

DIPRIMA INVESTIGATIONS

INQUIRY INTO THE HISTORY OF CHEMICAL WASTE DISPOSAL ON THE TARCO SOUTH PROPERTY ONALASKA, WISCONSIN

AUGUST 12, 2003

TABLE OF CONTENTS

Index of Exhibits	ii
Introduction	1
Investigation	1
Interviews	3
John Patrick Pettygrove (July 7, 2003).....	3
Ernest Sanders, Jr. (July 7, 2003).....	4
Theodore J. Revels (July 8, 2003)	4
Vilas Greene (June 11 and July 7, 2003)	5
Marilyn Carson (July 7, 2003)	6
Chris Carson (July 7, 2003)	6
Elaine Doyle (June 12, 2003).....	6
Daniel Doyle (July 7, 2003).....	7
Rick T. Doyle (July 7, 2003)	7
Wally Bell (July 2003)	7
Additional Information	8
Conclusion	8

INDEX OF EXHIBITS

Exhibit	Description	Reference Report Page
1	a. Plat map illustrating the site location of the Tarco South property b. Aerial photo of the L.B. White Co., Inc. and Tarco South properties	1
2	a. WDNR intra-department memorandum dated June 27, 1972 b. What appears to be Clancy Stossel's July 5, 1972 handwritten notes c. Correspondence dated August 9, 1972 from the WDNR to Mr. Tooke d. Mr. Tooke's August 11, 1972 response e. Photographs dated August 1972 of Modern Clean-Up dumping solvent	1
3	WDNR document "Tarco South Investigative History" October 16, 1998	2
4	Minutes of Onalaska Planning Commission Meetings regarding Tarco a. Plan Commission Meeting - November 26, 1996 b. Plan Commission Subcommittee Minutes - November 19, 1996 c. Plan Commission Meeting - October 22, 1996 d. Plan Commission Meeting - September 24, 1996 e. Plan Commission Meeting - September 6, 1995	2
5	a. Tarco East Plat Information b. WDNR Correspondence re: Tarco 1996 - 1998 c. Chemical Fact Sheets d. 10-21-96 Environmental Assessment Commissioned by Mr. Tooke	2
6	John Patrick Pettygrove location markings	3
7	Ernest Sanders, Jr. location markings	4
8	Theodore J. Revels location markings	5
9	Vilas Greene location markings	5
10	Marilyn Carson location markings	6
11	Chris Carson location markings	6
12	Daniel Doyle location markings	7
13	Rick T. Doyle location markings	7
14	Wally Bell location markings	8
15	Local newspaper articles regarding Tooke property	8
16	Resume of investigator Raymond DiPrima, DiPrima Investigations	8

**DiPrima Investigations
26 West 10th Street
Suite 1402
St. Paul, Minnesota 55102
651-225-9724**

**Re: Tarco South Property, Onalaska, Wisconsin
Date: August 12, 2003**

INTRODUCTION

DiPrima Investigations was retained by Fredrikson & Byron, attorneys for L.B. White Co., Inc. to investigate whether or not waste solvents were dumped on the eastern portion of a parcel of land commonly referred to as the Tarco South property in Onalaska, Wisconsin.

U.S. Highway 53 divides the Tarco South property site. The site is comprised of two separate parcels as follows: approximately 5.82 acres located at 2100 East Avenue North in the City of Onalaska (the east property), and approximately 18.48 acres located in the town of Onalaska (the west property). Both parcels are in the southeast one-quarter, Section 29, NT17 North, R7W, in La Crosse County.

INVESTIGATION

Exhibit 1 consists of two documents:

- a. Plat map illustrating the site location of the Tarco South property, discussed herein.
- b. Aerial photo of the L.B. White Co., Inc. and Tarco South properties, discussed herein.

Wisconsin Department of Natural Resources documents include a complaint in 1972 from Vilas Greene of Onalaska. Greene called the Wisconsin DNR and inquired as to whether or not Modern Clean-Up Services of La Crosse had a license to dump chemical waste along Thomas Road North, in Onalaska. As a result of the Greene complaint, WDNR Investigator Clancy Stossel inspected the Tarco South Property on July 5, 1972.

Exhibit 2 contains the following:

- a. WDNR intra-department memorandum dated June 27, 1972
- b. What appears to be Clancy Stossel's July 5, 1972 handwritten notes
- c. Correspondence dated August 9, 1972 from the WDNR to Mr. Tooke
- d. Mr. Tooke's August 11, 1972 response
- e. Photographs dated August 1972 of Modern Clean-Up dumping solvent

The current investigation included research into official State records, Polk City Directories, as well as interviews of former employees of Modern Clean-Up Service, and residents of the neighborhood.

The investigation established that Robert Tooke, doing business as Modern Clean-Up Services and Tarco, Inc., was in the ash refuse and trash removal business for generations. Since the early 1960's, the Tarco South property was used by Modern as a disposal site for chemical wastes. Prior to that time, the site was used as a hog farm.

A summary of the environmental issues related to the Tarco site was prepared by WDNR and presented at a public meeting on the subject on October 22, 1998. The document, titled "Tarco South Investigative History" is attached as **Exhibit 3** and states the following:

The Tarco South, Inc., Property was used by Robert Tooke, Modern Clean-Up Services, as a disposal Facility for waste solvents in the early 1970's. Five to six thousand gallons of waste solvents were collected monthly from local industries such as Norplex, Continental Can Company, Trane Company, and Pyrol Company transported to and disposed of on the above-referenced property by Modern Clean-Up Services. The Department received complaints from the adjacent property owners in June of 1972 relating to the dumping of waste solvents on this property. Subsequent to investigating these complaints the Department advised Modern Clean-Up Services on August 9, 1972, that disposal of waste solvents on this property should be discontinued, and an alternate disposal facility was recommended. Based on existing file documentation, it is believed that Modern Clean-Up services complied with the department's requirements and discontinued the disposal of waste solvents at the site at that time.

A July 7, 2003, interview with Jason Gilman, the City Planner for Onalaska included receipt of the official City Minutes from several meetings of the Onalaska Planning Commission relating to the Tarco South investigation history. These documents are attached to this report as **Exhibit 4**.

As part of these public meetings in 1995 through 1998, Robert Tooke testified before the Planning Commission, including an appearance on November 26, 1996. Included in the minutes of this meeting, Tooke stated, as follows:

Residents who voiced concerns do not want to see this property developed in any way. He said that there was nothing ever dumped on the eastern part of that property. He said that four or five individuals are complaining about things that might have happened twenty-five years ago, but they really do not have any knowledge of what did happen. Mr. Tooke said that the inspector doing the work for him went out to the site with the people and asked them to show him the location and that they could not find anything on this parcel. There was some residue on the west side of the property, but there was never anything dumped on this property in question.

Additional information handed out at the October 22, 1998 public meeting is attached as **Exhibit 5**.

Interviews

The aerial photograph of the Tarco South Property, circa 1972, attached to this report as *Exhibit 1b* (also referred to as "the map") was shown to area residents and former Modern Clean-Up Services truck drivers. Each was asked to individually mark on the map the location where chemical waste was dumped. Contrary to what Mr. Tooke represented to the Onalaska Planning Commission, those interviewed stated that chemical waste was dumped on the East Property as far back as 1963, and continued through August 1972.

JOHN PATRICK PETTYGROVE (July 7, 2003)
1441 Loomis Avenue
La Crosse Wisconsin 54603
608-785-7749

Pettygrove was interviewed at his home in La Crosse. Pettygrove is a retired truck driver and worked for Modern Clean-Up Services from 1961 until 1972. Most of his work, stated Pettygrove, was on the La Crosse rubbish routes.

At some point, Robert Tooke, the owner of Modern, offered Pettygrove overtime work driving a 6,000 gallon tanker loaded with chemical waste to the Tarco South Property. Pettygrove referred to this property as the Tooke hog farm. Pettygrove was shown the map of the Tarco South Property and he marked the location where he would angle his truck and open the three valve caps, allowing the 6,000 gallons of chemical waste to flow in a southeasterly direction on the property. The dumping of the chemical waste took place on the site referred to as the East Property. Pettygrove stated that his trailer would be pointed downhill and that the fluids would drain towards Thomas Road. He said the spread from this drain would be approximately a diameter of 300 feet to 200 feet. He estimated this pool of chemical waste edged to within 50 to 70 feet of Thomas Road.

Pettygrove explained that this dumping of chemical waste occurred on a monthly basis. Modern would go to La Crosse companies such as Norplex and pump 55 gallon barrels of waste into the 6,000 gallon tanker. Pettygrove stated that usually at Norplex there would be 20 to 30 barrels of waste. He estimated that at Trane Company, there would be 10 to 20 barrels per month. There would be 10 to 20 barrels of waste at the old Cooler Company (referring to the La Crosse Cooler Company).

Pettygrove explained that prior to dumping chemical waste where he did, another Modern employee, Ernie Sanders, had dumped chemicals at the site. Pettygrove thought the chemical dumping went on for at least six to seven years. He said that his brother, Clyde Pettygrove, who is now deceased, might have dumped there, as well as Mel Johnson from Sparta, and also Ted Revels.

Exhibit 6 documents the location markings of John Patrick Pettygrove.

ERNEST SANDERS, JR. (July 7, 2003)
928 Main Street
Onalaska, Wisconsin
608-783-6336

Sanders is a former mechanic and driver for Modern Clean-Up Service. Sanders stated that he took loads of chemical waste to the Tarco Property for about a year. He said that the chemicals consisted of resins and different compounds that he picked up at Norplex, and also paint and cutting oil waste from the Trane Company. He said that Modern had two 6,000 gallon tankers, but that one of the tankers became useless when the resins picked up from Norplex caused the chemicals to harden, and the material couldn't drain.

Sanders was shown the aerial photograph of the Tarco Property and he circled the locations where he dumped the solvents. The dumping of the chemical waste took place on the site generally referred to as the East Property. Sanders' recollection was that the chemicals never formed a pool because the chemicals ran downhill towards Thomas Road.

Sanders said that, as the mechanic, he was the individual who made the three big caps with handles that would be unscrewed to allow the chemicals to drain. Sanders said his policy was "unscrew and run," as there were no other shut-off valves on this tanker.

Sanders stated that he was the Modern employee at the Tarco site on the day that two DNR officials arrived and told him where to dump. This would have been in August of 1972.

Exhibit 7 documents the location markings of Ernest Sanders Jr.

THEODORE J. REVELS (July 8, 2003)
1848 Lakeshore Drive
Onalaska, Wisconsin
608-784-7213

Ted Revels is a former Modern Clean-Up Service truck driver. Revels stated that when he started working for Robert Tooke and Modern in 1967, Tooke was dumping chemical waste at the Tarco site. At that time, Modern had the city contract and many of the large La Crosse companies went along with that contract to dispose of their chemical waste.

Revels said that his normal job was to drive truck on the city garbage route. One day, when he had finished early, Tooke offered him the opportunity to make an extra twenty-five dollars by taking a tanker to the hog farm. Revels said he continued to do this for three years. He estimated that he would do one load a month and hauled at least 35 loads to the Tarco site. The dumping of the chemical waste took place on the site referred to as the East Property.

Revels estimated that the majority of the chemicals were from Norplex. He commented that whatever they mixed in the glue, if they had a bad mix, it would be waste product. He also included the La Crosse Rubber Mills as one of Modern's customers.

Revels said that when he would dump, he would drop-off the tanker and leave it there overnight and open up all three valves. He said that once he opened the three caps, there would be a good river of chemicals running and it would drain all the way down towards

Thomas Road. He said that he dumped everything on the southeast side and the stuff was like glue and sometimes wouldn't penetrate the ground. Revels also said that Tooke's mother Rachel might have owned a farm in Nodine, Minnesota, where the chemicals were also dumped.

Exhibit 8 documents the location markings of Theodore J. Revels.

On the *Exhibit 8* map, Revels indicated where he would enter the Tooke property and turn to the right before the farmhouse and set the trailer and open the valve. His markings show the pooling to be parallel with Thomas Road. Revels said that Tooke made a drawing of the site and told him where to dump the chemicals. He also said that Tooke told Ernie Sanders to haul the tanker out to Tarco after dark, when no one was around.

VILAS GREENE (June 11 and July 7, 2003)
500 Willow Street
Onalaska, Wisconsin
608-783-4675

Vilas Greene and his wife Adair were interviewed at their home located at 500 Willow Street in Onalaska. The Greene's home is located on the southeast corner of Willow and Thomas Road (now East Avenue North), which is almost directly across the street from the driveway where the Modern tankers would enter onto the Tarco Property.

Greene said he had moved into his home in 1972 and was up on the roof putting on gutters when a silver tanker pulled in. The truck was just behind a grove of trees about 200 feet off the road, when neighbors Mrs. Doyle and Mrs. Carson asked him to walk over and stop the dumping.

Greene stated that he walked over and spoke with the driver who told him that his boss, Mr. Tooke, had told him to dump there. The driver explained that he had gotten stuck the day before at a place where he dumped in Minnesota, and was, therefore, dumping at the Tarco site. The driver told him that the chemicals he was dumping came from Northern Engraving, the hospital, the dry cleaners, and Outer's Lab. (During the interview with John Pettygrove, Pettygrove identified himself as the driver who had gotten stuck at a farm in Nodine, Minnesota, and the next day had dumped at the hog farm.)

Mr. Greene was asked to mark the location on the map where he saw the truck dumping. He indicated a site where the truck dumped its contents behind a grove of trees, just where one entered the property. The site of the dump is marked as #2, in an area generally referred to as the East Property. Greene said that west of the grove of trees was an old barn. He marked a #1 where he believes trenches were dug to dump the chemical waste.

Exhibit 9 documents the location markings of Vilas Greene.

MARILYN CARSON (July 7, 2003)
511 Willow Street
Onalaska, Wisconsin
608-873-3228

Marilyn Carson lives across the street from Vilas Greene, the second house in on Willow Street. Marilyn said she purchased her home in 1969 and had little kids who played on the Tooke property. She said the tankers would come in the middle of the night and that it was slimy, gooey stuff that they dropped. These tankers were dumping chemicals from 1969 through 1972 when Vilas Greene reported this to the DNR. Marilyn Carson said that there were times when the tankers didn't go in too far, and just emptied their loads. Marilyn can recall walking over to get her children and entering the driveway to the Tooke property and seeing the gooey substance ten feet off the road. She marked an area on the map where she recalls seeing the pools of solvent. The area described by Marilyn Carson is the area generally referred to as the East Property.

Exhibit 10 documents the location markings of Marilyn Carson.

CHRIS CARSON (July 7, 2003)
2040 Kylee Lane
Onalaska, Wisconsin 54650
608-781-3437

Chris Carson is the son of Marilyn Carson. He was about ten years old in 1969 and would play on the Tooke property. He recalls the substance that was dumped was a tar-like material, approximately one-half to one-inch thick, solid black, and hard to walk on. He recalled that the chemical waste, once dumped, would drain down towards Thomas Road. His recollection is that the pooling would be forty to fifty feet off of Thomas Road, on the site generally referred to as the East Property.

Exhibit 11 documents the location markings of Chris Carson.

ELAINE DOYLE (June 12, 2003)
1525 West Avenue South
La Crosse, Wisconsin
608-782-2955

Elaine Doyle lived across the street from Vilas Greene at 503 Willow with her family. She had young children and they played across the street on the Tooke property. Elaine said that her bedroom was on the side of the road and she recalled that for a number of years, big silver trucks would go into the Tooke property between 2:00 and 4:00 in the morning. Her children would take sticks and play in the black, tar-like substance. Her recollection is that the trucks would go back about a block and dump their loads, in the area generally referred to as the East Property.

DANIEL DOYLE (July 7, 2003)
1525 West Avenue South
La Crosse, Wisconsin
608-782-2955

Dan Doyle is Elaine Doyle's son and was born October 22, 1962. He was almost ten years old at the time Vilas Greene reported this matter to the DNR. Dan told me that he can recall puddles and puddles of substance thicker than motor oil that would dry to a roof and pitch tar-like matter and was coal black. Dan indicated on the map where he thought the chemicals were deposited.

Exhibit 12 documents the location markings of Daniel Doyle.

RICK T. DOYLE (July 7, 2003)
1525 West Avenue South
La Crosse, Wisconsin
608-782-2955

Rick Doyle was born in 1961 and is 42 years old. He is Elaine Doyle's son and recalls playing on the Tooke property in black sludge. When the chemicals were dumped, it would create a black, gooey substance, and it would be wet for a while and then would dry hard. The area of dumping includes the area generally referred to as the East Property.

Exhibit 13 documents the location markings of Rick T. Doyle.

WALLY BELL (July 2003)
911 Eighth Avenue North
La Crosse, Wisconsin 54650
608-783-3833

Wally Bell said that his father, Rollie Bell was Robert Tooke's foreman, and worked for Tooke and Modern for over thirty years. Rollie (Rolland Bell) is still alive but in poor health, and was not interviewed during the course of this investigation. However, Rollie Bell did mark a map, noting the site where chemical waste was dumped. Rollie Bell gave the map to his son, Wally Bell. The area of chemical dumping, as marked by Rollie Bell, is the area generally referred to as the East Property.

Wally Bell said that he was 16 years old in 1963, and worked for Modern that summer on the La Crosse rubbish routes. Modern had just received a contract with Norplex to pick up resins and cleaning fluids at 1300 Norplex Drive, La Crosse, Wisconsin. Wally said that he never participated in driving and dumping the chemicals at Tooke's hog farm, but that his father did.

On July 16, 2003, Wally said he had a conversation with his father, talking about Modern's chemical pickup and dumping. Wally learned that, in the beginning, Trane Company was Modern's first customer. Modern used a flatbed truck, and picked up two 55 gallon barrels of waste, and dumped them north behind Tooke's family farmhouse past the hog pens. This area where chemical dumping occurred is generally referred to as the East Property.

The Norplex contract followed, and, as business expanded, Tooke purchased a 6,000 gallon tanker. Chemicals were picked up at Trane and Norplex, and dumped at Tooke's hog farm from the early 1960's until 1972.

Exhibit 14 documents the location markings of Rollie Bell.

Additional Information

Exhibit 15, attached herein, includes news articles for this property, researched at the La Crosse County Library.

Exhibit 16, attached herein, is the resume of investigator, Raymond DiPrima, of DiPrima Investigations.

CONCLUSION

In conclusion, this investigation found substantial evidence that Robert Tooke and his company, Modern Clean-Up Services, directed employees, particularly drivers John Patrick Pettygrove, Ernie Sanders, Ted Revels, Clyde Pettygrove (deceased), Rollie Bell, and other drivers as yet unidentified, to dump chemical waste from La Crosse industries on both the East Property and the West Property. It appears that this dumping, from 6,000 gallon tankers and from 55 gallon barrels, occurred on at least a monthly basis from the early 1960's through August 1972.

PLAT MAP ILLUSTRATING
THE SITE LOCATION OF THE
TARCO SOUTH PROPERTY

AERIAL PHOTO OF THE
L.B. WHITE CO., INC.
AND
TARCO SOUTH PROPERTIES



U.S. 53

TARCO SOUTH

L.B. WHITE



WDNR
INTRA-DEPARTMENT
MEMORANDUM
DATED JUNE 27, 1972

File
LaX Sol Waste Annual

Department of Natural Resources
INTRA-DEPARTMENT
MEMORANDUM

Eau Claire
Station

Date June 27, 1972
West Central District Headquarters

IN REPLY REFER TO: 4410

TO: *→* Clarence M. Stoffel

FROM: Stuart Durkee

SUBJECT: Complaint Received from Vilas Greene, Route 2, Oak Park
Addition, Onalaska, 54650

~~787-4690~~
783-4675

He inquired as to whether or not Modern Clean Up Services, La Crosse, has a license to dump chemical waste along Thomas Road north of Onalaska. He would like us to check the situation and indicate to him what action we will take.

I informed him that we will investigate; but if the location meets State requirements and the party applies for a permit, we may allow dumping at this location. He indicated that he would be against dumping at this location, and I informed him it would have to be stopped locally if the site met our requirements.

Stuart Durkee

Stuart Durkee

SD:bjs

inspected on July 5, 1972 — contacted V. Greene at this time (see sheet)
— contacted Mrs. Greene 7-17-72 — informed her they would be dumping in two wks under our supervision, sample will be taken
— contacted Mrs. Greene - 8-14-72 — informed him should be no more dumping — if so, please inform OUR immediately

NOTED:

Date

D 7/27

WHAT APPEARS TO BE
CLANCY STOSSEL'S
JULY 5, 1972
HANDWRITTEN NOTES

July 5, 1972

11:00 - Vilas Greene Complaint

contact Greene

invest.

contact firm

1:00 - Vil. West Salem - at site

- Tn Farmington - check old site
- Vil. Bangor
- City of Sparta Brush Dump

- Modern Clean-Up Complaint

- several residents complained about a strong chloroform smell
- evidence of several loads dumped - apparently been dumping here periodically for ~ 1 yr.

- land apparently own by a Mrs. Tooke - mother of owner of Modern

- Gail Jensen, a neighbor, of Twin City Engineering, took a sample - said wouldn't hurt the well (~ 1000 ft from dumping area)

- at date of inspection, several black, tarry spots on ground -

some liquid underneath crust ^{some} not much smell (chloroform, other)
samples taken - eavel. # 1 - most recent sludge (rubbery) - eavel. # 2 - older sludge - wet, gray
pictures taken - 18 + 19
small bottle - water collecting in petri dish

a 100' by 20' shallow trench - not filled - some evidence of past a sandy soil

- neighbors complain of headaches

- not 2

Industries collected from - type of waste

- Norplex

1. Methyl Ethyl Ketone
2. Isopropyl-Alcohol
3. Acetone
4. Toluol →
5. Methyl Alcohol
6. Methyl Celosolve →
7. Phenolic Resin }
8. Epoxy Resin }

- Pyroil Dive STP

neutral oil - xylene, IPA, Methanol

- Continental Can Co.

phenolic enamel }
methyl ethyl ketone } 50%
toluol }

- Trane Co

- 75% solvent (cleaning solvent)
- 15% spray gun cleaner
- 7 1/2% xylol
- 2 1/2% paper

- Willing to have us come down and observe the day ~~long~~ of 5.6 am - 6 pm per month

75% from Norplex

- told him we would contact him about permit or licensing - ~~nuisance~~ ^{nuisance} laws

CORRESPONDENCE
DATED AUGUST 9, 1972
FROM THE WDNR
TO MR. TOOKE

*L&L Co
Sol. Waste General C. M. Stoffel*



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES
West Central District Headquarters
1300 West Clairemont Avenue
Eau Claire, Wisconsin 54701

L. P. Voigt
Secretary

August 9, 1972

IN REPLY REFER TO: 4400

Mr. Robert A. Tooke, President
Modern Clean-Up Service, Inc.
2312 South Avenue
La Crosse, Wisconsin 54601

Dear Mr. Tooke:

In confirmation of our phone conversation Tuesday relative to the disposal of toxic and hazardous wastes you have been handling under Department Permit 67 issued February 9, 1972, please be advised that to use a site other than the listed Pollution Controls, Inc., Hennepin County, Minnesota, is not permissible.

We have confirmed that recently the Pollution Control, Inc., has had to upgrade its facilities to meet State of Minnesota requirements and thus may not have been able to accept your wastes. Unfortunately, your firm did not inform us of the problem nor did we become aware of this until the last few weeks as a result of a citizen inquiry.

The alternate method you undertook was land disposal in an area where the sub-soil would be judged a well-graded granular alluvial deposit with excellent percolation characteristics. This, unfortunately, is the very type of sub-soil conditions that would preclude consideration of a site for land disposal of toxic and hazardous wastes if you were to formally submit engineering plans for Department approval.

Present standards do provide for establishment of toxic and hazardous waste disposal sites under NR 151.10(3) with special notation being given to clay-type soils. The Madison office advises that one such site is presently licensed in the Milwaukee area, for example, where materials and volumes such as you are handling could be accommodated. I point this out while realizing that you may feel that the cost of privately finding and developing such a site may be beyond the ability to support such cost with the relative limited amount of toxic and hazardous wastes from the La Crosse area.

We both also realize that there is a need for a comprehensive solid waste county program likewise for La Crosse County which may or may not be able to undertake responsibility for toxic and hazardous wastes.

As to other methods, incineration is a widely accepted used disposal method. You are acquainted with Pollution Control, Inc., in Minnesota and, by phone contact earlier this week, find that they are under new management, have passed all their operational tests and expect their state permit this week. Also, for your consideration are two firms in the Chicago area:

Conservation Chemical Corp., Box 6066, Gary, Ind. 46406
American Chemical Service, Box 190, Griffith, Ind.

Another firm that may consider the waste from a recycling approach would be the Barker Chemical Company, 700 E. 138th Street, Chicago, Illinois, 60627.

There is one operation in Chicago where a lagoon or shallow soil absorption process is being used that involves generally emulsified waste oils being spread over a cultivated soil bed that has been seeded with special bacteria that breaks down oils, with these beds being rotated and reused continuously.

In conclusion, we request that you advise us of your intentions before any additional wastes are disposed. There will be some lead time required if you wish to propose some alternative to the present approved site of Pollution Control, Inc., Hennepin County, Minnesota.

Very truly yours,

Harold J. Erickson, P.E.
District Engineer

HJE:bjs

→ ccf Clarence M. Stoffel, Solid Waste Investigator, Eau Claire
Solid Waste Disposal Section, Madison

MR. TOOKE'S
AUGUST 11, 1972
RESPONSE



MODERN CLEANUP SERVICE

P.O. BOX 962 LA CROSSE, WISCONSIN 54601

File
La X Co. sub. w. v.
General

PH. 608/788-2353
DEPT. OF NATURAL RESOURCES

AUG 14 1972

WEST CENTRAL DISTRICT

August 11, 1972

State of Wisconsin
Department of Natural Resources
West Central District Headquarters
1300 West Clairemont Ave.
Eau Claire, Wisconsin 54701

Attention: Mr. Harold J. Erickson, P. E.

Dear Mr. Erickson:

We are in receipt of your letter dated August, 9, 1972 and appreciate the listed information provided us.

Please be advised that arrangements have been made with a Mr. Tom Short, manager of Pollution Controls, Inc. of Shakopee, Minn. to immediately handle all liquid waste generated in La Crosse and picked up by our firm. We are sure, that at least temporarily, this provides a solution for this problem.

As you know, our experience with Pollution Controls, Inc. has been poor in the past. Hopefully, under new management, they will be able to facilitate our future requirements.

We find it impractical to transport liquid waste to the firms you suggested in the Chicago area. The local industrial firms, as you know, are up in arms relative to the high cost of liquid waste disposal and the little or no cooperation received from governmental bodies as to a future solution for a more practical method of disposal.

Having had contracting experience with various municipalities in sanitary landfill operation, we solicit your cooperation with our local authorities on a complete disposal area to handle waste generated in the La Crosse County area. We feel that we are well qualified to handle the necessary needs and would appreciate a meeting with you and appropriate local officials sometime in the near future to accomplish mutual aims.

I shall look forward to hearing from you at your earliest convenience relative to the aforementioned.

