3/29/96

PLEASE PRINT

State of Wisconsin Substance Release Notification Form

04-16-202285

24-Hour Emergency Hotline Number: 1-800-943-0003 **Form 4400-91 Rev. 11-9**

Date and Mil. Time of Incident 3-12-96 1230	**Date and Mil. Time Reported** 3-12-96 1415

Person Reporting Ed Smith	**Telephone #** (715) 398-8223
Representing Agency, Firm, or Citizen Murphy Oil USA	
Responsible Party Murphy Oil USA	
Contact Name Ed Smith/Bill Gustafson	**Telephone #** (715) 398-8217
Address Stinson Avenue, Superior, WI 54880	**City, State, Zip Code** Superior, WI 54880

Substance Involved	**Amount & Units Released**	**Amt. Recovered**	**Is this a 304 (11004 42 USC) spill?**
#6 fuel oil	420 gallons		☐ Yes ☐ No ☐ Unknown

☐ Solid ☒ Semisolid ☒ Liquid ☐ Gas **Color** Dark Brown-Black **Odor** fuel oil-asphalt

Exact Location (inc. address, facility name, mileage, bldg. #, etc.)
Tank #51 basin, Murphy Oil Tank Farm

City Superior	**County** Douglas	**Lat/long**
DNR Region NW	___¼___¼sec___T___NR___(E/W)	**Weather Cond.**

Cause of Incident
Valve failed on a mechanical pump

Spilled Substance Impact To:
Check (✓) all that apply
- ☐ Air ☐ Potential
- ☒ Soil ☒ Potential
- ☐ Groundwater ☐ Potential
- ☐ Surface Water ☐ Potential
  Name: _____
- ☐ Storm Sewer ☐ Potential
- ☐ Sanitary Sewer ☐ Potential
- ☐ Concrete/Asphalt ☐ Potential
- ☐ Private Well ☐ Potential
- ☐ Contained/Recovered
- ☐ Other: _____

Spill Source:
- ☐ Transportation Accident, Fuel Supply Tank Spill
- ☐ Transportation Accident, Load Spill
- ☐ Industrial Facility ☐ Paper Mill ☐ Chemical Co.
- ☐ Ag Coop/Facility/Food Factory/Facility
- ☐ Gas/Service Station/Garage/Auto Dealer, Repair Shop
- ☐ Pipeline, Terminal, Tank Farm, Oil Jobber/Wholesaler
- ☐ Public Property (city, state, church, school, etc.)
- ☐ Utility Co., Power Generating/Transfer Facility
- ☐ Private Property (home/farm)
- ☐ Construction, Excavation, Wrecking, Quarry, Mine
- ☐ Airport Facility ☐ Railroad Facility
- ☒ Other oil refinery

Action Taken By Spiller
- ☐ No Action Taken
- ☐ No Action Needed
- ☐ Monitor
- ☒ Cleanup Method: vac up
- ☒ Waste Destination: Slop oil tank
- ☐ Containment
- ☒ Contractor Hired
  Name: CEDA Corp.
- ☐ Other: _____

Injuries? ☐ Yes ☒ No **If yes, how many?** ____ **Has an evacuation occurred?** ☐ Yes ☒ No **Potential?** ☐ Yes ☒ No

Are there any resource damages? ☐ Yes ☐ No **What kinds?** _____

Other Agencies Notified (✓ first column if notified); Check (✓) both columns if on scene

☐ ☐ Fire Department/Hazmat	☐ ☐ Local DNR	☐ ☐ EPA
☐ ☐ Local Law Enforcement	☐ ☐ Div. Emer. Gov.	☐ ☐ Nat'l Resp. Ctr. 800-442-8802
☐ ☐ LEPC or Local Emer. Gov.	☐ ☐ DATCP 608-224-4500	☐ ☐ Chemtrec 800-424-9300
☐ ☐ Regional Response Team	☐ ☐ DHSS 608-266-2830	☐ ☐ Other _____

Incident Commander, if known: _____
Phone: _____

Prepared By: (Print) Steve LaValley (Sign) Steve LaValley	**Date:** 3/12/96	**Rpt'd to DATCP?** ☐ Yes ☒ No
Person Notified:	**Region Notified:** **Time:**	**Date:**
Invstgtd By: (Print) John Krull (Sign) John Krull	**Date:** 03-18-96	**Site Closed?** ☐ Yes ☐ No
Spill Coordinator Signoff: James A. Hanch	**Date:** **Transferred to ERP?** ☐ No ☐ Yes; Case # _____	**NFA Letter Sent?** ☐ Yes ☐ No **Spill Packet Sent?** ☐ Yes ☒ No

PLEASE PRIN

State of Wisconsin Substance Release Report (Con't)
Form 4400-91 Rev. 11-95

Date and Military Time of Incident 3-12-96 1230	**Responsible Party** Murphy Oil USA

Additional Comments:

Murphy feels they will need to remove some soil. I told Murphy representatives that they will need to take confirmation samples to document clean up.

