

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

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April 1, 2008

John Corey
Dodge County Corporation Counsel
127 East Oak Grove Street
Juneau, WI 53039

SUBJECT: Final Case Closure with Land Use Limitations or Conditions
Malleable Iron Range (Former), 715 N. Spring Street, Beaver Dam,
Wisconsin
WDNR BRRTS Activity # 03-14-001263

Dear Mr. Corey:

On August 15, 2007, the South Central Region Closure Committee reviewed the above referenced case for closure. This committee reviews environmental remediation cases for compliance with state laws and standards to maintain consistency in the closure of these cases. On August 27, 2007, you were notified that the Closure Committee had granted conditional closure to this case. The subject property is also known as the Monarch Iron Range property and in 1995, the property was platted into 11 lots and the plat is called Monarch Development.

On February 25, 2008, the Department received correspondence indicating that you have complied with the requirements of closure. The conditions of closure were proper abandonment of monitoring wells and remediation wells, notification to owners of the platted lots within the boundaries of the former Malleable Iron Range property where monitoring wells that could not be located of their future liability associated with those wells, and disposal of investigation/remediation wastes.

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

GIS Registry

The conditions of case closure set out below in this letter require that your site be listed on the Remediation and Redevelopment Program's GIS Registry. The specific reasons are summarized below:

- Residual soil contamination exists that must be properly managed should it be excavated or removed
- Groundwater contamination is present above Chapter NR 140 enforcement standards
- One or more monitoring wells were not located and must be properly abandoned if found

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

Closure Conditions

Please be aware that pursuant to s. 292.12 Wisconsin Statutes, compliance with the requirements of this letter is a responsibility to which you, other current property owners and any subsequent property owners must adhere. If these requirements are not followed or if additional information regarding site conditions indicates that contamination on or from the site poses a threat to public health, safety, welfare, or the environment, the Department may take enforcement action under s. 292.11 Wisconsin Statutes to ensure compliance with the specified requirements, limitations or other conditions related to the property or this case may be reopened pursuant to s. NR 726.09, Wis. Adm. Code.

Remaining Residual Soil Contamination

Residual soil contamination remains at various locations over the entire property as indicated in the information submitted to the Department of Natural Resources. If soil is excavated in the future, then pursuant to ch. NR 718 or, if applicable, ch. 289, Stats., and chs. 500 to 536, the property owner at the time of excavation must sample and analyze the excavated soil to determine if residual contamination remains. Any soil that is excavated must be sampled and analyzed for polycyclic aromatic hydrocarbons (PAHs), volatile organic compounds (VOCs), and metals (lead, cadmium, chromium, arsenic). If sampling confirms that contamination is present, the property owner at the time of excavation will need to determine whether the material would be considered solid or hazardous waste and ensure that any storage, treatment or disposal is in compliance with applicable standards and rules. In addition, all current and future owners and occupants of the property need to be aware that excavation of the contaminated soil may pose an inhalation or other direct contact hazard and as a result special precautions may need to be taken to prevent a direct contact health threat to humans. Direct contact threats must be addressed in any future redevelopment of the property.

Remaining Residual Groundwater Contamination

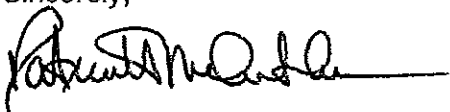
Groundwater impacted by petroleum and/or chlorinated volatile organic compound contamination greater than enforcement standards set forth in ch. NR140, Wis. Adm. Code, is present on the subject property and the off-site properties located at 138 and 143 East Mackie Streets. Off-site property owners have been notified of the presence of groundwater contamination. For more detailed information regarding the locations where groundwater samples have been collected (i.e., monitoring well locations) and the associated contaminant concentrations, refer to the Remediation and Redevelopment Program's GIS Registry at the RR Sites Map page at <http://dnr.wi.gov/org/aw/rr/gis/index.htm>.

Monitoring Wells That Could Not be Properly Abandoned

Your consultant, Victoria Loveland of Shaw Environmental, notified the Department that monitoring wells G101, G103, MW-27 and MW-28 could not be properly abandoned because they had been lost due to being paved over, covered or removed during site development activities. Monitoring well G101 is located on Lot 9 and the parcel is currently owned by Dodge Central Credit Union. Monitoring wells G103 and MW-28 are located on Lot 6 and the parcel is currently owned by Castle Monarch, LLC. Monitoring well MW-27 is on the parcel currently owned by Recheck's Food Pride. A map showing the location of the wells is attached. Your consultant has made a reasonable effort to locate the lost wells to determine whether they were properly abandoned but has been unsuccessful in those efforts. You need to understand that in the future you may be held liable for any problems associated with the monitoring wells if they create a conduit for contaminants to enter groundwater. If in the future any of the lost groundwater monitoring wells are found, the then current owner of the property or parcel will be required to notify the Department and to properly abandon the wells in compliance with the requirements in ch. NR 141, Wis. Adm. Code, and to submit the required documentation of that abandonment to the Department.

The Department appreciates your efforts to restore the environment at this site. If you have any questions regarding this closure decision or anything outlined in this letter, please contact Denise Nettesheim at (608) 275-3209.

Sincerely,



Patrick McCutcheon
Team Supervisor
South Central Region Remediation & Redevelopment

Attachment

cc: Victoria Loveland, Shaw Environmental, 831 Critter Court, Suite 400, Onalaska, WI 54650-8674
Daniel & Kathleen Wackett, 143 East Mackie Street, Beaver Dam, WI 53916
Lee Bronson, 329 Jackson Street, Beaver Dam, WI 53916
Castle Monarch LLC, 609 North Spring Street, Beaver Dam, WI 53916
Castle Monarch LLC, 1400 E. Fox Lane, Fox Point, WI 53217
Dodge Central Credit Union, 106 E. Main Street, Beaver Dam, WI 53916
Jesse Dretske, 210 East Main Street, Beaver Dam, WI 53916
GEN3, LLC, 603 North Spring Street, Beaver Dam, WI 53916
GEN3, LLC, P.O. Box 31, Waupun, WI 53963
Recheck's Food Pride, 609 North Spring Street, Beaver Dam, WI 53916
Westfall Masonry LLC, Paul Nooyen, 6919 Donnybill Road, DeForest, WI 53532
Weyenberg Warehouse Apartments LLC, 913 North Spring Street, Beaver Dam, WI 53916
Weyenberg Warehouse Apartments LLC, P.O. Box 1547, Madison, WI 53701
Case File