

## **Calumet County Spill and Illicit Discharge Response Procedure Manual**

The purpose of this Spill and Illicit Discharge Response Procedure Manual is to provide a framework for spill and illicit discharge response procedures in CALUMET COUNTY and to comply with the Wisconsin Department of Natural Resources WPDES Permit No. WI-S050075-1 requirements. All employees are expected to work cooperatively with state and local agencies to define, contain, and clean up spills and illicit discharges.

This manual is designed to provide general response procedures to CALUMET COUNTY employees. However, each situation is unique and field conditions may determine different procedures. Home and mobile telephone numbers are considered private information and are not to be released to the public.

### **SAFETY FIRST – Follow all appropriate safety procedures when dealing with any spill or illicit discharge.**

For CALUMET COUNTY, Matthew Marmor in the Emergency Management DEPARTMENT at (920) 849-1473 is the designated Illicit Discharge Coordinator. If Matthew Marmor is not available, contact the Calumet County Dispatch Center at (920) 849-2335 and ask to speak with the acting Illicit Discharge Coordinator.

## **I - DISCOVERY AND NOTIFICATION**

- a) Accept information regarding reported spill or illicit discharge using the Spills/Illicit Discharge – Initial Contact Form in Appendix A.
- b) If it is obvious that there is a fire, explosion or safety hazard to life and health, threat to the environment, or need to evacuate, call 911 immediately. This includes any incident involving petroleum sheen, sheen from any unknown source or a highly suspicious material.
- c) Ask the Calumet County Dispatch Center to Notify the Illicit Discharge Coordinator of the reported spill or illicit discharge.

If the incident is determined to be a spill, with a risk of fire explosion or safety hazard to life, health or the environment or a need to evacuate, the Public Safety Responders will follow their spill procedures. The remainder of this document is not intended to conflict with or supersede any of their procedures.

## **II – COORDINATION AND CONTAINMENT**

- a) Identify persons and agencies that need to be notified and involved in the situation.

For CALUMET COUNTY, parties that may be requested to assist in a situation may include, but are not limited to:

- Fire Departments (dispatched by Sheriff's Office dial (920) 849 - 2335)
- Police Departments (dispatched by Sheriff's Office dial (920) 849 - 2335)
- County Emergency Management Coordinator (Matthew Marmor, (920) 849 - 1473)
- Local Hazmat Team (dispatched by Sheriff's Office dial (920) 849 - 2335)

- WI DNR (1-800-943-0003)
- Public Works Departments (dispatched by Sheriff's Office dial (920) 849 - 2335)
- Health Department (Bonnie Kolbe, (920) 849 - 1432)

Current contact information for some of these people can be found on the Flowcharts in Appendix B. In circumstances when a spill or illicit discharge originating in Calumet County discharges directly to a municipal separate storm sewer or property under the jurisdiction or another Municipality, that jurisdiction or Calumet County shall be notified of the incident as soon as possible but at least within one working day. These areas are identified on a street-by-street basis and can be seen on the map or in the table found in Appendix C. (Each community must create their own map.)

- Notify persons and agencies, providing as much information about the incident as possible.
- Contain the spill or illicit discharge safely and legally through necessary means.
- Determine if the spill is "reportable" to the WDNR (using standards found in <http://WDNR.wi.gov/org/aw/rr/archives/pubs/RR558.pdf>). If reportable, contact the WDNR through the spill hotline (1-800-943-0003).
- If the spill is not "reportable", contact the NE Region WDNR Spills Coordinator, Jason Moeller, at 1-920-6620-5492.
- If a responsible party has been identified, they are to take control of the situation as soon as practical and shall continue containment, cleanup and disposal of the substance as required by local and state agencies.

### **III – CLEANUP, EVIDENCE COLLECTION AND DOCUMENTATION**

- Coordinate efforts of those people involved in managing the incident
- Locate the source of the spill or illicit discharge
- Attempt to locate the responsible party

CALUMET COUNTY will use any or any combination of the following strategies to locate the source and responsible party of a spill or illicit discharge:

- Visual and smell indicators
  - Environmental Consultant
  - Field test kit
  - Uncover manholes upstream to identify where flow may be coming from and use additional samples and tests as needed to isolate potential source areas
  - Utilize available MS4 mapping to assist in tracking upstream of the incident.
  - Dye-test storm and sanitary sewers
  - Smoke test sanitary storm sewers
  - Televiser sanitary and/or storm sewers
  - Obtain access to private property to obtain samples and perform tests.
- Collect evidence
  - Documentation the entire process

The following documentation will be kept to the maximum extent possible during a spill or illicit discharge event:

- An on-going written log
- Pictures
- Sketches or Maps
- A list of the names of those who have been involved, their agency and contact information.
- Other data as may be deemed appropriate by those involved in managing the incident
- Samples - Samples will be collected from the following locations as long as they are accessible and conditions are safe:
  - The suspected source of the spill or discharge (discharge substance and/or site soil)
  - Down-gradient of the suspected source
  - Up-gradient of the suspected source

f) Clean-up the spill or illicit discharge

Parties responding to the incident will work downstream to determine the extent of cleanup required.

If the Responsible Party is identified, they will be notified and directed to correct the problem. The Responsible Party is required to provide adequate cleanup for a spill or illicit discharge. CALUMET COUNTY will follow the enforcement procedures as outlined in the Illicit Discharge Ordinance. CALUMET COUNTY will notify WDNR if an illicit discharge is not cleaned up and removed after 30 days to discuss further options.

If the Responsible Party cannot be identified, CALUMET COUNTY will work with WDNR to ensure that the necessary steps are taken to clean up the spill or illicit discharge. The WDNR may be contacted to discuss any funding opportunities that may be available. WDNR may be contacted for assistance in hiring a qualified contractor and will be kept informed of the progress of a cleanup.

g) Work toward cost recovery

Once the responsible party has been identified every effort will be made to receive cost recovery of funds expended by CALUMET COUNTY. The WDNR may be contacted to discuss any funding opportunities that may be available.

**IV – EVALUATION AND REPORTING**

a) Evaluate the process and procedures

The Illicit Discharge Coordinator will contact the parties involved in the event to discuss what went right, what went wrong, and any suggested improvements to the process and procedures. This information will be kept in the Calumet County Emergency Management Office.

b) Report cleanup efforts

Copies of all files regarding spill events created by the Highway Department will be kept at the Calumet County Highway Shop by the Highway Commissioner, with copies forwarded to the Illicit Discharge Coordinator. All files regarding spills and illicit discharges created by the Illicit Discharge Coordinator shall be kept at the Calumet County Emergency Management Office. Reports will be made to the following agencies as appropriate for each incident:

- Calumet County Public health
- Calumet County Emergency Management
- WDNR

All files will be made available to the CALUMET COUNTY Stormwater Coordinator for the Annual Report.

**List of Appendix**

- Appendix A – Spills/Illicit Discharge – Initial Contact Form
- Appendix B – Flow Charts (3<sup>rd</sup> Party and Employee)
- Appendix C – Interactive Map / Contact List of adjoining municipalities
- Appendix D – WDNR Form #4400-91 Substance Release Form
- Appendix E – WDNR Publication RR558
- Appendix F – WNDR Publication RR560
- Appendix G – Sample Chain of Custody Form

## Spill and Illicit Discharge Response Guidance Document

This Guidance Document is for CALUMET COUNTY use only. It includes phone numbers for help at all levels, safety information, response guidance for some specific spills, authority, references, and forms.

Each employee that may be involved in spill or illicit discharge response should take the time to become familiar with the information in the Procedure Manual and the Guidance Document. If you know of revisions that should be made or have suggestions to improve this manual, send your comments to Matthew Marmor at the Calumet County Emergency Management Office, or email [marmor.matthew@co.calumet.wi.us](mailto:marmor.matthew@co.calumet.wi.us).