Sincerely yours,
Robert A. Tooke
Robert A. Tooke
RT:rb

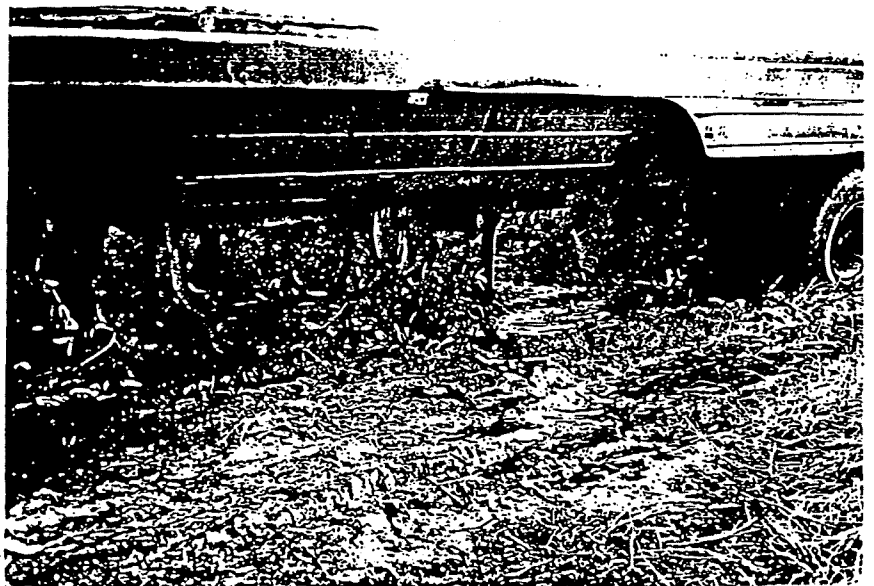
PHOTOGRAPHS
DATED AUGUST 1972
OF MODERN CLEAN-UP
DUMPING SOLVENT

Modern Clean-Up Dumping Solvent
Town of Onalaska

LA CROSSE COUNTY
August, 1972



• AUG •



• AUG •

FL-72-A-7 & 8

Modern Clean-Up Solvent Dumping Site

LA CROSSE COUNTY
August, 1972



• AUG • 72

FL-72-A-12

Modern Clean-Up Dumping Solvent
Town of Onalaska

LA CROSSE COUNTY
August, 1972



• AUG



• AUG • 77

FL-72-A-9 & 10

WDNR DOCUMENT
"TARCO SOUTH INVESTIGATIVE HISTORY"
OCTOBER 16, 1998

FOR YOUR INFORMATION

5 October 1998

PUBLIC MEETING

**TO DISCUSS
GROUNDWATER CONTAMINATION
NEAR HIGHWAY 35
TOWN OF ONALASKA**

WHEN: Thursday, 22 October 1998

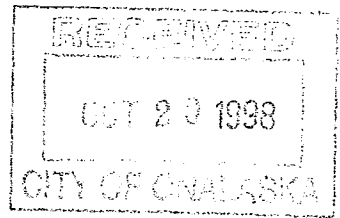
PLACE: Onalaska Town Hall
W7052 Second St.
Onalaska, WI

TIME: 7:00 P.M.

Staff from the Wisconsin Department of Natural Resources will provide information and answer questions related to this on-going investigation. Health-related issues will be addressed by staff from the Wisconsin Department of Health.

Sponsored by the Wisconsin Department of Natural Resources.

Tarco South Investigation Information Sources



Health Related Questions:

Chuck Warzecha-State Dept. of Health
1414 E. Washington Ave.
Madison, WI 53707
(608) 267-3732

Jean Edsall-La Crosse County Health Dept.
300 N. 4th St.
La Crosse, WI 54601
(608) 785-9771

Ron Berg-La Crosse County Health Dept.
300 N. 4th St.
La Crosse, WI 54601
(608) 785-9771

Doug Mormann-La Crosse County Health Dept.
300 N. 4th St.
La Crosse, WI 54601
(608) 785-9771

Groundwater Investigation Questions:

Doug Joseph-Wisconsin Dept. of Natural Resources
1300 E. Clairemont Ave.
Eau Claire, WI 54702
(715) 839-1602

Private Well Questions:

Pearl Whistler-Wisconsin Dept. Of Natural Resources
3550 Mormon Coulee Road
La Crosse, WI 54601
(608) 785-9976

TARCO SOUTH INVESTIGATION HISTORY

Summary - October 16, 1998

The Tarco South, Inc. property was used by Robert Tooke, Modern Cleanup Services, as a disposal facility for waste solvents in the early 1970s. Five-six thousand gallons of waste solvents were collected monthly from local industries such as Norplex, Continental Can Company, Trane Company, and Pyroil Company, transported to and disposed of on the above-referenced property by Modern Cleanup Services. The Department received complaints from adjacent property owners in June of 1972 related to the dumping of waste solvents on this property. Subsequent to investigating these complaints, the Department advised Modern Cleanup Services on August 9, 1972, that disposal of waste solvents on this property should be discontinued, and an alternate disposal facility was recommended. Based on existing file documentation, it is believed that Modern Cleanup Services complied with the Department's requirements and discontinued the disposal of waste solvents at the site at that time. It should be noted that Wisconsin's environmental regulations in effect at that time would not have legally prohibited the disposal of waste solvents in the manner employed by Modern Cleanup Services, although licensing would have been required.

As a result of the historical use of the property as a disposal site for waste solvents, Robert Tooke was required to initiate an environmental investigation of the site in a letter from the Department dated May 20, 1996. Since that time Robert Tooke has initiated an investigation of this property, which to date includes several soil borings in areas where suspected or known dumping took place, and the installation of four groundwater monitoring wells along the south and west property boundaries. Soil samples collected from the site have not exhibited exceedances of current WDNR NR720 soil standards. Groundwater samples collected from the monitoring well network have exhibited exceedances of WDNR NR140 groundwater standards for trichloroethylene and tetrachloroethylene. In addition, 1,1,1-trichloroethane, 1,1-dichloroethane, and di-n-butyl phthalate have been detected below their respective standards.

The L.B. White facility, which is located directly south of the Tarco South, Inc. property, also conducted an environmental investigation, initiated in 1992 and completed in 1996. The L.B. White investigation was undertaken due to a pending property transaction of the facility, and was focused on determining whether environmental contamination existed on the property resultant from past operations. Soil samples collected at several potential contaminant source areas on the site in 1992, did not exhibit detectable levels of VOC contamination, but impacts to groundwater were detected.

Based on those groundwater results, L.B. White installed thirteen groundwater monitoring wells to investigate the degree and extent of groundwater contamination. Based on groundwater elevations from the thirteen wells, groundwater was found to flow to the south by southwest on the property. Groundwater samples collected from the monitoring well network exhibited exceedances of WDNR NR140 groundwater standards for 1,1-dichloroethylene, 1,2-dichloroethane, 1,1,1-trichloroethane, 1,1,2-trichloroethane. In addition, 1,1-dichloroethane had been detected below its respective standard. By 1996, all VOC compounds detected in the facilities monitoring well network had fallen below their respective WDNR NR140 groundwater enforcement standards for several rounds of sampling, and L.B. White submitted the site to the Department for closure review. In January, 1996, after review of the closure documentation, the Department requested that L.B. White sample a representative group of private wells downgradient of the facility for VOCs prior to the Department making a final closure decision. The Department contacted several residents in the area to coordinate the proposed private well sampling. John Schuppel and Maynard Jacobsen agreed to have their private wells sampled at that time. Laurel Hutchens could not be reached after numerous attempts by Department staff, and Bob Kerr was unwilling to have his well sampled. Analytical results from the John Schuppel well indicated that there were no VOCs present in the sample above the labs detection limits. Analytical results from the Maynard Jacobsen well only indicated the presence of 1,1,1-trichloroethane at 1/10 of the safe drinking water standard, and thus was suitable for drinking and household use. Based on this information, L.B. White was given closure status by the Department on June 4, 1996.

Tarco South Investigation Summary

October 16, 1998

page 2 of 2

On August 12, 1998, four private wells and one community well were sampled for VOCs by representatives of Tarco South, Inc. The results of that sampling were supplied to the WDNR on August 27, 1998. Based on the Department's review of those results, it was determined that four of the samples analyzed were clean (no detect), and one sample collected at the Laurel Hutchens residence had an exceedance of Wisconsin's safe drinking water standard. At this point, Ms. Hutchens was advised by the Department, in a letter dated August 31, 1998, to discontinue use of the well for drinking water purposes. In addition, in a letter dated September 4, 1998, the Department required Tarco South to expand its private water supply sampling program to include an additional three residences in close proximity to the Hutchens' well.

On August 31, 1998, one additional private well was sampled for VOCs by representatives of Tarco South, Inc. The results of that sampling were supplied to the WDNR on September 10, 1998. Based on the Department's review of those results, it was determined that this sample collected at the Robert Kerr residence had exceedances of Wisconsin's safe drinking water standards for a number of compounds and the Kerrs were advised, in a letter dated September 11, 1998, that they should discontinue use of their well for any purpose other than flushing the toilet.

In recent discussions with Robert Tooke, owner and president of Tarco South, Inc., he has indicated to the Department that he currently does not have the financial ability to proceed in his environmental investigation of the groundwater impacts related to the Tarco South, Inc. property. Therefore, the Department of Natural Resources and the State Division of Health proceeded with the collection of water samples at 11 adjacent properties located to the northeast, southeast, and southwest of the intersection of State Highway 35 and Riders Club Road.

The results of this sampling is as follows. Wells located at the following address had no chemical detects: N5097, N5254, N5268, N5292, and N5108, all on State Road 35.

Low concentrations of compounds, below safe drinking water standards, were detected at N5101 Sunset Vista Road and N5114 State Road 35. Multiple compounds were detected in low concentrations at N5118 State Road 35. It was determined that the cumulative affect of low concentrations of certain compounds in the water would be a health hazard at N5143 State Road 35; consequently, bottle water was provided for this location. Bottled water is also being provided to the Kerr and Hutchens' residences, by the State of Wisconsin, until such time as a permanent solution to the problem can be implemented.

On October 16, 1998, staff from the Department of Natural Resources met with City of Onalaska officials to determine whether city water service might be extended from Riders Club Road to meet the needs of the Hutchens and Kerr residences. Water service may be available, subject to annexation of these properties. In addition, the Department has contacted a company that constructs water treatment systems and has completed some testing to determine whether the well water and treatment device are compatible, as an alternative to city water service. The treatment system, in whole, or city water service, in part, may be provided using emergency funds from the state remediation program. A third alternative, constructing a deeper well on the impacted properties, is also a possibility using funds from the state well compensation fund.

**PLAN COMMISSION MEETING
NOVEMBER 26, 1996**

Plan Commission Meeting

Tuesday, November 26, 1996

Page 14

storage building has to be set back a minimum of 30' from the right of way, as stated in condition #5, along with the need to have the owner provide a plan showing that the setbacks are being met. Clarification will be gotten from the state on these minimum setback requirements.

Motion by Adm. Durst, second by Mr. Stephen, to approve the Zoning Permit Application with the following eight conditions, also with clarification from the state that the accessory structure can be within 30' of the freeway:

1. Green Fee of \$200.00 + \$25.00 per acre--paid under Coachlite II.
2. Storm Sewer Fee of \$4,485.00 per acre--paid under Coachlite II.
3. Storage building to be 3' from lot lines.
4. Abide by all pertinent conditions of original zoning permit.
5. 30' open area setback required from freeway--50' building setback--storage building to be set back 30' from R.O.W. minimum--owner to provide plan showing ROW lines, property lines, and proper setbacks.
6. Square footage for play area to meet code requirements.
7. Owner to apply for Conditional Use Permit for Daycare use in M-1 district.
8. Any omissions of any conditions not listed in Plan Commission minutes shall not release the developer/property owner from abiding by the City's Subdivision Ordinance and Zoning Code requirements.

Under discussion, Mr. Gilman reported that the owner did provide information verifying that state code requirements are met with regard to the square footage for playground areas based on the number of children at the day care center. Adm. Durst requested that the developer provide a detailed plat plan showing how the fenced area and buildings fall within the required setback area; this was made a friendly amendment to #5, and Adm. Durst asked that this plan be provided prior to the Council meeting. There being no further discussion, on voice vote, motion carried.

13. Report/update relating to environmental report for the Tooke property south of Thomas Farms located between Freeway 53 and East Avenue.

Mr. Gilman noted that the Plan Commission members had received copies of the two reviews that were provided for the City with regard to the environmental report on the Tooke property. He noted that the summaries of both reports cite deficiencies in the ACG assessment.

The Cedar Corporation review was looked at first. Their recommendation is summarized as follows: "We would recommend a more thorough evaluation, including VOC analyses of soils and/or ground water (dependent on the depth to ground water) at this location. In addition, the presence of arsenic and chromium at approximately 40 to 50 inches of depth below surface suggests that sampling and analysis for RCRA metals be incorporated as part of this evaluation." Mr. Gilman pointed out that

Plan Commission Meeting

Tuesday, November 26, 1996

Page 15

there is more detail in items 1-5 in the letter with regard to the last report that was submitted, going into technical detail about the levels of certain chemicals and things that were tested.

The summary of the Braun Intertec report states: "The original work performed at this site appears to overlook some key areas of concern, such as a complete file review, accurate determination of the location and sampling of historical dumping areas, and additional analyses for VOCs in groundwater as well as soil. We would recommend that the city consider requiring a more complete Phase I and II ESA for the site prior to taking on any potential liability associated with possession of the property."

Mr. Gilman said the Cedar Corporation report is a little bit more complete, providing a little bit more information in terms of actually making recommendations on what they would test for. Mr. Gilman asked that the Plan Commission make some recommendation to the developer to satisfy these concerns so that they can move ahead.

Mr. Stephen recommended that, between the seller and the developer--at their expense, not the City's--evidence be brought showing that this property does not have any problems. Motion seconded by Adm. Durst. Under discussion, Dick Thompson, representing Mr. Tooke and his company, said he received both reports. He said he appreciates the concern over the property. He said the opinion from Braun Intertec is that if they were going to buy the property, they would have a more thorough report done. At this point, what the Plan Commission is considering is rezoning the property--nobody is asking the City to accept any plat, nobody is dedicating any street, nobody is giving the City any part of this property. The concern the Kobishops want addressed is whether they should buy the property. Mr. Thompson said Mr. Tooke, at this point in time, has no intention of their buying the property until they are satisfied. He said he thinks if the City takes the position that someone has to shag up a report before it is rezoned, bring that to the City and have two other companies read it, they are going to be critical, they are going to get in trouble. He said these are some high-priced engineers who have not gone out on this site. Mr. Thompson said no one said they can tell this property is contaminated; all they are doing is criticizing the report. This cost \$700, and the City wrote Kobishops and said they would have to pay that. Mr. Thompson asked where this would end if they continued having more reports done and reviewed--is the City going to be the arbiter of who writes a good report or not? Mr. Thompson said there are some interesting things in these reviews if they are read closely. Braun states that some key areas may have been overlooked, and they basically do not like the way the report is written. Not one mention of the arsenic level. The other company, 150 miles away, makes a big deal about that and then says in the concluding paragraph that it is possible the arsenic level is a background concentration in the soil in this area. Mr. Thompson said since the local company's report does not mention the arsenic level, it would seem logical that it does just occur naturally in the soil in this area. He said Mr. Tooke's property should not be the only one subject to this criticism, yet he is not aware of any other property this has occurred on. He said the costs are staggering and stated again that the City is not being asked to take title to any of this. Before accepting dedication of any streets, the City can then require a more

Plan Commission Meeting

Tuesday, November 26, 1996

Page 16

thorough report. At this time, however, the request is for rezoning. This matter will get taken care of to the City's satisfaction when someone dedicates streets and during the financing process, but Mr. Thompson said he does not think the issue of rezoning is the appropriate place to take care of it, and he thinks the zoning should go forward. He stated the State of Wisconsin has issued, as one of the reports notes, a responsibility letter for the property on the other side of the highway that Mr. Tooke had; they have not issued any letter of responsibility on this side, and they are well aware of what is here. Mr. Thompson said every finance institution in town knows what is going on, and no one is going to build a project out there without going through a bank; they will have to provide an environmental report for that. Mr. Thompson said again that the City is not being asked to accept any dedicated streets until the environmental report is done, but they are not ready to do it yet; all they are here for now is rezoning. If and when rezoning is granted, Mr. Thompson said people can be approached about financing and they can look at possibly dedicating streets, but they cannot move forward if they are stuck on what might be a nice use for this property if and when it is ready to be used. Mr. Brimer said ever since this property came in--and it has been in several times for various proposed uses--there have been numerous citizens talk about dumping that occurred in the past, and that threw up a red flag, and the Commission feels it is their responsibility, before moving forward with rezoning or any other action on that parcel, to satisfy the concerns of the residents and the City. Mr. Brimer said it has to be dealt with some time, and he thinks the sooner the better. Atty. Jenkins said she understands Mr. Thompson's concerns and it does make sense, but the problem is that if the City rezones this R-2-3, if someone decides not to replat it but simply build one duplex on it, the City would not have any more control then. She said the City feels it has a responsibility to not permit residences to be on what may be contaminated ground. Mr. Thompson asked if the City would want to tell Mr. Tooke where to go to get a report so that the City would be satisfied with it. He said they will be glad to do what the City wants, but they cannot continue putting up \$700 every time the City wants to criticize a report. He said that is a ridiculous situation. Mr. Brimer said environmental concerns are a growing issues, and property owners who happen to have title to a property, if they cannot go back and show prior ownership, other people's responsibility for dumping, then they have to assume the responsibility for the studies to show either that the property is clear or show what needs to be done to clean up, and pay for the clean up. Mr. Brimer reiterated what the City Attorney said about the fact that if the zoning were in place, a duplex could be placed on the property with the City having no further recourse. He said right now is the City's best opportunity. He noted it would not be the best use of the property to stick one building on it, but it could be done if the zoning were in place. He said the owner of the property or the person who wants to purchase it and develop it is going to have to take responsibility for showing it is a clean property. Mr. Thompson asked if the City has a suggestion as to where Mr. Tooke should get his report from. Mr. Brimer said there are a lot of environmental groups out there; the City is not in the business of saying who they should take their business to. He said these issues are faced day in and day out in some of their jobs, and sometimes it is not easy satisfying the DNR, the EPA, or other governmental agencies. Atty. Jenkins said she understands Mr. Thompson's position, however, that if they go to another company, will the City do the same thing with that report, sending it out for review. She said she does not know if the City Planner feels sufficiently comfortable now to know

Plan Commission Meeting

Tuesday, November 26, 1996

Page 17

whether or not there are several companies with whom he would feel comfortable with a report from. Mr. Gilman said he has not reviewed qualifications statements from any of these firms; they were submitted, but the City was looking for a second opinion because of the technical nature of the first assessment, and two opinions were obtained from firms that have experience in this area. Mr. Gilman agreed with Mr. Brimer that the City does not want to get in the business of recommending one company over another, but they want a complete report that is conclusive. Mr. Gilman said he thinks if a study addressed everything that is in the reviews, it would be conclusive; he does not think they would repeat this review process over and over, but it was done once so that they understood what they were looking at.

Mr. Stephan said he believes the original conditions asked for a stage I and stage II study, not just somebody saying that the stage I was performed and what was found in that did not indicate going on to a stage II. Mr. Stephan said a stage II report was asked for, and that was not obtained. Atty. Jenkins said the stage II was done. Mr. Thompson explained that different people would do different amounts of things in phase II.

Bob Tooke said the residents who voiced concerns do not want to see this property developed in any way. He said there was nothing ever dumped on the eastern part of that property; there was a family living there. He said the four or five individuals complaining about things that might have happened 25 years ago, but they really do not have any knowledge of what did happen. Mr. Tooke said the inspector doing the work for him went out to the site with the people and asked them to show him the location, and they could not find anything on this parcel. There was some residue on the west side of the property, but there was never anything dumped on this property in question.

Mr. Brimer briefly reviewed that when this property was first brought in for R-4 zoning, the neighbors wanted to keep it R-1, and the Committee felt R-4 was too much but R-1 was too little because of the property being situated alongside the interstate. Mr. Brimer said if the issue of the contamination had not come up, the R-2-3 zoning that was requested probably would have passed this committee and would have been accepted by some of the neighbors. If the soil concern can be cleared up, Mr. Brimer said he does not think there will be a problem of approving the request for R-2-3 zoning. Mr. Tooke said they have already had a qualified inspector test the site.

Adm. Durst questioned ACG's standing as a business. Atty. Jenkins said it has been clarified that there was a corporation with which Mr. Kerska was associated. The corporation was then dissolved, and Mr. Kerska has continued on with a similar name in a different capacity, presumably a sole proprietorship. Adm. Durst asked if Mr. Kerska has insurance or is bonded. Atty. Jenkins said Mr. Kerska has indicated he does not have insurance, and Adm. Durst said that raises a question in his mind as he feels any reputable firm would be insured.

Mr. Tooke said he understands the City's concern, but he has already spent \$5,000 or better on this project, and he does not think there is any basis for the complaints from the citizens--they just do not

Plan Commission Meeting

Tuesday, November 26, 1996

Page 18

want this property to be developed. Mr. Brimer said the concerns expressed by the citizens have to be taken seriously, and the two reports obtained call into question the original report that was done.

Mr. Stephan asked if this could be moved forward but making the zoning subject to no building permits being issued until the environmental question is cleared up and/or platting takes place and is approved. Atty. Jenkins said she did not see why they couldn't do that--indicate that there would be no building permit issued, and that would resolve the possibility of one residence built without coming back for further review, or that there would be no platting or anything more than that. The idea is to make it clear that this issue has not been resolved and that it needs to be resolved before people live there. That issue has been raised now at the first possible moment, but it can also be raised later; the City does not want anyone to get the impression that by rezoning, this concern is not there--that is not the case. Mr. Stephan said he thinks the committee wants to move this forward with an approval. Adm. Durst said he believes the motion was to recommend approval of the R-2-3 zoning and that the Council give the first and second reading but not the third and final until the environmental issue is addressed.

Adm. Durst withdrew his motion, and Mr. Stephan withdrew his second to the motion.

Mr. Kobishop asked that this item be tabled as he would like to meet with Mr. Tooke and his attorney along with the realtors to see if they can work out a solution amongst themselves.

Adm. Durst so moved to refer this until the next Plan Commission meeting. Eng. Lund said the City is still going to have to be satisfied with regard to the two reviews so that they feel comfortable the land is okay for residential development. He said if the owner/developer brings back something that satisfies those concerns, that is what is needed.

Mr. Thompson asked if they came back with an ACG report which addresses these issues but ACG still does not have insurance, would that still not be satisfactory to the City. Atty. Jenkins said that would be a policy decision. Adm. Durst said normally they would like to see something from a company that is insured. Mr. Brimer said there should be acceptable standards for checking property of this nature with a certain number of core bores being required, to a certain depth based on the types of material. Mr. Thompson said there are standards, but they are applied in various ways. Mr. Brimer said a reputable firm applying those standards and explaining how they chose their distance between samples, the depths of the core bores, and the other considerations would probably read as a much better technical report than what has been presented to date. Atty. Jenkins said it is up to the Council to determine, but she would recommend to them that the City would be better off with a company that was insured because if this land is platted and developed, the City will own some of it in terms of street right of way.

The motion to refer to the next Plan Commission meeting was seconded by Eng. Lund. On voice vote, motion carried.

Plan Commission Meeting

Tuesday, November 26, 1996

Page 19

14. Introduction and possible scheduling of public hearing for various items to be scheduled for next Plan Commission Subcommittee and Plan Commission meetings.

There was discussion about scheduling of the next Plan Commission meeting as the regular date falls on Christmas Eve. Motion by Adm. Durst, second by Eng. Lund, to tentatively schedule the Subcommittee meeting at 4 p.m. on December 10 and the Plan Commission on the 17th at 7 p.m. On voice vote, motion carried.

Clerk Hough introduced an annexation petition and preliminary plat submitted by Bob Stephan with interim zoning on the annexation. That will be referred to the Subcommittee.

15. Any other business that may come up before the Committee subsequent to this meeting notice.

There was discussion about parking of semis by Walmart. Adm. Durst said they need to look into this; that same thing was encountered in the Shopko area, about temporary storage for warehousing, and it needs to be addressed. Mr. Gilman said he would look into that.

There being no further business to discuss, the meeting was adjourned at 9:21 p.m.

Recorded by:

R. J. Van Deirse

The Office Alternative, Inc.

PLAN COMMISSION
SUBCOMMITTEE MINUTES
NOVEMBER 19, 1996

Plan Commission Subcommittee Minutes

Tuesday, November 19, 1996

Page 12

12. Report/update relating to environmental report for the Tooke property south of Thomas Farms located between Freeway 53 and East Avenue.

Mr. Gilman reported that he has received two quotes from different environmental firms, Braun Intertech and Cedar Corporation. Both have indicated that they have looked over the information and have submitted quotes for reviewing the information and providing the City with a report of their recommendations and pointing out any deficiencies that may be in the report. Mr. Gilman said the preliminary indication is that there are deficiencies. Mr. Gilman said he feels the cost to do this would not be going to waste (around \$300) because at some point, someone is going to want to develop this lot. Mr. Gilman said he feels this expense should be the City's. Eng. Lund said he thought there was a condition on the plat that the owner had to pay the costs incurred. He said he feels if there is a problem, Mr. Tooke should pay for it; if there is not a problem, then he would be agreeable to the City's paying for this further review since the initial report, with Mr. Tooke did pay for, indicated there was not a problem. Adm. Durst said he thinks this will help the City gain some knowledge of what should be required as part of the EPA evaluation process.

There was discussion about the reason for getting a second opinion on the report that was done. Mr. Gilman explained that there is no one at City Hall with the technical knowledge in this field to evaluate and digest the technical data in the report. He again stated that the preliminary indication from both firms is that there is more that is needed, that the correct testing was not done because the chemical solvents are VOCs, and they did not test for VOCs, and they did not go deep enough with the borings. Ald. Smick asked if the City would then require more testing to be done at the owner's cost. Mr. Gilman said that is correct. Eng. Lund asked if Mr. Gilman was suggesting a report be gotten from each of the firms, each at a cost of \$300 for a total of \$600. Mr. Gilman said that was correct. Ald. Smick said if similar situations arise in the future and the City wants two independent opinions, that should be required up front. He questioned why the City should pay this bill when it is not something the City initiated and not something that will benefit from. Eng. Lund said it is an issue of public safety and welfare of people who might end up building there. Ald. Smick said he feels the developers still could pay for it. Adm. Durst said there is no plat approved on this as yet, and if these reports come back as has been indicated preliminarily, he sees no reason why this could not be passed on as a development expense as it is a protection needed for the developer. Eng. Lund said the Subdivision Code does provide the ability to charge back costs accrued. Mr. Gilman asked if a condition should be written into the rezoning that the developer will have to pay this cost, prior to authorizing these firms to provide their written report.

Eng. Lund said he feels it is necessary to have the analysis done and get the report back, and he thinks that should be authorized and then charge the cost of that back to the owner or developer. Ald. Smick said he has no problem with that provided the City can recoup the cost. Mr. Gilman ascertained again that the Subdivision Code does provide the City the ability to collect at the time the plat is submitted. Mr. Landsinger said if that is the case, he would support this. Eng. Lund looked up the Code and found that Section 14-190 (b) addresses this--Administration and Other Fees:

Plan Commission Subcommittee Minutes

Tuesday, November 19, 1996

Page 13

The subdivider shall pay a fee equal to the actual cost of the City for all engineering work incurred by the City in connection with the plat or certified survey map, including inspections required by the City. The subdivider shall pay a fee equal to the actual cost to the City for such engineering work and inspection as the Common Council and/or City Engineer deem necessary to assure that the construction of the required improvement is in compliance with the plan specification and ordinance of the City or any other governmental authority. Engineering work shall include the preparation of construction plans, specifications, and administration of the engineering work.

