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December 17, 2002

Ms. Victoria Stovall
Program Assistant
Remediation and Redevelopment Program
Wisconsin Department of Natural Resources
2300 North Martin Luther King Drive
Milwaukee, WI 53212



Re: BRRTS #02-68-367488 - 02-68-378488
FID# 268026220

Dear Ms. Stovall:

I am writing regarding your November 6, 2002, correspondence to the Bence Family Limited Partnership regarding the above-identified site. In that correspondence, you stated that the WDNR was notified at the release at the site on October 11, 2002, by STS Consultants, Ltd. ("STS"). However, in fact, the WDNR was notified of the releases nearly a year ago, and I am writing to clarify the notification date.

Enclosed you will find a copy of the Hazardous Substance Release Fax Notification form transmitted to the WDNR by Todd Bence of the Bence Family Limited Partnership on December 19, 2001. Mr. Bence faxed this notification to the WDNR immediately following a telephone conversation he had that day with Gina Keenan of the WDNR about the site. I understand that STS included this prior notification in the documents provided to you on or about October 11, 2002.

The remediation of the site is being performed in accordance with the Dry Cleaner Environmental Response Fund. Therefore, it is very important that the WDNR release notification date is accurately reflected in the file for the site. As a result, I request that you re-issue the correspondence send to the Bence Family Limited Partnership on November 6, 2002, with the December 19, 2001, release notification date.

On a related note, the Bence Family Limited Partnership has retained STS to perform a site investigation and develop a remedial action plan. You should have already received a workplan from STS for its initial work, and STS will provide additional workplans as the investigation continues.

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Thank you for your assistance with this matter. If you have any questions, please do not hesitate to call.

Very truly yours,

MICHAEL BEST & FRIEDRICH LLP



Pamela L. Gergens

Enclosure

cc: Mr. Todd Bence (w/encl.)
Mr. Mark Mejac (w/encl.)
Nathaniel A. Hoffman, Esq. (w/encl.)

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State of Wisconsin
Department of Natural Resources

**Hazardous Substance Release Fax Notification
(Non-Emergency Only)**

Form 4400-225 (7/01) Page 1 of 2

Emergency situations should be reported via the 24-hour Spill Hotline: 1-800-943-0003

Notice: Hazardous substance discharges must be reported immediately according to the "Spills Law", s. 292.11, Wis. Stats. Section NR 706.05(1)(b), Wis. Adm. Code requires that hazardous substance discharges are to be reported by one of three methods: telephoning the Department (toll free Spill Hotline number above), telefaxing a report to the Department or visiting a Department office in person. If you choose to notify the Department by telefax, you should use this form to be sure that all necessary information is included. However use of this form is not mandatory. Under s. 292.99, Wis. Stats., the penalty for violating ch. 292, Wis. Stats., shall be no less than \$10 nor more than \$5000 for each violation. Each day of continued violation is a separate offense. It is not the Department's intention to use any personally identifiable information from this form for any purpose other than program administration. However, information submitted on this form may also be made available to requesters under Wisconsin's Open Records Law (ss. 19.31 - 19.39, Wis. Stats.).

Confirmatory laboratory data should be included with this form, if available, to assist the DNR in processing this Hazardous Substance Release Notification.

Complete this form. TYPE or PRINT LEGIBLY. FAX it to the appropriate WDNR region (see next page) IMMEDIATELY upon discovery of a potential release to the environment from (check one):

- Underground Petroleum Storage Tank System
- Aboveground Petroleum Storage Tank System
- Dry Cleaner Facility (DERP eligibility based on: Facility owner/operator Property owner of licensed facility ?)
- Other - Describe:

TO:WDNR, Attn: RR Program Assistant (Area Code) FAX Number 414 263 2483

Name Bence Family Limited Partnership Firm Date FAXed to WDNR 12.19.01

Mailing Address (Area Code) Telephone Number
W200 N9356 Woodside Lane Menomonee Falls, WI, 53051 262-251-0660