Staff will maintain their personal safety and the safety of others as their first objective. It is also critical that complete and accurate information of the incident and all parties' involvement is documented.

### Introduction:

This document describes the stages of spill and illicit discharge cleanup and provides examples for the various sections of the Manual. The stages involved in spill and illicit discharge response and cleanup are:

- I. Discovery and Notification
- II. Coordination and Containment
- III. Cleanup, Evidence Collection, and Documentation
- IV. Evaluation and Reporting

### Types of Discovery

- **3<sup>rd</sup> Party Reporting:** Incidents that have been reported to the Calumet County by members of the general public.
- **Employee Discovery:** Incidents where a municipal employee comes across a spill or illicit discharge during regular work activities.
- **Illicit Substances Detected due to Field Screening:** Incidents of spills and illicit discharges that are discovered during planned field screening of outfalls.

### Intake

Upon discovering or being notified of a spill or illicit discharge, obtain as much information about the incident as possible. This information will assist in establishing the severity of the incident and how to proceed with the cleanup efforts.

Use the Spills/Illicit Discharge Initial Contact Form in Appendix A to get as much information as possible regarding: date and time of the discharge, location of discharge, street address, Calumet County, property owner name and address, name and phone number of person reporting the incident, name and address of possible responsible party, type or description of

substance, approximate amount of substance, and any actions taken by the person reporting the incident.

### **Illicit Discharge Coordinator**

Regardless of who reports the incident, the first priority is to determine if there is any fire, explosion or safety hazard to life, health or the environment or a need to evacuate. If this is not clearly obvious to the person taking the call, the Illicit Discharge Coordinator will make that determination. It is also the responsibility of the Illicit Discharge Coordinator to identify all persons who will be involved in the cleanup effort.

### **Example Scenarios**

The following example scenarios are intended to provide general guidelines on how to proceed in different situations. Each incident is unique and will need to be addressed per its particular circumstances. Keep in mind that whenever safety to people or the environment is in question, it should be reported to the appropriate call center or notification system (such as 911) immediately.

**THIS SPACE LEFT BLANK INTENTIONALLY**

Type of incident	911	Illicit Discharge Coordinator
Public report of grass clippings in storm sewer	N	Y
Public report of pet waste in storm sewer	N	Y
Public report of a sheen along the river	Y	Y
Public report of gasoline or other petroleum product entering storm sewer	Y	Y
Public report of an unknown chemical substance entering the storm sewer	Y	Y
Public report of chlorinated swimming pool water being discharged into the storm sewer	N	Y
Public or employee report of carpet cleaning company discharging dirty water into storm sewer	N	Y
Employee notices grease and/or cooking oil going into storm drain during restaurant inspection	N	Y
Employee spills less than one gallon of gasoline while fueling a municipal vehicle – it does not enter the storm sewer; is contained and cleaned up	N	Written record shall be submitted
Employee spills less than one gallon of gasoline while fueling a municipal vehicle – it does enter storm sewer	N	Y
Employee notices large amount of unidentified substance on the river while in the field for another purpose	Y	Y
Employee notices an unidentified substance discharging from an outfall to a waterway while performing other work related activities	Y	Y
During Illicit Discharge field screening, employee notices small quantity of an unknown material / substance at the outfall.	N	Y
During Illicit Discharge field screening, employee notices large quantity of a material with unusual color and odor	Y	Y

## **Scenarios**

### **3<sup>rd</sup> Party Reporting**

- a) Phone call received from the general public that he saw someone putting pet waste or grass clippings into the storm sewer

**Recommended Action:** Complete the Spills/Illicit Discharge – Initial Contact Form and route to the Illicit Discharge Coordinator

- b) Phone call received from the general public that she noticed a sheen and gasoline smell along the river

**Recommended Action:** Complete the Spills/Illicit Discharge - Initial Contact Form and contact 911 immediately. Notify the Illicit Discharge Coordinator by giving them a copy of the Spills/Illicit Discharge - Initial Contact Form.

### **Employee Discovery:**

- a) During routine maintenance an employee spilled a small quantity of oil.

**Recommended Action:** The employee should follow the Calumet County's standard policy and procedure on containment, clean up and disposal of material (e.g. using oil dry and sweeping up)

- b) During a restaurant inspection an employee notices that grease is being poured into the storm sewer drain.

**Recommended Action:** Employee should contact their supervisor and/or the Illicit Discharge Coordinator immediately to report their observation. The Spills/Illicit Discharge - Initial Contact Form should be completed and routed to the Illicit Discharge Coordinator. The Illicit Discharge Coordinator will then work to get the restaurant to cease its actions.

- c) While out on an inspection an employee notices a large quantity of an unidentified substance along the river.

**Recommended Action:** The Employee should call 911 immediately or, if they do not have a cell phone, contact their supervisor and/or the Illicit Discharge Coordinator to call 911 immediately. The Spills/Illicit Discharge - Initial Contact Form should be completed and routed to the Illicit Discharge Coordinator.

#### **Illicit Substances Detected due to Field Screening**

- a) While doing a field inspection for illicit discharge the employee comes across a small quantity of an unknown material/substance at the outfall

**Recommended Action:** The employee should contact the Illicit Discharge Coordinator. The Spills/Illicit Discharge - Initial Contact Form should be completed.

- b) While doing a field inspection for illicit discharge the employee comes across a large quantity of a material with unusual color and odor

**Recommended Action:** The Employee should contact 911 immediately and then contact the Illicit Discharge Coordinator relaying as much information as possible. The Spills/Illicit Discharge - Initial Contact Form should be completed.

#### **Locating an unknown source and responsible party**

Once a spill or discharge is found, additional efforts usually are necessary to determine the source and responsible party. There are many methods that can be used to find the source of a spill or illicit discharge, including:

- Tracing the discharge upstream through the MS4 using available maps
- Field test kits
- Chemical analysis
- A certification program that shows that buildings have been checked for illicit connections
- An incentive program
- An inspection program of septic systems
- Televising the storm and/or sanitary sewers
- Dye-testing buildings in problem areas. The WDNR and/or the local wastewater treatment facility should be contacted prior to dye testing.

- Visual and smell indicators
- Uncovering manholes upstream to identify where flow may be coming and use additional samples and tests as needed to isolate potential source areas.
- Utilizing available MS4 mapping to assist in tracking the incident upstream.
- Checking for amount of flow in discharge
  - Sanitary blockages (usually higher flows)
  - Cross-connects (usually much lower flows)
- Dye testing sanitary and storm sewers and connections
- Smoke testing sanitary sewers
- Obtaining access to perform tests and obtain samples
- Tracing the spill or illicit discharge upstream – beginning at the outfall

A combination of tactics may be required to aid in the discovery of the source and responsible party of a spill or illicit discharge. Calumet County shall determine in advance the various roles individual departments may play.

When locating an illicit discharge, remember illicit discharges generally originate from one of the following sources:

- An internal plumbing connection (e.g., the discharge from a washing machine is directed to the building's storm lateral; the floor drain in a garage is connected to the building's storm lateral)
- A service lateral cross-connection (e.g., the sanitary lateral from a building is connected to the MS4)
- An infrastructure failure within the sanitary sewer or MS4 (e.g., a collapsed sanitary line is discharging into the MS4)
- An indirect transitory discharge resulting from leaks, spills, or overflows.