Eng. Lund said he feels this is part of the engineering and inspection, and the Subdivision Code allows the City to recoup those costs. Adm. Durst said he feels (f) addresses it even further, and this was reviewed.

It was suggested that Mr. Kobishop be notified that these are costs that may be referred to him as part of the plat approval. Mr. Gilman said he would send Mr. Kobishop a letter. Motion by Adm. Durst, second by Eng. Lund, to proceed with obtaining an independent evaluation from Braund Intertech and Cedar Corporation. On voice vote, motion carried.

This item is scheduled for public hearing at 7:20 p.m. next Tuesday, November 26.

13. Consideration and possible action relating to amending Section 13-1-74 (c) of the Conditional Use Section of the Zoning Code to add day care centers as another conditional use in various zoning sections.

Mr. Gilman said this issue was brought up when Joy's Day Care proposed the storage building discussed above. In looking at the code, he found there was no provision in the Code for day care centers in commercial areas. Mr. Gilman said in talking to the Plan Commission last month, the feeling was that some commercial areas are suitable for day care centers--in fact, the City receives less complaints about the ones that are located in commercial areas versus residential areas--and that there should be a provision in the Code for day care centers under the Conditional Use section since not every commercial property is suitable for day care, but it would be permitted in the areas that are suitable.

14. Any other business that may come up before the Subcommittee, subsequent to this meeting notice.

There being no further business to discuss, on motion by Ald. Smick, second by Eng. Lund, the meeting was adjourned.

Recorded by: R. J. Van Deirse
The Office Alternative, Inc.

**PLAN COMMISSION MEETING
OCTOBER 22, 1996**

Plan Commission Meeting

Tuesday, October 22, 1996

Page 12

4. Storm Sewer Fee of \$4,485.00 per acre.
5. Owner/developer to explore other off-street parking alternatives to eliminate parking along Cedar Creek Lane if possible.
6. Recommend parking along Cedar Creek Lane to have a minimum 5' stall extension to alert drivers of roadway traffic and provide unloading area outside roadway.
7. Parking stall to be 180 sq. t. minimum--either 10 x 18 or 9 x 20.
8. Owner/developer to submit drainage/erosion control and landscape plan for review and approval by the City.
9. Owner/developer to obtain approval from homeowners association.
10. Any omissions of any conditions not listed in Plan Commission minutes shall not release the developer/property owner from abiding by the City's Subdivision Ordinance and Zoning Code requirements.

Item 11 - Consideration and possible action on a CSM filed by Bill Underhill, 2011 Franklin Street, to divide the lot into two parcels.

Motion by Adm. Durst, second by Mr. Landsinger, to recommend approval of the CSM filed by Bill Underhill with the following nine conditions:

1. CSM Fee of \$40.00 + \$10.00 per lot x 2 = \$60.00.
2. Park Fee of \$545.00 per unit x 1 = \$545.00--owner paid Park Fee and Hook-Up Fee per original conditions of annexation.
3. Sanitary, water, and storm sewer hook-up fees required for new lot--\$6,681.42.
4. All utility easements to be shown on CSM--currently none shown for telephone/gas/electric.
5. Two trees required per lot--2-1/2" cal. min.
6. All fees to be paid and plans approved prior to issuing building permits.
7. All conditions to be met prior to issuing occupancy permits.
8. Owner to be aware of current R-1 zoning on both lots.
9. Any omissions of any conditions not listed in Plan Commission minutes shall not release the developer/property owner from abiding by the City's Subdivision Ordinance and Zoning Code requirements.

Under discussion, Adm. Durst said Mr. Underhill was in attendance at the Subcommittee meeting and agreed with the above conditions. There being no further discussion, on voice vote, motion carried.

Item 12 - Report/update relating to environmental report for the Tooke property south of Thomas Farms located between Freeway 53 and East Avenue.

The letter from ACG Environmental, Inc., dated October 17, 1996, was noted. Adm. Durst said there was a gentleman present to provide more detail with regard to this.

Plan Commission Meeting

Tuesday, October 22, 1996

Page 13

Mr. Kerska of ACG Environmental, Inc., provided copies of the full report, stating the letter referred to above sums up what was found. He said as far as the property to the east of Highway 53, between that and East Avenue, there is only some superficial contamination as far as metal, glass, and things of that nature which cannot be considered hazardous material. Several people were interviewed, and Mr. Kerska said, in his opinion, the activity that was brought up did occur either where 53 went through or to the west side, which the DNR is involved in. That work is ongoing. Some initial work has been done there. Mr. Kerska said there has not been any contamination of any degree to be concerned about on the west side, including down to the water table which is about 80 feet deep. Several borings were done on the east side, looking for any type of visual contamination. As part of the study, they did look for the basic heavy metals in the soil on the east side, and everything was just at the detection limit, so there was nothing there of any concern whatsoever. Mr. Kerska said if there were any other specific things anyone would like to look for, that would have to be up to either the buyer, the seller, or some other party.

Mr. Gilman said what was discussed last time was that, due to the information the City had gotten from both the DNR and some of the neighbors, talking about the dumping in the past, the City felt that an EPA Phase II investigation was appropriate. However, Mr. Gilman said Mr. Kerska indicated they had done an EPA Phase I and what he called a partial EPA Phase II. The EPA does not set a standard criteria for what a Phase II is. Mr. Kerska explained that a Phase II is based on what is found in the Phase I study. He said they interviewed people in the area who had voiced their opinion, did reconnaissance, talked to the DNR, fire department, and EPA about anything that might have happened there, and they saw no evidence to go into anything in detail down to the water table. He stated again that they had done sampling on the west side to the water table, on the southwest of the area, and from the sampling on the west side of 53, and the water table is fine. Mr. Kerska said there are 64,000 chemicals that can be tested for in Phase II, and it needs to be determined what is being looked for based on what is found on prior usage. This was never an industrial site but was vacant land. Mr. Kerska said aerial photos show nothing. He said the DNR was involved, and their only concern was on the west side, nothing to do with the east side at all. Mr. Gilman asked if the report, which Mr. Kerska considers finalized, is conclusive that the east side of the site is contamination-free. Mr. Kerska said that is right, except for some surface contamination which is down to just garbage, and that can easily be picked up at the time of development. As far as any type of petroleum contamination or heavy metal, those are negative. If there are other concerns that somebody has, they could be checked for, but Mr. Kerska said he sees no evidence of that.

Mr. Kerska said he talked to Mr. Vilas Green who mentioned something about seeing a truck out there, 25-30 years ago, that may have put something out about where Highway 53 runs now, and the grade was a lot different then. Mr. Kerska said this was nothing that the owner at this time had approved, and whatever might have been dumped there is long gone. The DOT had no concern whatsoever when they put 53 through there, and the only thing the DNR has identified is a very minor situation on the west side.

Plan Commission Meeting

Tuesday, October 22, 1996

Page 14

Atty. Jenkins asked what environmental work was done when the DOT put Highway 53 in. Mr. Kerska said as far as he can find out, they did none; they are not concerned about that with putting in a highway--it is not like they are going to sell it for development some day, but there was nothing noted when they did it. Mr. Kerska said had they had found something substantial, it would have been brought up. He said if something gets dumped on the surface, it would very quickly disappear, and the reported dumping was 25-30 years ago, so whatever might have been dumped there is long gone--nature will break down hydrocarbons once they get caught in the soil. Atty. Jenkins said the concern came because of the neighbors, and they do not know for sure what was happening, and, secondly, the DNR has seemed to have been sort of mysterious with the City and not really giving much guidance or assistance and have given no indication as to whether they have concerns with the east side. Mr. Kerska said he has talked with the DNR on several occasions. He said they are not trying to be hard to work with--they went out there and looked and did not see anything. The DNR did key into some contamination they found on the west side but nothing on the east side. Mr. Kerska said from what he can tell in looking at records, aerial photos, and talking with people, he believes it was either where 53 is now or the little bit that was found on the west side. He said the DNR has no concerns whatsoever about the east side. Atty. Jenkins said the DNR has not even indicated that to the City. Mr. Gilman said that is what concerned them, particularly with the statement in the letter from them regarding dumping of chemicals, and that did not differentiate the west side from the east side. Mr. Kerska said the DNR did indicate in a letter that possibly results from the west side could give some clue to that contamination, and the sampling on the west side has shown nothing of any concern. The ground water runs to the southwest, so it would be running away from the east side. Mr. Kerska said because the DNR has no interest in the east side, they are not going to give a letter stating that because they have no evidence of contamination. He said if he found something, he would make the DNR aware of it, and then they would state something, but at this point, as far as the DNR is concerned, there is no contamination on the east side, and Mr. Kerska said his findings show that there is not either.

Atty. Jenkins asked for a copy of the actual Phase I report. Mr. Kerska said that would be up to his client, but he would not anticipate a problem with that.

Atty. Jenkins asked Mr. Kobishop if he knew where he was going to go from this point--whether he intended to have it reviewed in any fashion or if he had an idea, this being the first time he has heard this information. Mr. Kobishop said he is looking at the City as sort of his safety valve as he would think they know more about this type of thing than he does.

Mr. Kobishop asked Mr. Kerska if they tested the east side for the contaminants that were found on the west side. Mr. Kerska said only as far as interviewing people and where they might have seen something done, and the interviews trace to the west side, and he reiterated that this is very minor. Mr. Kobishop asked if Mr. Kerska had a report from the company as far as qualifications and what exactly was done. Mr. Kerska showed Mr. Kobishop a preliminary report and said there is more.

Plan Commission Meeting

Tuesday, October 22, 1996

Page 15

Mr. Stephan asked if there was a boring location map for the borings that were done on the east side. Mr. Kerska said he did not have it with him and stated they did not go down very deep. The main area tested was that which Mr. Green pointed out where he thought something might have happened; on the other side of 53, they did go down to the water table.

Atty. Jenkins asked if the contamination could have moved, there being no boundary between the east and west sides underground. Mr. Kerska said again there is no evidence of what exactly is out there, and the water table is very deep. This is a fairly sandy area, and as far as moving, if it got to the water table, it would have to go with the direction of the water table, which is away from the east. There is no subsurface on the east that shows any contamination whatsoever, and water sampling on the west side shows nothing at this point.

Mr. Stephan asked how many borings were taken on the east side. Mr. Kerska said they did roughly 10 borings on the east side, in the area Mr. Green indicated he felt something had been done, which appears to be where 53 is located. Mr. Stephan asked to have a copy of the boring map provided to the City, and Mr. Kerska said he would provide that.

Adm. Durst said based on the condition that was placed, it would be appropriate that the City receive copies of the Phase I and Phase II reports that have been done on this property, including the locations where borings were done. He said he believes there was also mention about an existing old well on this property. Mr. Kerska said that is on the west side; they did not find a well on the east side.

Mayor Stellner asked that the report be given to the City Planner. He said he believes this was the only thing holding up the rezoning request. Adm. Durst said he would like this report to be reviewed in-depth and this brought back to the Subcommittee and Plan Commission. Mayor Stellner asked why they would put this off and go through the Subcommittee again when Mr. Kerska, who is an expert in the field, has given a clean bill of health; rather, the City Planner could check the report with the DNR. Mr. Kerska suggested that the DNR could be on the site at the time something is done in case anything else came up, which he would not expect to happen. Secondly, Mr. Kerska said again if there are any specific concerns about a specific material, he would like to know about it.

Mr. Kobishop asked what specifically the DNR is concerned about on the west side of the property. Mr. Kerska said they are concerned about some aerial views that showed some possible areas of contamination; the aerial views, he believes, are from 1992. There is not a specific chemical about which they are concerned.

Atty. Jenkins suggested the report be reviewed and brought up at the Council meeting. Mr. Kobishop said the contract he has with Mr. Tooke needs to be finished by the end of the year, which means the third and final reading would need to be done by the end of the year. Adm. Durst said he believes the request was already recommended by the Plan Commission to the Council, but

Plan Commission Meeting

Tuesday, October 22, 1996

Page 16

the Council tabled it based on the Judiciary and Administrative's Committee recommendation on the ordinance.

Bob Thicke, present owner of the property, said he went to the DNR, and they submitted names of companies that do this type of work, and he selected ACG Environmental, Inc., and Mr. Kerska is certified, qualified, and, to his knowledge, has done the inspection appropriately, and no contamination was found on the east side. He said he sees no reason for further testing or further discussion as this has dragged on long enough and at quite an expense to him, and he would like a decision to be made tonight.

Motion by Mr. Stephan, second by Mr. Landsinger, that this be moved forward subject to the City Planner's review of the report. Under discussion, Mr. Landsinger said he feels better about this after listening to Mr. Kerska. Mr. Gilman said he would anticipate having something to report at the November Council meeting. Mr. Thicke said he would like to be notified of any meetings involving the issue. There being no further discussion, on voice vote, motion carried, with Mayor Stellner abstaining.

Item 13 - Consideration and possible action relating to land subdivision between Gundersen Clinic and Kwik Trip in the area of South Kinney Coulee Road just south of STH 16.

Mr. Gilman reported that when Tom Roberts originally brought in a Certified Survey Map for this area, there was a jogged line of the property on the east side which fronts what is now the new South Kinney Coulee Road alignment which is being done in conjunction with the Gundersen Clinic property. When it came in with the jog at the right-of-way on the west side of the new South Kinney Coulee Road, it was reviewed with the Plan Commission as well as Gundersen Clinic and Kwik Trip, and there was agreement among all the parties that Gundersen Clinic would deed the little slivers of property over to straighten out the right-of-way. Kwik Trip agreed to do the revised CSM to show the smooth lines. Tom Kiefer, representing Kwik Trip, said it was also agreed by Kwik Trip to move the ring road back; that road is going to help the Holiday Inn, Old Country Buffet, and Olive Garden. This was with the agreement that there would be one more driveway in between where the ring road is moved back and then also the ring road. Mr. Kiefer said it was always their understanding from Gundersen Clinic that would happen, they bought the property from Mr. Roberts, and then all of a sudden Gundersen Clinic said they did not know if they wanted to do that anymore. They asked Kwik Trip to sign some easement agreements, and the one for the ring road appeared to be acceptable, but they wished to place substantial restrictions on any other driveway. Mr. Kiefer said Kwik Trip was asked by the City to move the ring road, put a ring road in which would benefit all these other businesses and also to provide the City some land, which has been done, in accordance with the verbal agreement by everybody. Mr. Kiefer said Kwik Trip is here to ask that the City dedicate these jogs. These two small pieces of property are basically not usable except for these driveways, and Mr. Kiefer said they feel if Gundersen Clinic is not going to go along with their verbal agreement to provide proper access to not only Kwik Trip's property but

**PLAN COMMISSION MEETING
SEPTEMBER 24, 1996**

Plan Commission Meeting

Tuesday, September 24, 1996

Page 6

Item 4 - PUBLIC HEARING - Relating to a rezoning request filed by Brad Kobishop to rezone a parcel south for Thomas Farms located between Freeway 53 and East Avenue from A-1 to R-2-3.

Mr. Gilman addressed the environmental issues on this property. He presented a letter sent to the City from the DNR. A condition was put on this item that the owner/developer would need to submit an environmental report addressing the issues raised by the DNR. Mr. Gilman said it looks as though they will follow the standard protocol for environmental assessments. He recommended that the Plan Commission require an EPA Phase II environmental assessment. There was testimony from neighbors last year at a public hearing and the letter from the DNR regarding what has been on this property historically, both of which indicate that the EPA Phase II assessment is what should be required, though no one at the DNR would specifically state that. The letter from the DNR is dated August 27, 1996, and indicates that files show there was extensive dumping of chemicals on this property. Mayor Stellner said he would think the state would have had to have done such an assessment at the time they went through the interstate. Atty. Jenkins said it would be a good idea to contact the DOT to see if they did, but typically they have to do only environmental impact statements about how their projects are going to impact the environment versus soil borings and testing of the ground water that would be part of the EPA Phase II study. She said the DNR has issued its responsible party letter directing the owners to investigate the parcel, but that can be a very slow process. Mr. Gilman said to his knowledge, the DNR has done a visual inspection of the site but nothing further.

Mr. Brimer asked where is the nearest City well to this property. Eng. Lund said it is at Oak Avenue North and Grove Street, which is a good distance from this property.

Mayor Stellner then opened the public hearing, noting that the notice was published. He called first for anyone wishing to speak in favor of the rezoning request.

Mr. Kobishop, 1404 Well Street, provided a diagram of what he is proposing as well as photographs of houses and duplexes that have been built by Mastercraft Homes with whom he has contracted for lots 2 through 8 across the front of the property. La Crosse Engineering will be doing the engineering and surveying. The plan is to develop this land in the spring of 1997. Viner Construction is contracted to do the excavation. Mr. Kobishop said he and his wife do plan to live in one of the duplexes being constructed. In addition, he stated they have put a stipulation on the contracts for selling the lots that new home construction must be of \$100,000 value or higher. Mr. Kobishop said he and his wife have contacted the neighbors and provided them with their number to address their concerns. One of their concerns had to do with traffic. Mr. Kobishop said because they are putting in a cul-de-sac, this development will not increase the traffic. Six of the 13 lots will be accessed by East Avenue, the other seven are on the cul-de-sac. Mr. Kobishop said East Avenue is wide enough to accommodate that. Another concern raised by the neighbors was parking. Mr. Kobishop said they were advised that the buildings planned are large duplexes that will have 2-car garages, so that there should be adequate off-street parking for the units. Another concern was

Plan Commission Meeting

Tuesday, September 24, 1996

Page 7

sidewalk and the number of people that would be here. The City has required sidewalk to be put in, and that will be done. Noise was another concern. The neighbors want the trees to remain, as they feel they serve as a buffer. Mr. Kobishop said providing a landscape buffer is one of the conditions. The neighbors are also concerned with control over the development. Mr. Kobishop reiterated that this proposal is for residential development which falls within the City's plan for low-density residential development in this area. He said the residents also did not want to have low-income housing, and he believes this plan clearly shows this is not what is going in, nor is there to be commercial development or multi-unit housing; the plan is strictly for duplexes and single family homes. Mr. Kobishop said they have a signed agreement to purchase the land, contingent on this rezoning. Part of the offer to purchase requires all EPA testing to be done. If the City requires the Phase II testing, Mr. Kobishop said they will go along with that and do whatever is necessary. He reviewed benefits, stating first from the City's point of view, the tax base will increase, and from the neighbors' point of view, this will not decrease their property values or decrease the salability of their houses. Mr. Kobishop said the neighbors all agreed that something was bound to come into this area at some point, and about half of them were in support of this proposal, the other half not sure. He reiterated that he plans to reside in the development himself.

Mr. Kobishop said he has talked with a hazardous waste specialist with the DNR who has provided him with a list of consultants. The DNR apparently indicated they do not want to be involved, but he was provided with a list of reputable consultants should he or the City wish to proceed with EPA testing.

Mark E_{tr}heim with Mastercraft Homes spoke in favor of the proposal, briefly reviewing some of his experience in developing in the City.

Mayor Stellner called for anyone else wishing to speak in favor of the request. Hearing none, he closed that portion of the public hearing and called for anyone wishing to speak in opposition.

Dave Solie, 501 Birch, said Mr. Kobishop is proposing to cram duplexes onto this small piece of property. He said he does not believe Mr. Kobishop's statement that these duplexes will not increase traffic. He also questioned the statement that this development will not affect his property values. He said the quality of living here is decreasing with all that has changed in the past few years. Mr. Solie said he feels they are becoming surrounded with multi-family dwellings, and he does not want more duplexes. He said they have some major concerns and played a tape of the noise that exists at this time from the highway. In addition to the noise, they are concerned about over-crowding. Mr. Solie said he feels this is undesirable property, and he does not know why development of it is being pushed. He said this is the third time this has come up. He said he knows the ground is polluted; he saw a 3-foot diameter hole in the ground, approximately 2-3 feet deep, from the chemicals that were dropped in there, no more than 30-40 yards off East Avenue.

Ann B_randau 521 Flint Street, said the neighbors consider this an important issue and they care

Plan Commission Meeting

Tuesday, September 24, 1996

Page 8

about it. She said she believes if the proposal were for R-1 single family, there would not be so much opposition; this would be consisting with the neighborhood to which it is adjacent. She questioned the need for more duplexes. The vast majority of development to the south is duplexes. Ms.Brandau said she does not know that the requires earthen berm will make much of a difference for buffering the noise. She cited specific examples where the noise is bothersome already, and the earthen berm would not be high enough to protect the homes from the noise. Ms.Brandau referred to the City's Comprehensive Plan, stating that this area was predominantly to be single family homes and further states that when development occurs in existing woodlands, as much natural vegetation as feasible should be preserved. Ms.Brandau said the comprehensive plan states that driveway access on collector and arterial streets should be minimized; the current plan will have at least six additional driveways coming off East Avenue. Ms.Brandau reiterated that noise is a big concern of hers, but she is also concerned with putting in more duplexes. She also raised the concern about allowing the rezoning when Mr. Kobishop has not yet purchased the property, and that purchase could fall through and someone else come and develop duplexes of lesser quality.

A resident at 500 Willow Street said in addition to the above concerns, he does not know why this issue is being addressed until the environmental testing is done. He said he sees no point in anything being done until that is complete.

Nancy Ernst, 532 Oak Park Drive, said at the time they moved in here 3 years ago, it was all single family dwellings. Since then, there have been more and more duplexes. There are a number of kids in the area, and more rental property will bring more kids being out on East Avenue. She said she is concerned with preserving the area for single family dwellings. She also said a value of \$100,000 on a duplex does not get a whole lot of home. Another concern is that while they may be owner occupied initially, that will not necessarily remain the case.

Elaine Doyle, 503 Willow Street, said she saw the dumping being done in the middle of the night. Atty. Jenkins said the proposal is contingent upon the property being found to not be contaminated. Ms. Boyle said the noise bothers her, but her main concern is with the possibility of contamination. She questioned whether anyone would buy a house in this area with the highway overhead.

A resident of 511 Willow Street said she believes this proposal will increase traffic in this area, and she is against it.

Pat Doyle, 503 Willow Street, said he believes if the proposal were for single family development, that would be alright, but they do not want duplexes.

Joan Solie, 501 Birch Street, spoke in opposition to the proposal.

Dan Rentschler, 611 Birch Street, said one of his major concerns is additional traffic, stating that the traffic past his house has at least doubled since the duplexes were put in by him, and they are

Plan Commission Meeting

Tuesday, September 24, 1996

Page 9

still building there. He said with an additional 13 duplexes, there will be increased traffic. He said he would like to see this area zoned for single family residences as that would be consistent with the existing homes.

Mayor Stellner called for anyone else wishing to speak in opposition to the proposal. Hearing none, he closed the public hearing and turned the matter over to the Plan Commission.

Clerk Hough said she received calls from the following people indicating their opposition to this proposal: Sue Rentschler 611 Birch Street; Mary and Don Olson, 2301 Franklin Street; Curtis Thumann 519 Oak Park Drive; Michael and Donna Longway, 2412 Franklin Street.

Mr. Stephan noted that if this parcel were zoned R-1, it could potentially be broken into 24 lots; at two cars per lot, that would be an additional 48 cars, so the concern about traffic is going to be the same whether it is single family or duplex development.

Motion by Mr. Landsinger, second by Mr. Brimer, to deny the rezoning request. Under discussion, Mr. Landsinger said he would feel more comfortable to have the results of the environmental testing first, fearing that there would be liability down the road if they went ahead with this prior to having that done. Clerk Hough pointed out that the conditions state that must be completed prior to any development of the area being done. Mr. Kobishop would not even buy the land if the environmental assessment is not good. Mr. Brimer agreed that the rezoning should not be done prior to having that assessment complete. He said something is going to be developed in this area, but he does not know if single family development is feasible with the location of the highway. Atty. Jenkins said if the Plan Commission so desired, they would have the option of recommending to the Council that the ordinance with regard to the rezoning not be given its third and final reading until the environmental assessment is completed. Eng. Lund said he has been opposed to the multi-family development here also, but it is also not practical to leave this land in the City Limits zoned as agricultural. He said at some point in time, this land is going to be developed, and he suggested perhaps the neighbors could work closely with the developer to select what they could be satisfied with. Mr. Stephan said he has not heard anything to substantiate the claim that property values will go down, and he believes they will go up. He also said that buildings along the highway to help to serve as a buffer. He said in Crosstown Addition, they are doing custom homes right across from duplexes. He said to the neighbors that he feels, from a developer's standpoint, this proposal is the best that can happen to the property. Adm. Durst said looking at the zoning along Highway 53, in Thomas Farms, everything along the freeway is zoned R-2-3. On the other side of Franklin Street in Schaller's Oak Park, the whole area is also zoned R-2-3. Adm. Durst said he believes this request for R-2-3 zoning is consistent with the existing zoning.

Mr. Stephan suggested amending condition 9 to require an EPA Phase II environmental assessment. In addition, he said he would like to see those same tests repeated after the land is graded. Atty. Jenkins said she believes in this assessment, the borings are of such depth that they will find

Plan Commission Meeting

Tuesday, September 24, 1996

Page 10

contamination underground; the Phase II assessment is not merely a surface assessment. She noted that it will be a number of months before the results would be back on that report and again noted the option of recommending that the ordinance not be given its third and final reading until the environmental assessment is done. Adm. Durst said a similar situation was done with the John Fox development on PH, holding off with the third and final reading until the properties were sold.

There being no further discussion, on voice vote, motion to deny was denied, 4-3, with Mayor Stellner abstaining.

Motion by Mr. Stephan to approve the rezoning request but to withhold the third and final reading of the ordinance until the EPA Phase II environmental assessment results are known and cleared.

Motion seconded by Eng. Lund. This approval is with the following conditions as well:

1. Rezoning Fee of \$150.00.
2. Preliminary Plat Fee of \$40.00 + \$10.00 per lot--applicable when plat is brought in.
3. Park Fee of \$545.00 per unit--applicable when plat is brought in.
4. Topo Fee of \$10.00 per acre x 5.82 = \$58.20.
5. East Avenue North Sanitary Sewer Fee of \$732.00 per acre x 5.82 = \$4,260.24.
6. Storm Sewer Fee of \$2,565.00 per acre x 5.82 = \$14,928.30.
7. Owner/Developer to submit erosion and drainage master plan for review and approval by the City.
8. Owner/Developer to submit landscape master plan showing adequate buffer/screening of freeway from homes--3' beam with plantings buffering homes required.
9. Owner/Developer to submit a detailed EPA Phase II environmental report addressing soil contamination concerns on site.
10. Preliminary plat to show required ROW for dedicated cul-de-sac and all other easements.
11. All fees to be paid and required plans and surveys to be approved prior to issuance of building permits.
12. All conditions to be met prior to occupancy permit.
13. Owner/Developer responsible to make contractor and other applicable parties aware of all required conditions for issuance of building permits.
14. Well to be capped properly--obtain all necessary state approvals for abandonment and submit copies to City.
15. 30' green area and 50' setback against freeway.
16. Sidewalk required along East Avenue North.
17. Street lights required per City specs (see Paul Johnson).
18. Need utility plans showing how extension of sanitary and water laterals fits lot layout on East Avenue North. Also need utility plan of how cul-de-sac is to be serviced.
19. Is this plat to be done in two stages? If so, cul-de-sac street should not be included in first phase.
20. 10' snow storage easement required on cul-de-sac.

