

**MEETING: REGULAR MEETING OF THE GROUNDWATER
TECHNICAL REVIEW COMMITTEE**

DATE & TIME: Monday, November 25, 2024 at 11:00 AM

**LOCATION: Germantown Village Hall Board Room
N112 W17001 Mequon Road**

NOTICE: Citizens not wishing to attend the meeting personally or virtually may submit any public comments by sending an email to comments@germantownwi.gov by 4 p.m. on the day of the meeting so that it can be provided to the members of the body for their consideration.

AGENDA

- I. **CALL TO ORDER:** *This meeting has been given public notice in accordance with Section 19.83 and 19.84, Wis. Stats, in such form that will apprise the general public and news media of subject matter that is intended for consideration and action.*
- II. **ROLL CALL:**
- III. **ELECTION OF A CHAIRPERSON:**
- IV. **APPROVAL OF MINUTES:**
 - A. GTRC Minutes 9-4-24
- V. **NEW BUSINESS:**
 - A. Jeff Osgood, Agent for Kwik Trip, Inc., and Ben Venue Properties, Property Owner; Review and Recommendation for a Conditional Use Permit (CUP) Application to Allow a "Motor Vehicle Filling Station" within a Groundwater Protection Overlay District Pursuant to Section 17.40.12(3) of the Village Zoning Code. (DISCUSSION & ACTION)
- VI. **ADJOURNMENT:**

UPON REASONABLE NOTICE, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information or to request this service, please contact the Village Clerk at (262)250-4745 at least 2 days prior to the meeting.

MEETING:	AMENDED - REGULAR MEETING OF THE GROUNDWATER TECHNICAL REVIEW COMMITTEE
DATE AND TIME:	Wednesday, September 4, 2024 11:00 AM
LOCATION:	Germantown Village Hall Board Room N112 W17001 Mequon Road

MINUTES

- I. **CALL TO ORDER:** *This meeting has been given public notice in accordance with Section 19.83 and 19.84, Wis. Stats, in such form that will apprise the general public and news media of subject matter that is intended for consideration and action.*
The meeting was called to order at 11:08am by Administrative Coordinator Deb Remich.
- II. **ROLL CALL:**
All committee members were present.
- III. **ELECTION OF A CHAIRPERSON:**
Motion: Motion was made to nominate Community Development Director, Jeff Retzlaff as Chairperson
Motioned By: Kevin Driscoll
Seconded By: John Delain
Yes: Matthew Mortwedt, Kevin Driscoll, John Delain, Paul Haugen, Jeff Retzlaff
No: None
Abstain: None
Motion Passed (Yes 5, No 0, Abstained 0)
- IV. **APPROVAL OF MINUTES:**

A. None.
- V. **UNFINISHED BUSINESS:**

A. None.
- VI. **NEW BUSINESS:** *Attachment Updated*

A. Michael Anderson, Agent for Green Hills Contracting, Inc. and Klosett Investments LLC, Property Owner; Review and Recommendation for a Conditional Use Permit (CUP) Application to Allow a "Salt or Deicing Material Storage" Facility on Property Located in a Groundwater Protection Overlay

District Pursuant to Section 17.40.12(3) of the Village's Zoning Code.
(DISCUSSION & ACTION)

Chairman Retzlaff stated that Michael Anderson/Green Hills Contracting is proposing a new business on Clinton Drive in the industrial park which is in the Wellhead Protection overlay district and as such is subject to those regulations. A component of the business proposed is deicing material storage and distribution, which is a prohibited use under Section 17.40.10(j) of the Wellhead Protection regulations. However, there is a provision in regulation 17.40.12 that provides for prohibited uses being able to operate in a Wellhead Protection area provided they meet multiple criteria. Today's proposed business will replace the current use with a similar prohibited use.

Associate Planner Yanke gave some background about the site, which is currently zoned M-1 and consists of 2 properties that equal roughly 3 acres that will need to be combined by a CSM. Horticultural and snow removal services as well as the salt and deicing storage component are a part of this CUP. The purpose of this meeting is to get your objective and technical review of this CUP permit as it pertains to the groundwater stipulations and make a recommendation to the Plan Commission.

Discussion Followed. Bob Krause from Janke & Janke stated that according to the EPA this deicing agent is not dangerous and is made for general use. The proposed business has a containment plan in place and the concrete is pitched to a center drain and then into a 2,500 gal holding tank. Village Engineer Kevin Driscoll would like the 2,500 gal storage tank shown clearly on the site plan. Other concerns were addressed including the posting of the spill contingency plan, review of the contingency plan with staff, whether they would be using equipment that is currently in the building, what the buried storage tank was made from, how long the materials would be held in the tank, whether there would be onsite storage of the deicing materials in the off season, whether staff will use PPE when handling the material, whether there is a threshold that has been identified as allowable for exposure, how this material compares with other materials onsite and at nearby facilities, the sizes and # of tanks need to be listed on the site plan and the total # of gallons need to be referenced in the containment plan. All questions were discussed and addressed. Fire Chief John Delain has been inside the building and asked if the contaminants from the prior business had been cleaned up and, if not, if they would cause a reaction with their materials, he was assured they would not. Driscoll asked if there were control valves on the sump pump and if there were, then they would need a plumbing permit. Retzlaff would like to see a comparative analysis included in their report. Krause stated that they would be testing 3 wells on the property before operations began and then annually in spring. Retzlaff would like to see the 3 wells that will be tested shown on the site plan. This committee is charged with providing a recommendation to the Plan Commission and Village Board.

Staff recommends approval with the standard conditions required under 17.40.11(5) and the following 3 conditions:

1. Obtain all necessary building permits, including plumbing and electrical for the underground run-off containment and pumping/evacuation system to be installed under the granular storage concrete pad.

2. The proposed underground run-off containment tank shall include a sealed concrete vault and monitored by three (3) water quality sampling wells installed on the property.
3. Prior to the landscaping season, all remaining granular de-icing material not stored in the designated concrete storage enclosure shall be bagged and/or stored indoors to protect against run-off and possible groundwater contamination.

Motion: Approve CUP with standard conditions in the code along with 3 additional conditions

Motioned By: John Delain

Seconded By: Kevin Driscoll

Yes: Matthew Mortwedt, Kevin Driscoll, John Delain, Paul Haugen, Jeff Retzlaff

No: None

Abstain: None

Motion Passed (Yes 5, No 0, Abstained 0)

VII. ADJOURNMENT:

Chairman Retzlaff adjourned the meeting at 12:18pm.

CONDITIONAL USE PERMIT

11/25/24 Groundwater Technical Review Committee Meeting

Jeff Osgood / Kwik Trip, Inc.

Village Staff Report

Germantown, Wisconsin

SUMMARY

Jeff Osgood, Agent for Kwik Trip, Inc., and Ben Venue Properties, Property Owner; Review and Recommendation for a Conditional Use Permit (CUP) Application to Allow a "Motor Vehicle Filling Station" within a Groundwater Protection Overlay District Pursuant to Section 17.40.12(3) of the Village Zoning Code.

On August 19, 2024, the Village Board passed a series of code amendments to the Wellhead Protection provisions under Section 17.40 of the zoning code. Included with the amendments is a provision allowing the relocation of a pre-existing use or facility prohibited within a Groundwater Protection Overlay District. The relocation of such uses within a Groundwater Protection Overlay District can be allowed through a Conditional Use Permit.

In this instance, Kwik Trip, Inc. has requested a Conditional Use Permit to relocate their existing facility, which is classified as a "motor vehicle filling station" and prohibited under the Village's Wellhead Protection regulations. The current Kwik Trip facility is located at W188 N10963 Maple Road while the proposed relocation property is located roughly 650 feet north at N112 W18741 Mequon Road (former PNC Bank). Both properties are within the same Groundwater Protection Overlay District and are illustrated by the maps included in the attachments to this memo.

The Groundwater Technical Review Committee is tasked with recommending on the proposed conditional use to allow the relocation of Kwik Trip's "motor vehicle filling station". More specifically, the Committee's purpose and responsibilities are to:

- **Provide objective and scientific technical review of request for conditional use permits and make recommendations to the Plan Commission and ultimately to the Village Board to grant or deny conditional use permits based upon the facts discovered in that review.**
- **To make recommendations on any and all conditions placed on a conditional use permit.**
- **To interpret the provisions of Code Section 17.40 (Wellhead Protection) and to provide guidance to the Village Planner/Zoning Administrator regarding potential amendments to and the administration and enforcement of the provisions under Section 17.40.**
- **To give advice on matters concerning the protection of Germantown's groundwater resources.**

Per Code Section 17.40.11, the applicant has submitted the required documents for review by the Groundwater Technical Review Committee. As listed above the purpose of the meeting will be for the Committee to discuss and recommend on the conditional use permit as described in the summary section of this memo. The recommendation shall be to approve, approve with conditions, or deny the application. For reference, the submittals for consideration are listed as follows and attached to this memo along with the applicable Wellhead provisions and application:

- a) Site plan map with all building and structure footprints, driveways, sidewalks, parking lots, stormwater management structures, groundwater monitoring wells, and 2-foot ground elevation contours.
- b) Business plan and/or other documentation which describes in details the use, activities, and structures proposed.
- c) Environmental assessment report prepared by a licensed environmental engineer which details the risk to, and potential impact of, the proposed use, activities, and structures on groundwater quality. In the event of a substitution or relocation of a pre-existing use under this section, the report shall address the ways that the substituted or relocated use will reduce the risk to groundwater compared to the pre-existing use.
- d) Operation safety plan, which details the operational procedures for material processes and containment, best management practices, stormwater runoff management, and groundwater monitoring.
- e) Contingency plan which addresses in detail the actions that will be taken should a contamination event caused by the proposed use, activities, or structures occur.

All conditional use permits granted shall be subject to conditions that will include environmental and safety monitoring determined necessary to afford adequate protection of the public water supply. These conditions shall include all of the following:

- a) Provide current copies of all federal, state, and local facility operation approval or certificates and on-going environmental monitoring results to the Village.
- b) Establish environmental or safety structures/monitoring to include an operation safety plan, material processes and containment, operations monitoring, best management practices, stormwater runoff management, and groundwater monitoring.
- c) Replace equipment or expand in a manner that improves the environmental and safety technologies in existence.
- d) Prepare, file, and maintain a current contingency plan which details the response to any emergency which occurs at the facility, including notifying municipal, county, and state officials. Provide a current copy to the Village.

Additionally, per Code Section 17.40.12, conditional use permits granted by the Village shall include conditions that require the following:

- a) *To the extent feasible, based upon scientific, engineering and economic factors, all site, building and other improvements shall be repaired, rebuilt, expanded, relocated, or substituted using best management practices, designs and technologies which are state of the art, such that they diminish the potential for wellhead contamination.*
- b) *To the extent feasible, based upon scientific, engineering, and economic factors, the replacement, substitution, or augmentation of equipment and machinery and the installation thereof shall utilize state of the art equipment and machinery which diminishes potential for wellhead contamination.*
- c) *The relocation of pre-existing uses or facilities is allowed provided all the following are met:*
 - i. *The pre-existing use or facility is relocated within the same Groundwater Protection Overlay District.*
 - ii. *The new location meets all applicable separation distance requirements set forth under subsection 17.40.09.*
 - iii. *The use or facility can obtain all applicable Federal, State and Local approvals and permits.*
 - iv. *The owner of the property or current site from which the pre-existing use or facility is relocating from records a deed restriction against the property that prohibits future uses and/or facilities that require a conditional use permit under subsection 17.40.11 or are listed as a prohibited use in subsection 17.40.11.*
 - v. *The owner of the property or operator of the pre-existing use or facility being relocated causes the property and all structures, equipment, and systems located thereon to be altered and/or restored to a physical condition that can be reasonably expect to not cause groundwater contamination, including but not limited to the removal of storage tanks, pipes, and systems that previously contained or utilized hazardous, flammable, or other liquids or materials that had the potential to contaminate the Village's groundwater resources. Such alteration and restoration shall meet all applicable Federal, State, and Local agency requirements (e.g. Wisconsin's Cleanup Rules and Laws).*

SCANNED



Village of



Germantown

Willkommen

Fee must accompany application

\$1460 Paid RR Date 10/21/24
Chk # 2000216

CONDITIONAL USE PERMIT APPLICATION

Pursuant to Section 17.42 of the Municipal Code

Please read and complete this application carefully. All applications must be signed and dated.

1 APPLICANT OR AGENT

Kwik Trip, Inc - JEFF OSGOOD

1626 DAKES ST

LACROSSE, WI 54602

Phone (608) 793-5547

Fax ()

E-Mail j.osgood@kwiktrip.com

PROPERTY OWNER

STEVEN A. SCHELLIN

BEN VENUE PROGETTI ET - GERMANTOWN

Phone (262) 391-8490

sascshellin@gmail.com

2 TO WHOM SHOULD THE PERMIT BE ISSUED?

APPLICANT

3 PROPERTY ADDRESS

TAX KEY NUMBER

SE CORNER OF STH 167 AND MAPLE RD - N.112W18741 Mequon Rd #GTNU 282990

4 DESCRIPTION OF EXISTING OPERATION

Briefly describe the use as it exists today, including use, size, number of employees, hours of operation, etc. If this permit involves new construction, describe the current status of the property, e.g. "vacant." Use additional pages as necessary.

CURRENTLY VACANT OFFICE BUILDING

5 DESCRIPTION OF PROPOSED OPERATION

Write the name of the proposed conditional use exactly as it appears in the Municipal Code

WE ARE REQUESTING A CONDITIONAL USE FOR OUR CREWSTX AND FOR WELLHEAD PROTECTION TEXT AMENDMENTS

Describe the proposed use, including size, number of employees, hours of operation and extent of any new construction/alterations.

PLEASE ATTACHED COVER LETTER CONTAINING THE ADDITIONAL REQUESTED INFO.

WE ARE PROPOSING A NEW RETAIL CONVENIENCE STORE W/ ATTACHED 2-BAY CREWSTX.



Wellhead Protection CUP Checklist

Application Document Ref & Page

17.40.11 CONDITIONAL USES.

- (3) All requests for a conditional use permit shall be submitted in writing to the Germantown Village Planning and Zoning Department, and shall include all of the following:
- (a) A site plan map with all building and structure footprints, driveways, sidewalks, parking lots, stormwater management structures, groundwater monitoring wells, and 2-foot ground elevation contours. Section 3.0 (Page 3) & Pages 12-15
 - (b) A business plan and/or other documentation which describes in detail the use, activities, and structures proposed. Section 4.0 (Page 3)
 - (c) An environmental assessment report prepared by a licensed environmental engineer which details the risk to, and potential impact of, the proposed use, activities, and structures on groundwater quality. In the event of a substitution or relocation of a pre-existing use under this section, the report shall address the ways that the substituted or relocated use will reduce the risk to groundwater compared to the pre-existing use. Section 5.0 (Pages 4-5)
 - (d) An operational safety plan, which details the operational procedures for material processes and containment, best management practices, stormwater runoff management, and groundwater monitoring. Section 6.0 (Pages 5-6) & stand-alone Spill Response Plan
 - (e) A contingency plan which addresses in detail the actions that will be taken should a contamination event caused by the proposed use, activities, or structures occur. Section 7.0 (Page 6) & stand-alone Spill Response Plan
- (4) All applicants submitting a request for a conditional use permit shall reimburse the Village for all consultant fees and expenses and technical review committee expenses associated with this review, plus administrative costs and processing fees.
- (5) All conditional use permits granted shall be subject to conditions that will include environmental and safety monitoring determined necessary to afford adequate protection of the public water supply. These conditions shall include all of the following:
- (a) Provide current copies of all federal, state and local facility operation approval or certificates and on-going environmental monitoring results to the Village. Section 8.0 (Page 6, last paragraph)
 - (b) Establish environmental or safety structures/monitoring to include an operational safety plan, material processes and containment, operations monitoring, best management practices, stormwater runoff management, and groundwater monitoring. Section 6.0 (Pages 5-6) & stand-alone Spill Response Plan
 - (c) Replace equipment or expand in a manner that improves the environmental and safety technologies in existence. Section 5.0 (Pages 4-5)
 - (d) Prepare, file and maintain a current contingency plan which details the response to any emergency which occurs at the facility, including notifying municipal, county and state officials. Provide a current copy to the Village. Section 7.0 (Page 6) & stand-alone Spill Response Plan
- (6) The Germantown Village Board shall decide upon a request for a conditional use permit only after full consideration of the recommendations made by the Germantown Groundwater Technical Review Committee. Any conditions above and beyond those specified in conditional uses, subsection (5) herein that are recommended by the Germantown Groundwater Technical Review Committee may be applied to the granting of the conditional use permit.

17.40.12 PROVISIONS AND REQUIREMENTS FOR PRE-EXISTING USES OR FACILITIES
REQUIRING A CONDITIONAL USE PERMIT OR LISTED AS A PROHIBITED USE.

**Application
Document Ref
& Page #**

(4) Conditional Use Permit Requirements. At a minimum, conditional use permits granted by the Village pursuant to subsection 17.40.12(3) above shall include conditions that require the following:

(a) to the extent feasible, based upon scientific, engineering and economic factors, all site, building and other improvements shall be repaired, rebuilt, expanded, relocated, or substituted using best management practices, designs and technologies which are state of the art, such that they diminish the potential for wellhead contamination; and

Section 5.0 (Pages 4-5) &
Section 8.0 (Page 6, first
paragraph)

(b) to the extent feasible, based upon scientific, engineering, and economic factors, the replacement, substitution, or augmentation of equipment and machinery and the installation thereof shall utilize state of the art equipment and machinery which diminishes potential for wellhead contamination; and

Section 5.0 (Pages 4-5) &
Section 8.0 (Page 6, first
paragraph)

(c) The relocation of pre-existing uses or facilities is allowed provided all the following are met:

(i) The pre-existing use or facility is relocated within the same Groundwater Protection Overlay District;

Section 8.0 (Page 6, second
paragraph & Page 11)

(ii) The new location meets all applicable separation distance requirements set forth under subsection 17.40.09;

Section 8.0 (Page 6, second
paragraph & Page 11)

(iii) The use or facility can obtain all applicable Federal, State and Local approvals and permits;

Section 8.0 (Page 6, last
paragraph)

(iv) The owner of the property or current site from which the pre-existing use or facility is relocating from records a deed restriction against the property that prohibits future uses and/or facilities that require a conditional use permit under subsection 17.40.11 or are listed as a prohibited use in subsection 17.40.11; and

Section 8.0 (Page 7, first
paragraph)

(v) The owner of the property or operator of the pre-existing use or facility being relocated causes the property and all structures, equipment, and systems located thereon to be altered and/or restored to a physical condition that can be reasonably expect to not cause groundwater contamination, including but not limited to the removal of storage tanks, pipes, and systems that previously contained or utilized hazardous, flammable, or other liquids or materials that had the potential to contaminate the Village's groundwater resources. Such alteration and restoration shall meet all applicable Federal, State, and Local agency requirements (e.g. Wisconsin's Cleanup Rules and Laws).

Section 8.0 (Page 7,
second paragraph)

**Conditional Use Permit Request
Wellhead Protection
Proposed Kwik Trip #631 Relocation
N112W18741 Mequon Rd.
Germantown, WI 53022**

Date: October 11, 2024

1.0 Introduction

This request is intended to accompany our submittal to the Village of Germantown for the requested conditional use permit (CUP) application for our proposed project located at N112W18741 Mequon Rd. This proposed location is within a current wellhead protection area within the Village, so a CUP is required.

1.1 Site Location and Legal Description

The subject property is located in a part of the NW ¼ of the NW ¼ of Section 28 and the NE ¼ of the NE ¼ of Section 29, Township 9 North, Range 20 East, Village of Germantown, Washington County, Wisconsin. The subject property consists of 1 parcel of land totaling approximately 4.37 acres located on the western side of the Village of Germantown. Specifically, the subject property is at N112W18741 Mequon Rd, Germantown, WI 53022. A Site Location Map is included as Figure 1.

1.2 Site Description

The subject property is located in an area of residential and commercial properties adjacent to a business park in the western portion of the Village of Germantown. The subject property consists of a two-story commercial bank property. There is a concrete parking lot connecting to public roads in two locations with the rest of the land being undeveloped green space. An Aerial Map is included as Figure 2.

1.3 Physical Setting

The subject property is located in an area of Washington County that is typified by glacial outwash sediments consisting of unsorted mixtures of clay, sand, gravel, and boulders. Beneath the sediments,

OUR MISSION

To serve our customers and community more effectively than anyone else by treating our customers, co-workers and suppliers as we, personally, would like to be treated, and to make a difference in someone's life.

sedimentary bedrock units, predominantly limestone/dolomite underlined by sandstone and shale is found in the area.

Based on a review of USGS topographical maps of the area, the vicinity surrounding the subject property is relatively flat, with rolling hills, and with low lying areas with associated wetland/rivers. The property and STH 167 rides along an elevated flute of land that slopes off to the northwest and southeast. The subject property slopes off towards the Menomonee River a 1/3 of a mile to the southeast.

Washington County is characterized by two groundwater systems: a shallow “water-table” system, within the glacial deposits, and a deeper sandstone aquifer. The general direction of shallow groundwater flow in the vicinity of the subject property was not determined in the field as part of the recent Phase I or II Environmental Site Assessments. However, the depth to ground water based on adjoining site information is approximately 10 feet below grade. Shallow groundwater flow in glacial deposits typically mimics surface water drainage. Anticipated groundwater flow direction at the subject property is likely to occur towards southeast, towards the Menomonee River.

1.4 Wellhead Protection Area

The current Kwik Trip located at W188N10963 Maple Road is right on the outskirts of the 5-year travel time for the Graef Wellhead Protection area. Village Well #3 is located approximately 4,800 feet northeast and Village Wells #5 and #7 are located approximately 1.2 miles east/northeast from the site. The proposed new Kwik Trip parcel is diagonally across HWY 167 from the current location, which is still within the same Graef Wellhead Protection area. This new location is approximately 3,800 feet from Well #3 and 1.1 miles from Wells #5 and #7. See attached Wellhead Protection Area Map (Figure 3) for reference.

2.0 Conditional Use Permit Request

As specified in the Village of Germantown Wellhead Protection ordinance, all requests for a conditional use permit shall be submitted in writing to the Germantown Village Planning and Zoning Department, and shall include all of the following:

- (a) A site plan map with all building and structure footprints, driveways, sidewalks, parking lots, stormwater management structures, groundwater monitoring wells, and 2-foot ground elevation contours.
- (b) A business plan and/or other documentation which describes in detail the use, activities, and structures proposed.
- (c) An environmental assessment report prepared by a licensed environmental engineer which details the risk to, and potential impact of, the proposed use, activities, and structures on groundwater quality. In the event of a substitution or relocation of a pre-existing use under this section, the report shall address the ways that the substituted or relocated use will reduce the risk to groundwater compared to the pre-existing use.
- (d) An operational safety plan, which details the operational procedures for material processes and containment, best management practices, stormwater runoff management, and groundwater monitoring.
- (e) A contingency plan which addresses in detail the actions that will be taken should a contamination event caused by the proposed use, activities, or structures occur.

The following sections provide further details on these items.

3.0 Site Plan Map

Refer to attached civil plan sheet C100 (Site Keynote Plan) for the proposed Kwik Trip building footprint, driveways, sidewalks, parking lot area.

Plan sheet C200 (Grade Plan) details the proposed final ground elevation contours.

Plan sheet C300 (Storm Sewer Plan) details the stormwater management structures. Of note are the oil skimmer structures located prior to the on-site stormwater pond. Two of these structures are proposed since there are two outfall locations into the stormwater pond. These structures are designed to capture any surface fuel spills that enter the stormwater system. It acts as an oil-water separator and is able to contain approximately 100-200 gallons of product. Refer to attached plan sheet C501 (Site Plan Details) for a schematic of the storm sewer inlet with sump detail.

An on-site stormwater pond is also proposed for the new development. The pond not only provides suspended solids removal prior to discharge, but it also provides another location to detect and recover a large fuel spill. Having an onsite stormwater pond is more protective for the environment versus if the stormwater system is connected directly to the village mains underground where surface spills and discharges can go unnoticed.

Please note that installation of groundwater monitoring wells are not proposed during development. It is not common practice to install monitoring wells solely as a contingency when there has not been any signs of a petroleum release. Refer to later sections that further detail the petroleum system leak prevention and leak detection technologies which are state of the art, such that they diminish the potential for wellhead contamination.