### **Evidence Collection**

It is important to gain evidence of the spill or illicit discharge before the site has changed, during the cleanup, and after the work has been completed. Samples and photographs should be obtained prior to the evidence being changed or destroyed by weather or cleanup crews. The level of effort and quantity of evidence collected will need to be based upon experience and the severity of the incident or as directed by the Calumet County Corporation Counsel. If there are multiple agencies working on a single incident, sharing of information is imperative so that duplication of efforts is minimized.

Evidence will be used to hold the responsible party accountable, for successful enforcement of civil/criminal statutes, and to recover cleanup costs. Uniform procedures should be followed when documenting an incident through sampling, photographs, and collecting other information. This includes maintaining a "chain of custody" on all samples, photographs, and other evidence.

### ■ **Keep an on-going written log**

Statements should be taken while eyewitnesses are still readily available. Written documentation should include notes or a log of your observations, conversations, statements of witnesses, decisions, actions, sampling activity, and photographs. Include names, addresses, dates, and times in your notes. Also, obtain copies of any shipping papers, material safety data sheets (MSDS), and statements from responsible parties regarding product, vehicle numbers, etc. Make certain you have the correct spelling of each chemical name (common and scientific).

### ■ **Take pictures**

Take pictures before the spill site has changed, during the cleanup, and after the work has been completed. Color photographs are preferred. Do not be afraid to use film when you are at a spill incident. The more pictures you take, the better the documentation. Carry your camera with you during the entire incident. Always have spare batteries and film readily available.

Pictures should show the source or possible sources, path of discharge, the extent of the discharge, damage to the environment, and any other object or scene which will make the case clearer for other Municipal Staff, WDNR staff, prosecutors, and the courts. Be sure to maintain the chain of custody of both the original photographs and negatives.

Document the following information on each photo and in your reports:

- Date and time of the photo
- Name of the responsible party
- Exact location and site description
- The photographer's name

### Digital Photos

The use of a digital image as evidence requires additional care because, unlike a negative, the original image can be easily manipulated. Digital images can be easily and quickly manipulated by virtually anyone who possesses a computer. Digital images can also be intentionally or unintentionally deleted or lost. The following digital image management steps are recommended:

- Be familiar with the operation of the digital camera.
- Take extra batteries and floppy disks or memory cards/sticks.
- Label disks used at the scene with all pertinent information, as listed above.
- Upon returning to the office, a back-up file of the digital image should also be made. Any disks containing the original digital image should have a file name that includes the word 'original', and should be preserved as evidence.
- Digital images should be promptly viewed on a computer monitor to become familiar with the digital images and ensure the digital image accurately depicts the scene at the time it was photographed.
- Any enhancements, including simple cropping, should be made to duplicate digital image and saved with a different file name. Manipulation should not be performed on any original digital images that may be used as evidence.
- Consider using password protection, "write protect" features, or writeable CDs for storing digital images.

- A brief report documenting how the digital images were handled, enhanced, and archived should be prepared and placed in the case file.

### ■ **Collect samples**

Do not collect samples of unknown substances. Only authorized and properly trained persons should be permitted to collect samples. Those who are authorized to collect samples must be properly protected prior to sample collection.

Those collecting samples should understand and have available the following before beginning sample collection:

- Appropriate PPE (Personal Protection Equipment) for the situation
- Sample collection jars
- Sample preservation
- Sample analytical parameters
- Chain of Custody
- Sample packaging for shipping

Any other questions relating to sample collection and analysis should be addressed to Matthew Marmor in Emergency Management, phone: (920) 849-1473. WDNR environmental staff may be able to offer some general assistance. A sample Chain of Custody form can be found in Appendix G.

Document the following information on each sample and in your reports:

- Date and time collected
- Name of the responsible party
- Exact location and site description
- Name of person collecting the sample

Sampling is critical to identification of the spilled material and may aid in determining the responsible party or parties. Supporting sample documentation includes maintaining a chain of custody, pictures of sample locations, sampling parameters, sample results, etc.

### ■ **Create Sketches or Maps**

Sketches and maps should show the extent of the environmental impacts, discharge point, location of vehicles, permanent reference points, sampling locations etc because this information is valuable in explaining and understanding the spill incident.

Add the following information on each map or sketch:

- Date and time of the sketch
- Name of the responsible party
- Location and site description
- The name of person completing sketch
- Location of permanent reference points such as street intersection, building corner, fire hydrant, trees, etc.
- Scale measurements used

## ■ Other Data

Check container shapes, markings, colors, placards, identification number and labels that may indicate the presence of a hazardous material. Talk with the drivers; check shipping paper information (most reliable), vehicle ID numbers and/or initials to identify hazardous material cargo.

## Cleanup Efforts

Cleanup includes transportation and disposal of the spill or illicit discharge substance. Efforts should be coordinated with other agencies with a notable interest in the cleanup. If a contractor is needed for cleanup, contact the WDNR and ask for assistance in hiring a qualified contractor. For hazardous spills, the WDNR will use their Zone Contractor procedure.

Documentation from the process of identifying, containing and cleaning up spills and illicit discharges should be collected. Documented actions should be provided to the CALUMET COUNTY Stormwater Coordinator Eugene McLeod, County Conservationist in the Land & Water Conservation Department to be tracked for the annual report. These actions should be included in annual reports and include information such as: the number of outfalls screened; any complaints received and corrected; the number of discharges and quantities of flow eliminated; the number of dye or smoke tests conducted, etc. This illustrates that progress is being made to eliminate illicit connections. The County Emergency Director shall be notified of any spills that were determined to be a fire, explosion or safety hazard to life and health, threat to the environment or a need to evacuate.

The Responsible Party shall provide adequate cleanup for a spill or illicit discharge. If the Responsible Party has been identified, every effort should be made to receive cost recovery for funds expended by CALUMET COUNTY. The WDNR should be kept informed of the progress on cleanups and to verify if any funding opportunities are available.

If a spill or illicit discharge is not cleaned up immediately it will require routine inspections to ensure that steps are being taken toward completing the cleanup. It is necessary to document these inspections in case further enforcement actions are necessary.

The Responsible Party shall provide documentation that the spill or illicit discharge has been cleaned up. The Illicit Discharge Coordinator has the authority to determine that the spill or illicit discharge has been adequately addressed. If the WDNR was involved in the cleanup, CALUMET COUNTY may contact the WDNR to discuss the status.

## Definitions:

### WDNR Reportable Spill

ALL discharges of hazardous substances that adversely impact, or threaten to adversely impact public health, welfare or the environment must be IMMEDIATELY reported to the WDNR.

(Source: WDNR PUB-RR-560 "Wisconsin Spill Reporting Requirements – Condensed Version" <http://WDNR.wi.gov/org/aw/rr/archives/pubs/RR560.pdf>) and can be found in Appendix F.

## Hazardous Substance

Chapter 292.01(5), Wis. Stats., defines a hazardous substance as "any substance or combination of substances including any waste of a solid, semisolid, liquid or gaseous form which may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illnesses or which may pose a substantial present or potential hazard to human health or the environment because of its quantity, concentration or physical, chemical or infectious characteristics. This term includes, but is not limited to, substances which are toxic, corrosive, flammable, irritants, strong sensitizers or explosives as determined by the department."

This definition suggests that a hazardous substance can be anything, depending on the nature of the release. The question to ask is "How much was released and into what environment?" The rule of thumb is that if you have to think about whether a spill or illicit discharge needs to be reported, it probably does. Whether the spilled hazardous substance is heating oil or gasoline, or something unusual like corn, butter and/or manure that flows towards a stream, pickle juice spilled on the ground, or even mercury spilled in a classroom, WDNR staff will tell you if your specific incident does not meet the criteria of a reportable spill at the time that it is reported. To help clarify what spills are reportable, statutory exemptions as well as "de-minimis" exemptions have been established.