Plan Commission Meeting

Tuesday, September 24, 1996

Page 11

21. Make utility plan available to prospective buyers.
22. Approved drainage plan required by City Inspection Department.
23. All assessments along East Avenue North to be paid in full.
24. File NR216 Storm Sewer Construction Site Management Plan.
25. Two-year guarantee required on all public improvements.
26. No signing off of plat until all fees are paid and improvements are complete, unless a letter of credit is on file.
27. Any omissions of any conditions not listed in Plan Commission minutes shall not release the developer/property owner from abiding by the City's Subdivision Ordinance and Zoning Code requirements.

On voice vote, motion carried, 4-3, with Mayor Stellner abstaining.

Item 5 - PUBLIC HEARING - relating to a Conditional Use Permit request filed by Todd Delagrave at 221 Main Street to attach an accessory building to the principal structure.

Mr. Landsinger read the public hearing notice in its entirety and called first for anyone wishing to speak in favor of the request.

Todd Delagrave spoke in favor and offered to answer any questions. He explained that he would like to put a walkway between the buildings with a roof overhead to keep it clear of ice and snow and also to be used for storage of old tires out of sight--they sometimes are there for up to 3 weeks.

Mr. Landsinger called three times for anyone else wishing to speak in favor of the request. Hearing none, he closed that portion of the public hearing and called for anyone wishing to speak in opposition. After three calls and hearing none, he closed the public hearing and turned the matter over to the Plan Commission.

Motion by Clerk Hough, second by Mr. Landsinger, to approve the Conditional Use Permit for Todd Delagrave to attach an accessory building to the principal structure, with the conditions listed.

Under discussion, Mr. Brimer asked if the walkway would be compatible with the building. Mr. Delagrave said it would. Mr. Stephan raised a concern about a fire hazard, stating there should be something to protect the rear building. Mr. Delagrave said there is a steel door; he would check if it was a fire door. A friendly amendment was made to add condition no. 7 below to address this concern.

1. Conditional Use Fee of \$150.00--waived.
2. Erosion Control Fee of \$75.00--waived.
3. Owner/Developer to blend addition in to existing architecture.
4. Zoning variance required for 6' rear setback.

PLAN COMMISSION MEETING
SEPTEMBER 6, 1995

PLAN COMMISSION MEETING

Wednesday, September 6, 1995

Page 7

Osterhout said that is stated as one of the above conditions. Adm. Durst said that should be received, however, prior to Council approval. That will be required. There being no further discussion, on voice vote, motion carried.

AMENDED AGENDA ITEM NO. 1 - Further consideration and possible action on the Conditional Use Permit for the Community Development Authority for an 80' x 75' cold storage building.

Bob Haug reported that the CDA has accepted a bid on the cold storage building at the Omni Center, and it was felt this should be brought back to the Plan Commission one last time to answer any questions that might come up. Mr. Haug described the building. It will be the same color as the Omni Center. Mr. Smith stated that one of the conditions was that the structure was to be in the same decor as the Omni Center, and it was stated that the building will complement the Omni Center. Mr. Smith questioned if this is so if the storage building is metal. Mr. Haug said except for the decorative block in the front, the rest is the charcoal-blue metal, which is what the storage building will be. Through the rest of the building, other than through the main entrance, the brick is just plain concrete block. Adm. Durst said they are also going to be looking at landscaping around the storage building, and Mr. Haug said he found out yesterday there is already a row of trees in that, between those and the building, there will be a real good break from the street or from the bleacher area.

Mayor Osterhout said the Park and Rec. Board took a hard look at this, as did everyone else in the City, and they have come up with a plan that will be complementary to the Omni Center. Drawings and options considered by the CDA were reviewed. Mayor Osterhout stated that the storage building is not being attached to the Omni Center as it would negate the grant with the DNR; in addition, if it were attached, a sprinkler system would be required, which would be a terrible expense for a cold storage building.

Mr. Smith so moved for approval of the building specs as proposed, second by Mr. Brimer. On voice vote, motion carried.

AGENDA ITEM NO. 8 - PUBLIC HEARING - Regarding a request filed by Michael Tooke, agent for Robert Tooke, to rezone property located east of USH 53, west of East Avenue, and south of Thomas Farms Addition from A-1 to R-4 and M-1.

Mayor Osterhout read the public hearing notice, with a motion by Adm. Durst, second by Ms. Lee, to include the legal description as attached. On voice vote, motion carried. Mayor Osterhout then called first for anyone wishing to speak in favor of the request.

PLAN COMMISSION MEETING

Wednesday, September 6, 1995

Page 8

Mike Tooke, 708 Vilas Street, said he is representing his father, Robert Tooke. He stated that this property is sandwiched between USH 53 and East Avenue. It has been for sale for quite some time, and they have been unable to sell it as a whole and would therefore like to break it up. Mr. Tooke said they feel it may be more saleable if it is zoned R-4. Concerns were brought up with the M-1 zoning at the Subcommittee meeting, and Mr. Tooke said they would be willing to drop that portion and just rezone the whole property R-4.

Mayor Osterhout called three times for anyone else wishing to speak in favor of this request. Hearing none, he closed that portion of the public hearing and called for anyone wishing to speak in opposition to this request.

Joan Solie said she and her husband are opposed to this change in zoning for a number of reasons. First, she stated that most of the neighbors were just added as a part of the City 2-1/2 years ago, and they take a great deal of pride in their property. The people in this subdivision take great pride in their homes and spend a great deal of money to maintain them, and they wish to keep that same type of atmosphere. Ms. Solie said if this were zoned for multiple-family dwellings, which would not necessarily be owner-occupied, they feel it would be unattractive. Ms. Solie said there would be a property devaluation. In addition, Ms. Solie said there would be increased traffic, and since East Avenue North is already a busy street, they have concerns for safety with this. Also, Ms. Solie said there would be increased noise. Ms. Solie said she is concerned that there would likely be property deterioration if the development is not owner-occupied because people do not tend to care about what they do not own. In addition, she stated this is a small area, and there would be over-crowding. She said she was glad the M-1 request is being dropped, but she still believes multi-family dwelling would not be suitable and would cause parking problems for the neighbors.

Ms. Solie stated that she and her husband called all the people who were sent letters and were able to reach only 13, but 11 of those 13 were opposed to this rezoning request. She asked that the Plan Commission to their petition and consider not rezoning this property.

Peggy Opland, 516 Oak Park Drive, said the Oak Park Addition is a quiet, peaceful place to raise children, and the development here has been good, with single-family homes for the most part. She said she would like to see Oak Park remain a quiet, residential area, and the residents would like to retain the value of their homes. She stated she would consider R-1 zoning to be beneficial for this property.

Marilyn Carson, 511 Willow Street, said she would like the area to maintain its quiet setting, and she noted that the properties in the subdivision have really undergone a lot of improving.

PLAN COMMISSION MEETING

Wednesday, September 6, 1995

Page 9

Don Krall, 500 Oak Park Drive, said he is opposed to the multi-family housing for a lot of the same reasons stated above. He also questioned taking care of the land now, stating that it has not been maintained at all.

Ann Brandau, 521 Flint Street, said she is opposed to both the M-1 and the R-4 rezoning. Primarily on the R-4, a developer would have the ability to do high-density multiple housing. Ms. Brandau said she obtained a copy of the City's Comprehensive Plan for the development of Onalaska, and contained in that is this area. The Plan does not even call for a mixed-residential development but a low-density residential development, which would be R-1 or perhaps R-2. Ms. Brandau said this is a single-family area, and she does not think the people who live there deserve to have the other side of East Avenue turned into either a potential factory or an apartment development. In addition, Ms. Brandau said she is concerned with losing the natural buffer here from the traffic on Highway 53, even if this were zoned to R-1, and if the area is going to be developed in such a way that the noise would become a greater concern for the residents, they might consider petitioning for noise barriers. Ms. Brandau said she does not know that there has been anything indicating a need for additional multiple residential dwellings in this area, and she does not believe anyone present is in support of that.

Mark Janney, 2441 East Avenue North, said when this neighborhood was annexed to the City, East Avenue was approved, and the residents were told by the Mayor at that time that Onalaska has one of the best police forces in the area, and they would not let that street get out of hand. Mr. Janney said he is opposed to this area being developed in any way other than single-family residential.

Nancy Ernst, 532 Oak Park Drive, said she and her family moved into this neighborhood at the time the City sewer and water was being brought in, and they knew that there were going to be a lot of changes and thought they would all be for the better. She said she would like the quality of Oak Park to be maintained and not to have multi-family housing developed here.

Another resident said he recalls at a meeting held some time ago when the residents were trying to get some sewer service in the area, and Mr. Tooke attended at least one of those meetings and indicated that he had planned on developing the other side of 53 but that this side under discussion now would never be developed. He said there are a number of residents who would have moved or made other plans had they known this area was going to be developed.

Marilyn Krall, 500 Oak Park Drive, said just as the City was concerned about having a sore spot at the Omni Center, the residents of Oak Park are concerned about having a sore spot in their residential area.

PLAN COMMISSION MEETING

Wednesday, September 6, 1995

Page 10

Tim Kobs 504 Flint Street, which is right across the street from the land under discussion, said he and his wife have spent a lot of time and money fixing up their property since moving here 2 years ago, said having lived in Madison, he has seen first-hand what happens when apartment complexes move into an area--land values go down; after a certain amount of time, the apartment complexes become run-down; they get a lower class of people moving in, the crime rate starts going up, and the neighbors do not want any part of that.

Bob Anderson, 2300 East Avenue North, said he has been a long-time resident of this area and has seen a lot of development come and go, and there have been a lot of duplexes going up just south of this, so he does not see a need for R-4 development here. He stated he would only be in favor of single-family development in this area.

Elaine Doyle, 503 Willow Street, said their home is directly across from the house that had to be burned down a few years ago, and until that finally was done, they had to look at that house, and the clientele going in there were terrible. It was always a mess, and if this is an example of what could happen out there, nobody would want to live by it. She said she is opposed to the R-4 rezoning.

William G. Skemp, 2309 Thomas Court, said his property abuts part of the Tooke property, and he agrees with what has been said by the other residents. In addition, Mr. Skemp said he is concerned that if this area is rezoned R-4 and an apartment building goes up, it would overlook his property in that the property slopes up onto a hill. He said he feels a multi-family dwelling would devalue a lot of the property on Thomas Court that abuts this property because people do not tend to keep up rental properties and because of the slope that would allow people to be overlooking these back yards. Mr. Skemp said as a parent, he is also concerned about increased traffic.

Marty Sobeck, 516 Willow, questioned whether there is really any need for additional multi-family housing in the City. He stated that with the brand-new duplexes in the area, there is already an abandoned car parked in back, and this is the type of thing that comes up in a very short time on multi-family dwellings that the home owners are concerned about.

Mayor Osterhout said with regard to the abandoned car, it is often the case that the City finds out about these things only when the neighbors report them. The City does not just ignore these things, but they do rely on the citizens to help out so these problems can be addressed.

Mr. Sobeck asked if the property taxes would go down if the property values go down. Mayor Osterhout said he could not answer that, but he pointed out that in the last 30 years, property values in the City of

PLAN COMMISSION MEETING

Wednesday, September 6, 1995

Page 11

Onalaska have not gone down but have gone up, and he does not think that trend is going to change. He said while the concern about property value is a legitimate concern, it has not been a fact.

Al Wernecke, 701 Kent Place, said he is also opposed to the rezoning request, and he would like to see the neighborhood remain single family residential.

Mayor Osterhout called three times for anyone else wishing to speak in opposition to this request. Hearing none, he closed the public hearing and turned the matter over to the Plan Commission for their determination.

Mr. Smith so moved for approval, with the following five conditions, noting that a couple of these conditions are contingent upon what the developer wishes to do with the property in that the condition is to recommend denial unless the properties are rezoned to a lesser zoning classification.

1. Recommend for denial.
2. Does not fit master plan.
3. Would consider R-1/R-2, or 3 mixture or possible condominiums.
4. Payment of Rezoning Fee of \$150.00.
5. Any omissions of any conditions not listed in Plan Commission minutes shall not release the developer/property owner from abiding by the City's Subdivision Ordinance and Zoning Code requirements.

Mr. Smith said he recommended at the Subcommittee, and had a meeting with Robert Tooke on site, that the zoning be reduced to at least R-2-3. Mr. Tooke indicated that he has assessments built up on the property, and he cannot afford to sell it as R-1. Mr. Smith said he recommended trying to go with R-2-3 with a conditional use that would permit cluster homes; whoever would buy the property would have to come before the Plan Commission and present a complete plan for the 5.8 acres. Mr. Smith said the land is unique in shape and is not conducive to having normal lots placed on it.

Motion seconded by Ms. Lee. Under discussion, Mayor Osterhout said the recommendation put forth by Mr. Smith does address the low-density zoning that the Long-Range Plan calls for in this area. He stated that cluster homes, owner-occupied, would ensure that the owners are living on the property and will likely take as good of care of their property as the neighboring residents take of theirs. Under these conditions, Mayor Osterhout said the proposal would get his support as well. Mayor Osterhout said he feels this meets the concerns brought up by the residents, although he does understand the owner's trying to recoup his investments.

PLAN COMMISSION MEETING

Wednesday, September 6, 1995

Page 12

Mr. Brimer said he finds the motion as stated a little confusing, but it is irresponsible to propose M-1 for this area, and R-4 certainly does not match with the City's plans or with the neighborhood, and he, too, would not support anything greater than R-2-3. Mr. Brimer said he would also not try to cram as much building into as little property as possible, stating that he feels some of Mr. Tooke's properties have some way to go as far as aesthetics.

There being no further discussion, motion for denial of the requested rezoning carried.

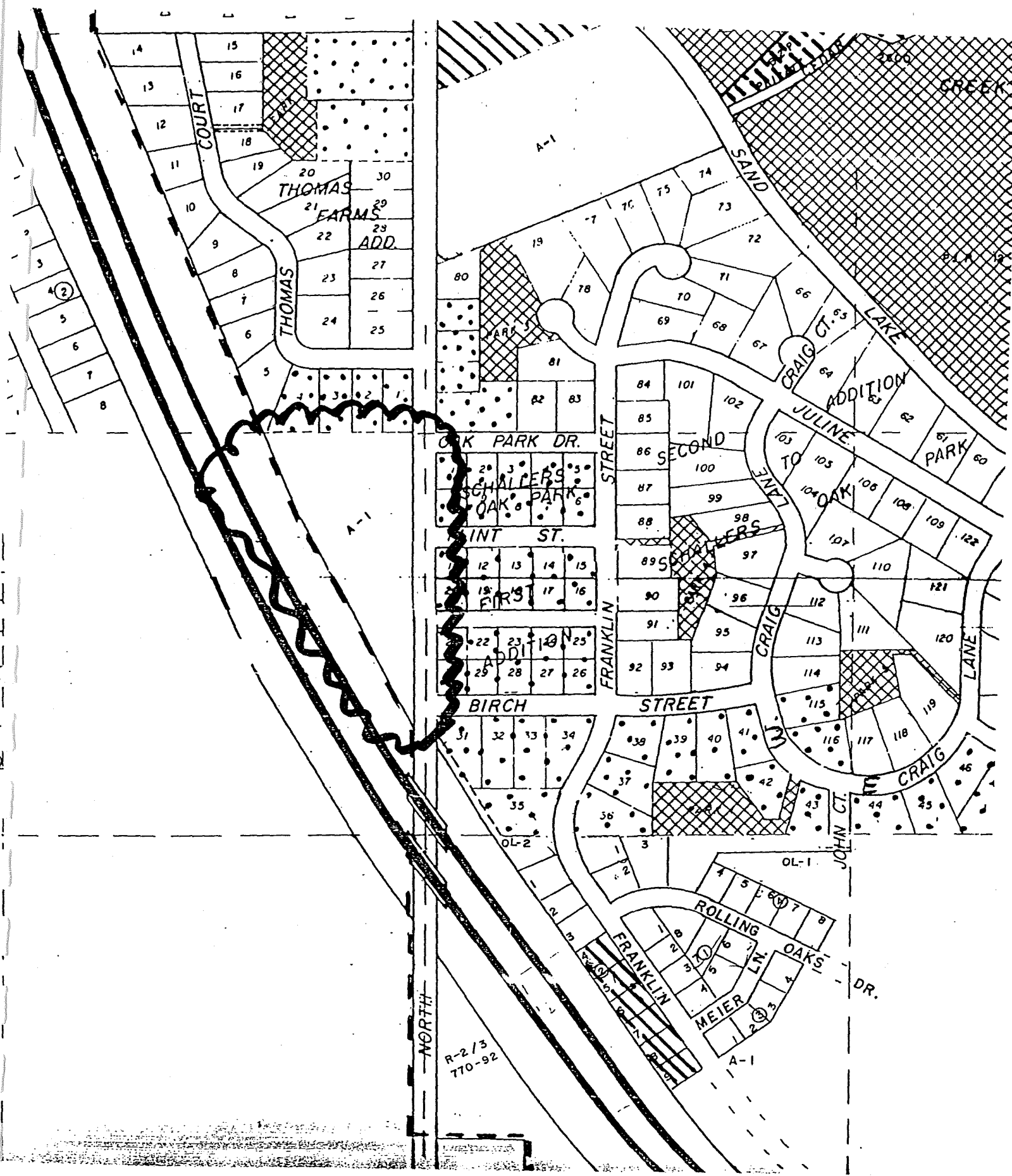
AGENDA ITEM NO. 9 - PUBLIC HEARING - Regarding a request filed by Todd Delagrave to amend the Conditional Use Permit granted December 13, 1994, to allow additional time for removal of a house and creation of additional parking spaces.

Mayor Osterhout read the public hearing notice in its entirety and then called for anyone wishing to speak in favor of the request. After three calls and hearing none, Mayor Osterhout closed that portion of the public hearing and called for anyone wishing to speak in opposition to the proposal.

John Ruud said he lives right behind Del's Auto and is not really against postponing tearing the house down, but he and his wife do have concerns about their property and the adjoining property line. He stated that they asked in a previous hearing to have a fence put up between their property and the business, requesting a wood privacy fence. He said he believes this was a condition placed, and Mr. Delagrave has since put up a fence, but it is a chain link fence and not what would be considered a privacy fence. The Ruuds wanted the fence for privacy, for stopping some of the noise, and to separate the two buildings so that the cars and so forth from the business would not have a negative impact on their property. He asked that the Plan Commission keep this in mind in considering the conditions for this business, and he wanted them to know the Ruuds would like a privacy fence. He said there are weeds growing up along the fence on the business's side, and there is equipment stored behind the building between the two properties, and the Ruuds would like to have that cleaned up if the City can do anything about that. He provided pictures of the fence.

Mrs. Ruud stated that the chain link fence was put up last summer, and she sent in a letter requesting a wood privacy fence as they were unable to attend the public hearing, and then about a month ago, the business put strips into the chain link fence. She said from what she understands, Mr. Delagrave indicated to someone that he had contacted Mrs. Ruud to see what color lats she would like placed in the fence, but that was not so--Mrs. Ruud said he has never had any contact with her regarding this. In addition, Mrs. Ruud said there is about 3 feet

TARCO EAST
PLAT INFORMATION



Item 3

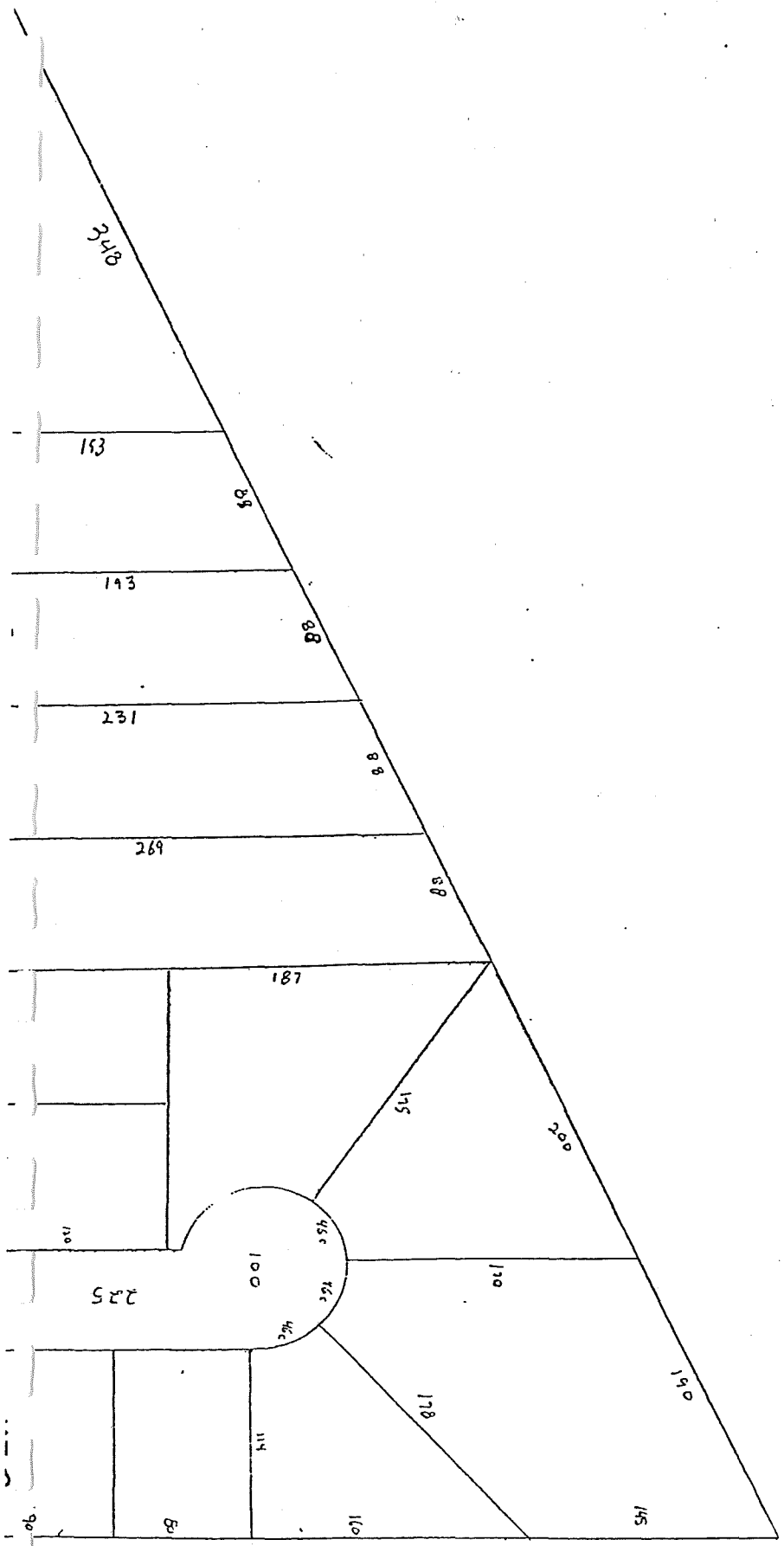
~~10~~

KOBISHOP PLAT

KOBISHOP PLAT

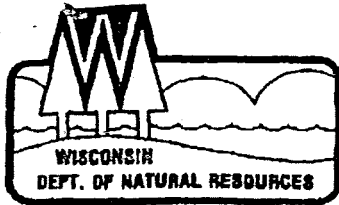
Item 3

1" = 100'



2

WDNR CORRESPONDENCE
RE: TARCO 1996 - 1998



George E. Meyer
Secretary

42pgs
State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

3550 Mormon Coulee Road
State Office Building
La Crosse, WI 54601
TELEPHONE 608-786-9000
TELEFAX 608-786-9990

May 20, 1996

ER

Mr. Robert Tooke
5820 NE 27th Avenue (letter only)
Fort Lauderdale, FL 33308

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Tarco South, Inc.
2240 South Avenue
La Crosse, WI 54601

Dear Sirs:

During the course of investigating citizen inquiries referred to us by the City of Onalaska, we have found signs of contamination on property you own west of Highway 53 in the Town of Onalaska. The area can be described as the SW 1/4 of the SE 1/4 of section 29, T17N, R7W, west of STH 53.

Information from archived files suggests that dumping of industrial materials occurred on this property during the 1970s. Large pools of weathered residue remain in areas that we recently investigated. At this time we do not know for sure whether the dumping affected underlying soils or groundwater in the area. Contamination may be superficial, may have weathered in the soil so as to be innocuous, may have been flushed from the site, or may still be present in lenses. There is some indication that groundwater off-site may not now be affected.

Section 144.76, Wisconsin Statutes, 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 the state."

This site should be investigated to determine whether any contamination still exists. I believe that the most efficient and cost-effective way of investigating this particular site would be to hire a consultant to drill several soil borings, using a Geoprobe or similar device, at and below the visible dumping spots. Analysis of soil samples at varying depths and of water samples retrieved at the water table should be specified. Field screening may be used as a guide. Samples should be analyzed for volatile and semi-volatile compounds using a certified laboratory.

Mr. Robert Tooke and Tarco South, Inc. May 20, 1996

page 2

Investigative work should be completed by September 1, 1996. A workplan should be obtained by July 1, 1996.

Enclosed is a list of consultants for your convenience. If you have any questions, please do not hesitate to contact me in La Crosse at 608/785-9984.

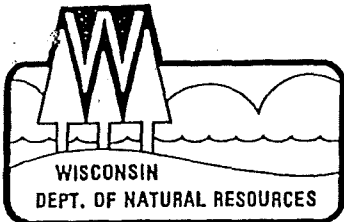
Sincerely,



Barb Palecek
Waste Management Specialist

c: D. Lundberg/W. Evans/D. Joseph
Rickert Durst/Jason Gilman, City of Onalaska

Item 3
B.



George E. Meyer
Secretary

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

3550 Mormon Coulee Road
State Office Building
La Crosse, WI 54601
TELEPHONE 608-785-9000
TELEFAX 608-785-9990

August 22, 1996

ER

Mr. Jason Gilman
City of Onalaska
415 Main Street
Onalaska, WI 54650

SUBJECT: Tarco South, Inc., Property
East Avenue South, Onalaska
La Crosse County

Dear Mr. Gilman:

The City has requested information on the property described as the SW 1/4 of the SE 1/4 of section 29, T17N, R7W, east of STH 53. This parcel is owned by Tarco South, Inc., with Robert Tooke as a contact.

Files show that extensive dumping of chemical solvents occurred at the property now owned by Tarco South, Inc., but previously owned by Robert Tooke. On May 20, 1996, the Department issued Robert Tooke and Tarco South, Inc., a letter establishing responsibilities under s. 144.75, Wisconsin Statutes, to investigate the parcel west of the new STH 53. The basis for issuing this "responsible party" letter was previously documented knowledge of the history of the site and visible stains still existing on the west side.

The Department cannot verify lack of contamination on the east side of the Tarco South property. Only an appropriate environmental assessment could provide the City with any measure of assurance that the east side is contamination-free.

It is possible that results of the investigation required in the Department's May 20, 1996, letter to Tarco South, Inc., could provide additional clues regarding the east side of STH 53. We have not received the information to date. Also, we have become aware of the existence of unabandoned wells on both sides of the property. Depending on condition and depth of the wells, pumping and testing of them may provide additional information as to the environmental condition of soils and groundwater on the east side of STH 53.

