



September 30, 2022

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

MS KAREN GEEGAN
5 WHITE BIRCH DR
SUPERIOR WI 54880

SUBJECT: Notice of Non-Compliance: Action Required by November 29, 2022
Continuing Obligations Associated with the Former Clothes Basket/Jack's Place Site
1917 Tower Avenue, Superior, Wisconsin
DNR BRRTS Activity #02-16-000144, DNR FID #816012780

Dear Ms. Geegan,

This letter is to notify you that the Department of Natural Resources (DNR) believes you are out of compliance with Wisconsin Statutes (Wis. Stat.) chapter 292 and Wisconsin Administrative Code (Wis. Admin. Code) chapters NR 700 through NR 799. On December 13, 1999, the DNR notified you of your responsibilities to investigate the degree and extent of contamination and clean up the above-referenced Site. That letter is attached for your reference.

Site Background:

The property located at 1917 Tower Avenue in Superior, Wisconsin (Site) was the former location of various businesses, including a drycleaner operated by multiple owners, and a restaurant. A hazardous substance discharge at the Site was reported to the DNR on October 27, 1994, and the Site was assigned Bureau of Remediation and Redevelopment Tracking System (BRRTS) Activity #02-16-000144 and a facility identification number (FID) of 816012780.

According to the DNR's case file and records from the Douglas County Register of Deeds, Douglas County acquired ownership of the property in 1995 due to tax delinquency. In June 1996, you purchased the property at auction from the County. As owner of the property, you are in control of the discharged hazardous substances and are therefore responsible for the discharged hazardous substances or other environmental pollution (hereafter referred to as "contamination") at the above-described Site. "Site" refers to the property where the contamination occurred and any other property it has migrated to, as defined in Wisconsin Administrative Code ("Wis. Admin. Code") § NR 700.03(56).

Wisconsin Statutes (Wis. Stats.) § 292.11(3), also known as the hazardous substance spill law, defines responsibility associated with the discharge of a hazardous substance. Wis. Stats. § 292.11(3), 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.

On November 26, 2003, a meeting was held with the DNR and City of Superior officials in an attempt to encourage you to proceed with investigation activities to determine if the Site could be closed or if additional remedial work was needed to address contamination. Following the meeting, the DNR sent you a letter dated January 7, 2004, advising that the Site did not meet the requirements for closure and requesting a workplan detailing additional proposed work.

Due to the lack of action taken at the Site, the DNR issued you a Notice of Violation (NOV) letter dated August 18, 2004, which is attached for your reference. The letter stated that an Enforcement Conference had been scheduled at the DNR Superior Office to discuss the actions necessary to return the Site to compliance. On September 2 and October 7, 2004, you met with DNR personnel to discuss your responsibilities outlined in the August 18 NOV letter. During the meetings, you agreed to retain Norther Environmental Technologies, Inc. as your consultant and proceed with a site investigation.

Site Closure:

In April 2006, after investigation activities had been completed at the Site, the DNR reviewed a request for case closure and recommended that closure be approved with the following continuing obligations (CO):

- Listing of the Site on the GIS Registry due to residual groundwater contamination
- Listing of the Site on the GIS Registry due to residual soil contamination
- A deed restriction is recorded for the property for a structural impediment

Deed Restriction – Structural Impediment:

The former Clothes Basket building was deemed a structural impediment at the Site, as the building's location physically inhibited the ability to investigate any potential soil and/or groundwater contamination located underneath the structure. To comply with state law and administrative codes in place at the time, closing the site with a structural impediment required a deed restriction be recorded. The purpose of the deed restriction is to require the property owner to conduct investigation activities to define the degree and extent of residual contamination at the Site if the structural impediment is ever removed from the property. A deed restriction also alerts any potential purchaser of the property to the contamination and COs associated with the Site.

On April 21, 2006, the DNR sent you a case closure denial letter that stated closure was not approved because a deed restriction had not been provided to the DNR, which was required to comply with state laws in place at that time. The letter went on to explain that for the Site to be closed, the DNR required that a deed restriction be signed and recorded with the Douglas County Register of Deeds, to address residual soil contamination.

