



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

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September 18, 2006

Mr. John Veserat
Koeller One LLC
2275 Deming Way, Suite 300
Middleton, WI 53562

Subject: Reported Contamination at **Koeller Center, 1020-1142 S. Koeller St., Oshkosh, WI**
WDNR BRRTS # **02-71-547941**

Dear Mr. Veserat:

On August 29, 2006, Dennis Kugle of Gannett Fleming, Inc., notified the Wisconsin Department of Natural Resources (WDNR) that solvent contamination had been detected at the site described above.

Based on the information submitted to the WDNR, we believe you are responsible for restoring the environment at the above-described site under Section 292.11, Wis. Stats., known as the hazardous substances spills law.

This letter describes your legal responsibilities, 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 and Department of Commerce ("Commerce").

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

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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 steps to take:

1. Within the next **30 days of the date of this letter**, you should submit written verification (such as a letter from the consultant) that you have hired an environmental consultant.
2. Within the next **60 days of the date of this letter**, 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 <http://dnr.wi.gov/org/aw/rr>

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://botw.dnr.state.wi.us/botw/Welcome.do>) and use the feedback system to alert us to any errors in the data.
5. The information submitted by Gannett Fleming Inc. dated August 29, 2006 appeared to be data based upon a previous Phase I and Phase II. Copies of the complete Phase I and Phase II documents for incorporation into the Department file would be greatly appreciated.

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:

Kathy Sylvester
Remediation and Redevelopment Program
Wisconsin Department of Natural Resources
625 E. County Rd. Y, Suite 700
Oshkosh, WI 54901-9731

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(customize as needed):

Information to help you select a consultant, 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.

Financial Assistance:

Reimbursement from the Petroleum Environmental Cleanup Fund (PECFA) may be available for some of the costs of cleaning up contamination from eligible petroleum storage tanks. Please refer to the enclosed information sheet entitled "*Information About PECFA*" for more information on eligibility and regulations for this program. For more information on the PECFA program, please call the Department of Commerce at 608-266-2424 or visit their web site at: <http://www.commerce.wi.gov/ER/ER-PECFA-Home.html>. Funding is also available for cleanup at some dry cleaning sites.

Call the DNR Project Manager, Kathy Sylvester at 920-424-0399, for more information on eligibility for financial assistance or visit the RR web site <http://dnr.wi.gov/org/aw/rr>. You may also contact this person for all other questions regarding this letter.

Thank you for your cooperation.

Sincerely,



Diane E. Hansen
Program Associate
Bureau for Remediation & Redevelopment

- Enclosures:
1. Selecting an Environmental Consultant
 2. Environmental Services Contractor List
 3. Environmental Contamination – The Basics
 4. Voluntary Party Remediation and Exemption from Liability
 5. Remediation & Redevelopment Program

cc: Dennis Kugle, Gannett Fleming, 8025 Excelsior Dr., Madison, WI 53717-1900
Kathy Sylvester - DNR, Oshkosh

