State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Tommy G. Thompson, Governor
George E. Meyer, Secretary
Ruthe E. Badger, Regional Director

South Central Region Headquarters
3911 Fish Hatchery Road
Madison, Wisconsin 53711-5397
TELEPHONE 608-275-3266
FAX 608-275-3338
TDD 608-275-3231

April 22, 1997

File Ref: 03-57-120626

Mr Louis Sylvester
E14276 Elma Ave
Merrimac WI 53561

Subject: Merrimac Mobil, 106 Main Street, Merrimac

Dear Mr. Sylvester:

On April 18, 1997, we received notification of the discovery of contamination at the above property. As a result of this discovery, an investigation will be necessary.

The spill law authorizes the Department of Natural Resources to enforce cleanup of contaminated sites, under s. 292.11 of the Wisconsin Statutes. As the owner of the property where a hazardous substance discharge has occurred, you are required to determine the horizontal and vertical extent of contamination and clean-up/properly dispose of the contaminants.

Your legal responsibilities are defined both in statute and in administrative rules. The hazardous substance spill law, s. 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 NR 700 through NR 728 establishes requirements for interim actions, public information, site investigation, design and operation of remedial action systems, and case closure. Wisconsin Administrative Code NR 140 establishes groundwater standards.

It is important that an investigation begins at your site as soon as possible. The longer contamination is left in the environment, the farther it can spread and the more difficult and costly it becomes to cleanup. Since this cleanup must comply with Wisconsin laws and rules, professional engineering and hydrogeologic experience is necessary. Therefore, you should hire a professional environmental consultant who can assure you that Department policies and guidelines are being followed.

Your consultant will help you in providing the Department with the following:

- Submit written verification (such as a letter from the consultant) that you have hired an environmental consultant. Please submit this information within 30 days of the date of this letter.
- Submit an investigation workplan explaining what work will be performed to identify the extent of contamination. This workplan should include a time schedule. Also, please provide documentation of any previous work performed related to this release.
- Submit the investigation report defining the degree and extent of any soil and/or groundwater contamination.

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- Provide a remedial action plan outlining the remedy selected.

- Provide a remedial action report with data supporting your consultant's conclusions and recommendations for future work or site closure.

In addition, you will be required to keep the Department informed on site progress by submitting 60 day updates. You will be notified when to provide the status reports at the time you submit your investigation workplan.

There are times when staffing levels do not allow us to keep current with workload demands. However, to maintain your compliance with the spill law and chs. NR 700 through NR 728, investigation and cleanup actions should not be unnecessarily delayed waiting for DNR responses. In the event that you experience delays, please refer to NR 716.09(3) regarding Department review of sites.
Your correspondence and reports regarding this site should be sent to Marilyn Jahnke, Department of Natural Resources, 3911 Fish Hatchery Road, Fitchburg WI 53711. Unless otherwise requested, please send only one copy of all plans and reports. Correspondence should be identified with the site name and address which is listed in the subject of this letter.

I have enclosed a list of environmental consultants and some important tips on selecting one. If you are eligible for Wisconsins' PECFA program (see end of letter), you will need to compare at least three consultant's proposals before making your selection. Also enclosed are materials on controlling costs, understanding the cleanup process, and choosing a site cleanup method. Please read this information carefully.

Reimbursement from the Petroleum Environmental Cleanup Fund (PECFA) is available for the costs of cleaning up the contamination from eligible petroleum storage tanks. The fund is administered by the Department of Commerce. Please contact DCOM at (608) 267-3753 for more information on eligibility and regulations for this program.

If you have any questions about this letter or your responsibilities, please call me at (608) 275-3212.

Sincerely,

Marilyn Jahnke

Marilyn Jahnke, Program Assistant
Remediation & Redevelopment
Telephone: (608) 275-3212

cc: Ben Christianson, Ramaker & Associates, 806 Water St, Sauk City WI 53583