



November 2, 2023

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Ronald and Karen Geegan
5 White Birch Drive
Superior, WI 54880

Subject: **Status Update Request**
Clothes Basket/Jack's Place, 1917 Tower Avenue, Superior, Wisconsin 54880
DNR BRRTS Activity # 02-16-000144
DNR FID # 816012780

Dear Ronald and Karen Geegan:

On December 13, 1999, the Wisconsin Department of Natural Resources (DNR) notified you of your legal responsibilities under Wisconsin Statute (Wis. Stat.) § 292.11 to investigate the degree and extent of the hazardous substance discharge at the Clothes Basket/Jack's Place site (Site) referenced above. In early May 2022, the DNR performed a continuing obligation review at the Site, during which it was noted that a structural impediment (i.e., the former Clothes Basket building) had been removed from the property; therefore, the Site was not in compliance with the continuing obligations in place at the time of closure, which included a deed restriction recorded for the property for a structural impediment. Because of this, the DNR issued you a Notice of Non-Compliance (NON), dated September 30, 2022, in which the DNR gave you a deadline of November 29, 2022, to retain a consultant to address the issues needed to bring the Site into compliance. In the NON, the DNR specified the following items to be addressed to comply with your responsibilities under Wisconsin Statute and Administrative Code:

- Conduct an investigation to define the degree and extent of residual soil and groundwater contamination at the Site previously impeded by the former building, per the requirements of Wisconsin Administrative (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. Adm. 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.

To date, the DNR has not received any information in response to the September 30, 2022, NON letter indicating that you intend to comply with your legal obligations. Due to your lack of action, on October 17, 2023, DNR Environmental Enforcement Specialists held a consultation with Remediation and Redevelopment Program staff to discuss enforcement actions. **This letter is the final attempt to secure voluntary compliance with the environmental cleanup requirements under Wis. Stat. ch. 292. If no progress is made, the DNR intends to initiate enforcement actions.** The DNR requests that within 14 days, by November 16, 2023, you reply in writing with your intentions regarding your responsibilities under Wis. Stats. ch. 292 and Wis. Admin. Code chs. NR 700 through 799, and a detailed plan and schedule to achieve compliance.

Your legal responsibilities are defined in statute and administrative code. 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.

Previous DNR correspondence for this Site was addressed solely to Karen Geegan. However, prior to potentially proceeding with enforcement actions, the DNR verified current property ownership with the Douglas County Register of Deeds office, who confirmed that Ronald and Karen Geegan are listed as owners. Going forward, DNR correspondence for the Site will be addressed accordingly, and the DNR Bureau for Remediation and Redevelopment Tracking System (BRRTS) on the Web database has been updated to show dual ownership of the property.

The DNR appreciates your attention to this matter, and looks forward to working with you to correct the compliance issues at the Site. If you have any questions regarding the Site or this letter, please contact me by phone at (715) 919-7238 or email at Grant.Neitzel@wisconsin.gov.

Sincerely,

A handwritten signature in blue ink that reads "Grant D. Neitzel". The signature is fluid and cursive, with the first name being the most prominent.

Grant Neitzel
Hydrogeologist - Remediation & Redevelopment Program
Northern Region

cc: Christopher Saari – DNR Superior (via email)
Jennie Pelczar – DNR Oshkosh (via email)