

file

Jim Doyle, Governor
Scott Hassett, Secretary
Ruthe E. Badger, Regional Director

Dodgeville Service Center
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Dodgeville, Wisconsin 53533
Telephone 608-935-3368
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April 29, 2005

Mr. Joe Witmer
Mound City Bank
25 East Pine Street
Platteville, WI 53818

File Ref: 02-22-543001

Subject: Reported Contamination at Country Hardwoods [Former], 1509 Elm Street, Boscobel, Wisconsin
WDNR BRRTS Activity Number: 02-22-543001

Dear Mr. Witmer:

On March 25, 2005, Jeff Miesen, on behalf of Mound City Bank, notified the Wisconsin Department of Natural Resources ("WDNR") that tetrachloroethylene (PCE) had been detected at the site described above.

Based on the information that has been submitted to the WDNR regarding this site, we believe you are responsible for investigating and restoring the environment at the above-described site under Section 292.11, Wisconsin Statutes, known as the hazardous substances spills law.

This letter describes the legal responsibilities of a person who is responsible under section 292.11, explains what you need to do to investigate and clean up the contamination, and provides you with information about cleanups, environmental consultants, possible financial assistance, and working cooperatively with the WDNR.

Legal Responsibilities:

Your legal responsibilities are defined both in statute and in administrative codes. The hazardous substances spill law, Section 292.11 (3) Wisconsin Statutes, states:

- **RESPONSIBILITY.** 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 the state.

Wisconsin Administrative Code chapters NR 700 through NR 749 establish requirements for emergency and interim actions, public information, site investigations, design and operation of remedial action systems, and case closure. Chapter NR 708 includes provisions for immediate actions in response to limited contamination. Wisconsin Administrative Code chapter NR 140 establishes groundwater standards for contaminants that reach groundwater.

Steps to Take:

The longer contamination is left in the environment, the farther it can spread and the more it may cost to clean up. Quick action may lessen damage to your property and neighboring properties and reduce your costs in investigating and cleaning up the contamination. To ensure that your cleanup complies with Wisconsin's laws and administrative codes, you should hire a professional environmental consultant who understands what needs to be done. These are the first three steps to take:

1. Within the next **30 days**, by May 29, 2005, you should submit written verification (such as a letter from the consultant) that you have hired an environmental consultant. If you do not take action within this time frame, the WDNR may initiate enforcement action against you.
2. Within the next **60 days**, by June 28, 2005, your consultant should submit a work plan and schedule for the investigation. The consultant must comply with the requirements in the NR 700 rule series and should refer to WDNR technical guidance documents. To facilitate prompt agency review of your reports, your consultant should use the site investigation and closure formats which are available on-line at www.dnr.wi.gov.

Once an investigation has established the degree and extent of contamination at your site, your consultant will be able to determine whether Commerce or the WDNR has authority over the case.

3. Within 30 days of completion of the site investigation, you or your consultant must provide a brief report at least every 90 days as required by s. NR 724.13 (3), Wis. Adm. Code. Quarterly reports need only include one or two pages of text, plus any relevant maps and tables. Should conditions at your site warrant, we may require more frequent contacts.
4. Sites where discharges to the environment have been reported are entered into the Bureau for Remediation and Redevelopment Tracking System ("BRRTS"), a version of which appears on the WDNR's internet site. You may view the information related to your site at any time (<http://www.dnr.wi.gov/org/aw/rr/brrts>) and use the feedback system to alert us to any errors in the data.

If you want a formal response from the agency on a specific submittal, please be aware that a review fee is required in accordance with ch. NR 749, Wis. Adm. Code. If a fee is not submitted with your reports, you should proceed under the advice of your consultant to complete the site investigation to maintain your compliance with the spills law and chapters NR 700 through NR 749. **Do not delay the investigation of your site by waiting for an agency response.** We have provided detailed technical guidance to environmental consultants. Your consultant is expected to know our technical procedures and administrative rules and should be able to answer your questions on meeting cleanup requirements.

