



July 16, 1997

Mr. Michael G. Farley
Program Assistant
Wisconsin Department of Natural Resources
Southeast Region Annex
P.O. Box 12436
Milwaukee WI 53212-0436

Re: Release Report
7676 and 7776 North 76th Street
Milwaukee, WI
BRRTS#: 02-41-151669 & 02-41-151658
Facility ID#: 241574740 & 241281810

ERA

RECEIVED

JUL 17 1997

D.N.R. SED Hqtrs.
Milwaukee, WI

Dear Mr. Farley:

We have received your June 25, 1997 letter in the above-captioned matters. For your convenience and reference, I am enclosing a copy of my May 21, 1997 letter to Mike Thompson at DNR.

McLaren/Hart is now in the process of completing its report on the site investigation and remedial activities which have been completed regarding these properties. We expect that McLaren/Hart's final report will be submitted to DNR by August 15, 1997.

As noted in our previous correspondence, remedial activities regarding these properties have already been completed, due to the recent purchase of the two dealerships by the Darrow Group. In each area of concern, the remediation consisted of soil excavation to a DRO level of less than 100 mg/kg and transportation to an off-site landfill (biopile). The remedial activities were conducted by McLaren/Hart on behalf of Phil Tolkan Pontiac and Phil Tolkan Nissan. The report which we will submit to DNR next month will demonstrate that the remedial work has successfully addressed the petroleum contamination and that the areas of concern are now in compliance with the NR 720 standards.

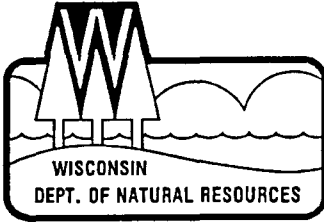
Please feel free to contact us if you have any additional questions or comments regarding this matter.

Very truly yours,

QUARLES & BRADY

Michael S. McCauley

MSM:lr
Enclosure
cc: Mr. Thomas Weil - Phil Tolkan Pontiac Nissan
Mr. Rick Smith - McLaren/Hart



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Tommy G. Thompson, Governor
George E. Meyer, Secretary
Gloria L. McCutcheon, Regional Director

Southeast Region Annex
4041 N. Richards Street, Box 12436
Milwaukee, WI 53212-0436
TELEPHONE 414-229-0800
FAX 414-229-0810

June 25, 1997

BRRTS# : 02-41-151669 & 02-41-151658
Facility ID#: 241574740 & 241281810
BRR/ERP

MICHAEL MCCAULEY
PHIL TOLKAN PONTIAC
411 E WISCONSIN AV
MILWAUKEE WI 53202-4497

SUBJECT: Reported Contamination at 7776 & 7676 N. 76th St., Milwaukee

To speed processing, correspondence should reference BRRTS & FID numbers at top of letter.

Dear Mr. McCauley:

On 5-21-97 you informed the Department that an unknown hydrocarbon which leaked from hydraulic lifts caused soil contamination at the subject addresses.

Based on the information submitted to the Wisconsin Department of Natural Resources (WDNR), we believe you are responsible for restoring the environment at the referenced site under Section 292, Wisconsin Stats., known as the hazardous substances spills law. Utilizing information submitted to the Department, this case has been assigned an unknown ranking due to the lack of information concerning soil and groundwater contamination.

WDNR Southeast Region Prioritization and Scoring Policy

Due to the WDNR workload, it is necessary to rank all contamination cases for review priority. Lower priority cases do not have assigned project managers, however, responsible parties are required to proceed with investigation and clean-up efforts. Until a priority has been assigned to this site, you should proceed with the required response work, submitting all plans and reports, along with status reports, to this office. The WDNR will notify you if your site will receive active oversight.

Your responsibilities include investigating the extent of the contamination and then selecting and implementing the most appropriate remedial action. Enclosed is information to help you understand what you need to do to ensure your compliance with the spills law.

The purpose of this letter is threefold: 1) to describe your legal responsibilities, 2) to explain what you need to do to investigate and clean up the contamination, and 3) to provide you with information about cleanups, environmental consultants, possible financial assistance, and working cooperatively with the Department of Natural Resources.

Legal Responsibilities:

Your legal responsibilities are defined both in statute and in administrative codes. The hazardous substances spill law, Section 292.11 (3) Wisconsin Statutes, states:

- * **RESPONSIBILITY.** A person who possesses or controls a hazardous substance which is discharged or who causes the discharge of a hazardous substance shall take the actions necessary to restore the environment to the extent practicable and minimize the harmful effects from the discharge to the air, lands, or waters of the state.