Name of site at which discharge occurred. Include local name of site/business, not responsible party name, unless a residence/vacant property. No Tenant currently in vacant property

Location: Include street address, not PO Box. If no street address, describe as precisely as possible, i.e., 1/4 mile NW of CTHs 60 & 123 on E side of CTH 60

N89 W16744-46 Appleton Ave
Municipality (City, Village, Township) Specify municipality in which the site is located, not mailing address/city
village of Menomonee Falls

County: Waukesha Legal Description: 1/4, SW 1/4, Section 3, Tn 8, Range 20 (E)W (circle one)

Responsible Party Name: Business or owner name that is responsible for cleanup. If more than one, list all. Attach additional pages as necessary

UNKNOWN
Contact Person Name (if different) Telephone Number

Mailing Address City State ZIP Code

Identify and estimate the quantity of the hazardous substance discharged (check all that apply):

State of Wisconsin
Department of Natural Resources

**Hazardous Substance Release Fax Notification
(Non-Emergency Only)**

Form 4400-225 (7/01) Page 2 of 2

- | | |
|--|---|
| <input type="checkbox"/> Unleaded gasoline _____ gallons | <input type="checkbox"/> Fuel oil _____ gallons |
| <input type="checkbox"/> Leaded gasoline _____ gallons | <input type="checkbox"/> Waste oil _____ gallons |
| <input type="checkbox"/> Diesel _____ gallons | <input type="checkbox"/> Stoddard solvent _____ gallons |
| <input type="checkbox"/> Perchloroethylene _____ gallons | <input type="checkbox"/> Other: (Specify below) |

Impacts to the environment (enter "K" for known/confirmed or "P" for potential for all that apply)

- | | |
|--|--|
| <input type="checkbox"/> Fire/explosion threat | <input checked="" type="checkbox"/> Soil contamination |
| <input type="checkbox"/> Contaminated private wells (# of wells) _____ | <input type="checkbox"/> Surface water impacts |
| <input type="checkbox"/> Contaminated public wells | <input type="checkbox"/> Floating product |
| <input type="checkbox"/> Groundwater contamination | <input type="checkbox"/> Other (Describe below) |

Contamination was discovered as a result of:

- Tank closure assessment Site assessment
 Other - Describe below

On what date?

12-19-01
- Received Results -

Additional Comments: Include a brief description of immediate actions taken to halt the release and contain or cleanup hazardous substances that have been discharged.

see Attached geoprobe log, location map, and VOC Analytical Data.

FAX numbers to report non-emergency releases in DNR's five regions are as follows:

Northeast Region (920-492-5859); Attention - RR Program Assistant:

Brown, Calumet, Door, Fond du Lac (except City of Waupun - see South Central Region), Green Lake, Kewaunee, Manitowoc, Marinette, Marquette, Menominee, Oconto, Outagamie, Shawano, Waupaca, Waushara, Winnebago Counties

Northern Region (715-365-8932); Attention - RR Program Assistant:

Ashland, Barron, Bayfield, Burnett, Douglas, Forest, Florence, Iron, Langlade, Lincoln, Oneida, Polk, Price, Rusk, Sawyer, Taylor, Vilas, Washburn Counties

South Central Region (608-275-3338); Attention - RR Program Assistant:

Columbia, Crawford, Dane, Dodge, Fond du Lac (City of Waupun only), Grant, Green, Iowa, Jefferson, Lafayette, Richland, Rock, Sauk Counties

Southeast Region (414-263-8483); Attention - RR Program Assistant:

Kenosha, Milwaukee, Ozaukee, Racine, Sheboygan, Walworth, Washington, Waukesha Counties

West Central Region (715-839-6076); Attention - RR Program Assistant:

Adams, Buffalo, Chippewa, Clark, Dunn, Eau Claire, Jackson, Juneau, LaCrosse, Marathon, Monroe, Pepin, Pierce, Portage, St. Croix, Trempealeau, Vernon, Wood Counties