All correspondence regarding this site should be sent to:

Linda Hanefeld
Remediation and Redevelopment Program
Wisconsin Department of Natural Resources
1500 North Johns Street
Dodgeville, WI 53533

Unless otherwise requested, please send only one copy of plans and reports. To speed processing, correspondence should reference the BRRTS and FID numbers (if assigned) shown at the top of this letter.

Additional Information for Site Owners:

Information to help you select a consultant, and materials on controlling costs, understanding the cleanup process, and choosing a site cleanup method are enclosed. In addition, *Fact Sheet 2, Voluntary Party Remediation and Exemption from Liability* provides information on obtaining the protection of limited liability under s. 292.15, Wis. Stats.

Dry Cleaner Environmental Response Fund Program (DERF): The DERF program provides reimbursement to eligible drycleaners for costs associated with solvent discharges from the operation of their facility. For more information, please see the enclosed fact-sheet "dry Cleaner Environmental Response Fund: Is the Program for Me?" This fact-sheet explains the eligibility criteria for the DERF program and explains the ability to serve as an agent for an eligible dry cleaner.

Call me at the number below for more information on eligibility for financial assistance or visit the RR website: <http://www.dnr.wi.gov/org/aw/rr>. You may also contact me for all other questions regarding this letter.

Thank you for your cooperation.

Sincerely,



Linda Hanefeld
Hydrogeologist – Dodgeville Service Center
Bureau for Remediation & Redevelopment
(608) 935-1948

Enclosures: 1. DERF Fact Sheet
 2. Selecting a consultant
 3. Fact Sheet 2, VPLE

cc: Robyn Seymour, Seymour Environmental, P.O. Box 398, 2531 Dyreson Road, McFarland, WI 53558



Is the Program For Me?

#RR-632

The Dry Cleaner Environmental Response Fund Program

April, 2003

Background

The dry cleaner environmental response fund program (DERF) was developed by the dry cleaning industry to reimburse dry cleaners for their eligible costs for cleaning up dry cleaning solvent discharges to the environment. All active dry cleaners contribute to the DERF fund to ensure that dry cleaning solvent discharges can be addressed without economic catastrophe for an individual dry cleaner involved in a cleanup. The Department of Revenue collects fees for this program and the Department of Natural Resources implements the reimbursement program. S. 292.65, Wis. Stats., contains the statutory language from which the program must operate, and Chapter NR 169, Wi. Adm Code, contains more detailed rule language outlining how the rule is implemented.

What the current statute says:

The statute, s. 292.65, Wis. Stats., says that an *owner or operator* of a dry cleaning facility is eligible for reimbursement if they comply with several provisions of the statute.

An owner is defined as:


- A person who owns or has possession or control of *and* who receives or received direct or indirect consideration from the operation of a dry cleaning facility that is licensed, or a dry cleaning facility that has ceased operation (if the dry cleaning facility closed after October 14, 1997, it needed to have had a license prior to closing).
- a subsidiary or parent corporation of the person specified above
- A person who owns the property on which a *licensed* dry cleaning facility is located. Also, a person who owns property on which a licensed facility operated but has subsequently closed is eligible for the program. Subsequent property owners are not eligible once a licensed facility has closed. Licensing requirements began Oct 14, 1997, so a person who owns property on which a facility that closed prior to this date was located are not eligible.

An operator is defined as:

- A person who holds the license for a dry cleaning facility
- A subsidiary or parent corporation of the person specified above
- A person who operated a dry cleaning facility that closed prior to October 14, 1997

What does this mean to me?







Whether or not you are eligible depends on your unique situation. The following examples may help determine whether you are eligible for this program or not. Remember that there are other components of the DERF program that may affect your eligibility such as compliance with pollution prevention requirements as well as the ch. NR 700 clean up requirements. See our web site (www.dnr.state.wi.us/org/aw/rr) for fact sheets on other aspects of the program, as well as ch. NR 169, Wis. Stats.