- Steve LaValley

MURPHY
OIL USA, INC.

SUPERIOR REFINERY
P O BOX 2066
SUPERIOR WISCONSIN 54880

RECEIVED
MAR 18 1996
DNR - SPOONER

March 15, 1996

Mr. James Hosch
Northwest District Spills Coordinator
Department of Natural Resources
Highway 70 West
P.O. Box 309
Spooner, WI 54801

RE: #6 Fuel Oil Release

Dear Mr. Hosch:

On behalf of Murphy Oil USA, Inc. I am providing written confirmation of the notification given on March 12, 1996, regarding the release of #6 fuel oil.

On March 12, 1996, at 12:30 p.m., Murphy Oil experienced a release of approximately 10 barrels of #6 fuel oil. The release occurred when a head gasket on a #6 fuel oil transfer pump failed. The release was discovered while a pumper was making his normal rounds. The pump was immediately shut down and pump isolation valves were closed. The site of the release was located within the clay dike area of tank 51. The #6 fuel oil flowed along a 1 foot path next to and around the north side of tank 51 and formed a small 2 by 10 foot pool area leading north of the tank 51.

Murphy Oil maintenance personnel began site clean-up immediately. The #6 fuel oil set up very quickly due to the low air temperatures. The frozen surface clay allowed the product to be removed easily. Clean free product was re-introduced into the #1 API oil/water separator for recovery. As a precaution Murphy is in the process of removing approximately 6 inches of clay from around the tank and pool area. Murphy Oil believes the site will have been cleaned to the extent practicable.

If you have any questions or wish to discuss this matter further, please call me at (715)398-8217.

Sincerely,

William P. Gustafson
Environmental Operations Superintendent

bg.094

cc: Fred Green
Jim Gesick
Jim Britt
Jim Kowitz
Randy Kooiman
Rick Lewandowski

SPUR

WISCONSIN
DEPT. OF NATURAL RESOURCES

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

NORTHWEST DISTRICT HEADQUARTERS
P.O. Box 309
State Hwy 70 West & First Street
Spooner, WI 54801

George E. Meyer, Secretary
William H. Smith, District Director

TELEFAX 715-635-4105

April 11, 1996

Mr. William P. Gustafson
Environmental Operations Superintendent
Murphy Oil U.S.A. Inc.
Superior Refinery
P.O. Box 2066
Superior, WI 54880

Subject: #6 Fuel Oil Release on March 12, 1996
Interior of Dike Superior Refinery Tank 51,
Douglas County, Wisconsin

Dear Mr. Gustafson:

Based on the information we have received, the Department believes that you are responsible for restoring the environment at this site under Section 144.76, Wisconsin Stats. (hazardous substance spills laws). We have received your letter confirming the release of approximately 10 barrels of #6 fuel oil with in the clay dike of Tank 51. Your letter indicates that oil flowed along a one foot path next to and around the north side of Tank 51. The oil formed a 2 by 10 foot puddle leading north of Tank 51. We understand that the oil was collected and introduced to the #1 API oil/water separator for recovery. Your letter states that Murphy is intends to remove approximately six inches of clay from the area around the tank and the puddle area.

Based on the quantity of the spill we believe that sampling is warranted to confirm removal of contamination to ch. NR 720 Wis. Adm. Code standards. After you perform the excavation of the six inches of clay, we request that samples representative of the spill area be taken for documentation of site closure. In addition, we are requesting the following information be submitted:

1. Location of the discharge incident, including street address; quarter-quarter section; and legal description of lot, if located in platted area. (A Murphy Oil refinery map with a location of the release identified.)

2. The type, total volume and final disposition of the discharged hazardous substance and contaminated material generated as part of the immediate action. Including legible copies of manifest, receipts and other relevant documents

Printed on Recycled Paper

The documentation should be submitted to the following address:

Northwest District Spills Coordinator
Department of Natural Resources
Hwy 70 West
P.O. Box 309
Spooner, WI 54801

Please forward this information to the Department by later then May 24, 1996. Upon receipt of this information it will be forwarded to the district case closure committee for their consideration.