Wisconsin Administrative Codes chapters NR 700 through NR 728 establish requirements for emergency and interim actions, public information, site investigations, design and operation of remedial action systems, and case closure. Chapter NR 708 includes provisions for immediate actions in response to limited contamination. Wisconsin Administrative Code chapter NR 140 establishes groundwater standards for contaminants that reach groundwater.

Steps to Take:

The longer contamination is left in the environment the farther it can spread and the more it may cost to clean up. Quick action may lessen damage to your property and neighboring properties and reduce your costs in investigating and cleaning up the contamination. To ensure that your cleanup complies with Wisconsin's laws and administrative codes, you should hire a professional environmental consultant who understands what needs to be done. These are the first four steps to take:

1. By 8-7-97, please submit written verification (such as a letter from the consultant) that you have hired an environmental consultant. You will need to work quickly to meet this timeline.
2. By 9-20-97, your consultant must submit a workplan and schedule for the investigation. The consultant must follow the DNR administrative codes and technical guidance documents. Please include with your workplan a copy of any previous information that has been completed (such as an underground tank removal report or a preliminary excavation report).
3. Please inform DNR of what is being done at your site. Submittal requirement timelines depend on the contaminants at the site. As described in Chap. NR 700.11, if the site meets criteria for a "simple site", progress reports must be submitted semi-annually, beginning 6 months from the initial notification date. If the site meets criteria for a "complex site", the site investigation report and a draft remedial options report must be submitted to DNR within 30 days of completion of both reports. Your consultant must clearly document the extent and degree of soil and groundwater contamination and submit a proposal for cleaning it up.
4. For complex sites, per chapter NR 724.13(3), you or your consultant must provide a brief report at least every 90 days, starting after the remediation system begins operation. The reports should summarize the work completed since the last report. Quarterly reports need only include one or two pages of text, plus any relevant maps and tables. However, should conditions at your site warrant, we may require more frequent contacts with the Department.

Due to the number of contaminated sites and our staffing levels in DNR's Southeast Region, we will be unable to provide workplan approvals for investigations or remedial actions. To maintain your compliance with the spills law and chs. NR 700 through NR 728, do not delay the investigation and cleanup of your site by waiting for DNR response. We have provided detailed technical guidance to environmental consultants. Your consultant is expected to know our technical procedures and administrative codes and should be able to answer your questions on meeting cleanup requirements.

Your correspondence and reports regarding this site should be sent to:

Michael Farley, BRR Program Assistant

Wisconsin Department of Natural Resources
Box 12436
4041 N Richards St
Milwaukee WI 53212

Unless otherwise requested, please send only one copy of plans and reports. To speed processing, correspondence should reference the BRRTS and FID numbers shown at the top of this letter.

Information for Site Owners:

Enclosed is a list of environmental consultants and some tips on selecting one. If you are eligible for reimbursement of costs under Wisconsin's PECFA program (see last paragraph) you will need to compare at least three consultants' proposals before hiring a consultant. Consultants and laboratories working in the PECFA program are required to carry errors and omissions insurance to help protect you against unsuitable work. Also enclosed are materials on controlling costs, understanding the cleanup process, and choosing a site cleanup method. Please read this information carefully.

If you are interested in obtaining the protection of limited liability under s. 292, Stats., please contact Mark Giesfeldt at (608) 267-7562 or Darsi Foss at (608) 267-6713, in DNR's Madison office for more information. The liability exemption under s. 292 Stats., is available to persons who meet the definition of "purchaser" in s. 292 and receive DNR approval for the response actions taken at the property undergoing cleanup. DNR will determine eligibility for this program on a case-by-case basis, prior to the "purchaser" developing a scope of work for conducting a ch. NR 716 site investigation.

Financial Information:

Reimbursement from the Petroleum Environmental Cleanup Fund (PECFA) is available for the costs of cleaning up contamination from eligible petroleum storage tanks. The fund is administered by the Department of Industry, Labor, and Human Relations (DILHR). Please contact DILHR at (608) 266-2424 for more information on eligibility and regulations for this program.

Thank you for your cooperation.