Yes	No	Am I eligible?	Explanation
		I've owned and operated a dry cleaning facility for the past 15 years until I retired last year. I licensed the facility in 1997, when licensing became a requirement. The investigation at the gas station across the street has found dry cleaning solvents and they want me to investigate my property.	Since you owned and operated the dry cleaning facility and met the licensing requirements, you are eligible for reimbursement assuming that you follow the other eligibility criteria (i.e. reported the discharge, are following NR 700 cleanup rules, follow the requirements in NR 169, etc.)



Wisconsin Department of Natural Resources
PO Box 7921
Madison, WI 53707



Yes	No	Am I eligible?	Explanation
		I bought a property in 1998 that I want to develop into a bookstore. It used to house a dry cleaning facility, but it went out of business in 1995. The bookstore won't give me a franchise until I conduct an environmental assessment.	This program was not designed for you. You never owned the dry cleaning facility, nor received direct compensation from its operation. The owner or operator of the drycleaner may be eligible for the program, and the program does allow agent agreements whereby one party conducts the investigation and cleanup on behalf of another party. Those agreements, however, need to be in place prior to environmental response actions being taken at the site.
		I own a dry cleaning business consisting of 5 facilities - three have been converted to dry stores and the other two are locations where dry cleaning occurs. The two dry cleaning locations that are active are licensed, and have been since 1997, when the requirements came into effect. I incorporated my business in 1980.	Your corporation owned all 5 facilities when they were operating and currently owns two licensed facilities that continue to operate. As such, your corporation is eligible for this program at any of the five locations. Remember that if your corporation is dissolved, it is no longer eligible for the program.
		I own a strip mall that houses a dry cleaning facility. The dry cleaner is licensed, but is thinking of selling the business. If they sell and I discover a problem later, am I eligible for the fund to cover my cleanup costs?	The statute defines owner as one who owns property on which either an active licensed facility or closed licensed facility is located. Therefore, you would remain eligible whether the facility is open or closed, as long as the facility maintained a valid license from the Department of Revenue when it was operating.
		I owned a dry cleaning facility that closed in 1994, before this program became effective. I sold the property to a developer, who is building an office complex. The developer has informed me that they have discovered perchloroethylene in the soils, and I am responsible for cleaning it up.	Whether you are responsible for cleaning up the contamination is a subject for you to discuss with your attorney. However, assuming the perchloroethylene resulted from drycleaning solvents from your facility, you are eligible for this program as the owner of a dry cleaning facility. You may conduct the investigation and cleanup or you may choose to work with the developer and have them serve as an agent for you in conducting the investigation and cleanup activities. Written agent agreements must be signed prior to costs being incurred.
		My father owned a drycleaning facility until he retired several years ago. The current property owner contacted my father after discovering contamination on the property. They signed an agent agreement for the property owner to conduct the cleanup, and submitted the notification form to the DNR. My father has since passed away and I am now the personal representative of his estate. Will the future cleanup costs be reimbursable from the program?	As the personal representative of your father's estate, you are entitled to continue to act on behalf of your father for actions which he started. If he had not submitted the potential claim notification form to the department, he would not have met the initial program requirements and you would not be able to initiate a cleanup in his behalf. However, since he had submitted that form and initiated response actions, you are able to continue under his eligibility status. Once the estate is settled, however, you no longer would hold that title, and your eligibility would cease unless there was an assignment of that right to a trust.
		The Dept. of Revenue recently notified me that I had not licensed my facility. Since I can't afford the license fee, I decided to close my facility and retire.	The owner or operator of an unlicensed facility is not eligible for this program, but is still responsible for completing a cleanup at this site.

For More Information

To order this and any other publications, or to find out more information about the Remediation and Redevelopment Program, please call our Information Line at 800-367-6076 (long distance instate) or 608-264-6020 (local or out-of-state); or check out our web site at <http://www.dnr.state.wi.us/org/aw/rr>.

This document contains information about certain state statutes and administrative rules but does not necessarily include all of the details found in the statutes and rules. Readers should consult the actual language of the statutes and rules to answer specific questions. The Wisconsin Department of Natural Resources provides equal opportunity in its employment, programs, services, and functions under an Affirmative Action Plan. If you have any questions, please write to Equal Opportunity Office, Department of Interior, Washington D.C. 20240. This publication is available in alternative format upon request. Please call 608-267-3543 for more information.



