



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

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

Northern Region Headquarters
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October 24, 2005

File Ref. 4190
CASETRACK#: 2005-NOEE-055

Ms. Nicholette Reinhardt
Reinhardt Law Office, LLC.
445 West Oklahoma Ave.
Milwaukee, WI 53207

Subject: Former Minocqua Cleaners Case

Dear Ms. Reinhardt:

During our phone conversation on October 7, 2005 you had some questions which I agreed to follow-up on. It is the Department's understanding and position that Sharon Crain is not the legal owner of the neighboring property to the former Minocqua Cleaners site. Mr. Mahoney bought the Sharon Crain property on land contract. Although Mr. Mahoney defaulted on the land contract, he remains the equitable owner (vendee) and retains equitable title until a circuit court enters into an order confirming the land contract vendee's default. Therefore you do not need an access agreement from Sharon Crain, but you still need the access/agent agreement from Mr. Mahoney.

At this time the Department will not be pursuing Sharon Crain as a responsible party, because she is not the legal owner of the neighboring property. Also, the Department is aware of some of the areas where Mr. Mahoney disposed of his dry cleaning waste. Groundwater flow has been determined to be flowing southeast. Based on our information, the major sources of the contamination are on the site of the former dry cleaners and migrating/flowing offsite into/onto neighboring properties. Mr. Giuffre became responsible for the investigation and clean-up of the contamination when he bought the former Minocqua Cleaners property on January 29, 1998.

Also, please be aware that the DERP fund will only be available to Mr. Giuffre, through then agent/access agreement, as long as Mr. Mahoney is living. Once Mr. Mahoney dies the agreement is no longer valid, so it is imperative that Mr. Giuffre obtain this agreement and complete all necessary activities per his responsibility under the spill law, if he wants to receive DERP funding.

Mr. Giuffre's eligibility or ineligibility for the DERP fund and whether or not he receives funding does not relieve him of any of his responsibilities under the spills law. The Department expects Mr. Giuffre to proceed with the investigation and cleanup of the contamination. Please provide us with documentation of all of Mr. Giuffre's efforts to obtain Mr. Mahoney's signature on the agent/access agreement. This information may be needed for the Department to secure access through a court order if Mr. Giuffre is not successful in obtaining the access agreement in a reasonable period of time.

I hope I have answered all of your questions in this matter. If you have any questions concerning this letter, please contact me at (715) 365-8935.

Sincerely,

A handwritten signature in black ink, appearing to read "Michelle DeBrock-Owens". The signature is fluid and cursive, with the first name being the most prominent.

Michelle DeBrock-Owens
Environmental Enforcement Specialist

c: Enforcement File, Rhinelander
CASETRACK File, Rhinelander
Chuck Weister, Rhinelander
John Robinson, Rhinelander