

☞ **07hr_JC-Au_Misc_pt17b**



☞ Details: Public Hearing: Audit Report 07-6: An Evaluation: Wetland Regulatory Programs,
Department of Natural Resources

(FORM UPDATED: 08/11/2010)

WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

2007-08

(session year)

Joint

(Assembly, Senate or Joint)

Committee on Audit...

COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)
 - (**ab** = Assembly Bill) (**ar** = Assembly Resolution) (**ajr** = Assembly Joint Resolution)
 - (**sb** = Senate Bill) (**sr** = Senate Resolution) (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

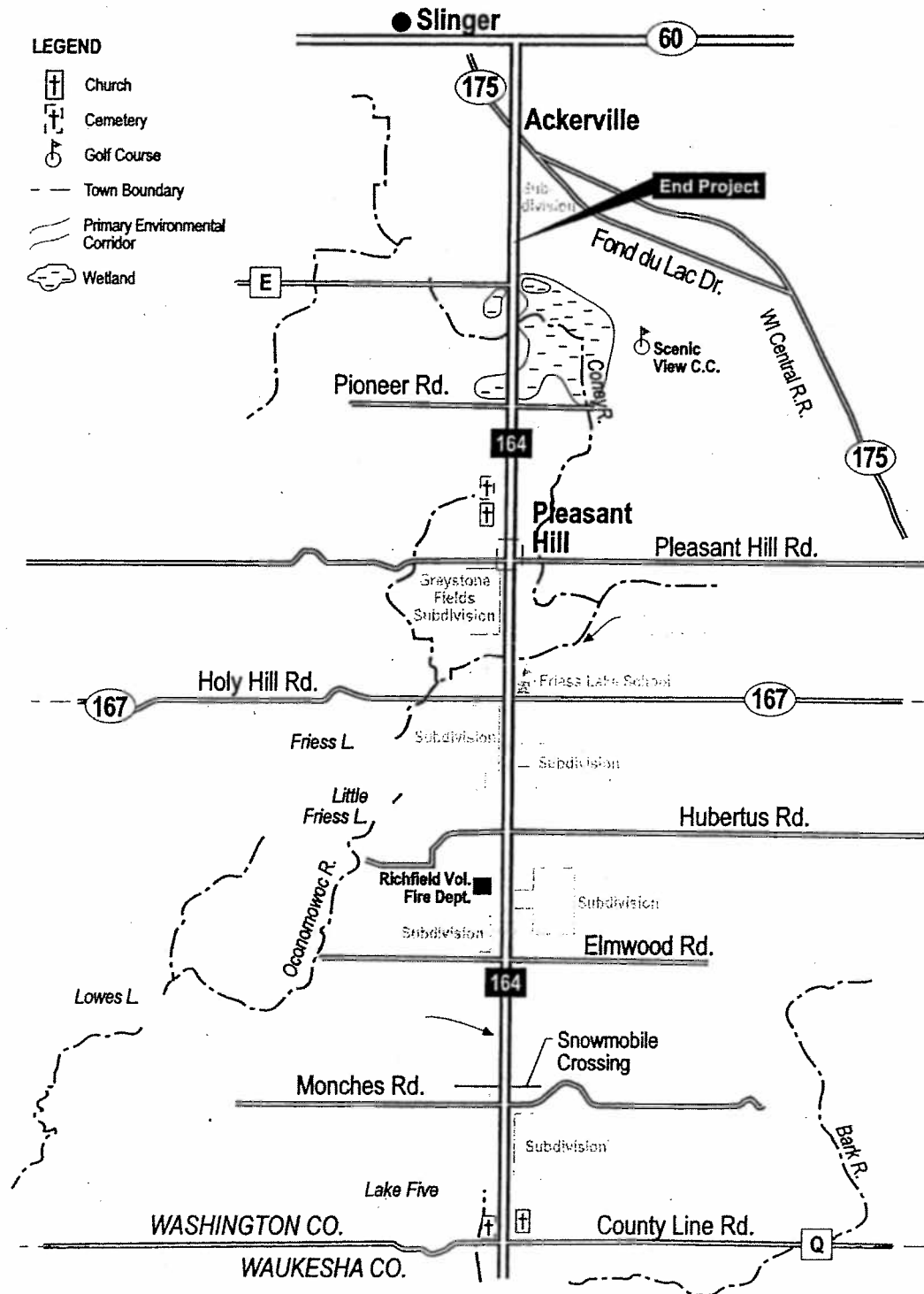
* Contents organized for archiving by: Stefanie Rose (LRB) (October 2012)

WIS

County J Reconstruction Study

1/2 Mi. North of I-94 (Waukesha County) to 1/2 Mi. South of WIS 175 (Washington County)

WIS 164 (County J) Study Area I-94 to WIS 175




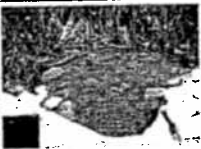


BMP INSPECTIONS

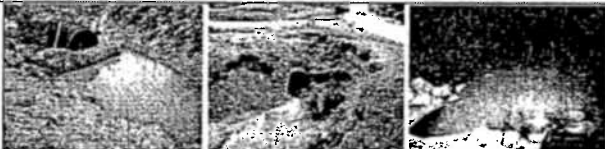

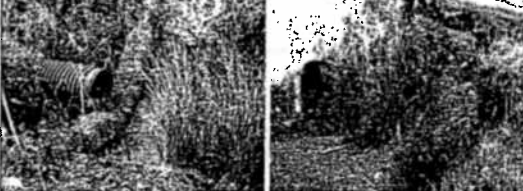


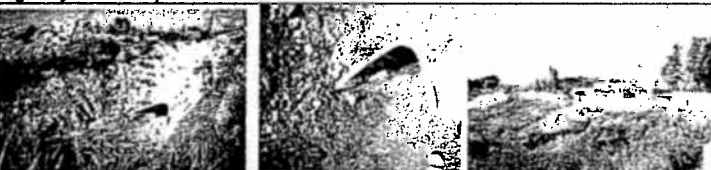

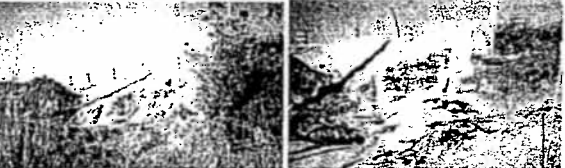
Highway 164 - Phase III

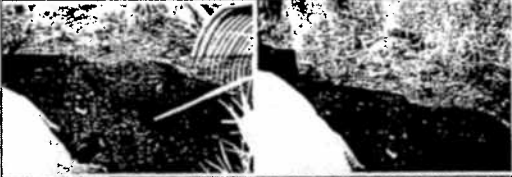





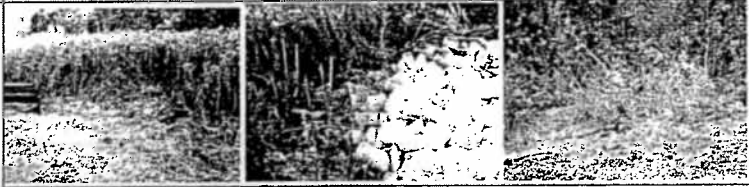


| | | | |
|---|-------------------------------|-------------------|---|
| Inspection Dates: 5/31/06, 6/15/06, 6/26/06, 6/29/06, 7/7/06, 7/15/06, 7/16/06, 7/23/06, 7/25/06, 8/6/06, 8/31/06 | | PROJECT ID | Highway J / Highway 164 Phase III |
| Inspector/Environmental Monitors: | G Plumeau, C Heston, C Petrie | LOCATION: | Highway 164, between intersection with Good Hope and Hwy V V in Lisbon/Sussex |
| Reason for inspections: BMP inspection monitoring along construction zone, and follow up after gas line rupture / explosion | | | |

