

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

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BRRTS #: 07-03-553285

September 8, 2010

Troy Batzel
 Kwik Trip, Inc.
 1628 Oak Street
 La Cross, WI 54603

Subject: Liability exemption for groundwater contaminated by an off-site source of contamination at 1821 & 1903 South Main Street, Rice Lake, WI 54868

Dear Mr. Batzel:

Purpose

The Department of Natural Resources ("the Department") recently received additional groundwater monitoring information from the vicinity of the above referenced property and has reviewed your request for an off-site exemption letter for the property located at 1821 & 1903 South Main Street, Rice Lake, which will be referred to in this letter as "the Property." You have requested that the Department determine the owner is exempt from ss. 292.11(3), (4) and (7)(b) and (c), Wis. Stats. (commonly known as the "Hazardous Substance Spill Law"), with respect to the existence of a hazardous substance in the groundwater that you believe is migrating onto the Property from an off-site source.

As you are aware, s. 292.13(2), Wis. Stats., requires the Department to issue upon request, a written determination regarding a liability exemption for a person who possesses or controls property that is contaminated by an off-site source, when certain conditions are met. In order to make this determination, the Department has reviewed information about the Property including soil and groundwater sampling data for the Property and in the vicinity of the Property contained in the following documents:

- Off-site Liability Exemption and Liability Clarification Application and \$500 check dated 1/30/09.
- A letter report from REI Engineering Services date December 21, 2008 that summarizes the results of the Phase II subsurface site investigation at the Property.
- A letter report from REI Engineering Services date March 6, 2009 that summarizes historical ownership of the property and closure activities by DCOM at PECFA site 03-03-543961 located on part of the 1821 South Main Street property.
- Additional groundwater monitoring data submitted July 20, 2009 from REI Engineering Services for the six monitoring wells on the Property.

- Up-gradient soil and groundwater monitoring data from the Lee's Dry Cleaner site (BRRTS # 02-03-552055) dated September 3, 2010 and submitted by MSA Professional Services and titled "Change Order #2".

Background

The Department considered the documents listed above in making the determinations presented in this letter. Tetrachloroethene (PCE) has been detected in four of six groundwater monitoring well that have been installed on the Property. PCE levels of contamination range from 0-21 ug/L in three rounds of sampling. Figure 1 (attached) shows the location of the monitoring wells on the Property and the levels of PCE contamination detected. No past historical use of PCE on the Property has been noted. Groundwater has been determined to be flowing from the north to the south on the Property. Approximately 600 feet north of the Property (upgradient) is the Lee's Cleaner site (BRRTS #02-03-552055). Soil and groundwater sampling associated with the Lee's Cleaner site has shown a release of PCE. Groundwater sampling between the Lee's Cleaner site and the Property shows a PCE contaminated groundwater plume coming from the Lee's Cleaner site and moving onto the Property. Figure 2 (attached) shows the locations and groundwater monitoring sampling results taken down gradient of the Lee's Cleaner site.

Determination

Based upon the available information and in accordance with s. 292.13(2), Wis. Stats., the Department makes the following determinations regarding the presence of PCE contamination in the groundwater as indicated by the groundwater sampling results from the six monitoring wells located on the Property and shown in Figure 1.

1. The hazardous substance discharge originated from a source on property that is not possessed or controlled by Kwik Trip, Inc.
2. Kwik Trip, Inc. did not possess or control the hazardous substance on the property on which the discharge originated.
3. Kwik Trip, Inc. did not cause the discharge.
4. Kwik Trip, Inc. will not have liability under the Hazardous Substance Spill Law for investigation or remediation of the soil, sediment or groundwater contamination originating from off-site onto the Property, provided that Kwik Trip, Inc. does not take possession or control of the property on which the discharge originated.

Exemption Conditions

The Department's determination, as set forth in this letter, is subject to the following conditions being complied with, as specified in ss. 292.13(1) and (1m), Wis. Stats:

1. The facts upon which the Department based its determination are accurate and do not change.
2. Kwik Trip, Inc. agrees to allow the following parties to enter the Property to take action to respond to the discharge: the Department and its authorized representatives; any party that possessed or controlled the hazardous substance or caused the discharge; and any consultant or contractor of such a party.

3. Kwik Trip, Inc. agrees to avoid any interference with action undertaken to respond to the discharge and to avoid actions that worsen the discharge.
4. Kwik Trip, Inc. agrees to any other condition that the Department determines is reasonable and necessary to ensure that the Department and any other authorized party can adequately respond to the discharge.

The Department may revoke the determinations made in this letter if it determines that any of the requirements under ss. 292.13(1) or (1m), Wis. Stats., cease to be met.

Future Property owners are eligible for the exemption under s. 292.13, Wis. Stats., if they meet the requirements listed in that statute section. The determinations in this letter regarding a liability exemption, however, only apply to Kwik Trip, Inc., and may not be transferred or assigned to other parties. The Department will provide a written determination to future owners of this Property, if such a determination is requested in accordance with the requirements of s. 292.13(2), Wis. Stats.

