



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

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Scott Hassett, Secretary
Gloria L. McCutcheon, Regional Director

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October 1, 2004

Estate of Richard Goldberg
c/o Ms. Kris Hughes
P.O. Box 228
Grafton, WI 53024

Subject: Liability exemption for soil and groundwater contaminated by an off-site source of contamination at 1019 N. 11th Avenue, Grafton, WI **WDNR FID#246148100**
BRRTS#07-46-529254

Dear Ms. Goldberg:

Purpose

The Department of Natural Resources ("the Department") has reviewed your request for an off-site exemption letter for the property located at 1019 11th Avenue, Grafton, Wisconsin, which will be referred to in this letter as "the Property." You have requested that the Department determine whether the Estate of Richard Goldberg, owner, is exempt from ss. 292.11(3), (4) and (7)(b) and (c), Wis. Stats. (commonly known as the "Hazardous Substance Spill Law"), with respect to the existence of a hazardous substance in the soil and groundwater that you believe is migrating onto the Property from an off-site source.

Determination

As you are aware, s. 292.13(2), Wis. Stats., requires the Department to issue upon request, a written determination regarding a liability exemption for a person who possesses or controls property that is contaminated by an off-site source, when certain conditions are met. In order to make this determination, the Department has reviewed information about the Property including groundwater and soil sampling data for the Property contained in the following documents:

Case Closure and GIS Packet Submittal, June 24, 2004; Former Plymouth Foundry Additional Soil VOC Investigation Results, Alpha Terra Science, September 6, 2002; Case Closure Summary, Alpha Terra Science, May 18, 2000; Off-Site Exemption or Liability Clarification Application, 2/9/04; Additional Historic Information, Alpha Terra Science letter, September 13, 2004; Phase I and Phase II Environmental Site Assessment, Key Environmental Services, June 24, 1993. From the Construction Forms site file: Summary of Remedial Investigation Activities, STS, June 20, 1997; Site Investigation Work Plan Former Construction Forms/CF Gilco Property, GZA, June 28, 2002; Summary of Recent Investigation Activities, Former Construction Forms/CF Gilco Property, GZA, March 25, 2003; Investigation Status Report – Former Construction Forms/CF Gilco property, GZA, March 12, 2004.

Chlorinated solvent compounds (tetrachloroethene, trichloroethene, 1,1,1-Trichloroethane, vinyl chloride, cis-1,2 dichloroethylene, trans-1,2 dichloroethene and 1,1,1,2 tetrachloroethane) have been detected on the Property as indicated by soil contamination at soil boring locations B43, B44, B45 and groundwater contamination at monitoring wells MW-3, MW-19 and MW-27 as shown on the attached figures. Based upon this information and in accordance with s. 292.13(2), Wis. Stats., the Department makes the following determinations regarding the presence of the chlorinated solvent contamination on the Property:

1. The hazardous substance discharge originated from a source on property that is not possessed or controlled by the Estate of Richard Goldberg.
2. The estate of Richard Goldberg did not possess or control the hazardous substance on the property on which the discharge originated.
3. The estate of Richard Goldberg did not cause the discharge.
4. The estate of Richard Goldberg will not have liability under the Hazardous Substance Spill Law for investigation or remediation of the soil or groundwater contamination originating from off-site onto the Property, provided that the estate of Richard Goldberg does not take possession or control of the property on which the discharge originated.

Exemption Conditions

The Department's determination, as set forth in this letter, is subject to the following conditions being complied with, as specified in ss. 292.13(1) and (1m), Wis. Stats:

1. The facts upon which the Department based its determination are accurate and do not change.
2. The estate of Richard Goldberg agrees to allow the following parties to enter the Property to take action to respond to the discharge: the Department and its authorized representatives; any party that possessed or controlled the hazardous substance or caused the discharge; and any consultant or contractor of such a party.
3. With respect to soil contamination only, the estate of Richard Goldberg agrees to take one or more specified actions directed by the Department, if the Department determines that the actions are necessary to prevent an imminent threat to human health, safety or welfare or to the environment. This would occur after the Department has made a reasonable attempt to notify the party who caused the hazardous substance discharge about that party's responsibilities to investigate and clean up the discharge.
4. The estate of Richard Goldberg agrees to avoid any interference with action undertaken to respond to the discharge and to avoid actions that worsen the discharge.
5. The estate of Richard Goldberg agrees to any other condition that the Department determines is reasonable and necessary to ensure that the Department and any other authorized party can adequately respond to the discharge.

This determination is made based on the information available to the Department at this time. The Department may revoke the determinations made in this letter if new information becomes

available indicating a chlorinated solvent source on the Property or it determines that any of the requirements under ss. 292.13(1) or (1m), Wis. Stats., cease to be met.

Future Property owners are eligible for the exemption under s. 292.13, Wis. Stats., if they meet the requirements listed in that statute section. The determinations in this letter regarding a liability exemption, however, only apply to the estate of Richard Goldberg, and may not be transferred or assigned to other parties. The Department will provide a written determination to future owners of this Property, if such a determination is requested in accordance with the requirements of s. 292.13(2), Wis. Stats.

The Bureau for Remediation and Redevelopment Tracking System (BRRTS) identification number for this activity is included at the top of this letter. The Department tracks information on contaminated properties in a Department database that is available on the Internet at <http://dnr.wi.gov/org/aw/rr/>. (See "BRRTS on the web" under "Contaminated Land Databases".) If you have any questions or concerns regarding this letter, please contact me at (920) 892-8756 ext. 3025.

Sincerely,



Nancy D. Ryan, Hydrogeologist
Remediation and Redevelopment

Cc: SER site file
Ken Ebbott, Alpha Terra Science