4.0 Business Plan

Kwik Trip, Inc. is proposing the construction of a 11,120 square-foot convenience store with attached 1-bay carwash and an attached dumpster enclosure with fueling canopy and separate diesel fuel canopy. The proposed method of operation for this development will be consistent with that for our existing convenience stores within the area. The requested hours of operation will be 24 hours for all uses. The type of products that will be sold will be similar to that of our existing stores: gasoline, in line diesel, E-85, Unleaded 88, groceries, bakery and dairy, hot and cold food and beverages, tobacco products, off-sale alcohol products, lotto, convenience store merchandise, ice, and propane. The outside merchandising of products is being requested next to the store (ice and propane) and miscellaneous merchandising under the gas canopy. The proposed store is projected to have between 28-35 full and part time employees, with 2-8 on staff at any given time.

5.0 Environmental Assessment Report

Several improvements are planned for the new Kwik Trip fueling system to reduce the risk to groundwater compared to the pre-existing use. Kwik Trip in some areas exceeds state and federal guidelines for what is required to operate a retail gas operation with respect to monitoring fuel systems. Kwik Trip also has a documented spill response plan in place to handle any situation that may arise. Below are additional details on the primary environmental protection improvements.

5.1 Double-Wall Flexible Fuel Piping

The proposed new fuel system will utilize double-wall flexible fuel piping from the underground storage tanks to the fuel dispensers. Double-wall design allows for a means to contain a release from the primary pipe if it were to occur. If product would happen to be released from the primary pipe, it would travel through the outer secondary pipe and be contained in a liquid tight sump. Sumps are located at the submersible head on each tank and under each product dispenser. These sumps are designed to contain and alert the operator of a release. All sumps are also equipped with a liquid sensor, which alerts our coworkers and the 24/7 Kwik Trip Operation Support Center immediately of any liquid that has entered the sump. Kwik Trip has an in-house fuel service technician team who would then receive a work order to investigate the alarms and make immediate corrective action, if needed.

Current Kwik Trip fuel piping is double-wall fiberglass piping that was installed in 1995. Fiberglass piping comes in straight sections that have to be joined together by fittings to create bends or for long sections. These fittings and joints are much more susceptible to have leaks that can contribute to groundwater contamination versus the new flexible fuel piping systems. Existing joints are not located within a containment, whereas the new flexible piping would have no joints outside a containment structure. Additionally, double-wall fiberglass piping is susceptible on getting moisture or water within the annular space that can undergo freeze-thaw cycles and result in cracking. This is especially true in the Wisconsin climate.

Below is summary of advantages that new proposed flexible fuel piping has versus old fiberglass piping:

- Eliminates the need to hand-build joints in the field;
- No cutting, fitting and welding of underground fittings;
- Termination points can be contained safely inside containment sumps, no need to bury joints underground;
- Reduction in or elimination of potential leak points;
- No need to use adhesives or glue kits to connect pipe to fittings;
- Flexible piping can withstand freeze-thaw if moisture gets in annular space, and;
- Can be installed in any type of weather conditions.

5.2 Line Leak Detection

Not only will the new underground fuel lines be flexible double-wall piping, but they will also be equipped with electronic line leak detection (ELLD). This ELLD system is installed in the pipe run for each product dispensed and is designed to shut down flow to the dispenser if there is a pressure loss in the product pipe. An alert is then sent to the Kwik Trip 24-hr Operation Support team to send out a fuel technician to evaluate if there is an issue.

Current Kwik Trip fuel lines are not equipped with this type of precise leak detection.

5.3 Double-Wall Fiberglass Tanks

The proposed new underground fuel tanks work on the same premise as the double-wall piping. Tanks will be constructed as a double-wall fiberglass tank. There is a membrane between the two layers that allows for monitoring of liquid in the event it is released from the primary tank. This membrane space is called the interstitial space. Within the interstitial space is a riser pipe that allows the space to be continuously monitored with a liquid sensor. These sensors also alert our coworkers and the 24/7 Kwik Trip Operation Support Center immediately of any liquid that has entered this interstitial space. Kwik Trip has an in-house fuel service technician team who would then receive a work order to investigate the alarms and make immediate corrective action if needed. If product is found within the interstitial space, the tank will be shut down and fuel removed until a repair can be made.

Current Kwik Trip underground fuel tanks are double-wall fiberglass tanks installed in 1995. This older style fiberglass tank is not equipped with interstitial monitoring for leak detection. Rather, their means for leak detection is statistical inventory reconciliation (SIR). That leak detection method relies on comparing fuel sales to how much fuel is left in the underground tank to determine if there is unaccounted for fuel that may be due to a leak. This leak detection does not provide the immediate notification that the new proposed interstitial monitoring would provide. Leaks detected from SIR monitoring also comes after the fact and can be several days or even weeks after a leak has started.

5.4 Double-Wall Spill Buckets

The proposed new fuel system will also utilize double-wall spill buckets to further enhance spill prevention. A spill bucket is in place where the fuel delivery tanker connects to the underground fuel tank for filling. If any product is inadvertently spilled while connecting or disconnecting to the tank, it is captured by this spill bucket. These spill buckets can hold approximately 5-gallons of product. The spill bucket also has a secondary wall, or secondary containment, as another layer of protection if there is a crack in the primary spill bucket. There is a visual gauge that shows if any fuel is accumulating in this secondary containment.

Current Kwik Trip fills only have a single-wall spill bucket, which are much more susceptible to have leaks that go unnoticed.

6.0 Operational Safety Plan

Many items discussed in the above Environmental Assessment Report section are also applicable to this section on operational safety. The proposed new fuel system will have secondary containment present by utilizing double-wall flexible fuel piping, double-wall fiberglass tanks, and double-wall spill buckets. Additionally, liquid-tight containment sumps will be present beneath each fuel dispenser and where fuel piping comes out of the underground fuel tank (called the submersible turbine pump sump). All containment sumps are also equipped with a liquid sensor, which alerts our coworkers immediately of any liquid that has entered the sump.

Spill response best management practices are further outlined within the Spill Response Plan in the following Contingency Plan section.

Stormwater runoff management is previously discussed in Site Plan Map section. A highlight of that section are inclusion of an oil-skimmer structure that is capable of capturing a fuel spill prior to leaving the Kwik Trip property. Additionally, an on-site stormwater pond will be present to provide another location to detect and recover a large fuel spill.

As previously mentioned in the Site Plan Map section, installation of groundwater monitoring wells are not proposed during development. It is not common practice to install monitoring wells solely as a contingency when there has not been any signs of a petroleum release.

7.0 Contingency Plan

Kwik Trip has an established Spill Response Plan outlining how fuel spill situations are handled. The plan is included as a separate stand-alone document. Information contained in the plan describes response actions, identifies the chain of command, gives information on spill reporting requirements, and lists the companies and phone numbers of the people that can respond to a spill.

This spill response plan has proven to be effective over the years from a tanker accident down to a small spill. Kwik Trip has an internal call center (called Operation Support Center) that is staffed 24 hours a day, 365 days a year, to take calls from retail stores in the event of a spill. If a call comes in from a store, operations support staff gathers information about the spill, then they can determine the severity of the situation and contact the appropriate people or teams to respond. We have 24/7 on-call spill response vendors set up in all geographic locations that Kwik Trip has stores.

All Kwik Trip store locations are also equipped with the basic spill response material. Absorbent material packaged in 25 pound bags are kept at store level and can be ordered from our warehouse. Each store also has a 55 gallon drum for containerizing the absorbent material after the clean-up. A separate company is then contracted to pick up and properly disposed of the used absorbent material.

All Kwik Trip retail co-workers are also Class C certified, which means they have been training in basic understanding of gas equipment and operation, tank monitors and alarms, and spill response.

8.0 Conclusion

Based on information provided in this document, the proposed Kwik Trip relocation project will reduce the risk to groundwater compared to the pre-existing store location. The new location will utilize state of the art equipment to diminish the potential for wellhead contamination.

The pre-existing facility is also being relocated within the same Groundwater Protection Overlay District (Graef Wellhead Protection Area). It's being relocated approximately 1,000 feet northeast of the existing location. This new location is approximately 3,800 feet from Village of Germantown Well #3 and 1.1 miles from Wells #5 and #7, which also meets all separation distance requirements as set forth under subsection 17.40.09 of the Village of Germantown Wellhead Protection ordinance.

Prior to commencing operation, Kwik trip will obtain all applicable Federal, State, and Local approvals and permits to operate a retail fuel station/convenience store.

Once the new Kwik Trip location development is complete, the pre-existing store location will file a deed restriction against the property that prohibits future uses and/or facilities that require a conditional use permit under subsection 17.40.11 or are listed as prohibited use in subsection 17.40.11 of the Village of Germantown Wellhead Protection ordinance.

Lastly, once the new Kwik Trip is complete, the pre-existing location will have all fuel equipment removed to prevent the potential for any future groundwater contamination. This includes removal of the underground storage tanks and piping.

Please contact Kevin Nestingen at 608.793.6464 or knestingen@kwiktrip.com if you have questions or require further information on this Conditional Use Permit request.

Sincerely,

KWIK TRIP, INC.



Kevin D. Nestingen, PE
Environmental Compliance Manager
Wisconsin PE License #44284-6

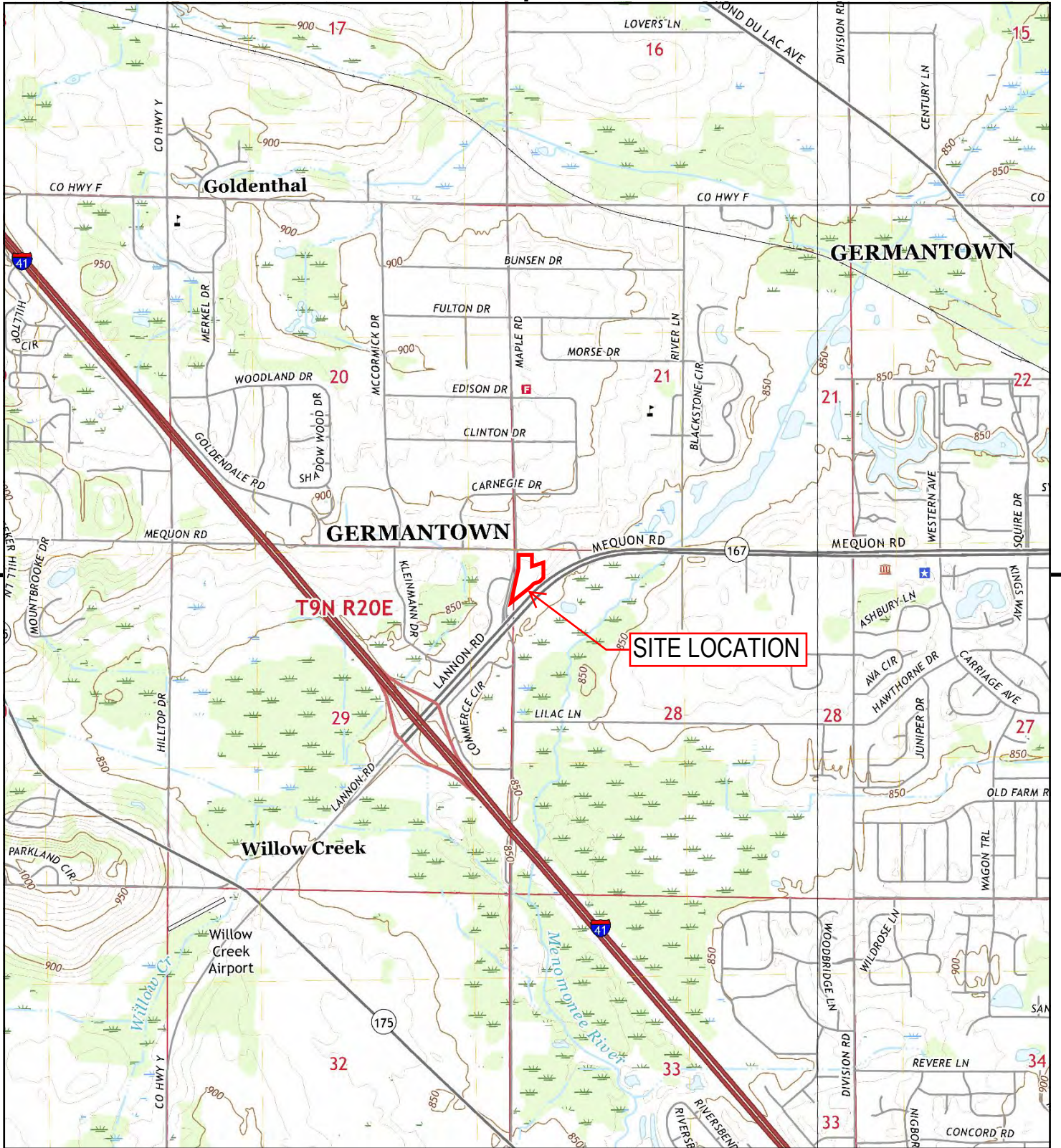


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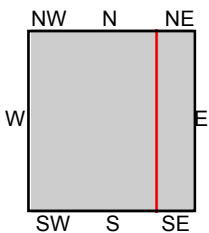
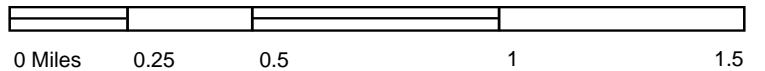
Figures

Spill Response Plan (stand-alone document)

Figures



This report includes information from the following map sheet(s).



TP, Sussex, 2022, 7.5-minute
SE, Menomonee Falls, 2022, 7.5-minute

**FIGURE 1 - SITE LOCATION MAP
PROPOSED KWIK TRIP #631 RELOCATION
N112 W18741 MEQUON ROAD
GERMANTOWN, WISCONSIN**





SITE LOCATION

**FIGURE 2 - 2020 AERIAL MAP
PROPOSED KWIK TRIP #631 RELOCATION
N112 W18741 MEQUON ROAD
GERMANTOWN, WISCONSIN**

INQUIRY #: 7646882.8

YEAR: 2020

1" = 500'

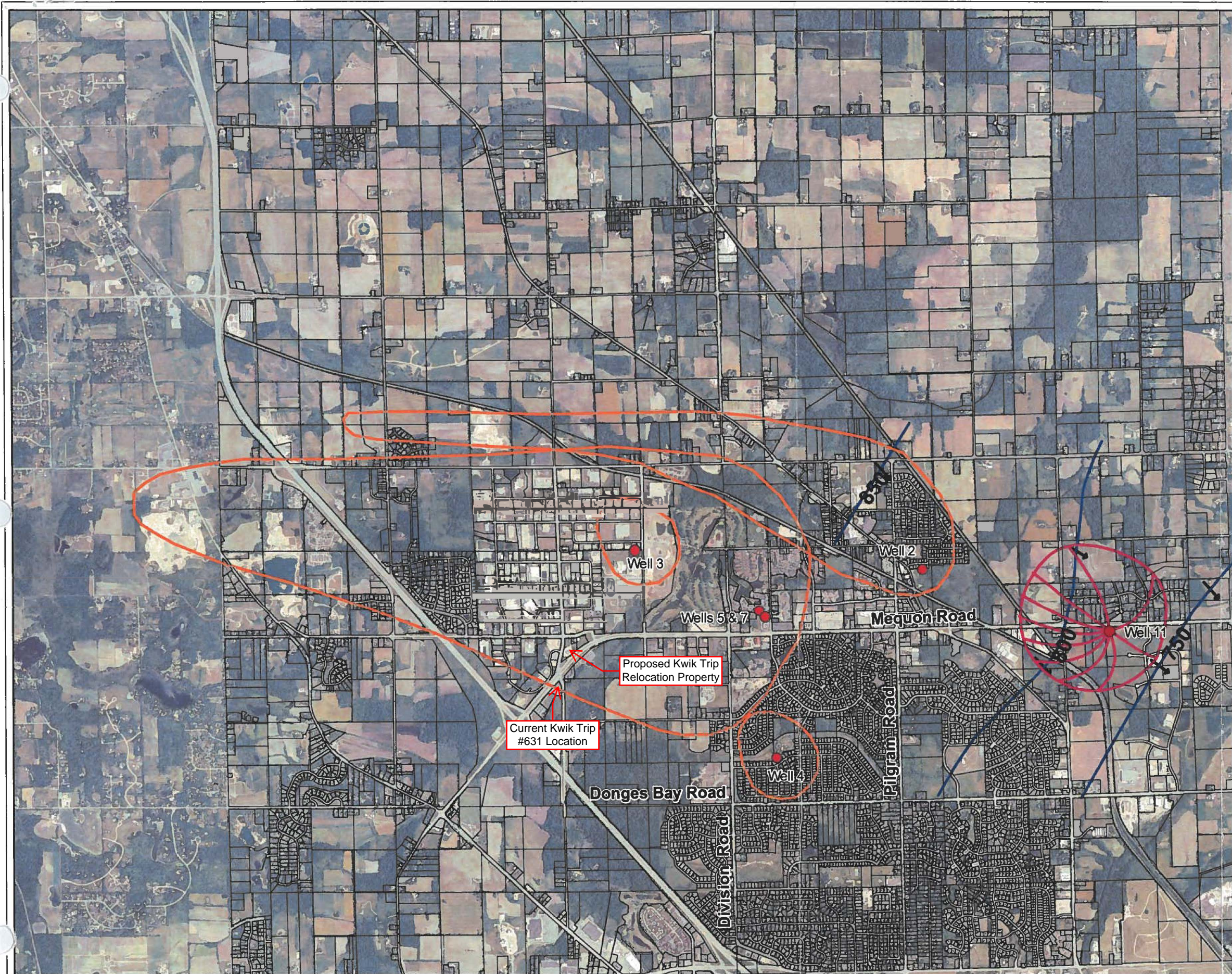


FIGURE 3

**Wellhead Protection Areas for
Germantown Well No. 11***

**Village of Germantown
Washington County, Wisconsin**

*WHPA for Well 11 delineated by
Ruekert-Mielke, 2010 in Amendment
No. 1 to Wellhead Protection Plan for
Municipal Well Nos. 2, 3, 3, 5, & 7
delineated by Graef, 2008



Legend

- Village Well Sites
- Direction of Groundwater Flow
- 800 Potentiometric Surface Elevation of Sandstone Aquifer (Static Condition)
- Wellhead Protection Area Well 11 (Based on 5-Year TOT)
- Graef Wellhead Protection Areas Wells 2-5 & 7 (Based on 5-Year TOT)

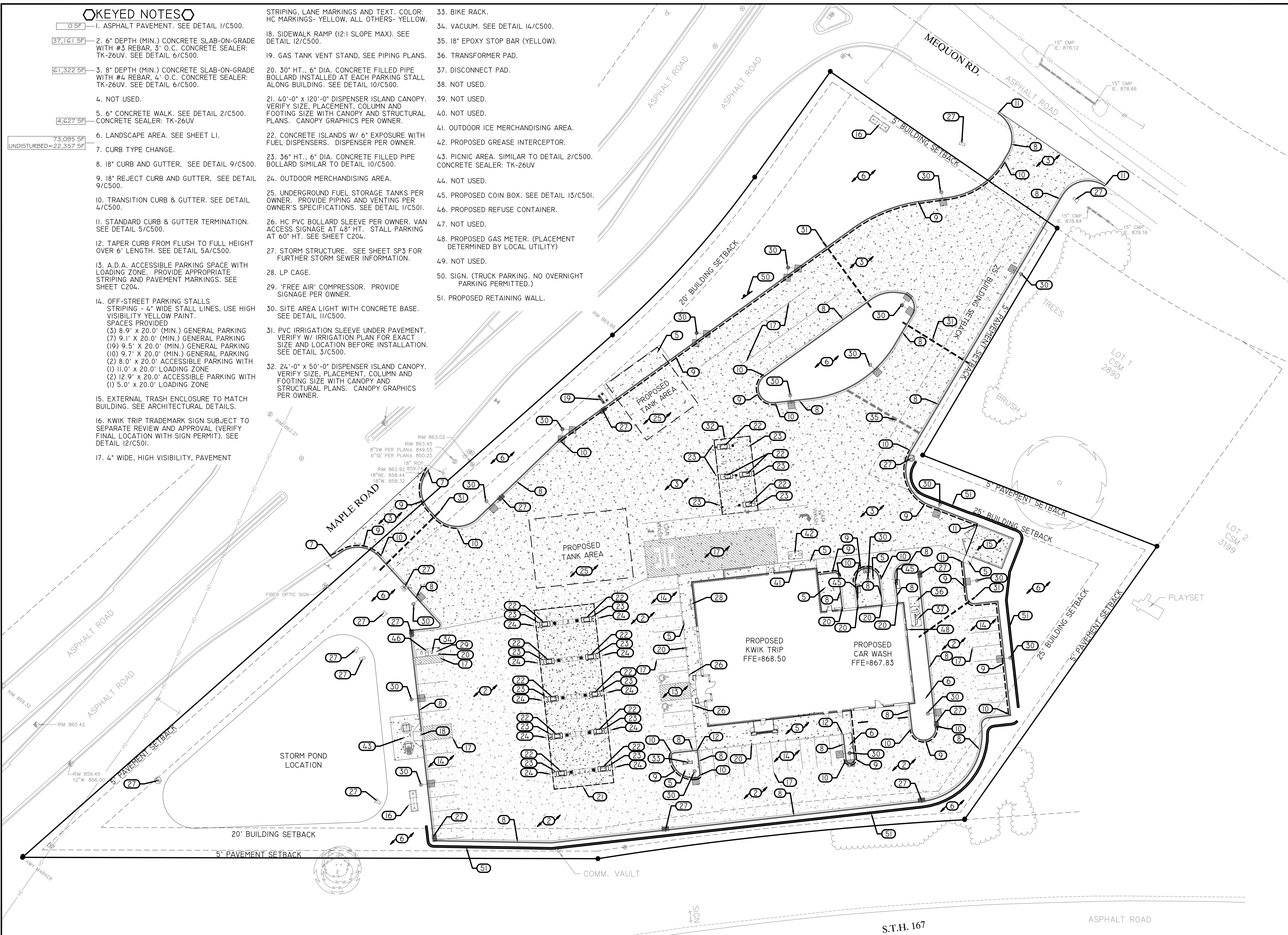


KEYED NOTES

- 1. ASPHALT PAVEMENT. SEE DETAIL 1/C500.
- 2. 6" DEPTH (MIN.) CONCRETE SLAB-ON-GRADE WITH #3 REBAR, 3' O.C. CONCRETE SEALER. TK-26UV. SEE DETAIL 6/C500.
- 3. 8" DEPTH (MIN.) CONCRETE SLAB-ON-GRADE WITH #4 REBAR, 4' O.C. CONCRETE SEALER. TK-26UV. SEE DETAIL 6/C500.
- 4. NOT USED.
- 5. 6" CONCRETE WALK. SEE DETAIL 2/C500. CONCRETE SEALER: TK-26UV
- 6. LANDSCAPE AREA. SEE SHEET LI.
- 7. CURB TYPE CHANGE.
- 8. 18" CURB AND GUTTER. SEE DETAIL 9/C500.
- 9. 18" REJECT CURB AND GUTTER. SEE DETAIL 9/C500.
- 10. TRANSITION CURB & GUTTER. SEE DETAIL 4/C500.
- 11. STANDARD CURB & GUTTER TERMINATION. SEE DETAIL 5/C500.
- 12. TAPER CURB FROM FLUSH TO FULL HEIGHT OVER 6' LENGTH. SEE DETAIL 5A/C500.
- 13. A.D.A. ACCESSIBLE PARKING SPACE WITH LOADING ZONE. PROVIDE APPROPRIATE STRIPING AND PAVEMENT MARKINGS. SEE SHEET C204.
- 14. OFF-STREET PARKING STALLS STRIPING - 4" WIDE STALL LINES. USE HIGH VISIBILITY YELLOW PAINT. SPACES PROVIDED:
 (3) 8.9' x 20.0' (MIN.) GENERAL PARKING
 (7) 9.1' x 20.0' (MIN.) GENERAL PARKING
 (19) 9.5' x 20.0' (MIN.) GENERAL PARKING
 (10) 9.7' x 20.0' (MIN.) GENERAL PARKING
 (2) 8.0' x 20.0' ACCESSIBLE PARKING WITH (1) 11.0' x 20.0' LOADING ZONE
 (1) 12.9' x 20.0' ACCESSIBLE PARKING WITH (2) 5.0' x 20.0' LOADING ZONE
- 15. EXTERNAL TRASH ENCLOSURE TO MATCH BUILDING. SEE ARCHITECTURAL DETAILS.
- 16. KWIK TRIP TRADEMARK SIGN SUBJECT TO SEPARATE REVIEW AND APPROVAL (VERIFY FINAL LOCATION WITH SIGN PERMIT). SEE DETAIL 12/C501.
- 17. 4" WIDE, HIGH VISIBILITY, PAVEMENT

- 18. SIDEWALK RAMP (1:2 SLOPE MAX). SEE DETAIL 12/C500.
- 19. GAS TANK VENT STAND. SEE PIPING PLANS.
- 20. 30" HT., 6" DIA. CONCRETE FILLED PIPE BOLLARD INSTALLED AT EACH PARKING STALL ALONG BUILDING. SEE DETAIL 10/C500.
- 21. 40'-0" x 120'-0" DISPENSER ISLAND CANOPY. VERIFY SIZE, PLACEMENT, COLUMN AND FOOTING SIZE WITH CANOPY AND STRUCTURAL PLANS. CANOPY GRAPHICS PER OWNER.
- 22. CONCRETE ISLANDS W/ 6" EXPOSURE WITH FUEL DISPENSERS. DISPENSER PER OWNER.
- 23. 36" HT., 6" DIA. CONCRETE FILLED PIPE BOLLARD SIMILAR TO DETAIL 10/C500.
- 24. OUTDOOR MERCHANDISING AREA.
- 25. UNDERGROUND FUEL STORAGE TANKS PER OWNER. PROVIDE PIPING AND VENTING PER OWNER'S SPECIFICATIONS. SEE DETAIL 1/C501.
- 26. HC PVC BOLLARD SLEEVE PER OWNER. VAN ACCESS SIGNAGE AT 48" HT. STALL PARKING AT 60" HT. SEE SHEET C204.
- 27. STORM STRUCTURE. SEE SHEET SP3 FOR FURTHER STORM SEWER INFORMATION.
- 28. LP CAGE.
- 29. 'FREE AIR' COMPRESSOR. PROVIDE SIGNAGE PER OWNER.
- 30. SITE AREA LIGHT WITH CONCRETE BASE. SEE DETAIL 11/C500.
- 31. PVC IRRIGATION SLEEVE UNDER PAVEMENT. VERIFY W/ IRRIGATION PLAN FOR EXACT SIZE AND LOCATION BEFORE INSTALLATION. SEE DETAIL 3/C500.
- 32. 24'-0" x 50'-0" DISPENSER ISLAND CANOPY. VERIFY SIZE, PLACEMENT, COLUMN AND FOOTING SIZE WITH CANOPY AND STRUCTURAL PLANS. CANOPY GRAPHICS PER OWNER.
- 33. BIKE RACK.
- 34. VACUUM. SEE DETAIL 14/C500.
- 35. 18" EPOXY STOP BAR (YELLOW).
- 36. TRANSFORMER PAD.
- 37. DISCONNECT PAD.
- 38. NOT USED.
- 39. NOT USED.
- 40. NOT USED.
- 41. OUTDOOR ICE MERCHANDISING AREA.
- 42. PROPOSED GREASE INTERCEPTOR.
- 43. PICNIC AREA. SIMILAR TO DETAIL 2/C500. CONCRETE SEALER: TK-26UV
- 44. NOT USED.
- 45. PROPOSED COIN BOX. SEE DETAIL 13/C501.
- 46. PROPOSED REFUSE CONTAINER.
- 47. NOT USED.
- 48. PROPOSED GAS METER. (PLACEMENT DETERMINED BY LOCAL UTILITY)
- 49. NOT USED.
- 50. SIGN. (TRUCK PARKING. NO OVERNIGHT PARKING PERMITTED.)
- 51. PROPOSED RETAINING WALL.

