



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, ILLINOIS 60604

SUBJECT: Review of Wisconsin Department of Natural Resources Remediation & Redevelopment's Hazardous Substance Eligibility Determination for Kessler Cleaners, 204 S Main St., Cuba City, WI 53807

TO: Cooperative Agreement File 4B-00E03200

FROM: Sarah Gruza, Brownfields Project Manager

DATE: August 25, 2023

Based on my understanding of the attached information, I agree with the WDNR RR's determination that 204 S Main St., Cuba City, WI is a brownfield as defined in CERCLA Section 101(39)(A).

The attached information also supports WDNR's determination that they are not a potentially responsible party and would not violate CERCLA Section 104 (k)(4)(B). WDNR has not owned the property, did not cause or contribute to contamination of the property, and has no relationship with a potentially responsible party. Simon Family Trust has granted DNR access to the subject property for Phase I/II Environmental Assessment work.

If an all appropriate inquiry shows any of the attached information is incorrect, the WDNR RR must submit a new determination of property eligibility.

CC:
Gena Larson, PG
Jodie Thistle, PG

ATTACHMENT:
WDNR RR's Determination of Eligibility for Kessler Cleaners, 204 S Main St., Cuba City, WI

**Kessler Cleaners
204 S MAIN ST, Cuba City, WI 53807
Eligibility – Brownfields Assessment Grant**

The Wisconsin Department of Natural Resources (WDNR) has determined the following property is eligible for assessment and remedial planning services provided by the DNR under its EPA Brownfields Assessment Grant. We respectfully request your concurrence. See below:

a. General Information.

- (a) Property Owner: Simon Family Trust, established August 9, 1996
- (b) Site name: Kessler Cleaners
- (c) Site address: 204 South Main Street, Cuba City, WI 53807 (tax parcel #211-00146-0000, .07 acres)
- (d) Work to be completed: Phase I/II Environmental Site Assessment (ESA), Site Investigation, Remedial Action Planning (RAP). WDNR will direct hire a QEP to provide services
- (e) Amount of funding requested: estimated up to \$60,000, to be determined by assessment results

b. Basic Site Information.

- (a) Current site owner: Simon Family Trust, established August 9, 1996
- (b) Subgrantee relationship: DNR will act as agent for the project, directing work scope, hiring contractors and managing award funding;
- (c) Brownfields definition: The property meets the definition of a brownfields as it is real property, the expansion, redevelopment or reuse of which is complicated by the presence or potential presence of hazardous substances, pollutants or contaminants.

c. Status and History of Contamination at the Site.

- (a) Petroleum, Hazardous or comingled contamination: Hazardous
- (b) Operational history and current uses: The site was formerly a dry cleaning business. The abutting properties consist of a bank and a gas station. On May 7th, 2002 a Notification of Hazardous Substance Discharge was received by DNR as contamination was discovered during activities at the adjacent gas station. The property has been vacant for over ten years. Property taxes on the site have not been paid since 2019, and owners have stated they have no intention to pay the taxes or do any improvements to the property. The property is located on Main Street in the heart of the downtown business district in the City of Cuba City.
- (c) Environmental concerns: Contaminants of concern include those commonly associated with dry cleaning operations and gas stations; PAHs, VOCs and metals.

d. Sites Ineligible for Funding.

- (a) The site is not listed or proposed for listing on the National Priorities List; (b) The site is not subject to unilateral administrative orders, court orders, administrative orders on consent, or judicial consent decrees issued to or entered into by parties under CERCLA; and (c) The site is not subject to the jurisdiction, custody, or control of the U.S. government.

e. Sites Requiring a Property-Specific Determination.

- (a) This site is not subject to a planned or ongoing CERCLA removal action;
- (b) This site has not been subject to a unilateral administrative order, court order, an administrative order on consent or judicial consent decree that has been issued to or entered into by the parties, or been issued a permit by the U.S. or an authorized state under the Solid Waste Disposal Act (as amended by the Resource Conservation and Recovery Act (CRA), the

Federal Water Pollution Control Act (FWPCA), the Toxic Substances Control Act (TSCA), or the Safe Drinking Water Act (SDWA));

(c) This site is not subject to corrective action orders under RCRA (sections 3004(u) or 3008(h)) nor has there been a corrective action permit or order issued or modified to require corrective measures;

(d) This site is not a land disposal unit that has submitted a RCRA closure notification under subtitle C of RCRA nor is subject to closure requirements specified in a closure plan or permit;

(e) The site has NOT had a release of polychlorinated biphenyls (PCBs) that is subject to remediation under TSCA.

(f) This site has not received funding for remediation from the Leaking Underground Storage Tank (LUST) Trust Fund.

f. CERCLA § 107 Liability.

Applicant:

(a) The DNR has not arranged for the disposal of hazardous substances at the site or transported hazardous substances to the site, nor has the DNR caused or contributed to any release of hazardous substances at the site.

(b) The DNR has no relationship with the owner of this property. The owner will provide the DNR and its consultants with access to the property and will cooperate with investigation work.

(c) The DNR has been granted site access by the owner of the site;

(d) The DNR is not a past owner of the site.

g. Enforcement Actions. The DNR is unaware of any current federal enforcement actions related to this site.