

U.S. ENVIRONMENTAL PROTECTION AGENCY
POLLUTION/SITUATION REPORT
Bissen Asphalt - Removal Polrep
Final Removal Polrep



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Region V

Subject: POLREP #2
Final
Bissen Asphalt
Z5M3
Sturgeon Bay, WI
Latitude: 44.8175970 Longitude: -87.3754830

To:
From: Kathy Halbur, OSC
Date: 9/17/2014
Reporting Period: 9/11/2013-9/17/2014

1. Introduction

1.1 Background

Site Number:	Z5M3	Contract Number:	
D.O. Number:		Action Memo Date:	
Response Authority:	OPA	Response Type:	PRP Oversight
Response Lead:	EPA	Incident Category:	Removal Action
NPL Status:	Non NPL	Operable Unit:	
Mobilization Date:	9/28/2012	Start Date:	9/28/2012
Demob Date:	6/4/2014	Completion Date:	9/17/2014
CERCLIS ID:		RCRIS ID:	
ERNS No.:		State Notification:	
FPN#:	E13501	Reimbursable Account #:	

1.1.1 Incident Category

Removal Assessment & PRP Voluntary Removal Action

1.1.2 Site & Threat Description

Bissen Asphalt operates an asphalt business at 934 Shiloh Road in Sturgeon Bay (Door County), WI. There is a large quarry lake (approximately 9 acres) at the property that is associated with the company's operations (former quarry pit). EPA received reports of an oily liquid waste in the quarry lake and intermittent sheening resulting from the discharged material. There is a surface hydrological connection between the quarry lake and Sturgeon Bay (a Traditionally Navigable Water and part of Lake Michigan).

EPA learned from its investigation of the reported discharge that a spill occurred on or about August 1, 2011. The Bissens were reportedly salvaging a storage tank obtained from a third party in an open area adjacent to the quarry lake. An oily/water mix remaining in the storage tank flowed from their work site into the northeast edge of the quarry lake. An attempt was made by the PRPs at the time of the spill to contain and capture the spilled material, but not all of it was recovered. The spill was not reported to the NRC or the WDNR.

1.1.3 Preliminary Removal Assessment/Removal Site Inspection Results

OSC Fred Micke assisted with a multi-agency inspection (search warrant) on September 28, 2012. OSC Micke issued a Notice of Federal Interest to Rick Bissen, property owner, during that inspection. Samples collected during that inspection were determined by the USCG Marine Safety Laboratory to be representative of spilled oil.

Upon OSC Micke's retirement at the end of 2012, the Site was assigned to OSC Kathy Halbur. OSC Halbur conducted a recon visit as part of a second inspection warrant on April 8, 2013. Numerous others from EPA and assisting agencies also participated in this assessment. The discrete surface hydrologic connection between the quarry lake and Sturgeon Bay via Saumuelsons Creek was apparent and documented during this visit. Oily material was observed on the lake bottom near the shoreline and sheening was apparent near the lake outfall during the April 8, 2013 site visit.

EPA issued a "Request for Access and Information Pursuant to Sections 308 and 311 of the Clean Water Act" letter to Bissen Asphalt LLC on August 2, 2013. Richard Bissen signed EPA's access agreement on September 6, 2013. OSC Halbur conducted a site reconnaissance walk with Mr. Bissen and representatives from Robert E. Lee & Associates (REL), the PRP's environmental consultants, on September 30, 2013. The spill location was identified and evaluated. Small globules of black gelatinous material were observed at various points along the quarry lake shoreline. Some globules maintained their form while others broke up when touched. A work plan for additional assessment and a voluntary removal action (prior to winter) was discussed at the conclusion of the September 6, 2013 site visit.

2. Current Activities

2.1 Operations Section

2.1.1 Narrative

During the September 30, 2013 site visit, OSC Halbur approved the collection and removal of oily globules from the quarry lake and/or creek, upon their discovery,

by the PRP. The globules were to be containerized in a drum kept in a secured location on site. Plans were made to remove as much remaining spilled material as possible prior to winter, and more importantly, Spring's inevitable high water conditions.

On November 22, 2013, Ballard Marine Construction conducted a dive survey of the quarry lake. The survey prioritized the area where the spilled material entered the quarry lake and the area where ROV photos previously identified discharged material in the lake. A small amount of material was recovered by the divers and added to the drum of oily water. Also on November 22, 2013, representatives from REL collected a sample of water flowing from the quarry lake outfall to the creek. OSC Halbur oversaw the site activities on November 22, 2013; Bissen's attorney and REL representatives were also on site. OSC Halbur requested the PRP scrape the soil in the area of the spill to remove residual hardened oily material from that area that could migrate to the lake in the spring. EPA received documentation of the soil scrape completion on November 26, 2013. The results from the outfall sample collected on November 22, 2013 were non-detect for PAHs, VOCs, and oil and grease.