| OBSERVATION | COMMENTS / RECOMMENDATIONS |
|--|--|
| 1. East Culvert at shopping center entrance (by Culvers) | For several weeks, noted that culvert is poorly protected; sediment washing into ditch. No stabilization efforts on slopes contributing to erosion. Observed 5/31, 6/26, 7/15, 8/31. Photos 01-10. |
| 2. Unprotected culvert, west side of Hwy J | On 6/15, two culverts at northern end of the project were not protected; sediment draining into stream that flowed into wetlands. Photos 11 & 12. |
| 3. Silt fence and spoils | No silt fence or BMPs noted 7/15; spoils piled on a steep slope immediately adjacent to waterway. (On July 25 a silt fence was noted to be installed) Photo 13. |
| 4. Unprotected culverts, east side of Hwy J | Culverts not protected; sediment washing into ditch. No stabilization efforts on steep slopes contributing to erosion and heavy sediment build up at mouth of culvert, next to wetlands. Observed 7/15 & 8/31. Photos 14-17. |
| 5. Gas Main Explosion | On 7/6, natural gas line ruptured and nearly 300,000 gallons of water were sprayed on the fire. An oily sheen noted on 7/15 by culvert at explosion site. No significant build up of sediment noted in the waterway, which appeared to have been protected by the existing coffer dam. Photos 18-21. |
| 6. Silt fence and spoils | On 7/7, Spoils dropped on silt fence near wetland and it is no longer functional. Photos 22 & 23. |
| 7. Downed silt fence | The silt fence was observed to be ineffective in several spots on multiple site visits. Some spots were ongoing non-compliance issues from dates 7/16, 7/23, 8/6, and 8/31. Photos 24-37. |
| 8. Cofferdam | On 6/29, the waterway was observed flowing with heavy sediment load resulting in a deep black color. On 8/31, degrading sand bags were found at the coffer dam, causing some release into waterway. Photos 38-40. |

| Photo Number ID | DESCRIPTION, ORIENTATION, SUBJECT, CONDITIONS, ETC. |
|--------------------|--|
| 5-31-06 01 |  <p>Slope erosion at shopping center entrance. No attempt to stabilize.</p> |
| 5-31-06 02, 03, 04 |    <p>Unprotected culvert next to 164 at shopping center entrance and at down gradient culverts, which allowed muddy water to enter wetland.</p> |

Highway J/164
BMP Inspections

| | | |
|--------------------|--|--|
| 6-26-06 05, 06, 07 |  | attempt made to install BMPs. Additional observations along mall entrance. No |
| 7-15-06 08, 09 |  | Unprotected culvert at shopping center entrance. |
| 8-31-06 10 |  | Unprotected culvert and erosion at shopping center entrance. |
| 6-15-06 11, 12 |  | Unprotected culverts draining into waterway along the west side of Highway J. |
| 7-15-06 13 |  | No silt fence in place, spoils placed at edge of waterway on the east side of Highway J near explosion site. |
| 7-15-06 14, 15, 16 |  | Unprotected culverts on east side. |
| 8-31-06 17 |  | Sediment from the unprotected culverts on the east side. |
| 7-15-06 18, 19 |  | View of explosion site above waterway. |

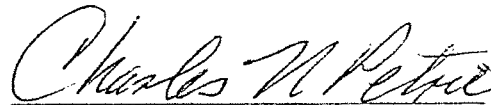
| | | |
|--------------------|--|---|
| 7-15-06 20, 21 |  | Oily sheen by culvert at explosion site. |
| 7-7-06 22, 23 |  | Spoils dropped on silt fence. |
| 7-16-06 24, 25, 26 |  | Down silt fence near wetland. |
| 7-23-06 27, 28 |  | Down silt fence. |
| 8-6-06 29, 30, 31 |  | Continuing downed silt fence from photos 22-28. |
| 8-6-06 32, 33, 34 |  | Downed silt fence near wetlands. |
| 8-31-06 35, 36, 37 |  | Silt fence in disrepair. |
| 6-29-06 38 |  | Sediment noted in waterway. |
| 8-31-06 39, 40 |  | Broken sand bags at coffer dam. |

Affidavit of
CHARLES N. PETRIE

STATE OF WISCONSIN)
) ss.
COUNTY OF WAUKESHA)

CHARLES N. PETRIE, being first duly sworn, deposes and states as follows:

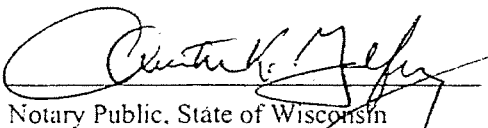
1. I am an adult resident of the State of Wisconsin living in Waukesha County at 608-G Pewaukee Road, Pewaukee, WI 53072. My telephone number is (262)-408-5300. I am a member of the HIGHWAY J CITIZENS GROUP, U.A. and also a member of its steering committee. I make this affidavit in support of the complaint filed by Cedarburg Science alleging specific violations of federal and state environmental laws, regulations and procedures.
2. Attached here as Exhibit "A" are a set of digital photographs which I took on July 16, 2006 along the south-bound shoulder, ditch and wetland areas adjacent to Hwy J/164, and located between maybe 100 to 150 feet north of the junction with Good Hope Rd and stretching southward to where the Bug Line hiking trail is being pathed under the roadway. All of these photographs (numbered 0830, 0831, 0832, 0833, 0844, 0845 & 0849), show the several faults and failures in the silt fence, which was supposed to have been erected and maintained as a stop-block to prevent construction material from invading the natural vegetation filter bed areas.
3. Attached here as Exhibit "B" is pair of digital photographs which I took on July 23, 2006 along the south-bound shoulder, ditch and wetland areas adjacent to Hwy J/164, and located between maybe 100 to 150 feet north of the junction with Good Hope Rd and stretching southward to where the Bug Line hiking trail is being pathed under the roadway. Photograph 0879 shows the same condition of the silt fence as in photo 0849 on July 16. Photo 0882 shows another area of silt fence failure.
4. Attached here as Exhibit "C" are a set of photographs which I took on August 6, 2006 along the south-bound shoulder, ditch and wetland areas adjacent to Hwy J/164, and located between maybe 100 to 150 feet north of the junction with Good Hope Rd and stretching southward to where the Bug Line hiking trail is being pathed under the roadway. Photograph 0913 shows the same condition of the silt fence as in photo 0879 on July 23 and photo 0849 on July 16. Photograph 0918 shows the same conditions of the silt fence as in photos 0844 and 0845 on July 16. All of the remaining photographs (numbered 0926, 0929, 0930, 0932 & 0933), show additional faults and failures in the silt fence.



Charles N. Petrie

Subscribed and sworn to before me

this 19 day of October, 2006.


