



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

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July 2, 2002

File Ref: Dane County
07-13-281473

Mr. Gregory DeWall
38 West Nelson Street
Deerfield, WI 53531

Subject: Off Site Liability Exemption Request, Former Bordson Tool and Die Property, 38 West Nelson Street, Deerfield, WI

Dear Mr. DeWall:

Purpose

The Department of Natural Resources ("the Department") has recently reviewed your request for an off-site exemption letter for the property located at 38 West Nelson Street, Deerfield, Wisconsin, which will be referred to in this letter as "the Property." You have requested that the Department determine whether you, as property owner, are exempt from sec. 292.11(3), (4) and (7)(b) and (c), Wis. Stats. (commonly known as the "Hazardous Substance Spill Law"), with respect to the existence of a hazardous substance in the soil or groundwater that you believe is migrating onto the Property from an off-site source.

Determination

As you are aware, s. 292.13(2), Wis. Stats., requires the Department to issue upon request, a written determination regarding a liability exemption for a person who possesses or controls property that is contaminated by an off-site source, when certain conditions are met. Specifically, the Department has reviewed the groundwater and soil sampling data for the Property provided by Woodward and Clyde Consultants to the Department during the state funded investigations, in order to make this determination. Based upon this information and in accordance with section 292.13(2), Wis. Stats., the Department makes the following determinations regarding the presence of chlorinated organic chemical contamination in the groundwater on the Property:

1. The hazardous substance discharge originated from a source on a property that is not possessed or controlled by you.
2. You did not possess or control the hazardous substance on the property on which the discharge originated.
3. You did not cause the discharge.
4. You will not have liability under the Hazardous Substance Spill Law for investigation or remediation of the soil or groundwater contamination originating from off-site onto the Property, provided that you do not take possession or control of the hazardous substance of the property on which the discharge originated.

Exemption Conditions

The Department's determination, as set forth in this letter, are subject to the following conditions being complied with, as specified in s. 292.13(1) and (1m), Wis. Stats:

1. The facts upon which the Department based its determination are accurate and do not change.
2. You agree to allow the following parties to enter the property to take action to respond to the discharge: the Department and its authorized representatives; any party that possessed or controlled the hazardous substance or caused the discharge; and any consultant or contractor of such a party.
3. With respect to soil contamination only, you agree to take one or more specified actions directed by the Department if the Department determines that the actions are necessary to prevent an imminent threat to human health, safety or welfare or to the environment, after the Department has made a reasonable attempt to notify the party who caused the hazardous substance discharge about that party's responsibilities to investigate and clean up the discharge.
4. You agree to avoid any interference with action undertaken to respond to the discharge and to avoid actions that worsen the discharge.
5. You agree to any other condition that the Department determines is reasonable and necessary to ensure that the Department and any other authorized party can adequately respond to the discharge.

The Department may revoke the determinations made in this letter if it determines that any of the requirements under sections 292.13(1) or (1m), Wis. Stats., cease to be met.

Future property owners are eligible for the exemption under section 292.13, Wis. Stats., if they meet the requirements listed in that statute section. The determinations in this letter regarding a liability exemption, however, only apply to you, and may not be transferred or assigned to other parties. The Department will provide a written determination to future owners of this property, if such a determination is requested in accordance with the requirements of section 292.13(2), Wis. Stats.

If you have any questions or concerns regarding this letter, please contact me at (608) 275-3303 or Attorney Judy Ohm at (608) 266-9972.

Sincerely,



Michael Schmoller
Hydrogeologist

Cc: Judy Ohm Legal/5
Percy Mather RR/3