



December 6, 2023

**CERTIFIED MAIL – RETURN RECEIPT REQUESTED**

Alder B LLC  
Attn: Gil Rogers  
P.O. Box 638  
Superior, WI 54880

Subject: **Status Update Request**  
Alder B LLC Fmr Gas Station, 203 39<sup>th</sup> Avenue East, Superior, Wisconsin 54880  
DNR BRRTS Activity # 03-16-584200

Dear Mr. Rogers:

On August 28, 2019, the Wisconsin Department of Natural Resources (DNR) notified you of your legal responsibilities under Wisconsin Statute (Wis. Stat.) § 292.11 to investigate the degree and extent of the hazardous substance discharge at the above-referenced site (Site). In July 2020, the DNR sent a Status Update Request letter, which provided a timeframe of 30 days for you to notify the DNR of your intentions to complete environmental investigation activities at the Site. In a letter dated August 11, 2020, you responded to the DNR's status update request, in which you indicated that you still did not have the financial resources to begin an investigation.

As the responsible party for this hazardous substance discharge, Alder B LLC has a legal responsibility under Wis. Stat. § 292.11 to investigate and clean up contamination resulting from the hazardous substance discharge. To date, the DNR has not received information indicating that you intend to comply with your legal obligations. This letter is the final attempt to secure voluntary compliance with the environmental cleanup requirements under Wis. Stat. ch. 292. **If no progress is made, the DNR intends to file a permanent deed affidavit on your property per Wisconsin Administrative (Wis. Admin.) Code § NR 728.11.** The DNR requests that **within 45 days, by January 20, 2023**, you reply in writing with your intentions to complete an environmental investigation at the Site, in accordance with your responsibilities under Wis. Stats. ch. 292 and Wis. Admin. Code chs. NR 700 through 799, including hiring a qualified environmental consultant with the appropriate qualifications to supervise and certify the investigation. Your response should also include an approximate timeframe for when investigation activities will be conducted.

Your legal responsibilities are defined in statute and administrative code. Wis. Stats. § 292.11(3), also known as the hazardous substance spill law, defines responsibility associated with the discharge of a hazardous substance. Wis. Stats. § 292.11(3), 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.*

The DNR appreciates your cooperation and looks forward to an update regarding this site. If you have any questions regarding the Site or this letter, please contact me by phone at (715) 919-7238 or email at Grant.Neitzel@wisconsin.gov.

Sincerely,

A handwritten signature in blue ink that reads "Grant D. Neitzel". The signature is written in a cursive style with a large initial 'G' and a stylized 'N'.

Grant Neitzel  
Hydrogeologist - Remediation & Redevelopment Program  
Northern Region