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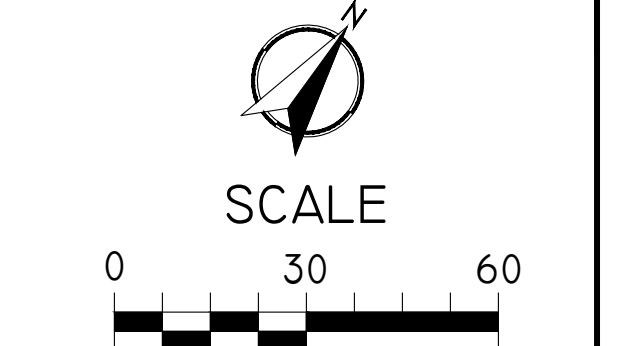
STORES



STORES

KWIK TRIP, Inc.
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 1626 OAK STREET
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 FAX (608) 781-8960

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 WAUSAU, WISCONSIN 54401
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 EMAIL: MAIL@REIENGINEERING.COM



SITE KEYNOTE PLAN
 CONVENIENCE STORE #631
 STH 167 & MAPLE ROAD
 GERMANTOWN, WI

#	DATE	DESCRIPTION

DRAWN BY: NAP
 SCALE: GRAPHIC
 PROJ. NO.: 11757
 DATE: 10/09/24 - REVIEW DOCUMENTS
 SHEET: C100

NOTE: CONTRACTOR TO OBTAIN RIGHT-OF-WAY EXCAVATION PERMIT PRIOR TO BEGINNING SITE WORK.

CALL DIGGERS HOTLINE @ 1-800-242-8511 AT LEAST 3 WORKING DAYS PRIOR TO EXCAVATING.

CONSTRUCTION NOTE:

COORDINATE WITH OWNER FOR POSSIBLE CONSTRUCTION FENCING AND GATE LOCATIONS AND APPROPRIATE SIGNAGE INSTALLATION.

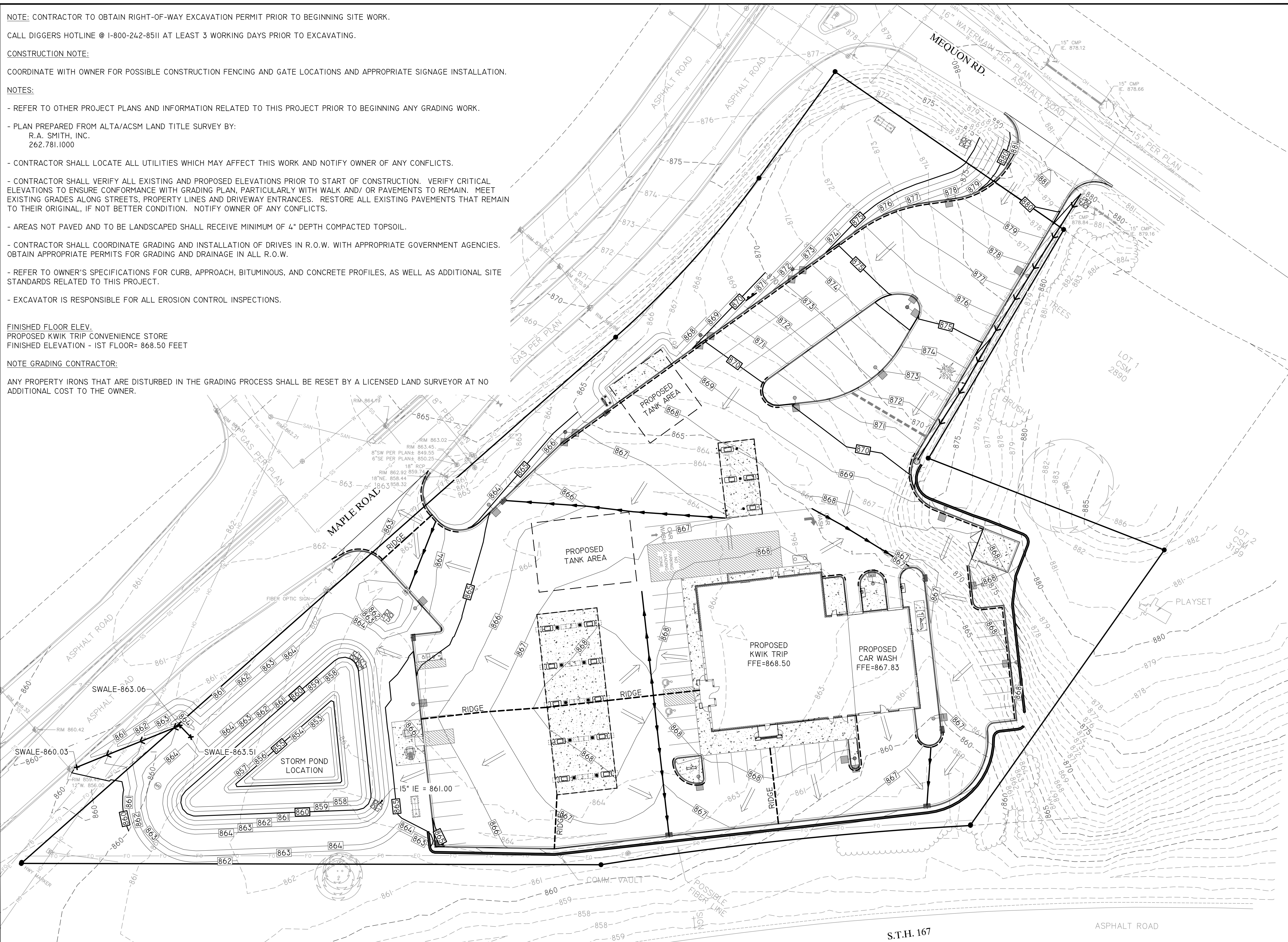
NOTES:

- REFER TO OTHER PROJECT PLANS AND INFORMATION RELATED TO THIS PROJECT PRIOR TO BEGINNING ANY GRADING WORK.
- PLAN PREPARED FROM ALTA/ACSM LAND TITLE SURVEY BY:
R.A. SMITH, INC.
262.781.1000
- CONTRACTOR SHALL LOCATE ALL UTILITIES WHICH MAY AFFECT THIS WORK AND NOTIFY OWNER OF ANY CONFLICTS.
- CONTRACTOR SHALL VERIFY ALL EXISTING AND PROPOSED ELEVATIONS PRIOR TO START OF CONSTRUCTION. VERIFY CRITICAL ELEVATIONS TO ENSURE CONFORMANCE WITH GRADING PLAN, PARTICULARLY WITH WALK AND/ OR PAVEMENTS TO REMAIN. MEET EXISTING GRADES ALONG STREETS, PROPERTY LINES AND DRIVEWAY ENTRANCES. RESTORE ALL EXISTING PAVEMENTS THAT REMAIN TO THEIR ORIGINAL, IF NOT BETTER CONDITION. NOTIFY OWNER OF ANY CONFLICTS.
- AREAS NOT PAVED AND TO BE LANDSCAPED SHALL RECEIVE MINIMUM OF 4" DEPTH COMPACTED TOPSOIL.
- CONTRACTOR SHALL COORDINATE GRADING AND INSTALLATION OF DRIVES IN R.O.W. WITH APPROPRIATE GOVERNMENT AGENCIES. OBTAIN APPROPRIATE PERMITS FOR GRADING AND DRAINAGE IN ALL R.O.W.
- REFER TO OWNER'S SPECIFICATIONS FOR CURB, APPROACH, BITUMINOUS, AND CONCRETE PROFILES, AS WELL AS ADDITIONAL SITE STANDARDS RELATED TO THIS PROJECT.
- EXCAVATOR IS RESPONSIBLE FOR ALL EROSION CONTROL INSPECTIONS.

FINISHED FLOOR ELEV.
PROPOSED KWIK TRIP CONVENIENCE STORE
FINISHED ELEVATION - 1ST FLOOR= 868.50 FEET

NOTE GRADING CONTRACTOR:

ANY PROPERTY IRONS THAT ARE DISTURBED IN THE GRADING PROCESS SHALL BE RESET BY A LICENSED LAND SURVEYOR AT NO ADDITIONAL COST TO THE OWNER.

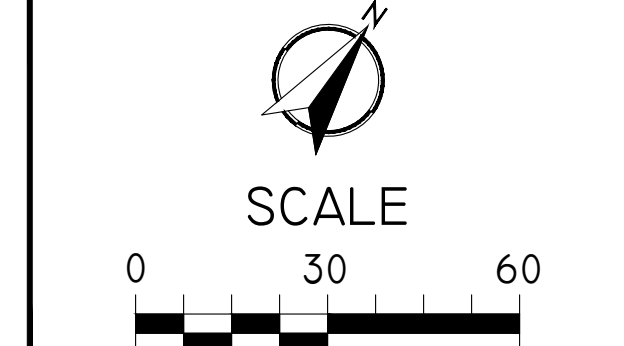


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4080 N. 20TH AVENUE
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EMAIL: MAIL@REIENGINEERING.COM



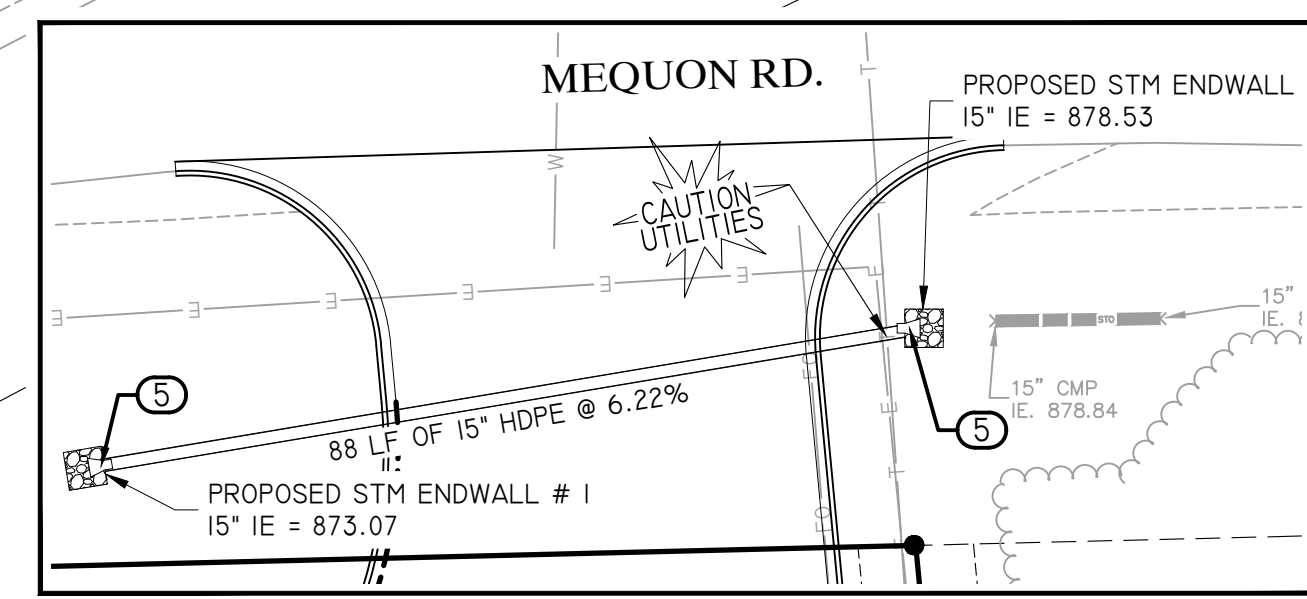
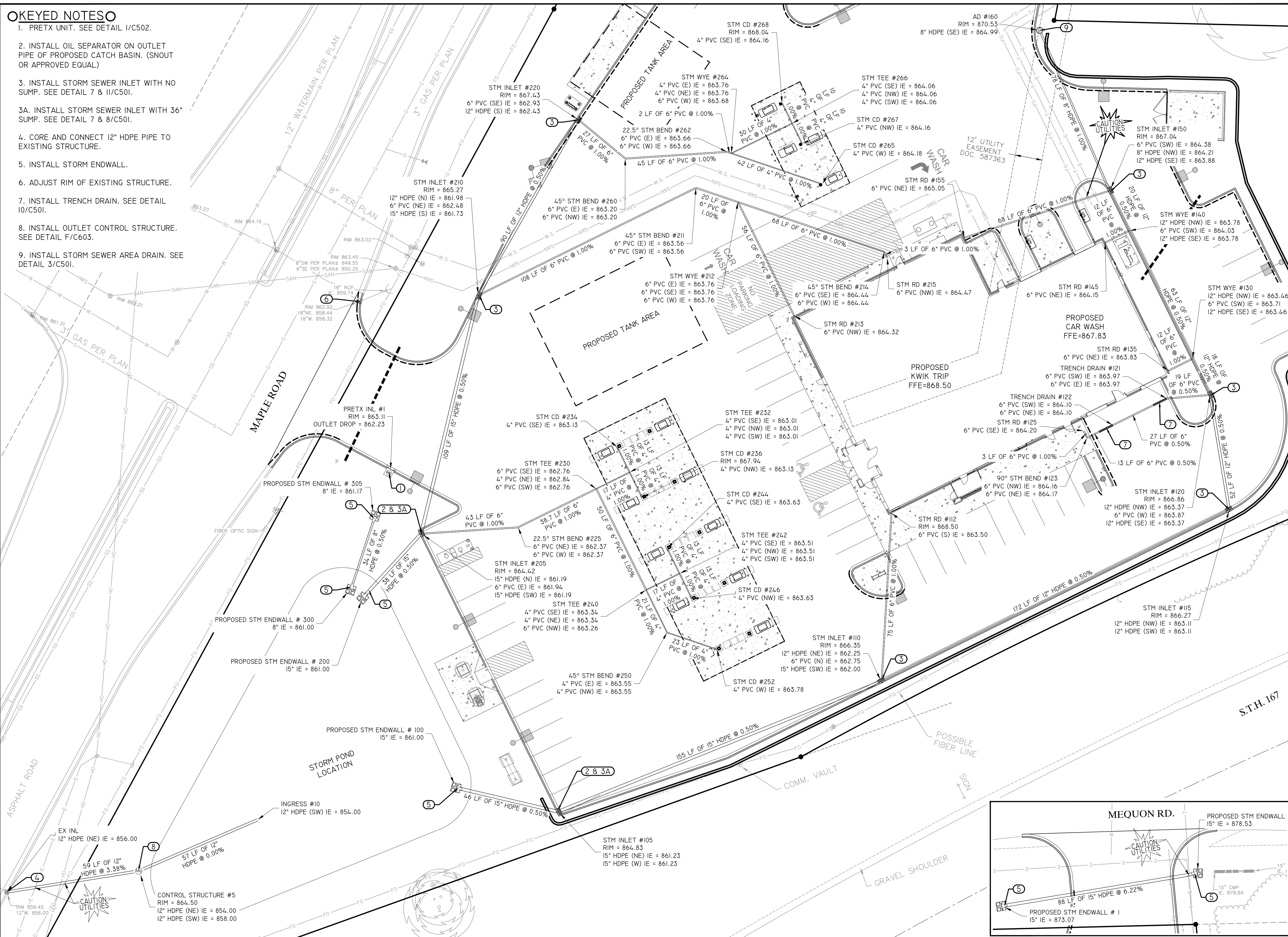
GRADING PLAN
CONVENIENCE STORE #631
STH 167 & MAPLE ROAD
GERMANTOWN, WI

#	DATE	DESCRIPTION

DRAWN BY: NAP
SCALE: GRAPHIC
PROJ. NO.: 11757
DATE: 10/09/24 - REVIEW DOCUMENTS
SHEET: C200

KEYED NOTES

- PRETX UNIT. SEE DETAIL 1/C502.
- INSTALL OIL SEPARATOR ON OUTLET PIPE OF PROPOSED CATCH BASIN. (SNOUT OR APPROVED EQUAL)
- INSTALL STORM SEWER INLET WITH NO SUMP. SEE DETAIL 7 & 11/C501.
- INSTALL STORM SEWER INLET WITH 36" SUMP. SEE DETAIL 7 & 8/C501.
- CORE AND CONNECT 12" HDPE PIPE TO EXISTING STRUCTURE.
- INSTALL STORM ENDWALL.
- ADJUST RIM OF EXISTING STRUCTURE.
- INSTALL TRENCH DRAIN. SEE DETAIL 10/C501.
- INSTALL OUTLET CONTROL STRUCTURE. SEE DETAIL F/C603.
- INSTALL STORM SEWER AREA DRAIN. SEE DETAIL 3/C501.



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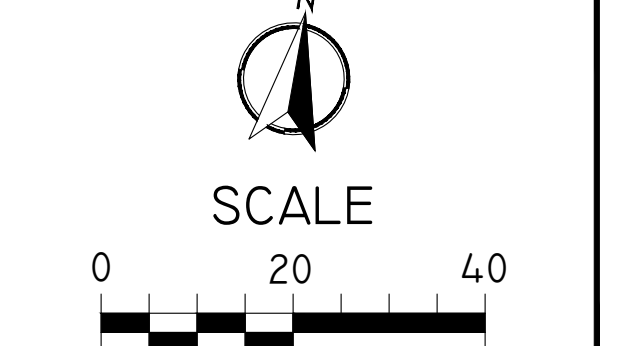
STORES



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 WAUSAU, WISCONSIN 54401
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 EMAIL: MAIL@REIENGINEERING.COM



STORM SEWER PLAN
CONVENIENCE STORE #631
STH 167 & MAPLE ROAD
GERMANTOWN, WI

#	DATE	DESCRIPTION

DRAWN BY: NAP
 SCALE: GRAPHIC
 PROJ. NO.: 11757
 DATE: 10/09/24 - REVIEW DOCUMENTS
 SHEET: **C300**

Environmental Standard Operating Procedure (SOP) Spill Response Plan



Rev. 10 (Sep. 12, 24)



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1.0 Purpose

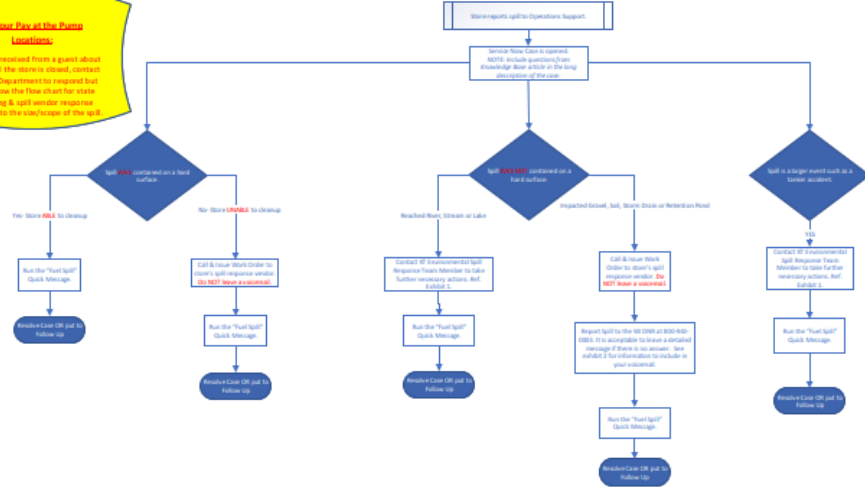
The purpose of the Spill Response Plan is to comply with Minnesota State Statutes 2002 Chapters 115E.04 and 115E.045. It also is to be utilized as a tool for Kwik Trip in having a documented procedure on how to respond to a spill situation. The information contained in this booklet describes response actions, identifies the chain of command, gives information on spill reporting requirements, and lists the companies and phone numbers of the people that can respond to a spill.

Chapter 115E of Minnesota Rules describes the requirements for what is to be included in the spill response plans. A copy of Chapter 115E.02, 115E.03, 115E.04 and 115E.045 are included in Section 10.2 in this booklet.

2.0 Spill Response Flow Chart by State

24 Hour Pay at the Pump Locations:
If a call is received from a guest about a spill and the store is closed, contact the Fire Department to respond but also follow the flow chart for state reporting & spill vendor response according to the size/scope of the spill.

Environmental Spill Response Flow Chart- WISCONSIN

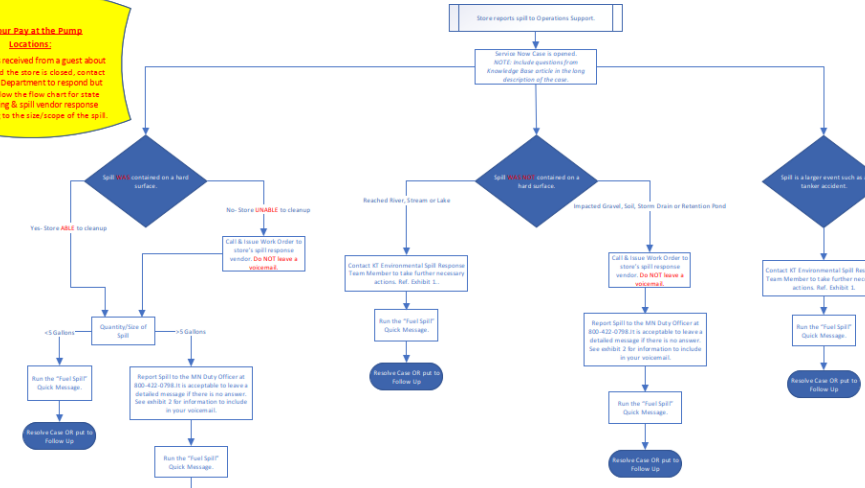


- EXHIBIT 1
Environmental Spill Response Team Members:**
- Please contact Team Members in the order below:
- Kevin Vestergaard (Primary Point of Contact)
Office Phone: 608-793-2258
Cell Phone: 608-793-2258
 - Troy Betzel (Secondary Point of Contact)
Office Phone: 608-793-3642
Cell Phone: 608-793-3642
 - Jason Powell (Third Point of Contact)
Office Phone: 608-793-3452
Cell Phone: 608-953-0427

- EXHIBIT 2
Information to Include in Voicemail:**
- Provide company, your name, & Operations Support phone number.
 - Store number and full address.
 - What is the product that was spilled?
 - What was the size of the spill in gallons?
 - Was the spill contained to hard surface?
 - Were the fire or police departments called?
 - Was the spill cleaned up? If not cleaned up, indicate what is being done to address the spill.