(Source: WDNR PUB-RR-558 "Hazardous Substance Spills Reporting Requirements" <http://WDNR.wi.gov/org/aw/rr/archives/pubs/RR558.pdf>) and can be found in Appendix E.

**Illicit Discharge** – Any discharge to a municipal separate storm sewer system that is not composed entirely of storm water except discharges authorized by a WPDES permit or other discharge not requiring a WPDES permit such as landscape irrigation, individual residential car washing, fire fighting, diverted stream flows, uncontaminated groundwater infiltration, uncontaminated pumped groundwater, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, lawn watering, flows from riparian habitats and wetlands, and similar discharges.

(Source: Calumet County ILLICIT DISCHARGE AND CONNECTION ORDINANCE Sec.18-41)

**Municipal Separate Storm Sewer System (MS4)** As defined in Wisconsin Administrative Code NR 216 (effective August 1, 2004), means a conveyance or system of conveyances including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, constructed channels or storm drains, which meets all the following criteria:

- (a) Owned or operated by a Calumet County.
- (b) Designed or used for collecting or conveying storm water.
- (c) Which is not a combined sewer conveying both sanitary and storm water.
- (d) Which is not part of a publicly owned wastewater treatment works that provides secondary or more stringent treatment.

(Source: Calumet County ILLICIT DISCHARGE AND CONNECTION ORDINANCE Sec.18-41)

**Outfall** The point at which storm water is discharged to waters of the state or to a storm sewer.  
(Source: Calumet County ILLICIT DISCHARGE AND CONNECTION ORDINANCE Sec.18-41)

### **Spill**

The spill law, Chapter 292.11, Wis. Stats., requires that a person who possesses or controls a hazardous substance or who causes the discharge of a hazardous substance shall notify the

department immediately of any discharge not exempted by the statute. In order to determine whether you have a hazardous substance spill that requires immediate notification, you must ask yourself the following three questions: 1) Is the substance spilled a hazardous substance?; 2) Has it been released to the environment?; and 3) Are there statutory or rule exemptions that apply to this situation?

(Source: WWDNR PUB-RR-558 “Hazardous Substance Spills Reporting Requirements” <http://WDNR.wi.gov/org/aw/rr/archives/pubs/RR558.pdf>) and can be found in Appendix E.

### **List of Appendix**

- Appendix A – Spills/Illicit Discharge – Initial Contact Form
- Appendix B – Flow Charts (3<sup>rd</sup> Party and Employee)
- Appendix C – Map / Contact List of adjoining municipalities
- Appendix D – WDNR Form #4400-91 Substance Release Form
- Appendix E – WDNR Publication RR558
- Appendix F – WNDR Publication RR560
- Appendix G – Sample Chain of Custody Form

**Spills/Illicit Discharge - Initial Contact Form  
(please print)**

Date of Call \_\_\_\_\_ Time of Call \_\_\_\_\_

Name of Caller \_\_\_\_\_

Phone Number of Caller \_\_\_\_\_

Is anyone hurt?  
(describe) \_\_\_\_\_

Description of discharge (color, odor, solid, liquid, semisolid, liquid, floatables, noticeable conditions):

Location of Spill (Address, Landmarks, Closest Intersection):

Municipality \_\_\_\_\_ County \_\_\_\_\_

Property Owner Name (if known) \_\_\_\_\_

Property Owner Address (if known) \_\_\_\_\_

Description of discharge source (who is doing it, color of vehicle, license plate of vehicle, other descriptors):

What actions has the caller taken?

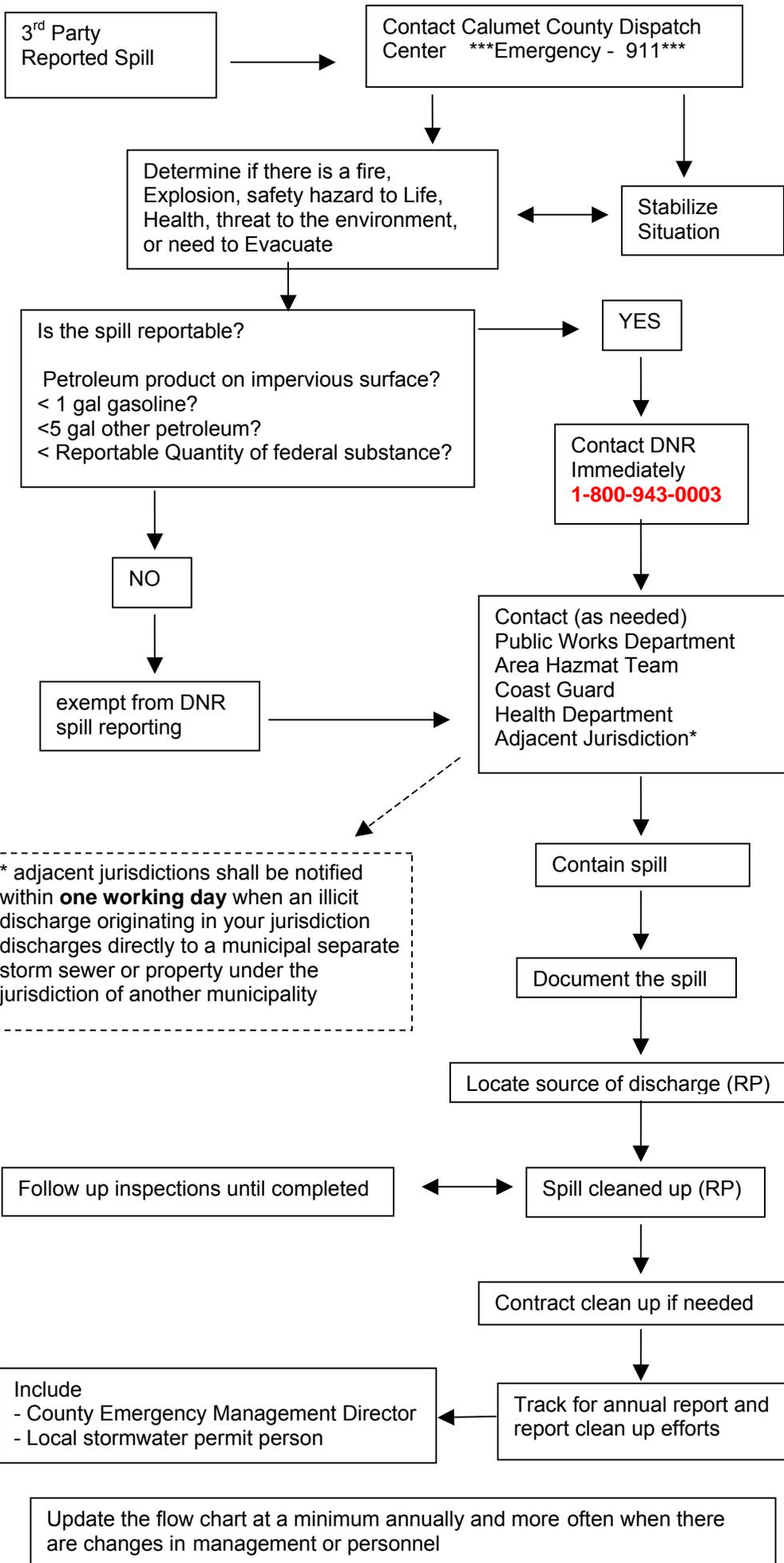
Name of person completing form: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Department of person completing form: \_\_\_\_\_

\* Once call is completed call (920) 849-2335 and relay all information

\* Route completed form to Illicit Discharge Coordinator fax: (920) 849 – 1472)



