removal. Tim Katz and Richard Becker removed the contamination and smell tested the remaining soil before filling in the area. Kenosha County has also cleaned off many truckloads of junk from the site through a contractor (1-800 Got Junk) and the parcel is now clean. Please let me know if you need to meet with us again on the property or if any additional action is required to close out the case. Thanks for your anticipate response.

John Moyer

Senior Assistant Corporation Counsel
Kenosha County
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Kenosha, WI 53140
(262)925-8023
Fax (262)925-8028

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g-5 - 2 cubic yards removed





December 3, 2018

CERTIFIED MAIL

Certified Mail #: 7017 3040 0000 3010 6688

Joshua & Amy Jabs
2019 91st Street
Pleasant Prairie, WI 53158

Subject: June 4, 2018 Diesel Release
2019 91st Street, Pleasant Prairie, WI
SERTS #: 20180604SE30-1

Dear Joshua & Amy Jabs:

Notice to Responsible Party

The person identified as the “Responsible Party” pursuant to Wis. Admin. Code § NR 700.03 (51) is obligated to take the necessary response actions to address the hazardous substance discharge or environmental pollution under Wis. Stat. ch. 292.

Notifications of your responsibility to address the discharge were sent via email on June 5, 2018, and on November 14, 2018. To date, the Wisconsin Department of Natural Resources (DNR) has not received any response to these emails.

Obligations

Your legal responsibilities are defined in Wis. Stat. ch. 292 and Wis. Admin. Code chs. NR 700-754. In particular, the hazardous substances spill law, [Wis. Stat. § 292.11 \(3\)](#), 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.

[Wis. Admin. Code chs. NR 700 - 754](#) establish requirements for actions to be taken by responsible parties to restore the environment to the extent practicable; protect public health, safety, welfare and the environment; and establishes documentation requirements associated with these response actions, where a hazardous substance discharge or environmental pollution has occurred. [Wis. Admin. Code ch. NR 708](#) contains requirements for immediate actions following a hazardous substance discharge.

Steps to Take

[Wis. Admin. Code § NR 708.05](#) requires responsible parties to take immediate action to halt a hazardous substance discharge or environmental pollution and minimize the harmful effects of the discharge or environmental pollution to the air, lands and waters of the state, unless otherwise directed by the DNR.

Below are initial actions that should be taken to address a hazardous substance discharge or environmental pollution:

- Obtain the services of an environmental response contractor and/or an environmental consultant to help ensure that proper immediate actions are taken and documented. Information about [environmental consultants](#) and [spill response contractors](#) is available at dnr.wi.gov; search “environmental consultants” and “spills”.
- Review, along with your contractor or consultant, [Wis. Admin. Code § 708.05](#), which describes spill response actions for both emergency and non-emergency immediate actions.
- [Wis. Admin. Code NR 708.05\(6\)](#) requires the submittal of written documentation to the DNR of immediate actions taken and the outcome of those actions, within 45 days after the hazardous substance discharge notification to the DNR.
- [Comply with Wis. Admin. Code § NR 708.09](#), which specifies the requirements for the preparation and submittal of a final report to the DNR documenting the actions taken to respond to the hazardous substance discharge and environmental pollution. Reports may be submitted to the appropriate DNR regional spill coordinator, listed below.
- Review the remainder of [Wis. Admin. Code ch. NR 708](#) to ensure that all immediate response action requirements have been complied with.

DNR Determination

The DNR will provide a cursory review of the Wis. Admin. Code ch. NR 708 reports, if submitted without a review fee. If no further action is necessary, the DNR will note that in the Bureau for Remediation and Redevelopment (BRRTS) database. If you want a written response from the DNR related to a “no further action” decision, or any other determination, please fill out and submit [DNR Form 4400-237](#) with the appropriate fee.

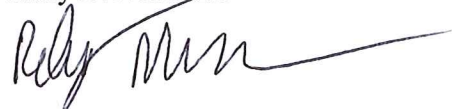
If, however, groundwater wells are affected by the hazardous substance discharge or environmental pollution, if free product removal is required, if there is evidence that contaminated soil may be in contact with groundwater or residual contamination poses a threat to public health or the environment, the DNR shall require additional action per Wis. Admin. Code § NR 708.09(2).

Within 45 days of receipt of this letter, submit documentation demonstrating that the spill was properly addressed. If a response is not received or an inadequate response is received, the DNR will consider opening an environmental repair case at the subject property.

Please contact me if you have any questions regarding this notification or you would like to discuss your specific situation in more detail.

DNR Regional Spill Coordinator:

Riley D. Neumann



(414) 263-8699

Riley.Neumann@Wisconsin.gov