



September 6, 2017

Gordon Fick  
SCVH Luck Properties LLC  
230 South Duncan Street  
Luck, Wisconsin 54853

Subject: Off-site Liability exemption for property located at St. Croix Valley Hardwoods, 230 South Duncan Street, Luck, Wisconsin, with groundwater contamination from an off-site source. BRRTS# 07-49-579980, parcel #: 146-00493-0000

Dear Mr. Fick:

**Purpose**

The Department of Natural Resources ("the Department") has recently reviewed your request for an off-site exemption letter for the property located at 230 South Duncan Street, Luck, Wisconsin, which will be referred to in this letter as "the Property." Refer to the attached Figure 3 for a site map of the Property. The Department received a \$700 fee for providing this letter pursuant to s. 292.13 (2) and (3), Stats, and ch. NR 749, Wis. Admin. Code,

**Summary Determination**

The Department, based on the information made available to it, is confirming that SCVH Luck Properties LLC qualifies for the off-site liability exemption, and SCVH Luck Properties LLC is not responsible for investigation or cleanup of the contamination that originated on a neighboring property. The Property owner would have limited responsibility under ss. 292.12 and 292.13, Stats, for the groundwater contamination that has migrated or is migrating onto the Property.

**Request**

You have requested that the Department determine if SCVH Luck Properties LLC 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.

Section 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 groundwater sampling data for the Property and/or other sites contained in the following documents:

- The Off-Site Application form dated August 9, 2017;
- Phase I Environmental Site Assessment, St. Croix Valley Hardwoods, Inc., 230 Duncan Street, Luck Wisconsin, Braun Intertec, March 31, 2014;
- Phase II Environmental Site Assessment, St. Croix Valley Hardwoods, Inc., 230 Duncan Street, Luck Wisconsin, Braun Intertec, May 2, 2014;
- Initial Site Investigation Report, St. Croix Valley Hardwoods, Inc., 230 Duncan Street, Luck Wisconsin, Braun Intertec, August 29, 2014;
- Summary of Groundwater Data Related to St. Croix Valley Hardwoods, Inc., Property at 230 Duncan Street, and Two Upgradient Sites, Landmark Environmental, December 30, 2014;
- Additional Phase II Environmental Investigation, 230 Duncan Street, Luck Wisconsin, Landmark Environmental, April 21, 2016;
- Groundwater Investigation Report, 230 Duncan Street, Luck Wisconsin, Landmark Environmental, July 2017.

## **Background**

The Department considered the documents listed above in making the determinations presented in this letter. The Property is owned by SCVH Luck Properties LLC which uses it for lumber manufacturing. No releases of hazardous substances are currently documented for the site. Based on the available information it appears contaminated groundwater has migrated onto the Property from the Laundry Basket property to the east. A site investigation, overseen by the Wisconsin Department of Natural Resources is currently ongoing at the Laundry Basket under BRRTS # 02-49-544893.

## **Determination**

Based upon the available information and in accordance with s. 292.13, Stats., the Department makes the following determinations regarding the presence of tetrachloroethene, trichloroethene, and cis-1,2-dichloroethene contamination in the groundwater on the Property found in monitoring wells MW-13D, MW-15S, MW-15D, MW-16S, and MW-16D which are shown on the attached Figure 3, Property Layout Map and Monitoring Well Locations prepared by Landmark Environmental LLC.

The Department, based on the information available, has determined that the Property owner has met the conditions in s.292.13, Stats., to qualify for the liability exemption, including but not limited to the following provisions:

1. The hazardous substance discharge originated from a source on a property that is not possessed or controlled by SCVH Luck Properties LLC.
2. SCVH Luck Properties LLC did not possess or control the hazardous substance on the property on which the discharge originated.
3. SCVH Luck Properties LLC did not cause the discharge.
4. SCVH Luck Properties LLC 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 SCVH Luck Properties LLC 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. SCVH Luck Properties LLC 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. SCVH Luck Properties LLC agrees to avoid any interference with action undertaken to respond to the discharge and to avoid actions that worsen the discharge.
4. SCVH Luck Properties LLC 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.

## **Responsibilities for Continuing Obligations**

In addition to the conditions above, after the contamination at the source property is remediated, the Department's approval of the clean-up may include continuing obligations at the source property as well as your Property. Often residual contamination remains after an approved environmental cleanup is completed. This approval may include requirements to maintain engineering controls, such as a cap or soil cover, to reduce the impact of the contamination. In that event, you may also be required to obtain DNR approval to construct a water supply well on your Property. If the request for cleanup approval includes requirements for your Property, the party conducting the cleanup is required to notify you before the DNR reviews the proposal for final approval of the clean-up.

## **Conclusion**

The Department has granted SCVH Luck Properties LLC an off-site exemption under s. 292.13, Stats. Please note that the Department may revoke the determinations made in this letter if it determines that any of the requirements under ss. 292.13, Stats., cease to be met.

Future Property owners are eligible for the exemption under s. 292.13, Stats., if they meet the requirements listed in that statute section. The determinations in this letter regarding a liability exemption, however, only apply to SCVH Luck Properties LLC, 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, Wis. Stats.

