

**State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES**

Jim Doyle, Governor
Matthew J. Frank, Secretary
Lloyd L. Eagan, Regional Director

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July 1, 2009

John Corey
Dodge County Corporation Counsel
127 East Oak Grove Street
Juneau, WI 53039

Subject: Reported Contamination at Monarch Development Lot 8 (Former Malleable Iron Range Property), 715 N. Spring Street, Beaver Dam, WI WDNR BRRTS # 02-14-553768

Dear Mr. Corey:

On May 18, 2009, Shaw Environmental, Inc., on behalf of Dodge County, notified the Wisconsin Department of Natural Resources ("WDNR") that polycyclic aromatic hydrocarbon (PAH) contamination had been detected at the site described above.

The subject site is part of the former Malleable Iron Range (MIR) property (WDNR BRRTS # 03-14-001263) which was closed by the WDNR on April 1, 2008. In 1995, the MIR property was platted into 11 lots and the plat is called Monarch Development. One of the requirements of final closure for the MIR case was that direct contact threats must be addressed in any future redevelopment of the property. An additional requirement was that any soil that is excavated in the future must be sampled and analyzed for polycyclic aromatic hydrocarbons (PAHs), volatile organic compounds (VOCs), and metals (lead, cadmium, chromium, arsenic) and handled appropriately. Contamination was discovered as a result of soil sampling performed in anticipation of a property transaction.

Based on the information that has been submitted to the WDNR to date 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.

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:

Based upon the information available to the WDNR at this time, WDNR believes that additional response actions are needed because the concentrations of PAHs exceed the suggested non-industrial generic residual contaminant levels for direct contact.

The subject site is owned by Dodge County with the goal of selling the parcel for redevelopment purposes. It is WDNR's understanding that there is a potential purchaser for the subject parcel and work is being conducted to facilitate the sale and redevelopment of the site.

Dodge County and its environmental consulting firm, Shaw Environmental, have been working closely with the WDNR to address environmental concerns at the site. There is contamination that will require the implementation of a remedial action plan that provides protection to the public from direct contact exposures to the PAH contaminants that exist at the site.

The WDNR is also working with you and your consultant to direct you towards potential sources of financial assistance that may help with addressing the environmental contamination at the site to facilitate future redevelopment.

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/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, as you know, 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. 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:

Denise Nettlesheim
Remediation and Redevelopment Program
Wisconsin Department of Natural Resources
3911 Fish Hatchery Road
Fitchburg, WI 53711-5397

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.

Please call me at the number shown below with any questions regarding this letter.

Thank you for your cooperation.

Sincerely,



Denise Nettlesheim
Hydrogeologist
Remediation & Redevelopment Program
(608) 275-3209

cc: Victoria Loveland, Shaw Environmental, 831 Critter Court, Suite 400, Onalaska, WI
54650-8674
Case File