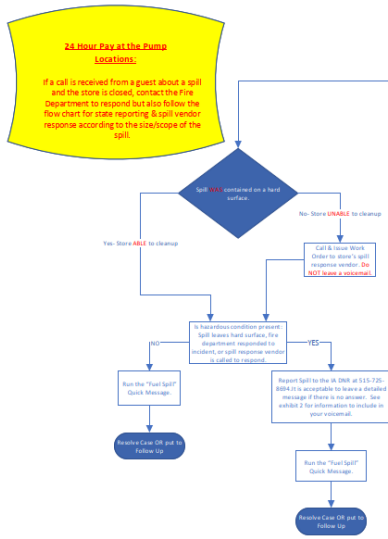
24 Hour Pay at the Pump Locations:
If a call is received from a guest about a spill and the store is closed, contact the Fire Department to respond but also follow the flow chart for state reporting & spill vendor response according to the size/scope of the spill.

Environmental Spill Response Flow Chart- MINNESOTA



- EXHIBIT 1
Environmental Spill Response Team Members:**
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 - Was the spill cleaned up? If not cleaned up, indicate what is being done to address the spill.



Environmental Spill Response Flow Chart - IOWA

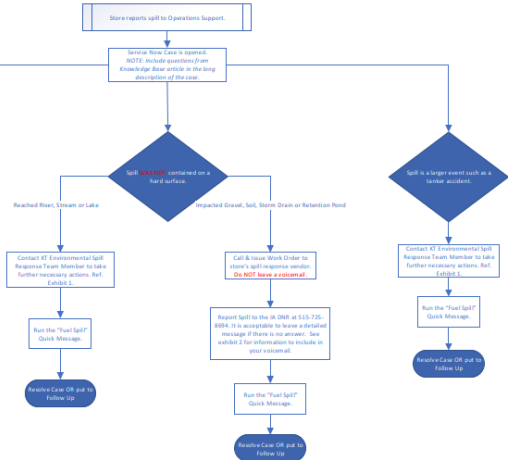


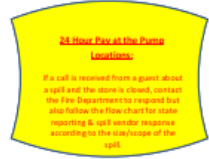
EXHIBIT 1
Environmental Spill Response Team Members:

Please contact Team Members in the order below:

1. Kevin Nestingen (Primary Point of Contact)
Office Phone: 608-793-5464
Cell Phone: 608-792-3288
2. Troy Betzel (Secondary Point of Contact)
Office Phone: 608-793-5483
Cell Phone: 608-792-2840
3. Jason Powell (Third Point of Contact)
Office Phone: 608-793-5482
Cell Phone: 608-385-1487

EXHIBIT 2
Information to Include in Voicemail:

1. Provide company, your name, & Operations Support phone number.
2. Store number and full address.
3. What is the product that was spilled?
4. What was the size of the spill in gallons?
5. Was the spill contained to hard surface?
6. Were the fire or police departments called?
7. Was the spill cleaned up? If not cleaned up, indicate what is being done to address the spill.



Environmental Spill Response Flow Chart - ILLINOIS

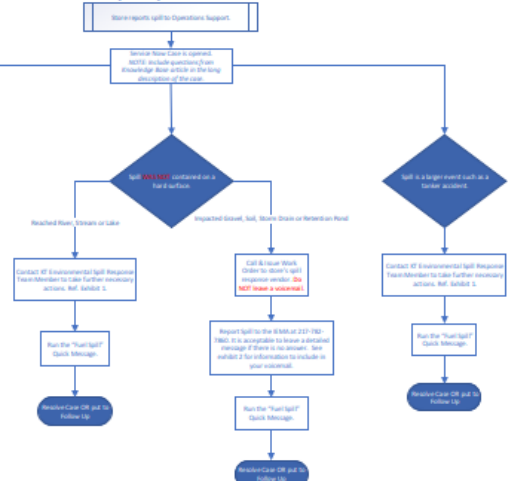


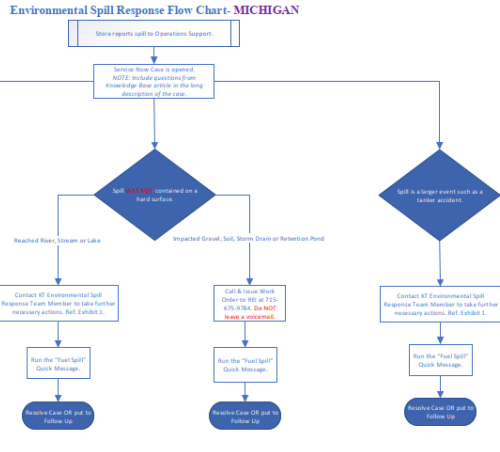
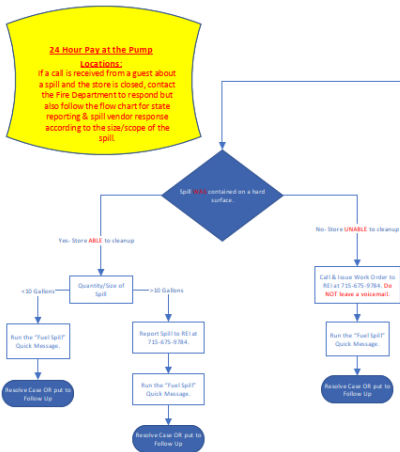
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Cell Phone: 608-792-2840
3. Jason Powell (Third Point of Contact)
Office Phone: 608-793-5482
Cell Phone: 608-385-1487

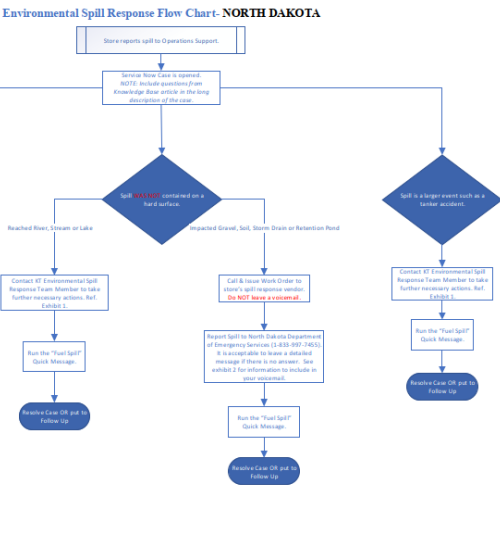
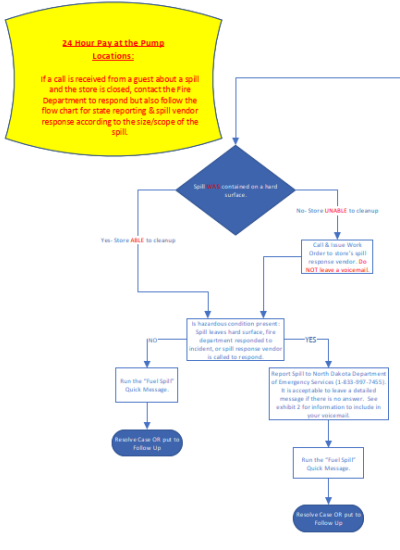
EXHIBIT 2
Information to Include in Voicemail:

1. Provide company, your name, & Operations Support phone number.
2. Store number and full address.
3. What is the product that was spilled?
4. What was the size of the spill in gallons?
5. Was the spill contained to hard surface?
6. Were the fire or police departments called?
7. Was the spill cleaned up? If not cleaned up, indicate what is being done to address the spill.



- EXHIBIT 1**
Environmental Spill Response Team Members:
- Please contact Team Members in the order below:
1. Kevin Nestinger (Primary Point of Contact)
Office Phone: 608-793-5454
Cell Phone: 608-792-3268
 2. Troy Betzel (Secondary Point of Contact)
Office Phone: 608-793-6233
Cell Phone: 608-792-2540
 3. Jason Powell (Third Point of Contact)
Office Phone: 608-793-3482
Cell Phone: 608-355-3467

- EXHIBIT 2**
Information to Include in Voicemail:
1. Provide company, your name, & Operations Support phone number.
 2. Spill number and full address.
 3. What is the product that was spilled?
 4. What was the size of the spill in gallons?
 5. Was the spill contained to hard surface?
 6. Were the fire or police department called?
 7. Was the spill cleaned up? If not cleaned up, indicate what is being done to address the spill.



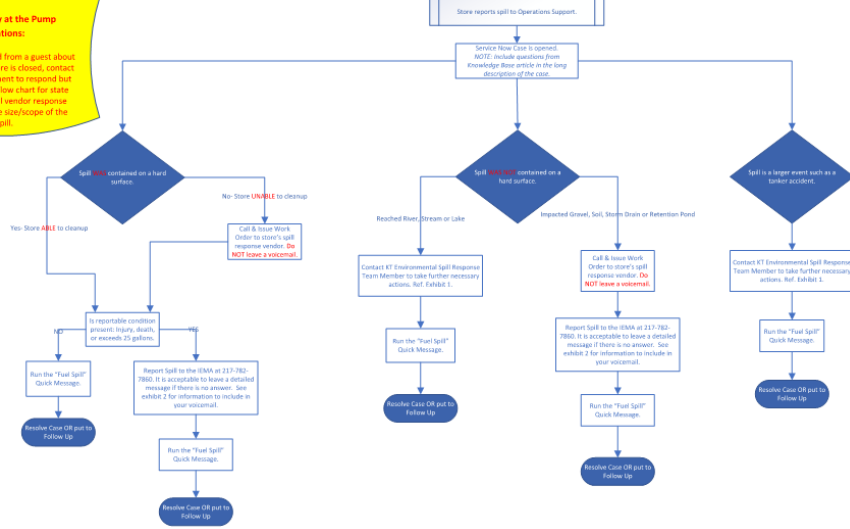
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Office Phone: 608-793-3482
Cell Phone: 608-355-3467

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Information to Include in Voicemail:
1. Provide company, your name, & Operations Support phone number.
 2. Spill number and full address.
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 5. Was the spill contained to hard surface?
 6. Were the fire or police department called?
 7. Was the spill cleaned up? If not cleaned up, indicate what is being done to address the spill.

24 Hour Pay at the Pump Locations:

If a call is received from a guest about a spill and the store is closed, contact the Fire Department to respond but also follow the flow chart for state reporting & spill vendor response according to the size/scope of the spill.

Environmental Spill Response Flow Chart- ILLINOIS



**EXHIBIT 1
Environmental Spill Response Team Members:**

Please contact Team Members in the order below:

1. Troy Batzel (Primary Point of Contact)
Office Phone: 608-792-6293
Cell Phone: 608-792-2840
2. Kevin Neustinger (Secondary Point of Contact)
Office Phone: 608-792-6664
Cell Phone: 608-792-3268
3. Jason Powell (Third Point of Contact)
Office Phone: 608-792-3482
Cell Phone: 608-385-2467

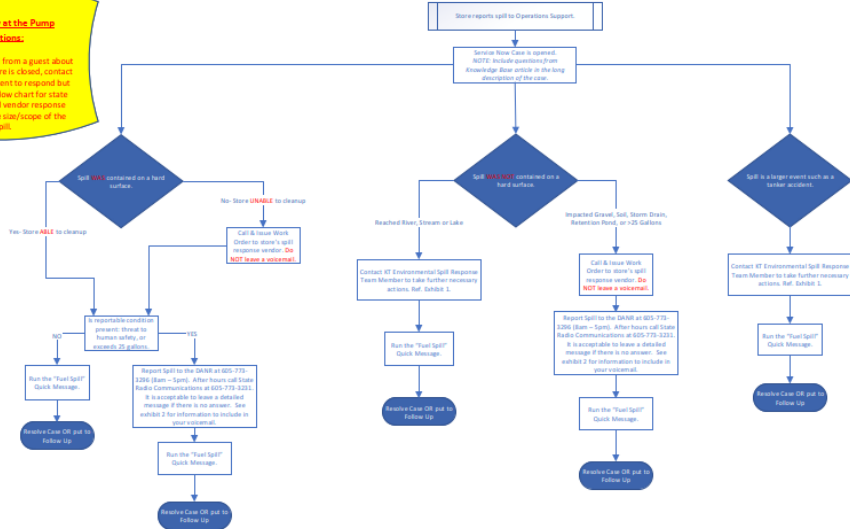
**EXHIBIT 2
Information to Include in Voicemail:**

1. Provide company, your name, & Operations Support phone number.
2. Store number and full address.
3. What is the product that was spilled?
4. What was the size of the spill in gallons?
5. Was the spill contained to hard surface?
6. Were the fire or police department called?
7. Was the spill cleaned up? If not cleaned up, indicate what is being done to address the spill.

24 Hour Pay at the Pump Locations:

If a call is received from a guest about a spill and the store is closed, contact the Fire Department to respond but also follow the flow chart for state reporting & spill vendor response according to the size/scope of the spill.

Environmental Spill Response Flow Chart- SOUTH DAKOTA



**EXHIBIT 1
Environmental Spill Response Team Members:**

Please contact Team Members in the order below:

1. Kevin Neustinger (Primary Point of Contact)
Office Phone: 608-792-6664
Cell Phone: 608-792-3268
2. Troy Batzel (Secondary Point of Contact)
Office Phone: 608-792-6293
Cell Phone: 608-792-2840
3. Jason Powell (Third Point of Contact)
Office Phone: 608-792-3482
Cell Phone: 608-385-2467

**EXHIBIT 2
Information to Include in Voicemail:**

1. Provide company, your name, & Operations Support phone number.
2. Store number and full address.
3. What is the product that was spilled?
4. What was the size of the spill in gallons?
5. Was the spill contained to hard surface?
6. Were the fire or police department called?
7. Was the spill cleaned up? If not cleaned up, indicate what is being done to address the spill.

3.0 Response Implementation Authority Information

This section identifies the individual or individuals within Kwik Trip that have the authority to implement a response action along with their title. Contact phone numbers are included in Section 13.5.

Primary: Kevin Nestingen
Title: Environmental Compliance Manager

Name: Troy Batzel
Title: Principal of Environmental Compliance

Name: Jason Powell
Title: Environmental Project Coordinator

Name: Bryan Novy
Title: Director or Retail Projects

Name: Erik Peterson
Title: Vice President of Store Engineering

Name: Operations Support staff
Title:

4.0 How To Respond To Discharges

4.1 Small Fuel Discharges

Small discharges that occur from our facilities or our transport trucks are addressed in a similar manner as a large discharge, the differences would be in the order in which they would contact the local authorities or Operations Support.

In the event of a small spill (gasoline, diesel, E85 or diesel exhaust fluid (DEF)), the store co-worker would assess the size or quantity of the spill and determine the required response based on their assessment. If the co-worker determines that the spill is of a small quantity and does not pose a threat to safety or the environment, they will move to clean up. The first rule is to always make sure that the situation is safe, this means they need to keep all customers clear of the spill area. They then would apply absorbent material to the spill. Once the material has been applied to the spill area they would sweep up the material and containerize it for pick up. At that point they would contact Operations Support to notify them of the spill and the material that would need to be picked up for disposal.

4.2 Large Fuel Discharges

Large discharges follow a different chain of events due to the threat to safety and the environment.

In the case of a large spill (gasoline diesel, E85), or an anticipated release to the environment, the assessment would have been made that safety or environment were compromised. The first step would be to hit the emergency shut off button, which kills power to the dispenser islands and canopy. The next step is to keep people clear of the area. If the co-worker is able to safely contain the spill they would do so at this time. The local authorities would be the first point of contact, which would be the local fire department and police department. Once the local authorities have been alerted to the discharge the next call would be to our Operations Support, which is staffed 24 hours a day. Ops Support would gather the information regarding the spill and immediately contact the Environmental Manager or the person in authority (PIN). The PIN has the responsibility to determine the appropriate response to the spill based on the information provided by store co-workers, fire department and/or police department. This would also include state and sometimes federal reporting of the spill.

There are several companies that are equipped to respond to large discharges and are listed in the Contact Information (Section 9.0). These companies have access to vacuum trucks, absorbent booms, floor dry, absorbent towels and trained personnel along with many other tools and equipment. Many times the local authorities have the capabilities to contain the spill and remove the threat to safety. In the event they are not able to contain the product, or it has been released to a sensitive area, the hazmat teams would be notified and be asked to respond.

4.3 DEF Spill Response

Spills or leaks involving DEF will follow the same basic procedure as petroleum products even though DEF is mostly water based. Spilled DEF still needs to be recovered and should be prevented from leaving a hard surface. DEF does have the potential to impact groundwater, rivers, and streams if released to the environment.

Below are minimum requirements for the initial spill response assessment:

- Take pictures of the dispenser and area of the spill
- Take pictures of the lot
- Determine what direction things may have flowed from the leak area
- Check the areas it may have flowed to such as: ponds, ditches, storm inlets, green space, etc.
- Utilize a field urea meter to assess areas it may have flowed
- Note weather conditions and what they were during the time of the spill and also at the time of your site visit
- Look for signs of crystallization that occurs from DEF drying
- Complete a short report that covers all findings from the visit, including urea field meter results
- Send to KT and the State

4.4 CNG Spill Response

The purpose of the compressed natural gas (CNG) spill response plan is to lay out the process that needs to be followed to ensure the safety of our co-workers and guests. We also want to make sure that there is a clear plan with regard to response and reporting to applicable agencies.

A leak from a CNG system will be discovered as a result of an odor (mercaptin, or rotten egg smell), fire coming from the system, or an alarm condition from the system.

If a leak is discovered (store response)

- Hit the emergency stop button
- Call Operations Support
- Keep co-workers and customers away from the area
- Do not reset Emergency stop switch until leak is stopped, repairs have been made and the system is verified tight

Operations Support Protocol

- If there is a fire, instruct the store to call 911 and to keep people clear of the area
- Instruct Fire Department to close main valve to eliminate gas coming from supply line
- If damage or injury, follow accident protocol and contact Stephanie Fox
- Notify people on the spill call list

- Do not reset Emergency stop switch until leak is stopped, repairs have been made and the system is verified tight
- If the leak is coming from the Utility provider service line call the Utility provider emergency number provided
- Instruct the store to lock out and tag the dispenser as out of order until repair is made

Store Engineering service/repair protocol

- Contact regional service or appropriate service contractor

4.5 Fuel Blending Sites (SPCC Plans)

Each Kwik Trip fuel blending/biodiesel site will have its own Spill Prevention, Control, and Countermeasure (SPCC) Plan. The purpose of the SPCC Plan is to describe measures implemented by facility management employees to prevent oil discharges from occurring, and to prepare facility management employees to respond in a safe, effective, and timely manner to mitigate the impacts of a discharge. Additionally, the SPCC Plans are used as a reference for oil storage information and testing records, as a tool to communicate practices on preventing and responding to discharges with employees, as a guide to facility inspections, and as a resource during emergency response.

The Plans will be prepared to meet the requirements of Title 40, Code of Federal Regulations, part 112 (40 CFR part 112). The United States Environmental Protection Agency (US EPA) has established regulations for oil pollution prevention in the Code of Federal Regulations, Title 40 (40 CFR), Parts 110 through 112. The regulations require that a SPCC Plan be prepared if it could reasonably be expected that a harmful quantity of oil could be discharged into navigable waters of the United States or adjoining shorelines. The SPCC regulations apply to owners or operators of facilities that meet the following three primary criteria:

- The facility must be non-transportation related and engaged in drilling, producing, gathering, storing, processing, refining, transferring, distributing, using, or consuming oil and oil products.
- The facility must have an aggregate aboveground storage capacity greater than 1,320 gallons (excluding those tanks and oil filled equipment below 55 gallons in capacity, the capacity of a container that is “permanently closed”, and the capacity of a “motive power container”) or an aggregate underground storage capacity greater than 42,000 gallons (excluding those that are currently subject to all of the technical requirements of 40 CFR Part 280 or all of the technical requirements of state programs approved under 40 CFR Part 281).
- There must be reasonable expectation that, due to its location, the facility could discharge oil into or upon the navigable waters or adjoining shorelines of the United States.

The US EPA requires that a complete copy of the SPCC Plan be maintained at the facility if it is attended at least four hours per day or at the nearest office if the facility is not attended.

4.6 Indoor Air Quality Response

These pages outline the process that will be followed by Operations Support in the event of an indoor air quality issue or complaint.

Problem:

Unknown smell or odor inside the store

Questions to ask regarding odor:

- When did you first notice this smell?
- Where in the building is the smell the strongest?
- Do you smell it outside as well?
- Has anyone complained of ill effects and what are the symptoms?
 - If yes, create another call for the co-worker illness and assign it to HR Daily, this will create a call for HR to follow up with the co-worker. (If after hours/weekend, then call Jill Rettler (HR) to make her aware of the situation and determine if immediate action is needed.)
- Have we had any service vendors out recently and for what?
- What does it smell like? Natural Gas (Rotten Eggs) or Gasoline?
 - If yes, do we have a gas container in the store or does this store have natural gas service to the store (see attached list to see where we pay for natural gas)?
- Have we had any fuel deliveries recently?

----- If they feel that it is a natural gas, gasoline, or propane type smell then the Fire Department should be called out to investigate to determine if it is an explosive environment. If there is a threat of fire or explosion and the area needs to be evacuated, please refer to evacuation procedures listed on the Kwik Net HR Services/Safety Manual/Emergency Procedures.

Other known smell or odor sources could be:

- Do we have any dry drain traps in the floor in the following store areas: bathrooms, fountain pop machines, kitchen floor drains? If this area has the strongest odor have the store pour approximately a gallon of water down the drain. This will fill the trap and prevent air from coming back up through the pipe.
- Paint or open cleaning chemicals in the store, have they been closed back up? Do we need to open up the back and front door of the store to air it out?

If the smell/odor cannot be confirmed to a known source, store personnel should contact Ops Support for further direction.

Last step is to e-mail the District Leader and Zone Leader to make them aware of the situation.

5.0 Description of Training

Kwik Trip has developed a training program as part of a state and federal requirement for staff to be Class C certified, All retail co-workers complete this training. This training covers the following information:

- 1) Where to find emergency stop switch.
- 2) Who to call and when.
- 3) Information you need to gather in the event of a spill.
- 4) Equipment and materials needed in a response action.
- 5) How to assess a spill and how respond accordingly.

All retail co-workers are required to complete the training module which is available on the KwikNet 24/7.

All people considered to be PIN's (persons in authority) have gone through a training session with the Environmental Compliance Manager.

6.0 Communication and Incident Command

Communication and incident command are very important when trying to accomplish a successful spill response action. It is very important to have one point of contact during this type of situation to ensure a smooth response. Our point of contact is the person in authority (PIN) listed on the “Response Implementation Authority Information” section who is handling the response action. This person will be responsible for communicating with local authorities to better understand the spill situation in progress until a representative from the company can arrive on site. They will also be in contact with the necessary Federal and State agencies for reporting purposes.

The PIN will coordinate the response action based on the report from the incident commander on site. The PIN will contact the appropriate response persons and inform the incident commander of those people's role in the response action.

