



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor
Scott Hassett, Secretary
Ruthe E. Badger, Regional Director

South Central Region Headquarters
3911 Fish Hatchery Road
Fitchburg, Wisconsin 53711-5397
Telephone 608-275-3266
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BRRTS # 02-28-176509

Name: D.B. Oaks LTD Property

March 9, 2004

Mr. Ron Wiseman
Treasurer
Thomas Industries, Inc.
4360 Brownsboro Rd.
Suite 300
Louisville, KY 40207

Subject: Reported Contamination at Former Thomas Industries, Inc. Property - 700 Oak Street,
Fort Atkinson, WI

Dear Mr. Wiseman:

The Wisconsin Department of Natural Resources (WDNR) has reviewed file information on the subject location formerly owned by Thomas Industries. Specifically, the WDNR has reviewed the March 28, 1994 Phase I Environmental Audit performed by Gabriel-Midwest, Ltd. for First Star Bank-Milwaukee and the April 26, 1995 Phase II Environmental Site Assessment performed by ATEC Associates, Inc. for First Star Bank-Milwaukee. The sampling conducted as part of the Phase II Environmental Site Assessment reveals the detection of tetrachloroethylene (PCE) and its associated breakdown products in soil and groundwater at the subject site. Based upon information in the Phase II reports, Thomas Industries owned and operated a tank containing PCE during past operations. The current owner of this property, D.B.Oak, has never used nor caused a release of PCE during it's operations.

Based on this, and subsequent information in WDNR files, 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.

This letter describes your legal responsibilities, explains what you need to do to investigate and clean up the contamination, and provides you with information about cleanups, environmental consultants, possible financial assistance, and working cooperatively with the Departments 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 Stats, 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 Code chapters NR 700 through NR 749 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 three steps to take:

1. Within the next 30 days, you must submit written verification (such as a letter from the consultant) that you have hired an environmental consultant.
2. Within the next 60 days, your consultant must submit a workplan and schedule for the investigation. The consultant must follow the DNR administrative codes and technical guidance documents.
3. 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", a complete site investigation report and a draft remedial options report must be submitted within 30 days of completion. In addition, you or your consultant must provide a brief report at least every 90 days. Quarterly reports need only include one or two pages of text, plus any relevant maps and tables. Should conditions at your site warrant, we may require more frequent contacts.

If you want a formal response from the agency on a specific submittal, please be aware that a review fee is required in accordance with s. NR 749, Wis. Adm. Code. If a fee is not submitted with your reports, you should proceed under the advice of your consultant to complete the site investigation to maintain your compliance with the spills law and chs. NR 700 through NR 749. **Do not delay the investigation of your site by waiting for an agency 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." All correspondence regarding this site should be sent to:

Paul L. Kozol, P.E.
Remediation and Redevelopment Program
Wisconsin Department of Natural Resources
3911 Fish Hatchery Road
Fitchburg, WI 53711

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

Information for Responsible Parties:

Information to help you select a consultant, and materials on controlling costs, understanding the cleanup process, and choosing a site cleanup method are enclosed. For information on obtaining limited liability

under Section 292.15, Wisconsin Stats., please see our website at <http://www.dnr.state.wi.us/org/aw/rr/liability>.

Financial Assistance:

Reimbursement from the Petroleum Environmental Cleanup Fund (PECFA) is available for the costs of cleaning up contamination from eligible petroleum storage tanks. Please refer to the enclosed information sheet entitled *Site Remediation Using PECFA* for more information on eligibility and regulations for this program. Page 1 of the aforementioned Phase II Environmental Site Assessment references the one time existence of a 500-gallon gasoline underground storage tank and a 19,000-gallon fuel oil tank on the property.

If you have any questions you can call me at the phone number below.

Thank you for your cooperation in this matter.

Sincerely,



Paul L. Kozol, P.E.
Remediation and Redevelopment Engineer
South Central Region
Telephone: (608) 275-3301
Enclosures

Randall Knox - D. B. Oaks
Joe Renville - LC/5

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- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

MR. RON WISEMAN
TREASURER
THOMAS INDUSTRIES, INC
4360 BROWNSBORO RD.
SUITE 300
LOUISVILLE, KY 40207

2. Article Number (Copy from service label)

7002 0860 0002 1116 1935

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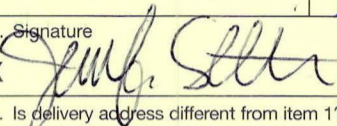
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- Paul Kozol

Department of Natural Resources
South Central Region
3911 Fish Hatchery Road
Fitchburg, WI 53711

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