On May 16, 2014, OSC Halbur and Ted Amman, WDNR RSC, met with a representative from REL at the Site. The lake had been frozen and the spill area covered with snow since the November, 2013 removal activities. The dumpster and drum of oily waste recovered in the fall remained at the Site. A proposed waste profile for the materials, including laboratory analysis of the materials, was provided to EPA and WDNR. No spilled material or sheening was observed in the spill area, along the shoreline of the quarry lake, at the outfall from the lake to the creek, or in the creek. In accordance with Part B: Sunken Oil Response Guidance, USCG Report No. CF-D-09-13, EPA and WDNR concurred that no further removal action, other than proper disposal of the waste, was appropriate for this spill.

Documentation regarding disposal was submitted to EPA on September 4, 2014. The waste was removed on June 4, 2014. It was landfilled at Advanced Disposal Services Hickory Meadows Landfill in Hilbert, WI.

2.1.3 Enforcement Activities, Identity of Potentially Responsible Parties (PRPs)

The property owner/operator, Bissen Asphalt, is the only known PRP. The Bissens assumed responsibility and conducted a voluntary removal action.

2.2 Planning Section

2.2.1 Anticipated Activities & Next Steps

No further action is planned. This is the Final POLREP.

2.3 Logistics Section

Weather conditions presented significant logistical challenges at this Site. The annual operational period is short due to the Site location in northern Wisconsin. Cold water temperatures limited dive team operations. Additionally, the lake froze each winter, with high water in the spring, and intermittent flow in the creek during the summer.

2.4 Finance Section

No information available at this time.

2.5 Other Command Staff

Ted Amman, WDNR

3. Participating Entities

3.1 Cooperating Agencies

U.S. Coast Guard
U.S. Fish and Wildlife Service
Wisconsin Department of Natural Resources

4. Personnel On Site

OSC Halbur
EPA did not utilize any contractor support.

5. Definition of Terms

EPA - Environmental Protection Agency
FPN - Federal Project Number (for the Oil Spill Liability Trust Fund)
NRC - National Response Center
OSC - On-Scene Coordinator
REL - Robert E. Lee & Associates
ROV - Remotely operated underwater vehicle
RSC - Regional Spill Coordinator
USCG - United States Coast Guard
WDNR - Wisconsin Department of Natural Resources

6. Additional sources of information

6.1 Internet location of additional information/report

www.epaosc.org/bissen

7. Situational Reference Materials

Regional Metrics

	Miles of river systems cleaned and/or restored	<1
	Cubic yards of contaminated sediments removed and/or capped	<20
This is an Integrated River Assessment. The numbers should overlap.	Gallons of oil/water recovered	<20
	Acres of soil/sediment cleaned up in floodplains and riverbanks	10
	Number of contaminated residential yards cleaned up	0
Stand Alone Assessment	Number of workers on site	6
Contaminant(s) of Concern	oily waste water	

Oil Response Tracking

Estimated volume	Initial amount released	<100 gallons
	Final amount collected	<20 gallons
	FPN Ceiling Amount	\$25,000
CANAPS Info	FPN Number	E13501
	Body of Water affected	Bissen Lake; Samuelsons Creek; Sturgeon Bay

Administrative and Logistical Factors (Place X where applicable)

Precedent-Setting HQ Consultations (e.g., fracking, asbestos)	Community challenges or high involvement	Radiological
More than one PRP	Endangered Species Act / Essential Fish Habitat issues	Explosives
AOC	Historic preservation issues	Residential impacts
UAO	NPL site	Relocation
DOJ involved	Remote location	Drinking water impacted
X Criminal Investigation Division involved	X Extreme weather or abnormal field season	Environmental justice
Tribal consultation or coordination or other issues	Congressional involvement	High media interest
Statutory Exemption for \$2 Million	Statutory Exemption for 1 Year	Active fire present
Hazmat Entry Conducted – Level A, B or C	Incident or Unified Command established	Actual air release (not threatened)

Green Metrics

Metric	Amount	Units
Diesel Fuel Used	NA (PRP Voluntary Removal)	gallons
Unleaded Fuel Used	NA (PRP Voluntary Removal)	gallons
Alternative/E-85 Fuel Used	NA (PRP Voluntary Removal)	gallons
Electricity from Coal	NA (PRP Voluntary Removal)	kW
Electricity from solar/wind	NA (PRP Voluntary Removal)	kW
Electricity from grid/mix	NA (PRP Voluntary Removal)	kW
Solid waste used	NA (PRP Voluntary Removal)	
Solid waste recycled	NA (PRP Voluntary Removal)	