In June 2006, the required deed restriction was recorded with Douglas County as Document Number 796422. The deed restriction states that the structural impediment existing at the time of cleanup made complete remediation of the soil contamination impracticable, and if removed, the property owner shall conduct an investigation to determine the degree and extent of contamination. Following the recording of the deed restriction in 2006, you received a final case closure letter from the DNR, dated September 13, 2007, which informed you that because the deed restriction had been recorded, the DNR considered the case closed and no further investigation or remediation would be required at that time. The case closure denial letter, final case closure letter, and deed restriction (Douglas County Document Number 796422) are attached for reference.

Current Conditions:

On May 4, 2022, DNR Project Manager Grant Neitzel spoke with you via telephone about performing a CO review for the Site. Prior to conducting a physical inspection of the Site, Mr. Neitzel discussed the structural impediment CO, as he noticed while conducting a similar review at a nearby site that the building formerly present at the Site had been removed. You indicated some sort of sampling had been performed, and was possibly

related to asbestos in the razed structure. Mr. Neitzel inquired about any soil samples being collected after the building had been demolished, and explained that sampling was required due to the deed restriction that had been recorded for the property when the Site was closed by the DNR. Mr. Neitzel asked if you had any documentation regarding demolition activities, to which you responded that you would check into the matter. Mr. Neitzel asked permission to walk the property to take photographs, and explained that in the week or so following the CO review, he would contact you regarding any soil sampling documentation that you may have located.

Following the CO review in early May, Mr. Neitzel contacted you by phone on May 19, 2022, to inquire about sampling that had been performed after the former on-site building had been razed. You stated that no sampling documentation had been located, and Mr. Neitzel then informed you he would be following up with a letter detailing how to bring the Site back into compliance.

Notice of Non-Compliance:

Closure of the site was granted by meeting the requirements of Wis. Admin. Code § NR 726. The authority to set site-specific continuing obligations for closure associated with the structural impediment is established by Wis. Admin. Code § NR 726.15(2)(f). The authority to prohibit certain activities at the Site is derived from Wis. Admin. Code § NR 726.13(1)(c). Notification for removal of a building serving as a structural impediment is required by Wis. Admin. Code § NR 727.07(2).

The former Clothes Basket building was removed from the Site, and notification for this activity was not provided to the DNR. Additionally, the DNR is unaware of any soil sampling being completed to define the degree and extent of residual soil contamination after the structural impediment was removed from the Property, as was required by the deed restriction recorded as a condition of case closure. Based on the available information, these required activities were not completed; therefore, the Site does not appear to be in compliance with Wis. Admin. Code § NR 726.13(1)(c) and § NR 727.07(2).

Actions Needed:

To achieve compliance with Wis. Admin. Code chs. NR 700 through 799, the following must be addressed:

- Conduct an investigation to define the degree and extent of residual soil contamination at the Site previously impeded by the former building, per the requirements of Wis. Admin. Code ch. NR 716.
- Complete an assessment of potential vapor intrusion for construction of a building over residual soil or groundwater contamination by volatile compounds, including where a building did not exist at closure, but where construction of a building without adequate vapor control may result in a completed exposure pathway per Wis. Admin. Code § NR 727.07(6).
- A post-closure modification must be requested using DNR Form 4400-237 and must be accompanied by the appropriate fees.

Additionally, the DNR is requesting that you submit any information (documentation, plans, soil sampling laboratory reports, etc.) that you may have related to the demolition of the former Clothes Basket building.

The above-required work must be performed under direction of a qualified professional, per the requirements of Wis. Admin. Code ch. NR 712. Within the next 60 days, by **November 29, 2022**, please verify that a consultant has been retained to address the actions needed at the Site.

The DNR appreciates the cooperation that you have shown to this point, and we look forward to working with you to correct the compliance issues at the Site. If you have any questions, please contact DNR Project Manager Grant Neitzel by phone at (715) 919-7238 or email at Grant.Neitzel@wisconsin.gov. You can also contact me at (715) 208-4004 or by email at Christopher.Saari@Wisconsin.gov.