If you should have any questions regarding this letter please feel free to call me at (715) 635-4058.

Sincerely,

James A. Hosch
Northwest District Spills Coordinator

cc: Gary LeRoy - Spooner
Warden Lee Wiesner - Brule
Steve LaValley - Superior
John Krull - Superior

MURPHY
OIL USA, INC.

SUPERIOR REFINERY
P O BOX 2066
SUPERIOR WISCONSIN 54880

May 15, 1996

RECEIVED
MAY 16 1996
DNR - SPOONER

Mr. James A. Hosch
Northwest District Spills Coordinator
Department of Natural Resources
Hwy. 70 West
P.O. Box 309
Spooner, WI 54801

RE:: #6 Fuel Oil Release on March 12, 1996
Interior of Dike Superior Refinery Tank 51,
Douglas County, Wisconsin

Dear Mr. Hosch:

In response to your letter dated April, 11, 1996, to Murphy Oil concerning the release of #6 fuel oil at tank 51, the following information is provided.

- The discharge was located within dike area of tank 51. This tank is located on Superior Refinery property. Site address is 2400 Stinson Avenue, Superior, WI. Map quadrants NW 1/4, NW 1/4, Sect. 36, T49N, R 14N.

- The #6 fuel oil and snow mixture was recovered and reintroduced into the refinery #1 API oil/water separator. Six inches of surface soil was removed and stockpiled.

If you have any questions regarding this matter, please feel free to call (715) 398-8217.

Sincerely,

William Gustafson
Environmental Operations Superintendent

bg.102

cc: Jim Gesick (MOUSA)
Fred Green (MOUSA)
Jim Kowitz (MOUSA)
Jim Britt (MOUSA)
Rick Lewandowski (DeWitt, Ross & Stevens)

SPUR

PHONE CONVERSATION RECORD

DATE: 5/17/96
TIME: 1:05

CONVERSED WITH: Bill Gustafson
Murphy Oil USA

SUBJECT/PROJECT: 3/12/96 Release at Tank 51

UNIQUE ID#.:

Hosch requested confirmation sampling for site. Hosch stated that for 100 gal spills Department would typically require sampling to confirm removal. Hosch stated that Murphy could wait then do all sampling at all of the spills that Hosch was working on. Gustafson stated that he would do that. Hosch then requested a map of the refinery. Gustafson stated that he would send one.

Signature: James A. Hosch
(please write legibly)

PHONE CONVERSATION RECORD

DATE: 8/7/96
TIME: 10:10

CONVERSED WITH: Bill Gustafson

SUBJECT/PROJECT: Murphy Oil

UNIQUE ID#.:

Gustafson requested permission to remove contaminated soil and take to Kimmes. Hosch gave permission. Gustafson said then he would be punching holes in the ground.

Signature: James W. Hosch
(please write legibly)

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

WISCONSIN
DEPT. OF NATURAL RESOURCES

Tommy G. Thompson, Governor
George E. Meyer, Secretary
William H. Smith, District Director

Northwest District Headquarters
810 West Maple
Spooner, WI 54801
TELEPHONE 715-635-2101
FAX 715-635-4105
TDD 715-635-4001

September 5, 1996

Mr. William P. Gustafson
Environmental Operations Superintendent
Murphy Oil U.S.A. Inc.
Superior Refinery
P.O. Box 2066
Superior, WI 54880

Subject: Spill at Murphy Oil on March 12, 1996
Superior, Douglas County, Wisconsin

Dear Mr. Gustafson:

You may recall my letter of April 11, 1996 (I have attached a copy for your convenience). At that time we asked that the requested information be submitted later then May 24, 1996. At this time, we are asking that the requested information be submitted by October 11,1996.

As stated in my previous letter, we are requesting the laboratory results of sampling to confirm the removal of contamination to ch. NR 720 Wis. Adm. Code standards be submitted. In addition, we are requesting the following information be submitted:

1. Location of the discharge incident, including street address; quarter-quarter section; and legal description of lot, if located in platted area.

2. The type, total volume and final disposition of the discharged hazardous substance and contaminated material generated as part of the immediate action. Include legible copies of manifest, receipts and other relevant documents.

