



DATCP Use Only	
Case Number	_____

SPILLER RESPONSIBILITY SHEET

LEGAL RESPONSIBILITIES

As the person responsible for a discharge of an agricultural chemical in the State of Wisconsin, you are responsible to:

- 1.) Report the spill or discharge to the Division of Emergency Government or the Department of Natural Resources (DNR), per ch. 292.11, Wis. Stats. If you have not already done so, the easiest way to satisfy this requirement is to call the DNR Spills Hotline at 800-943-0003. If the amount of spilled product exceeds the CERCLA or EHS reportable quantities listed in SARA Title III, you must also report the spill to the National Response Center (NRC) at 800-424-8802 and the Local Emergency Planning Committee (LEPC), regardless of DNR reporting requirements.
- 2.) Take corrective action to restore the environment to the extent practicable, per ch. 292.11, Wis. Stats. If corrective action is not taken, the Department of Agriculture, Trade and Consumer Protection (DATCP) has the authority under s. 94.73, Wis. Stats., to issue an administrative order requiring specific action. DATCP also has the authority to recover forfeitures for violation of an administrative order.
- 3.) Obtain all the necessary permits required by state and local government agencies regarding your cleanup activities. Although DATCP may issue a landspread permit to authorize landspreading of soil contaminated with certain agricultural chemicals, there may be other permits required. Examples include permits to work in a road right-of-way and soil stockpiling permits.

CORRECTIVE ACTION

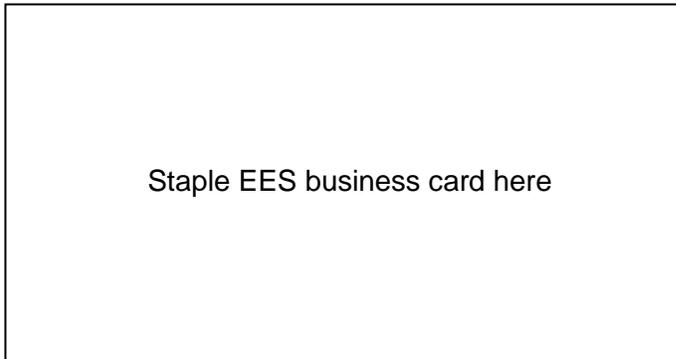
Corrective action consists of recovering the spilled material for reuse or disposal. In the case of most pesticide and/or fertilizer spills, this will be accomplished by hiring a contractor to excavate the spill area. The DATCP Spills Coordinator and Environmental Enforcement Specialist (EES) will assist you throughout the cleanup process. If the magnitude of your spill cleanup is beyond the scope of DATCP's services, DATCP may request that you hire an environmental consultant to oversee investigation and cleanup of the spill site. Should this situation arise, DATCP can provide you with a list of environmental consultants. To clean up the discharge site, you must:

- 1.) Excavate contaminated soils across the spill area as soon as possible. You are responsible for contacting Digger's Hotline (800-242-8511) and/or other utility marking companies to locate all buried water, gas, electric or other utilities. To improve utility marking response time, make sure to tell Digger's Hotline personnel that you are responding to a chemical spill. Once you feel the excavator has removed the contaminated soil, the excavation should then proceed at least 1 to 2 feet deeper. **DATCP's excavation recommendations are based on our significant past experience with fertilizer and pesticide cleanups. If confirmation sample results warrant, excavation to a greater depth or width will be required.** Unless it is along a road or other high risk area, the excavation may be left open until testing of confirmation samples shows that no further excavation is necessary. Open excavations should be marked or cordoned off to protect the public and wildlife from incidental entry and injury. If an excavation is backfilled and test results show that more excavation is needed, you may be required to remove the backfill to complete more remedial work.
- 2.) Obtain and analyze confirmation soil samples. An environmental consultant or the DATCP EES will obtain background and confirmation samples once sufficient excavation (as described in item 1 above) has occurred. Based on the sample results, further excavation work may be required.

Samples to be analyzed at a private lab must be prioritized so that analytical results can be reported no more than seven days after samples are submitted.

- 3.) Stockpile excavated soil on an impervious surface (concrete, asphalt or sheet plastic) and cover with plastic sheeting, unless the soil can be landspread immediately. For the entire time the soil is stored prior to disposal or landspreading, the stockpile must remain covered/protected against precipitation.
- 4.) Landspread or dispose of excavated soil. Landspreading of ag-chemical impacted soil must be performed under a DATCP-approved landspreading permit. The Spill Coordinator and I will assist you in calculating the required acres for landspreading contaminated soil and in selecting landspreading sites. Spreading sites should have a low surface slope and dry surface soils (not mucks or soil associated with wetlands or marshes). Depending on circumstances, you may be required to dispose of contaminated soil in a landfill.

All written correspondence should be submitted to the Spill Coordinator and me at the following addresses:



Rick Graham, Spill Coordinator
DATCP-ARM
PO Box 8911
Madison, WI 53708-8911
(608) 224-4514 office
(608) 609-5213 cell
Rick.Graham@wisconsin.gov

REIMBURSEMENT INFORMATION

Cleanup costs for pesticide and/or fertilizer spills may be eligible for reimbursement under the Agricultural Chemical Cleanup Program (ACCP). There is either a \$3,000 or \$7,500 deductible and a 25% cost sharing of remaining eligible costs up to \$650,000. Reimbursement of transportation spills varies depending upon ownership of the spilled chemical and the transportation vehicle. For eligibility considerations, product spilled in transport may be sourced back to the site from which the product originated. However, there are instances when a spill is considered a new and separate discharge. If you anticipate seeking reimbursement, please call the ACCP Auditor at (608) 224-4522 for additional information.

Your signature below indicates that you have been provided a copy of this information.

EES SIGNATURE: _____ **DATE:** _____

FORM PROVIDED TO (NAME): _____ **TITLE:** _____

COMPANY: _____ **PHONE:** _____