Item #
B.

Mr. Jason Gilman

August 22, 1996

page 2

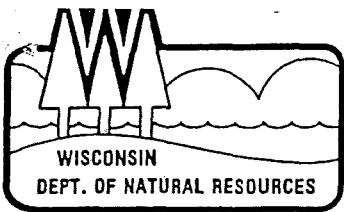
If you would like to discuss this further or need file information, please do not hesitate to contact me at 608/785-9984.

Sincerely,



Barb Palecek
Hazardous Waste Specialist

c: D. Lundberg/W. Evans/D. Joseph
Tarco South, Inc., 2240 South Avenue, La Crosse, WI 54601
Robert Tooke, 5820 NE 27th Avenue, Fort Lauderdale, FL 33308

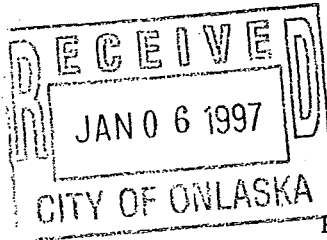


George E. Meyer
Secretary

17071 4
State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

3550 Mormon Coulee Road
State Office Building
La Crosse, WI 54601
TELEPHONE 608-785-9000
TELEFAX 608-785-9990

COPY



January 6, 1997

ER
CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Robert Tooke
5820 NE 27th Avenue
Ft. Lauderdale, FL 33308

Tarco South, Inc.
2240 South Avenue
La Crosse, WI 54601

SUBJECT: Contamination of Soil on Eastern Portion
of Tarco South Property, Onalaska
SW1/4 of SE1/4, sec. 29, T17N, R7W

Dear Mr. Tooke:

On December 23, 1996, the City of Onalaska informed me that a report submitted by ACG Environmental, Inc., indicated that soil showed signs of arsenic contamination. Laboratory data for the sample indicates that the soil tested contains arsenic at levels exceeding standards set forth in ch. NR 720, Wisconsin Administrative Code. This would indicate a release of hazardous substances to the soil. The purpose of this letter is to inform you of your legal responsibilities to address this situation.

According to s. 144.76(3), Wisconsin Statutes, "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."

Because a release is indicated, you will be responsible for conducting an investigation to determine the degree and extent of contamination, and potential, if any, for groundwater impact. If indicated, remedial actions may need to be taken to clean up contaminated media. All soils, wastewaters or sludges must be disposed of in an approved manner.

Within 30 days of receipt of this letter, please inform the Department of the name of the consultant you have hired and the date the investigation is to begin. Investigations should be begun by March 14, 1997.

The Department requires that you have a qualified environmental engineer or hydrogeologist direct the remedial investigation. Two copies of the investigation report should be submitted to this office. Investigations and analyses should be submitted to this office by June 1, 1997.

If you or your consultant have any questions about this letter, please contact me at 608/785-9984.

Sincerely,



Barb Palecek

Waste Management Specialist

c: D. Lundberg/W. Evans/D. Joseph
Mr. Jason Gilman, City of Onalaska, 415 South Main Street, Onalaska,
WI 54650 ✓



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Tommy G. Thompson, Governor
 George E. Meyer, Secretary
 Scott A. Humrickhouse, Regional Director

West Central Region Headquarters
 1300 W. Clairemont Avenue
 PO Box 4001
 Eau Claire, Wisconsin 54702-4001
 TELEPHONE 715-839-3700
 FAX 715-839-6076
 TOD 715-839-2786

June 2, 1998

BRRTS# 02-32-000209
 La Crosse County

Mr. Jason Gilman
 City of Onalaska
 415 Main St.
 Onalaska, WI 54650

SUBJECT: Tarco South Property - Eastern Portion Located in the City of Onalaska, Wisconsin, Tax Parcel # 18-4512-030

Dear Mr. Gilman:

I have completed my review of the environmental site investigation reports submitted by ACG Associates, Midwest Environmental, and Fluid Management, related to the above-referenced property. No contaminants were confirmed in the limited soil sampling which was completed at the site which would warrant health concerns through direct contact with the site's soil in a residential setting. Arsenic soil sample results reported by ACG Associates were not confirmed in subsequent analyses in the same area by Midwest Environmental, and the previous ACG results were therefore considered either an anomaly or suspect in nature. Soil sample results for RCRA metals, volatile organic compounds (VOCs), and semi-volatile organic compounds (SVOCs) were either none detect or below their respective NR720 standards and/or the applicable EPA guidance standards. It is my conclusion, based on the soil analytical data provided the Department in those reports, that this site does not appear to represent a threat to public health, welfare or safety, or the environment via the soil pathway.

Groundwater analytical results have indicated an exceedance of the ch. NR140, Wis. Adm. Code, enforcement standard for trichloroethylene, in both the eastern and western portions of the Tarco South property. Based on these exceedances the Department has granted Tarco South conditional closure of only the eastern portion of the property, contingent on the placement of a water use deed restriction on the property, which would deter the construction and use of private wells in future development of the property. It is my understanding that this deed restriction requirement is acceptable to all parties because this parcel will be served by the City of Onalaska's municipal water supply system.

The Department will continue to hold Tarco South, Robert Tooke President, responsible for the continued environmental investigation necessary to define the degree and extent of groundwater contamination related to the western portion of the site and take corrective actions at the site if necessary. It is extremely unlikely that the City of Onalaska would incur any environmental responsibility at the site in your extension of public roads and utilities through the eastern portion of the property, with the possible exception of handling limited quantities of contaminated soil appropriately, in the unlikely event that it would be encountered.

Post-It* Fax Note	7671	Date	6-2-98	# of pages	4
To	JASON GILMAN	From	DAUG JOSEPH		
Co./Dept.	CITY OF ONALASKA	Co.	WDNR		
Phone #		Phone #	715-839-1002		
Fax #	608-781-9534	Fax #			

Quality Natural Resol
 Through Excellent C

property may not be abandoned, and is needed as a long-term monitoring point for the western portion of the Tarco South property.

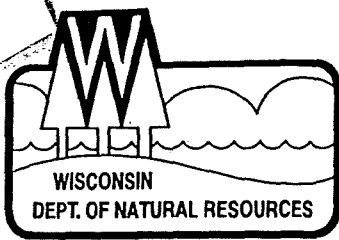
I appreciate your concern in this matter. If you should have additional questions related to this matter please feel free to contact me at (715) 839-1602.

Sincerely,



Douglas Joseph
Hydrogeologist

- c: Bill Evans - WCR
Mr. Ted Hubbes, Fluid Management, 1285 Rudy St., P.O. Box 684, Onaska,
WI 54650-0684
- Mr. Jason Gilman, City of Onalaska, 415 Main St., Onalaska, WI 54650



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Tommy G. Thompson, Governor
George E. Meyer, Secretary
Scott A. Humrickhouse, Regional Director

West Central Region Headquarters
1300 W. Clairemont Avenue
PO Box 4001
Eau Claire, Wisconsin 54702-4001
TELEPHONE 715-839-3700
FAX 715-839-6076
TDD 715-839-2786

June 19, 1998

RR Case# 02-32-000209
La Crosse County

Mr. Robert Tooke
Tarco South, Inc.
2240 South Ave.
La Crosse, WI 54601

SUBJECT: CONDITIONAL APPROVAL: Site Investigation Workplan for the Western Portion of the Tarco South Property Located in the Town of Onalaska of Onalaska, Wisconsin; Tax Parcel Number 10-830-000

Dear Mr. Tooke:

I have reviewed the above-referenced SI workplan, submitted on your behalf by Fluid Management, on June 5, 1998, and received by the Department on June 10, 1998. The work plan submitted by your consultant appears to be a reasonable approach in this situation based on Department of Natural Resources (DNR) guidelines, and we recommend that you proceed under the direction of your consultant. The above-referenced workplan is therefore conditionally approved, subject to the following additions and/or modifications:

1. All unused potable wells on the east and west portions of the property need to be properly abandoned at this time, not just the well on the eastern portion of the property. You should provide a commitment to abandon these wells and a schedule under which this abandonment will take place.
2. Adequate information already exists from your consultant's review of the groundwater characteristics related to the L.B. White case file to enable you to proceed with locating the required additional monitoring wells. The time you have requested to collect two more rounds of groundwater elevation data appears to be unwarranted and could be perceived as an attempt to stall the required expanded site investigation. You should provide a site diagram indicating your proposed locations of new groundwater monitoring wells, and a schedule under which you intend to construct the well(s).
3. The Department requires that you propose the actual locations of the private potable wells at the adjacent residential subdivision which you intend to sample. In addition, dependent on the proposed locations, 3 private wells may not be adequate to define the potential impacts to the subdivision. You should provide a site diagram indicating your proposed locations of the private potable wells which you intend to sample, and a schedule under which you commit to sample these wells.

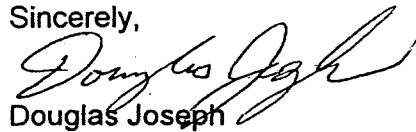
I would point out that the Department has been very cooperative with you in expediting our reviews and approvals for this project in order to facilitate your pending property transaction. The Department has spent a substantial period of time drafting a Consent Agreement which you had requested, reviewed and commented on, and then later refused to sign. Should you fail to move ahead in the expanded investigation of the western portion of the property in a reasonable period

of time, the Department will initiate enforcement actions to ensure that this investigation is completed.

Once you have provided the required documentation requested in conditions 1-3, outlined above, the Department will approve the workplan and will issue the Notice to Proceed.

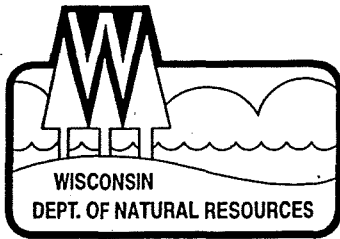
I appreciate your concern in these matters. Please submit the amended workplan to address the above-referenced conditions of approval **within the next 10 days**. If you should have additional questions regarding this matter, please feel free to contact me at (715) 839-1602.

Sincerely,



Douglas Joseph
Hydrogeologist

c: Mr. Ted Hubbes, Fluid Management, 1285 Rudy St., P.O. Box 684, Onalaska,
WI 54650-0684
Mr. Jason Gilman, City of Onalaska, 415 Main St., Onalaska, WI 54650



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Tommy G. Thompson, Governor
George E. Meyer, Secretary
Scott A. Humrickhouse, Regional Director

West Central Region Headquarters
1300 W. Clairemont Avenue
PO Box 4001
Eau Claire, Wisconsin 54702-4001
TELEPHONE 715-839-3700
FAX 715-839-6076
TDD 715-839-2786

August 12, 1998

BRRTS Case# 02-32-193644
La Crosse County

Mr. Robert Tooke
Tarco South, Inc.
2240 South Ave.
La Crosse, WI 54601

SUBJECT: **APPROVAL:** Site Investigation Workplan for the Western Portion of the
Tarco South Property Located in the Town of Onalaska, La Crosse County,
Wisconsin

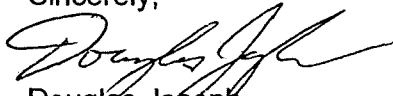
Dear Mr. Tooke:

I have reviewed the above-referenced SI workplan, submitted on your behalf by Fluid Management, on August 6, 1998, and received by the Department on August 10, 1998. This letter approves that workplan and serves as your "Notice to Proceed" with the investigation of this site. The work plan submitted by your consultant appears to be a reasonable approach in this situation based on Department of Natural Resources (DNR) guidelines, and we recommend that you proceed under the direction of your consultant.

Your consultant should follow the Wisconsin Administrative Code, NR 700 series, and the DNR's guidance publications for environmental response. Groundwater and soil samples should be analyzed according to the parameters in the DNR's Analytical Guidance. It is very important that your consultant understand and meet the minimum standards established by the Department. However, according to Wisconsin Statute 292.11, you, as the responsible party, are ultimately responsible for the investigation that is required at your site.

I appreciate your concern and cooperation in these matters. If you should have additional questions regarding this matter, please feel free to contact me at (715) 839-1602.


Sincerely,


Douglas Joseph
Hydrogeologist

c: Mr. Ted Hubbes, Fluid Management, 1285 Rudy St., P.O. Box 684, Onalaska, WI
54650-0684
Mr. Jason Gilman, City of Onalaska, 415 Main St., Onalaska, WI 54650

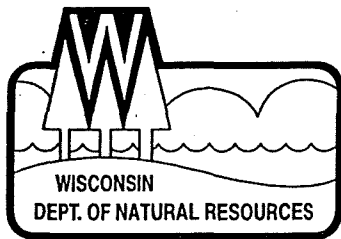
I appreciate your concern and cooperation in these matters. Please feel free to contact me at 715-839-1602 should you have additional questions related to this matter.

Sincerely,



Doug Joseph
Hydrogeologist

c: Mr. Ted Hubbes, Fluid Management, 1285 Rudy St., P.O. Box 684, Onalaska,
WI 54650-0684
Mr. Robert Tooke, Tarco South, Inc., 2240 South Ave., La Crosse, WI 54601



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Tommy G. Thompson, Governor
George E. Meyer, Secretary
Scott A. Humrickhouse, Regional Director

West Central Region Headquarters
1300 W. Clairemont Avenue
PO Box 4001
Eau Claire, Wisconsin 54702-4001
TELEPHONE 715-839-3700
FAX 715-839-6076
TDD 715-839-2786

September 4, 1998

BRRTS Case# 02-32-193644
La Crosse County

Mr. Robert Tooke
Tarco South, Inc.
2240 South Ave.
La Crosse, WI 54601

SUBJECT: Request for Expanded Remedial Investigation: Remedial Investigation for the Western Portion of the Tarco South Property Located in the Town of Onalaska, La Crosse County, Wisconsin

Dear Mr. Tooke:

I have reviewed the analytical results related to the private potable wells which were sampled by your consultant, Fluid Management, on August 12, 1998, and received by the Department on August 27, 1998. The results indicated that 4 of the 5 wells sampled had no detectable concentrations of volatile organic compounds (VOCs). The fifth sample, collected from the Laurel Hutchens well, indicated the presence of 12 different VOCs, with an exceedance of the State's groundwater and drinking water standards for trichloroethylene at 150 ug/L. Ms. Hutchens was subsequently notified of these results by the Department on August 31, 1998, and was advised not to use her well for drinking, and to avoid prolonged exposure to the water in bathing, cooking, and other household uses.

Based on the impact to the Hutchens Well, the Department is requiring that you expand your past private well sampling protocol to include the following additional wells, which must be sampled for the presence of VOCs:

1. David Weiss residence; N5148 Hwy. 35
2. Bob Kerr residence; N5202 Hwy. 35
3. Stauffers residence; N5262 Hwy. 35
4. Smith residence; N5268 Hwy. 35

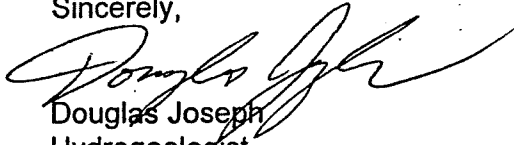
These four additional private wells, as well as the Hutchen's well, should be sampled for VOCs within 14 days of the effective date of this letter. Please have your consultant provide confirmation to the Department that these private well samples have been arranged, and a status update as to the construction and sampling of the new monitoring well, MW-5, within 10 days of the effective date of this letter.

Based on the results of the upcoming sampling of the additional private and monitoring wells, it is likely that additional groundwater monitoring wells will be required to determine the degree and extent of the contaminant plume migrating from your property. You will also need to evaluate remedial options associated with the impacts to the Hutchen's well once your remedial

investigation has been completed, should your property be found to be the source of the private well impacts. The La Crosse County Health Department has also been made aware of the impacts to the Hutchens well, and will be working with the Department to ensure that this problem is corrected within a reasonable period of time.

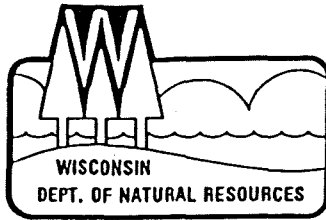
I appreciate your concern and cooperation in these matters. If you should have additional questions regarding this matter, please feel free to contact me at (715) 839-1602.

Sincerely,



Douglas Joseph
Hydrogeologist

c: Pearl Whistler - LAX
Mr. Ted Hubbes, Fluid Management, 1285 Rudy St., P.O. Box 684, Onalaska, WI
54650-0684
Mr. Jason Gilman, City of Onalaska, 415 Main St., Onalaska, WI 54650
Mr. Ron Berg, La Crosse County Health Department, 300 N. 4th St., La Crosse, WI
54601



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Tommy G. Thompson, Governor
George E. Meyer, Secretary
Scott A. Humrickhouse, Regional Director

State Office Building, Room 104
3550 Mormon Coulee Road
La Crosse, WI 54601
TELEPHONE 608-785-9000
FAX 608-785-9990

11 September 1998

Robert Kerr
N5202 Hwy 35
Onalaska, WI 54650



State of Wisconsin
Department of Natural Resources

Printed on
Recycled Paper

PEARL A. WHISTLER, P.G.
Water Supply Specialist

SUBJECT: 8/31/98 Water Sample Results

3550 Mormon Coulee Road
La Crosse, WI 54601

(608) 785-9976
FAX (608) 785-9990

Dear Mr. Kerr:

A copy of the laboratory results for the 31 August 1998 water sample collected from your well as part of the Tarco South investigation is attached. The sample was analyzed for the presence of volatile organic compounds (VOCs). The compounds detected in the water sample are listed below, along with the enforcement standard (ES) for the compound, as found in NR 140.10, Wisconsin Administrative Code.

<u>Compound</u>	<u>Concentration Detected</u>	<u>Enforcement Standard</u>
Trichloroethene	20 ug/l (parts per billion)	5 ug/l
cis-1,2-dichloroethene	470 ug/l	70 ug/l
1,1,2-trichloroethane	10 ug/l	5 ug/l
Vinyl Chloride	2.5 ug/l	0.2 ug/l

The concentration of these compounds has exceeded public health standards. You are advised NOT to drink the water from your system and to find an alternate source of drinking water immediately. You are also advised to use this water only for flushing, and not for bathing, showers, or cooking. Please note, because of the additional compounds in your water, primarily the vinyl chloride, greater health risks may be associated with ingestion or respiratory contact with this water than were originally thought. I've enclosed some fact sheets on these compounds to provide you with more information.

Your well will be sampled periodically as part of the on-going investigation of the Tarco South property. As soon as it can be determined who is responsible for the contamination in your groundwater, the Department may order a cleanup action or water replacement for all affected parties. If you have questions about this investigation, please contact Doug Joseph, project manager, at (715) 839-1602.

Customer: Fluid Management (0)
 Project Description: Tarco South Property Project Title: En 96.763
 Northern Lake Service Project Number: 43348

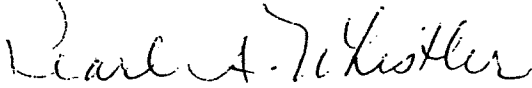
Analyte Name	177962 PW-3-Kerr ug/L	DILUTION FACTOR	LOD ug/L	LOQ ug/L	MCL ug/L
Benzene	1.1	1	0.24	0.81	5.0
Bromobenzene	ND	1	0.21	0.72	
Bromochloroethane	ND	1	0.21	0.71	
Bromodichloromethane	ND	1	0.25	0.87	
Bromoform	ND	1	0.21	0.72	
Bromomethane	ND	1	0.29	0.99	
n-Butylbenzene	ND	1	0.17	0.66	
sec-Butylbenzene	ND	1	0.17	0.58	
tert-Butylbenzene	ND	1	0.17	0.60	
Carbon Tetrachloride	ND	1	0.27	0.93	5.0
Chlorobenzene	ND	1	0.17	0.58	100
Chloroethane	< 0.49 >	1	0.36	1.2	
Chloroform	ND	1	0.23	0.79	
Chloroethane	ND	1	0.27	0.93	
2-Chlorotoluene	ND	1	0.17	0.57	
4-Chlorotoluene	ND	1	0.16	0.56	
Dibromochloromethane	ND	1	0.22	0.74	
1,2-Dibromo-3-Chloropropane	ND	1	0.27	0.92	
1,2-Dibromoethane	ND	1	0.22	0.76	
Dibromomethane	ND	1	0.24	0.82	
1,2-Dichlorobenzene	ND	1	0.17	0.59	600
1,3-Dichlorobenzene	ND	1	0.18	0.61	
1,4-Dichlorobenzene	ND	1	0.19	0.65	75
Dichlorodifluoromethane	ND	1	0.25	0.85	
1,1-Dichloroethane	< 10 >	50	14	47	
1,2-Dichloroethane	2.4	1	0.25	0.85	5.0
1,1-Dichloroethene	3.4	1	0.28	0.95	7.0
cis-1,2-Dichloroethene	470	50	13	46	70
trans-1,2-Dichloroethene	< 0.27 >	1	0.26	0.89	100
1,2-Dichloropropane	ND	1	0.28	0.97	5.0
1,3-Dichloropropane	ND	1	0.24	0.84	
2,2-Dichloropropane	ND	1	0.29	1.0	
1,1-Dichloropropene	ND	1	0.26	0.89	
cis-1,3-Dichloropropene	ND	1	0.23	0.79	
trans-1,3-Dichloropropene	ND	1	0.23	0.81	
Ethylbenzene	ND	1	0.18	0.64	700
Hexachlorobutadiene	ND	1	0.26	0.92	
Isopropylbenzene	< 0.20 >	1	0.11	0.36	
p-Isopropyltoluene	ND	1	0.18	0.61	
Methylene chloride	3.6	1	0.24	0.84	5.0
Naphthalene	ND	1	0.19	0.64	
n-Propylbenzene	ND	1	0.18	0.63	
Styrene	ND	1	0.18	0.60	100
ortho-Xylene	ND	1	0.17	0.60	
1,1,1,2-Tetrachloroethane	ND	1	0.24	0.82	
1,1,2,2-Tetrachloroethane	ND	1	0.21	0.74	
Tetrachloroethene	ND	1	0.24	0.82	5.0
Toluene	ND	1	0.21	0.74	1000
1,2,3-Trichlorobenzene	ND	1	0.19	0.66	
1,2,4-Trichlorobenzene	ND	1	0.19	0.66	70
1,1,1-Trichloroethane	< 0.75 >	1	0.26	0.90	200
1,1,2-Trichloroethane	10	1	0.23	0.79	5.0
Trichloroethene	< 20 >	50	14	50	5.0
Trichlorofluoromethane	ND	1	0.26	0.89	

SEP. 9. 1998 4:40PM HOKIHEKI LAKE SERVICE INC

Kerr:Tarco South
11 September 1998
page 2 of 2

If you have questions about this letter, please contact me at (608) 785-9976.

Sincerely,

A handwritten signature in cursive script that reads "Pearl A. Whistler". The signature is written in dark ink and is positioned above the typed name.

Pearl A. Whistler, P.G.
Water Supply Specialist

c: Craig Thompson, LC; Larry Schaefer, WCR
Doug Joseph, WCR
La Crosse County Health Department



Note New Time

State of Wisconsin | DEPARTMENT OF NATURAL RESOURCES

Tommy G. Thompson, Governor
George E. Meyer, Secretary
Scott A. Humrickhouse, Regional Director

State Office Building, Room 104
3550 Mormon Coulee Road
La Crosse, WI 54601
TELEPHONE 608-785-9000
FAX 608-785-9990

7 October 1998

Mayor Clarence E. Stellner
City of Onalaska
415 Main Street
Onalaska, WI 54650

Copy To: #
FRED
RON LUND
PAUL JOHNSON
JASON GILMAN
JANET JENKINS
MAYOR

*Your presence is
badly needed AT
this meeting*

SUBJECT: Meeting to Discuss Water Supply to Hwy 35 Residents with Contaminated Wells

Dear Mayor Stellner:

As we discussed on the phone today, I would be pleased to have an opportunity to meet with you to discuss issues related to providing a water supply for those residents in the Town of Onalaska whose wells are contaminated. There are currently three homes or businesses receiving bottled water for drinking. A fourth may be added in the near future. A "flush only" advisory has been issued for one of the homes, obviously a great inconvenience and source of frustration for the home owner.

Friday OCT. 16, 1998 - 8:00 A.M.

If both you and your staff are available on ~~Tuesday, 20 October 1998~~, Doug Joseph, the project manager of this investigation, will join you at your office at ~~4:30 pm~~. I spoke with Steve Hammes, Town of Onalaska chairman, today and he knows that he is also welcome. Additionally, as you suggested, I have contacted both Robert Kerr and Laurel Hutchins to ask them to attend.

Thank you for your assistance in this matter. Please contact me at 785-9976 if you have questions.

Sincerely,

Pearl A. Whistler, P.G.
Water Supply Specialist

- c: Craig Thompson, LC; Larry Schaefer WCR
- Doug Joseph, WCR
- Steve Hammes, Chairman, Town of Onalaska, N5814 Lakeview CT W, Onalaska, 54650
- Robert Kerr, N5202 State RD 35, Onalaska 54650
- Laurel Hutchins, N5156 State Rd 35, Onalaska 54650

CHEMICAL FACT SHEETS

Environmental Health Center



1,1,2-Trichloroethane (C₂H₃Cl₃) Chemical Backgrounder

Description:

1,1,2-Trichloroethane (C.A.S. 79-00-5) is a colorless, sweet-smelling man-made liquid that is predominantly used where 1,1-dichloroethane (vinylidene chloride) is manufactured. It may also be formed in landfills when 1,1,2,2-tetrachloroethane is broken down.

1,1,2-Trichloroethane is used as a solvent where its high solvency is needed, such as for chlorinated rubbers. It may be used as a solvent for fats, oils, waxes, and resins. 1,1,2-Trichloroethane may be found in some consumer products; however, information concerning the nature of those products is considered proprietary by the manufacturers, and the products cannot be identified. Releases of 1,1,2-trichloroethane come from industries producing timber products, plastics and synthetics, and auto laundries.

Chemical properties:

Synonyms for 1,1,2-trichloroethane are ethane trichloride; β -trichloroethane; vinyl trichloride, and 1,2-trichloroethane.

1,1,2-Trichloroethane will not burn and has a higher boiling point than water. When it is released into the environment, it eventually ends up in the atmosphere or groundwater. Reaction in both the atmosphere and groundwater is very slow. In the air, half of the chemical is expected to degrade in 49 days and will disperse far from where it is released before degrading. There is no breakdown of 1,1,2-trichloroethane below the soil surface in groundwater within 16 weeks; some experiments suggest that it will persist for years. 1,1,2-Trichloroethane is soluble in alcohol, ether, and chloroform.

Health effects:

1,1,2-Trichloroethane can produce temporary stinging and burning pain in humans when applied to the skin. Almost no data exist for the health effects of this chemical in humans. Because information on the production and use of this chemical is proprietary, and because of the lack of information on the use of 1,1,2-trichloroethane in consumer products, it is impossible to indicate what populations may have potentially high exposure to it.

Economics:

1,1,2-Trichloroethane is produced by Dow Chemical U.S.A. in Freeport, Texas, and by Olin Corporation in Seward, Illinois. It is produced from ethylene. No production figures are available because the exact quantity manufactured is proprietary information.

