



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

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August 23, 2005

Simon Family Trust
c/o Mrs. Eileen Simon, Trustee
204 South Main Street
Cuba City, WI 53807

File Ref: 02-22-543811

Subject: Reported Contamination at Kwik Trip, 212/216 South Main Street, Cuba City
WDNR BRRTS Activity Number: 02-22-231686
Kessler Cleaners, 204 South Main Street, Cuba City
WDNR BRRTS Activity Number: 02-22-543811

Dear Mrs. Simon:

I am writing you as a trustee for the Simon Family Trust. The information I have obtained from the Grant County Register of Deeds indicates that the Simon Family Trust is the owner of the property located at 204 South Main Street, Cuba City.

On July 5, 2002, the Department of Natural Resources received information from representatives of Kwik Trip, Incorporated, regarding groundwater contamination that was discovered on their property located at 212/216 South Main Street, Cuba City. The primary contaminant of concern is tetrachloroethylene. Other contaminants of concern include trichloroethylene, a breakdown product of tetrachloroethylene. The information provided by Kwik Trip indicates the contamination is coming from an offsite, upgradient source. The property at 204 South Main Street in the nearest upgradient property. Based upon information available to the Department, the 204 South Main Street property operated as "Kessler Cleaners," a dry cleaning business, during the 1970s and 1980s. Tetrachloroethylene, the contaminant of concern, is a commonly used dry-cleaning solvent.

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:

Within the next **30 days** 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.

Within the next **60 days** 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.state.wi.us.

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.

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.state.wi.us/org/aw/tr/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, Hydrogeologist
Remediation and Redevelopment Program
Wisconsin Department of Natural Resources
1500 N. 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.

If you are financially unable to proceed with an environmental investigation or site cleanup, there is a formalized process we use to assess your financial situation. Please notify me in writing of your "inability to pay" for any site work and we can begin this alternative process.

Call me at (608) 935-1948 for more information on eligibility for financial assistance or visit the RR web site: <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. Please don't hesitate to contact me with any questions or concerns you may have.

Sincerely,



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