

## State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor  
Scott Hassett, Secretary  
Lloyd L. Eagan, Regional Director

South Central Region Headquarters  
3911 Fish Hatchery Road  
Fitchburg, Wisconsin 53711-5397  
Telephone 608-275-3266  
FAX 608-275-3338  
TTY Access via relay - 711

May 3, 2007

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Mr. Doug Galster  
21371 Poplar Grove Road  
Poplar Grove, IL 61065-9163

File Ref: 03-54-000361

Subject: Notice of Contamination for Property Located at 135 Milwaukee Road, Clinton, Rock  
County, Wisconsin  
BRRTS Number: 03-54-000361

Dear Mr. Galster:

On January 24, 1990, the Department of Natural Resources (Department) notified you that you were responsible under s. 292.11, Wisconsin Statutes (Hazardous Substance Spills Law), for environmental contamination on property located at 135 Milwaukee Road, Clinton, Rock County, Wisconsin (the "Property"). The Department advised you of the responsibility to address the contamination on the Property.

Due to financial hardship you were unable to complete the required petroleum cleanup. The Department corresponded with you to determine the financial status of your assets. Based on information you provided, the Department determined that you were unable to pay for the investigation and remediation of the Property. On April 4, 2005, the Department sent you a letter confirming our determination that you were unable to pay and provided you another opportunity to resume the investigation and remediation of the Property. No response to that letter has been received. We are asking you to respond to this letter within 30 days to indicate whether or not your financial situation remains the same and if you still are unable to pay for the investigation and remediation of the property. A negative response or no response will be viewed the same and will result in the Department recording the Notice of Contamination with the Register of Deeds Office for Rock County.

The Department has determined that the recording of a Notice of Contamination for the Property is necessary if you are still unable to pay for the investigation and remediation of the property. The Department therefore, intends to proceed with recording of a Notice of Contamination for the Property after 30 days unless you inform us of your ability to pay for the investigation and remediation of the Property. A copy of the Notice of Contamination the Department intends to record is attached to this letter.

The Department has made the finding that petroleum related substances discharged to the Property, which is located at 135 Milwaukee Road, Clinton, Rock County, Wisconsin, are the source of soil and groundwater contamination previously documented in the vicinity. The Department has concluded that petroleum related substances are "hazardous substances" as defined in s. 292.01(5), Wis. Stats. The Department believes that removal or treatment of the contaminated soil and groundwater is required on the Property under the requirements of s. 292.11, Wis. Stats.

As the Department believes that the petroleum related substance contamination previously found in the soil and groundwater at the Property will continue to discharge into the environment, subsequent purchasers of the Property could be held responsible for clean-up costs under s. 292.11, Wis. Stats. The recording of the Notice of Contamination is necessary to protect future owners and operators of this Property by notifying them that contamination remains on the Property, which has not been properly addressed in accordance with chs. NR 700 to 726, Wis. Adm. Code. The Notice of Contamination will be filed pursuant to s. NR 728.05, Wis. Admin. Code.

#### NOTICE OF APPEAL RIGHTS

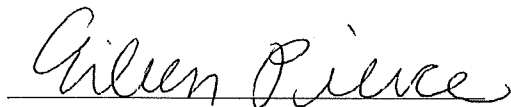
If you believe that you have a right to challenge this decision, you should know that the Wisconsin statutes, administrative rules and case law establish time periods within which requests to review Department decisions must be filed. To request a contested case hearing pursuant to section 227.42, Wis. Stats., you have 30 days after the decision is mailed, or otherwise served by the Department, to serve a petition for hearing on the Secretary of the Department of Natural Resources. All requests for contested case hearings must be made in accordance with section NR 2.05(5), Wis. Adm. Code, and served on the Secretary in accordance with section NR 2.03, Wis. Adm. Code. The filing of a request for a contested case hearing is not a prerequisite for judicial review and does not extend the time period for filing a petition for judicial review.

For judicial review of a decision pursuant to sections 227.52 and 227.53, Wis. Stats., you must file your petition with the appropriate circuit court and serve the petition on the Department within the prescribed time period. A petition for judicial review must name the Department of Natural Resources as the respondent.

Dated at Fitchburg, Wisconsin, this 3 day of May, 2007.

STATE OF WISCONSIN  
DEPARTMENT OF NATURAL RESOURCES

By:



Eileen Pierce  
South Central Region  
Air and Waste Leader

Enc.

cc: William Henderson, Collins & Henderson, 416 East Grand Ave., P.O. Box 777, Beloit, WI 53512  
Amcore, Loan Release Department, 501 Seventh St., Rockford, IL 61104  
Scott Kluver, Village of Clinton Administrator  
Pat McCutcheon, RR/SCR – Fitchburg  
Deb Johnson, LS/5



**NOTICE OF CONTAMINATION**

In Re: Property Located in the Village of Clinton  
Rock County, Wisconsin  
Described above

attendance at the enforcement conference. Included with this response was a letter dated March 16, 1996 which he sent to the Department in which Mr. Galster stated "[t]here was no way I could pay ...for clean-up."

- 10. On July 25, 2003, the Department sent a letter to Douglas Galster providing him the opportunity to demonstrate his inability to pay for completing the investigation and cleanup of the Property through submittal of financial documentation.
- 11. On March 5, 2004, William Henderson from the Collins and Henderson Law Offices, on behalf of Douglas Galster, submitted the necessary financial information concerning Douglas Galster's inability to pay for the completion of the investigation and cleanup of the Property. On February 22, 2005, the Department, after analysis, determined that Douglas Galster could not afford to remediate the above described property to Department standards and was financially unable to proceed with the necessary site remediation.
- 12. On April 4, 2005, the Department sent a letter, by certified mail, to Douglas Galster advising him that the Department determined that he was financially unable to proceed with the necessary site remediation and that a Notice of Contamination would be recorded for the Property, if satisfactory action to restore the environment did not commence. That letter requested a written response by May 4, 2005.
- 13. The Department received an inadequate response to its April 4, 2005 letter.
- 14. On June 14, 2005, the Department sent a second letter, by certified mail, to Douglas Galster, advising him of the Department's decision to record a Notice of Contamination for the Property at the county Register of Deeds office.
- 15. The Department received an inadequate response to its June 14, 2005 letter.
- 16. The process to file the Notice of Contamination was not completed in 2005.
- 17. On May 1, 2007, the Department sent a letter, by certified mail, to Douglas Galster advising him that the Department would record a Notice of Contamination for the Property at the county Register of Deeds office if satisfactory action to restore the environment did not commence. That letter requested a written response by June 1, 2007.
- 18. The Department received an inadequate response to its May 1, 2007 letter.
- 19. As the Department believes that petroleum contaminants found in the soil and groundwater on the property with the above legal description, will continue to discharge into the environment, and is recording this Notice of contamination because subsequent purchasers of the Property could be held responsible for investigation and clean-up costs under s. 292.11(3), Wisconsin Statutes.

**DRAFT**

\_\_\_\_\_  
Janet DiMaggio, P.G.  
Hydrogeologist

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_  
Notary Public, State of Wisconsin

My commission expires on: \_\_\_\_\_