**Local Emergency – 911**

**Calumet County Dispatch Center**  
24 Hr. Contact – (920) 849 -2335

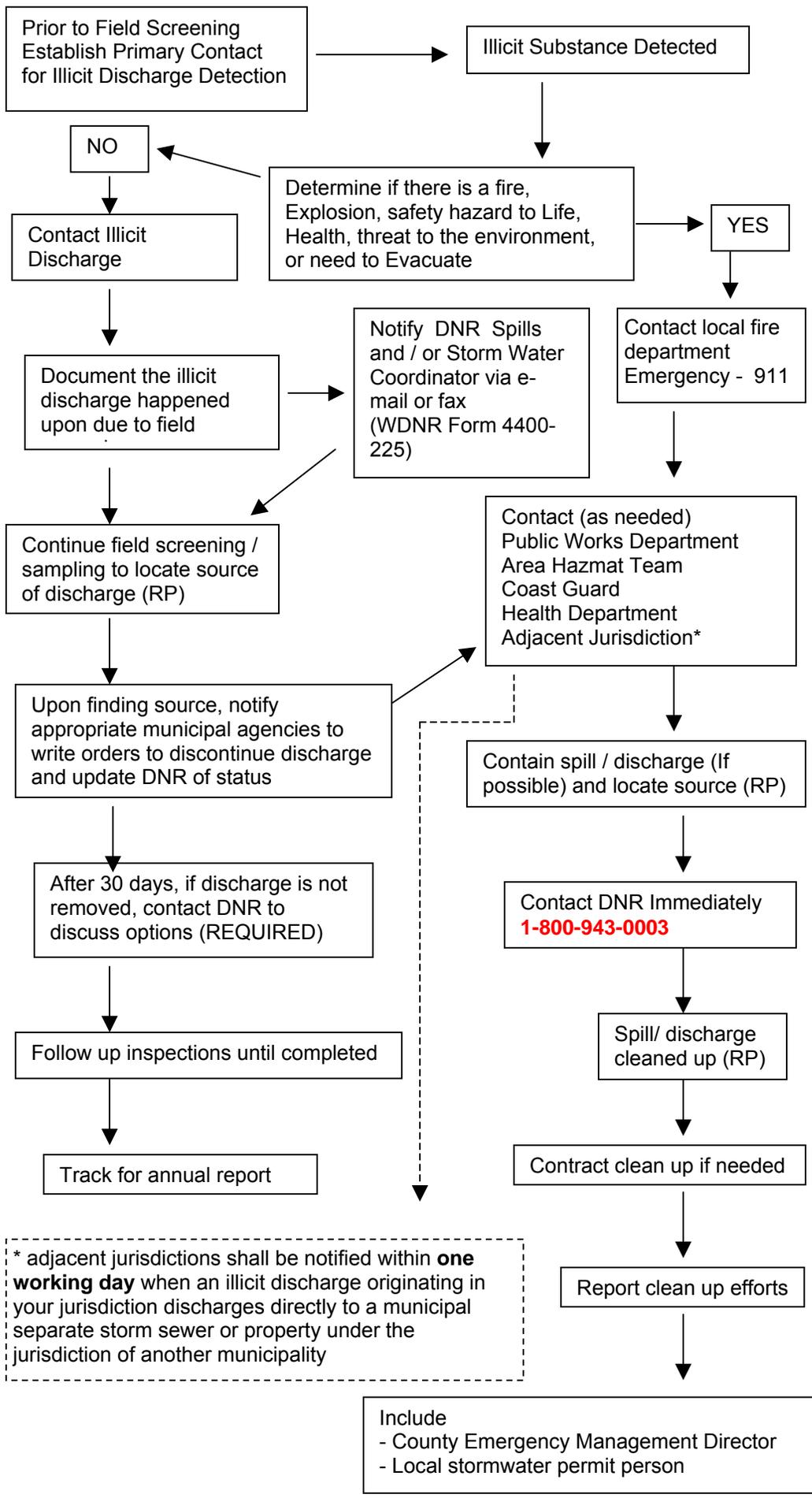
**Ask to speak with the Illicit Discharge Coordinator or advise that you are reporting an illicit substance/spill**

Northeast Region Spills Coordinator  
Jason W Moeller  
920-662-5492 (office)  
920-662-5197 (fax)  
PO Box 10448  
Green Bay WI 54307-0448  
[Jason.Moeller@dnr.state.wi.us](mailto:Jason.Moeller@dnr.state.wi.us)

**Spill Hotline - 1-800-943-0003**  
<http://dnr.wi.gov/org/aw/rr/spills/>

- Safety First**
- personal protection equipment
  - establish site security
  - identify material spilled
  - contain the spill
  - protect environmentally sensitive areas
  - protect spilled material from weather conditions
  - dispose of material properly

- Documenting your spill response**
- date and time of the discharge
  - location of discharge
  - street address, municipality, quarter section, and legal description
  - property owner name and address
  - type and amount of substance
  - type and amount recovered
  - actions taken to stop discharge
  - sketch of site
  - obtain samples
  - treatment and disposal documentation
  - photo documentation
  - estimate flow volume
  - identify responsible party
  - work toward cost recovery



**Local Contacts**

**Local Emergency – 911**

**Calumet County Dispatch Center  
24 Hour Contact – (920) 849-2335**

**Ask to speak with the Illicit Discharge Coordinator or advise that you are reporting an illicit substance/spill**

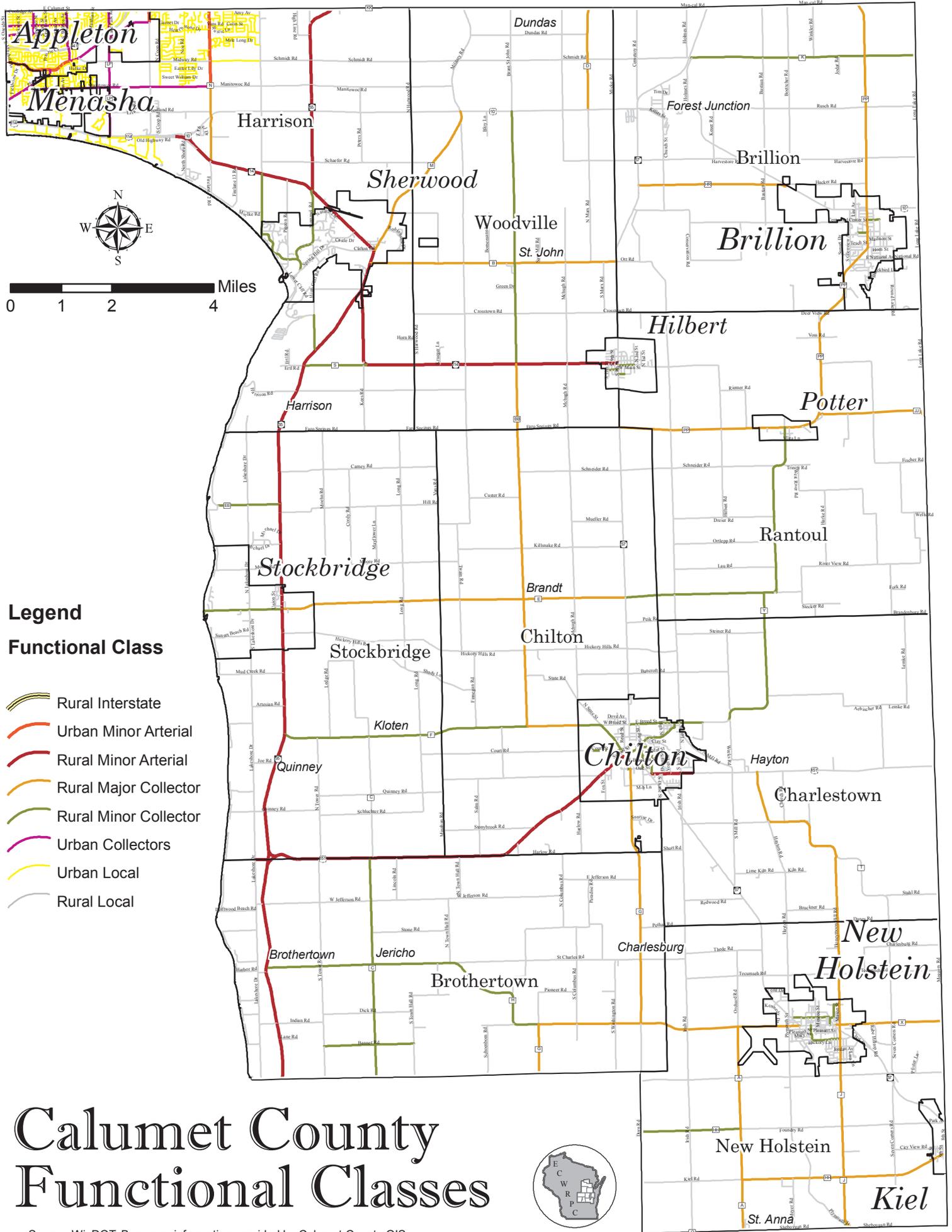
Northeast Region Spills Coordinator  
Jason W Moeller  
920-662-5492 (office)  
920-662-5197 (fax)  
PO Box 10448  
Green Bay WI 54307-0448  
[Jason.Moeller@dnr.state.wi.us](mailto:Jason.Moeller@dnr.state.wi.us)