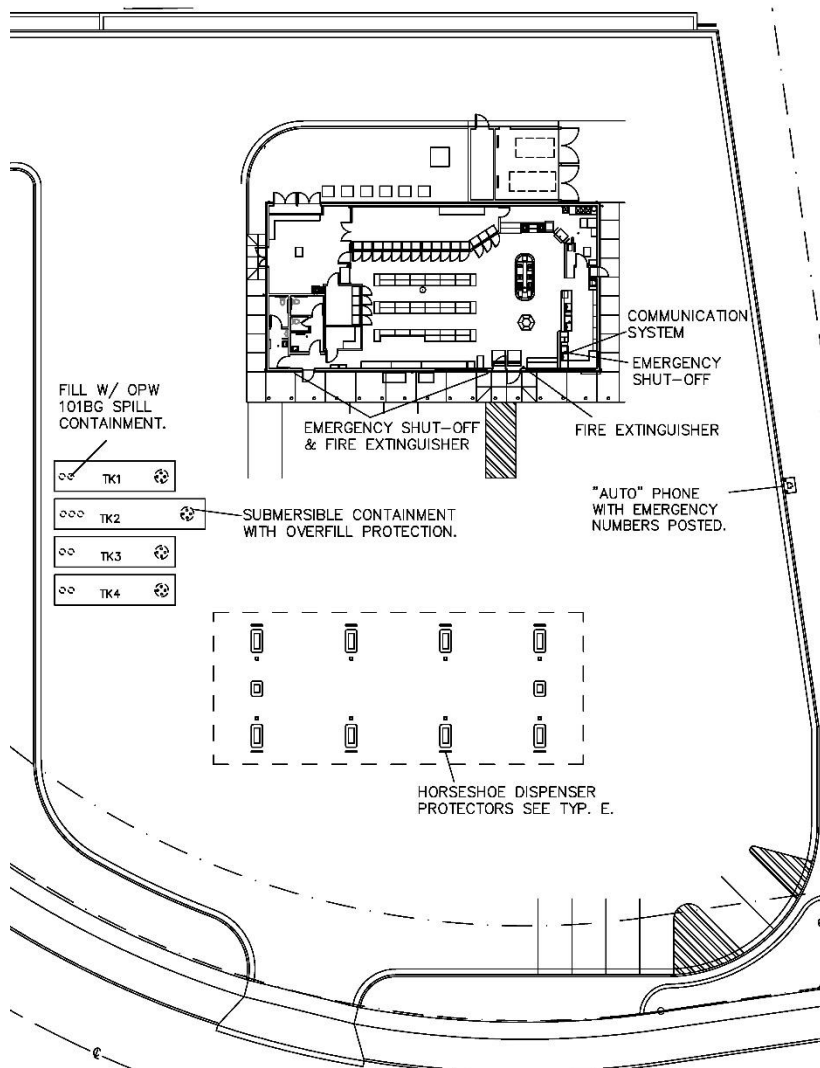
Hazmat teams responding to the incident should always have a team leader, this person would communicate with the PIN during the course of the response action.

It is the job of the PIN to be the center of communication between the local authorities, hazmat teams and State and/or Federal agencies.

In many cases, the incident command role will be a shared duty based on the experience of the on-site personnel.

7.0 Facility Description

Kwik Trip stores are all relatively similar in construction. Most locations consist of a convenience store that is approximately 7,000 - 9,000 square feet in size. They all have a gasoline operation that typically has 4-10 multi-product dispensers that are supplied by pressurized piping coming from underground storage tanks. The underground tanks that store the product range in size from 10,000 gallons capacity to 30,000 gallons. The products that are usually sold at our facilities are Unleaded, Plus and Premium gasoline, as well as diesel. In addition to selling E85, biodiesel and in some cases electric vehicle charging, Kwik Trip has CNG (Compressed Natural Gas) infrastructure throughout Minnesota, Wisconsin and Iowa. A typical site diagram is shown below.



This is a typical site layout, which shows the location of the emergency stop switch, telephone and fire extinguishers. It also depicts the layout of the gas operation and underground storage tanks.

8.0 Transport Vessel Description

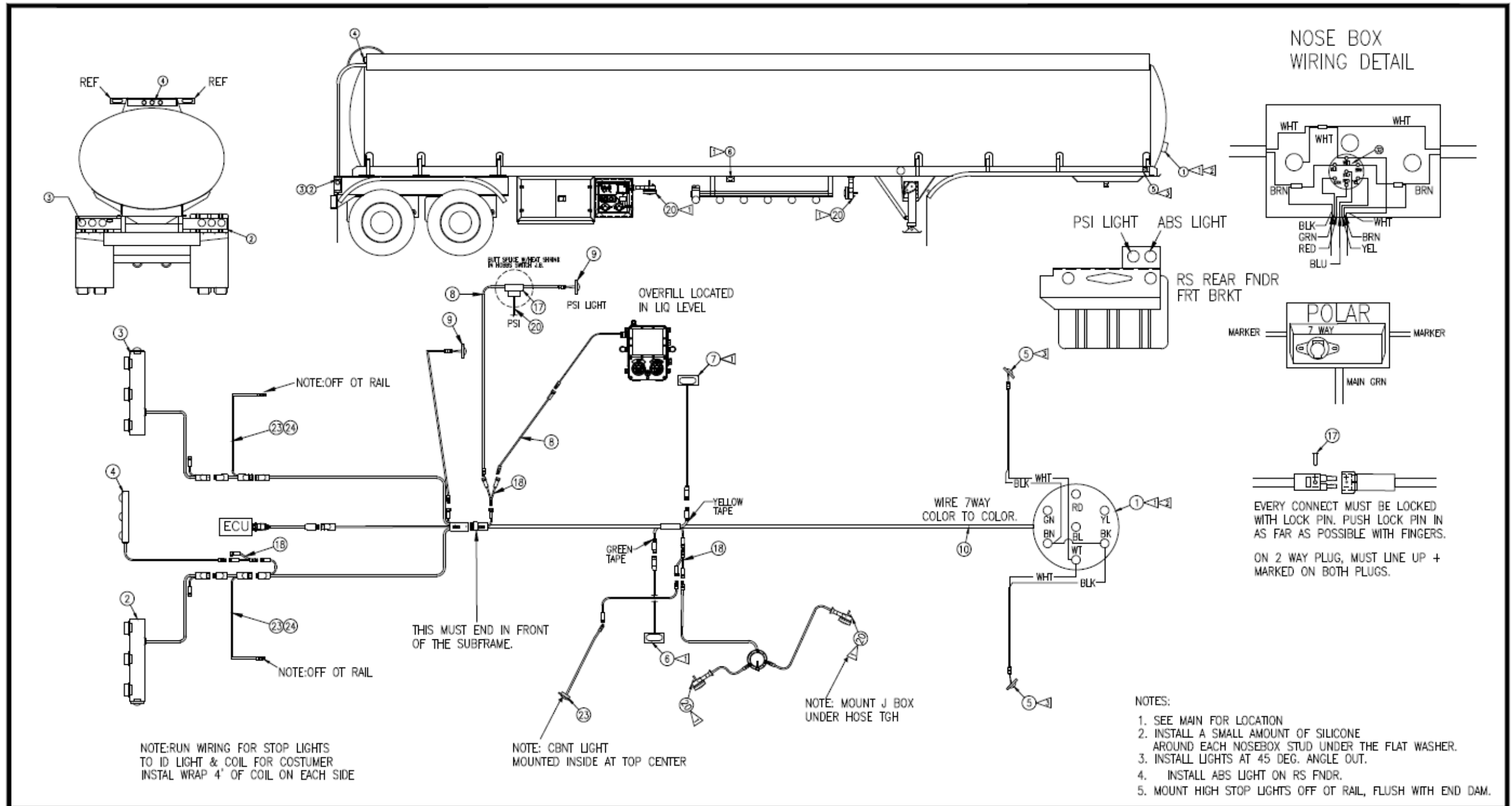
Our transports that haul product to our sites are made of aluminum and are divided into 3 compartments. The compartments have the following capacities 4,400 gallons, 2,300 gallons and 3,000 gallons. Each transport is equipped with an emergency shut off switch located at the front of the transport trailer. They also all carry spill response kits located under the belly of the transport trailer. These kits include drain mats, booms, floor dry and absorbent towels.

8.1 Transport Spill Kit Contents

- 1 spill kit bag
- 1 drain blocker
- 4 bags of Sphag-Sorb absorbent
- 4 Sphag-Sorb absorbent snakes
- 20-50 absorbent pads in the cabinet on truck

8.2 Transport Trailer Spec Sheet

The following page shows specifications of the typical transport. Click [HERE](#) for link to a .pdf document with additional specification information.



				DO NOT SCALE PRINT TOLERANCES AS FOLLOWS UNLESS OTHERWISE NOTED: A. MACHINING $\pm 1/32"$ B. SHEET METAL SHEARING THRU 10 GA. $\pm 1/32"$ HEAVIER THAN 10 GA. $\pm 1/16"$ C. STRUCTURAL LENGTH $\pm 1/8"$ D. BREAK PARTS $\pm 2"$ E. PUNCHING LOCATION $\pm 1/64"$ WELD SYM. PER A.W.S. STDS.		DRAWN BY DJ CHECKED BY SEPIA OF	POLAR Tank Trailer, Inc. 4825 E Kearney Springfield MO. 65803 Phone: 1-417-862-5526 Fax: 1-417-862-5564	TITLE SM1334515 ELECT COMPT	SCALE NTS 1/29/15	DATE 1/29/15	DWG. NO. B S-139791A	REV A
REV	DESCRIPTION	DATE	BY	REV	DESCRIPTION	DATE	BY	THIS DRAWING IS THE PROPERTY OF POLAR TANK TRAILER, INC. & IS SUBJECT TO RETURN UPON REQUEST. IT IS NOT TO BE USED IN ANY WAY DETRIMENTAL TO THE INTERESTS OF POLAR TANK TRAILER, INC.				

F421 REV 1 05/12/98

9.0 Contact Information

9.1 State Spill Reporting

WI DNR

1-800-943-0003

MN Duty Officer

1-800-422-0798

IA DNR

515-725-8694

National Response Center

1-800-424-8802

9.2 Hazmat Response Contacts

Wisconsin

Clean Harbors Southeast and South-Central Region : 1-800-645-8265
SET (Secondary): 877-437-7455
REI North and Central Region: 715-675-9784
UP Environmental NE Region (Secondary): 906-466-9900
WCEC (Secondary) Central to North Region: 1-888-923-2778
WCEC West-central Region : 1-888-923-2778
Clean Harbors West-central region: (Secondary): 1-800-645-8265

Minnesota

WCEC: 1-888-923-2778
Clean Harbors (secondary): 1-800-645-8265

Iowa

All of Iowa except SE region: Hazmat Response: 1-800-229-5252
Seneca SE region: (secondary): 1-800-369-5500

Michigan

REI: 715-675-9784
UP Environmental (secondary): 906-466-9900 (O) 906-280-8908 ©

Illinois

Clean Harbors covers east region: 1-800-645-8265
Seneca covers west region: 1-800-369-5500
SET (secondary): 877-437-7455

South Dakota

WCEC: 1-888-923-2778
Clean Harbors (Secondary): 1-800-645-8265

North Dakota

WCEC: 1-888-369-5500
Clean Harbors (Secondary): 1-800-645-8265

9.3 Emergency Spill Response Contacts

Primary Contacts

WCEC

24-hr Spill Hotline: 1-888-544-9481

SET

24-hr Hotline: 1-877-437-7455

Clean Harbors

24-hr Spill Hotline: 1-800-645-8265

REI - Ken Lassa

Office: 715-675-9784

Cell: 715-574-3430

Bay West - Jim Stockinger

24-hr Spill Hotline: 1-800-279-0456

Cell: 612-207-0561

SCS Engineers - Eric Oelkers

Office: 608-224-2830

Cell: 608-444-3934

HMR (Hazmat Response - John Towle

W: (515) 297-8664

C: (913) 333-8985

Seneca

24-hr Hotline: 1-800-369-5500

9.7 Store Engineering Phone List

Store Engineering Delivery		-----	-----	-----
Store Engineering Service Desk		-----	-----	-----
Store Engineering Ship Outs		-----	-----	-----
Aaron Asp		608-604-4983	-----	-----
Aaron Bowen		262-282-9609	-----	-----
Aaron Bradle		-----	608-799-6963	-----
Aaron Bright		608-792-9407	-----	-----
Aaron Harmon		-----	-----	-----
Aaron Sill		608-317-7109	-----	-----
Adam Cook		-----	-----	-----
Adam Gibbs		262-770-0309	-----	-----
Adam Kleine		920-946-7755	-----	-----
Adam Raisanen		920-309-7280	-----	-----
Adam Schwartz		-----	-----	-----
Adam Vettel		319-830-0797	-----	-----
Addison Skeels			920-251-4627	
AJ Loken		608-864-0618	-----	-----
Alex Lenzer		608-225-4416	-----	-----
Alex Pollex		-----	608-769-7442	-----
Alex Polnaszek		-----	608-385-5491	-----
Alex Will		608-317-6197	-----	-----
Ali Van Dalen		-----	320-761-4908	-----
Allison Christianson		-----	608-385-4994	-----
Alyx Bushnell		-----	608-397-4103	-----
Amy Wermager		-----	608-518-9230	-----

Anden Schieldt		-----	-----	-----
Andre Larsen		920-680-1365	-----	-----
Andrew Tauzell		712-754-2500	-----	-----
Andrew Wegner		-----	319-533-7658	-----
Andy Logue		-----	319-431-8497	-----
Andy Martell		715-586-0735	-----	-----
Andy Norton		608-633-1192	-----	-----
Barbara McIntyre		-----	608-669-3073	-----
Ben Hendrickson		-----	-----	-----
Ben Hyland		920-918-0920	-----	-----
Ben Ipsen		-----	978-257-5007	-----
Ben Krause		-----	715-207-5522	-----
Ben Patten		715-252-6259	-----	-----
Bill Eastman		608-317-6141	-----	608-489-2236
Bill Glauner		715-891-7527	-----	-----
Bill Horihan		608-317-8669	-----	-----
Bill Sanderson		608-386-0684	-----	-----
Bjorn Berg		608-606-3998	-----	-----
Bob Alf		920-295-2586	-----	-----
Bob Lynch		262-470-4085	-----	-----
Bo Collins		-----	-----	-----
Brad Chambers		507-340-2839	-----	-----
Brad Fry		608-792-7450	-----	-----
Brandon Bohnert		563-676-0936	-----	-----
Brett Attlen		-----	-----	-----
Brett Needham		608-216-1149	-----	-----
Brian Arntsen		920-585-0296	-----	-----
Brian Barter		262-909-4148	-----	-----
Brian Kruk		608-487-3005	-----	608-487-7724
Brian Nighbor		-----	715-299-3658	-----
Brittani Devine		-----	608-519-6397	-----
Brittany Erler		-----	608-792-8287	-----
Brock White		920-699-2922	-----	-----

Bruce Henslin		608-386-6423	-----	-----
Bryan Novy		608-317-0530	-----	608-786-4975
Cameron Stowe		218-760-1710	-----	-----
Carl Klemp		-----	608-385-9233	-----
Carla Lang		-----	608-769-2438	-----
Chad Feyen		608-386-0682	-----	-----
Chad Juel		-----	608-738-2492	-----
Chad Nienow		507-990-3114	-----	-----
Charlotte Gonyo		-----	608-738-7252	-----
Charles Redbird		-----	715-538-5104	-----
Chase Jacobson		608-548-7425	-----	-----
Chelsey George		-----	608-386-9603	-----
Chris Fenske		920-969-8169	-----	-----
Chris Johnson		507-459-5132	-----	-----
Chris Nutini		-----	608-518-8254	-----
Christian Niemi		-----	-----	-----
Cody Flury		608-343-0899	-----	-----
Cody Miles		-----	414-533-1446	-----
Corey Hoffman		319-296-8589	-----	-----
Corey Kessel		763-229-3732	-----	-----
Cory Joas		-----	-----	-----
Cory Lang		608-769-5264	-----	-----
Coty Tonne				
Dalton Treanor		-----	608-790-5308	-----
Dan Covart		608-790-0571	952-807-2987	952-707-9825
Dan Heath		608-769-3413	-----	-----
Dan Perreault		608-632-4029	-----	-----
Dan Steele		-----	608-386-3527	-----
Daniel Nusse		818-915-6226	-----	-----
Daniel Schmaltz		715-236-9998	-----	715-736-6615
Darrion Marquardt		-----	-----	-----
Dave Cedarblade		763-334-0146	-----	-----
Dave McDowell		608-518-0077	-----	-----

Dave Piggott		608-658-3397	-----	-----
Dave Powell		608-504-6009	-----	-----
David Forrest		414-595-4773	ony	-----
David Gryskiewicz		608-572-3467	-----	-----
David J Johnson		262-397-6426	-----	-----
David Kirchner		608-343-1325	-----	-----
David Link		920-210-2767	-----	-----
David Mottl		262-719-9784	-----	-----
David Thompson		-----	-----	-----
David Zweibohmer		641-229-5720	-----	-----
Derec Koch		641-224-5934	-----	-----
Derek Rieber		608-738-3459	-----	-----
Devin Boynton		507-990-8172	-----	-----
Desmond Gerdes		507-514-3792	-----	-----
Dirk Hagedorn		262-323-6148	-----	-----
Drake Evers		507-208-5608	-----	-----
Duane Bennett		-----	920-253-7226	-----
Dustin Ditzman		309-945-8158	-----	-----
Dustin Wilkening		651-706-1771	-----	-----
Dylan Noel		-----	608-397-5737	-----
Elias Johnson		-----	608-863-6407	-----
Eli Ruff		507-327-7461	-----	-----
Emily Helwig		-----	507-458-0628	-----
Emma Jagodka		-----	952-451-0563	-----
Emma Reber		-----	-----	-----
Eric Matthews		920-213-5916	-----	-----
Eric Presuhn		715-969-4920	-----	-----
Eric Thompson		507-438-6470	-----	-----
Eric Valentine		-----	-----	-----
Erica Lampert		-----	-----	-----
Erik Culver		608-793-6087	715-379-0665	-----
Erik Peterson		608-792-5370	-----	608-786-3199
Ethan Niles		-----	608-797-5458	-----

Evan Oeltjenbruns		507-841-4895	-----	----
Garrett Spafford		608-451-4258		
Gary Boynton		507-259-5024	-----	-----
Genevieve Mortenson		-----	-----	-----
Greg Guenther		608-790-3767	-----	-----
Heather Servais		-----	-----	-----
Holly Daines				
Isaac Eastling		715-421-0165	-----	-----
Isaac Laube		608-498-0926	-----	-----
Isaiah Schwinn		920-449-8596	-----	-----
Isaiah Graewin		-----	608-498-2909	----
Jacob Beckel		-----	507-279-4526	-----
Jacob Johnson		612-229-3144	-----	-----
Jacob Nordstrom		-----	608-738-8211	----
Jakob Hallback-Kettner		-----	608-797-3084	----
Jake Stern		-----	-----	-----
Jamal Holmes		319-464-2287	-----	-----
James Oldenburg		608-317-0346	-----	-----
Jamie Olson		-----	608-386-5878	-----
Jared Nordaas		-----	507-995-1786	-----
Jarred Koss		507-269-2772	-----	-----
Jason Martin		-----	-----	-----
Jason Mozena		712-363-7614	-----	-----
Jason Powell		-----	608-385-1467	-----
Jason Smothers			262-865-1099	
Jason Wucki		608-780-7663	-----	-----
Jay Marco		608-396-1228	-----	-----
Jean Drinkman		-----	608-387-0769	-----
Jeff Anderson		-----	218-428-3750	-----
Jeff Benvenuto		262-620-0651	-----	-----
Jeff Dahl		-----	-----	-----
Jeff Fontano		-----	651-329-5181	----
Jeff Groth		320-333-0285	-----	-----

Jeff Kerska		-----	-----	
Jeff Osgood		608-792-2136	-----	-----
Jeremy Turben		608-606-9333	-----	-----
Jill Langrehr		-----	608-486-4980	-----
Jill McDonah		-----	-----	-----
Jim Coblentz		608-386-2639	-----	608-489-4591
Jim Freitag		507-469-0497	-----	-----
Jim Lopez		952-693-3062	-----	-----
Jim Smith		715-697-0063	-----	-----
Joe Bechle		608-317-2363	-----	-----
Joe Gauthier		920-901-9826	-----	-----
Joe Kappers		651-785-8949	-----	-----
Joe Theisen		715-271-5210	-----	-----
Joe Tomman		563-219-1744	-----	-----
Joel Krueger		-----	608-385-5756	-----
Joey Hafemann		262-384-1596	-----	-----
John Halverson		-----	507-450-7115	-----
John Prunty		262-501-9691	-----	-----
John Vandagriff		651-212-1055	-----	-----
John Wahl		-----	608-317-5550	-----
Jordan Stricker		920-542-8053	920-542-8053	-----
Jordan Skilling		319-333-9922	-----	-----
Jordan Wilke		940-287-4605	-----	-----
Jon Davis		715-220-0740		
Josh Johnson		715-392-2954	-----	-----
Josh Merrell		608-386-8350	-----	-----
Josh Meyer		319-230-1103	-----	-----
Justin Gilbertson		608-865-0029	-----	-----
Justin Lowrance		262-818-8411	-----	-----
Kat Watson		612-390-4669	-----	-----
Kayla Kyser		-----	715-316-7151	-----
Keith McIntyre		608-635-5809	-----	-----
Ken Seidel		-----	-----	608-779-9469

Kendon Thurk		608-792-4120	-----	-----
Kevin Boldt		-----	507-429-6102	-----
Kevin Brathall		715-222-1097	-----	-----
Kevin Harris		-----	608-790-2226	-----
Kevin King		920-583-0400	-----	-----
Kevin Nestingen		-----	608-792-3268	-----
Kevin Tassoul		920-845-5070		
Kim Lovejoy		-----	-----	-----
Kim Sake		-----	-----	-----
Kollin Hemenway		920-202-0565	-----	-----
Kristen Gran			608-797-9686	-----
Kristine Kish		-----	608-738-1236	-----
Kurtis Huber		-----	608-848-9040	-----
Kyle Bourget		-----	-----	-----
Kyle Drysdale		715-581-2331	-----	-----
Lacey Baum		-----	608-317-5005	-----
Larry Zielke		608-797-1520	-----	-----
Lauren Fortin		-----	-----	-----
Lauren Mueller		-----	608-881-1597	-----
Leah Berlin		608-797-1547	-----	-----
Lincoln Beery		507-216-2581	-----	-----
Logan Schlough		-----	715-308-8420	-----
Lon Anderson		715-815-0821	-----	-----
Lucas Walz		608-317-7444	-----	-----
Luke Christenson		507-273-4145	-----	-----
Lyle Antony		608-317-6140	-----	608-526-4963
Lynette Dickie-Privet		-----	507-450-6489	-----
Malia Kirchner		507-676-2601	-----	-----
Mandy Dale		-----	-----	-----
Manuel Carpenter		-----	608-498-7450	-----
Mark Ervin		715-344-7774	-----	-----
Mark Graff		-----	608-797-2335	-----
Mark Lukken		571-481-1464	-----	-----

Mark Parsneau		608-792-6121	-----	-----
Mark Reps		608-780-4051	-----	-----
Mark Thesing		608-317-6143	-----	507-895-6730
Mark Vinz		-----	608-397-5540	-----
Mary Semrow		-----	608-558-4526	-----
Marty Putz		-----	608-317-0195	-----
Mason Reed		608-633-1645	-----	-----
Matt Bartlett		608-780-7276	-----	-----
Matt Franklin		715-305-3819	-----	-----
Matt Franzini		704-677-4718	-----	-----
Matt Gran		608-780-0744	-----	-----
Matt Massie		608-385-9864	-----	-----
Matt Theisen		608-865-0944	-----	-----
Matt Thony		608-381-4836	-----	-----
Matthew Lepke		-----	-----	-----
Matthew Vetsch		5075009073	608-797-7216	-----
Max Merrell		608-799-4895	-----	-----
McKayla Haldorson		-----	608-385-5286	-----
Melissa Gabrielson				
Michael Nelson		-----	-----	
Michelle Scanlan		-----	507-429-1812	507-482-7052
Mike Clark		608-797-2200	-----	-----
Mike Ferron		715-574-5310	-----	-----
Mike Ideker		-----	-----	-----
Mike McDermott		608-778-6180	-----	-----
Mike Miles		-----	-----	-----
Mike Mellom		608-212-5962	-----	-----
Mike Rochester		-----	608-397-4142	-----
Mike Schaefer		920-960-8194	-----	-----
Mike Welsh		608-317-6145	-----	-----
Mitch Luster		-----	608-412-2145	-----
Mitch Williams		608-498-3786	608-669-6322	-----
Nate Byom		-----	608-792-7780	-----

