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State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

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October 7, 1997

Mr. Rodney L. Schroeder, President
Village of Grafton
1971 Washington Street
P.O. Box 125
Grafton, WI 53024-0125

Rodney
Dear Mr. Schroeder:

I am writing to you as a follow up to our discussions earlier this year and to my letter of July 29, 1997. Our discussions involved the possibilities of state cost sharing for investigation and remedial work at the Village's landfill (Lime Kiln Park). Recent developments have led me to initiate a limited pilot program to provide some state funds to assist in the remediation of a small number of municipal landfills. This is intended to be an interim measure until a cost share rule can be promulgated. Because of our earlier discussions, I wanted to make you aware of this pilot program, and if you believe you could qualify, I encourage you to contact Walt Ebersohl as soon as possible.

The Land Recycling Law (1984) established a political subdivision negotiation and cost recovery process under sec. 292.35, Wis. Stats., in order to allow municipalities to obtain contribution from other responsible parties who used the municipality's landfill. When the Land Recycling Law was drafted, it was envisioned that the negotiation and cost recovery process would expedite landfill cleanups by fairly distributing liability and providing incentives for parties to settle with the municipality for their portion of the cleanup costs. To date, only a few communities have pursued using the new process.

In order to gain additional information and experience regarding the political subdivision negotiation and cost recovery process, we are instituting a pilot program to provide some moderate state funds to those communities which have already started using that process. Funds will be provided through the bonding funds which DNR requested in the 1997-98 biennial budget. If the bonding money DNR requested is not realized when the budget is finalized, then I will have to re-evaluate this program, since DNR will not likely have funding available from other sources for the pilot program.

In order for the DNR to provide financial assistance to your community, the following general criteria would need to be satisfied:

1. The DNR's biennial budget request for bonding authority must be included in the final version of the budget and must contain sufficient funds for DNR to implement this pilot program.
2. The Village must follow the provisions of the political subdivision negotiation and cost recovery process, under sec. 292.35, Wis. Stats.

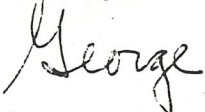
3. The Village must follow the provisions of ch. NR 700 et seq., since the Village will be required to conduct an investigation and prepare a remedial action plan in order to comply with the requirements of sec. 292.35, Wis. Stats. Please note that ch. NR 716 requires that the investigation adequately define the full degree, nature and extent of contamination at the site, rather than simply investigating within the boundaries of the landfill itself. In addition, ch. NR 716 requires that all pathways of contaminant migration be investigated. Chapter NR 722 Wis. Admin. Code covers the development of a remedial action plan and remedy selection.

4. The Village must comply with all requirements regarding the use of bonding money.

5. DNR reserves the right to pursue cost recovery for state funds against responsible parties who do not enter into an agreement or accept the umpire's recommendation as part of the negotiation and cost recovery process.

We welcome your participation in the negotiation and cost recovery process. It offers municipalities an opportunity to negotiate the implementation and design of a remedial action plan that will address all of the contamination from the landfill, with contribution of funds from all identified responsible parties. We look forward to cooperating with you in implementing a successful cleanup of the village's landfill. If you have any questions about the negotiation and cost recovery process, or wish to pursue participation in the pilot program, please contact Walt Ebersohl at 414-229-0864.

Sincerely,



George Meyer
Secretary

cc: Gloria McCutcheon - SER
Lakshmi Sridharan - SER
Jay Hochmuth - AD/5
Jim Schmidt - SER
Walt Ebersohl - SER
Bob Strous--RR/5

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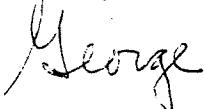
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