

## 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.

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Dated at Fitchburg	, Wisconsin, this		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

Pulve

Scott Kluver, Village of Clinton Administrator

Pat McCutcheon, RR/SCR - Fitchburg

Deb Johnson, LS/5

**Document Number** 

## NOTICE OF CONTAMINATION

**Legal Description of the Property:** All that part of Lot 15, Gates Addition to the Village of Clinton, Rock County, Wisconsin, according to the recorded plat thereof, as follows:

Beginning at the northwest corner of said Lot 15, thence running North 79° 29' East, 60 feet to a point; thence South 13° 42' 05" East, 113.31 feet to an iron pipe on the south line of said Lot 15; thence West along the south line of said Lot 15, 85.79 feet to an iron pipe at the south west corner of said Lot 15; thence North along the west line of said Lot 15, 98.98 feet to the place of beginning.

STATE OF WISCONSIN		
COUNTY OF ROCK		

Recording Area

Name and Return Address: Janet DiMaggio WI DNR 3911 Fish Hatchery Road Fitchburg, WI 53711-5397

111037004
Parcel Identification Number (PIN)

I, Janet DiMaggio, being first duly sworn, state that:

- 1. I am a Hydrogeologist, employed by the Wisconsin Department of Natural Resources ("Department") at its South Central Region Headquarters in Fitchburg, Wisconsin.
- 2. I have knowledge of the facts herein set forth and believe the same to be true.
- 3. The Department has determined that petroleum contaminants discharged to the Douglas W. Galster property, located at 135 Milwaukee Road, Clinton, in the Town of Clinton, County of Rock, ("Property") and which has the above captioned legal description, caused contaminated soil and groundwater in the vicinity.
- 4. On January 17, 1990, the Department received notification that petroleum related contamination exists in the soil at the Property. On March 27, 1990, the Department received a report from CBC Environmental Services of Oak Creek, Wisconsin, documenting the concentrations of the petroleum related contamination that exists in the soil at the Property.
- 5. The Department believes that removal or treatment of the contaminated soil, and/or groundwater monitoring, are required on the Property under the authority of s. 292.11(3), Wisconsin Statutes.
- 6. On January 24, 1990, the Department sent a letter to Douglas Galster advising him of the statutory requirement to restore the environment at that location. Douglas Galster initiated investigation activities at the property in response to the Department's January 24, 1990 letter.
- 7. On June 10, 1992, the Department received "A Report of a Subsurface/Hydrogeologic Investigation at Doug's Garage, 135 Milwaukee Road, Clinton, Wisconsin" submitted by Sigma Environmental Services of Oak Creek, Wisconsin, the consulting firm hired by Douglas Galster to perform investigative work at the Property. The report documents both soil and groundwater contamination at the Property. No additional investigative or remedial work has been performed at the Property since that time.
- 8. On June 11, 1996, the Department sent a letter of "Notification of Enforcement Conference" to Douglas Galster reminding him of his statutory obligations and requesting that he provide written notification of his intent to respond to the contamination on the Property.
- 9. On July 17, 1996, the Department received a written response from Douglas Galster in which he declined

## 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:			