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DEPT. OF NATURAL RESOURCES

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor
Matthew J. Frank, 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

February 20, 2008

File Ref: 07-28-550972
Jefferson County

Ms. Christi Witt
JohnsonDiversey Inc
8311 16th Street
Sturtevant, WI 53177

Subject: Liability exemption for soil and groundwater contaminated by an off-site source of contamination at 316 Hart Street, Watertown, WI

Dear Ms. Witt:

Purpose

The Department of Natural Resources ("the Department") has recently reviewed your request for an off-site exemption letter for the property located at 316 Hart Street, Watertown, WI, which will be referred to in this letter as "the Property." You have requested that the Department determine the owner, JohnsonDiversey, Inc, is exempt from ss. 292.11(3), (4) and (7)(b) and (c), Wis. Stats. (commonly known as the "Hazardous Substance Spill Law"), with respect to the existence of a hazardous substance in the soil and groundwater that you believe is migrating onto a portion of the Property from an off-site source.

As you are aware, s. 292.13(2), Wis. Stats., requires the Department to issue upon request, a written determination regarding a liability exemption for a person who possesses or controls property that is contaminated by an off-site source, when certain conditions are met. In order to make this determination, the Department has reviewed the soil and groundwater sampling data contained in the August 16, 2007 GeoTrans, Inc letter report and the US Chemical site file.

Determination

Based upon the available information and in accordance with s. 292.13(2), Wis. Stats., the Department makes the following determinations regarding the presence of chlorinated chemical contamination in the soil and groundwater as indicated by Figures 2 and 4 of the August 16, 2007 report.

1. The hazardous substance discharge originated from a source on property that is not possessed or controlled by JohnsonDiversey, Inc.

2. JohnsonDiversey, Inc did not possess or control the hazardous substance on the property on which the discharge originated.

3. JohnsonDiversey, Inc did not cause the discharge.

4. JohnsonDiversey, Inc will not have liability under the Hazardous Substance Spill Law for investigation or remediation of the soil, sediment or groundwater contamination originating from off-site onto the

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Property, provided that JohnsonDiversey, Inc does not take possession or control of the property on whic the discharge originated.

Exemption Conditions

The Department's determination, as set forth in this letter, is subject to the following conditions being complied with, as specified in ss. 292.13(1) and (1m), Wis. Stats:

1. The facts upon which the Department based its determination are accurate and do not change.

2. JohnsonDiversey, Inc agrees to allow the following parties to enter the Property to take action to respond to the discharge: the Department and its authorized representatives; any party that possessed or controlled the hazardous substance or caused the discharge; and any consultant or contractor of such a party.

3. With respect to soil or sediment contamination only, JohnsonDiversey, Inc agrees to take one or more specified actions directed by the Department, if the Department determines that the actions are necessary to prevent an imminent threat to human health, safety or welfare or to the environment. This would occur after the Department has made a reasonable attempt to notify the party who caused the hazardous substance discharge about that party's responsibilities to investigate and clean up the discharge.

4. JohnsonDiversey, Inc agrees to avoid any interference with action undertaken to respond to the discharge and to avoid actions that worsen the discharge.

5. JohnsonDiversey, Inc agrees to any other condition that the Department determines is reasonable and necessary to ensure that the Department and any other authorized party can adequately respond to the discharge.

The Department may revoke the determinations made in this letter if it determines that any of the requirements under ss. 292.13(1) or (1m), Wis. Stats., cease to be met.

Future Property owners are eligible for the exemption under s. 292.13, Wis. Stats., if they meet the requirements listed in that statute section. The determinations in this letter regarding a liability exemption, however, only apply to JohnsonDiversey, Inc, and may not be transferred or assigned to other parties. The Department will provide a written determination to future owners of this Property, if such a determination is requested in accordance with the requirements of s. 292.13(2), Wis. Stats.

The Bureau for Remediation and Redevelopment Tracking System (BRRTS) identification number for this activity is included at the top of this letter. The Department tracks information on contaminated properties in a Department database that is available on the Internet at http://dnr.wi.gov/org/aw/rr/. (See "BRRTS on the web" under "Contaminated Land Databases".) If you have any questions or concerns regarding this letter, please contact me at 608-275-3303

Sincerely,

Michael Schmoller
Hydrogeologist

Cc: Tom Miazga, Hydrite Chemical Company, 300 North Patrick Blvd, Brookfield, WI 53045