The documentation and sampling results should be submitted to my attention at our new address:

Department of Natural Resources
810 West Maple
Spooner, WI 54801

Again, please forward this information to the Department by no later then October 11, 1996. Upon receipt of this information it will be forwarded to the district case closure committee for their consideration.

If you should have any questions regarding this letter please feel free to call me at (715) 635-4058.

Sincerely,

James A. Hosch
Northwest District Spills Coordinator

Attach.

cc: Steve LaValley - Superior

MURPHY
OIL USA, INC.

SUPERIOR REFINERY
P O BOX 2066
SUPERIOR WISCONSIN 54880

September 18, 1996

RECEIVED
SEP 19 1996
DNR - SPOONER

Mr. James A. Hosch
Northwest District Spills Coordinator
Department of Natural Resources
Hwy 70 West
P.O. Box 309
Spooner, WI 54801

RE: #6 Fuel Oil Release -February 8, 1996 & March 12, 1996

Dear Mr. Hosch:

This letter is in response to your letters to Murphy Oil's Mr. Bill Gustafson regarding the subject fuel oil spills. Some of the information you requested in your correspondence to us in regard to these spills has been provided to you previously but will be reiterated here as well.

Both spills occurred within the refinery property within the storage tank (No.s 51 and 52) dike area which is a common containment area for both tanks. The refinery is located at 2400 Stinson Ave., Superior, WI. Map coordinates for the refinery are NW ¼, NW ¼, Sect. 36, T 49N, R 14N.

As discussed in the confirmation letters for both spills which followed the telephone notifications of the spills, the actual release of materials was relatively brief, of known quantities, and clean-up activities commenced immediately after discovery of the release. All the material was contained within a portion of the tank dike area and at no time was there a possibility of the material contacting ground water or of moving outside the dike area or off site.

The spilled material and the snow that it contaminated was collected and reintroduced into the refinery processing equipment by way of the #1 API Separator. This allowed the fuel to be recovered through the refinery's slop oil system and the water from the melted snow to be processed through the refinery's waste water treatment plant.

Although at the time of the spills the soil beneath the snow was frozen to a depth of several feet, the top six inches of soil was removed to ensure that any soil that may have been contaminated would have been cleaned up. With the ground frozen, penetration into the soil from spilled materials is nearly non-existent, even when dealing with material stored at elevated temperatures. For this reason, it is believed that removal of six inches of soil was well beyond the depth of penetration into the soil of the spilled materials. This was visually confirmed at the time of the clean up. It is also for this reason that sampling was considered to be unnecessary and a needless expense, regardless of the quantity of material spilled.

The amount of soil removed from the site of the release on February 8, 1996 was approximately 25 yards. This material was taken to the Kimmes Construction asphalt plant for disposal in an asphalt roaster. A copy of the approved application Form 4400-149 for the disposal of this material at an asphalt plant is attached.

The amount of soil removed from the site of the release on March 12, 1996 was approximately 25 yards. This material was taken to the Kimmes Construction asphalt plant for disposal in an asphalt roaster. A copy of the approved application Form 4400-149 for the disposal of this material at an asphalt plant is attached.

Given the site conditions at the time of the spill, the type of material and quantity involved, and the immediate clean-up and remedial response at the site, Murphy Oil USA (MOUSA) believes that obligations and requirements under the pertinent NR 700 series Wisconsin Administrative Code standards have been met. Since there appears to be some difference in interpretations of these codes between MOUSA and yourself, I requested legal counsel to provide an opinion in this matter. A copy of this opinion is attached to this letter.

The opinion of legal counsel essential concurs with MOUSA's position that the requirements of the applicable Administrative Codes have been met in these instances. MOUSA believes that it has met its responsibilities in the clean-up and restoration of the site to its condition prior to the spills.

Please contact me at (715)398-3533 if you have any questions or comments in this regard.

Sincerely,

William P. Gustafson
Environmental Operations Superintendent

bg.112

cc: Jim Kowitz
Fred Green
Rick Lewandowski

APPLICATION TO TREAT OR DISPOSE OF PETROLEUM CONTAMINATED SOIL ASPHALT PLANT OR OTHER TYPE OF THERMAL TREATMENT UNIT

Form 4400-149

This form is required by the Department of Natural Resources for leaking underground storage tank sites to ensure that petroleum contaminated soil is treated or disposed of in compliance with NR 500-540, NR 158, and NR 419, Wis. Adm. Code. Failure to comply with applicable statutes and administrative rules may lead to violations of subchapters III and IV of ch. 144 Wis. Stats. and may result in forfeitures of not less than $10 or more than $25,000 for each violation, pursuant to ss. 144.426(1), 144.74 (1), and 144.99, Wis. Stats., or fines of not less than $100 or more than $150,000 or imprisonment for not more than 10 years, or both, pursuant to s. 144.74 (2), Wis. Stats. Each day of a continuing violation constitutes a separate violation. Department approval of this form is required prior to site remediation, except for soils to be buried in landfills.