Regulation:

EPA offices overseeing regulations and guidelines applicable to 1,1,2-trichloroethane are Water Regulations and Standards, Emergency and Remedial Response, and Drinking Water. It also is regulated under the Resource Conservation and Recovery Act. The Occupational Safety and Health Administration (OSHA) has established permissible exposure limits for 1,1,2-trichloroethane.

Under the Emergency Planning and Community Right-to-Know Act of 1986, releases of more than one pound of 1,1,2-trichloroethane into the air, water, or land must be reported annually and entered in the National Toxic Release Inventory (TRI) data base. Total emissions of the chemical in 1987 were 1,690,764 pounds. The states in which the most 1,1,2-trichloroethane was emitted were Massachusetts (845,657 pounds), Michigan (196,552), and Iowa (144,200).

[Return to Environment Writer](#) | [EHC Top Page](#) | [EHC Directory](#) | [NSC Home](#) | [Comments](#)



Environmental Health Center
A Division of the National Safety Council
1025 Connecticut Avenue, NW, Suite 1200, Washington, DC 20036
(202) 293-2270 (tel); (202) 293-0032 (fax)

 **National Safety Council**

July 1, 1997 | [Disclaimer/Policy](#)



VINYL CHLORIDE

CAS # 75-01-4

Agency for Toxic Substances and Disease Registry ToxFAQs

September 1997

This fact sheet answers the most frequently asked health questions (FAQs) about vinyl chloride. For more information, call the ATSDR Information Center at 1-800-447-1544. This fact sheet is one in a series of summaries about hazardous substances and their health effects. It's important you understand this information because this substance may harm you. The effects of exposure to any hazardous substance depend on the dose, the duration, how you are exposed, personal traits and habits, and whether other chemicals are present.

HIGHLIGHTS: Exposure to vinyl chloride occurs mainly in the workplace. Breathing high levels of vinyl chloride for short periods of time can cause dizziness, sleepiness, unconsciousness, and at extremely high levels can cause death. Breathing vinyl chloride for long periods of time can result in permanent liver damage, immune reactions, nerve damage, and liver cancer. This substance has been found in at least 496 of the 1,430 National Priorities List sites identified by the Environmental Protection Agency (EPA).

What is vinyl chloride?

(Pronounced vi'nəl klōr'id')

Vinyl chloride is a colorless, flammable gas at normal temperatures with a mild, sweet odor. It is a manufactured substance that is used to make polyvinyl chloride (PVC). PVC is used to make a variety of plastic products, including pipes, wire and cable coatings, and the furniture and automobile upholstery.

Vinyl chloride also results from the breakdown of other substances, such as trichloroethane, trichloroethylene, and tetrachloroethylene. Vinyl chloride is also known as chloroethene, chloroethylene, and ethylene monochloride.

What happens to vinyl chloride when it enters the environment?

- Liquid vinyl chloride evaporates easily into the air. Vinyl chloride, if it is near the surface of soil or water, can also evaporate.
- Vinyl chloride in the air can break down within a few days to other substances, some of which can be harmful.
- Small amounts of vinyl chloride can dissolve in water.
- Vinyl chloride formed from the breakdown of other chemicals can enter groundwater.

- Vinyl chloride is unlikely to build up in plants or animals.

How might I be exposed to vinyl chloride?

- Breathing vinyl chloride that has been released from plastics industries, hazardous waste sites, and landfills
- Breathing vinyl chloride in air or during contact with your skin or eyes in the workplace
- Drinking water from contaminated wells

How can vinyl chloride affect my health?

Breathing high levels of vinyl chloride can cause you to feel dizzy or sleepy. Breathing very high levels can cause you to pass out, and breathing extremely high levels can cause death.

Most of the studies on long-term exposure (365 days or longer) to vinyl chloride are about workers that make or use vinyl chloride. They were exposed to much higher levels of vinyl chloride in the air than is the general population. People who breathe vinyl chloride for long periods of time can have changes to the structure of their livers.

People who work with vinyl chloride have developed nerve damage and immune reactions. Other workers have developed problems with the blood flow in their hands; the

ToxFAQs Internet address via WWW is <http://atsdr1.atsdr.cdc.gov:8080/ToxFAQ.html>

tips of their fingers turn white and hurt when they are in cold temperatures. Sometimes, the bones in the tips of their fingers have broken down.

The effects of drinking high levels of vinyl chloride are unknown. If you spill vinyl chloride on your skin, it will cause numbness, redness, and blisters.

Animal studies have shown that long-term (365 days or longer) exposure to vinyl chloride can damage the sperm and testes. It has not been proven that vinyl chloride causes birth defects in humans, but animal studies have shown that breathing vinyl chloride can harm unborn offspring and may also cause increases in early miscarriages.

How likely is vinyl chloride to cause cancer?

The Department of Health and Human Services (DHHS) has determined that vinyl chloride is a known human carcinogen. Vinyl chloride exposure results in liver cancer in people.

Is there a medical test to show whether I've been exposed to vinyl chloride?

The results of several tests can sometimes show if you've been exposed to vinyl chloride. If breath samples are taken just after exposure, vinyl chloride can be measured, but this is not helpful for measuring very low levels of the chemical.

Better information is gotten by measuring a breakdown product of vinyl chloride, thiodiglycolic acid, in the urine shortly after exposure. However, this test will not give information on the level of exposure. Exposure to other chemicals can produce the same breakdown product in the urine.

The binding of vinyl chloride to genetic material in your blood or tissue can tell whether you have been exposed to vinyl chloride, but this is not sensitive enough to determine the effects resulting from exposure. These tests are not avail-

able at most doctors' offices, but can be done at special laboratories that have the right equipment.

Has the federal government made recommendations to protect human health?

The EPA requires that the amount of vinyl chloride in drinking water not exceed 0.002 milligrams of vinyl chloride per liter of water (0.002 mg/L). The EPA requires that spills or accidental releases into the environment of 1 pound or more of vinyl chloride be reported to the EPA.

The Occupational Safety and Health Administration (OSHA) has set the maximum allowable level of vinyl chloride in workroom air during an 8-hour workday in a 40-hour workweek at 1 part vinyl chloride per million parts of air (1 ppm).

Glossary

CAS: Chemical Abstracts Service

Carcinogen: A substance with the ability to cause cancer

Immune reaction: Sensitizing response of the body to a chemical

Milligram (mg): One thousandth of a gram

Miscarriage: Pregnancy loss

PPM: Parts per million

Source of Information

This ToxFAQs information is taken from the 1997 Toxicological Profile for Vinyl chloride (update) produced by the Agency for Toxic Substances and Disease Registry, Public Health Service, U.S. Department of Health and Human Services, Public Health Service in Atlanta, GA.

Animal testing is sometimes necessary to find out how toxic substances might harm people and how to treat people who have been exposed. Laws today protect the welfare of research animals and scientists must follow strict guidelines.

Where can I get more information?

For more information, contact the Agency for Toxic Substances and Disease Registry, Division of Toxicology, 1600 Clifton Road NE, Mailstop E-29, Atlanta, GA 30333. Phone: 1-800-447-1544, FAX: 404-639-6359. ToxFAQs Internet address via WWW is <http://atsdr1.atsdr.cdc.gov:8080/ToxFAQ.html> ATSDR can tell you where to find occupational and environmental health clinics. Their specialists can recognize, evaluate, and treat illnesses resulting from exposure to hazardous substances. You can also contact your community or state health or environmental quality department if you have any more questions or concerns.





TRICHLOROETHYLENE

CAS # 79-01-6

Agency for Toxic Substances and Disease Registry ToxFAQs

September 1997

This fact sheet answers the most frequently asked health questions (FAQs) about trichloroethylene. For more information, call the ATSDR Information Center at 1-800-447-1544. This fact sheet is one in a series of summaries about hazardous substances and their health effects. It's important you understand this information because this substance may harm you. The effects of exposure to any hazardous substance depend on the dose, the duration, how you are exposed, personal traits and habits, and whether other chemicals are present.

HIGHLIGHTS: Trichloroethylene is a colorless liquid which is used as a solvent for cleaning metal parts. Drinking or breathing high levels of trichloroethylene may cause nervous system effects, liver and lung damage, abnormal heartbeat, coma, and possibly death. Trichloroethylene has been found in at least 852 of the 1,430 National Priorities List sites identified by the Environmental Protection Agency (EPA).

What is trichloroethylene?

(Pronounced tri-klôr/ô-éth/a-lên')

Trichloroethylene (TCE) is a nonflammable, colorless liquid with a somewhat sweet odor and a sweet, burning taste. It is used mainly as a solvent to remove grease from metal parts, but it is also an ingredient in adhesives, paint removers, typewriter correction fluids, and spot removers.

Trichloroethylene is not thought to occur naturally in the environment. However, it has been found in underground water sources and many surface waters as a result of the manufacture, use, and disposal of the chemical.

What happens to trichloroethylene when it enters the environment?

- Trichloroethylene dissolves a little in water, but it can remain in ground water for a long time.
- Trichloroethylene quickly evaporates from surface water, so it is commonly found as a vapor in the air.
- Trichloroethylene evaporates less easily from the soil than from surface water. It may stick to particles and remain for a long time.
- Trichloroethylene may stick to particles in water, which will cause it to eventually settle to the bottom sediment.
- Trichloroethylene does not build up significantly in plants and animals.

How might I be exposed to trichloroethylene?

- Breathing air in and around the home which has been contaminated with trichloroethylene vapors from shower water or household products such as spot removers and typewriter correction fluid
- Drinking, swimming, or showering in water that has been contaminated with trichloroethylene
- Contact with soil contaminated with trichloroethylene, such as near a hazardous waste site
- Contact with the skin or breathing contaminated air while manufacturing trichloroethylene or using it at work to wash paint or grease from skin or equipment

How can trichloroethylene affect my health?

Breathing small amounts may cause headaches, lung irritation, dizziness, poor coordination, and difficulty concentrating.

Breathing large amounts of trichloroethylene may cause impaired heart function, unconsciousness, and death. Breathing it for long periods may cause nerve, kidney, and liver damage.

Drinking large amounts of trichloroethylene may cause nausea, liver damage, unconsciousness, impaired heart function, or death.

ToxFAQs Internet address via WWW is <http://atsdr1.atsdr.cdc.gov:8080/ToxFAQ.html>

Drinking small amounts of trichloroethylene for long periods may cause liver and kidney damage, impaired immune system function, and impaired fetal development in pregnant women, although the extent of some of these effects is not yet clear.

Skin contact with trichloroethylene for short periods may cause skin rashes.

How likely is trichloroethylene to cause cancer?

Some studies with mice and rats have suggested that high levels of trichloroethylene may cause liver or lung cancer. Some studies of people exposed over long periods to high levels of trichloroethylene in drinking water or in workplace air have found evidence of increased cancer. However, these results are inconclusive because the cancer could have been caused by other chemicals.

The International Agency for Research on Cancer (IARC) has determined that trichloroethylene is probably carcinogenic to humans.

Is there a medical test to show whether I've been exposed to trichloroethylene?

If you have recently been exposed to trichloroethylene, it can be detected in your breath, blood, or urine. The breath test, if it is performed soon after exposure, can tell if you have been exposed to even a small amount of trichloroethylene.

Exposure to larger amounts is assessed by blood and urine tests, which can detect trichloroethylene and many of its breakdown products for up to a week after exposure. However, exposure to other similar chemicals can produce the same breakdown products, so their detection is not absolute proof of exposure to trichloroethylene. This test isn't available at most doctors' offices, but can be done at special laboratories that have the right equipment.

Has the federal government made recommendations to protect human health?

The EPA has set a maximum contaminant level for trichloroethylene in drinking water at 0.005 milligrams per liter (0.005 mg/L) or 5 parts of TCE per billion parts water.

The EPA has also developed regulations for the handling and disposal of trichloroethylene.

The Occupational Safety and Health Administration (OSHA) has set an exposure limit of 100 parts of trichloroethylene per million parts of air (100 ppm) for an 8-hour workday, 40-hour workweek.

Glossary

Carcinogenicity: The ability of a substance to cause cancer

CAS: Chemical Abstracts Service

Evaporate: To change into a vapor or gas

Milligram (mg): One thousandth of a gram

Nonflammable: Will not burn

PPM: Parts per million

Sediment: Mud and debris that have settled to the bottom of a body of water

Solvent: A chemical that dissolves other substances

Source of Information

This ToxFAQs information is taken from the 1997 Toxicological Profile for Trichloroethylene (update) produced by the Agency for Toxic Substances and Disease Registry, Public Health Service, U.S. Department of Health and Human Services, Public Health Service in Atlanta, GA.

Animal testing is sometimes necessary to find out how toxic substances might harm people and how to treat people who have been exposed. Laws today protect the welfare of research animals and scientists must follow strict guidelines.

Where can I get more information? For more information, contact the Agency for Toxic Substances and Disease Registry, Division of Toxicology, 1600 Clifton Road NE, Mailstop E-29, Atlanta, GA 30333. Phone: 1-800-447-1544, FAX: 404-639-6359. ToxFAQs Internet address via WWW is <http://atsdr1.atsdr.cdc.gov:8080/ToxFAQ.html> ATSDR can tell you where to find occupational and environmental health clinics. Their specialists can recognize, evaluate, and treat illnesses resulting from exposure to hazardous substances. You can also contact your community or state health or environmental quality department if you have any more questions or concerns.



OCTOBER 21, 1996
ENVIRONMENTAL ASSESSMENT
COMMISSIONED BY
MR. TOOKE

Phase One & Phase Two Environmental Assessment

For:

**Tarco North, Inc.
2240 South Avenue
LaCrosse, Wisconsin**

Prepared By:

**ACG Associates
111 Andres
Tomah, Wisconsin
(608) 372-9615**

Date:

October 21, 1996

TABLE OF CONTENTS

- 1.0 INTRODUCTION
- 2.0 FINDINGS
- 3.0 CONCLUSIONS
- 4.0 LIMITATIONS

1.0 INTRODUCTION

1.1 Purpose and Involved Parties

ACG Assoc., hereinafter referred to as ACG, at the request of Mr. Robert Tooke - 2240 South Avenue, LaCrosse, Wisconsin, has conducted a Phase One and limited Phase Two Environmental Assessment. This property is a vacant parcel of land located directly to the east of Hwy. 53 - adjacent to East Avenue (see aerial photo and plan view), in Onalaska, Wisconsin (hereinafter called subject site).

Information provided herein was provided by ACG with the understanding the material would not be utilized outside this investigation for the client.

The purpose of this investigation is to determine any detectable hazardous material that may be present on the property of previous structures that have been demolished. Investigation of any property outside of the confines of the subject site is limited to on-site investigation of the property (owned by Mr. Tooke on the west side of Hwy. 53) and general observations of Hwy. 53 construction.

Phase One Environmental Assessments are limited in the actual data that can be collected. Since no testing is included during a Phase I only assumptions can be made on present and past usage of the site along with visual observations. Nevertheless, this is seen as a positive tool in the acquisition of any property for development. Any evidence of possible contamination evident from previous usage, eyewitness accounts, or other public records are considered in further sampling being conducted and for what type of contamination. This evidence is utilized in outline a sampling scheme, if any, for a Phase II investigation. It is up to the property owner or any other concerned party to bring up specific sampling requirements if the Phase I does not reveal this information.

The subject site is presently owned by Tarco South, Inc., 2240 South Avenue, LaCrosse, Wisconsin - Robert Tooke Owner. The subject site is located directly east of Hwy. 53 in the Town of Onalaska which was part of the property described as the SW 1/4 of the SE 1/4 of Section 29, T17N, R7W. An exact survey and description was not available.

Assessment activities included historical research, public records research, interviews, aerial photography review, and reconnaissance surveys. It was not the intention of this

study to fully investigate the lateral and vertical extent of a potential contaminant, plume, or to fully characterize potential impacted soils for disposal on any adjacent property unless specific evidence was identified. Collectively, the assessment was to address potential environmental liability associated with acquiring the subject site and future development.

In performance of this assignment, ACG employed accepted assessment procedures and undertook appropriate inquiry into previous ownership's and uses of the site. The assessment was conducted by personnel experienced in recognizing and evaluating short, and long term environmental hazards and potential liabilities. Service for the Phase One Environmental Assessment were performed in general accordance with criteria outlined in (SITE AUDITING: "Environmental Assessment of Property") published by STP - Specialty Technical Publishers, and general industry standards.

Current regulations considered in order to complete this report are outlined below:

RCRA - (Resource Conservation and Recovery Act)

Typically referred to as the Hazardous Waste Law. TCRA is fundamentally a licensing and waste tracking program that regulated five kinds of hazardous waste management activities:

1. Generation
2. Storage
3. Transportation
4. Treatment
5. Disposal

This regulation covers a wide variety of environmental considerations. The most common aspects of this regulation which affects Environmental Audits on a regular basis include the following:

1. Underground Storage Tanks (UST's)
2. Polychlorinated Biphenyl's
3. Asbestos
4. Hazardous Materials and/or Waste

If these items are indicated as being potentially present at the subject site, further investigation should be considered in order to track any potential environmental impacts associated with the items. The initial Phase One Environmental Assessment includes records search and historical data investigation which may result in a recommendation for further exploration.

TSCA - (Toxic Substance Control Act)

The 1976 Toxic Substance Control Act is designated to screen out the use of any existing imported or new chemicals that present a hazard to human health or the environment. It was enacted by Congress the same year as RCRA, which regulates chemical hazards in emissions or chemical waste. TSCA, in general, exerts control over industry's new or imported raw materials, including "significant new uses" of those materials.

The TSCA chemical list contains about 64,000 chemicals. It can be acquired by contacting the EPA Government Printing Office (GPO). Under Section 5 of the new law, anyone who manufactures or imports a chemical that does not appear on the TSCA chemical list must make a "pre manufacture notification" (PMN) on form No. 7710-25 to the EPA. This is the agency's method of monitoring the potential hazards of new chemicals or uses that find their way into the chemical marketplace.

TSCA has had the authority in recent years to also ban the use of certain manufactured substances, if the manufacturing of these materials has presented an unreasonable risk of injury to health or the environment. Most commonly noted of these substances included the banning of most manufacturing and used of PCB's in 1979, however they are still used in some electrical capacitors to this day. The agency also banned the manufacture and processing of fully halogenated chlorofluoroalkanes (CFC's) for use as an aerosol propellant in 1978. Asbestos is the most recent ban issued under TSCA, but will not be an issue in this investigation.

1.2 STUDY COVERAGE

The range of coverage for the general reconnaissance was the area defined as the subject site and property directly bordering this site. The general records search included the subject site and discussions with the appropriate authorities for information regarding environmental hazards in a one-mile sweep.

1.3 SITE DESCRIPTION

1.3.1 The subject site is located directly east of Hwy. 53 in the Town of Onalaska which was part of the property described as the SW 1/4 of the SE 1/4 of Section 29, T17N, R7W.

1.3.2 The property consists of seven (7) acres (more or less) of vacant land with mostly grass, brush and some trees. There are no significant stands of timber with the exception of some old growth cotton wood along East Avenue and a large box alder in the same vicinity. The box alder tree is important as a point of reference later in the report.

A residential home was on the site until recently but has since been demolished/burned per applicable federal, state and local requirements. Other structures were located on the property (since divided by Hwy. 53) but were not located on the subject site and were to the west and not part of this investigation.

2.0 FINDINGS

2.1 Previous Environmental Investigations

To the best of our knowledge no previous subject site investigations have been conducted to determine potential environmental hazards impacting the subject site with the exception of a visual inspection by the DNR. Barb Palecek, Waste Management Specialist from the LaCrosse office, noted that there was visible contamination on the west side of Hwy. 53 (refer to May 20, 1996 letter from the DNR to Mr. Robert Tooke). During the same site investigation the DNR noted that they had seen no evidence of contamination on the subject site and did not consider this part of the problem in question.

No other investigation has been done to the best of our knowledge. There has been concern that an August 22, 1996 letter to Mr. Jason Gilman from Barb Palecek implied some relation of the subject site to the west side property but this is clearly not the case. The DNR simply cannot make blanket statements that the subject site, or any other property for that matter, is free from contamination without proof of contamination.

2.2 Owner/Neighbor Interview

Three key neighbors have voiced their concerns of possible contamination and were interviewed. All three were interviewed on the phone and one party at the site. These parties have gone on record as to suspecting or seeing dumping of unknown chemicals on the subject site. The summary of these interviews is as follows:

1. Dave Solie - 501 Birch:

Mr. Solie was asked what contamination or discharge of materials he may have witnessed 25 or more years ago. His only visible recollection of contamination was a 3 - 4 foot diameter by 1 - 2 foot depression of some type of black tar like material directly south of the previous residential structure. The exact distance was not known any was not located during the site reconnaissance. Mr. Solie recalls that the trucks would turn off East Avenue in a north west direction and then directly west to the known dump site. It should be noted that this puts the vehicles in the proximity of where Hwy. 53 is now located or beyond on the west side where the DNR has identified the area to be investigated.

Mr. Solie also stated that he had not revisited the site to any extent since his initial site observations mentioned above.

2. Eliane Doyle - 503 Willow:

The main information that Mrs. Doyle recalled was hearing trucks following what appears to be the same ingress and egress off of East Avenue that Mr. Solie witnessed. She did mention that these were late hours apparently after midnight. The pattern of the vehicle ingress and egress would agree with Mr. Solie's observations as far as direction and would also point to the west side of Hwy. 53

Some mention of L.B. White was made as far as being a possible involved party, but this has been impossible to verify nor was there any permission by anyone at Tarco North to access the property. This business is still in operation in the area.

3. Vilas Green - 500 Willow:

After an initial phone call a representative of ACG met with Mr. Green on the project site on 10/2/96. At that time Mr. Green presented his concerns of contamination that may be present based on the possible discharge of industrial materials 25 or more years ago. His recollection of the trucks ingress and egress agreed with the previous two (2) witnesses with one exception. One evening he observed a truck that may have been releasing material directly across from his home.

During the on-site interview he estimated a location west to south west of an existing box alder tree and north to north west of a large high line pole. In addition it was on what Mr. Green referred to as a knoll/small hill. Mr. Green prevented the truck driver from continuing and watched him leave the property. Mr. Green observed no additional activity of this nature.

After examining aerial view of the subject site the knoll/small hill is visible, but has since been removed presumably during the construction of Hwy. 53. The ingress and egress to the subject site is clearly visible in these views which would agree with the movement of traffic mentioned above.

It is our opinion that this incident occurred on what is now DOT property or has been physically removed during Hwy. 53 construction making it impossible to investigate.

The area pointed out by Mr. Green was investigated and no signs of surface or subsurface contamination was visible with the exception of some surface garbage (i.e., metal, glass, paper, etc.)

2.3 Ownership History Review

ACG researched existing records of both sites in the Register of deeds office for LaCrosse County. This was done in order to identify previous owner with a potential risk for adversely impacting the environmental integrity of the subject site and the property to the west of Hwy. 53. This potential risk is identified by operations conducted on either site that could link to activities such as production manufacturing, disposal, storage, etc. A general chain of custody and usage of the subject site are as follows:

The property has been in the Tooke family in one way another since 1947. It was previously used as vacant land and/or farm land. There were no records showing what type of structures were on the property prior 1947 but were probably simple wood structures that had no impact on the site.

Records were researched to 1917 and since the property was never used for anything other than agricultural or vacant land no additional concerns are in order.

2.4 Site Reconnaissance

The site is presently a vacant lot which did have a residential structure originally built in 1947.

There is some surface evidence of general dumping of materials that may have occurred over several decades. Observed debris consisted of metal, glass, cans, tires, wood, concrete and other inert material that is associated with a farm dump of this nature. This material does not include a large area and can be easily addressed during any type of development or construction. There was no evidence of any hazardous waste on the site.

2.5 Adjacent Property Investigation

A request for investigating any property outside of the subject site was not made. Therefore only general observations of adjacent property were noted and any detailed investigation was not conducted.

In general the adjacent property in the vicinity of the subject site is, for the most part residential to the east, vacant to the north, and Hwy. 53 to the south and west. No visible evidence of debris or contaminants were noted.

The adjacent roadways were also traced and no significant soil staining or evidence of vehicle-related discharge were encountered.

2.6 Aerial Photograph Review

Low altitude, black and white aerial photography of the subject site were researched from the Army Corp. of Engineers, Department of Transportation and Soil Conservation Service.

The oldest aerial photos available were dated 1972. This photo showed the farm house that was constructed in 1947. Photos from 1982 clearly show the ingress and egress from East Avenue mentioned previously in this report. This would confirm the direction of the traffic witnessed by the witness mentioned in this report.

2.7 Regulatory Agency Review

2.7.1 Fire Department

An ACG representative contacted Chief Skogen of the Onalaska Fire Department and no reports of any hazardous spill in the vicinity of the subject site was on record;

2.7.2 Department of Natural Resources

Barb Palecek was contacted on several occasions pertaining to the subject site and no concerns were noted. Existing information pertaining to any LUST, RECRA, TASCAs, or any other site reveals no evidence of any contamination adjacent to the property that would impact the site.

2.7.3 USEPA

A letter requesting information of the subject site has been sent to the Region 5 office of the Environmental Protection Agency (EPA). The office was instructed to conduct a search of available records under the Freedom of Information Act (FOIA) for the vicinity of the subject site.

2.8 Geologic Setting

A geotechnical study was not conducted at this time.

2.9 Wetlands Survey

A wetland study was not conducted at this time.

2.10 Asbestos-Containing Materials

During the site reconnaissance there was no asbestos-containing material noted.

2.11 Polychlorinated Biphenyl (PCB) Survey

During the site reconnaissance there was no evidence of PCB contamination.

2.12 Lead Survey

During the site reconnaissance there was no evidence of lead contamination.

3.0 CONCLUSIONS

The Phase One Environmental Assessment activities consisting of historical and public records research, aerial photograph review, interviews, and reconnaissance have been completed. Public records regarding the historical local land use were obtainable and essentially showed no significant change in usage of the property with the exception of the construction of Hwy. 53.

The Phase Two investigation also showed no evidence of any substantial contamination.

Based on the assessment activities outlined herein, ACG makes the following conclusions as to the current environmental status of the site.

- * There are no signs of any hazardous materials on the subject site.

- * The presence of debris on the property or adjacent to the property were not apparent (i.e., junk cars, small dumps, petroleum spills, etc.). Aerial photograph review and interviews revealed no evidence of this at the subject site.

* After a thorough review of the subject site and associated potential environmental impacts it appears to be in compliance with all regulatory agencies which affect the site, and free of any potential environmental hazard. There are no reported environmental hazardous sites that have impacted the subject site.

4.0 LIMITATIONS

The scope of services contained herein does not contain any additional environmental investigation not outlined herein, or analysis of the presence of hazardous, toxic, and/or petroleum substance in the soil, ground water, surface water, or air, in, on, under, or above the subject site.

Again ACG was requested to investigate the subject site only and any general observations of adjacent property were not intended to be specific.

Although the Phase One and Phase Two Environmental Assessments were done in accordance with industry standards, the conclusions provided herein do not guarantee that additional problems will not arise in the future. ACG neither warrants this property nor certifies future use of the property based on this assessment.