Nathan Best		-----	715-379-0959	-----
Nick Newman		-----	608-317-9446	608-783-7623
Nick Spors		608-921-2670	-----	-----
Pang Vang		-----	608-764-0390	-----
Patrick Klopotek		608-495-1738	-----	-----
Pao Xiong		651-457-5622	-----	-----
Paul Evers		507-269-1703	-----	-----
Paul Stanhope		-----	-----	-----
Paul Van Keulen		507-226-7302	-----	-----
Peter Bergrud		507-458-1280	-----	-----
Peter Seich		-----	920-287-1826	-----
Phillip Tennant		-----	608-799-9290	-----
Raider Yang		-----	-----	-----
Randy LeBeau		701-471-5603	-----	-----
Rich Williams		920-993-9089	-----	-----
Rich Wolfert		608-797-9424	-----	-----
Rob Mickow		608-317-3728	763-228-1253	-----
Robbie Olson		262-720-2622	-----	-----
Robert Dinkle		608-239-0682	-----	-----
Robert Preston		815-708-4471	-----	-----
Ron Humm		-----	-----	608-518-2365
Ron Kind		715-512-1373	-----	-----
Ron McAtee		-----	319-331-9898	-----
Rory Severson		608-279-5913	-----	-----
Ross Weber		-----	612-327-3651	-----
Ryan Allen		218-729-7004	-----	-----
Ryan Bader		-----	608-385-0385	-----
Ryan Keeney		-----	608-397-4101	-----
Ryan Philippi		320-557-8054	-----	-----
Ryan Roberts		608-343-3447	-----	-----
Ryan Thorne		-----	608-385-2439	-----
Sadie Mashak		-----	920-222-1941	-----
Sam Bratz		262-631-9116	-----	-----

Sam Rusch			-----	-----
Sarah Sweet		-----	608-797-1115	-----
Scott Dus		-----	-----	608-781-2919
Scott Murtz		-----	-----	-----
Scott Teigen		715-556-4444	-----	715-235-6626
Scott Zietlow		608-385-6938	-----	-----
Sierra Bahr		-----	608-498-9915	-----
Seth Waddell		-----	608-343-0978	-----
Shane Easton		-----	612-619-8273	-----
Shane Enos		-----	319-252-7555	-----
Shannon Jandt		608-385-6295	-----	-----
Sharon Schmelzer		-----	-----	-----
Stacy McArdle		-----	608-790-4422	-----
Steve Boldt		608-790-3977	-----	-----
Steve Lowe		608-780-9157	-----	-----
Steven Linberg		715-440-1059		
Taylor Keehn		-----	608-604-8204	----
Tanner Sampson		319-240-4277	-----	-----
Ted Cone		608-792-2539	-----	-----
Terry Path		608-633-0327	-----	-----
Terry Roesler		608-498-0739	608-498-0739	608-779-9519
Terry Sanders		608-769-4234	-----	-----
Tim Farrell		507-440-3455	-----	-----
Tina Friedl		-----	-----	-----
Thomas Nelson		-----	-----	-----
Tim Woxland		608-799-3359	-----	608-534-5625
TJ Alioto		262-370-4168	-----	-----
Todd Bornholdt		608-406-0375	-----	-----
Todd Crogan		-----	-----	-----
Todd Fox		-----	608-498-2106	-----
Tom Bartel		920-418-4322	-----	-----
Tom Winters		-----	563-568-1985	-----
Tom Witzke		-----	-----	-----

Tony Kissinger		920-205-1186	-----	-----
Tony Streicher		608-317-2852	-----	-----
Tony Towbridge		612-298-5186	-----	-----
Tony Xiong		651-212-1409	-----	-----
Tony Zeman		608-386-1148	-----	-----
Tracy Christopherson		-----	608-797-5709	-----
Tracey Schmidt		-----	608-397-3387	507-725-8227
Travis Hutzenbuhler		-----	-----	-----
Travis Lockington		608-498-0562	-----	-----
Travis Swarthout		507-269-3350	-----	-----
Trent Kastenschmidt		-----	-----	-----
Trevor Swarthout		507-990-1998	-----	-----
Troy Batzel		608-792-2840	-----	608-526-1132
Troy Cutsforth		563-379-1686	-----	-----
Tucker Kunkel		608-449-4857	-----	-----
Tyler Brones		952-217-6263	-----	-----
Tyler Hannah		-----	608-632-0958	-----
Vero Saylor		-----	-----	-----
Vicki Kruse		608-780-7142	-----	-----
Vicky Mueller		-----	608-780-9425	-----
Vince Hildestad		608-834-9390	-----	-----
Wayne Fox		-----	608-558-6864	-----
Wendy Sutton		-----	608-792-2965	-----
Yazan Mahmoud		507-589-8581	-----	-----
Zach Ferron		715-297-7300	-----	-----
Zach Stackhouse		-----	-----	-----
Zoe Katrichis		-----	-----	-----
378				
Campus Maint Shop		-----	-----	-----
Brandon Batzel		-----	608-792-4307	-----
David Woodliff		608-792-9789	-----	-----
Mike Massoth		608-792-9667	-----	-----
Mike Schultz		608-317-8276	-----	608-781-0752

Mitchell Iverson		-----	715-299-9307	-----
Peter Sinnett		608-604-4447	-----	-----
Ric Tuma		608-487-4059	-----	-----
Scott Berg		608-790-7452	-----	608-452-3322
Scott Sill		-----	608-386-2185	-----
Tim Pralle		-----	608-386-7914	-----
Todd Staflein		-----	608-780-7218	-----
Wade Resac		608-397-3940	-----	-----
Other Office				
Cindy Allen		-----	-----	-----
Brad Fogarty		608-498-6542	-----	-----
Sandy Malay		608-769-4416	-----	-----
Joan Elsing		608-792-7124	-----	-----
Chuck Thoftne		608-792-4861	-----	-----
Greg Olson		608-792-3461	-----	-----
Contractors			-----	507-498-3722
Aaron (Concrete Solutions)		608- 792-0438		
J.D. (Call Const.)		608-792-2999	-----	-----
Mike McGregor(CallConst.)		608-792-3204	-----	-----
Shawn Burkhardt(Call Const)		608-792-7865	-----	-----
Stafferd Call		608-792-3251	-----	-----
Tim Padesky		608-780-1322	-----	608-783-8168
Store Engineering Delivery		-----	-----	783-0737 OFFICE
Store Engineering Service Desk		-----	-----	-----
			-----	-----

10.0 Reporting Requirements

Don't be afraid to report spills to state agencies, the situation will not become worse for doing so but not reporting can have huge consequences.

When to Report

MN 800-422-0798

If spill is off of an impervious surface, has made its way to soil or storm sewer or is greater than 5 gallons.

WI 800-943-0003

If spill is off of the impervious surface, has made its way to soil or storm sewer or can adversely impact or threaten to adversely impact public health, welfare or the environment.

IA 515-281-8694

If spill is off of the impervious surface, has made its way to soil or storm sewer or creates a hazardous condition.

MI Email: EGLE-stdtanks@michigan.gov For further information contact EGLE-RRD or phone 800-MICHUST

Releases of a regulated substance of any amount from underground storage tank (UST) systems (includes the emergency shutoff valve on down) subject to registration; overfill from UST fill pipe or vent onto ground;

IL Illinois Emergency Management Agency (IEMA)/State Emergency Response Commission (SERC) at 1-800-782-7860 (within state) or (217) 782-7860 (when calling from out-ofstate)

If a spill meets the minimum reporting limits, if someone is injured or killed, there was an evacuation, a motor vehicle was overturned on a hwy, any spill of petroleum that results in a release to the environment that is >25 gallons

SD DANR at 605-773-3296

The discharge threatens or is in a position to threaten the waters of the state (surface water or ground water); The discharge causes an immediate danger to human health or

safety; The discharge exceeds 25 gallons; if you release a gaseous substance and need help converting to gallons

ND North Dakota Department of Environmental Quality (1-701-328-5210)

If a spill or discharge of liquid or solid waste which may cause pollution of waters of the state must be reported immediately

Federal

NRC 800-424-8802

When spill reaches a creek, lake, or river you must report to the NRC. Also, if a transport tanker is involved in an accident that causes a spill.

10.1 Spill Reporting Law – Federal (National Response Center)



Below is from the United States Environmental Protection Agency (US EPA) website on December 16, 2016 (<https://www.epa.gov/emergency-response/when-are-you-required-report-oil-spill-and-hazardous-substance-release>).

When are you required to report a spill or release?

Any person or organization responsible for a release or spill is required to notify the federal government when the amount reaches a federally-determined limit. Separate reporting requirements exist for:

- Oil spills
- Hazardous substance releases

States also may have separate reporting requirements. However, anyone who discovers a hazardous substance release or oil spill is encouraged to contact the federal government, regardless of whether they are the responsible party. All it takes is a single telephone call to the National Response Center at (800) 424-8802.

Oil Spills

EPA has established requirements to report spills to navigable waters or adjoining shorelines. EPA has determined that discharges of oil in quantities that may be harmful to public health or the environment include those that:

- Violate applicable water quality standards;
- Cause a film or "sheen" upon, or discoloration of the surface of the water or adjoining shorelines; or
- Cause a sludge or emulsion to be deposited beneath the surface of the water or upon adjoining shorelines.

Any person in charge of vessels or facilities that discharge oil in such quantities is required to report the spill to the federal government. EPA provides several exemptions from the oil spill reporting requirements.

The requirement for reporting oil spills stems from the Discharge of Oil Regulation, known as the "sheen rule." Under this regulation, oil spill reporting does not depend on the specific amount of oil spilled, but on the presence of a visible sheen created by the spilled oil. Reporting an oil discharge may also be required under the Spill Prevention, Control, and Countermeasure (SPCC) Rule. For more information on reporting oil discharges, please see: Oil Discharge Reporting Requirements: How to Report to the National Response Center and EPA.

Hazardous Substances

For releases of hazardous substances, the federal government has established Superfund Reportable Quantities (RQs). If a hazardous substance is released to the environment in an amount that equals or exceeds its RQ, the release must be reported to federal authorities, unless certain reporting exemptions for hazardous substance releases also apply.

Under the Emergency Planning and Community Right-to-Know Act (EPCRA) of 1986, the federal government has designated several hundred substances as "extremely hazardous substances" based on their acute lethal toxicity. Under the law, releases of these extremely hazardous substances trigger reporting requirements to state and local authorities, as well as the federal authorities. The owner or operator of a facility that releases an extremely hazardous substance in an amount greater than its established RQ must follow requirements on how to report to the appropriate authorities (in many cases, the State Emergency Response Commission (SERC) and the Local Emergency Planning Committee (LEPC)) for the location where the incident occurs.

What information is needed when reporting a spill or release?

Reporting a hazardous substance release or oil spill takes only a few minutes. To report a release or spill, contact the federal government's centralized reporting center, the National Response Center (NRC), at 1-800-424-8802. The NRC is staffed 24 hours a day by personnel who will ask you to provide as much information about the incident as possible. Please include the following:

- Your name, location, organization, and telephone number
- Name and address of the party responsible for the incident; or name of the carrier or vessel, the railcar/truck number, or other identifying information
- Date and time of the incident
- Location of the incident
- Source and cause of the release or spill
- Types of material(s) released or spilled
- Quantity of materials released or spilled

- Medium (e.g. land, water) affected by release or spill
- Danger or threat posed by the release or spill
- Number and types of injuries or fatalities (if any)
- Weather conditions at the incident location
- Whether an evacuation has occurred
- Other agencies notified or about to be notified
- Any other information that may help emergency personnel respond to the incident

If reporting directly to the NRC is not possible, reports also can be made to the EPA Regional office or the U.S. Coast Guard Marine Safety Office in the area where the incident occurred. In general, EPA should be contacted if the incident involves a release to inland areas or inland waters. The U.S. Coast Guard should be contacted for releases to coastal waters, the Great Lakes, ports and harbors, or the Mississippi River. EPA or the U.S. Coast Guard will relay release and spill reports to the NRC promptly.

For more information, please see: [Reporting Spills and Environmental Violations](#)

10.2 Spill Reporting Law – Minnesota

Reporting of petroleum releases

Petroleum Remediation Program

Minnesota state law requires immediate reporting upon the discovery of a spill, leak, overfill, or other signs of a petroleum release to the environment. Minnesota Statute 115.061 Duty to Notify; Avoiding Water Pollution, in effect since 1969, describes requirement to notify the Minnesota Pollution Control Agency (MPCA) of spills and leaks.

What and how much has to be reported?

For petroleum products:

- Report all releases known to be greater than five gallons.
- Report any detectable past releases because a volume greater than five gallons was likely released. If contamination is encountered at a previously closed petroleum tank release sites, please refer to Assessment of petroleum contamination at closed leak sites for assistance.

Evidence of a petroleum release includes:

- Organic vapor readings above background levels
- Visual soil staining or petroleum odors
- Free product and/or petroleum sheen
- Analytical data indicating petroleum contaminants are present

Who is required to report?

Anyone who encounters a petroleum spill or release must notify the MPCA, such as:

- Property owners
- Individuals, partnerships, companies, and corporations
- Government entities
- Owners of substances being stored or transported by another company
- Contractors and/or consultants

When to report?

The Minnesota Department of Public Safety operates a 24-hour duty officer service for all state reporting requirements. Immediately report spills and releases to the Minnesota duty officer upon discovery. The duty officer records all pertinent information about the release and then makes the appropriate notifications to all necessary state and local governments.

To report a spill or leak – call the Minnesota duty officer at 651-649-5451 or 800-422-0798

Webpages and Phone Numbers

MPCA General Line	651-296-6300 or 1-800-657-3864
MPCA Staff	http://www.pca.state.mn.us/wfhy3ec
Petrofund Webpage	http://mn.gov/commerce/topics/Petrofund/
Petrofund Phone	651-539-1515 or 1-800-638-0418
Emergency Response Webpage	http://www.pca.state.mn.us/yhiz7fd
Minnesota State Duty Officer	651-649-5451 or 1-800-422-0798

2016 Minnesota Statutes – Chapter 115E

Chapter 115E of Minnesota Rules describes the requirements for what is to be included in the spill response plans. A copy of Chapter 115E.02, 115E.03, 115E.04 and 115E.045 are included in Section 10.2 in this booklet.

115E.02 DUTY TO PREVENT DISCHARGES.

A person who owns or operates a vessel or facility transporting, storing, or otherwise handling hazardous substances or oil or who is otherwise in control of hazardous substances or oil shall take reasonable steps to prevent the discharge of those materials in a place or manner that might cause pollution of the land, waters, or air of the state or that might threaten the public's safety or health.

History: 1991 c 305 s 2

115E.03 DUTY TO PREPARE FOR RESPONSE TO DISCHARGES.

Subdivision 1. **General preparedness.** A person who owns or operates a vessel or facility transporting, storing, or otherwise handling hazardous substances or oil or who is otherwise in control of hazardous substances or oil shall be prepared at all times to rapidly and thoroughly recover discharged hazardous substances or oil that were under that person's control and to take all other actions necessary to minimize or abate pollution of land, waters, and air of the state and to protect the public's safety and health.

Subd. 2. **Specific preparedness.** The following persons shall comply with the specific requirements of subdivisions 3 and 4 and section 115E.04:

- (1) persons who own or operate a vessel that is constructed or adapted to carry, or that carried, oil or hazardous substances in bulk as cargo or cargo residue;
- (2) persons who own or operate railroad car rolling stock transporting an aggregate total of more than 100,000 gallons of oil or hazardous substance as cargo in Minnesota in any calendar month;
- (3) persons who own or operate facilities containing 1,000,000 gallons or more of oil or hazardous substance in tank storage at any time;
- (4) persons who own or operate facilities where there is transfer of an average monthly aggregate total of more than 1,000,000 gallons of oil or hazardous substances to or from vessels, tanks, rolling stock, or pipelines, except for facilities where the primary transfer activity is the retail sales of motor fuels;
- (5) persons who own or operate hazardous liquid pipeline facilities through which more than 100,000 gallons of oil or hazardous substance is transported in any calendar month; and
- (6) persons required to demonstrate preparedness under section 115E.05.

Subd. 3. **Level of preparedness.** A person described in subdivision 2 shall maintain a level of preparedness that ensures that effective response can reliably be made to worst case discharges.

Subd. 4. **Demonstrating satisfactory preparedness.** A person required to maintain preparedness under subdivision 2 may demonstrate satisfactory preparedness to the commissioner of the lead agency through one or a combination of the following means:

- (1) adequate response personnel and equipment in the usual employ of the person;
- (2) adequate response personnel and equipment available from for-hire cleanup contractors with arrangements made for their deployment;
- (3) adequate response personnel and equipment from a response cooperative or community awareness and emergency response organization meeting guidelines prepared by the lead agency with arrangements made for their deployment; or
- (4) adequate response personnel and equipment of local, state, or federal public sector response organizations with arrangements made for their deployment.

Subd. 5. **Department of Transportation.** The commissioner of transportation may examine the evidence of financial responsibility required under section 1016 of the Oil Pollution Act of 1990 for a vessel and may apply the sanctions in that section.

History: 1991 c 305 s 3; 1993 c 341 art 2 s 1

115E.04 PREVENTION AND RESPONSE PLANS.

Subdivision 1. **Plan contents.** Persons required to show specific preparedness under section 115E.03, subdivision 2, shall prepare and maintain a prevention and response plan for a worst case discharge. The plan must:

- (1) describe how it is consistent with the requirements of the national or area contingency plans developed under the Oil Pollution Act of 1990;
- (2) describe the measures taken to prevent discharges from occurring, including prevention of a worst case discharge, prevention of discharges of lesser magnitude, and prevention of discharges similar to those that have occurred from the vessel or facility during its history of operation;
- (3) identify the individual or individuals having full authority to implement response actions, and those individuals' qualifications and titles;
- (4) identify how communication and incident command relationships will be established between the individuals in command of a vessel or facility response and the following persons:
 - (i) individuals in the employ of the owner or operator of the vessel or facility who are responding to the discharge;
 - (ii) appropriate federal, state, and local officials; and
 - (iii) other persons providing emergency response equipment and personnel;
- (5) describe the facility or vessel and identify the locations and characteristics of potential worst case discharges from the vessel or facility;
- (6) identify the means under section 115E.03, subdivision 4, that will be used to satisfy the requirement to have adequate equipment and personnel to respond to a worst case discharge;
- (7) contain copies of contracts, correspondence, or other documents showing that adequate personnel and equipment as described in section 115E.03, subdivision 4, will be available to respond to a worst case discharge;
- (8) describe the actions that will be taken by the persons described in section 115E.03, subdivision 4, in the event of a worst case discharge; and
- (9) describe the training, equipment testing, periodic drills, and unannounced drills that will be used to ensure that the persons and equipment described in section 115E.03, subdivision 4, are ready for response.

A plan submitted to the federal government under the Oil Pollution Act of 1990 or prepared under other law may be used to satisfy the requirements in clauses (1) to (9) provided that the information required by clauses (1) to (9) is included in the plan.

Subd. 2. Timing. (a) A person required to be prepared under section 115E.03, other than a person who owns or operates a motor vehicle, rolling stock, or a facility that stores less than 250,000 gallons of oil or a hazardous substance, shall complete the response plan required by this section by March 1, 1993, unless one of the commissioners orders the person to demonstrate preparedness at an earlier date under section 115E.05.

(b) A person who owns or operates a motor vehicle, rolling stock, or a facility that stores less than 250,000 gallons of oil or a hazardous substance shall complete the response plan required by this section by January 1, 1994.

(c) Plans required under section 115E.04 or 115E.045 must be updated every three years. Plans must be updated before three years following a significant discharge, upon significant change in vessel or facility operation or ownership, upon significant change in the national or area contingency plans under the Oil Pollution Act of 1990, or upon change in the capabilities or role of a person named in a plan who has an important response role.

Subd. 3. Notification. (a) The commissioner of public safety must be notified when any of the following takes place:

(1) submission of the plan to the federal government;

(2) granting of exemptions or extensions of time by the federal government for submission of the plan; or

(3) completion of the plan if submission to the federal government is not required.

(b) Notification under this subdivision must be on a form prescribed by the commissioner of public safety and must include:

(1) a description of the facility or vessel;

(2) a description of the activities involving oil or hazardous substances;

(3) a description of the types of materials being handled, including whether agricultural chemicals are involved; and

(4) other information required by the commissioner.

(c) The commissioner of public safety shall transmit a copy of the notification to the other commissioners as appropriate, depending on the types of materials involved.

Subd. 4. Review of prevention and response plan. (a) A person required to show specific preparedness under section 115E.03, subdivision 2, must submit a copy of the prevention and response plan to any of the commissioners who request it and to an official of a political subdivision with appropriate jurisdiction upon the official's request, or the plan and equipment and material named in the plan may be examined upon the request of an authorized agent of a commissioner or official.

(b) Upon the request of one or more of the commissioners, a person shall demonstrate the adequacy of prevention and response plans and preparedness measures by conducting announced or unannounced drills, calling persons and organizations named in a prevention and response plan and verifying roles and capabilities, locating and testing response equipment, questioning response personnel, or other means that in the judgment of the requesting commissioner demonstrate preparedness. Before requesting an unannounced drill, the requesting commissioner shall notify the other commissioners that a drill will be requested and invite them to participate in or witness the drill. If an unannounced drill is conducted to the satisfaction of the commissioners, the person conducting the drill may not be required to conduct an additional unannounced drill in the same calendar year.

Subd. 5. **Citizens advisory groups.** The commissioner of the Pollution Control Agency, the Department of Agriculture, or the Department of Public Safety may establish, or a local official may request a commissioner to establish, a citizens advisory group following a discharge of oil or a hazardous substance. The purpose of the citizens advisory group is to facilitate exchange of information and concerns related to the discharge and response between the owner or operator of the vessel or facility, the governmental responders, and the affected members of the public.

History: 1991 c 305 s 4; 1992 c 593 art 2 s 1; 1993 c 341 art 2 s 2; 1995 c 240 art 2 s 6

115E.045 RESPONSE PLANS FOR TRUCKS AND CERTAIN TANK FACILITIES.

Subdivision 1. **Response plan for trucks.** (a) By June 1, 1994, a person who owns or operates trucks or cargo trailer rolling stock transporting an average monthly aggregate total of more than 10,000 gallons of oil or hazardous substances as bulk cargo in this state shall prepare and maintain a prevention and response plan in accordance with this subdivision. The plan must include:

- (1) the name and business and nonbusiness telephone numbers of the individual or individuals having full authority to implement response action;
- (2) the telephone number of the local emergency response organizations, as defined in section 299K.01, subdivision 3, if the organizations cannot be reached by calling 911;
- (3) a description of the type of rolling stock and the maximum potential discharge that could occur from the equipment;
- (4) the telephone number of the single answering point system established under section 115E.09;
- (5) the telephone number of an individual or company with adequate personnel and equipment available to respond to a discharge, along with evidence that the individual or company and the individual responsible for preparing the plan have made arrangements for such response;
- (6) a description of the training that the owner or operator's truck or cargo trailer operators have received in handling hazardous materials and the emergency response information available in the vehicle; and
- (7) a description of the action that will be taken by a truck or cargo trailer owner or operator in response to a discharge.

(b) The response plan must be retained on file at the person's principal place of business.

Subd. 2. **Response plan for certain tank facilities.** (a) By June 1, 1994, a person who owns or operates a facility that stores more than 10,000 gallons but less than 1,000,000 gallons of oil or hazardous substances in aboveground tanks shall prepare and maintain a prevention and response plan in accordance with this subdivision. The abbreviated plan must include:

- (1) the name and business and nonbusiness telephone numbers of the individual or individuals having full authority to implement response action;
- (2) the telephone number of the local emergency response organizations, as defined in section 299K.01, subdivision 3, if the organizations cannot be reached by calling 911;
- (3) a description of the facility, tank capacities, spill prevention and secondary containment measures at the facility, and the maximum potential discharge that could occur at the facility;
- (4) the telephone number of the single answering point system established under section 115E.09;
- (5) documentation that adequate personnel and equipment will be available to respond to a discharge, along with evidence that prearrangements for such response have been made;
- (6) a description of the training employees at the facility receive in handling hazardous materials and in emergency response information; and
- (7) a description of the action that will be taken by the facility owner or operator in response to a discharge.

(b) The response plan must be retained on file at the person's principal place of business.

Subd. 3. **Notice of plan completion.** A person required to prepare a response plan under this section shall notify the commissioner of public safety when the plan has been completed. Upon request, the person shall provide a copy of the plan to the commissioner of the Pollution Control Agency.

Subd. 4. **Agricultural chemicals exempt.** This section does not apply to agricultural chemicals, as defined in section 18D.01, subdivision 3, that are subject to chapter 18B or 18C.