DIRECTIONS: 1) Complete parts I and II. 2) Submit the application to the DNR project manager for approval. 3) Have the treatment facility complete part III of the approved form after the soil has been treated. 4) Return the ORIGINAL form to the DNR project manager. 5) Keep a copy for your files.

ALL SITES MUST COMPLETE PART I.

Part I. Source of Soil

Site/Facility Name: MURPHY OIL USA, INC

Site I.D. # (for DNR use only):

Site Address: 2400 STINSON AVE

Contact Name: BILL GUSTAFSON

City, State, Zip Code: SUPERIOR, WI, 54880

1/4, 1/4, Section, Township, and Range: NW 1/4, NW 1/4, SECT. 36, T49N, R14W

The information on this form is accurate to the best of my knowledge.

Signature of Soil Generator

Telephone Number (include area code)

Consulting Firm: None

Contact:

Telephone Number:

Estimated Volume Contaminated Soil: 25 Tons/cubic yards (circle one)

Type of Petroleum Contamination (Circle):

Gasoline Diesel Fuel/#2 Fuel Oil

Other #6 Fuel Oil

Soil Type (USCS)

- ___ sand (SP, SW)
- ___ silty/clayey sands (SM, SC)
- ___ silt (ML, MH, OL)
- X clay (CL, CH, OH)
- X gravel (GC, GM, GP, GW)
- ___ peat (PT)

Distance to Nearest Residence/Business ___

Contaminant concentration:

One screened sample for each 15 yds^3 and one laboratory analysis for each 300 yds^3 of contaminated soil when the field instrument *registers contamination* OR one laboratory analysis for each 100 yds^3 when the field instrument *does not register contamination* on soil shown to be contaminated during the site investigation/excavation or stockpiling. PLEASE ATTACH A TABLE LISTING RESULTS OF BOTH FIELD SCREENING AND LAB ANALYSES, AND INCLUDE SUPPORTING LAB REPORTS, IN ADDITION TO THE TPH AND BENZENE INFORMATION REQUESTED BELOW. NOTE: DILHR requires a minimum of 3 laboratory samples on excavated soil for PECFA claims.

Total Benzene in soil to be remediated (attach calculations) 1000651 lbs

Total Petroleum Hydrocarbons(TPH) in soil to be remediated (attach calculations) ___ lbs

Total ~~TPH~~ DRO as 2,317 lbs

(a/1,000,000) x (2,800 lbs/yd³) x b = benzene emission in lbs., where a = benzene concentration of soil sample in ppm or mg/kg dry weight basis, and b = amount of contaminated soil in yds³. NOTE: This calculation can also be used to estimate TPH emissions by substituting TPH concentration (ppm or mg/kg) for "a". It may also be used to calculate VOCs.

Part II: Proposed Treatment Facility

Name of Plant: LAKEHEAD BLACKTOP & MATERIALS OF SUPERIOR

Plant number and Model: HEATHERINGTON & BERNOR #7000 BATCH PLANT

Contact: MR. JOSEPH KIMMES

DNR Facility I.D. No.: 81603764

Address (or location of portable plant): 5800 Albany Ave Superior, WI

Distance to Nearest Residence/Business: 5,000 ft

LEAVE BLANK - DEPARTMENT OF NATURAL RESOURCES USE ONLY

Application Concurrence:

Air Management: Phyliss Holmbeck Date: May 28, 1996

Project Manager: _____ Date: _____

Comments:

THIS SECTION TO BE COMPLETED BY THE ASPHALT/THERMAL UNIT PROCESSING THE CONTAMINATED SOIL
AFTER PROCESSING IS COMPLETED

Part III

WDNR Air Pollution Control Permit Number: _____ Actual Volume of Soil Treated (tons/cubic yards): _____

Date of transport to plant: _____ Date of treatment: _____

Transporter Name: _____ Transporter License Number: _____

Circle One: Roasted and Incorporated Roasted Only

Total Benzene emissions in pounds for this batch (apply 50% destruction factor if no after burner is used): _____

Benzene emissions to date for this plant (including this batch) for this calendar year: _____

Signature of Treatment plant representative _____ Telephone Number at Plant: _____

POST BURN SAMPLE RESULTS: COMPLETE ONLY FOR SOILS NOT INCORPORATED!