Sincerely,

Michael G. Farley
Program Assistant
414-229-0808



May 21, 1997

VIA TELECOPY & U.S. MAIL

Mr. Mike Thompson
Wisconsin DNR
4041 North Richards Street
P.O. Box 12436
Milwaukee, WI 53212

FAX #: 229-0810

**RE: Release Report
7676 and 7776 North 76th Street
Milwaukee, WI**

Dear Mr. Thompson:

On behalf of Phil Tolkan Pontiac/Phil Tolkan Nissan and TFCo., LLP, we are reporting recently discovered soil contamination associated with the Phil Tolkan Pontiac dealership located at 7676 North 76th St. and the Phil Tolkan Nissan dealership located at 7776 North 76th Street, Milwaukee, Wisconsin. Both dealerships were acquired by the Russ Darrow Group earlier this month. The property is owned by TFCo., LLP.

As a part of the acquisition process, environmental assessments were conducted by the McLaren/Hart Environmental Engineering firm on behalf of the Russ Darrow Group. Subsurface diesel range organic (DRO) impacts, associated with the leakage of underground hoists, were discovered at the 7676 North 76th Street and 7776 North 76th Street properties. In addition, a former underground storage tank (UST) area at the 7676 North 76th Street address contained residual DRO and volatile organic compound impacts in the subsurface soils. The extent of the soil impacts was determined by McLaren/Hart, and groundwater was not encountered to a depth of 28 feet.

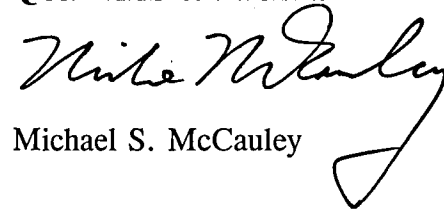
Remedial activities regarding these areas were expedited due to the purchase of the two dealerships by the Darrow Group. In each area of concern, the remediation consisted of soil excavation to a DRO level of less than 100 mg/kg and transportation to an off-site landfill (biopile). The remedial activities were conducted by McLaren/Hart on behalf of Phil Tolkan Pontiac and Phil Tolkan Nissan. The analytical data received to date indicates that the remedial work has successfully addressed the petroleum contamination which was in excess of NR 720 standards. Documentation of the site investigation and remedial activities will be provided to DNR when all of the final analytical data is received by McLaren/Hart.

Mr. Mike Thompson
May 21, 1997
Page 2

Please direct any communications or correspondence regarding this report to us. My direct telephone line is 277-5525. In addition, please feel free to contact me if you have any questions or comments regarding this matter.

Very truly yours,

QUARLES & BRADY



Michael S. McCauley

MSM:dm2

cc: Mr. Thomas E. Weil
President - Phil Tolkan Pontiac/Phil Tolkan Nissan
Mr. Rick Smith - McLaren/Hart



411 East Wisconsin Avenue
Milwaukee, Wisconsin 53202
414/277-5000
FAX 414/271-3552

Attorneys at Law in
Milwaukee and Madison, Wisconsin
West Palm Beach and Naples, Florida
and Phoenix, Arizona

FAX TRANSMITTAL COVER SHEET

TO: NAME: Mr. Mike Thompson
FIRM: Wisconsin DNR
CITY, STATE: Milwaukee, WI
FAX NUMBER: 229-0810

DATE: May 21, 1997
NAME:
FIRM:
CITY, STATE:
FAX NUMBER:

NAME:
FIRM:
CITY, STATE:
FAX NUMBER:

NAME:
FIRM:
CITY, STATE:
FAX NUMBER:

FROM: Michael S. McCauley
SENDER'S PHONE: 414-277-5525

NUMBER OF PAGES: 3
(INCLUDING COVER SHEET)

*** MESSAGE ***

THE INFORMATION CONTAINED IN THIS MESSAGE IS PERSONAL AND CONFIDENTIAL
FOR THE RECIPIENT(S) NAMED ABOVE.
IF YOU HAVE RECEIVED THIS MESSAGE IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND
RETURN THIS MESSAGE TO US BY MAIL. THANK YOU.

IN CASE OF ANY TRANSMISSION PROBLEM, CALL (414) 277- OR CALL (414) 277-5595 EXCEPT AFTER 5:00
PM
CENTRAL TIME, CALL (414) 277-5746

Client Matter No: 999999.99999 Job Code:

SENT BY:

TIME:

Type of Case: LUST ERP X 453M 453P

SER Form #1 March 20, 1997

ACTIVITY NO.: 02-41-151658		FID NO.: 241281810	
County: MILWAUKEE	Initial Contact Date: 5/21/97	Site Name: PHIL TOLKAN PONTIAC	RP Letter? Y X N Date Mailed: 6/25/97
Address: 7776 N 76TH ST 241574740 #1	Closure Date: 12/9/97	AND 7676 N 76TH ST 241281810 #2	(see 241574740 foreclosure)
Municipality: MILWAUKEE	Person/Firm Reporting: MICHAEL McLAUIEY, ATTY letter	Legal Desc.: 1/4 1/4 Sec Tn Rng E	Phone: (414) 277-5000
Lat.: _____	Long.: _____		