**Spill Hotline - 1-800-943-0003**  
<http://dnr.wi.gov/org/aw/rr/spills/>

- Safety First**
- personal protection equipment
  - establish site security
  - identify material spilled
  - contain the spill
  - protect environmentally sensitive areas
  - protect spilled material from weather conditions
  - dispose of material properly

- Documenting your response**
- date and time of the discharge
  - location of discharge
  - street address, municipality, quarter section, and legal description
  - property owner name and address
  - type and amount of substance
  - type and amount recovered
  - actions taken to stop discharge
  - sketch of site
  - obtain samples
  - treatment and disposal
  - documentation
  - photo documentation
  - estimate flow volume
  - identify responsible party
  - work toward cost recovery

Update the flow chart at a minimum annually and more often when there are changes in management or personnel



**Legend**

**Functional Class**

-  Rural Interstate
-  Urban Minor Arterial
-  Rural Minor Arterial
-  Rural Major Collector
-  Rural Minor Collector
-  Urban Collectors
-  Urban Local
-  Rural Local

# Calumet County Functional Classes

Source: WisDOT, Basemap information provided by Calumet County GIS.

24-Hour Emergency Hotline Number: 1-800-943-0003

<b>Date &amp; Military Time Of Incident:</b>		<b>Date &amp; Military Time Reported:</b>		<b>Spill File #</b>	
				<b>BRRTS #</b>	
<b>Person Reporting:</b>			<b>Representing:</b>		<b>Phone #</b> ( )
					<b>Fax #</b> ( )
<b>Responsible Party (RP) / Spiller:</b>			<b>RP Decision Based On:</b>		<b>Phone #</b> ( )
					<b>Fax #</b> ( )
<b>RP Address:</b>					<b>City State Zip Code</b>
<b>RP Contact Name &amp; Title:</b>					<b>Phone #</b> ( )
					<b>Fax #</b> ( )
<b>Substance Involved:</b>			<b>Amount &amp; Units Released:</b>		<b>Amount &amp; Units Recovered:</b>
<input type="checkbox"/> Solid <input type="checkbox"/> Semisolid <input type="checkbox"/> Liquid <input type="checkbox"/> Gas <b>Color:</b>					<b>Odor:</b>
<b>Exact Location Of Incident:</b> (including street name, bldg. #, mileage, etc.)				<b>Facility Name / Property Owner:</b>	
<input type="checkbox"/> City <input type="checkbox"/> Village <input type="checkbox"/> Township		<b>County</b>		<b>Latitude/Longitude</b>	
<b>DNR Region:</b>		1/4 1/4 Sec T N R <input type="checkbox"/> E <input type="checkbox"/> W		<b>Weather Conditions:</b>	
<b>Cause Of Incident:</b>					
<b>Spilled Substance Impact To:</b> (check X all that apply)		<b>Spill Cause/Site:</b>		<b>Action Taken By Spiller:</b>	
<input type="checkbox"/> Air <input type="checkbox"/> Potential <input type="checkbox"/> Concrete/Asphalt <input type="checkbox"/> Potential <input type="checkbox"/> Contained/Recovered <input type="checkbox"/> Groundwater <input type="checkbox"/> Potential <input type="checkbox"/> Private Well <input type="checkbox"/> Potential <input type="checkbox"/> Sanitary Sewer <input type="checkbox"/> Potential <input type="checkbox"/> Soil <input type="checkbox"/> Potential <input type="checkbox"/> Storm Sewer <input type="checkbox"/> Potential <input type="checkbox"/> Surface Water <input type="checkbox"/> Potential Name: <input type="checkbox"/> Other:		<input type="checkbox"/> Ag Coop/Food Factory <input type="checkbox"/> Airport Facility <input type="checkbox"/> Railroad Facility <input type="checkbox"/> Construction, Excavation, Wrecking, Quarry, Mine <input type="checkbox"/> Gas/Service Station/Garage/Auto Dealer/Repair Shop <input type="checkbox"/> Hydraulic Line Break <input type="checkbox"/> Industrial Facility <input type="checkbox"/> Paper Mill <input type="checkbox"/> Chemical Co. <input type="checkbox"/> Pipeline/Terminal/Tank Farm/Oil Jobber/Wholesaler <input type="checkbox"/> Private Property (home/farm) <input type="checkbox"/> Public Property (city, state, church, school, etc.) <input type="checkbox"/> Transportation Accident, Fuel Tank Spill <input type="checkbox"/> Transportation Accident, Load Spill <input type="checkbox"/> Utility Co. Power Generating/Transfer Facility <input type="checkbox"/> Other:		<input type="checkbox"/> Cleanup Method: <input type="checkbox"/> Absorbent <input type="checkbox"/> Excavation <input type="checkbox"/> <input type="checkbox"/> Containment <input type="checkbox"/> Contractor Hired Name: <input type="checkbox"/> Monitor <input type="checkbox"/> No Action Needed <input type="checkbox"/> No Action Taken <input type="checkbox"/> Waste Destination: <input type="checkbox"/> Other:	
<b>Injuries?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No   If yes how many?		<b>Has An Evacuation Occurred?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No <b>Potential?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No			
<b>Are There Any Resource Damages?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Potential <b>What Kind?</b>					
<b>Other Agencies Notified:</b> (check first column, if notified; check both columns, if on the scene)					<b>Incident Commander:</b>
<input type="checkbox"/> Fire Department		<input type="checkbox"/> Local DNR		<input type="checkbox"/> EPA	<b>Phone #</b> ( )
<input type="checkbox"/> Local Law Enforcement		<input type="checkbox"/> Div. Emerg. Mgt.		<input type="checkbox"/> Nat'l Resp Ctr 800-442-8802	
<input type="checkbox"/> LEPC or Local Emer. Mgt.		<input type="checkbox"/> Coast Guard		<input type="checkbox"/> Chemtrec 800-424-9300	
<input type="checkbox"/> Level A/Level B Team		<input type="checkbox"/> DHFS 608-258-0099		<input type="checkbox"/> Other:	
<b>Prepared By:</b>		<b>Phone #</b>	<b>Date:</b>	<b>Rpt'd To DATCP?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No <b>Date:</b>	
				<b>Transferred to DATCP</b> <input type="checkbox"/> Yes <input type="checkbox"/> No <b>Date:</b>	
<b>Person Notified:</b>		<b>Phone #</b>	<b>Date:</b>	<b>Spill Packet Sent?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No <b>Date:</b>	
			<b>Time:</b>	<b>To:</b>	
<b>Investigated By:</b>		<b>Sign:</b>	<b>Date:</b>	<b>Transferred to ERP</b> <input type="checkbox"/> Yes <input type="checkbox"/> No <b>Date:</b>	
				<b>Case #</b>	
<b>Spill Coordinator Signoff:</b>			<b>Date:</b>	<b>NFA Letter Sent?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No <b>Date:</b>	
				<b>Incident Closed?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No <b>Date:</b>	
<input type="checkbox"/> See Additional Comments On Reverse (Please, print page 2 of 2)					