ASSESSMENT SUMMARY – MOUND CITY BANK – 1509 Elm Street - Boscobel

On January 19, 2005 we conducted the initial contamination assessment activities at the Mound City Bank property on Elm Street in Boscobel. The objective of the assessment was to determine whether perchloroethene (PCE) noted in groundwater at a separate site located approximately 400 feet to the north northwest may originate from the Mound City property. A dry cleaner formerly was located on the subject property. Fieldwork consisted of groundwater sampling at four geoprobes located across the site; additionally one soil sample was analyzed. All samples were analyzed for volatile organic compounds (VOCs).

Based on discussions with the previous owners of the site and inspection of the property geoprobe locations were selected. One of the probes (B-1) was located in the back of the building near the former dry cleaning equipment and exhaust vents; this location was selected to determine if cleaning chemical leaked from the equipment or contaminated the soil by blow down. Two of the geoprobes (B-2 and B-3) were located along the sanitary sewer main which crosses the southern part of the site to evaluate whether the solvents are leaking from the sewer. The last geoprobe (B-4) was located in the northwest corner of the property and was intended to evaluate the change in PCE levels in groundwater across the site. We had intended to install a fifth geoprobe along the sewer line servicing the building but decided against that since the utility locations were not well known. A site layout map showing the geoprobe locations is attached.

Groundwater analyses show that PCE is present at levels which exceed the NR140 enforcement standard (ES) in groundwater across the site. The lowest PCE level was noted in groundwater near the rear door of the building. Additionally, no VOCs were detected in the soil sample analyzed from this point (~30 feet below grade). Based on the chemistry data it appears that solvent dumping is not likely to be the source of the PCE in groundwater. Intermediate PCE levels (~20 to 30 ug/l) were present in the groundwater from the two geoprobes along the sewer main. Of these two locations the higher PCE level was present in the geoprobe located on the downgradient side of the sewer main. The highest PCE level was noted in the geoprobe located on the downgradient side (northwest) of the Mound City Bank property. Interestingly no metabolites of PCE were detected in the groundwater samples. Groundwater analytical data is summarized in the attached Table.

Based on the data collected during the initial assessment we do not believe that sufficient data has been collected to confirm that the Mound City Bank property is the source of the PCE in groundwater. The data do indicate that the PCE levels increase to the northwest on the subject property. However, PCE levels on the upgradient side of the property are also present above groundwater standards. The data seem to indicate that either:

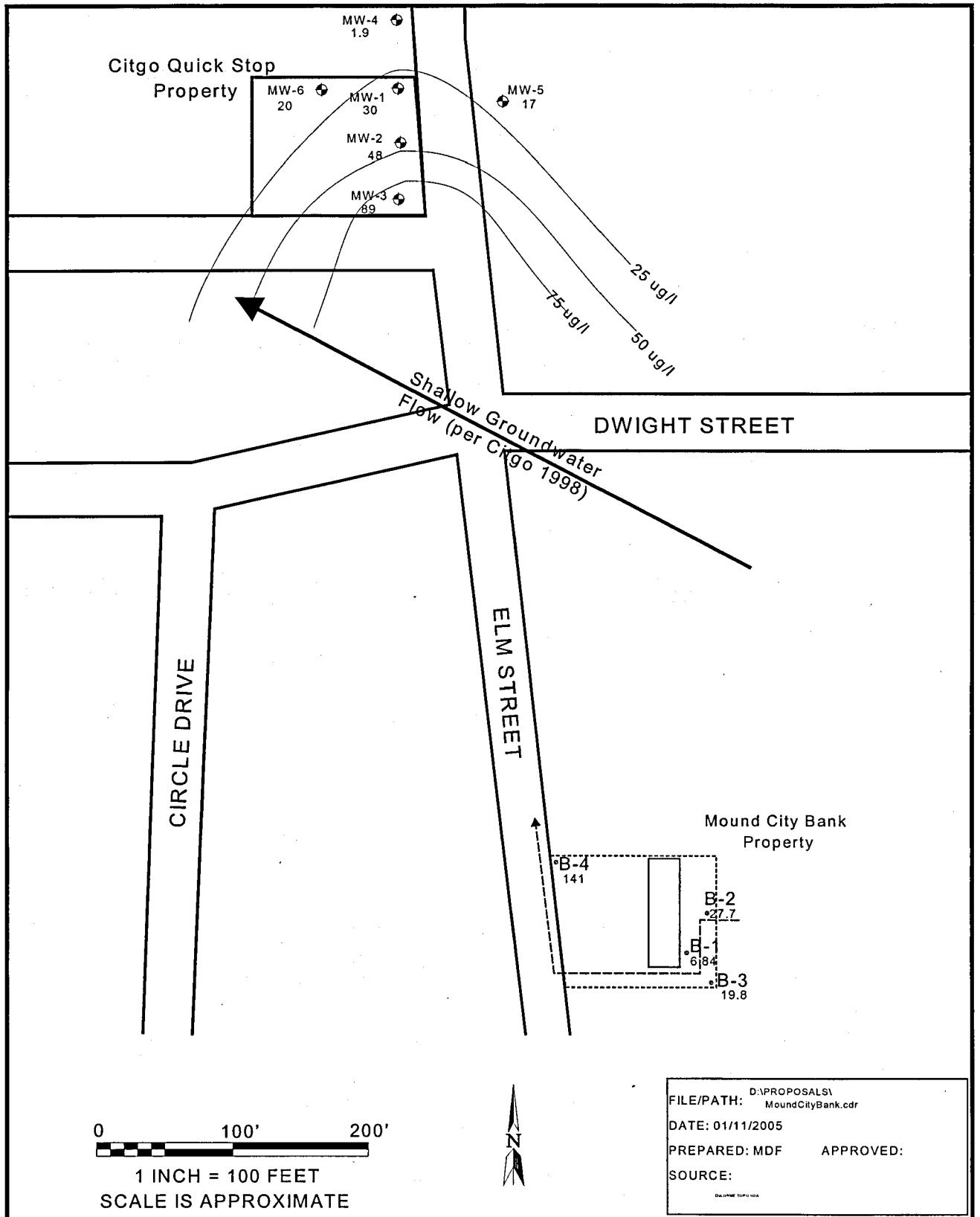
- 1) The contamination is entering the environment through the sewer service for the building. We were unable to drill in this area in front of the building. Interestingly no water disinfecting compounds (eg chloroform, bromoform, dibromochloromethane and bromodichloromethane) were noted in the groundwater samples so it appears that sewer leakage is minimal.
- 2) The Mound City Bank property lies near the southern flank of a large groundwater contamination (PCE) plume. The source of the PCE contamination would be located to the east northeast of the subject property.
- 3) The contamination is a result of surface disposal at an unidentified location on the property.

TABLE 1
 SUMMARY OF GEOPROBE GROUNDWATER CHEMISTRY
 Mound City Bank Property - 1509 Elm Street - Boscobel, Wisconsin

VOCs	B-1	B-2	B-3	B-4	NR140 PAL	NR140 ES
Tetrachloroethene	6.84	27.7	19.8	141	0.5	5
Trichloroethene	<0.5	<0.5	<0.5	<0.5	0.5	5
cis 1,2 dichloroethene	<0.4	<0.4	<0.4	<0.4	7	70
trans 1,2 dichloroethene	<0.39	<0.39	<0.39	<0.39	20	100
Vinyl chloride	<0.2	<0.2	<0.2	<0.2	0.02	0.2
Toluene	<0.3	0.455	<0.3	<0.3	200	1000

- All concentrations are listed in ug/l
 - na = not analyzed
 - ns = no standard established

- NR140 PAL = Preventative action level (bold)
 - NR140 ES = Enforcement standard (shaded)