Notary Public, State of Wisconsin

My Commission Expires: 3-29-09

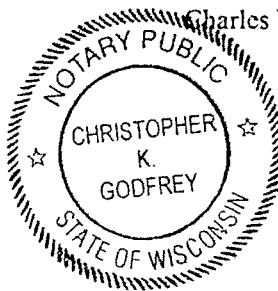




Exhibit A - Image 0830

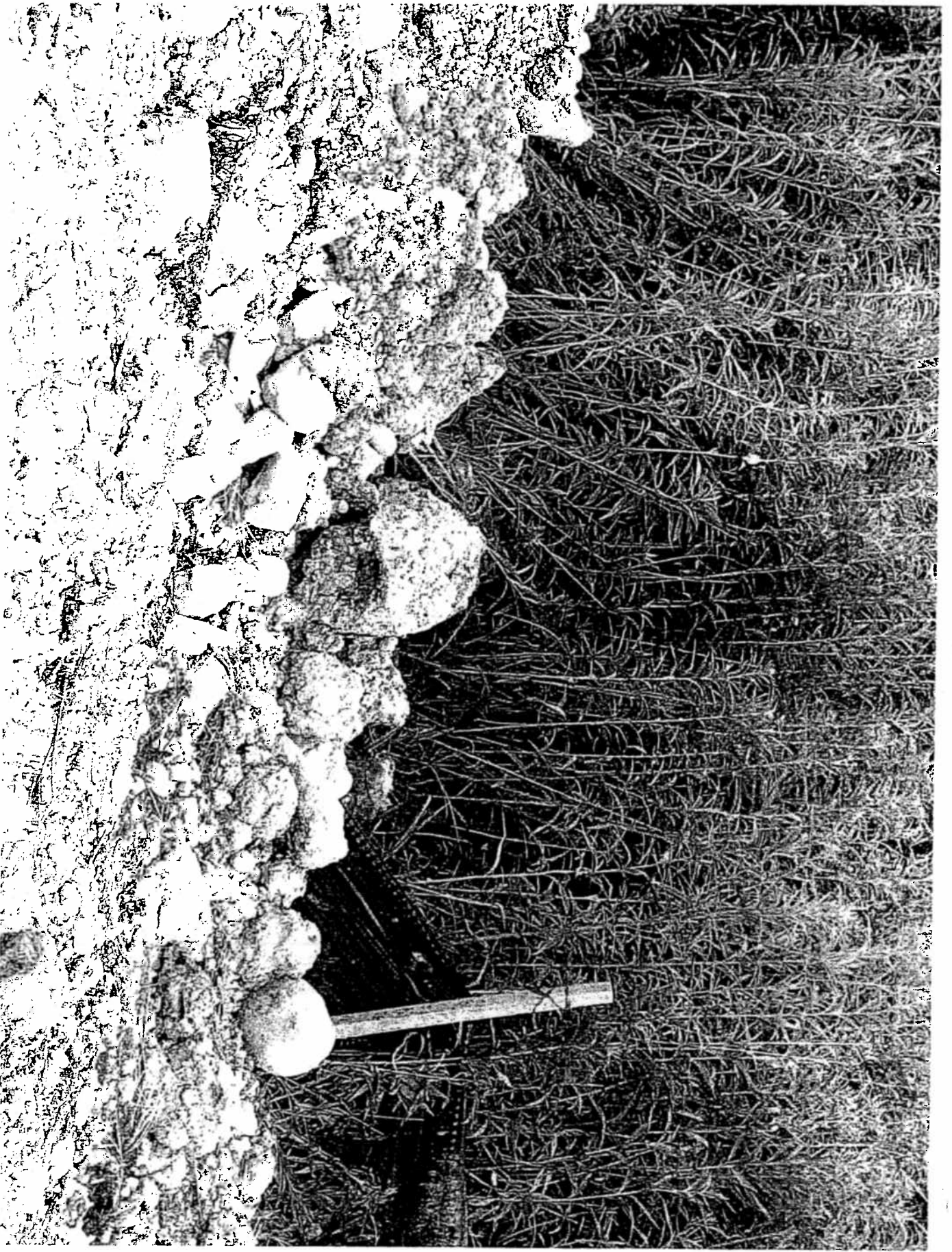


Exhibit A - Image 0831

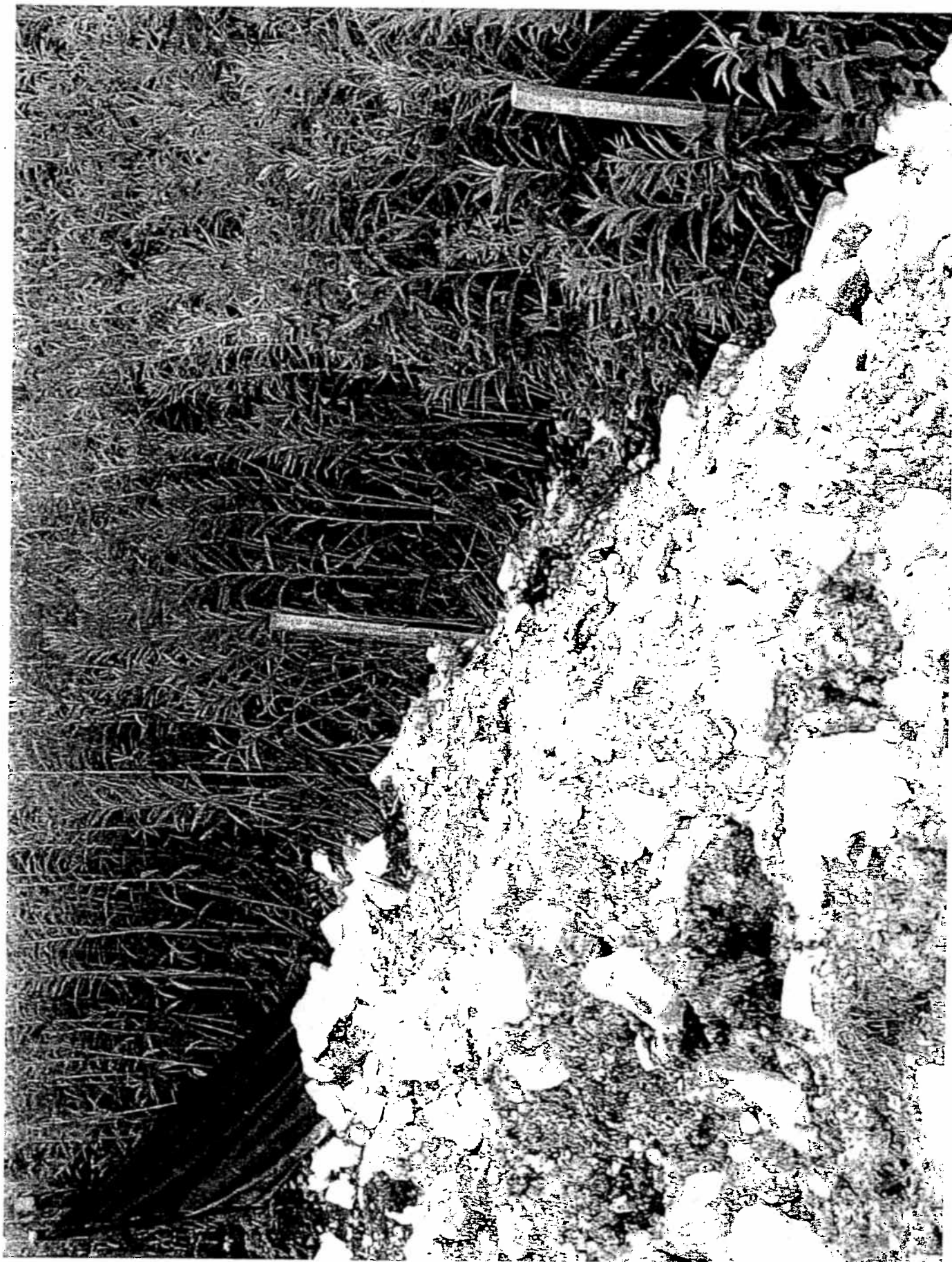


Exhibit A - Image 0832



Exhibit A - Image 0833



Exhibit A - Image 0844

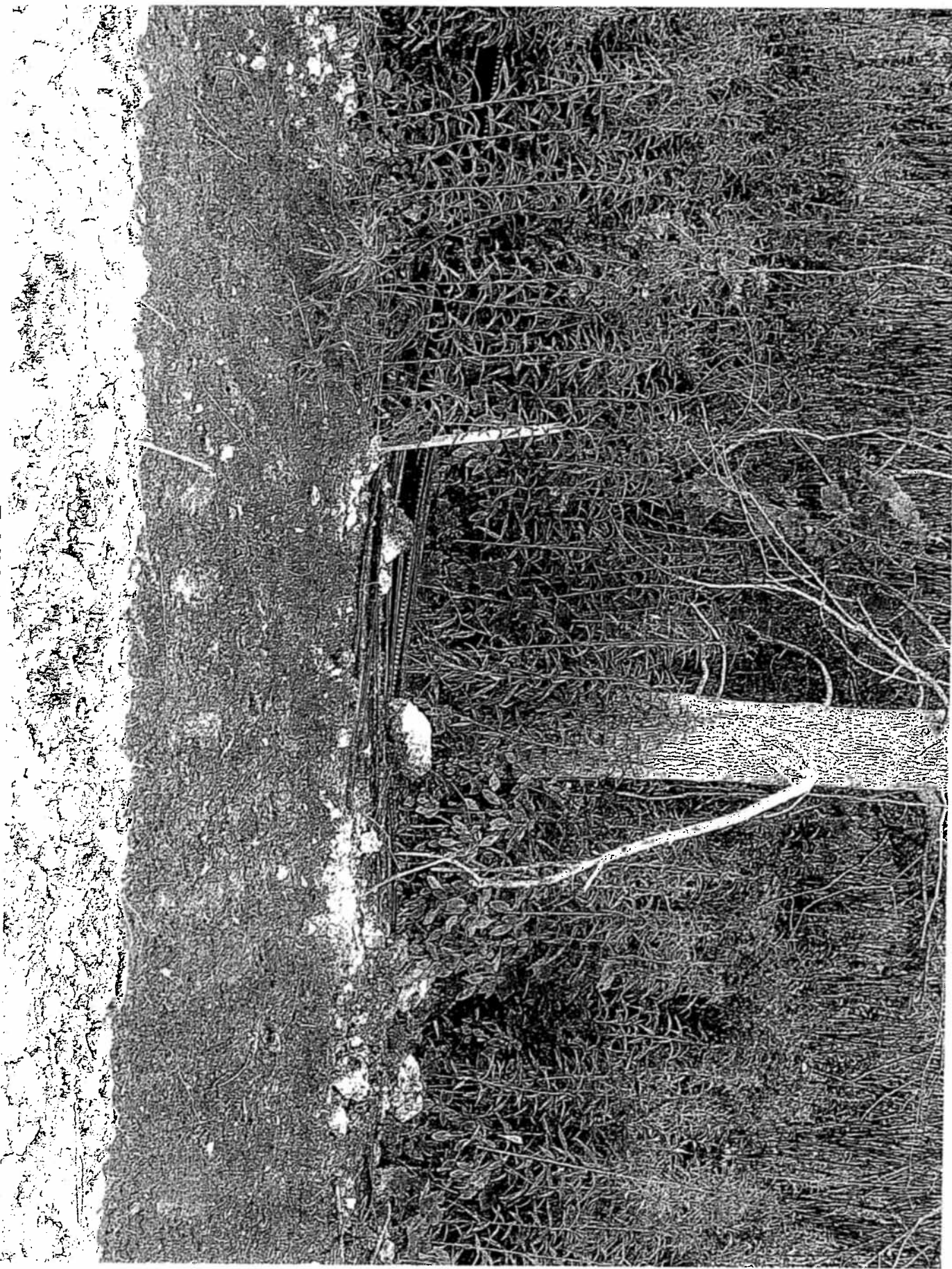


Exhibit A - Image 0845



Exhibit A - Image 0849



Exhibit B - Image 0879



Exhibit B - Image 0882



Exhibit C - Image 0913



Exhibit C - Image 0918

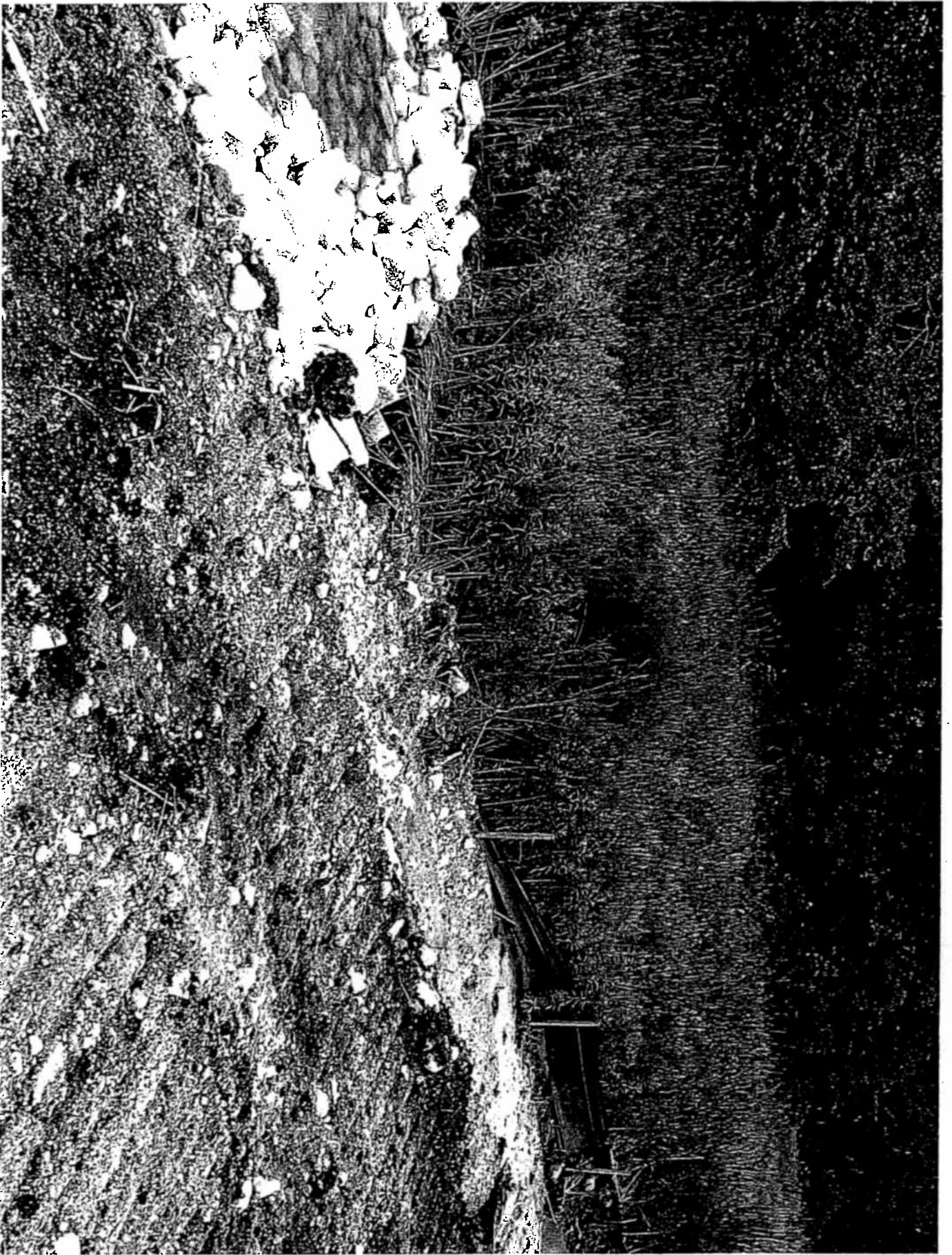


Exhibit C - Image 0926



Exhibit C - Image 0929

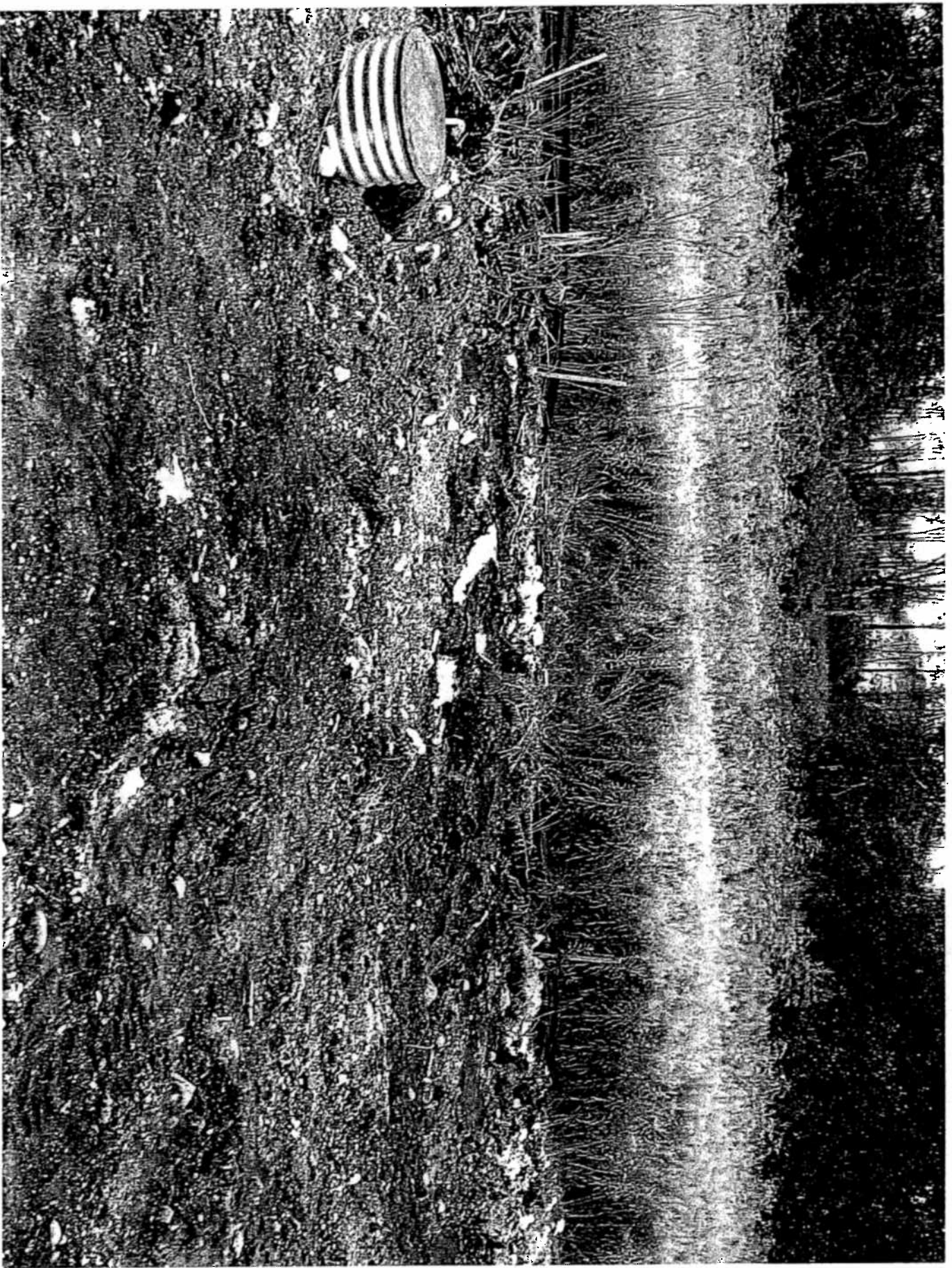


Exhibit C - Image 0930

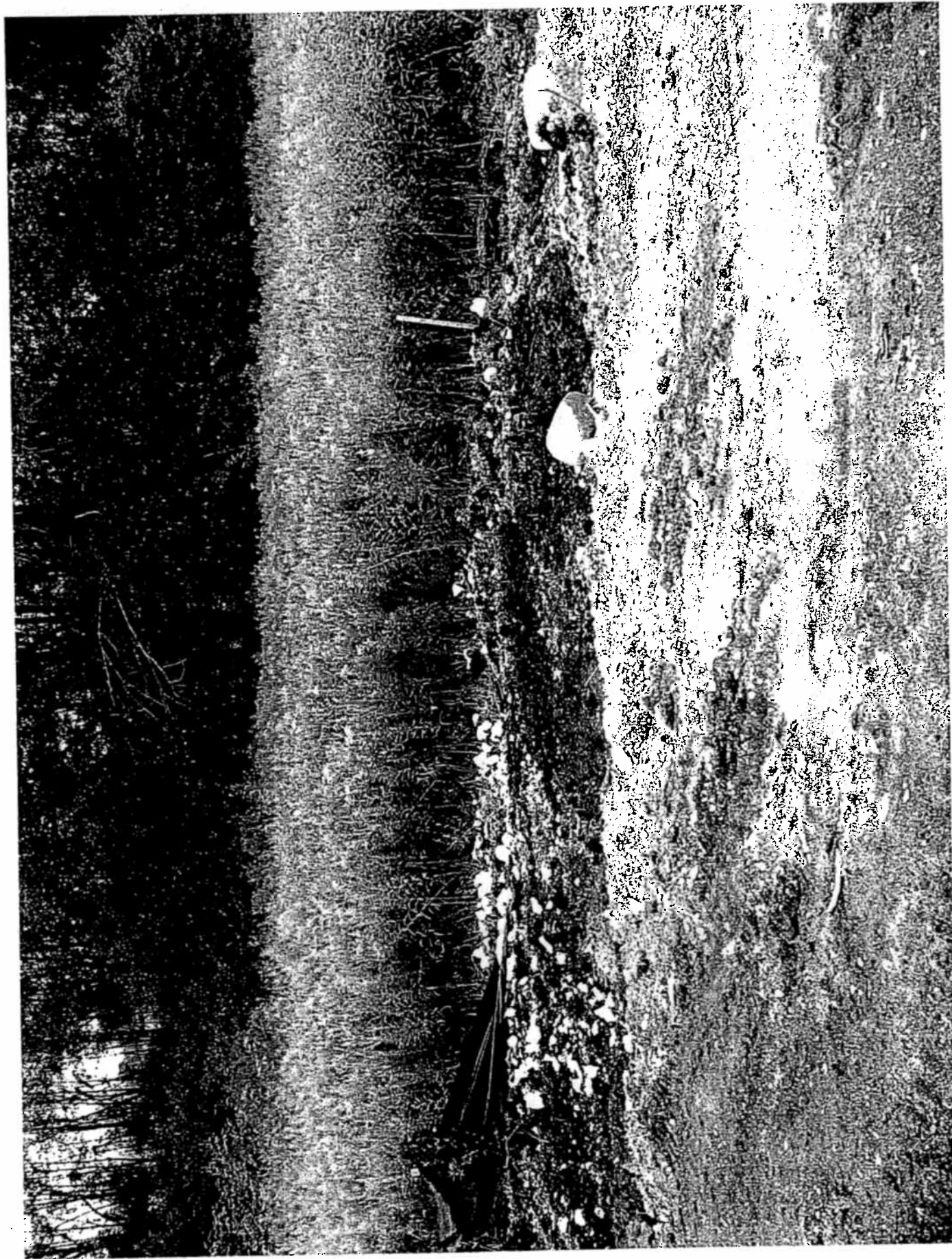


Exhibit C - Image 0932

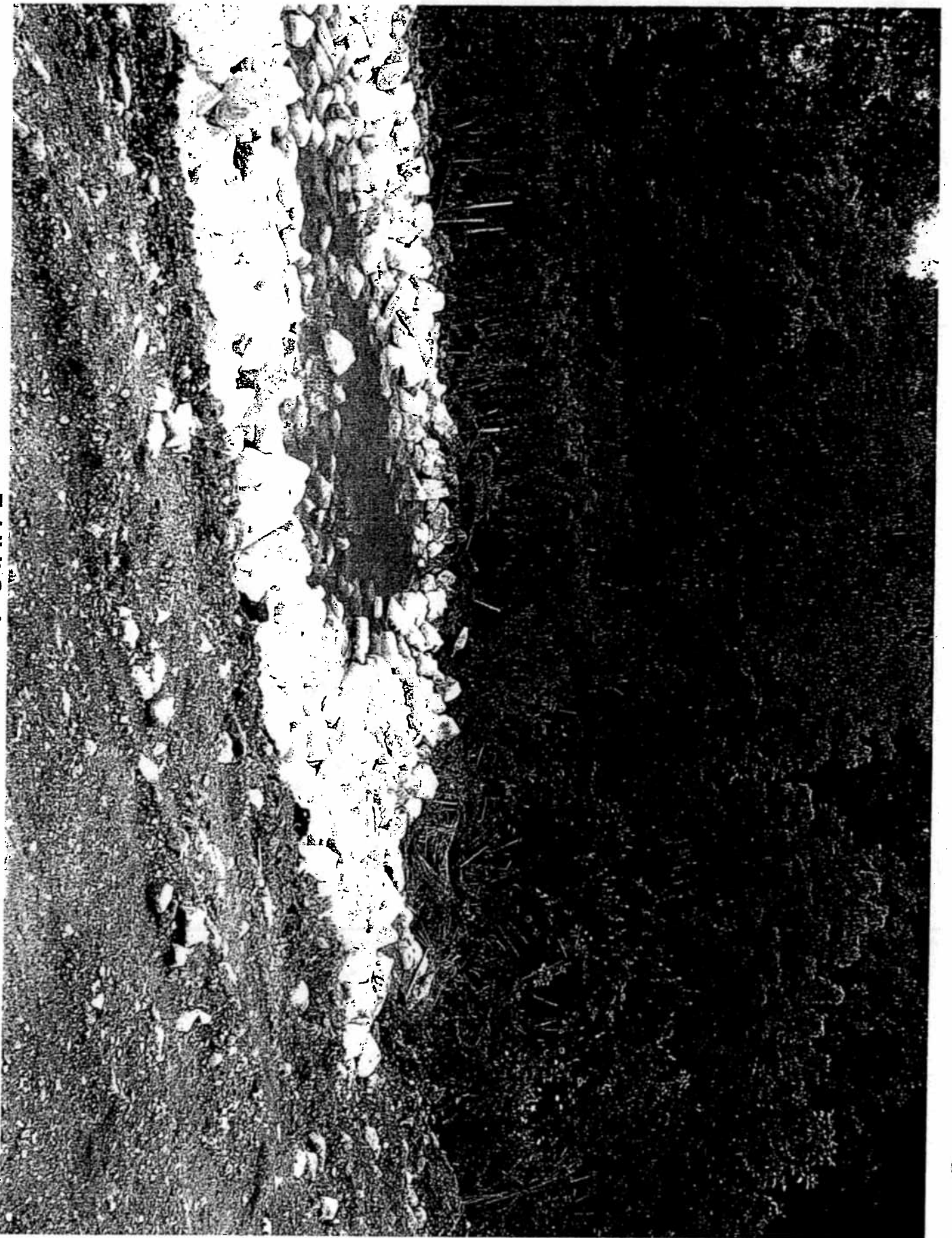


Exhibit C - Image 0933

It just went up in a fireball'

20-foot natural gas flames burn at DOT site