<b>Date and Military Time Of Incident:</b>	<b>Responsible Party:</b>
<b>Additional Comments :</b>	
<b>Case Activity Report:</b> <input type="checkbox"/> Yes <input type="checkbox"/> No CAR#: _____ (Please, attach copy of all CAR and other documentation)	
<b>Enforcement Action:</b> <input type="checkbox"/> Yes <input type="checkbox"/> No (Explain Below)	

# WISCONSIN SPILL REPORTING EXEMPTIONS

## Statutory Exemptions

The following exemptions to spill reporting are included in s. 292.11, Wis. Stats.:

- discharges within the limits authorized by a valid permit or program approved under Chs. 281, 285, or 289 - 299 (e.g. WPDES discharge permit);
- law enforcement agencies/fire departments using hazardous substances in protecting human health, safety, or welfare;
- applications of a registered pesticide according to label instructions, or application of a fertilizer at or below normal and beneficial agronomic rates

## De Minimis Exemptions:

Besides the statutory exemptions identified above, Ch. NR 706, Wis. Adm. Code establishes exemptions for small quantity spills of agricultural and petroleum related compounds, as well as substances that have a federal reportable quantity established. These quantities are termed "de minimis" in that below these levels, under the following conditions, state notification of a discharge is not required. While reporting requirements may be exempted, cleanup requirements remain.

### *De Minimis Exemptions do not apply if the spill:*

- ✓ has not evaporated or been cleaned up in accordance with NR 700 - 726;
- ✓ adversely impacts or threatens to adversely impact the air, lands, waters of the state as a single discharge, or when accumulated with past discharges;
- ✓ causes or threatens to cause chronic/acute human health impacts; or
- ✓ presents or threatens to present a fire or explosion or other safety hazard (including evacuations).

If you have a discharge that meets one of the following de-minimis exemptions, but has not been cleaned up, adversely impacts or threatens to adversely impact the environment, causes or threatens to cause human health impacts, or presents or threatens to present a fire or explosion hazard (including all evacuations), you still need to report your spill!

## De Minimis Exemptions are as follows:

### *Discharges of Petroleum compounds if you spill:*

- gasoline or another petroleum product is completely contained on an impervious surface.
- less than one gallon of gasoline on a pervious surface or runs off an impervious surface.
- less than five gallons of other petroleum products on a pervious surface or runs off an impervious surface.

### *Discharges of Agrichemical compounds if:*

- the amount is less than 250 pounds of a dry fertilizer.
- the amount is less than 25 gallons of a liquid fertilizer.
- the amount discharged when diluted as indicated on the pesticide label would cover less than one acre of land if applied according to label instructions for pesticides registered for use in Wisconsin.

### *Federal reportable quantities:*

- if the amount discharged is less than the federal reportable quantity.

## For More Information

To order this and any other publications, or to find out more information about the Remediation and Redevelopment Program, please call our Information Line at 800-367-6076 (long distance in-state) or 608-264-6020 (local or out-of-state); or check out our web site at <http://www.dnr.state.wi.us/org/aw/rr>.

This document contains information about certain state statutes and administrative rules but does not necessarily include all of the details found in the statutes and rules. Readers should consult the actual language of the statutes and rules to answer specific questions.

The Wisconsin Department of Natural Resources provides equal opportunity in its employment, programs, services, and functions under an Affirmative Action Plan. If you have any questions, please write to Equal Opportunity Office, Department of Interior, Washington, D.C. 20240. This publication is available in alternative format upon request. Please call 608-267-3543 for more information.



## Chapter 292.11 – Wisconsin Spill Law

The spill law, Chapter 292.11, Wis. Stats., requires that a person who possesses or controls a hazardous substance or who causes the discharge of a hazardous substance shall notify the department immediately of any discharge not exempted by the statute. The Department has a 24-hour toll free number for reporting spills: 1-800-943-0003.

In order to determine whether you have a hazardous substance spill that requires immediate notification, you must ask yourself the following three questions: 1) Is the substance spilled a hazardous substance; 2) Has it been released to the environment; and 3) Are there statutory or rule exemptions that apply to this situation. The following text should help you answer those questions, and provides you with insights into unusual spills that did require notification.



PUB-RR-558

MARCH, 2003

# HAZARDOUS SUBSTANCE SPILLS REPORTING REQUIREMENTS

Wisconsin Department of Natural Resources • PO Box 7921 • Madison, WI 53707

## Hazardous Substance Definition

Chapter 292.01(5), Wis. Stats., defines a hazardous substance as "any substance or combination of substances including any waste of a solid, semisolid, liquid or gaseous form which may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illnesses or which may pose a substantial present or potential hazard to human health or the environment because of its quantity, concentration or physical, chemical or infectious characteristics. This term includes, but is not limited to, substances which are toxic, corrosive, flammable, irritants, strong sensitizers or explosives as determined by the department."

This definition suggests that a hazardous substance can be anything, depending on the nature of the release. The question you really need to ask yourself is how much was released and into what environment. The rule of thumb used by many is if you have to think about whether it needs to be reported, it probably does. Remember, reporting spills never gets you into trouble, only failure to report does. Whether the spilled hazardous substance is heating oil or gasoline, or something unusual like corn, butter and/or manure that flows towards a stream, pickle juice spilled on the ground, or even mercury spilled in a classroom, DNR staff will tell you if your specific incident does not meet the criteria of a reportable spill at the time that you report it. To help clarify what spills are reportable, statutory exemptions as well as "de-minimis" exemptions have been established and are explained on the back page of this brochure.

**The 24-hour Toll Free Hotline for Reporting Spills is:  
1-800-943-0003**



### Knee High by the Fourth of July!

We don't think of corn as hazardous – fields of corn dominate the landscape in the summer. Sweet corn stands at the farmers' market and ground corn for cattle or hogs are the images that come to mind. However, a stream filled with dried shell corn from a derailed train is quite a different picture. As organic materials decompose in water, they increase the biological oxygen demand, or BOD, of the water. Their degradation reduces the amount of oxygen available to the organisms living in that water body, including fish. If the BOD gets too high, the water will not contain sufficient oxygen for organisms to survive – in this case, the corn created an anaerobic environment. The substance can be corn, milk, manure, or any other organic material. The quantity and size of the spill, the biological oxygen demand of the spilled material, and the size of the water body will determine whether the environment is at risk. The company associated with this spill did not report it to the department, and was subject to enforcement action.



