



JOHN M. ANTARAMIAN  
Mayor



April 26, 2018

Mr. Doug Cieslak  
Wisconsin Department of Natural Resources  
9531 Rayne Road, Suite 4  
Sturtevant, Wisconsin 53177

Re: LGU Exemption for the City of Kenosha Regarding its Ownership of the Former Superamerica #4130, 704 75<sup>th</sup> Street, Kenosha, Wisconsin, BRRTs#03-30-532981

Dear Mr. Cieslak:

The City of Kenosha (City) has acquired the above referenced property due to tax delinquency. The purposes of this letter are: (1) notify the Wisconsin Department of Natural Resources (WDNR) of the City's legal position about its investigative/remediation liability exemption for hazardous substance contamination that exists on this site; (2) advise the WDNR of the City's intention to conduct some voluntary investigation of the property in general conformance with NR 716.

After the BRTTS site was opened, the then owner/operator became insolvent and failed to pay property taxes; thereby causing a tax delinquency on the property. Kenosha County (County) commenced a foreclosure proceeding and, as a result of a judgment entered in that tax delinquency proceeding, the property was transferred to the County and subsequently the City acquired title to the property on December 26, 2017. Attached please find a copy of the quit claim deed which documents the transfer of the property from the County to the City.

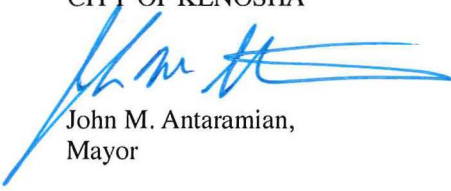
Based upon the foregoing facts, the City qualifies for the local governmental unit liability exemption under the Wisconsin Spill Statute. *See* Wis. Stat. § 292.11(9)(e)1m.a. As such, the City had no legal responsibility to conduct any further investigation or remediation on the site in connection with the pending open BRTTS matter covering this property.

While the City is not legally required to conduct a site investigation, the City believes it is prudent to assess the property's subsurface conditions to ensure that the environmental conditions on the property do not create an unreasonable risk to nearby residents. A work plan for an NR 716 Site Investigation and a schedule for the activities will be submitted under separate cover.

If you have any question regarding the topics that are the subject of this letter with the City, we are available at your convenience.

Sincerely,

CITY OF KENOSHA



John M. Antaramian,  
Mayor

Enclosure

Cc: Frank Pacetti, City Administrator  
Ed Antaramian, City Attorney  
Shelly Billingsley, Public Works Director  
Lanette Altenbach, AECOM