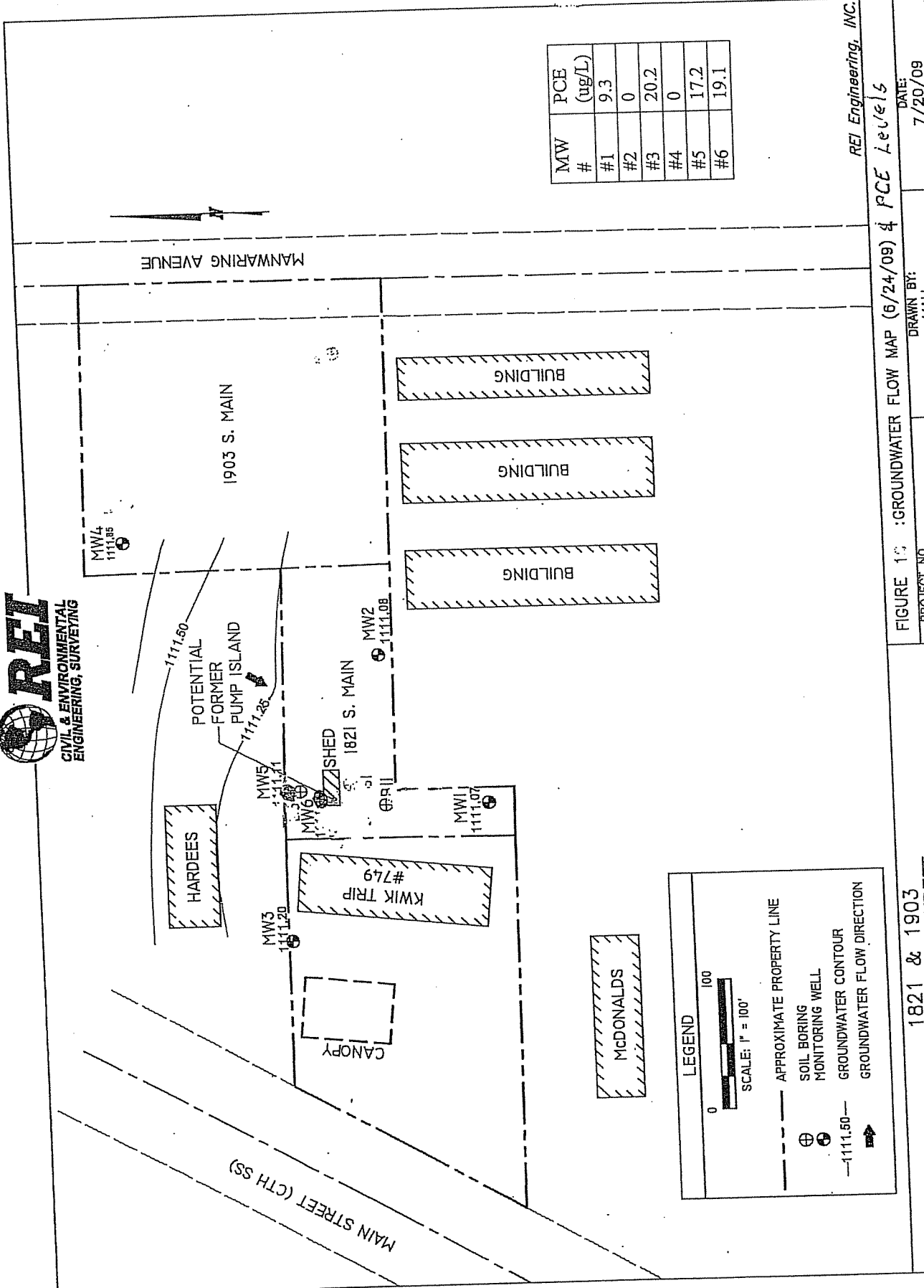
The Bureau for Remediation and Redevelopment Tracking System (BRRTS) identification number for this activity is included at the top of this letter. The Department tracks information on contaminated properties in a Department database that is available on the Internet at <http://dnr.wi.gov/org/aw/rr/>. (See "BRRTS on the web" under "Contaminated Land Databases".) If you have any questions or concerns regarding this letter, please contact me at 715-365-8965 or by email at bill.schultz@wisconsin.gov.

Sincerely,



William Schultz
Project Manager

Cc: Andrew Delforge
REI Engineering
4080 N. 20th Ave.
Wausau, WI 54401



REI Engineering, INC.

FIGURE 1: GROUNDWATER FLOW MAP (6/24/09) & PCE Levels

PROJECT NO. 5043

DRAWN BY: MAH

DATE: 7/20/09

LEGEND

0 100
SCALE: 1" = 100'

- APPROXIMATE PROPERTY LINE
- ⊕ SOIL BORING MONITORING WELL
- 1111.50- GROUNDWATER CONTOUR
- ➔ GROUNDWATER FLOW DIRECTION

1821 & 1903
SOUTH MAIN STREET
RICE LAKE, WISCONSIN 54868

LEGEND

- MW1 MONITORING WELL
- GW6 GRAB GROUNDWATER LOCATIONS
MSA, JULY 1, 2010
- PROPOSED WELL
- PCE (ug/L) GRAB GROUNDWATER RESULTS
- 46.9 SHALLOW
- 28.9 DEEP



FIGURE 2

GRAB GROUNDWATER RESULTS
LEE'S CLEANERS
RICE LAKE, WI

MSA
MUNICIPALITY SERVICE AUTHORITY

PROJECT	DATE	BY	REVISION
LEE'S CLEANERS	08/10	MSA/ASH	26