Sincerely,

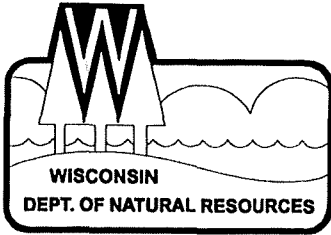


Christopher A. Saari
Northern Region Team Supervisor
Remediation and Redevelopment Program

Enclosures:

- Responsible Party Letter, DNR, December 13, 1999
- Notice of Violation and Enforcement Conference Letter, DNR, August 18, 2004
- Case Closure Denial Letter, DNR, April 21, 2006
- Final Case Closure Letter, DNR, September 13, 2007
- Deed Restriction - Douglas County Document Number 796422

→ Jim KRALICK - PAEK 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
Telephone 715-365-8900
FAX 715-365-8932
TDD 715-365-8957

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., Rhinelander, 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,

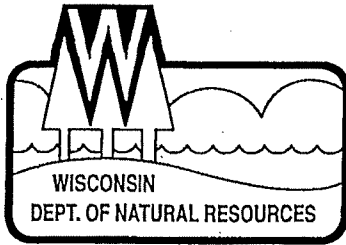

Danielle Lancour
Remediation and Redevelopment Program

Enclosures

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

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DEC 16 1999
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DEC 17 1999
DNR-SUPERIOR



02-15
State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

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

Northern Region Headquarters
810 W. Maple Street
Spooner, Wisconsin 54801
Telephone 715-635-2101
FAX 715-635-4105
TTY Access via relay - 711

August 18, 2004

Casetrack# 2004-NOEE-073

Ron and Karen Geegan
Campus Clothes Basket
2405 Wyoming Avenue
Superior, WI 54880

Subject: **NOTICE OF VIOLATION AND ENFORCEMENT CONFERENCE**

Dear Mr. and Mrs. Geegan:

In late 1994 the Department of Natural Resources (Department) was notified of dry cleaning contamination which originated from Campus Clothes Basket formerly located on your property at 1917 Tower Avenue, Superior, Wisconsin. The contamination was discovered by a DOT investigation conducted for improvements to Highway 35. At the time of the investigation soil samples for volatile organic compounds were collected from in front of the property. Cis-1,2-dichloroethene, tetrachloroethene, and trichloroethylene were detected in soil.

On December 13, 1999, the Department sent a letter advising you of your responsibility to address the contamination. The letter requested that you hire a qualified environmental consultant and have the selected consultant submit a site investigation workplan to the Department within 60 days of your receiving that letter. You were also advised that investigation and cleanup of the property were required to comply with s. 292.11(3), Hazardous Substance Spills Responsibility, Wisconsin Statutes, which states:

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 this state.

On November 26, 2003 a meeting was held with the department and City of Superior Officials in an attempt to encourage you to proceed with completion of a monitoring investigation to determine if the site could be closed out or if additional remedial work is needed to remove the chemical contamination.

On January 7, 2004 the Department send a letter advising that the site did not meet standards for closure and requested a workplan for further work.

On January 14, 2004, Mrs. Geegan called the Department. At that time, Mrs. Geegan stated to Jim Hosch that she would look into how it would affect you business financially before proceeding. Mrs. Geegan stated that she would get back to Mr. Hosch. The Department has not heard from Mrs. Geegan since that time.

The Department believes that your failure to hire a qualified environmental consultant and submit a site investigation work plan as requested in the December 13, 1999 letter is failure to take appropriate action. Therefore, the Department alleges that you are in violation of s. 292.11(3), Wis. Stats.

An Enforcement Conference has been scheduled for September 1, 2004 at the Superior DNR Service Center at 1401 Tower Avenue, Superior, Wisconsin for 1:30 p.m. to discuss what actions are necessary to return this spill site to compliance with the hazardous substance spills law. Please feel free to bring along any reports and or sampling information that you have that may be important toward resolving this matter.

Please be advised that violations of s. 292.11(3), Wis. Stats., are enforceable under s. 299.97, Wis. Stats., which provides for forfeitures of not more than \$5,000 for each violation with each day of continuing violation being a separate offense.

If you have any technical questions about investigation and cleanup activities at Campus Clothes in Superior, please contact Jim Hosch (715) 392-0802. If you have any questions or are unable to attend the enforcement conference as scheduled, please contact me at (715) 635-4069.

