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Carol D. Beaudry
Secretary

June 8, 1992

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Southeast District
2300 N. Dr. Martin Luther King Jr. Dr.
Post Office Box 12436
Milwaukee, Wisconsin 53212
Telephone: 414-253-6500
Telex: 414-253-6480

In Response Refer To EPA ID #3WDC00612004
County of Waukesha
HW/FP

Doug Linn, Facilities Engineer
Navistar International Corp.
1401 Perkins Ave.
Waukesha, WI 53186

Dear Mr. Linn:

Re: Groundwater contamination at 901 Niagara Street, Waukesha, WI 53186

Under Wisconsin law, the Department of Natural Resources is responsible for enforcing statutes and administrative rules relating to the reporting and remediation of hazardous substance spills or discharges under s. 144.76, Wis. Stats., and to the disposal of hazardous waste under ss. 144.60 to 144.70, Wis. Stats. The purpose of this letter is to make sure persons who may be responsible for such hazardous substance spills or for hazardous waste disposal know their responsibilities under the law and act accordingly.

Under s. 144.76(2) and (3), Wis. Stats., a person who possesses or controls a hazardous substance or who causes the discharge of a hazardous substance must notify the Department immediately and must 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 this state.

Under s. 144.64(2m), Wis. Stats., any person who disposes of hazardous wastes at an unapproved location or otherwise operates a hazardous waste disposal facility without a license from the Department must prepare and submit a hazardous waste facility closure plan to the Department for its review and approval. Unless there is to be a "clean closure", the person must also prepare and submit a long-term care plan for the disposal facility if wastes or constituents are to be left in place. The closure plan and long-term care plan must conform to Department rules, and the plans, as approved by the Department, must be implemented.

The Department has reason to believe that a hazardous discharge to the soil and/or groundwater has occurred. The reasons for believing that you are a potential responsible party include:

1. Trichloroethylene (TCE) and 1,1,1 trichloroethane (TCA) is found in groundwater at Wisconsin Coach Lines, Inc., which is located next door to Navistar International Corporation. The most contaminated groundwater monitoring well, MW-17, is located adjacent to the north property line of Navistar and contains TCE at 590 parts per billion (ppb) and TCA at 520 ppb.

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The groundwater quality enforcement standard found in ch. NR 140, Wis. Adm. Code for TCE is 5 ppb and for TCA is 200 ppb. The groundwater quality standards found in ch. NR 140, Wis. Adm. Code requires that when a preventative action limit or enforcement standard is exceeded, remedial action is required to renovate or restore the groundwater quality.

2. Groundwater flows in a northwest direction towards the Fox River. In other words, groundwater flows from the Navistar International property towards the Wisconsin Coach Lines property. The most contaminated groundwater monitoring wells are located adjacent to the Navistar International property; as groundwater flows downgradient, the concentration of TCE and TCA decrease, indicating that the most likely source for TCE and TCA is upgradient from Wisconsin Coach Lines property.
3. Navistar International generates non-listed ignitable wastes (D001), non-listed corrosive wastes (D002), arsenic wastes (D004), chromium wastes (D007), lead wastes (D008), benzene wastes (D018), and tetrachloroethane or carbon tetrachloride wastes (U211). In addition, based on your Tier Two form, Navistar International handles TCA.

Based on the foregoing, the Department is requesting that you conduct the following activities without delay:

1. Show proof that you have retained a qualified environmental consultant, acceptable to the Department, to conduct the necessary environmental investigation and any necessary remediation or facility closure activities.
2. Submit a scope of work to determine and document the degree and extent of soil and/or groundwater contamination.
3. Once the scope of work for determining the degree and extent of contamination is reviewed and approved by the Department,
 - a. recommend alternative remedial or closure measures;
 - b. discuss their feasibility;
 - c. propose a schedule for completion; and,
 - d. propose a schedule for regular progress reports regarding completion of the above tasks.
4. Upon receipt of written Department approval, implement the remedial or closure activities.

The Department wishes to remind you that time is of the essence in responding to environmental contamination incidents. Generally, the more quickly a release is discovered and responded to, the smaller the damaging impacts and the lower the costs of investigation and clean-up. Furthermore, since each day of violation is a separate offense, prompt action can minimize potential penalties.

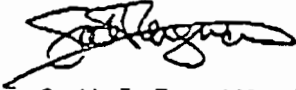
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Attached to this letter is guidance developed by the Department to aid you in investigating and cleaning up releases of hazardous substances or hazardous wastes, as well as a list of environmental consultants.

Thank you for your cooperation. If you have any questions regarding this letter, please call me at (414)263-8604.

Sincerely,



Scott J. Ferguson - Hydrogeologist
Hazardous Waste Management
Southeast District Headquarters

Attachments

xc: Gina Keenan - SED
John Van Lieshout - Reinhart, Boerner
Bureau - HWS - SW/3
SED HW File

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