

State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
1300 W Clairemont Ave
Eau Claire WI 54701

Scott Walker, Governor
Cathy Stepp, Secretary
Telephone 608-266-2621
Toll Free 1-888-936-7463
TTY Access via relay - 711



December 5, 2016

FID# 6320125460
BRRTS#: 06-32-560495
02-32-000203

Mr. John Desmond
Desmond and Desmond
620 Cass Street
La Crosse, WI 54601

SUBJECT: Approval to Proceed in the Voluntary Party Liability Exemption
Process for the Former Despond's Mens Wear
2338 Commerce Street and 2326 Commerce St.
La Crosse, WI 54603
Site BRRTS# 06-32-560495 Parcel # 17-10307-20

Dear Mr. Desmond,

APPLICANTS TO THE VPLE PROCESS:

Thank you for submitting your application to the Department of Natural Resources (DNR) for approval to proceed with an environmental investigation and cleanup, pursuant to s. 292.15, Stats., associated with the Property referenced above. As you are aware, the VPLE process provides specific liability exemptions for voluntary parties after the completion of an environmental investigation and cleanup that are conducted in accordance with ss. 292.11, and 292.15, Wis. Stats.

APPLICATION REVIEW AND APPROVAL TO PROCEED:

The DNR has reviewed your application, and is granting you approval to proceed in the VPLE process. Based on a review of the information provided to the DNR, s. 292.15, Stats., and ch. NR 750, Wis. Admin. Code, the DNR has determined the following:

- the property has or has had a discharge of a hazardous substance;
- the applicant meets the definition of a "voluntary party", in ch. NR 750, Wis. Admin. Code; and
- the Property *does not include* one of the ineligible facilities or sites listed in s. 292.15(7)(a) through (d), Stats..

OTHER FUTURE CONDITIONS: The approval to proceed in the VPLE process is based upon information available to the DNR at the time the application was reviewed. If in the future, additional information becomes available which indicates that the site is not eligible for the VPLE, the DNR may remove the site from the VPLE process. Specifically, s. 292.15(7), Stats., includes provisions regarding certain hazardous waste facilities that may begin operation after the property enters the VPLE process, which are not eligible for a Certificate of Completion. If at any time in the future, even after the liability exemption has been granted, a hazardous waste treatment, storage, or disposal facility is operated on the property, the voluntary party would no longer be eligible for the exemption in s. 292.15, Stats.

REQUIREMENTS FOR ENVIRONMENTAL WORK:

In order to obtain the Voluntary Party Liability Exemption, all necessary environmental response actions must be reviewed by DNR to determine their compliance with ss. 292.11 and 292.15, Wis. Stats., and with the ch. NR 700 administrative rule series. DNR will review the reports you submit and inform you whether additional work is necessary to complete the environmental investigation requirement. The DNR project manager assigned to your VPLE project is Patrick Collins, located at 890 Spruce Street, Baldwin, WI 54002, and can be reached at 715 684-2914 ext. 117. In this case, substantial work has already been conducted by the consultant working on behalf of the City of La Crosse and yourself. We will continue working with both parties to complete the remedial action and obtain site closure and a Certificate of Completion.

FEES:

Thank you for your application fee of \$250.00 that was received on August 31, 2016, 2015. As a participant in this process, the applicant is responsible for paying fees to the DNR to cover the costs of DNR's activities associated with assisting you as you proceed through the VPLE process. As you are aware the City of La Crosse is also an applicant for this existing VPLE project.

The City of La Crosse paid the initial advance deposit and your attorney has indicated to the City and WDNR and we have confirmed that an additional \$1,000.00 has been deposited into the account for this project. The DNR will deduct fees at the *current* hourly rate of \$105 cover the costs of DNR providing assistance on your project. Fees will be deducted as costs are incurred until the project is completed, or until the deposit is spent, whichever **comes** first. In the former case, any remaining balance will be refunded to you. If DNR's review costs exceed the deposit amount, the DNR will send both the City and you, quarterly invoices for costs associated with your project during that time period. As joint applicants it will be up to you or the City to reimburse the DNR for its costs within 30 days of receiving the invoices. You should be aware that the costs associated with DNR assisting you on this property will vary depending on the complexity and size of the property, as well as the completeness of the information that you submit to us, it is unknown how much additional DNR review time will be needed at this site.

ADDITIONAL OBLIGATIONS OF APPLICANTS, POTENTIALLY RESPONSIBLE PARTIES, AND PROPERTY OWNERS:

The DNR looks forward to working with you, as you address the contamination on or migrating from this property. We would like to clarify your responsibilities, as well as the responsibilities of any potentially responsible parties and property owners who may have relationships to this property.

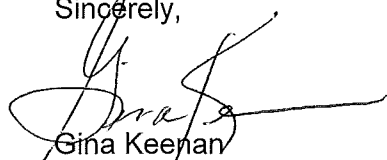
Wisconsin's hazardous substance spill law assigns responsibilities for cleanup in s 292.11(3), Wis. Stats., as follows: "a person who possesses or controls a hazardous substance which is discharged or who causes the discharge of a hazardous substance shall take the actions necessary to restore the environment to the extent practicable and minimize the harmful effects from the discharge to the air, lands, or waters of the state."

If you should choose to withdraw from the VPLE process or discontinue clean-up efforts, you should be aware that you may have continuing legal and financial responsibilities. If you own the property or caused the hazardous substance discharge, state law requires you to complete the necessary environmental work to restore the environment and minimize effects of discharges on the property and/or migrating from the property. If you do not own the property, have not caused the discharge, and you elect to discontinue clean-up activities at the site, the DNR will work with those persons who caused the discharge or those who own the property to address the remaining environmental concerns. If you wish to withdraw from the process, please notify the DNR in writing and any remaining deposit will be refunded to you.

Thank you for entering the Voluntary Party Liability Exemption process. The Bureau for Remediation and Redevelopment Tracking System (BRRTS) identification number for the Property is included at the top of this letter. Please be aware that information on contamination sites is tracked 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".

Further correspondence concerning technical issues at this site can be sent to Patrick Collins. We look forward to working with you as you proceed through this process.

Sincerely,

A handwritten signature in black ink, appearing to read 'Gina Keenan', written over a circular stamp or seal.

Gina Keenan
Hydrogeologist
Remediation and Redevelopment Program

Attachment: Site Map

cc: Patrick Collins
Michael Prager - RR/5
Krista Gallager – Deputy City Attorney
Regional Site File