History: 1993 c 341 art 2 s 3; 1994 c 589 s 2

10.3 Spill Reporting Law – Wisconsin



Below is from the Wisconsin Department of Natural Resources (WDNR) website on December 16, 2016 (<http://dnr.wi.gov/topic/Spills/define.html>).

What is a spill?

Spills are discharges of hazardous substances that adversely impact, or threaten to adversely impact, human health, welfare or the environment and require an immediate response.

For detailed information on spill reporting requirements, see [Section 292.11, Wis. Stats. \[PDF exit DNR\]](#) and [Chapter NR 706, Wis. Admin. Code \[PDF exit DNR\]](#).

Do I have to report my spill?

Your spill is **reportable** to the DNR if:

- **there is an impact to human health;**
Note: An evacuation is considered a threat to human health.
- **there is an impact to the environment;**
Note: Water of the state includes a threat or spill into a sanitary sewer, storm sewer, and/or surface water.
- **there is a fire, explosion or safety hazard;**
Note: A slippery road condition is considered a safety hazard.
- **you have not immediately cleaned up the spill;**
Note: Has it evaporated or been cleaned up in accordance with NR700-726?
- **the spill was more than the reportable quantities listed below.***

*A hazardous substance that is "discharged" into a secondary containment structure, that is completely contained and can be recovered with no discharge to the environment, is not subject to the discharge notification requirements.

Reportable quantities

If your spill is **more** than the amounts listed below, you **must** report it to the DNR.

Petroleum compounds

- Petroleum product completely contained on an impervious surface.
- Less than 1 gallon of gasoline or light grade petroleum product onto a pervious surface or runs off an impervious surface.
- Less than 5 gallons of medium or heavy grade petroleum products onto a pervious surface or runs off an impervious surface.

Agrichemical compounds

- Less than 250 pounds dry fertilizer.
- Less than 25 gallons of a liquid fertilizer.
- Pesticides that would cover less than 1 acre of land if applied according to label instructions.

Federal reportable quantities

The federal reportable quantity for a specific substance as outlined in the [CERCLA RQ column of the Sara Title 3 list of lists \[exit DNR\]](#).

How to report a spill

Discharges of hazardous substances generally fall into one of two broad categories:

1. **Spills** - Spills that need an immediate response. These can include a tank truck rollover, failure of a storage tank valve or failure of a wall in a manure storage lagoon. **Call the 24-hour spill hotline at 1-800-943-0003.**
2. **Discovery of Spills Through Analysis** - Soil or groundwater contamination that is discovered via sampling. The best way to report discovery of a discharge that is identified through analysis of soil or water is to use DNR's [Notification For Hazardous Substance Discharge \(Non-Emergency Only\) \(Form 4400-225\) \[PDF\]](#). This form includes information about how to fax or email the form DNR. Please include a summary of the laboratory data with the form. Don't wait for a written report describing the contamination – immediately fax or email the form, or make a phone call to a [DNR regional office](#), immediately.

Federal reporting requirements

A responsible party may also have to comply with other state and/or federal reporting requirements relating to the Emergency Planning and Community Right to Know Act (EPCRA) or the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). To report a spill, contact the [The Federal Government National Response Center \[exit DNR\]](#) (800-424-8802).

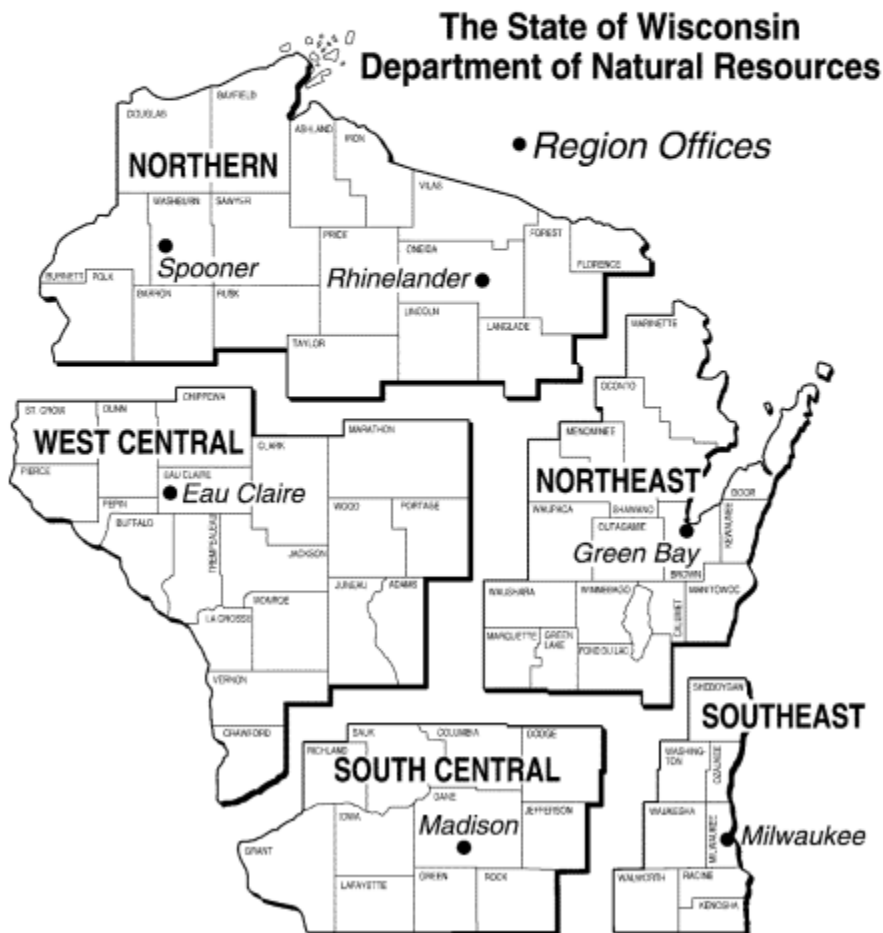
To determine if you have a reportable spill, please check either of these two EPA resources.

- EPA's [Sara Title III Consolidated Lists of Lists \[exit DNR\]](#)
- EPA's [Searchable Database for the Consolidated List of Chemicals Subject to the Emergency Planning and Community Right-to-Know Act \(EPCRA\) and Section 112\(r\) of the Clean Air Act \[exit DNR\]](#)

Regional Spill Coordinators - WDNR contacts

DNR Spill Coordinator Telephone Numbers

Name	Region	Office
24 Hour Hotline	Statewide	800-943-0003
Cody Heinze	Northeast	920-883-9383
Jeff Paddock	Northern	715-828-8544
Trevor Bannister	South Central	608-347-0058
Riley Neumann	Southeast	414-750-7030
Jayson Schrank	West Central	715-410-8841





Below is from the Iowa Department of Natural Resources (IDNR) Environmental Services Division Field Services & Compliance Bureau guidance document, Iowa Administrative Code Chapter 131 Notification of Hazardous Conditions, revised July 2015.

Notification of Hazardous Conditions

Summary of Key Points and Definitions

“Hazardous Condition” means any situation involving the actual, imminent or probable spillage, leakage, or release of a hazardous substance onto the land, into a water of the state or into the atmosphere which, because of quantity, strength and toxicity of the hazardous substance, its mobility in the environment and its persistence, creates an immediate or potential danger to the public health or safety or to the environment.

“Hazardous Substance” means any substance or mixture of substance that presents a danger to the public health or safety and includes, but is not limited to, a substance that is toxic, corrosive, or flammable, or that is an irritant or that, in confinement, generates pressure through decomposition, heat, or other means. The following are examples of substances which, in sufficient quantity, may be hazardous: acids; alkalis; explosives; fertilizers; heavy metals such as chromium, arsenic, mercury, lead, and cadmium; industrial chemicals; paint thinners; paints; pesticides; petroleum products; poisons; radioactive materials; sludges; and organic solvents.

“Hazardous substances” may include any hazardous waste identified or listed by the administrator of the United States Environmental Protection Agency under the Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act of 1976, or any toxic pollutant listed under Section 307 of the federal Water Pollution Control Act as amended to January 1, 1977, or any hazardous substance designated under Section 311 of the federal Water Pollution Control Act as amended to January 1, 1977, or any hazardous material designated by the secretary of transportation under the Hazardous Materials Transportation Act (49 CFR 172.101)

Key Points

Who is Required to Report Hazardous Conditions

Any person manufacturing, storing, handling, transporting, or disposing of a hazardous substance shall notify the department at (515) 725-8694 and the local police department or the office of the sheriff of the affected county of the occurrence of a hazardous condition as soon as possible but not later than six hours after the onset of the hazardous condition or the discovery of the hazardous condition. A sheriff or police chief who has been notified of a hazardous condition shall immediately notify the department. Reports made pursuant to this rule shall be confirmed in writing as provided in 131.2(2).

Reporting Subsequent Findings

All subsequent finding and laboratory results should be reported and submitted in writing to the department as soon as they become available.

Reminder: VERBAL REPORTS ARE REQUIRED WITHIN 6 HOURS OF INCIDENCE OCCURRENCE OR DISCOVERY.

Guidelines for Reporting Hazardous Conditions Verbal Reporting

Report the Condition if:

- The hazardous substance has the potential to leave the property by run-off, sewers, tile lines, culverts, drains, utility lines, or some other conduit, or,
- The hazardous substance has the potential to reach a water of the state – either surface water or groundwater or,
- The hazardous substance can be detected in the air at the boundaries of the facility property by the senses (sight and smell) or by monitoring equipment or,
- There is a potential threat to the public health and safety or,
- Local officials (Fire department, law enforcement, Hazmat, public health, and emergency management) respond to the incident or,
- The release exceeds a Federal Reportable Quantity (RQ).

~ If in Doubt, Report It ~

**IDNR REQUIRES VERBAL REPORTS WITHIN 6 HOURS OF
INCIDENCE OCCURRENCE OR DISCOVERY**

- It is recommended that all spills be cleaned up although a particular spill may not be reportable. A series of small spills over time can result in one big cleanup.
- Department rules stress the immediate or potential danger that a spill may cause.
- A written report of the Hazardous Condition is required within 30 days of the verbal notification.

In general, Iowa reporting requirements are more stringent than Federal reporting requirements. However, the **time limit** for reporting at the Federal level is more immediate.

Guidelines for Reporting Hazardous Conditions Written Report Requirements

The Iowa Department of Natural Resources Requires a written report of any Hazardous Condition.
(VERBAL REPORT REQUIRED WITHIN 6 HOURS)

Written Report

The written report of such a hazardous condition shall be submitted to the department within 30 days and contain the following information:

- a. The exact location of the hazardous condition.
- b. The time and date of onset or discovery of the hazardous condition.
- c. The name of the material, the manufacturer's name, and the volume of each material involved in the hazardous condition in addition to contaminants within the material if they by themselves could cause a hazardous condition.
- d. The medium (land, water, or air) in which the hazardous condition occurred or exists.
- e. The name, address, and telephone number of the party responsible for the hazardous condition.
- f. The time and date of the verbal report to the department of the hazardous condition.
- g. The weather conditions at the time of the hazardous condition onset of discovery.
- h. The name, mailing address, and telephone number of the person reporting the hazardous condition.
- i. The name and telephone of the person closest to the scene of the hazardous condition who can be contacted for further information and action.
- j. Any other information, such as the circumstances leading to the hazardous condition, visible effects, and containment measures taken that may assist in the proper evaluation by the department.

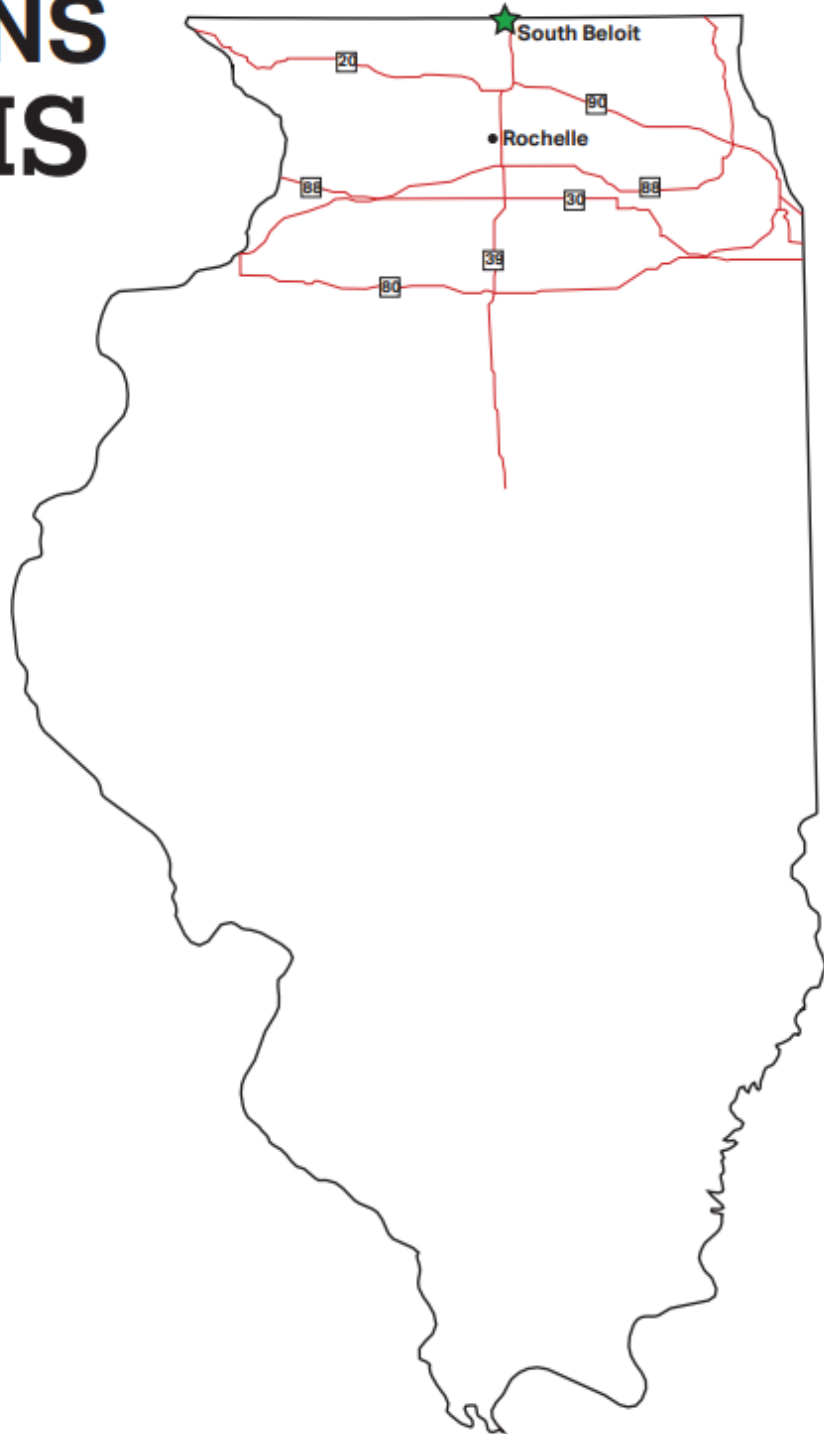
The written report should include the IDNR Spill Number (assigned at the time of the verbal report) and be addressed to the duty officer responding to the spill. Reports can be sent via mail, fax, or electronic mail to the addresses listed below.

Mail	Fax	E-Mail
Iowa DNR Field Services Emergency Response 7900 Hickman Rd. Suite 200 Windsor Heights, IA 50324	515/281-7229	Emergency_Response@dnr.iowa.gov

11.0 Kwik Trip Locations

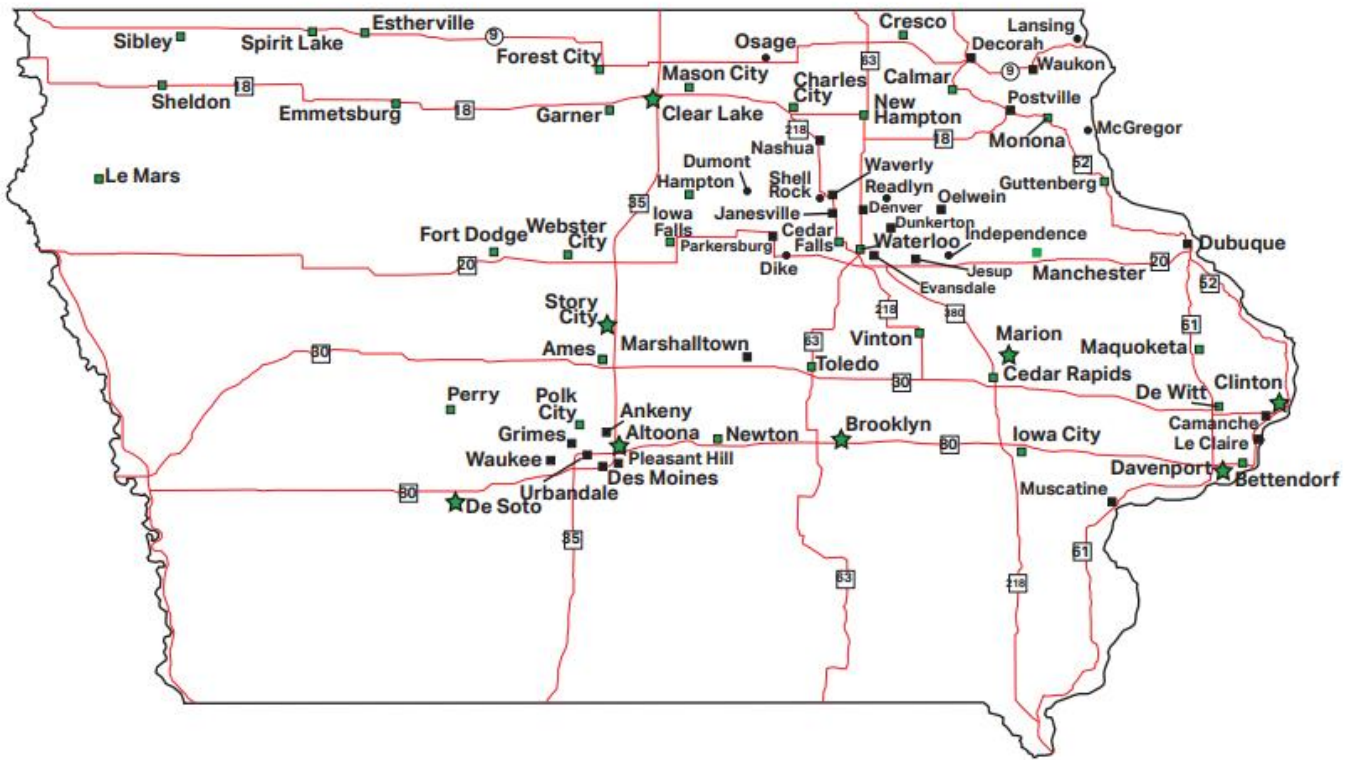


**LOCATIONS
ILLINOIS**



KWIK STAR

LOCATIONS IOWA



KWIK TRIPTM

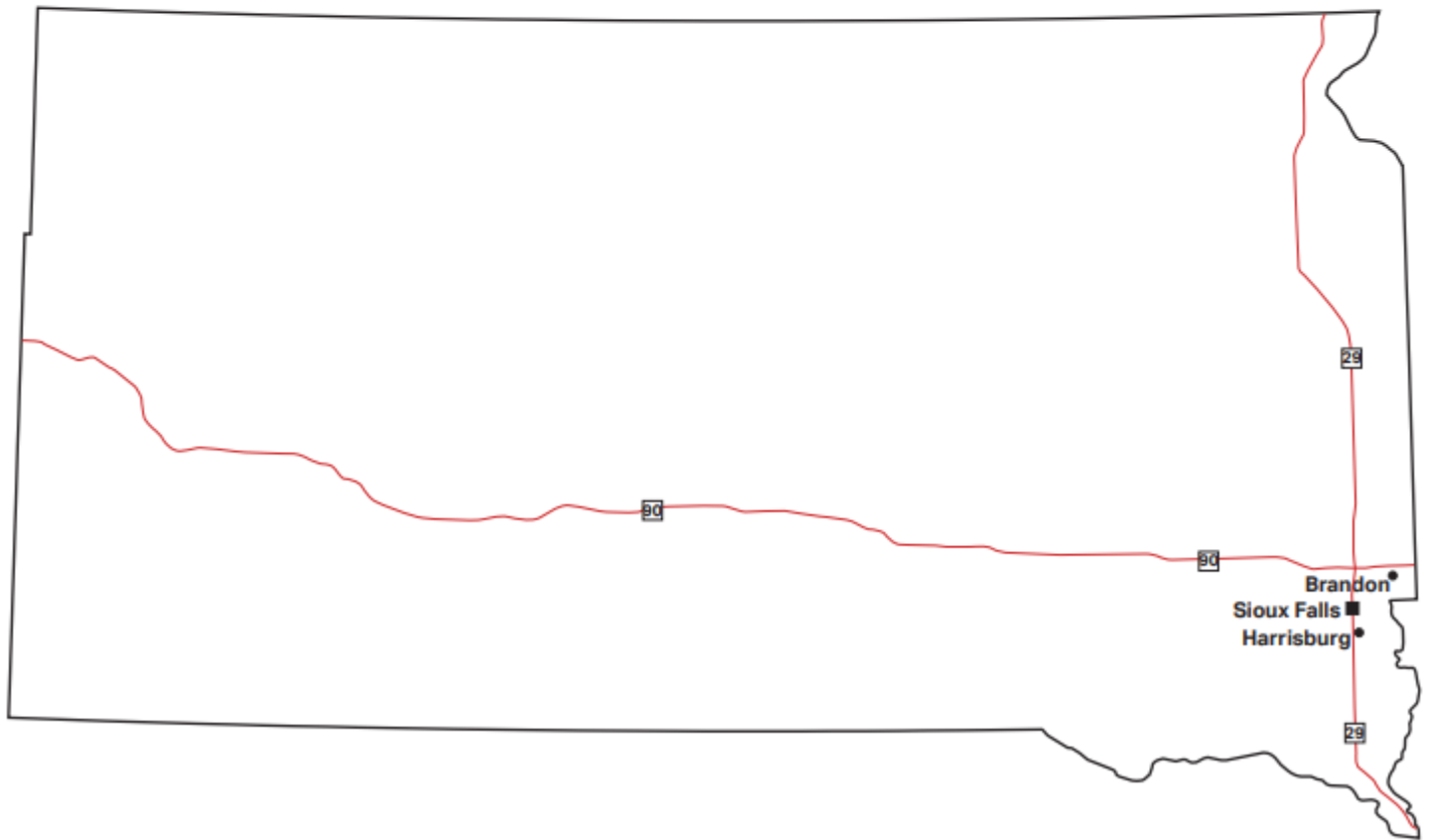
LOCATIONS

MICHIGAN





LOCATIONS SOUTH DAKOTA



KWIK TRIP™

LOCATIONS WISCONSIN



12.0 Safety Data Sheets

A complete list of Safety Data Sheets (SDSs) for products present at a Kwik Trip properties are located on the Damarco Solutions searchable website using the hyperlink [HERE](#).

13.0 Spill Response Summary Report Requirements

The responding consultant should provide a summary report at the conclusion including the following, at a minimum:

- 1.0 Introduction
- 2.0 Hazardous Substance Discharged, Toxicity, Mobility and Volume
- 3.0 Duration of Discharge
- 4.0 Time discharge was Responded to and Properly Contained
- 5.0 Mitigation Efforts (including if efforts may have accelerated migration of pollution of hazardous substances)
- 6.0 Weather Conditions
- 7.0 Migration Potential of the Contamination
- 8.0 Nature and Scope of Immediate Response Actions
- 9.0 Sampling Results to Confirm Adequacy of Response
- 10.0 Visual and Olfactory Evidence of Contamination
- 11.0 Actual or Potential Environmental Impacts
- 12.0 Proximity of Contamination to Receptors
- 13.0 Present and Anticipated Future Land Use
- 14.0 Exposure Routes Evaluation and Summary of Remediation to the Extent Practicable
- 15.0 Other Relevant Information
- 16.0 Conclusions and Recommendations

Figures

Figure 1 – Site Vicinity Map

Figure 2 – Site Map (note: show release area)

Appendices

Appendix A – Photographs

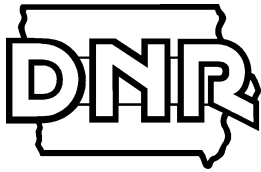
Appendix B – Disposal Documentation

Appendix C – WTM Coordinates of Spill

Note: Report should be submitted to Kwik Trip electronically and to the appropriate state agency according to their requirements. Iowa requires a specific form be completed within 30 days of the release.