Pedersen Farm

250
200
300
50-70

Exhibit 6
John Patrick Pettygrove

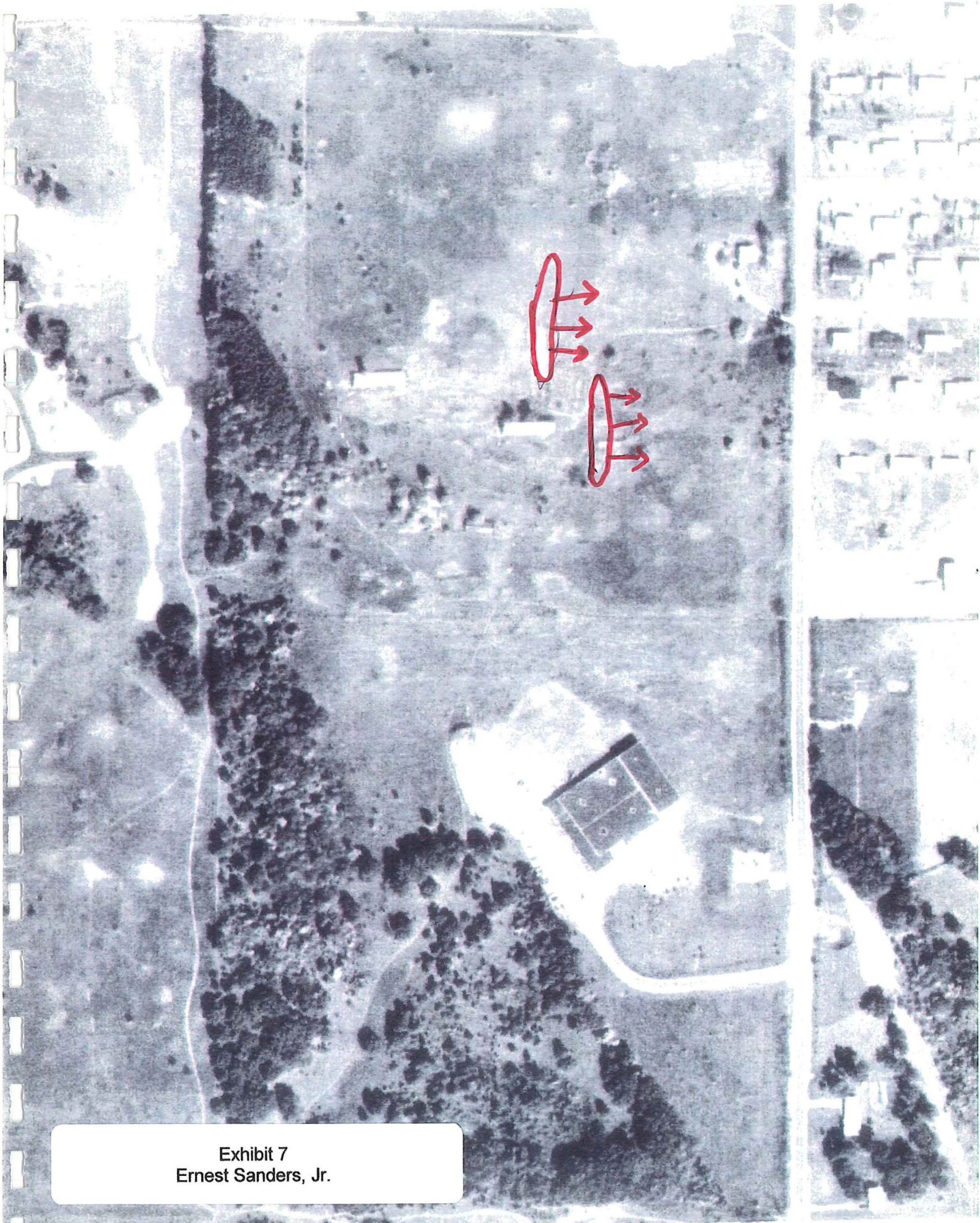
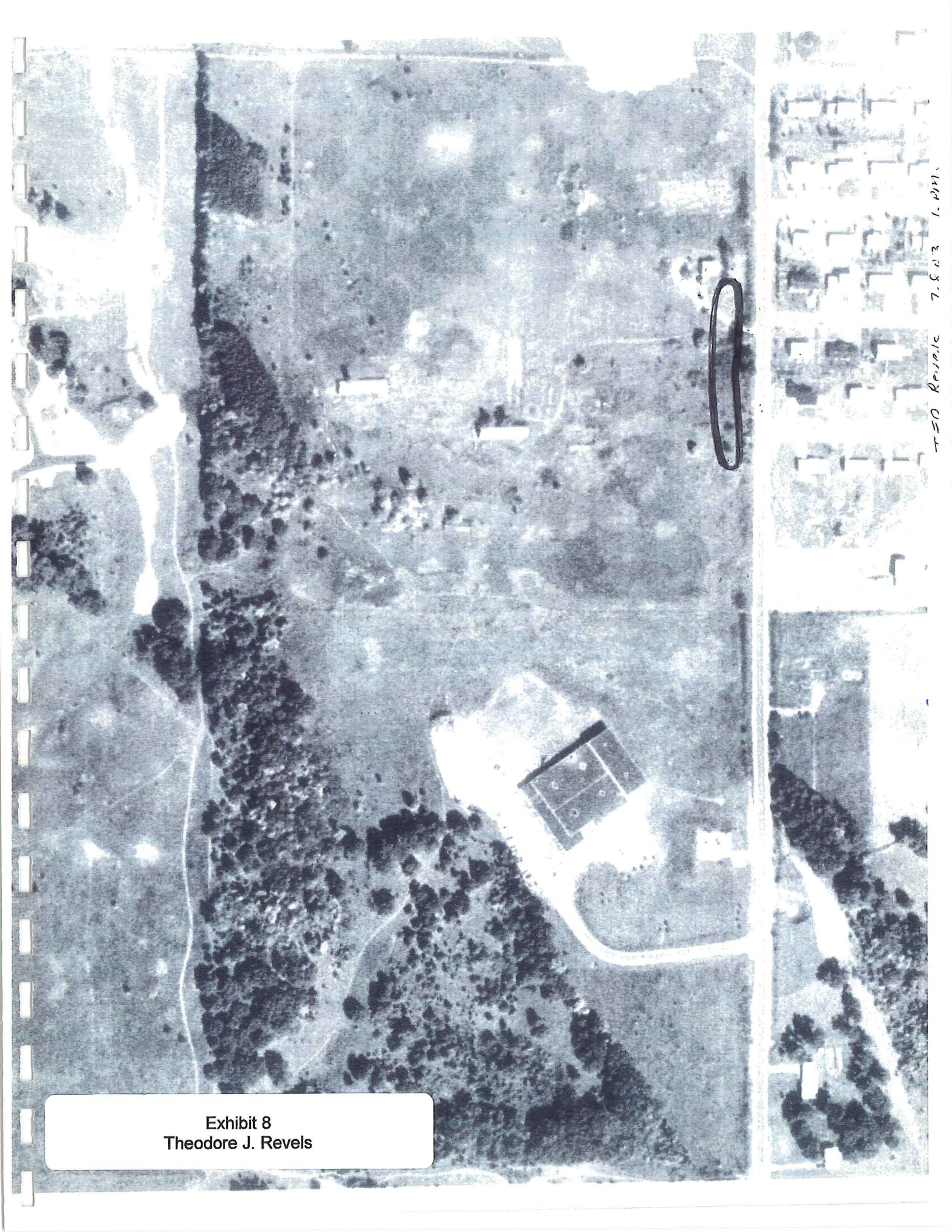


Exhibit 7
Ernest Sanders, Jr.

Exhibit 8
Theodore J. Revels

TSO Reveals 7.8.03 1. PM.



VILAS GREENE X 8.03 2:20 PM Greene



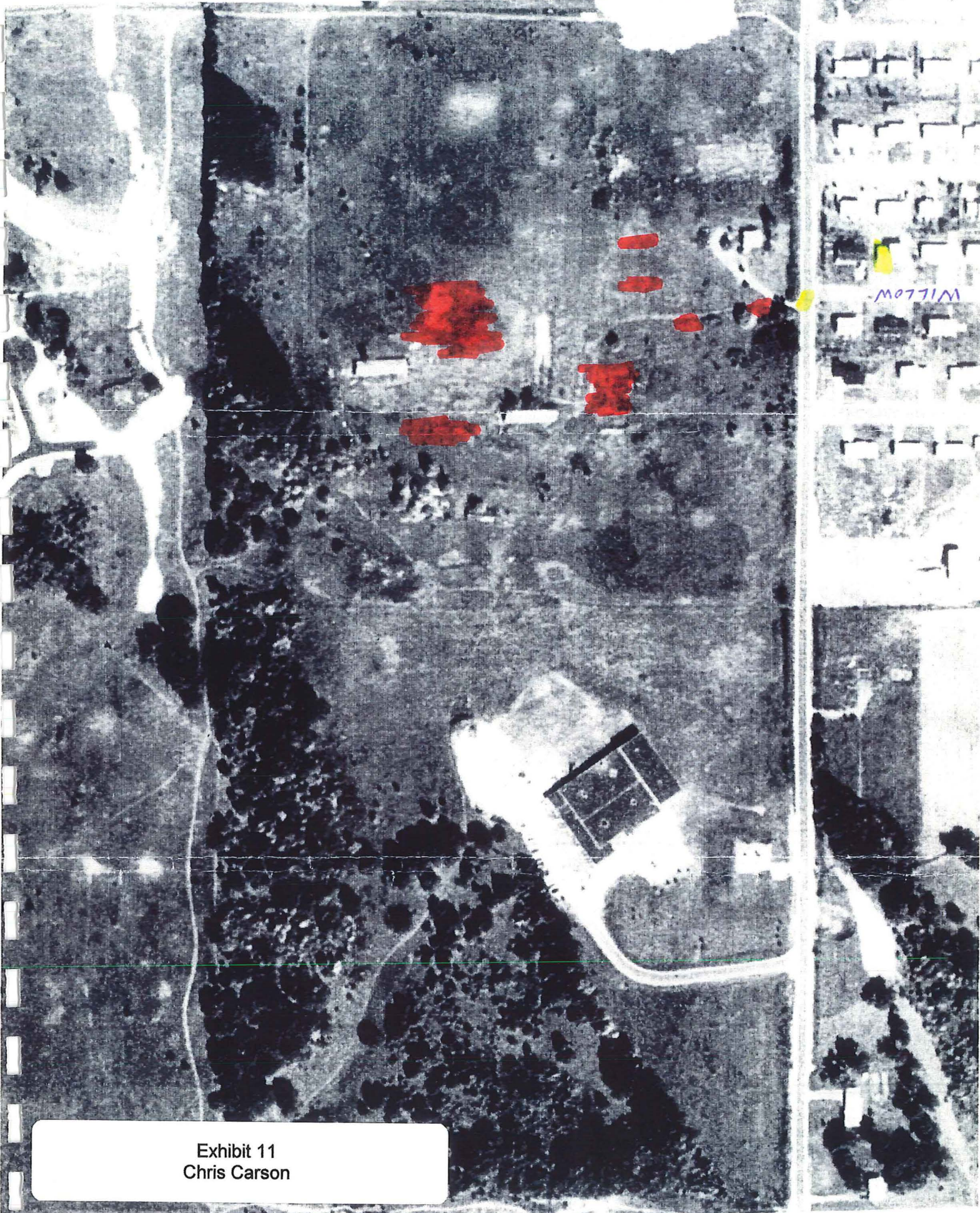
1. DIV OUT FOR NUMBERS 1 JULY 5, 1972 10:00 AM

Exhibit 9
Vilas Greene

Marilyn Carson 7-8-03 2:10 PM



Exhibit 10
Marilyn Carson



WILLOW

Exhibit 11
Chris Carson

Dumpings in Road
CHRIS CARSON

Daniel A. Doyle
07.07.73. 12:15 PM. P8M



Exhibit 12
Daniel Doyle

7.7.03 RVD

Richard Doyle

O
:O

Exhibit 13
Rick T. Doyle





Exhibit 14
Wally Bell

LOCAL NEWSPAPER ARTICLES
REGARDING TOOKE PROPERTY

Lum
Inn
in ne

Births

Wednesday, Sept. 18

A daughter was born to Robin (Wardenburg) and Douglas Johnson of Holmen at Gundersen Lutheran.

Thursday, Sept. 19

A daughter was born to Mary (Halaska) and Robert Mathy of Onalaska at Gundersen Lutheran.

Monday, Sept. 23

A son was born to Donette (MacKendrick) and David Lueth of Onalaska at Gundersen Lutheran.

A daughter was born to Carmen Palmi of Holmen at St. Francis Medical Center.

A son was born to Mardi (Dwinnell) and Steven Parker of Holmen at St. Francis Medical Center.

Tuesday, Sept. 24

A daughter was born to Jo Ann (Rodriguez) and Kevin Lynch of Onalaska at Gundersen Lutheran.

A son was born to Jody (Tourville) and Brian Spreuer of Holmen at St. Francis Medical Center.

Senior menu

Good for Oct. 3 to 9

Friday - Salmon loaf, creamed potatoes, creamed peas and citrus sections.

Monday - Sliced ham, sweet potatoes, cauliflower and lime and pineapple gelatin.

Tuesday - Lemon fish, parslied potatoes, mixed vegetables and vanilla pudding.

Wednesday - Sweet and sour pork, rice, beets and sliced peaches.

Bread and milk served with all meals. Diet menu available.

Proposed new developments draw opposition
Contamination could hamper duplex plans

By DENISE RITE
of the Community Life staff

Residents of two Onalaska neighborhoods came out to voice their opinion against proposed developments for their area at Plan Commission hearings held on Tuesday.

Developer and police sergeant, Brad Kobishop, proposed to build duplexes on 5.8 acres bordered by Highway 53, East Avenue and Thomas Court Addition. The Kobishop addition will be divided into 13 parcels of land, he said. The duplex will be owner occupied for 15 to 20 years, "until I can pay the mortgage off," said Kobishop.

Many residents of Oak Park, the addition east of the property, said increased traffic and noise, decreases in property value and possible land contamination were concerns they had over the development.

"Where is the need for more duplexes?" asked Ann Brandau, Smith Street resident and attorney.

Brandau said there are many duplexes in the immediate surrounding area. She also pointed out in the city's comprehensive plan the area is planned for single family dwellings.

Many residents said they would like to see the property remain untouched or developed into a park.

Plan commission member Ron Lund said a single family zoning wasn't practical and at some point residents would have to compromise and see development on the now wooded property.

Surrounding property values will not go up if duplexes are built there, said David Solie, whose home is right across from the property.

In a subsequent interview, Kobishop said he has addressed this issue by requiring construction costs must be more than \$100,000 per duplex.

Committee member and developer Bob Stephan said that property values may go up because of the development.

Putting up a berm is one condition of development and should help reduce traffic noise, said Kobishop.

Erecting a berm will do little to muffle the "wind tunnel" of noise that comes from cars driving on Highway 53, said Solie.

see DEVELOPMENTS, page 11

of the

The Lum
in a brochu
La Crosse

Out of 50
fast inn wa
chure put o
toric Sites
Barbara Kc

The inn,
House, wa
architectur
nence in C
members o

The Nic
Frank Nicl
ber Comp
build. At t
Black Riv
communit

Nichols
market" a
book "Fro

In 1891
system th
livery stab
kler system
A storage,
reserve. T
came to v

The wa
of the pub
on Main
supplied
the Nich
Onalaska

The ho
Register o
the Onala
the prop

Other h
brochure
Town of

The br
Park Ser
Board. C
sites aro

...ent to Vi-
...ound a 10-
...hell. No
...reported
...eorgetown
...mployee
...siphoning
...the station.
...onded to
...ice arrested
...or domestic
...a 12-year-
...disorderly
...to a two car
...t Drive and
...injured.
...a 31-year-
...etic disor-
...ccident oc-
...nce have
...h unsafe
...a Holmen
...cks.
...a call of
...made.
...resident
...into her



I mo
xc enfeld
F

Sand Lake Printing 

QUICK PRINTING & GRAPHIC DESIGN
306 Sand Lake Road, Onalaska, WI 54650 783-6911

Business \$\$ Financial Legal
Commercial Medical
& Personal

783-6911

Right next to *Lindy's Subs*
Across from Center 90



D
E
I

DEVELOPMENTS from page 6

Before anything is developed the city should find out if the property is contaminated, said Vilas Greene.

About 20 years ago, Greene said he saw trucks driving onto the property and dumping waste. In a subsequent interview, Greene said he saw "black like tar" sitting in pits eight to nine feet in diameter on the property.

Elaine Doyle, long time resident, said she would see and hear the trucks drive onto the property infrequently and at all hours of the day and night.

In 1972, Greene confronted one of the drivers and asked what he was dumping. The driver, according to Greene said he was dumping waste from hospitals and Outers, a company located on Brice Prairie.

"I told him not to dump here," said Greene, who then called the Department of Natural Resources. The dumping stopped within a few days, said Greene.

Since that time Highway 53 has split the property, which is owned by Tarco South, Inc., into east and west parts. The development is planned for the east half.

Tarco South was a company dealing in the refuse contracting business but was sold about 15 years ago, said Robert Tooke, president.

Tooke said there was no waste dumping on the property. "There was a home and children living on the property. There was no dumping of waste."

In a letter to the city dated Aug. 22, DNR official Barb Palecek stated that "files show that extensive dumping of chemical solvents occurred at the property" on the west side. The department, however, said it couldn't verify the "lack of contamination" on the east side.

Palecek was not in the office on Friday or Monday and couldn't be reached for further comment.

ACG Associates has been conducting a soil study on the west side of the property and so

far only surface contamination has been found, said Tim Kerska, president.

"Sampling to the water table shows nothing of significance," said Kerska.

The DNR uses the word "substantial" in their letter, but "they've never poked a hole in the ground," said Kerska. Only with physical evidence provided by soil testing can conclusions be drawn, said Kerska.

The language used indicated the state of the east side of the property is pretty basic, said Kerska. ACG is in the preliminary phase in studying the east side property. The study will include taking soil samples. The results should be known in about two weeks, said Kerska.

Only if signs of contamination are found will the results be given to the DNR, said Kerska. The results will also be given to Tooke, said Kerska.

Tooke said the chemical residues found were non-toxic and further testing on the east side will show no contamination exists. Tim Kerska with ACG will be conducting a Phase II EPA test on the property. The results should be back in a two weeks, said Tooke.

The plan commission made detailed soil testing a condition of development. On a vote of four to three the commission approved the development of property if the soil test finds no pollution. The motion has been forwarded

to the council. Dissenting voters were Leo Landsinger, Jan Brock and Bob Brimer. Mayor Stellner abstained because he said he knows the Kobishops personally.

If the property is contaminated, Kobishop said he will not develop the property.

In other business, several Onalaska residents opposed a proposed dental clinic and professional building on Main Street and 17th Avenue.

Dentist Michael Gavin is proposing to develop a professional arts building within three to 10 years.

Lawyer J.J. Bannen, speaking on behalf of neighbors, said surrounding residents are concerned about rezoning the property from residential to transitional commercial. If the property is rezoned and Gavin doesn't develop the property anything could be developed there, said Bannen.

The developer also didn't talk with neighbors to let them know what he has planned, said Bannen.

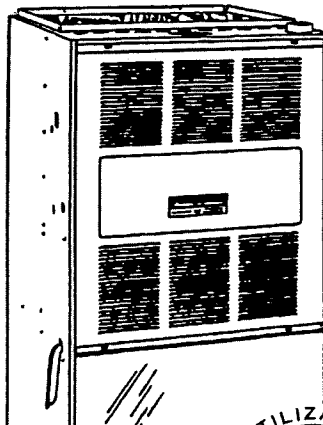
"Let's sit down and talk," said Bannen.

Gavin said he had no idea what opposition to his plans existed until a few days before the meeting.

The plan commission voted to defer the issue for 30 days to allow Gavin and the residents to discuss his plans. Stellner abstained from voting.

24-hour peace of mind

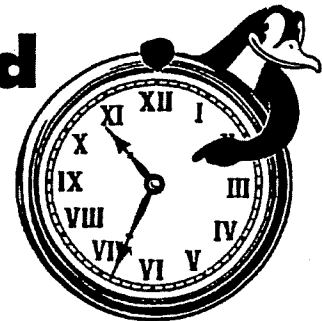
Amana Air Command Furnaces



Stainless Steel
LIMITED
LIFETIME
WARRANTY
PLUS
Models Only



Amana



With Amana and Ziegler, you have a winning team: the industry's best warranty backed by the area's most dependable installer. With 24-hour emergency service, you can count on us.

HEATING & REFRIGERATION

Holmen Berry Corner

Raspberries

Already picked
or pick your own
Indian Corn,
Pumpkins, Gourds,
Peppers, Eggplant, Cabbage,
Squash, Watermelon,
Tomatoes by the pound,
or to order tomatoes by the bushel,
please call ahead and bring your own
containers

Hwy. 35 N. at the

By DENISE RITE
of the Community Life staff

Council members questioned the scope and the potential financial impact of the proposed safety building on the list of 1997 capital improvement projects at the Common Council meeting on Tuesday. After attending Board of Public Works meetings and reading its minutes, Council Member Dennis Aspenson said he was concerned that the city's departments might be "stumbling" into planning "30 projects when they should be doing 20."

Soil Contamination

Environmental study finds excess arsenic in Onalaska property, DNR official says

By DENISE RITE
of the Community Life staff

An Onalaska landowner has been given until June to investigate soil contamination on his property.

In early January, Robert Tooke, president of Tarco South, Inc., was informed by the Department of Natural Resources that soil on his property had levels of arsenic exceeding state standards.

Tarco South, Inc. is the owner of 5.8 acres of land located in north Onalaska, between Highway 53, East Avenue and the Thomas Farms subdivision.

Testing done by ACG Environmental, Inc. of Tomah, documented the "arsenic contamination," said Barb Palecek, DNR waste management specialist. ACG Environmental conducted a Phase I and Phase II environmental study in October.

get projects are repairs and upgrades to water and sanitary sewer infrastructure. Other projects include design work for Van Riper Park, purchasing a dump truck, box, plow and spreader, and completing the Theater Road extension from Interstate 90 to County Highway OS.

If the city doesn't complete the "no fat" project list, it will be "in deep trouble," Mayor Clarence Stellner said.

Completing the Theater Road project is a

see **PROJECTS** page 7

"This would indicate a release of hazardous substances to the soil," Palecek said.

Tooke will be responsible to find out the degree of contamination and if groundwater was affected, Palecek said. By March 14, a consultant should start the investigation, Palecek said. A qualified environmental engineer or hydrogeologist should direct any necessary cleanup operations, Palecek said.

The letter indicated the investigation and analyses should be submitted to the DNR by June 1.

Tooke could not be reached for comment. Tooke's lawyer Dick Thompson said he was not willing to comment on behalf of Tooke.

Tarco South, Inc. has been negotiating the sale of the property to Brad Kobishop, an Onalaska developer. Kobishop has plans to build duplexes on the property.

see **SOIL**, page 15

Presidential Invitation

Onalaska Woman invited to Inaugural ball and ceremony in Washington

By DENISE RITE
of the Community Life staff

"Exciting" is the word Florence Hyatt uses to describe receiving an invitation to the 53rd Presidential Inaugural, held on Monday. Hyatt, the library media coordinator at Onalaska Middle School, got the invitation in the mail in December. The events Hyatt was invited to included fireworks, a black-tie ball, the inaugural ceremony in front of the U.S. Capital and the parade to the White House.

"Disappointing" is also used to describe the invitation, as Hyatt was unable to go to Washington D.C. The price was prohibitive, Hyatt said.

The four-day trip would have cost around \$2,000, Hyatt said. Tickets to the American Gala ball alone cost \$150 per person. The crisp white paper, black lettering and embossed inaugural gold-seal stationary will be framed, Hyatt said.

While the opportunity was missed, Hyatt will be going to the capital in February on political business. Hyatt is a Wisconsin director of the National Education Association. About four times a year, Hyatt lobbies local Congressional representatives on behalf of Wisconsin teachers and support staff. Next month, Hyatt has a meeting with Democratic Rep. Ron Kind.

Hyatt has met in the past with U.S. Reps. Dave Obey and Steve Gunderson and Sens. Herb Kohl and Russ Feingold.

Lobbying is sharing opinions and discussing educational issues, Hyatt said. Present top educational concerns are budget issues, how money is given to school districts, and technology issues, Hyatt said.



Florence Hyatt displays invitations to President Bill Clinton inauguration. The stationary will be put into frames, Hyatt said.

**Manitowoc Lutheran 64,
Onalaska Luther 46**

M. Lutheran 19 25 8 12 — 64
O. Luther 20 9 11 6 — 46
Leading scorers: ML — Derek Deprey 24, Jeff Loberger 18, Brent Hanson 11; OL — Tim Menges 23, John Urbanek 10.
Leading rebounders: ML — Loberger 8; OL — Menges 7.

**Onalaska Luther 52, Kettle
Moraine Lutheran 45**

CENTER from page 1

Creating a healthy business climate, attracting and retaining stores is a "science as well as an art," said Stitt. "And you will have to get deadly serious about it."

Onalaska is "in desperate need of identity," said Ken Berg, owner of the Lumber Baron Inn and five-year resident. The city needs identity to have healthy individuals, said Berg.

A big part of community development is having citizens taking action and reinvesting in downtown "so people not born can thank you for your stewardship," said Stitt.

Cities and America were built by citizens working together for the common good, said Tim Tracy, president of the Greater La Crosse Area Chamber of Commerce.

"There is no tomorrow. Don't imagine another group will come in 20 years and do this," Tracy said.

The depth of questions asked was pleas-

O. Luther 15 12 3 — 52
K.M. Lutheran 12 14 11 8 — 45
Leading scorers: OL — Tim Menges 16, John Urbanek 13, Nate Lindesmith 11; KM — Tim Breikreutz 14, Mike Berndt 10.
Leading rebounders: OL — Urbanek 5; KM — Breikreutz 6.

**Blair-Taylor 84, Onalaska
Luther 66**

O. Luther 11 19 18 18 — 66
Blair-Taylor 36 24 14 10 — 84
Leading scorers: OL — Tim Menges 32, John Urbanek 15; BT — Matt Dale 38, Nick Byom 20, Tom Welch 11.

ing, said Stitt, because it shows participants have seriously considered the project.

If the group can get 100 to 150 people that are "ready to go to work" there is nothing that will stop them from creating a successful downtown, said Stitt.

SOIL from page 1

Tooke has submitted a request to the city to have the property rezoned from agricultural use to multifamily dwellings.

The nine-member planning commission has refused to approve the proposed development until the contamination question has been fully answered.

At a public hearing last year, several neighbors testified they witnessed dumping of "black tar" on the property about 20 years ago.

on D... and C... conference... Ind... pendency, in front of a home crowd on Friday night.

According to head coach Joel Babinec, Independence will be a tough team to beat. "We beat them in overtime on a last second shot last time we faced them. They're going to want a little payback," Babinec said.

In earlier action, the Knights jumped out to a 17-4 lead in the opening quarter and maintained their lead to hand the Norsemen their 10th consecutive loss.

Knights wrestlers lose to Wauzeka

Mike Hefti and Eric Mull were the only two Luther wrestlers left standing after Wauzeka trounced the Knights 51-9.

Hefti, 119 pinned opponent Brad Kramer in 3:50 while teammate Mull, 145, defeated his foe, 10-4.

12 p... in the... quart... l ad... ur... in the second as the Knights, now 6-4, jumped to a 28-11 halftime lead.