By JUSTIN KERN Freeman Staff

TOWN OF LISBON – Forceful flames from a burst natural gas pipeline Thursday closed part of Highway 164 and scorched a bulldozer as firefighters fought the roadside blaze for seven hours.

A Department of Transportation tractor excavating part of the eastbound road during a widening project inadvertently struck the pipeline, which was known as an active line to contractors, said DOT project manager Bruce Barnes.

Flames consistently reached 20 feet, and vapors from the natural gas were twice that height from the initial explosion at 1:50 p.m. until We Energies officials were able to fully cut the gas supply at about 9 p.m.

There were no injuries reported by work crews or firefighters and the focused efforts of town of Lisbon and Sussex firefighters went toward soaking a bulldozer next to the open flame to avoid further destruction, town of Lisbon Fire Chief Doug Brahms said.

We Energies spokesman Barry McNulte said the six-inch pipe that was ruptured is a major natural gas carrier to the area, which was the reason for the length of time taken to cut the natural gas supply to the fire.

"In some cases it can take longer, 10 to 12 hours," McNulte said, adding that there were no reports of loss of residential or commercial gas in the area.

Fire raging from the pipe was sometimes so strong that it pushed back water from attacking fire crews. Traffic was diverted for hours on the highway between Highway VV and Hillside Lane, and trains in the nearby Union Pacific Railroad line were slowed during the initial fire fight.

While some DOT work on the roadway might be delayed for clean up efforts, Barnes said the accident and fire should not set the project behind schedule.