(One representative sample for each 100 cubic yards-not composites)

Sample Number	_____	_____	_____	_____
TPH	_____	_____	_____	_____

DNR APPROVAL IS REQUIRED BEFORE USING AS COMMON FILL.

Date of backfilling or use as common fill: _____ Location of fill site ____1/4____1/4____S____T____R

DEWITT
ROSS & STEVENS, SC
LAW FIRM

Capitol Square Office
Two East Mifflin Street
Suite 600
Madison, WI 53703-2865
FAX 608-252-9243
TEL 608-255-8891

West Office
Firstar Financial Centre
8000 Excelsior Drive, Suite 401
Madison, WI 53717-1914
FAX 608-831-2106
TEL 608-831-2100

Please respond to: Capitol Square Office
Direct Line: 608-252-9357

September 16, 1996

Mr. Mark Miller
Murphy Oil USA, Inc.
2400 Stinson Ave.
P.O. Box 2066
Superior, WI 54880

RE: "No Further Response Actions" Under NR 708

Dear Mark:

Thank you for sending along the correspondence from James Hosch of DNR's Spooner office to Bill Gustafson at the refinery.

Mr. Hosch inquires about two small spills at the refinery during cold weather months when the ground was frozen. Among other things, he asks for various analytical data. I have reviewed the ch. NR 700 series of rules relating to spill remediation and reporting, and I do not believe that the information requested is required by these rules.

By way of background, the DNR adopted chs. NR 700 to NR 726 in effort to both codify and streamline the department's procedures for investigating, remediating and filing reports on spills of hazardous substances. Most of these rules took effect on May 1, 1994.

Only significant spills with the likelihood that residuals remain behind need to be investigated and analytical results taken. In an effort to streamline regulatory requirements, ch. NR 708 allows certain immediate or interim actions to be taken which, depending on the circumstances of each spill, may be the end of the matter.

Both of the incidents about which Mr. Hosch writes are not emergency situations within the meaning of NR 708.05(3)(b). Neither discharge posed an imminent threat to public health, safety or welfare or the environment, neither required the excavation of more than 100 cubic yards

of contaminated soil or other media, and Murphy responded immediately after the hazardous substance discharge. Sampling in these situations is only required in three carefully defined situations:

> NR 708.05(3)(c) Responsible parties shall conduct sampling at the completion of an immediate action, in accordance with the requirements of ss. NR 712.05 and 716.13, when any of the following conditions are met:
>
> 1. The hazardous substance discharge or environmental pollution is in contact with groundwater.
>
> 2. The amount, identity or duration of the hazardous substance discharge or environmental pollution is unknown.
>
> 3. Where other site or facility conditions indicate that sampling is necessary to confirm the adequacy of the immediate action.

None of the three conditions have been met for either spill. Other studies show that the refinery sits on extremely dense clay. There are no groundwater aquifers within 100 or more feet of the surface and, given the frozen conditions at the time of the two spills, the spilled petroleum products could not have contacted groundwater. In both incidents, the amount, identity and duration of the spills are known. There are no other site or facility conditions which "indicate that sampling is necessary to confirm the adequacy of the immediate action."

It is my understanding that the refinery provided the information to the department that is called for in NR 708.09(1). There is no reason to reopen this matter because the department cannot point to any "additional information [which] indicates that residual contamination at the site or facility poses a threat to public health, safety or welfare or the environment." NR 708.09(3).

DEWITT
ROSS & STEVENS s.c.
LAW FIRM

Although Murphy has tried hard to accommodate the information requests of various branches of the DNR, I really believe that these are unreasonable and outside both the letter and spirit of NR 708. I suggest that you raise this issue with Mr. Hosch and find out what specific information he has that would lead him to conclude that your immediate removal efforts were not successful and why any residual contaminants may still be present so as to constitute a threat to public health, welfare or the environment.

Very truly yours,

DEWITT ROSS & STEVENS s.c.

Richard J. Lewandowski

RJL:slf
cc: William Gustafson

H:\...\25731\000\SF3162