Sincerely,



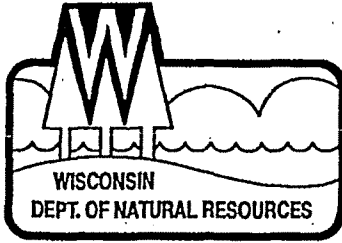
Michael V. Michaelson
Environmental Enforcement Specialist

cc: Jim Hosch - Superior
John Robinson - Rhinelander

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AUG 23 2004

DNR-SUPERIOR



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

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

Superior Service Center
1401 Tower Ave
Superior, Wisconsin 54880
Telephone 715-392-7998
FAX 715-392-7993
TTY Access via relay - 711

April 21, 2006

Mrs. Karen Geegan
2405 Wyoming Ave
Superior, WI 54880

Subject: Case Closure Denial for Campus Clothes Basket
1917 Tower Ave, Superior, Wisconsin
WDNR BRRTS Activity # 02 -16-000144

Dear Mrs. Geegan:

On April 6, 2002, the Northern Region Case Closure Committee reviewed your request for closure of the case described above. The Northern Region Case Closure Committee reviews environmental remediation cases for compliance with state rules and statutes to maintain consistency in the closure of these cases. After careful review of your closure request, the closure committee has denied closure because additional requirements must be met. The purpose of this letter is to inform you of the remaining requirements for obtaining closure, and to request your written response within 60 days of receiving this letter.

Your site was denied closure because no deed restriction was provided, which is required in order to comply with state law and administrative codes. It appears your site has been investigated and remediated to the extent necessary and practical under existing conditions, and may be eligible for case closure if certain minimum closure requirements are met. Once you complete the tasks below, your site will be reconsidered for closure.

To close this site, the Department requires that a deed restriction be signed and recorded to address remaining soil contamination associated with the site. You can find a model deed restriction on our web site at <http://www.dnr.state.wi.us/org/aw/rr/technical/index.htm>. This section of our web site includes a link labeled "Institutional Controls Guidance," which leads to an electronic copy of PUB_RR_606, "Guidance on Case Close Out and the Requirements for Institutional Controls and VPLE Environmental Insurance." This guidance document includes a model deed restriction that you should use to satisfy this closure requirement. Other helpful information on deed restrictions may also be accessed on

this web page. However, if you are unable to obtain this from our web site, please contact me and I will send you a copy of an applicable model deed restriction.

The purpose of a deed restriction at this site is to require that the property owner investigate the degree and extent of residual contamination that is currently inaccessible, if and when structural impediments that currently exist on the property are removed. (See Option 1 in the model deed restriction in the appendix of PUB-RR_606.)

You will need to submit a draft deed restriction to me for review and Department approval, before the deed document is signed and recorded. To assist us in our review of the draft deed restriction, you must also submit a copy of the property deed (and certified survey map or relevant portion of the recorded plat map if referenced in the deed). After the Department has reviewed and approved the draft document for completeness, you will need to sign it if you own the property, or have the appropriate property owner sign it, and have it recorded by the Douglas County Register of Deeds. **Then you must submit a copy of the recorded document, with the recording information stamped on it, to me within 30 days of receiving the final, approved deed document from the Department.** Please be aware that if a deed restriction is recorded for the wrong property because of an inaccurate legal description or parcel identification number that you have provided, you will be responsible for recording corrected documents at the Register of Deeds Office.

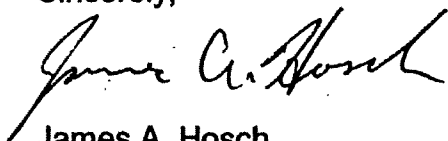
The monitoring well at the site must be properly abandoned in compliance with ch. NR 141, Wis. Adm. Code. Documentation of well abandonment must be submitted to James A. Hosch on Form 3300-5B found at www.dnr.state.wi.us/org/water/dwg/gw/ or provided by the Department of Natural Resources. **NOTE: MONITORING WELLS SHOULD BE ABANDONED ONLY IF ALL OTHER REQUIREMENTS OF CLOSURE ARE MET.**

When all the above requirements have been satisfied, please submit a letter, together with any required documentation, to let me know that applicable requirements have been met. Your site will be listed on the DNR Remediation and Redevelopment GIS Registry of Closed Remediation Sites. Information that was submitted with your closure request application will be included on the GIS Registry. To review the sites on the GIS Registry web page, visit <http://maps.dnr.state.wi.us/brrts>.