John Huggett operates a dump truck for a company operating from the industrial park adjacent to the accident off Indian Grass Lane, and the explosion kept him from returning home to Kewaskum for nearly two hours. He said he smelled natural gas before the explosion, which he called "huge."

"It just went up in a fireball," Huggett said.

Also unable to leave the area because of the blaze was Oshkosh pickup truck driver John Steiner, who said the ruptured pipe caused a potent scent of natural gas long before the flames were visible.

"I could smell it when I was driving up (Highway) 164. When that Caterpillar (tractor) was burning, it really stunk," Steiner said.

'It just went up in a fireball'



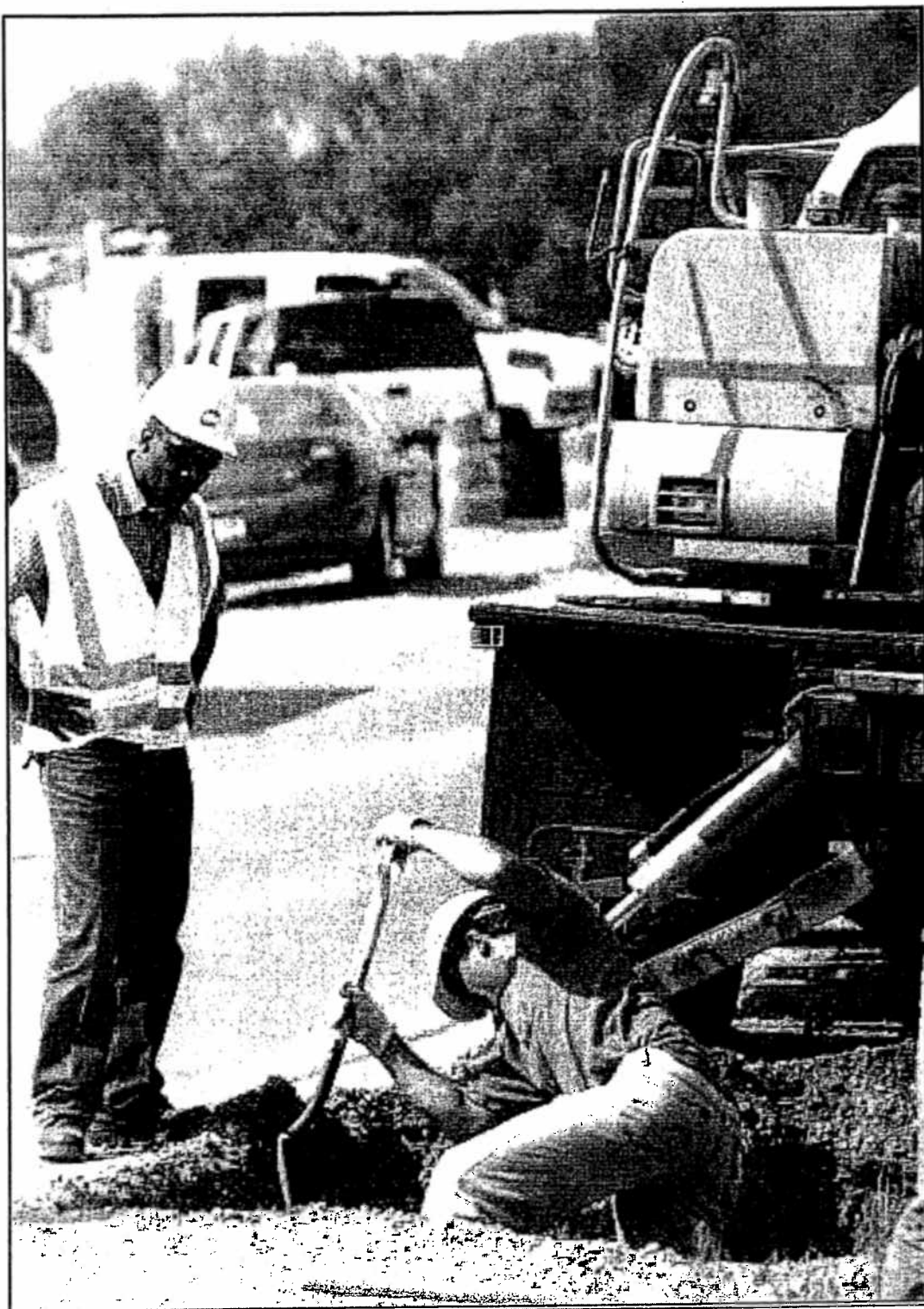
Caleb Vandenberg/Freeman Staff Town of Lisbon and Sussex firefighters, along with We Energies personnel, defend against and monitor a natural gas main fire Thursday about seven hours after it started in a construction zone along Highway 164.