"It was a good game for us," Babinec said. "We jumped out to an early lead and were able to give a lot of our younger players some game time."

Luther 59, Westby 24

O. Luther 17 11 17 14 — 59
Westby 4 7 4 9 — 24
Leading scorers: OL — Jana Benrud 12, Megan Peterson 10; W — Jill Manning 8.

The Knights host Dairyland Conference foe Independence tonight (Thursday) at 7:30 p.m.

LEGAL NOTICE

1850 1/23/97

**TOWN OF ONALASKA
NOTICE OF PUBLIC HEARING
MONDAY, FEBRUARY 10, 1997
LGI ROOM AT HOLMEN MIDDLE
SCHOOL, 7:00 P.M.**

A public hearing will be held on Monday, February 10, 1997 at 7:00 p.m. in the LGI room at Holmen Middle School for the purpose of hearing comments regarding the land use plan for the Town of Onalaska.

Immediately following the public hearing, the Town Board will hold a special town board meeting to take into consideration the comments heard and make a decision to either adopt the land use plan or do further study on it.

Linda Carlson, Clerk

LEGAL NOTICES

1839 1/16, 1/23/97

**CITY OF ONALASKA
NOTICE OF PUBLIC HEARING BEFORE
THE CITY OF ONALASKA PLAN
COMMISSION TO AMEND A
CONDITIONAL USE PERMIT GRANTED
APRIL 1991**

Please take notice that the City of Onalaska Plan Commission will hold a public hearing at its

All references to "zoning permit" in section 13-1-173 shall be changed to **site plan permit** throughout.

All references to "zoning permit" in section 13-1-174 shall be changed to **site plan permit** throughout.

All references to "zoning permit" in section 13-1-175 shall be changed to **site plan permit** throughout.

13-1-175(a) to read: all applications shall require site plan approval by the **Zoning Adminis-**

interested, their agent or attorney concerning this matter.

Dated this 9th day of January, 1997.

Orlene Hough
City Clerk

1848 1/23/97

**CITY OF ONALASKA
ORDINANCE NO. 929-96**

**CITY OF ONALASKA
BY: Clarence Stellner, Mayor
BY: Orlene Hough, City Clerk
PASSED: 1/14/97
APPROVED: 1/14/97
PUBLISHED: 1/23/97**

1849 1/23/97

**CITY OF ONALASKA
ORDINANCE 930-96**

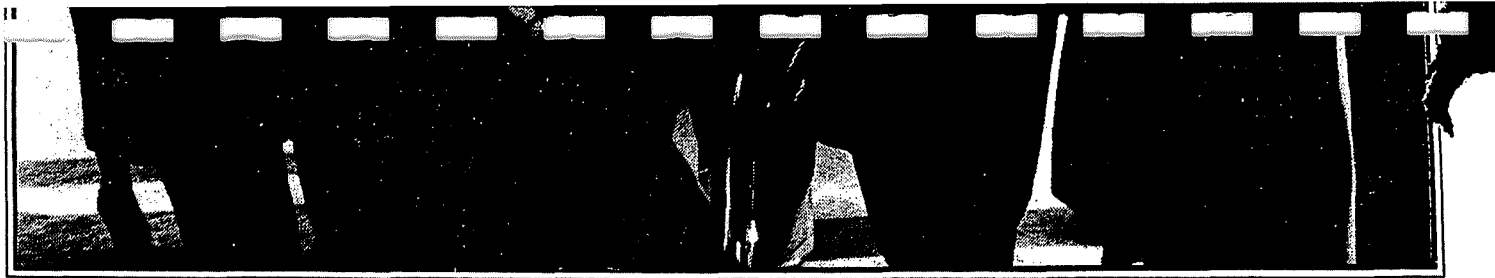
The new policy states that first graders will be assigned to either Irving Pertzsch or Northern Hills Elementary schools according to available space.

The decision will be made yearly, but once a child is assigned to a school they will go there until they graduate to the Middle School.

"Every effort" will be made to have first graders assigned to schools that their siblings go to, states the letter to be signed by John Burnett, superintendent.

"We are very close to being maxed out at the elementary schools," said Burnett to school board members.

If the policy is adopted, children may play with their friends next-door, but attend a
see SCHOOL, page 8



Last Tuesday, Gov. Tommy Thompson dedicated the Interstate 90 and Highway 16 interchange. Dignitaries included (front, left to right) Mayor Clarence Stellner, George Osterhout, former Onalaska mayor, Thompson, and Shirley Holman, vice-chair La Crosse County Board of Supervisors. (back, left to right) Tim Tracy, president Greater La Crosse Area Chamber of Commerce and Mark Meyer, 95th assembly district representative. Construction started in April. About \$5.5 million in federal, state and Onalaska city funding paid for the project. Other improvements included adding a third lane to the interstate, redecking two interstate bridges over Hwy. 16 and adding two new bridges over Theater Road. The Onalaska High School Pep band punctuated the speeches shortened by the cold weather. Osterhout is recovering from hip replacement surgery he had in November. He said he expects to make a full recovery by February.

Life photo by Denise Rite

Commission calls for more environmental testing of property

By DENISE RITE
of the Community Life staff

Members of the Planning Commission have requested that more environmental tests be done on property near Highway 53 and the Thomas Farms subdivision.

The commission made the request after receiving two reports reviewing a Phase I and Phase II environmental study conducted on the property in October.

Brad Kobishop, developer and police sergeant, has proposed building duplexes on

the 5.8 acres of land. The property is currently owned by Tarco South, Inc.

At a previous public hearing, several neighbors testified that they witnessed the dumping of "black tar" on the property about 20 years ago.

Robert Tooke, president of Tarco South, was previously asked by the commission to submit a Phase I and II environmental test before the property could be re-zoned for multi-dwelling use. An environmental study submitted to the City by ACG Associates of Tomah was sent to two firms for review.

The review from Cedar Corporation indicated a "more thorough evaluation" was needed, said Jason Gilman, city planner.

The review stated that the data collected indicated arsenic levels several hundred times above the acceptable state levels for a non-industrial site.

"This suggests the site is contaminated," said Scott McCurdy, professional geologist, in a letter to the city.

That level could be the normal level for the area, but more than one sample test would be needed to indicate that, said

McCurdy. Cedar Corporation is based in Menomonie, Wis.

Rick Durst, city administrator, said that ACG, the firm that did the testing, was not insured.

A review of the environmental study was also completed by Braun Intertec Corporation of La Crosse.

A more complete Phase I and II test should be completed before the city takes "any potential liability associated with the

see TESTS, page 8

the Mu-
the clerk of court
police station to an
ism Office. The
to be expanded
Municipal Court
not return phone
nt on how the
the court.

issue, said Ladd in a letter.
Zimmerman said he was pleased the firm has no ties to a construction company.
The process will help make a solution more "community driven" rather than "school driven," said Lentz.
With the right demographics, a focus group can yield quantitative projections, said Burnett.
Ladd suggested the focus group consist of 60 percent of citizens with no children in school, 40 percent of citizens with children

any involved in school affairs, said Burnett.
Don Zimmerman called the program "good PR" and asked how participants would be picked.
People could be picked at random out of the phone book, said Burnett. The program also could be done after working hours to accommodate more people, said Burnett.
The first program will be held on Jan. 10. Participants will be contacted during the month of December.

TESTS from page 1

possession of the property," said Joseph LaMasney Drapeau, professional geologist, in a letter to the city.
Dick Thompson, lawyer for Tooke, said the letters were seven pages of opinion from "high-priced engineers who haven't been out on the property." Kobishop has been asked by the city to pay \$700 for the technical reviews, said Thompson.
Thompson said his client is only asking for a rezoning and the city can be satisfied about the environmental conditions once building starts.
Robert Brimer, commission member, disagreed.
"This is our best opportunity. We owe it

to the citizens to make sure it is clean," said Brimer, who chaired the meeting. Commission chair Clarence Stellner and vice chair Mark Smick did not attend the meeting. Leo Landsinger, another committee member, also was absent.
The complaints by neighbors have "no base or foundation" because nothing was dumped on the property, said Tooke.
He said the commission is listening to "four or five individuals" who don't want the property developed and "don't know what the hell was going on there." Kobishop asked for the commission to table the matter until its next meeting. He said he would like to talk to Thompson, Tooke and the realtor to resolve the matter.
On a vote, the commission tabled the matter until its next meeting on Dec. 17.
In other business:

- The commission recommended a conditional use permit be given to Mary Goettel for a transcription and typing service out of her home at 1202 Johnson Street.
- The commission recommended a conditional use permit be given to Ken and Sandra Howe to operate a home office at 1009 Canary Lane.

Annual Christmas tea at nursing home

The annual Christmas tea of the Onalaska Nursing Home Auxiliary will be held on Dec. 8 from 2 to 4 p.m. There will also be a bake sale and a White Elephant table. The home is located at 1601 Main Street, Onalaska.

Ed's Auto Electric
(Ed Wiggert)
**AIR-COOLED ENGINE
SPECIALIST**
Small & Industrial

**Starters-Alternators &
Magneto sales & repair**

SNOWBLOWER
Parts and repair
641 2nd Ave. S.,
Onalaska
783-0225
"Keep Smiling"



Children's Counseling Center

783-4497

Now serving the Onalaska-Holmen area

The Children's Counseling Center specializes in providing a complete range of psychological assessment and counseling services to children of all ages, adolescents/young adults and their families when difficulties arise.

ally
lent
ed it was not him,
hat she should be
ice report of the
ed by county depu-
county jail.
vious charges of
g paraphernalia.
n incident on Nov.
was beaten at the
f Ash Street and
eous interview,
e beating occurred

unch
Smoke-Free Dining
Onalaska

lic.
v lls
e
ozer

le... can
n style "from
on out." **Mike Huebsch**

Huebsch said that he credited Pfaff with gaining from negative campaigning even though special interests did not.

Pfaff said that he ran an issue oriented campaign. He said he was disappointed that "numbers were not there" Pfaff said he is sorry for the people who had worked hard for him more so than for himself. The final vote was 12,492 for Huebsch, 10,431 for Pfaff. Jim Milliren, the independent candidate, received 569 votes.

Here's how the vote went locally:

	Huebsch	Pfaff	Milliren
Onalaska I	1416	799	42
Onalaska II	1149	774	42
Onalaska III	1327	986	48
Holmen	864	934	33
Onalaska	1286	932	100
Holland	567	571	26

State Sen. Brian Rude (R-Coon Valley) handily defeated David Wulf, of Onalaska. Wulf said in a televised interview that he had accomplished his objective in running by giving voters a choice. Voters have indicated that they believe Rude is a hard worker and deserved re-election, he said. Wulf said he and Rude had a clean and honest race. "It was fun. I enjoyed it."

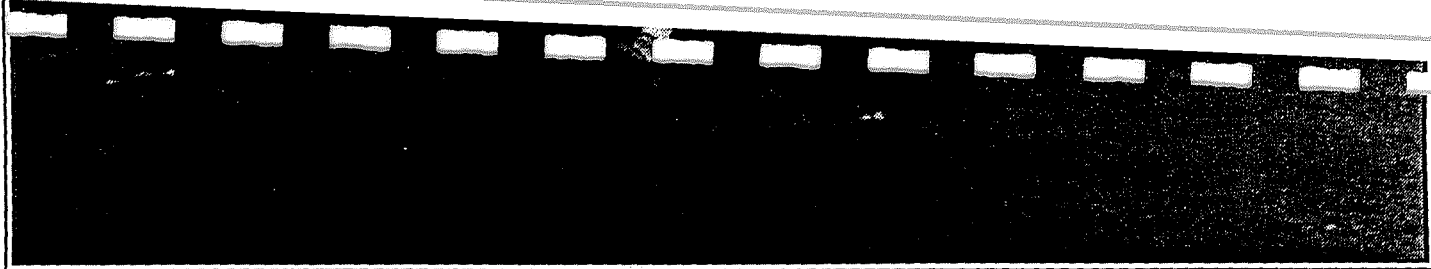
Rude won by about a three-to-one margin.

Bob Dole carried Onalaska's District I by 1,018 to 1,008, but the remainder of the area reflected the Clinton victory. In District II, the vote was Clinton 949, Dole 765 and District III, Clinton 1,166 and Dole 932.

In the Village of Holmen, Clinton received 928 votes, Dole 648 and Ross Perot 210. In the Town of Onalaska, the vote was Clinton 1,068, Dole 896 and Perot 256.

In the Third District Congressional race, Ron Kind, the Democrat who was projected a winner late Tuesday, did well in voting districts that went strongly for Republicans. For example, in the Onalaska District I, which went for Dole, Kind had 1,151 to 1,058 for Republican Jim Harsdorf.

In the Town of Onalaska, which went strongly for Huebsch, the vote was 1,236 for Huebsch and 1,098 for Harsdorf.



Chrissy Pasell approaches the finish line in the Division I girls' state competition Saturday at Wisconsin Rapids. She placed seventh. Coverage and photos on pages 8 and 9.
Life photo by David Skoloda

City's property tax rate up 3.39 percent

By DENISE RITE
of the Community Life staff

Onalaska residents may have to pay 22 cents more per thousand dollars of valuation in property taxes if the proposed 1997 budget is passed by members of the Onalaska Common Council.

The mill rate would increase to \$6.62 per \$1,000 of assessed valuation, an increase of 3.39 percent, said Clarence Stellner, mayor, when he presented the proposed budget to council members at a special council meeting on Tuesday.

The city's proposed general fund budget will increase about 4.79 percent for a total of about \$4.9 million. The 1996 general fund budget was about \$4.7 million.

Expenses paid by the general fund budget include common council, municipal court, police and fire department, library, Onalaska Community Center, park and recreation and swimming pool costs.

The City of Onalaska is a participant in the state-funded Wisconsin Expenditure Restraint Program. Under the program, cities must stay under a 4.8 percent expenditure cap.

Stellner expressed his displeasure with the state program, calling it "restrictive."

"The state should have something in the program to consider growth," said Stellner.

Since 1990, Onalaska's population has increased 25 percent from about 11,400 to about 14,200, said Stellner. The equalized valuation has increased 107 percent from about \$290 million to \$600 million, said Stellner.

Under the program, Onalaska will receive about \$118,000 from the state, said Stellner.

Someday Onalaska may opt out of the program, but that wouldn't happen until the public demands on city services outweigh the benefit of the reimbursement from the state, said Stellner.

"It depends on how much people want and what they want to pay," said Stellner.

It would also be up to council members, whom Stellner called fiscally "tight."

The amount of money Onalaska receives under the restraint program is decreasing due to a fixed state budget and more cities applying for the rebate. About \$48 million in state dollars has been allocated to the program. An estimated 60 percent of communities are participating, said Stellner, up from 50 percent of

communities two years ago.

Some services affected by the proposed budget include the municipal clerk of court, police department, fire department and street department.

The clerk of court position will be increased to full-time starting in July, 1997. The office is proposed to be moved out of the police station into a vacant office in the Tourism Office. It will cost about \$3,700 for the move.

Currently, the court clerk also performs secretarial work for the police department. If the office is moved the budget calls for a full-time police secretary to be hired in July. One new police patrolman, to be on the street in October 1997, is also included in the budget. A special revenue fund to operate the DARE and GREAT education programs will be cre-

see BUDGET, page 7

Common Council will take up new development questions

By DENISE RITE
of the Community Life staff

New commercial developments will be discussed at the Nov. 12 meeting of the Onalaska Common Council at 7 p.m.

Council members could accept a Planning Commission recommendation to allow duplexes to be built on 5.8 acres of land located between Highway 53, East Avenue and the Thomas Court Addition.

The commission made its ruling on Oct. 22 after hearing environmental testing testimony from Tim Kerska, president of ACG Associates of Tomah. The development was put on hold until the results of the environmental test was presented. Several local neighbors said they witnessed trucks dumping waste on the property about 20-25 years ago.

see COUNCIL, page 10

...on the sub-standard
 ...TN are reasons for not recom-
 ...increased development in the area,
 ...can says.

Prior to rezoning or construction in the
 ...way 53 and 35 interchange area, a
 ...led site plan should address location of
 ...ings, open spaces, landscape design,
 ...n water design, sidewalks, connecting
 ...or walkways, signage, access points,
 ...al traffic circulation, water and sewer
 ...e, lighting and parking areas.
 Encourage building on slopes less than
 ...cent to protect wildlife habitat, scenic
 ...and wooded upland slopes. "This will
 ...duce site erosion, runoff and water
 ...ty problems," the plan says.
 Maintaining the existing rural character
 ...6,672 acre Planning Area 5 east of
 ...en by keeping multiple lot residential
 ...divisions near Holmen where public ser-
 ...an be more economically provided.
 ...p n recommends that existing Exclu-
 ...Agricultural Zoning on 85 percent of
 ...anning area not decline below 75 per-

...at they will
 become part of the county's comprehensive
 plan.

The proposed plan noted that in a survey
 last November, town residents showed a
 preference for preserving agricultural lands,
 wetlands, wildlife areas, blufflands and open
 spaces. A preference was shown in the sur-
 vey for making sure development pays its
 own way and not offering incentives for
 development.

COUNCIL

from page 1

Kerska said he took soil samples six to
 eight feet deep and found no evidence of
 contamination. Fragments of glass and metal
 was found on the ground surface, but tests
 for heavy metals came up negative, said
 Kerska. There was no test for PCBs. Ten
 borings were taken, said Kerska.

The report will be reviewed by Jason
 Gilman, city planner, who will present his
 findings to the Common Council.

The commission also recommended to
 the council that property near Main Street
 and 17th Street be re-zoned transitional com-
 mercial. Dentist Michael Gavin plans to
 purchase the land and develop a profes-
 sional arts building within three to 10 years.

Other developments up for approval in-
 clude:

- a zoning permit to allow Excalibur Lau-
 ndries to construct a laundromat at 211 Sec-
 ond Avenue South.
- a zoning application to allow La Crosse
 Area Builders Association to build an office
 on Highway 35 south of Dairy Queen.
- a zoning permit to allow Cedar Creek
 Golf Course to expand the current parking
 lot.

...got us there."

The Hilltoppers earned four positions in
 the WIAA Division 1 All-Conference selec-
 tions.

Earning 1st-team honors were junior
 Keachen Abing and senior Tony Ferries.

2nd team honors went to senior Rob
 McGarry and honorable mention went to
 junior Mike Kabat.

"I'm very happy with the way our team
 performed this year," said head coach Darin
 Shepardson. "They all worked very hard
 this season and deserve all the recognition
 they receive."

MVC from page 8

Cullen Haskins at quarterback; Brett Johnson
 at defensive back; senior Josh Hart at line-
 backer; and senior Ben Johnson at defensive
 end.

Senior Tony Degaetano earned honorable
 mention honors at defensive back.

"Its a great reward to get All-Confer-
 ence," said Dwyer. "But I'm much happier
 about what the team has done this season."

Finco added, "I knew that we had a lot of
 talent on this team at the beginning of the
 season. What I didn't know is if we would be
 able to put it all together. The most impor-
 tant thing is that we're the top team in the
 conference. It's something we are all proud
 of."

Gallery e food drive

Gallery e will be accepting canned food
 donations for the Salvation Army at its
 Onalaska location on Nov. 17 from noon to
 4 p.m.

For every can donated a customer can
 enter a draw for a Terry Redlin Christmas
 limited edition print. Customers can register
 as often as they like.

G & SIGNS
 Lock Services

Holmen

his job isn't always
 five . . .



We've just seen a house we're
 interested in. Do you think
 the plumbing is up to par?
 What color is the kitchen
 linoleum? When was the
 last time it was painted? Can
 we see it today? Great . . .
 I can't believe we caught you
 at the office after five.

RESUME OF
INVESTIGATOR RAYMOND DIPRIMA
DIPRIMA INVESTIGATIONS

**DiPrima Investigations
26 West Tenth Street
Suite 1402
St. Paul, Minnesota 55102-5014**

Office 651.225.9724

Cell 651.335.3737

Fax 651.228.1241

June 1, 2001

Dear Friends and Colleagues:

I am pleased to announce that after twenty-eight years of continuous police felony investigative work at the Minnesota Attorney General's Office (1972-1975) and the Minnesota Bureau of Criminal Apprehension (1975-2000), I have started my own investigative agency. I have obtained a private detective license from the Minnesota Private Detective Board and opened DiPrima Investigations.

I intend to investigate each case as diligently as I did my criminal casework at the BCA, where my focus, as Special Agent, was white-collar crime. This was a unique training ground for learning due diligence and the paper chase in both the criminal and civil arena. My investigations include, but are not limited to:

- Civil and Criminal Investigations
- Criminal Defense
- Background and Profiles, both Personal and Business
- Interviews
- Fire and Arson
- Personal Injury
- Product Liability
- Sexual Harassment
- Divorce
- Witness Location
- Litigation Support
- Insurance Claims

Enclosed for your file and review are my resume and business cards. Please call me for all your investigative needs.

Yours Truly,

Ray DiPrima

RAYMOND SALMON DIPRIMA
Investigator

26 WEST 10TH ST., Suite 1402
ST. PAUL, MINNESOTA 55102
651.225.9724

Professional Summary

Conduct complex white collar, economic felony crime investigations for the Minnesota Bureau of Criminal Apprehension, such as arson, bribery, professional con artists, theft by swindle schemes, real estate, construction fraud, telemarketing, internet, advance fee, import-export scams, international telephone call-sell operations, homicide, pension, securities, venture capital, business and medical frauds. Interview witnesses and suspects; develop and control informants; dictate case reports and summaries; write and execute search warrants; collect and preserve evidence; write criminal complaints; make arrests; testify in court.

Investigation and analysis of complex civil matters, including fire analysis, product liability, commercial bribery, defamation, personal injury, backgrounds, and other white collar matters.

July 1975 to July 2000:

Minnesota Department of Public Safety
Bureau of Criminal Apprehension (BCA)
1246 University Avenue
St. Paul, Minnesota 55104

Position: Special Agent

Conduct complex felony crime investigations for the Minnesota Bureau of Criminal Apprehension, such as arson, bribery, white collar and related theft by swindle schemes, homicide, real estate, construction fraud, telemarketing, advance fee, import-export scams and securities violations. Interview witnesses and suspects; develop and control informants; dictate case reports and summaries; write and execute search warrants; collect and preserve evidence; write criminal complaints; make arrests; testify in court.

August 1992 to 1995:

Minnesota Attorney General's Office
Criminal Division
445 Minnesota Street
St. Paul, Minnesota 55101

Conduct white collar crime investigations as a BCA Special Agent on assignment to the Minnesota Attorney General's Office.

1997 to present:

DiPrima Investigations
St. Paul, Minnesota

Position: Legal Investigator

Licensed private investigator with a specialty in white collar matters, product liability, personal injury, backgrounds, political campaign violations, insurance, environmental, fire and complex civil matters.

1987 to 1997:

Schroeder & Williams, Ltd.
1375 Jackson Drive
Hastings, Minnesota 55033

Position: Investigator

Part-time investigation and analysis of complex civil matters, business and insurance fraud, commercial bribery, defamation, personal injury, backgrounds including fire and explosion analysis, product liability and other white collar matters.

August 1972 to July 1975:

Minnesota Attorney General's Office
Organized Crime Intelligence Unit
State Capitol
St. Paul, Minnesota 55104

Position: Intelligence Analyst/Investigator

Worked with a team of attorneys and investigators to identify major criminal cartels operating in the State of Minnesota. Evaluated confidential information; prepared investigative summaries and link analysis charts; interviewed suspects, witnesses, and informants; conducted photographic and electronic surveillance; participated in arrest, testified in court, and coordinated investigative efforts with other law enforcement agencies.

June 1971 to April 1972

The Boston Phoenix
12 Arrow Street
Cambridge, Massachusetts

Position: Journalist

For eleven months, Santiago, Chile was my home base for the Boston Phoenix. Selected issues, analyzed Chilean political, cultural and economic themes; conducted interviews with United States and Chilean officials, and was responsible for photos and visual materials accompanying articles.

Education

1963 Cretin High School, St. Paul, Minnesota

1968 Marquette University, Milwaukee, Wisconsin
B.A. Major: Political Science; Minor:
History.

1969 University of Oregon, Eugene, Oregon
Sociology class for VISTA training - Culture
of Poverty.

1971 University of Chile, Santiago, Chile
Enrolled and monitored political science
courses but received no official credit.

Professional Background

1997 to Present Legal Investigator
DiPrima Investigations
Saint Paul, Minnesota

1975 - 2000 Special Agent
Minnesota Bureau of Criminal Apprehension
Saint Paul, Minnesota

1987 - 1997 Legal Investigator
Schroeder & Williams LTD
Minneapolis, Minnesota

1978 - 1981 Legal Investigator
Fire Investigations Inc.
Bloomington, Minnesota

1972 - 1975 Data Analyst
Minnesota Attorney General's Office
Saint Paul, Minnesota

1971 Journalist
Boston Phoenix
Boston, Massachusetts

Professional Education (Continued)

- 1978 Minnesota Attorney General's Office.
Complex Crime Control Seminar.
- 1976 Federal Bureau of Investigation, Minneapolis, MN.
White Collar Crime Seminar.
- 1975 Bureau of Criminal Apprehension - St. Paul, MN.
Basic Police Science Course.
- 1974 INTERTEL, Bloomington, MN.
Seminar on the Mechanics of Professional Sports
Bookmaking.
- 1974 ANACAPA Sciences, Santa Barbara, California.
Intelligence Analyst Training Program sponsored by The
California Department of Justice.

Certification

- 2000-1975 Licensed Minnesota Police Officer
- 2000-1997 Licensed by the Minnesota Board of Private Detective
and Protective Agent Services
- 1983 Advanced Arson for Profit Investigator

Professional Associations

- Minnesota Police and Peace Officers Association
- Interpol - Minnesota State Liaison

Professional Education

- 1999 Telemarketing - Internet Fraud Enforcement Seminar.
National White Collar Crime Center, Chicago, Illinois.
- 1998 Cyber Cop 101, National White Collar Crime Center,
Sante Fe, New Mexico.
- 1997 Background Investigation Seminar.
St. Paul Police Department.
- 1996 FBI White Collar Crime Seminar - Data Analysis
- 1995 Association of Certified Fraud Examiners.
Fraud Conference, New Orleans, LA.
- 1995 Association of Certified Fraud Examiners.
40 hour seminar on investigative methods.
New Orleans, La.
- 1990 John E. Reid & Associates, Chicago, Illinois.
Interviewing and interrogation seminar.
- 1989 Federal Bureau of Investigation.
Violent Crime Analysis: Profiling Symposium.
- 1988 ANACAPA Sciences, Santa Barbara, California.
Analytical Investigative Methods.
- 1988 International Association of Chiefs of Police.
Police/Medical investigation of Death.
- 1985 Federal Bureau of Investigation, Minneapolis, MN.
Seminar on Computer Crimes.
- 1983 U.S. Department of the Treasury, Bureau of Alcohol,
Tobacco & Firearms, Glynco, Georgia.
Advanced Arson for Profit Investigations.
- 1982 MN Department of Commerce Securities and Real Estate
Division.
Securities Fraud Enforcement Seminar.
- 1979 Federal Bureau of Investigation, Minneapolis, MN.
Seminar on the Investigation of Computer-Related
Crimes.
- 1979 National District Attorney Assn., Minneapolis, MN.
Economic Crime Project.
- 1979 Minnesota Coroners and Medical Examiners Association.
Forensic Science Seminar.