Note: case closure will be approved only if all the above requirements have been satisfied, including submitting the required documentation to the Department. **Please satisfy these requirements within 60 days of the date of this letter. If these requirements have not been met your site will remain "open" and additional remedial actions may be necessary by you to eliminate the need for these requirements.**

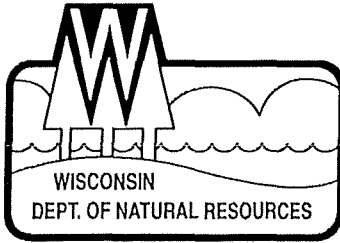
We appreciate your efforts to restore the environment at this site. If you have any questions regarding this letter, please contact me at 715-392-0802.

Sincerely,



James A. Hosch
Hydrogeologist
Bureau for Remediation & Redevelopment

cc: ~~Janet Kazda, Rhineland~~
Hollie DePuydt, Northern Environmental,
330 South 4th Avenue, Park Falls, Wisconsin 54552



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor
Matthew J. Frank, Secretary
John Gozdziwski, Regional Director

Ashland Service Center
2501 Golf Course Road
Ashland, Wisconsin 54806
Telephone 715-685-2900
FAX 715-685-2909

September 13, 2007

FILE COPY

MRS KAREN GEEGAN
2405 WYOMING AVE
SUPERIOR WI 54880

Subject: Final Case Closure
Former Clothes Basket Site, 1917 Tower Avenue, Superior
WDNR BRRTS #02-16-000144

Dear Mrs. Geegan:

I am writing in regard to the status of the above named case. The Department of Natural Resources' Northern Region Remediation and Redevelopment Program reviewed a closure request for this case on April 6, 2006. It was determined at that time that closure could not be approved because a deed restriction had not been recorded to address inaccessible soil contamination. You were informed of this determination in a letter dated April 26, 2006.

A recent review of the file for this case indicates that you did in fact complete the recording of the deed restriction on June 2, 2006. The Department received from Northern Environmental documentation of this action as well as the abandonment of the site monitoring well on June 19, 2006. However, it appears that a final closure letter was not issued following receipt of this documentation.

Based on the correspondence and data provided, it appears that your case meets the requirements of ch. NR 726, Wisconsin Administrative Code. The Department considers this case closed and no further investigation or remediation is required at this time.

Please be aware that this case may be reopened pursuant to s. NR 726.09, Wisconsin Administrative Code, if additional information regarding site conditions indicates that contamination on or from the site poses a threat to public health, safety or welfare, or the environment.

Your site will be listed on the Department's GIS Registry of Closed Remediation Sites. Information that was submitted with your closure request application will be included on the GIS Registry. To review the sites on the GIS Registry web page, visit <http://dnr.wi.gov/org/aw/rr/gis/index.htm>. If your property is listed on the GIS Registry because of remaining contamination and you intend to construct or reconstruct a well, you will need prior Department approval in accordance with s. NR 812.09(4)(w), Wis. Adm. Code. To obtain approval, Form 3300-254 needs to be completed and submitted to the DNR Drinking and Groundwater program's regional water supply specialist. This form can be obtained on-line <http://www.dnr.state.wi.us/org/water/dwg/3300254.pdf> or at the GIS Registry web address listed above.

Mrs. Karen Geegan – September 13, 2007
Page 2

If you have any questions concerning this letter or the project in general, please do not hesitate to write or call me at 715-685-2920. I can also be reached by e-mail at Christopher.Saari@Wisconsin.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Christopher A. Saari". The signature is written in a cursive style with a large initial 'C'.

Christopher A. Saari
Hydrogeologist

cc: Hollie DePuydt – Northern Environmental
Anna Kazda – DNR Rhinelander

796422

Document Number

DEED RESTRICTION

DOCUMENT # 796422

Declaration of Restrictions

In Re: Lots Eight (8) and Nine (9), Block One Hundred Ninety-six (196), West Superior Seventh (7th) Division, City of Superior.