### If there's corn, there must be butter...

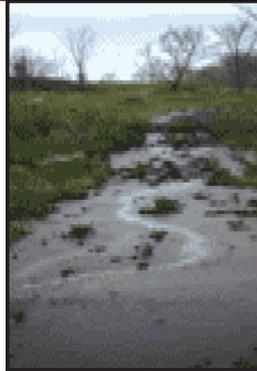
In May of 1991, a fire broke out in a refrigerated warehouse that stored 50 million pounds of food products, including butter, lard and cheese. This warehouse was in close proximity to a creek that flowed into Lake Monona, a large urban lake. The heat from the fire caused the food products to melt, which in turn, contributed to the intensity and duration of the fire. It took 8 days for the fire department to put out the fire. The warehouse buildings were destroyed, and the water from the fire suppression activities mixed with



the melted food products and flowed toward the creek and nearby storm sewers – all leading to the lake. The fire department realized quickly that this was a reportable spill, and a potential environmental disaster and reported the release to the DNR. The department acted to prevent the mixture from reaching the waterbodies, and the total environmental cleanup costs to the warehouse company were over \$1 million.

### What's that smell?

Driving through the beautiful Wisconsin countryside with the windows open – fresh air filling your car – until you pass an area that has recently been spread with animal manure. Yes, you explain to your children, waste from animals can be used to fertilize the land, making it a recyclable product benefiting the environment. Until, however, that manure is applied too heavily or washed into a stream where the organic material removes the oxygen from the stream resulting in a major fish kill stretching for miles downstream. Again, manure is not often thought of as a hazardous substance – it's a natural by-product of animal husbandry – but it needs to be properly managed or hazardous conditions may result. For more information on agricultural spills, see DNR publication # RR-687 "Agricultural Spills and How to Handle Them".



### In a pickle!

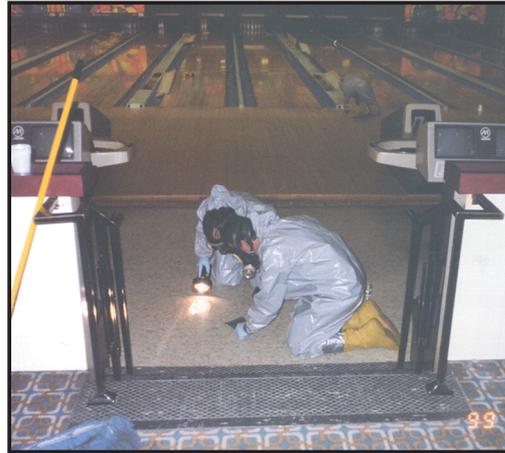
This truck driver was in quite a pickle after his truck carrying pickle juice was in a major collision. Pickle juice leaked from the truck bed, along with diesel fuel from the truck itself. This caused soil contamination due to the hazardous characteristics of the diesel fuel along with the high pH of the pickle juice. The trucking company hired a clean up company to excavate the contaminated soil and properly dispose of it. If left in place, this contamination could have migrated to the groundwater, causing impacts to nearby private drinking water wells.



### "F" in Science Class...

Recently, a high school science teacher was using elemental mercury in his science class while talking about elements and compounds. Despite warnings about the hazards of mercury, it was simply too tempting for one student, who stole the small bottle containing approximately 4 ounces of mercury after class.

The student and friends began playing with the mercury, spreading it to various classrooms, stairwells, steps and side-walks. Later in the morning, the student went bowling at a nearby bowling alley. On the bus to the bowling alley, the container of mercury was passed around, spilling on more students and the bus. At the bowling alley, students continued to play with the mercury, putting it in the finger holes of bowling balls and rolling them down the lanes. During lunch, the student took the mercury to a friend's house, transferring it to zip lock bags to be sold for \$1 per bag. Before classes ended that day, the student was called out of her classroom, the mercury was confiscated and police, fire departments, and the DNR were notified.



After sampling, the high school, several students, one home, a school bus, the bowling alley, and a sidewalk tested positive for mercury contamination. A contractor was called into assist with the mercury cleanup. In order to gain control of the scene and begin to control the spread of the mercury students were locked in the building and put into separate rooms, depending on whether they were contaminated or not. Students that were exposed to the mercury were required to go to the school locker rooms, remove their clothes, shower, and dress in new clothes. Several students were taken to a local hospital for additional mercury testing. Total costs for the entire cleanup were more than \$250,000.

### When in doubt, call the number!

If you're not sure whether you have a spill that needs to be reported, call the 24-hour toll free hotline, 1-800-943-0003, and you will be provided with guidance on reporting. In many situations, spill report forms are not completed if the incident is not considered a hazardous substance spill to the environment. You will need to provide information such as

- ✓ your name, address, location of the discharge;
- ✓ physical state, quantity, chemical characteristics of the discharged substance;
- ✓ cause of the discharge;
- ✓ destination of the discharged substance;
- ✓ actions taken to stop the release/minimize the impact to the environment
- ✓ actual or potential impacts to human health or the environment

### DNR Regional Spill Coordinators:

Northeast: Roxanne Chronert (920) 492-5592  
 Northern: Norm Dunbar (715) 365-8963  
 Southeast: Scott Ferguson (414) 263-8685  
 South Central: Ted Amman (608) 275-3332  
 West Central: John Grump (715) 839-3775

### See the back page for further explanation of reporting exemptions.

Remember, reporting a spill is always in your best interest – it can minimize potential legal consequences, protect you from future false accusations, and establish a record on your follow-up activities cleaning up the spill. Not reporting spills is where problems start. If you have general questions about spill reporting, call your regional DNR office and ask for the spill coordinator. They can assist you in your spill-related questions.

# Wisconsin Spill Reporting Requirements - *Condensed Version*

PUB-RR-560

August 2002

**ALL discharges of hazardous substances that adversely impact, or threaten to adversely impact public health, welfare or the environment must be IMMEDIATELY reported to the DNR.**

**De Minimis Exemptions in Chapter NR 706, Wis. Adm. Code (effective 3/1/97):**

**Only apply when the discharged substance:**

- √ has evaporated or been cleaned up in accordance with NR 700 - 726;
- √ does not adversely impact or threaten to adversely impact the air, lands, waters of the state as a single discharge, or when accumulated with past discharges
- √ does not cause or threaten to cause chronic/acute human health impacts
- √ does not present or threaten to present a fire or explosion or other safety hazard

**1. Petroleum compounds:**

- gasoline or another petroleum product completely contained on an impervious surface.
- < 1 gallon of gasoline onto a pervious surface or runs off an impervious surface.
- < 5 gallons of other petroleum products onto a pervious surface or runs off an impervious surface.

- < 250 pounds dry fertilizer
- < 25 gallons of a liquid fertilizer
- pesticides that would cover < 1 acre of land if applied according to label instructions.

**3. Federal reportable quantities:**

- < the federal reportable quantity for a specific substance

**2. Agrichemical compounds:**

**Statutory Exemptions - no reporting is required for:**

- discharges within the limits authorized by a valid permit or program (Chs. 281, 285, or 289 - 299, Wis Stats)
- law enforcement /fire departments using hazardous substances to protect human health, safety, welfare;
- proper applications of a registered pesticide or a fertilizer

**Call 24-hour Hotline 1-800-943-0003 to report a spill of a hazardous substance**

*Notes:*

This document may contain some information about certain state statutes and rules but does not necessarily include all of the details found in the statutes/rules. Readers should consult the actual language of the statutes/rules to answer specific questions.

The Wisconsin Department of Natural Resources provides equal opportunity in its employment, programs, services, and functions under an Affirmative Action Plan. If you have any questions, please write to Equal Opportunity Office, Department of Interior, Washington, D.C. 20240

This publication is available in alternative format upon request. Please call 608-267-3543 for more information.

**For More Information**

To order this and any other publications, or to find out more information about the Remediation and Redevelopment Program, please call our Information Line at 800-367-6076 (long distance in-state ) or 608-264-6020 (local or out-of-state); or check out our web site at <http://www.dnr.state.wi.us/org/aw/rr>.