13.1 Required Reporting

Iowa



Written Report for Hazardous Conditions
 The Iowa Department of Natural Resources
 Requires a written report of any Hazardous Condition.

(VERBAL REPORT REQUIRED WITHIN 6 HOURS)

Written Report. The written report of a hazardous condition shall be submitted to the department within 30 days and contain the following information (Please complete as much as possible):

DNR Spill Number for hazardous condition:	
---	--

Location of hazardous condition:

Physical Address		city	
Legal Address	Lat/Long or Twn/Rng	zip	
Other description			

Time and Date of *onset or discovery* of hazardous condition:

Time AM PM Date _____

Time and Date of *verbal report* to the department of the hazardous condition:

Time AM PM Date _____

The Hazardous Condition:

Name of material/substance(s)	Manufacturer	Volume

If more space is needed add additional pages. Attach a Material Safety Data Sheet (MSDS) if possible.

The medium in which the hazardous condition occurred/existed (Check all that apply):

Ground Water Surface Water Land Air

Weather Conditions during the time of the hazardous condition onset or discovery:

Temperature	Wind Direction	Wind Speed	Humidity	Precipitation

Contact Information:

	Name	Company	Mailing Address	Telephone
Person Reporting (if known)				
Party Responsible				
Site Contact				

Cause of the Incident: Write a narrative of the events leading to the incident

Initial Actions Taken: Write a narrative of the initial actions and instructions taken or required.

Written reports should include the DNR spill number and be addressed to the duty officer responding to the spill. Reports can be sent via mail, fax, or electronic mail.

Mail	Fax	Email
IDNR Emergency Response 7900 Hickman Rd Ste 200 Windsor Heights, IA 50324-4432	515/281-7229	Emergency_Response@dnr.iowa.gov

South Dakota

INCIDENT FOLLOW-UP REPORT

(Page 1 of 2)

DANR CASE FILE #: _____

**RETURN
COMPLETED
FORM TO:**

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE AND NATURAL RESOURCES (DANR)
INSPECTION, COMPLIANCE, AND REMEDIATION PROGRAM
JOE FOSS BUILDING
523 EAST CAPITOL AVENUE
PIERRE SD 57501-3182

NAME/TYPE OF PRODUCT SPILLED: _____

TOTAL AMOUNT OF PRODUCT SPILLED: _____

POUNDS OF ACTIVE INGREDIENT SPILLED (fertilizer/pesticide spills): _____

AMOUNT OF PRODUCT RECOVERED: _____

WAS SURFACE WATER OR GROUND WATER IMPACTED BY THE SPILL?: _____

SPILL DATE: _____ DATE CLEANUP OCCURRED: _____

SPILL LOCATION (physical address, directions, distance to nearest intersection or landmark, etc.): _____

LATITUDE/LONGITUDE: _____

LAND USE (Residential, Commercial, Agricultural, Industrial, Other – describe): _____

RESPONSIBLE PARTY: _____

MAILING ADDRESS: _____

CITY/STATE: _____ TELEPHONE NUMBER: _____

PROPERTY OWNER: _____

MAILING ADDRESS: _____

CITY/STATE: _____ TELEPHONE NUMBER: _____

CONSULTANT / CLEANUP CONTRACTOR (if applicable): _____

MAILING ADDRESS: _____

CITY/STATE: _____ TELEPHONE NUMBER: _____

INSURANCE PROVIDER (if applicable): _____

NAME OF INSURED: _____

POLICY NUMBER: _____ CLAIM NUMBER: _____

MAILING ADDRESS: _____

CITY/STATE: _____ TELEPHONE NUMBER: _____

INCIDENT FOLLOW-UP REPORT (Page 2 of 2)

DANR CASE FILE #: _____

WAS SOIL EXCAVATED?: _____ DIMENSIONS OF EXCAVATION: _____

CUBIC YARDS EXCAVATED: _____

DISPOSAL SITE (Name of Facility): _____

DISPOSAL DATE: _____

*****If soil was disposed, attach copies of disposal receipts*****

FERTILIZER/PESTICIDE SPILLS ONLY !!REQUIRES DANR PRE-APPROVAL!!

WILL THE CONTAMINATED SOIL/MATERIAL BE LAND APPLIED?: _____

WHAT CROP IS/WILL BE GROWN ON THE LAND APPLICATION SITE?: _____

LEGAL DESCRIPTION OF THE LAND APPLICATION SITE: _____

TOTAL ACRES SOIL/MATERIAL WILL BE APPLIED TO: _____

YARDS/POUNDS/ETC. OF SOIL/MATERIAL TO BE APPLIED: _____

CONCENTRATION OF CHEMICAL IN THE SOIL/MATERIAL TO BE APPLIED?: _____

**THIS SECTION
FOR DANR LAND APPLICATION APPROVAL DATE: _____
OFFICE USE APPLICATION APPROVED BY: _____
ONLY**

WAS SPILL CONTAINED TO IMMEDIATE AREA?: _____

DISTANCE TO AND NAME OF NEAREST SURFACE WATER (include currently dry perennial streams): _____

DISTANCE TO NEAREST WATER WELL (if applicable): _____

OWNER OF NEAREST WATER WELL (if applicable): _____

DESCRIBE RESPONSE ACTION AND ADDITIONAL WORK PLANNED: _____

FORM COMPLETED BY: _____ DATE: _____

E-MAIL ADDRESS: _____

17.40 WELLHEAD PROTECTION. (Cr. Ord. #15-10; Revised 8-19-2024 Ord. #xx-24)

17.40.01 PURPOSE AND AUTHORITY.

- (1) Purpose. The residents of the Village of Germantown depend exclusively on groundwater for a safe drinking water supply. Certain land use practices and activities can seriously threaten or degrade groundwater quality. The purpose of this Wellhead Protection Ordinance is to institute land use regulations and restrictions protecting the municipal water supply of the Village of Germantown and promote the public health, safety and general welfare of the residents.
- (2) Authority. Statutory authority of the Village to enact these regulations was established by the Wisconsin Legislature in §62.23(7)(a) and (c), Wis. Stats. Under these statutes, the Village has the authority to enact this ordinance to encourage the protection of groundwater resources.

17.40.02 APPLICATION OF REGULATIONS. The regulations specified in this Wellhead Protection Ordinance shall apply to those areas of the Village of Germantown that lie within the recharge areas for municipal water supply wells as defined in subsection 17.40.05, and are in addition to the requirements in the underlying zoning district, if any. If there is a conflict between this ordinance and the zoning ordinance, the more restrictive provision shall apply.

17.40.03 DEFINITIONS.

- (1) Aquifer. A saturated, permeable geologic formation that contains and will yield significant quantities of water.
- (2) Cone of Depression. The area around a well, in which the water level has been lowered at least 2 of a foot by pumping of the well.
- (3) Facilities. A general term referring to land uses, business operations, activities, developed property, or material stored.
- (4) Five-Year Time of Travel. The recharge area upgradient of the cone of depression, the outer boundary of which it is determined or estimated that groundwater will take 5 years to reach a pumping well.
- (5) Municipal Water Supply. The municipal water supply of the Village of Germantown.
- (6) Person. An individual, partnership, association, corporation, municipality or state agency, or other legal entity.
- (7) Recharge Area. The area which encompasses all areas or features that, by surface infiltration of water that reaches the zone of saturation of an aquifer, supplies groundwater to a well.
- (8) Thirty-Day Time of Travel. The recharge area upgradient of a well, or its cone of depression, the outer boundary of which it is determined or estimated that groundwater will take 30 days to reach a pumping well.
- (9) Well Field. A piece of land used primarily for the purpose of locating wells to supply a municipal water system.
- (10) Well. A boring into the earth for the purpose of extracting groundwater for supply to the municipal water supply.
- (11) Zone of Saturation. The area of unconsolidated, fractured or porous material that is saturated with water and constitutes groundwater.

17.40.04 GROUNDWATER TECHNICAL REVIEW COMMITTEE.

- (1) The Germantown Groundwater Technical Review Committee shall consist of all of the following:
 - (a) The Village Planner/Zoning Administrator.
 - (b) The Village Public Works Director.
 - (c) The Village Engineer
 - (d) The Fire Chief
 - (e) The Superintendent of the Water Utility.
- (2) The purpose for and responsibilities of the Germantown Groundwater Technical Review Committee are to:
 - (a) provide objective and scientific technical review of requests for conditional use permits and make recommendations to the Plan Commission and ultimately to the Village Board to grant or deny conditional use permits based upon the facts discovered in that review;
 - (b) to make recommendations on any and all conditions placed on a conditional use permit;
 - (c) to interpret the provisions of Section 17.40 (Wellhead Protection) and to provide guidance to the Village Planner/Zoning Administrator regarding potential amendments to and the administration and enforcement of the provisions under Section 17.40; and
 - (d) to give advice on matters concerning the protection of Germantown's groundwater resources.
- (3) Professional Services. The Village may retain the services of professional consultants (including engineer, environmental specialist, hydrologist, and other experts) to assist the Village in the Village's review of a proposal or submittal coming before the Germantown Water Technical Review Committee. The submittal of a proposal by a petitioner shall be construed as an agreement to pay for such professional review services applicable to the proposal. The Village may apply the charges for these services to the petitioner along with an administrative fee. Review fees which are applied to the petitioner, but which are not paid, may be assigned by the Village as a special assessment to the subject property.

17.40.05 GROUNDWATER PROTECTION OVERLAY DISTRICT. A Groundwater Protection Overlay District may be created to institute land use regulations and restrictions within a defined area which contributes water directly to a municipal water supply and thus promotes public health, safety, and welfare. The district is intended to protect the groundwater recharge area for the existing or future municipal water supply from contamination.

17.40.06 SUPREMACY OF THIS DISTRICT. The regulations of an overlay district will apply in addition to all other regulations which occupy the same geographic area. The provisions of any zoning districts that underlay this overlay district will apply except when provisions of the Groundwater Protection Overlay District are more stringent.

17.40.07 GROUNDWATER PROTECTION OVERLAY DISTRICTS BOUNDARIES. The boundaries of the Groundwater Protection Overlay Districts are referenced as being part of the Germantown zoning map being an overlay district to the zoning map. The locations and boundaries of the zoning districts established by this ordinance are set forth on the Village of Germantown Municipal Wellhead Protection Areas Map which is incorporated herein and hereby made a part of this ordinance. Said map, together with everything shown thereon and all amendments thereto, shall be as much a part of this ordinance as though fully set forth and described herein.

17.40.08 PERMITTED USES.

- (1) Subject to the conditions for existing uses listed in subsection 17.40.12 the following are the only permitted uses within the groundwater protection overlay district.
 - (a) Public and private parks, and playgrounds provided there are no on-site wastewater disposal systems or holding tanks.

- (b) Wildlife and natural and woodland areas.
- (c) Biking, hiking, skiing, nature, equestrian and fitness trails.
- (d) Residential which is municipally sewered and free of flammable and combustible liquid underground storage tanks.
- (e) Agricultural uses in accordance with the county soil conservation department's best management practices guidelines.
- (f) Single-family residences on a minimum lot of 20,000 square feet with a private on-site sewage treatment system receiving less than 8,000 gallons per day, which meets the County and State health standards for the effluent, and free of flammable or combustible liquid underground storage tanks.
- (g) Commercial, institutional, industrial or office establishments which are municipally sewered subject to the prohibited and conditional uses listed in subsections 17.40.10 and 17.40.11.

17.40.09 SEPARATION DISTANCE REQUIREMENTS.

- (1) The following separation distances as specified in § NR 811.16(4)(d), Wis. Adm. Code, shall be maintained. Measurements shall be from the well head to the specified structure, facility, edge of landfill or storage area as described in items (a) through (f) below.
 - (a) Fifty feet between a public water supply well and a stormwater sewer main or any sanitary sewer main constructed of water main materials and joints which is pressure tested in place to meet current AWWA 600 specifications. NOTE: Current AWWA 600 specifications are available for inspection at the office of the Wisconsin Department of Natural Resources, the Secretary of State's office and the office of the Revisor of Statutes.
 - (b) Two hundred feet between a public water supply well and any sanitary sewer main not meeting the above specifications, any sanitary sewer lift station or single-family residential fuel oil tank.
 - (c) Four hundred feet between a public water supply well and a septic system receiving less than 8,000 gallons per day, or a stormwater detention, retention, infiltration or drainage basin.
 - (d) Six hundred feet between a well and any gasoline or fuel oil storage tank installation that has received written approval from the Wisconsin Department of Commerce (hereafter Commerce) or its designated agent under § COMM 10.10, Wis. Adm. Code.
 - (e) One thousand feet between a well and land application of municipal, commercial or industrial waste; industrial, commercial or municipal waste water lagoons or storage structures; manure stacks or storage structures; and septic tanks or soil adsorption units receiving 8,000 gallons per day or more.
 - (f) Twelve hundred feet between a well and any solid waste storage, transportation, transfer, incineration, air curtain destructor, processing, wood burning, one-time disposal or small demolition facility; sanitary landfill; coal storage area; salt or deicing material storage area; gasoline or fuel oil storage tanks that have not received written approval from Commerce or its designated agent under § COMM 10.10, Wis. Adm. Code; bulk fuel storage facilities; and pesticide or fertilizer handling or storage facilities.

17.40.10 PROHIBITED USES.

- (1) The following uses are prohibited:
 - (a) Buried hydrocarbon, petroleum or hazardous chemical storage tanks. (Hazardous chemicals are identified by OSHA criteria under 40 CFR Part 370.)
 - (b) Radioactive waste facilities.
 - (c) Coal storage.

- (d) Industrial lagoons, pits or natural or manmade containment structures, primarily of earthen materials used for storage or treatment of wastewater, fermentation leachates or sludge.
- (e) Landfills and any other solid waste facility, except post-consumer recycling.
- (f) Manure and animal waste storage except animal waste storage facilities regulated by the County.
- (g) Pesticide and fertilizer dealer.
- (h) Railroad yards and maintenance stations.
- (i) Rendering plants and slaughterhouses.
- (j) Salt or deicing material storage for the purpose of distribution.
- (k) Septage or sludge spreading.
- (l) Septage, wastewater, or sewage lagoons.
- (m) Motor vehicular filling stations.
- (n) Wood preserving operations.

17.40.11 CONDITIONAL USES.

- (1) Any person may request a conditional use permit for certain uses, activities and structures within the Groundwater Protection Overlay District not prohibited in subsection 17.40.10.
- (2) The uses, activities, and structures that may be conditionally allowed are:
 - (a) Jewelry plating and metal plating.
 - (b) Machine or metal working shops as the principal business.
 - (c) Commercial, institutional, or office establishments utilizing a private on-site wastewater treatment system.
 - (d) Cemeteries.
 - (e) Chemical manufacturers (Standard Industrial Classification Major Group 28).
 - (f) Dry cleaners.
 - (g) Nonmetallic earthen materials extraction or sand and gravel pits.
 - (h) Salvage or junk yards.
 - (i) Stockyards and feedlots.
 - (j) Research labs, universities and hospitals.
 - (k) Exposed hydrocarbon, petroleum or hazardous chemical storage tanks. (Hazardous chemicals are identified by OSHA criteria under 40 CFR Part 370.) This shall not apply to residential LP gas tanks which are permitted under subsection 17.40.08(1)(i).
 - (l) Storage or processing of extremely hazardous substances, radioactive materials or substances listed in Table 1, Ch. NR 140, Wis. Adm. Code (Extremely hazardous substances are identified by SARA/EPCRA criteria under 40 CFR Parts 302 and 355.)
 - (m) Septage or sludge storage or treatment
 - (n) Motor vehicular service stations, repair, renovation and body working.
- (3) All requests for a conditional use permit shall be submitted in writing to the Germantown Village Planning and Zoning Department, and shall include all of the following:

- (a) A site plan map with all building and structure footprints, driveways, sidewalks, parking lots, stormwater management structures, groundwater monitoring wells, and 2-foot ground elevation contours.
 - (b) A business plan and/or other documentation which describes in detail the use, activities, and structures proposed.
 - (c) An environmental assessment report prepared by a licensed environmental engineer which details the risk to, and potential impact of, the proposed use, activities, and structures on groundwater quality. In the event of a substitution or relocation of a pre-existing use under this section, the report shall address the ways that the substituted or relocated use will reduce the risk to groundwater compared to the pre-existing use.
 - (d) An operational safety plan, which details the operational procedures for material processes and containment, best management practices, stormwater runoff management, and groundwater monitoring.
 - (e) A contingency plan which addresses in detail the actions that will be taken should a contamination event caused by the proposed use, activities, or structures occur.
- (4) All applicants submitting a request for a conditional use permit shall reimburse the Village for all consultant fees and expenses and technical review committee expenses associated with this review, plus administrative costs and processing fees.
- (5) All conditional use permits granted shall be subject to conditions that will include environmental and safety monitoring determined necessary to afford adequate protection of the public water supply. These conditions shall include all of the following:
- (a) Provide current copies of all federal, state and local facility operation approval or certificates and on-going environmental monitoring results to the Village.
 - (b) Establish environmental or safety structures/monitoring to include an operational safety plan, material processes and containment, operations monitoring, best management practices, stormwater runoff management, and groundwater monitoring.
 - (c) Replace equipment or expand in a manner that improves the environmental and safety technologies in existence.
 - (d) Prepare, file and maintain a current contingency plan which details the response to any emergency which occurs at the facility, including notifying municipal, county and state officials. Provide a current copy to the Village.
- (6) The Germantown Village Board shall decide upon a request for a conditional use permit only after full consideration of the recommendations made by the Germantown Groundwater Technical Review Committee. Any conditions above and beyond those specified in conditional uses, subsection (5) herein that are recommended by the Germantown Groundwater Technical Review Committee may be applied to the granting of the conditional use permit.

17.40.12 PROVISIONS AND REQUIREMENTS FOR PRE-EXISTING USES OR FACILITIES REQUIRING A CONDITIONAL USE PERMIT OR LISTED AS A PROHIBITED USE.

Pre-existing uses or facilities within a Groundwater Protection Overlay District at the time of enactment of such district which require a conditional use permit under subsection 17.40.11 or are listed as a prohibited use under subsection 17.40.10 all of which are incorporated herein as if fully set forth shall meet the following as may be applicable.

- (1) Current Federal, State, and Local Approvals and Permits. The owners or operators of uses or facilities which existed within a Groundwater Protection Overlay District at the time said District was enacted shall, within 45 days of enactment, provide copies of all current, and within 30 days of receipt, revised or new Federal, State and local facility operation approvals, permits or certificates; operational safety plan and on-going environmental monitoring results to the Village.
- (2) Contingency Plans. The owners or operators of such uses or facilities as above which existed within the district at the time of enactment of a district shall have the responsibility of devising, filing and maintaining, with the Village, a current contingency plan which details how they intend to respond to any emergency which may cause or threaten to cause environmental pollution that occurs at their facility, including notifying municipal, county and state officials.
- (3) Repair, Rebuild, Expand, Relocation, and Substitution of Pre-Existing Uses or Facilities. In the event any of the following circumstance arise, the owners or operators of such pre-existing uses and facilities shall be granted a conditional use permit, in accordance with this Code and subsection 17.40.11(3) through (6) above, to repair, rebuild, expand, relocate, or allow the substitution of such pre-existing uses or facilities, provided that the conditions imposed shall include the requirements listed under subsection 17.40.12(4) below:
 - (a) A casualty loss causing damage or destruction to the site, building or other improvements exceeding 50% of the existing assessed valuation thereof; or
 - (b) the owner or operator desires to repair, rebuild, or expand the site, building or make other improvements where the cost of which will reasonably be anticipated to exceed 50% of the existing assessed valuation thereof; or
 - (c) the owner or operator desires to relocate the pre-existing use or facility within a Groundwater Protection Overlay District; or
 - (d) the owner or operator desires to substitute or replace a pre-existing use or facility that requires a conditional use permit or is listed as a prohibited use with a different use or facility that requires a conditional use permit or is listed as a prohibited use.
- (4) Conditional Use Permit Requirements. At a minimum, conditional use permits granted by the Village pursuant to subsection 17.40.12(3) above shall include conditions that require the following:
 - (a) to the extent feasible, based upon scientific, engineering and economic factors, all site, building and other improvements shall be repaired, rebuilt, expanded, relocated, or substituted using best management practices, designs and technologies which are state of the art, such that they diminish the potential for wellhead contamination; and
 - (b) to the extent feasible, based upon scientific, engineering, and economic factors, the replacement, substitution, or augmentation of equipment and machinery and the installation thereof shall utilize state of the art equipment and machinery which diminishes potential for wellhead contamination; and
 - (c) The relocation of pre-existing uses or facilities is allowed provided all the following are met:

- (i) The pre-existing use or facility is relocated within the same Groundwater Protection Overlay District;
- (ii) The new location meets all applicable separation distance requirements set forth under subsection 17.40.09;
- (iii) The use or facility can obtain all applicable Federal, State and Local approvals and permits;
- (iv) The owner of the property or current site from which the pre-existing use or facility is relocating from records a deed restriction against the property that prohibits future uses and/or facilities that require a conditional use permit under subsection 17.40.11 or are listed as a prohibited use in subsection 17.40.11; and
- (v)
- (vi) The owner of the property or operator of the pre-existing use or facility being relocated causes the property and all structures, equipment, and systems located thereon to be altered and/or restored to a physical condition that can be reasonably expect to not cause groundwater contamination, including but not limited to the removal of storage tanks, pipes, and systems that previously contained or utilized hazardous, flammable, or other liquids or materials that had the potential to contaminate the Village's groundwater resources. Such alteration and restoration shall meet all applicable Federal, State, and Local agency requirements (e.g. Wisconsin's Cleanup Rules and Laws).

17.40.13 CHANGING TECHNOLOGY.

- (1) The uses prohibited by this district are prohibited based upon the combined pollution experience of many individual uses, and the technology generally employed by a particular use considered to be of a high risk for pollution to the groundwater resource. As the technology of other uses change to low or non-risk materials or methods, upon petition from such use, after conferring with the Groundwater Technical Review Committee or other expert opinion, and after appropriate public notice and hearing, the Village through appropriate procedures and actions to change these provisions of the Germantown Municipal Code may remove from the designated prohibited uses such uses as are demonstrated convincingly that they no longer pose a groundwater pollution hazard.
- (2) In dealing with uses which attempt to become permissible, under the terms of this district, by continuing to utilize pollutant materials but altering their processing, storage and handling, it is not the intention to accept alternate or reduced hazards as the basis for making a use permissible. It is the intention to continue a prohibition on such uses until the technology of the use removes reliance upon the pollutant materials or processes deemed to be a groundwater hazard.

17.40.14 ENFORCEMENT AND PENALTY.

- (1) Penalty. Any person who violates, neglects or refuses to comply with any of the provisions of this ordinance shall be subject to a penalty as provided in section 17.40 of this Municipal Code.
- (2) Injunction. The Village of Germantown may, in addition to any other remedy, seek injunction or restraining order against the party alleged to have violated the provisions herein, the cost of which shall be charged to the defendant in such action.
- (3) Cleanup Costs. As a substitute for, and in addition to any other action, the Village of Germantown may commence legal action against both the person who releases the contaminants and the owner of the facility whereupon the contaminants were released to recover the costs, together with the costs of prosecution. Any person who causes the release of any contaminants which may endanger or contaminate the municipal water supply system associated with a Groundwater Protection Overlay District shall immediately cease such discharge and immediately initiate cleanup satisfactory to the Village of Germantown and the other State and Federal regulatory agencies.

The person who releases such contaminants and the person who owns the facility whereon the contaminants have been released shall be jointly and severally responsible for the cost of cleanup, consultant, or other contractor fees, including all administrative costs for oversight, review and documentation, including the Village employees, equipment, and mileage.

17.40.15 CONFLICT, INTERPRETATION AND SEVERABILITY.

- (1) Conflict and Interpretation of Provisions . If the provisions of the different chapters of this Code conflict with or contravene each other, the provisions of each chapter shall prevail as to all matters and questions arising out of the subject matter of such chapter. In their interpretation and application, the provisions of this ordinance shall be held to be the minimum and are not deemed a limitation or repeal of any other power granted by Wisconsin Statutes. Where any terms or requirements of this ordinance may be inconsistent or conflicting, the most restrictive requirements or interpretations shall apply.
- (2) Severability of Code Provisions . If any section, subsection, sentence, clause or phrase of the Code is for any reason held to be invalid or unconstitutional by reason of any decision of any court of competent jurisdiction, such decision shall not affect the validity of any other section, subsection, sentence, clause or phrase or portion thereof. The Village Council hereby declares that they would have passed this Code and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions may be declared invalid or unconstitutional.