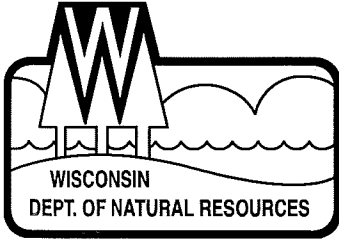


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**State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES**

Jim Doyle, Governor  
Scott Hassett, Secretary  
John Gozdzialski, Regional Director

Antigo Service Center  
223 E Steinfest Rd  
Antigo, Wisconsin 54414  
Telephone 715-623-4190  
FAX 715-623-6773

March 24, 2005

Dominic J. Guiffre  
Manager, Northwoods Adventure Properties L. L. C.  
6635 South 13<sup>th</sup> Street  
Milwaukee, WI 53221

Subject: Responsible Party Letter  
Former Minocqua Cleaners  
8576 HWY 51 North, Minocqua, Wisconsin  
WDNR BRRTS # 02-44-000113

Dear Mr. Guiffre:

Based on Oneida County records, you purchased the Former Minocqua Cleaners property in Minocqua, Wisconsin from Gerome Burdick through a Sheriff's sale on January 29, 1998. As you are aware, perchloroethylene and other related dry cleaner contaminants had been detected on the property you purchased and identified above. Based on the information available 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.

This letter describes your legal responsibilities, explains the case history and steps WDNR expects you to complete to investigate and clean up the contamination, provides you with general information about cleanups and informs you of our intentions regarding enforcement of the spills law.

**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 should 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.

### **Case History and Steps to Take:**

As you are aware, the WDNR has been attempting to provide you with assistance in your effort to investigate and potentially remediate the subject property and adjacent properties that have been impacted by the former operations of the dry cleaner facility. Both soil and groundwater contamination has been documented. Your application for participation in the WDNR Dry Cleaners Environmental Response (DERP) fund was approved by WDNR on June 24, 2003. We approved your consultant's October 6, 2004 Phase 1 Scope of Work and Timetable for completion of a site investigation by our letter of November 12, 2004. In that letter, we also advised you that you must obtain a signed agent agreement with Jack Mahoney to become fully eligible for reimbursement of investigation and cleanup costs from the DERP fund. Your eligibility or ineligibility for this fund does not relieve you of any of your responsibilities under the spills law. We also advised you and your consultant of the need to obtain access agreements from the adjacent property owners to enable you to conduct the appropriate investigate/remediation. To date, you have not obtained the agent agreement or property access agreements.

In light of the case history and current status of the investigation process, we are requesting that you obtain the appropriate access agreements and initiate the approved investigation plan within 30 days of the date of this letter. If you can not obtain the access agreements after pursuing the appropriate avenues with due diligence, the WDNR may be able to provide you with assistance in obtaining a court order for the access. Due diligence in our opinion would involve making personal contacts with Jack Mahoney and/or contracting with Jack Mahoney's attorney to coordinate processing of the agent and access agreement. This expectation also applies to other property owners that need to provide access agreements.

### **General Information:**

- Sites where discharges to the environment have been reported are entered into the Bureau for Remediation and Redevelopment Tracking System (BRRTS), a version of which appears on the WDNR's internet site. You may view the information related to your site at any time (<http://www.dnr.state.wi.us/org/aw/rr/brrts>) and use the feedback system to alert us to any errors in the data.
- 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.

- Information on the DERP program can be obtained from the following RR web site:  
<http://www.dnr.state.wi.us/org/aw/rr>.

**Enforcement:**

Your failure to properly address the spill law responsibilities or our requests for specific actions outlined in this letter may result in the initiation of an enforcement action.

Please feel free to contact me at 715-365-8941 if you have any questions about your responsibilities under the spills law or our expectations for next actions.

Sincerely,



Charles L. Weister  
Remediation & Redevelopment Program

cc: Mafizul Islam, Sigma Environmental Services, Inc., 1300 West Canal Street,  
Milwaukee, WI 53233