Priority:	Funding Source:	Enforcement Authority:
<input type="checkbox"/> High	<input type="checkbox"/> RP	<input checked="" type="checkbox"/> Spill Law s. 292.11 Wis. Stats.
<input type="checkbox"/> Medium	<input type="checkbox"/> LTF	<input type="checkbox"/> Envir. Repair Law s. 292.31 Wis. Stats.
<input type="checkbox"/> Low	<input type="checkbox"/> EF	<input type="checkbox"/> Solid Waste NR 500
<input checked="" type="checkbox"/> Unknown	<input type="checkbox"/> SF	<input type="checkbox"/> CERCLA
	<input type="checkbox"/> None	<input type="checkbox"/> Aband. Container s. 292.41 Wis. Stats.
	<input type="checkbox"/> Other (describe below)	<input type="checkbox"/> Other: _____
New Folder? Y X N	<input type="checkbox"/> EPA Emergency Response	<input type="checkbox"/> Wastewater (lagoons)
Your Initials MCT		<input type="checkbox"/> Haz Waste NR600

*****PROGRAMS INVOLVED: (L = Lead, S = Support)*****

<input type="checkbox"/> Abandoned Containers	<input type="checkbox"/> NR 500 Solid Waste	<input type="checkbox"/> Water Supply	<input type="checkbox"/> DATCP
<input type="checkbox"/> LUST	<input type="checkbox"/> Spills	<input type="checkbox"/> Water Resources	<input type="checkbox"/> DCOM
<input type="checkbox"/> NR 600 Hazardous Waste	<input type="checkbox"/> Superfund	<input checked="" type="checkbox"/> Environmental Repair	

RESPONSIBLE PARTY is a <input checked="" type="checkbox"/> Company or a <input type="checkbox"/> Person	CONSULTANT:
Company Name: PHIL TOLKAN PONTIAC	Company Name: _____
Contact Person: % MR. MICHAEL McLAUIEY	Contact Name: _____
Address: 411 E WISC AVE	Address: _____
MILWAUKEE WI 53202-4497	Address: _____
Phone: (414) 277-5000	Phone: () _____
CC: _____	CC: (EG: lab) _____
_____	_____
_____	_____

IMPACTS: (enter P for potential, K for known)	SUBSTANCES:	#Tanks/containers	Size
<input type="checkbox"/> Fire/Explosion Threat	<input type="checkbox"/> Leaded Gas	_____	_____
<input type="checkbox"/> Contaminated Private Well(s) _____ No. of Wells	<input type="checkbox"/> Unleaded Gas	_____	_____
<input type="checkbox"/> Contaminated Public Well	<input type="checkbox"/> Diesel	_____	_____
<input type="checkbox"/> Groundwater Contamination	<input type="checkbox"/> Fuel Oil	_____	_____
<input checked="" type="checkbox"/> Soil Contamination	<input checked="" type="checkbox"/> Unknown Hydrocbrn	HYDRAULIC LIFTS	_____
<input type="checkbox"/> Surface Water Impacts	<input type="checkbox"/> Waste Oil	_____	_____
<input type="checkbox"/> Free Product	<input type="checkbox"/> Metals	_____	_____
<input type="checkbox"/> Storm Sewer Contam.	<input type="checkbox"/> RCRA Haz. Waste	_____	_____
<input type="checkbox"/> Sanitary Sewer Contam.	<input type="checkbox"/> VOCs	_____	_____
<input type="checkbox"/> Air Contamination	<input type="checkbox"/> Chlorinated Solvent	_____	_____
<input type="checkbox"/> Direct Contact	<input type="checkbox"/> PCBs	_____	_____
<input type="checkbox"/> Concrete/Asphalt	<input type="checkbox"/> Foundry Sand	_____	_____
<input type="checkbox"/> Contained/Recovered	<input type="checkbox"/> Misc. Fill	_____	_____
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Pesticides	_____	_____
	<input type="checkbox"/> Leachate	_____	_____
	<input type="checkbox"/> PAHs/SVOCs	_____	_____
	<input type="checkbox"/> Oil & Grease	_____	_____
	<input type="checkbox"/> Other	_____	_____

PLEASE ASSIGN FID, CREATE FILE, AND SEND RP LETTER.