'It just went up in a fireball'



Sussex and town of Lisbon firefighters spray water and wait Thursday for the gas to be shut off at a fire on a broken natural gas main. The fire burned for seven hours in a construction zone along Highway 164 near Hillside Road in the town of Lisbon before gas through the main was shut off.

'It just went up in a fireball'



Caleb Vandenberg/Freeman Staff We Energies personnel dig along Highway 164 on Thursday in an attempt to reach the natural gas main burning nearby in a town of Lisbon construction zone.

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Gas fire rages for 7 hours; no one injured

Peter Abbott, Staff Writer

July 12, 2006

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TOWN OF LISBON—Despite the equivalent of a call to Dig-gers Hotline Thursday morning, the operator of a backhoe work-ing on the Highway 164 widen-ing project struck a gas line, sparking a fire that raged for the next seven hours.



CONTAINMENT—Lisbon firefighters contain a gas fire north of the railroad tracks crossing Highway 164 north of Silver Spring Road. They saved the \$300,000 backhoe (right) but were unable to save a small \$220,000 bulldozer across the street.

Lisbon Fire Chief Doug Brahm said his staff received the call at 1:50 p.m. Thursday and responded within minutes. (The Lisbon Firehouse is just blocks from the site of the fire, north of the railroad tracks that cross the highway north of Silver Spring Road.)

According to Brahm, the back-hoe operator left his machine as soon as he realized he had cut into the gas line. Neither he nor anyone else was injured.

Firefighters called We Ener-gies immediately, Brahm said. The fire ignited about 10 minutes later.

While the utility company's crew worked to cap the damaged portion of the pipe-line to cut off the fuel feeding the fire, firefighters trained some of their hoses on the backhoe, trying to save the \$300,000 piece of equipment.

"Once we're done with life-sav-ing, we're working for the insur-ance companies," Brahm said.

They were successful, though repairing the back-hoe will cost its owner, Hoffman Con-struc-tion Co. of Black River Falls, about \$15,000, Brahm estimated.

Another piece of construction equipment was not as lucky, however. A small bulldozer on the west side of the highway on the other side of the gas line, worth about \$220,000, Brahm estimated, was destroyed.

Lisbon firefighters also called the offices of the Union Pacific Railroad to stop any trains from coming through because their hoses initially stretched south across the tracks to reach a fire hydrant, tagged for them by Sussex firefighters.

Traffic on Silver Spring was also blocked for about 1-1/2 hours, Brahm said.

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Workers from the railroad also came down to help fire-fighters dig a trench under the tracks for the hoses. By 3:30, they had done so, and the railroad workers remained to slow trains coming through the crossing to a safe speed.

After SM&P Utility Resources located the underground gas line, We Energies workers "had to create and build valves to shut the gas off," Brahm said.

They finished the job and put out the fire at about 9 p.m. By that time, Lisbon firefighters had used 320,000 gallons of water to keep the gas fire contained and save the backhoe.

Service to most of the 200 We Energies customers served by that gas line—except for six homes and 33 businesses—was uninterrupted, according to the company's media relations manager, Barry McNulty.

In an interview at the scene of the fire, he said he was told by an SM&P supervisor that Hoffman Construction Co. had communicated with his company that morning about the location of the gas lines.

Brahm said he didn't know if the SM&P flags "were in the right place at the right time" or if the backhoe driver had missed them.

"I'm satisfied in saying it was an accident," he said. "Putting blame on anyone is not my role. I expect the insurance investigators will try to sort that out."

Calls to Hoffman and SM&P had not been returned as of Monday morning.

The Highway 164 project's costs and deadlines are not expected to be significantly affected by the fire.

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LISBON - A ruptured natural gas line burned for more than seven hours on Thursday afternoon and evening in the Town of Lisbon.

A contractor working near the corner of Highway 164 and Silver Spring Drive accidentally cut the line about 2 p.m.

Richard Durica saw flames shooting 12 to 14 feet into the air. "It was firing up, and even with the hoses on it, it didn't seem like it was containing it," he said.

Firefighters poured water and foam on the flames to keep the fire from spreading and to protect construction equipment near the fire. Some 300,000 gallons of water was sprayed on the fire.

Traffic in the area had to be re-routed while We Energies crews worked to cap the leak. Fewer than 20 homes and businesses lost gas because of the break. One business did close early.

"We will do everything we can to secure the site and make sure they get their service back on," said Barry McNulty of We Energies.

The gas was finally turned off at 9 p.m. and the fire finally went out.

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LAW OFFICE OF DENNIS M. GRZEZINSKI Environmental Law and Civil Litigation

July 27, 2006

Gloria McCutcheon
SE Regional Office
Wisconsin Department of Natural Resources
2300 N Dr Martin Luther King Jr Dr
Milwaukee, WI 53212

Re: Waterway/wetland impacts of July 6, 2006 fire during Highway 164 Widening Project, Waukesha County, WI

Dear Ms. McCutcheon:

This is a request for copies of public records pursuant to the Wisconsin Public Records law, Section 19.33, Wis. Stats., on behalf of my client, Highway J Citizen Group UA.

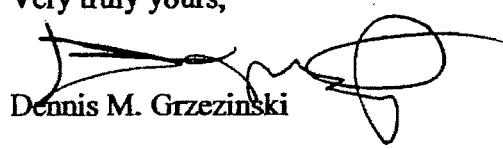
I wish to obtain all documents (including notes, reports, memos, correspondence or other writings and emails or other electronic data compilations) relating to a natural gas fire which occurred during work on the highway 164 widening project on July 6, 2006 near the intersection of Highway 164 and Silver Spring Drive in the area of Sussex/Lisbon, Waukesha County, Wisconsin. The location of the fire was approximately where Sussex Creek is crossed by Highway 164.

This request includes any information about 1) any investigation of the fire; 2) any investigation of impacts or effects of the fire (or of firefighting efforts, erosion, or cleanup or subsequent responses) on Sussex Creek or on wetlands in the vicinity of the fire; 3) any impacts or effects of the fire (or of firefighting efforts, erosion, or cleanup or subsequent responses) on Sussex Creek or on wetlands in the vicinity of the fire; 4) any restorative or reparative measures needed in response to impacts of the fire on Sussex Creek or wetlands in the vicinity of the fire; and 5) any actions of any kind taken by the Wis DOT in response to the fire. This request covers records which may be located in your Waukesha office or in any of your Milwaukee locations.

If you would forward your invoice for photocopying and mailing costs with the documents to my attention at the address below, I will pay those charges by return mail. If you have any questions regarding this request, please telephone me at the number below.

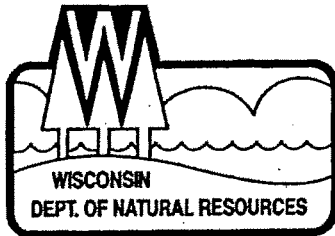
I look forward to your prompt response to this request..

Very truly yours,


Dennis M. Grzezinski

cc: Jeffrey M. Gonyo

312 East Wisconsin Avenue, Suite 210, Milwaukee, WI 53202-4305
Tel. 414 289-9200 Fax 414 289-0664 Email dennisglaw@execpc.com



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor
Scott Hassett, Secretary
Gloria L. McCutcheon, Regional Director

Southeast Region Headquarters
2300 N. Dr. Martin Luther King, Jr. Drive
Milwaukee, Wisconsin 53212-3128
FAX 414-263-8606
Telephone 414-263-8500
TTY Access via relay - 711

August 3, 2006

Attorney Dennis Grzezinski
312 East Wisconsin Avenue
Suite 210
Milwaukee, WI 53202-4305

Dear Attorney Grzezinski:

Enclosed you will find the few documents the Department of Natural Resources has regarding the natural gas fire that occurred on July 6, 2006 at the intersection of Highway 164 and Silver Spring Drive. As I mentioned in my conversation, there is only a single page document from our Spills Coordinator, Scott Ferguson and an e-mail message from our Environmental Analysis Specialist Maureen Millman. I have also included the e-mail responses from the other program supervisors to assure you we made a thorough search for any other such documentation.

