

## Letter of Transmittal

Attention: Deena Kinney Date: May 19, 2020

Wisconsin Department of Natural Resources

1300 West Clairemont Ave.

Eau Claire, WI 54702

Former Kraft Cleaners  
303 S. 2<sup>nd</sup> Avenue  
Wausau, Wisconsin

Project reference: BRRTS No. 02-37-000294 Project number: 60299959

**We are sending you the following:**

Number of originals:	Number of copies:	Description:
_____	1	Private Agreement Between RP and Adjacent Property Owners for Vapor Mitigation System O&M (post-closure)
_____	_____	_____
_____	_____	_____

The enclosed paper copy of the private agreement is submitted on behalf of the Wausau Community Development Authority. Please forward to Matthew Thompson and contact me at (715) 342-3038 if you have any questions.

Thank you,

Signature: Kyle W. Wagoner, PG, CHMM

PRIVATE AGREEMENT BETWEEN RESPONSIBLE PARTY  
AND ADJACENT PROPERTY OWNERS  
VAPOR MITIGATION SYSTEM LOCATED AT 113 CALLON  
ST.

CONTINUING OBLIGATIONS RESPONSIBIITY  
RELATED TO AND REQUIRED BY WDNR  
RE: FORMER KRAFT CLEANERS SITE, 303-305 SOUTH 2<sup>nd</sup>  
AVENUE, WAUSAU, WI  
WDNR BRRTS # 02-37-000294

This agreement is made this 15 day of May, 2020, by and  
between the Wausau Community Development Authority  
("WCDA"), as the responsible party, and property owners,  
Robert and Karen Voigt, RKV Income Trust, of 113 Callon  
Street, Wausau, Wisconsin.

RECITALS

WHEREAS, as part of its request for closure of WDNR BRRTS  
No. 02-37-000294, the former Kraft Cleaners Site at 303-305  
South 2<sup>nd</sup> Avenue, Wausau, Wisconsin, the Wausau Community  
Development Authority ("WCDA") as the responsible party  
("RP"), submitted its Operation & Maintenance ("O & M") Plan  
for the sub-slab vapor mitigation system ("VMS") located at 113  
Callon Street to the WI DNR through its consultant, AECOM, in  
response to the WI DNR Notification of Continuing Obligations  
and Residual Contamination which required continued operation  
and maintenance of a vapor mitigation system at 113 Callon  
Street; and

WHEREAS, in furtherance of that request for closure, WCDA  
wishes to make alternate arrangements for who is responsible  
for the long-term O & M, with the property owners of 113  
Callon Street, upon which is located an apartment building, in  
which is operating a sub-slab vapor mitigation system ("VMS"),  
also known as a sub-slab depressurization system ("SSDS"),  
intended to interrupt the potential migration of sub-slab vapor  
exceeding Wisconsin regulatory standards into the building from  
the adjacent Former Kraft Cleaners site; and

WHEREAS, AECOM submitted to the property owners, on  
behalf of the WCDA, on December 6, 2019, the O & M and  
VMS for this site.

NOW, THEREFORE, in consideration of the mutual covenants  
and agreements contained in this Agreement, the parties agree as  
follows:

1. The property owners shall be responsible to monitor the VMS

to ensure its proper and continuing operation, and if maintenance is required, are responsible for notifying the WCDA immediately at the number provided in the notices section of this agreement.

2. The WCDA shall be responsible to have completed an annual visual inspection of the site (the apartment building for obvious structural changes or damage) and entire VMS to look for visible signs of wear and tear (i.e., cracked or damaged piping; loose or broken brackets, fittings, couplings, and fan housings; obstructions to air flow; damaged or broken suction points). In compliance with s. NR 727.05(1)(b)3., Wis. Adm. Code, the WCDA shall complete the Continuing Obligations Inspection and Maintenance Log (DNR Form 4400-305) to document each annual VMS inspection, and keep a copy of the completed annual Continuing Obligations Inspection and Maintenance Log (DNR Form 4400-305) on file for as long as the VMS is in operation.

3. VMS repairs, modifications or shutdowns are prohibited without prior authorization from the Wisconsin DNR, following VMS failures, damage or other related emergencies. In the event the PROPERTY OWNERS notify the WCDA, or the WCDA discovers during its annual inspection that maintenance to the system is required, the WCDA shall be responsible to notify within 24 hours, by telephone:

Wisconsin DNR R & R Program  
1300 W. Clairemont Avenue  
Eau Claire, WI 54701  
Contact: Matthew Thompson  
Telephone: (715) 839-3750  
Email: [matthew.thompson@wisconsin.gov](mailto:matthew.thompson@wisconsin.gov)

4. After receiving authorization from WDNR, the WCDA shall be responsible to initiate the repair, component replacement or modifications necessary to continue VMS operation by the installer or a certified radon mitigation contractor listed by the Wisconsin Department of Health Services.

5. Any costs associated with repair, component replacement or modifications of the VMS shall be the sole responsibility of the WCDA.

6. This agreement shall terminate upon the transfer of either the former Kraft Cleaners Property or 113 Callon Street to a new

owner by either party or the removal or change of use of the existing apartment building at 113 Callon Street. This agreement is non-transferrable. Any subsequent property owners would be required to enter into a new and separate agreement with the City of Wausau.

7. A copy of this Agreement shall be provided to the WI DNR and made available on the DNR's database.

8. Any notices required to be provided under this Agreement, shall be provided to:

a. Wausau Community Development Authority

407 Grant Street

Wausau, WI 54403

Contact: Christian Schock, Director

Telephone: (715) 261-6683

E-mail: [Christian.Schock@ci.wausau.wi.us](mailto:Christian.Schock@ci.wausau.wi.us)

b. Wisconsin DNR R & R Program

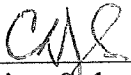
1300 W. Clairemont Avenue

Eau Claire, WI 54701

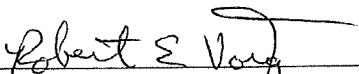
Telephone: (715)839-3750

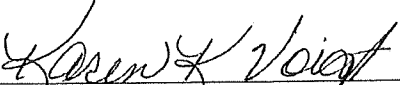
Email: [matthew.thompson@wisconsin.gov](mailto:matthew.thompson@wisconsin.gov)

Wausau Community Development Authority

  
\_\_\_\_\_  
Christian Schock, Director, WCDA

RKV Income Trust

  
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Robert Voigt, Property Owner

  
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Karen Voigt, Property Owner