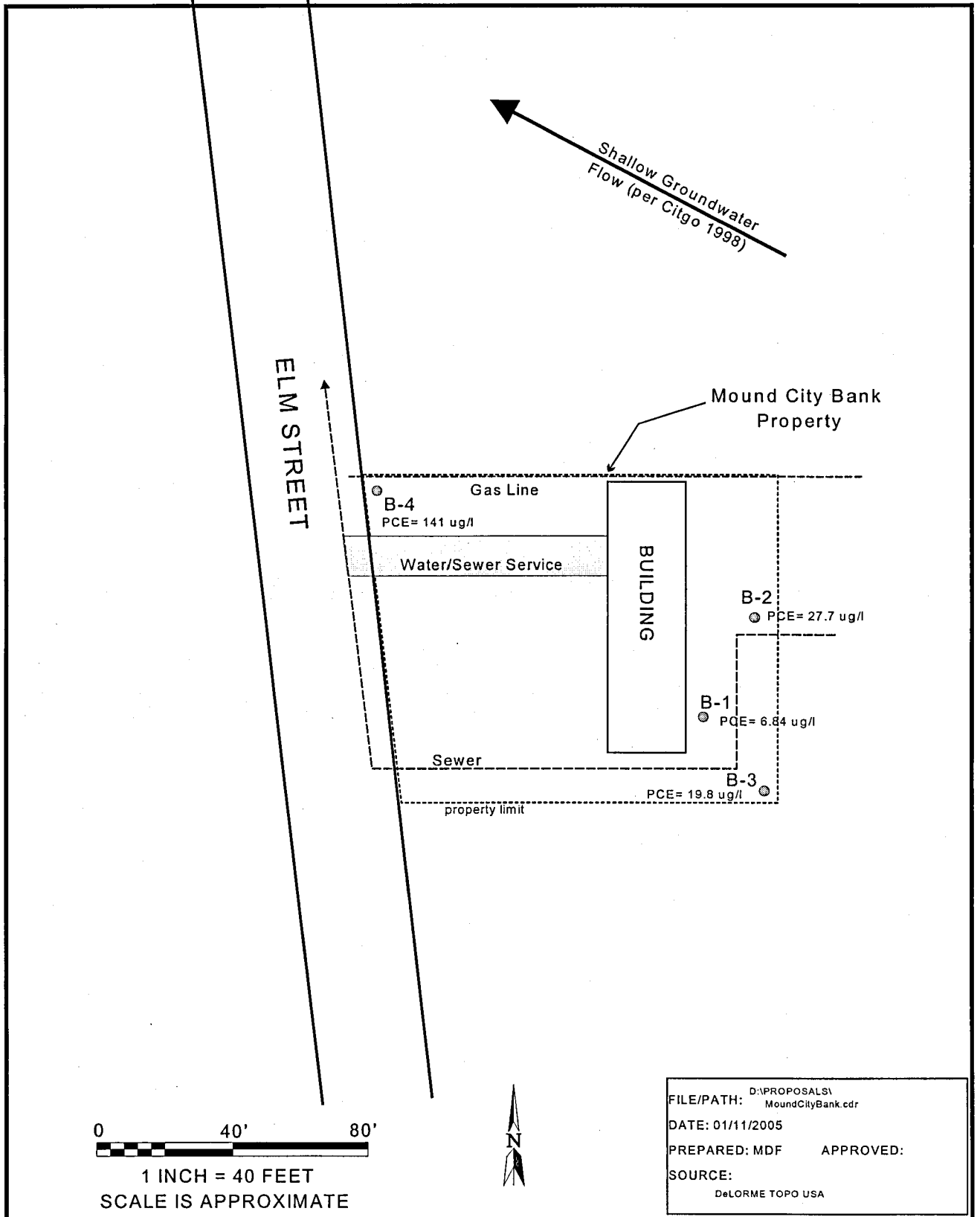


SEYMOUR
ENVIRONMENTAL
SERVICES, INC.

Area Layout
Mound City Bank Property
1509 Elm Street
Boscobel, Wisconsin

FIGURE

2



SEYMOUR
ENVIRONMENTAL
SERVICES, INC.

Groundwater Sampling Results
Mound City Bank Property
1509 Elm Street
Boscobel, Wisconsin

FIGURE

2