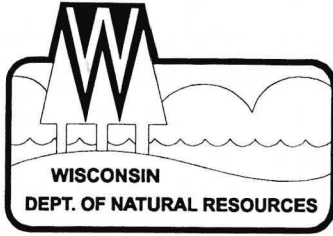


→ Jim KRALICK - PAK FALLS



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Tommy G. Thompson, Governor
George E. Meyer, Secretary
William H. Smith, Regional Director

Northern Region Headquarters
107 Sutliff Ave.
Rhineland, Wisconsin 54501
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December 13, 1999

NOR UID # 02-16-000144

Ron & Karen Geegan
1818 Banks Street
Superior, WI 54880

SUBJECT: Former Clothes Basket Property, 1917 Tower Avenue, Superior, WI

Dear Mr. & Mrs. Geegan:

On October 27, 1994, the Department of Natural Resources - Remediation and Redevelopment Program was notified by the Wisconsin Department of Transportation that chlorinated hydrocarbon (tetrachloroethylene, a dry cleaning solvent) contamination was discovered during a Phase II Environmental Assessment within the Tower Avenue right-of-way adjoining the above-referenced property. A March 30, 1998 report detailing a Phase II Environmental Site Assessment conducted for the Northwest Regional Planning Commission, confirmed the presence of chlorinated hydrocarbon contamination on the Former Clothes Basket property.

Based on this information and our understanding that you are now the owners of the above-referenced property, the Department believes that you have a responsibility to restore the environment at this site to the extent practicable under Section 292.11(3), Wis. Stats., also known as the hazardous substances spills law. 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 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, and working cooperatively with the Department of Natural Resources.

Legal Responsibilities:

Your legal responsibilities are defined both in statute and in administrative rules. The Wisconsin Supreme Court has held that a property owner who did not cause the original release of a substance to the environment can still be held responsible under the spill statute because they "possess or control" hazardous substances on their property that are continuing to discharge to the environment (*State vs. Mauthe*, 123 Wis. 2d 288, 366 N.W.2d 871 [1985]). 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 NR 140 establishes groundwater standards.

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 to neighboring properties and reduce your costs in investigating and cleaning up the contamination. To ensure that your cleanup complies with Wisconsin's laws and rules, you should hire a professional environmental consultant who understands what needs to be done. The following are the first four steps to take:

1. Within thirty (30) days, 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. Within sixty (60) days, your consultant should submit a workplan and a schedule for conducting the investigation. The consultant must follow the Department's administrative rules and our technical guidance documents. Please include with your workplan a copy of any previous information that has been completed for your site (such as an underground tank removal report, or a preliminary soil excavation report).
3. Please keep us informed of what is being done at your site. You or your consultant should provide us with a brief report at least every 90 days, starting after your workplan is submitted. These quarterly 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, please note that should conditions at your site warrant, you may receive a letter requiring more frequent contacts with the Department. You will also receive one annual site status report form in February.
4. When the site investigation is complete, your consultant must submit a full report on the extent and degree of soil and groundwater contamination that complies with the requirements of ch. NR 716 and a proposal for cleaning up the contamination that complies with the requirements of ch. NR 722.

Since some investigation activities have already been conducted at the subject property, the above steps may be slightly modified. Furthermore, since it has already been determined that the tetrachloroethylene contaminated soil present in the subsurface would likely be classified as a hazardous waste, your clean up options may be limited. As has been informally discussed with you, you may be able to demonstrate compliance with Section 292.11(3) Wisconsin Statutes by limiting surface water infiltration and potential future groundwater impacts, and by limiting direct-contact to the contaminated soil. This may be most

readily accomplished by installing a surface seal such as asphalt or concrete above the contaminated soil as a "soil performance standard."

Due to the number of contaminated sites and our staffing levels, we will be unable to respond to each report. To maintain your compliance with the spills law and chs. NR 700 through NR 728, do not delay the investigation and cleanup by waiting for DNR responses. We have provided detailed technical guidance to environmental consultants. Your consultant is expected to be familiar with our technical procedures and administrative codes and should be able to answer your questions on meeting Wisconsin's cleanup requirements.

Your correspondence and reports regarding this site should be sent to the Department at the following address: Danielle Lancour, Wisconsin Department of Natural Resources, 107 Sutliff Ave., Rhineland, WI 54501. Unless otherwise requested, please send only one copy of all plans and reports.

Information for Site Owners:

Enclosed is a list of environmental consultants and some important tips on selecting a consultant. Also enclosed are materials on controlling costs, understanding the cleanup process, and choosing a site cleanup method. This information has been prepared to help you understand your responsibilities and what your environmental consultant needs to do. Please read this information carefully.

If you are interested in obtaining the protection of limited liability under s. 292.15, Stats., please contact Mark Giesfeldt at (608) 267-7562 or Darsi Foss at (608) 267-6713, in the Department of Natural Resources' Madison office for more information. The liability exemption under s. 292.15 Stats., is available to persons ("volunteer parties") who submit an application, pay the required fees, and receive Department approval for the response actions taken at the property undergoing cleanup. The Department will determine eligibility for this program on a case-by-case basis, prior to the "voluntary party" developing a scope of work for conducting a ch. NR 716 site investigation at the property.

If you have administrative questions (file and data management), please call Danielle Lancour at (715) 365-8986. If you have technical questions (science, code interpretation, remediation), please call Jim Kralick at (715) 762-4684, ext. 115.

Thank you for your cooperation.

Sincerely,



Danielle Lancour
Remediation and Redevelopment Program

Enclosures

cc: File
Linda Meyer, DNR-Madison, LS/5
Jim Hosch, DNR-Superior, R & R
Dave Kafura, DNR-Spooner, Solid Waste
Dan Boardman, DNR-Rhineland, R & R/Brownfields

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