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State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Tommy G. Thompson, Governor
George E. Meyer, Secretary
William R. Selbig, Regional Director

Remediation and Redevelopment
1125 North Military Avenue
P.O. Box 10448
Green Bay, Wisconsin 54307-0448
Telephone 920-492-5916
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June 2, 1999

Avastarr Realty Fund LLC
370 Seymour Street
Fond du Lac, WI 54935

SUBJECT: Avastarr Realty Fund LLC (Avastarr), 370 Seymour Street, Fond du Lac, Wisconsin

Dear Sir or Madam:

On April 26, 1999, the Wisconsin Department of Natural Resources received a request from Thomas Gehl with Reinhart, Boerner, Van Deuren, Norris & Rieselbach, S.C. to issue a second no further action letter for the above referenced Avastarr property.

The Avastarr property, otherwise known as the Elmer Knecht site, is listed on the *Registry of Waste Disposal Sites In Wisconsin (PUBL-SW-108-93).* This property was listed on the Registry due to foundry sand and construction debris placed on the property between 1972 and 1977. Based on this, the Department is not able to issue a formal closure letter for the Avastarr property at this time. However, due to the results of the subsurface investigations conducted in April 1996 and December 1998 by Benchmark Environmental Services, Inc. the Department is not requiring any further action at the Avastarr property at this time. Please note, if you wish to receive a formal closure letter from the Department sometime in the future it will be necessary to remove the foundry sand and construction debris from this property.

In the future, if Avastarr Realty or another property owner, wish to build on the property located at 370 Seymour Street, Fond du Lac, Wisconsin, it will be necessary to apply for an exemption to build on an abandoned landfill. The application will need to be approved by the Department prior to conducting any construction activities. If you have any questions regarding this type of exemption, please contact Dave Misterek, WDNR Solid Waste Specialist, at (920) 424-2104.

If you have any additional questions, please contact me in Green Bay at (920) 492-5943.

Sincerely,

Kristin Nell

Kristin Nell
Hydrogeologist
Remediation & Redevelopment Program

cc: Thomas Gehl, Reinhart, Boerner, Van Deuren, Norris & Rieselbach, S.C.
1000 North Water Street, P.O. Box 51400, Milwaukee, WI 53202-3400
Dave Misterek, WDNR – Oshkosh Service Center