

## State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor  
Scott Hassett, Secretary  
Gloria L. McCutcheon, Regional Director

Waukesha Service Center  
141 NW Barstow St.  
Room 180  
Waukesha, Wisconsin 53188  
Telephone 262-574-2100  
FAX 262-574-2117

### CERTIFIED MAIL – RETURN RECEIPT REQUESTED

August 9, 2007

Mr. Darren Shequen  
Cooper Power Systems, Inc.  
2300 Badger Drive  
Waukesha, WI 53187

FID# 268188910  
BRRTS# 02-68-535535

Subject: Access Agreement to Investigate Chlorinated Solvent Contamination

Dear Mr. Shequen:

The purpose of this letter is to explain the current status of the environmental investigation taking place at the Klinke Cleaners property located at 2346 W. St. Paul Avenue, Waukesha and to explain your rights and responsibilities as a property owner whose property may have been impacted by an off-site source of contamination.

#### Investigation at Klinke Cleaners:

This investigation began due to chlorinated solvent contamination found in soil and groundwater on the Klinke Cleaners property. According to s. 292.11, Wisconsin State Stats, Mr. Klinke of Klinke Clothing Care Corp., is responsible for defining the degree and extent of the contamination and seeing that contamination in the soil and groundwater is remediated (cleaned up) in accordance with chs. NR 700-726, Wis. Adm. Code.

Defining the extent of contamination in soil is performed by drilling soil borings and analyzing the soil for constituents of the source contamination. In this particular case, the source contaminants are chlorinated solvents. Groundwater is investigated by installing monitoring wells and analyzing groundwater for the same constituents.

During the investigation to define the degree and extent of contamination, RSV Engineering, Inc. sent you a request to access your property almost a year ago for the purpose of installing soil borings and groundwater monitoring wells to collect soil and groundwater samples. The Department understands from RSV Engineering, Inc. that you have not been cooperative in resolving the issues raised by Mr. Klinke's attorney pertaining to the draft access agreement you provided.

#### Explanation of Appropriate Statutes:

S. 292.13(1), Wisconsin State Stats., (property affected by off-site discharges), states:

*A person, other than a state agency, is exempt from s. 292.11(3), (4) and (7)(b) and (c) with respect to the existence of a hazardous substance in the groundwater on property possessed or controlled by that person if... (d) The person agrees to allow the*

*Department, any authorized representatives of the Department, any party that possessed or controlled the hazardous substance or caused the discharge of the hazardous substance and any consultant or contractor of such a party to enter the property to take action to respond to the discharge.*  
and

*(f) The person agrees to avoid any interference with action undertaken to respond to the discharge and to avoid actions that worsen the discharge.*

Refusal of reasonable access to the responsible party, or their representative, to enter an impacted property to address the contamination is viewed by the Department as taking "possession and control" of the discharge. S. 292.11(3), Wisconsin State Stats., states:

*A person who possesses or controls a hazardous substance which is discharged or who causes the discharge of a hazardous substance shall take the actions necessary to restore the environment to the extent practicable and minimize the harmful effects from the discharge to the air, lands or waters of this state.*

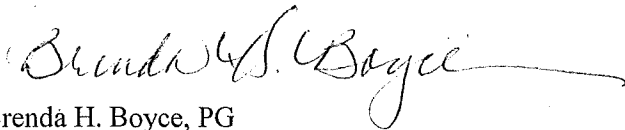
**Summary:**

In summary, the combination of these sections in the Wisconsin State Stats. means that further delay or denial by you of RSV Engineering's request to install soil borings and monitoring wells on your property, for the purpose of investigating and remediating the contamination originating from the Klinke Cleaners site, will result in the Department naming you as a responsible party for this contamination under s. 292.11, Wisconsin State Stats. This would make you liable for the contamination that may have migrated onto your property. Therefore, it is in your best interest to address this issue immediately. I hope that you contact Mr. Robert Nauta of RSV Engineering, Inc. at (920) 674-3411 and resolve the issues to allow for the investigation to begin on your property as directed by the Department.

For the purpose of continuing the investigation in a timely manner, please respond to the Department in writing with your decision within 14 days from the date you receive this letter. Failure to provide an adequate response within this time frame will result in a recommendation for the transfer of responsibility to you for potentially migrated contamination.

If you have any questions regarding the content of this letter, please contact me at (262) 574-2140.

Sincerely,



Brenda H. Boyce, PG  
Hydrogeologist  
Bureau for Remediation & Redevelopment

cc: Mark Hess, Cooper Power Systems, Inc.  
Bob Nauta – RSV Engineering, Inc.