Should you have a need to inquire about or review any other state records, do not hesitate to contact the Department again. Our file review coordinator is Pamela Kinnie. She can be reached at Pamela.Kinnie@dnr.state.wi.us or 414-263-8536.

Sincerely,

Susan K. Cook
Customer Service Supervisor
414-263-8605

enclosures

Millmann, Maureen

From: Schmidt, Robert - DTD2 [robert.schmidt@dot.state.wi.us]
Sent: Tuesday, July 11, 2006 11:18 AM
To: Millmann, Maureen
Subject: STH 164 @ Sussex Creek

Just for your info, they had a little incident right at the new east leg of Indian Grass Lane last Thursday. The contractor hit a 4" gas line and it started on fire. Dale said the flames were as much as 30' high. A dozer got burned up. The fire department poured alot of water on it. When they were shooting the water on it Dale asked the fire chief if he had a permit for pumping water into the wetland. Ha-ha, such a funny guy. I was out there yesterday and everything looks fine. The stream does not appear to be impacted. I think Dale said the fire burned for about 6 hours. You just never know what's going to happen next!

State of Wisconsin Substance Release Notification Form
Department of Natural Resources Form 4400-91 (Rev. 12-04, e-form)
24-Hour Emergency Hotline Number: 1-800-943-0003

Page 1 of:

| | | | | | |
|--|--|--|--|---|--|
| Date & Military Time of Incident: 07/06/2006 1358hrs | | Date & Military Time Reported: 07/06/2006 1625hrs | | Spill File # ser07062006_02 BRRTS # | |
| Person Reporting: David Barkei | | Representing: WE Energies | | Phone # 414-389-4474 Fax # | |
| Responsible Party (RP) / Spiller: Hoffman Constuction | | RP Decision Based On: Called for Resp. Party | | Phone # Fax # | |
| RP Address: | | | | City | State Zip Code |
| RP Contact Name & Title: | | | | Phone # | Fax # |
| Substance Involved: Natural Gas | | Amount & Units Released: Unknown | | Amount & Units Recovered: None | |
| <input type="checkbox"/> Solid <input type="checkbox"/> Semisolid <input type="checkbox"/> Liquid <input checked="" type="checkbox"/> Gas Color: Odor: | | | | | |
| Exact Location Of Incident: (including street name, bldg. #, mileage, etc.) Trunk 184 and Hillside Road | | | | Facility Name / Property Owner: | |
| <input type="checkbox"/> City <input type="checkbox"/> Village <input checked="" type="checkbox"/> Township Lisbon | | County Waukesha | | Latitude/Longitude deg. ' " , deg. ' " | |
| DNR Region: SER | | 1/4 1/4 Sec T N R <input type="checkbox"/> E <input type="checkbox"/> W | | Weather Conditions: | |
| Cause of Incident: Reporting a release of Materials from a 6-inch pipeline that caused damages exceeding 50,000 due to equipment failure | | | | | |
| Spilled Substance Impact To: (check X all that apply) <input checked="" 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: | | Spill Cause and/or Site: <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 checked="" 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: | | Action Taken By Spiller: <input type="checkbox"/> Cleanup Method: <input type="checkbox"/> Absorbent <input type="checkbox"/> Excavation <input type="checkbox"/> Containment <input type="checkbox"/> Contractor Hired Name: <input type="checkbox"/> Monitor <input type="checkbox"/> No Action Needed <input checked="" type="checkbox"/> No Action Taken <input type="checkbox"/> Waste Destination: <input type="checkbox"/> Other: | |
| Injuries? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes how many? | | Has An Evacuation Occurred? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Potential? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | | | |
| Are There Any Resource Damages? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Potential What Kind? | | | | | |
| Other Agencies Notified: (check first column, if notified; check both columns, if on the scene) <input type="checkbox"/> Fire Department <input type="checkbox"/> Local DNR <input type="checkbox"/> EPA <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: | | | | | Incident Commander: Phone # |
| Prepared By: Mussack from NRC Fax | | Phone # 605-267-0844 | | Date: 07/06/2006 | |
| Person Notified: Joseph Jerich | | Phone # 262-884-2380 | | Date: 07/06/2006 Time: 1636 | |
| Investigated By: | | Sign: | | Date: | |
| Spill Coordinator Signoff: | | | | Date: | |
| | | | | Rpt'd To DATCP? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Date: Tnsfed. To DATCP <input type="checkbox"/> Yes <input type="checkbox"/> No Date: Spill Packet Sent? <input type="checkbox"/> Yes <input type="checkbox"/> No Date: To: Transferred to ERP <input type="checkbox"/> Yes <input type="checkbox"/> No Date: Case # NFA Letter Sent? <input type="checkbox"/> Yes <input type="checkbox"/> No Date: Incident Closed? <input type="checkbox"/> Yes <input type="checkbox"/> No Date: | |
| <input type="checkbox"/> See Additional Comments On Reverse (Please, print page 2 of 2) | | | | | |

State of Wisconsin Substance Release Report (Cont'd)
Form 4400-91 (Rev 12-04, e-form)

Page 2 of 2

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

LAW OFFICE OF DENNIS M. GRZEZINSKI Environmental Law and Civil Litigation

July 27, 2006

Robert J. Whiting
Chief, Regulatory Branch
Department of the Army
St. Paul District, Corps of Engineers
190 Fifth Street East
St. Paul, MN 55101-1638

Dale Pfeifle
US Army Corps of Engineers
1617 East Racine Avenue
Waukesha, WI 53186-6875

Re: Highway 164 Widening Project, Waukesha County, WI
2006 work authorized by letter of permission dated 1/27/2006
referencing maps designated 2004-161651-DJP

Dear Mssrs. Whiting and Pfeifle:

This is a request under the Freedom of Information Act as amended (5 USC Section 552), on behalf of my client, Highway J Citizen Group UA.

I wish to obtain all documents (including notes, reports, memos, correspondence or other writings and emails or other electronic data compilations) relating to a natural gas fire which occurred on July 6, 2006 near the intersection of Highway 164 and Silver Spring Drive in the area of Sussex/Lisbon, Waukesha County, Wisconsin. The location of the fire was approximately where Sussex Creek is crossed by Highway 164.

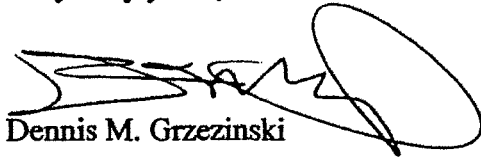
This request includes any information about 1) any investigation of the fire; 2) any investigation of impacts or effects of the fire (or of firefighting efforts, erosion, or cleanup or subsequent responses) on Sussex Creek or on wetlands in the vicinity of the fire; 3) any impacts or effects of the fire (or of firefighting efforts, erosion, or cleanup or subsequent responses) on Sussex Creek or on wetlands in the vicinity of the fire; 4) any restorative or reparative measures needed in response to impacts of the fire on Sussex Creek or wetlands in the vicinity of the fire; and 5) any actions of any kind taken by the US ACOE in response to the fire.

This request covers records maintained in your Waukesha field office as well as in your district office in St. Paul. As you know, the FOIA requires you to reduce or waive search and/or copying fees when release of the requested information would be "in the public interest." I believe that this request plainly fits that category and I therefore ask that you waive such fees.

If you have any questions regarding this request, please telephone me at the number below.

As provided in the Freedom of Information Act, I will anticipate receiving a reply within ten working days.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Dennis M. Grzezinski', with a large, stylized loop at the end.

Dennis M. Grzezinski

cc: Jeffrey M. Gonyo

312 East Wisconsin Avenue, Suite 210, Milwaukee, WI 53202-4305
Tel. 414 289-9200 Fax 414 289-0664 Email dennisglaw@execpc.com