Certified, Filed and or Recorded on
JUNE 02, 2006 AT 02:30PM
KATHY F. HANSON
DOUGLAS COUNTY RECORDER
SUPERIOR, WI 54880-2769
Fee Amount: \$15.00

Recording Area

Name and Return Address

Ronald E. Geegan

Karen Geegan

2405 Wyoming Avenue

Superior, WI 54880

150a

STATE OF WISCONSIN)
) ss
COUNTY OF Douglas)

WHEREAS, Ronald E. Geegan and Karen Geegan
are the owners of the above-described property.

07-807-00793-00
Parcel Identification Number

WHEREAS, one or more **chlorinated** discharges have occurred on this property, and as of **March 23, 1998 and June 05, 2000** when soil samples were collected on this property, **cis-1,2-dichloroethene, tetrachloroethene, trichloroethene, and vinyl chloride** contaminated soil remained on this property at the following location: under the building and directly south and east of the building (see attached Figure 2). Cis-1,2-dichloroethene contaminated soil remains at the locations of P-8 at a concentration of 67 micrograms per kilogram ($\mu\text{g}/\text{kg}$), P-9 at a concentration of 30 $\mu\text{g}/\text{kg}$, and SB-3 at a concentration of 53 $\mu\text{g}/\text{kg}$. Tetrachloroethene contaminated soil remains at the locations of P-8 at a concentration of 6 $\mu\text{g}/\text{kg}$, HA-11 at a concentration of 6 $\mu\text{g}/\text{kg}$, and HA-12 at concentrations of 10 $\mu\text{g}/\text{kg}$ at 1 foot below grade (fbg) and 7 $\mu\text{g}/\text{kg}$ at 4 fbg. Trichloroethene contaminated soil remains at location P-8 at a concentration of 15 $\mu\text{g}/\text{kg}$. Vinyl chloride contaminated soil remains at location P-8 at a concentration of 43 $\mu\text{g}/\text{kg}$.

WHEREAS, it is the desire and intention of the property owner to impose on the property restrictions which will make it unnecessary to conduct further soil remediation activities on the property at the present time.

NOW THEREFORE, the owner hereby declares that all of the property described above is held and shall be held, conveyed or encumbered, leased, rented, used, occupied and improved subject to the following limitation and restrictions:

Structural impediments existing at the time of cleanup, **the building**, made complete **remediation** of the soil contamination on this property impracticable. If the structural impediments on this property that are described above are removed, the property owner shall conduct an investigation of the degree and extent of [type of contaminant] contamination. To the extent that contamination is found at that time, the **Wisconsin Department of Natural Resources** shall be immediately notified and the contamination shall be properly remediated in accordance with applicable statutes and rules. If currently inaccessible soil near or beneath the structural impediments on the property is excavated in the future, the soil must be sampled and analyzed, may be considered solid or hazardous waste if residual contamination remains and must be stored, treated and disposed in compliance with applicable statutes and rules.

This restriction is hereby declared to be a covenant running with the land and shall be fully binding upon all persons acquiring the above-described property whether by descent, devise, purchase or otherwise. This restriction inures to the benefit of and is enforceable by the Wisconsin Department of Natural Resources, its successors or assigns. The Department, its successors or assigns, may initiate proceedings at law or in equity against any person or persons who violate or are proposing to violate this covenant, to prevent the proposed violation or to recover damages for such violation.

Any person who is or becomes owner of the property described above may request that the Wisconsin Department of Natural Resources or its successor issue a determination that one or more of the restrictions set forth in this covenant is no longer required. Upon the receipt of such a request, the Wisconsin Department of Natural Resources shall determine whether or not the restrictions contained herein can be extinguished. If the Department determines that the restrictions can be extinguished, an affidavit, attached to a copy of the Department's written determination, may be recorded by the property owner or other interested party to give notice that this deed restriction, or portions of this deed restriction, are no longer binding.

IN WITNESS WHEREOF, the owner of the property has executed this Declaration of Restrictions, this 2 day of June, 2006.

Signature: *Karen E. Geegan*
 Printed Name: Karen Geegan Ronald E Geegan

Subscribed and sworn to before me this 2nd day of June, 2006

Junda Holmquist
 Notary Public, State of WI

my co

My commission expires 3/29/09

This document was drafted by Northern Environmental based on a model deed restriction provided by the Wisconsin Department of Natural Resources.