The Bureau for Remediation and Redevelopment Tracking System (BRRTS) identification number for this activity is shown at the top of this letter. The Department tracks information on all determinations such as this in a Department database that is available on the Internet at <http://dnr.wi.gov/topic/Brownfields/botw.html>

If you have any questions or concerns regarding this letter, please contact me at 715 762 1352, or by email at [Philip.richard@wisconsin.gov](mailto:Philip.richard@wisconsin.gov).

Sincerely,



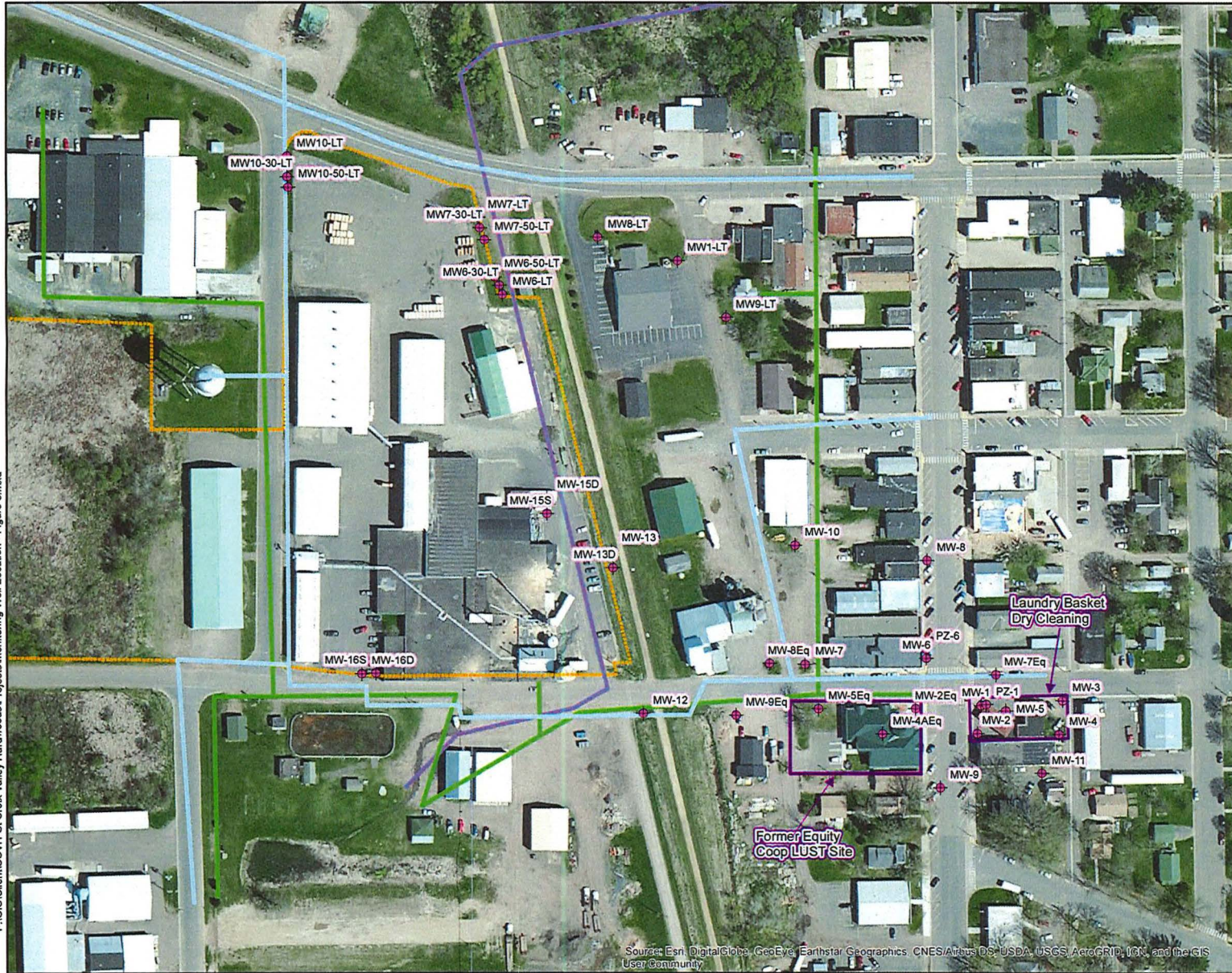
Philip E. Richard  
Hydrogeologist  
Remediation & Redevelopment Program

Attachment: Figure 3, Property Layout Map and Monitoring Well Locations

cc: Jerry Mullin  
Landmark Environmental  
2042 West 98<sup>th</sup> Street  
Bloomington, MN 55431

Michael Prager RR/5 (electronic)  
Carrie Stoltz (electronic)  
Brian Hegge, MSA (electronic)

File



**FIGURE 3**  
**PROPERTY LAYOUT MAP AND**  
**MONITORING WELL LOCATIONS**  
**230 Duncan Street**  
**Luck, Wisconsin**  
**LANDMARK ENVIRONMENTAL, LLC**

- Legend**
- Well Location
  - Nearby Properties
  - Approximate Location of Water Main
  - Approximate Sewer (Gravity Mains)
  - Approximate Sewer (Pressurized Mains)
  - Property Boundary

N  
 0 70 140 280 Feet  
 1 inch = 139 feet  
 Source: Previous Investigation Locations  
 Provided by Braun Phase II Investigation.

