



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor
Scott Hassett, Secretary

101 S. Webster St.
Box 7921
Madison, Wisconsin 53707-7921
Telephone 608-266-2621
FAX 608-267-3579
TTY Access via relay - 711

July 24, 2006

Brian Abhold
Abhold's Dodge, Chrysler
and Jeep Inc.
407 Fond du Lac Street
Mount Calvary, WI 53057

SUBJECT: Lease Liability Clarification as to Environmental Liability for Abholds Dodge, Chrysler, and Jeep, Inc., Associated with Leasing Property at 407 and 408 Fond du Lac Street, Mount Calvary, WI from Abhold's Garage, Inc.
WDNR Unique BRRTS Nos. 07-20-547716 & 07-20-547717

Dear Mr. Abhold:

The purpose of this letter is to provide the applicant, Abhold's Dodge, Chrysler and Jeep, Inc. with clarifications as to the environmental liabilities associated with leasing property from Abhold's Garage, Inc., for the purpose of operating a new and used automobile lot. The Wisconsin Department of Natural Resources ("Department") has completed its review of the request for a lease liability clarification letter submitted by Reinhart, Boerner & Van Deuren, S.C. on behalf of Abhold's Dodge, Chrysler and Jeep, Inc. Required information supporting the application was previously submitted to the Department by STS Consultants on behalf of Abhold's Garage, Inc.

The property is located at 407 and 408 Fond du Lac Street, Mount Calvary, Wisconsin in a part of the Northeast one-quarter (NE¼) and part of the Southeast one-quarter (SE¼) of Section 29, Township 16 North, Range 19 East, Village of Mount Calvary, Wisconsin. The leased areas will be referred to in this letter as "the Leased Premises". The Leased Premises are specifically described in Attachment A to this letter, hereby enclosed and made part of this document.

Specifically, you have requested that the Department determine that Abhold's Dodge, Chrysler and Jeep, Inc., would not be held responsible under the Hazardous Substance Spills Law, s. 292.11, Wis. Stats., under your leases with Abhold's Garage, Inc., for a hazardous substance that was discharged to the Leased Premises prior to October 1, 2004, the effective date of your lease agreements with the Abhold's Garage, Inc..

Determination

As you are aware, s. 292.55(1)(d)1, Wis. Stats., authorizes the Department to issue a letter to a person seeking assistance concerning the liability of a person owning or leasing a property for environmental pollution of the property. Specifically, the Department has reviewed the following list of documents in order to make this determination:

- *Lease Letter Request Application* (form 4400-207) received June 26 2006, submitted by Reinhart, Boerner & Van Deuren, S.C. on behalf of Abhold's Dodge, Chrysler and Jeep Inc..
- *Lease Agreements* between Abhold's Dodge, Chrysler and Jeep, Inc. and Abhold's Garage, Inc., submitted by Reinhart, Boerner, & Van Deuren, S.C. and received on July 5, 2006.

- *Progress Report for Remedial Activities*, received June 26, 2006, submitted by STS Consultants, LTD on behalf of Mr. Wilfrid Abhold of Abhold's Garage, Inc. Note: This report only relates to contamination found at 407 and 408 Fond du Lac Street properties.

The Department has reviewed the terms of the Lease Agreements between Abhold's Dodge, Chrysler and Jeep, Inc. and Abhold's Garage, Inc. and has determined that Abhold's Dodge, Chrysler and Jeep, Inc., as a tenant under the Lease Agreements, would not "possess or control", as those terms are used in s. 292.11(3), Wis. Stats., any hazardous substance that was discharged onto the Leased Premises prior to entering into the Lease Agreements, conditioned on compliance with the following standards of performance:

- Abhold's Dodge, Chrysler and Jeep, Inc., agrees to provide any responsible party, their consultants and Department personnel with reasonable access to the Leased Premises for the purposes of conducting any necessary environmental assessment or remediation activities.
- Abhold's Dodge, Chrysler and Jeep, Inc., agrees to comply with all applicable state and federal laws that apply to the excavation and disposal of contaminated soils or other materials.
- Abhold's Dodge, Chrysler and Jeep, Inc., agrees to minimize, to the extent practicable, the placement of any structures or construction of any buildings in areas of the Leased Premises impacted by environmental contamination in such a manner as to allow remedial work to be conducted.
- Abhold's Dodge, Chrysler and Jeep Inc., agrees to comply with the requirements of s. 292.11, Wis. Stats., and the NR 700 rule series, Wis. Adm. Code, for the discharge of any hazardous substances that may be caused by Abhold's Dodge, Chrysler and Jeep, Inc., as the lessee.

Under these conditions, the Department agrees not to hold Abhold's Dodge, Chrysler and Jeep, Inc., in its capacity as a tenant under the Lease Agreements, responsible for investigating or remediating any hazardous substances that are present on the Leased Premises prior to October 1, 2004, the date of the Lease Agreements, unless one of the aforementioned conditions is not satisfied.

If you have any questions concerning this letter or other related matters, please contact either me at (608) 266-9454 or Kevin McKnight at (920) 424-7890.

Sincerely,



Joseph Wm. Renville
Attorney
Bureau of Legal Services

cc: Michelle Williams, Reinhart, Boerner, Van Deuren, S.C., P.O. Box 2265, Waukesha,
Wisconsin 53187
Andrew Mott, STS Consultants, 558 North Main Street, Oshkosh, WI 54901
Annette Weissbach – RR/NER -- Green Bay
Kevin McKnight, RR/NER – Oshkosh
Percy Mather RR/3 -- Madison,

Enclosure

Attachment A

A part of the South half of the Northeast Quarter (S ½ NE ¼) of Section 29, Township 16 North, of Range 19 East, in the Village of Mt. Calvary, Fond du Lac County, Wisconsin and more particularly described as follows, to-wit:

Beginning at the Southwest corner of the East Half of the Northeast Quarter (E½NE¼) of Section 29 and running thence East along the South line said Northeast Quarter (NE¼) of said Section 29, a distance of 155.10 feet; thence North and parallel with the West line of Lots 2, 3, and a part of Lot 4 in Block 1 in the Plat of Mt. Calvary Village, a distance of 3.58 chains or 236.28 feet; thence running West and parallel with the South line of Lot 6 in Block 1 of said Plat, a distance of 96.00 feet; thence running South 236.28 feet to the South line of the Northeast Quarter (NE¼); thence East 96.00 feet to the place of beginning, and

Lots numbered One (1) and two (2) and the West Twenty-five (25) feet of Lot Number three (3), Block Number One (1) of John Schneider's Addition to the Village of Mt. Calvary, located in the Northeast Quarter of the Southeast Quarter (NE¼SE¼) of Section 29, Township 16 North of Range 19 east, Fond du Lac County, Wisconsin, and

Lot number four (4) in Block Number one (1) of John Schneider's Addition to the Village of Mt. Calvary, located in the Northeast Quarter of the Southeast Quarter (NE¼SE¼), Section 29, Township 16 North, of Range 19 East, Fond du Lac County, Wisconsin, excepting therefrom the West fifty (50) feet and the East fifteen (15) feet thereof.