

From: [Bob Duimstra](#)
To: [Donald Gallo](#)
Cc: [Borski, Jennifer - DNR](#); [David Earle](#)
Subject: DNR ID# 02-71-110797: Notification of Continuing Obligations and Residual Contamination:
Date: Friday, March 10, 2017 10:02:29 AM
Attachments: [image002.png](#)

Dear Mr. Gallo:

Our law firm represents Cranky Pat's Properties, LLC, which owns the real property at the corner of South Commercial Street and West Cecil Street in the City of Neenah, Winnebago County, Wisconsin. This property is adjacent to the contaminated property at 110 West Cecil Street, Neenah, Wisconsin, formerly operated as Donaldson's One Hour Cleaners. A copy of your Notice to David Earle of Cranky Pat's Properties, LLC signed on February 14, 2017, together with its enclosures, was provided to our office for review and response.

In regard to your Notice, the primary issues as to the Continuing Obligations of Your Property discussion are the following items:

1. Although our client-property owner does not have current plans or intentions for excavation activity on its parcel, we are concerned about the possibility for increased costs and expenses being imposed upon Cranky Pat's Properties, LLC or its successors and assigns, and possibly other liability risks, in conjunction with any future improvement projects which might occur on this adjacent property. We think Cranky Pat's Properties, LLC should be protected against the risks associated with possible future excavation activities relating to the residual soil contamination.
2. Your Notice states that "I was unable to locate these monitoring well(s) to properly fill and seal them because they were paved over, covered or removed during site development activities." It is my understanding, based on my discussion with David Earle, that the monitoring well(s) can be readily located and is/are fully accessible. No location work is necessary. If the monitoring well(s) can now be filled and sealed, Cranky Pat's Properties, LLC is willing to provide reasonable access to its property for the Responsible Party to do so at the Responsible Party's sole expense, provided the property of our client is restored to the appropriate condition in conjunction therewith. Again, I think Cranky Pat's Properties, LLC should be protected against incurring costs and expenses associated with filling and sealing the monitoring well(s) which are properly the responsibility of the Responsible Party.
3. In furtherance of the foregoing points, we think it would be reasonable for the Responsible Party to obtain, at its expense, a property-specific liability exemption letter from the DNR for the benefit of Cranky Pat's Properties, LLC in accordance with the DNR's Remediation and Redevelopment Program for brownfields.

We would respectfully request that the foregoing points be addressed and resolved prior to any case closure. Should you have any questions or concerns, please do not hesitate to contact me.

Thank you for your consideration.

Bob

Robert N. Duimstra | Attorney/Shareholder



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