State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
Southeast Region Headquarters
2300 N. Dr. Martin Luther King, Jr. Drive
Milwaukee WI 53212-3128

Scott Walker, Governor
Cathy Stepp, Secretary
John Hammen, Acting Regional Director
Telephone 414-263-8500
FAX 414-263-8606
TTY Access via relay - 711

June 23, 2011

Port of Milwaukee
Larry Sullivan
2323 S. Lincoln, Memorial, Drive
Milwaukee, WI 53207

Subject: Reported Contamination at Milwaukee World Festival, Inc, Milwaukee, WI
WDNR BRRTS Activity # 03-41-557220
WDNR FID # 241306120

Dear Mr. Sullivan:

On June 16, 2011 Tom Bauman Giles Engineering Associates, on behalf of Milwaukee World Festival notified the Wisconsin Department of Natural Resources ("WDNR") that soil contamination had been detected at the site described above.

Based on the information that has been submitted to the WDNR regarding this site, we believe you are responsible for investigating and restoring the environment at the above-described site under Section 292.11, Wisconsin Statutes, known as the hazardous substances spills law.

This letter describes the legal responsibilities of a person who is responsible under section 292.11, explains what you need to do to investigate and clean up the contamination, and provides you with information about cleanups, environmental consultants, possible financial assistance, and working cooperatively with the WDNR, Department of Commerce ("Commerce") or the Department of Agriculture, Trade and Consumer Protection.

Legal Responsibilities:

Your legal responsibilities are defined both in statute and in administrative codes. The hazardous substances spill law, Section 292.11 (3) Wisconsin Statutes, states:

- RESPONSIBILITY. A person who possesses or controls a hazardous substance which is discharged or who causes the discharge of a hazardous substance shall take the actions necessary to restore the environment to the extent practicable and minimize the harmful effects from the discharge to the air, lands, or waters of the state.

Wisconsin Administrative Code chapters NR 700 through NR 749 establish requirements for emergency and interim actions, public information, site investigations, design and operation of remedial action systems, and case closure. Wisconsin Administrative Code chapter NR 140 establishes groundwater standards for contaminants that reach groundwater.

Steps to Take:

The longer contamination is left in the environment, the farther it can spread and the more it may cost to clean up. Quick action may lessen damage to your property and neighboring properties and reduce your costs in investigating and cleaning up the contamination. To ensure that your cleanup complies with Wisconsin's laws and administrative codes, you should hire a professional environmental consultant who understands what needs to be done. These are the first steps to take:

1. Within the next **30 days,** by July 25, 2011 you should submit written verification (such as a letter from the consultant) that you have hired an environmental consultant. If you do not take action within this time frame, the WDNR may initiate enforcement action against you.

2. Within the next **60 days,** by August 24, 2011 your consultant should submit a work plan and schedule for the investigation. The consultant must comply with the requirements in the NR 700 Wis. Adm. Code rule series and should adhere to current WDNR technical guidance documents.

In addition, within 30 days of completion of the site investigation, your consultant should submit a site investigation report to the department or other agency with administrative authority.

For sites with petroleum contamination, when your investigation has established the degree and extent of contamination, your consultant will be able to determine whether the Department of Commerce or the WDNR has authority over the case. For agrichemicals, your case will be transferred to the Department of Agriculture, Trade and Consumer Protection for oversight.

Sites where discharges to the environment have been reported are entered into the Bureau for Remediation and Redevelopment Tracking System ("BRRTS"), a version of which appears on the WDNR's internet site. You may view the information related to your site at any time (http://botw.dnr.state.wi.us/botw/Welcome.do) and use the feedback system to alert us to any errors in the data.

If you want a formal written response from the department on a specific submittal, please be aware that a review fee is required in accordance with ch. NR 749, Wis. Adm. Code. If a fee is not submitted with your reports, you should proceed under the advice of your consultant to complete the site investigation and cleanup to maintain your compliance with the spills law and chapters NR 700 through NR 749. **Do not delay the investigation of your site by waiting for an agency response.** We have provided detailed technical guidance to environmental consultants. Your consultant is expected to know our technical procedures and administrative rules and should be able to answer your questions on meeting cleanup requirements.

All correspondence regarding this site should be sent to:

Kimberly Smith
Environmental Program Associate
Remediation and Redevelopment Program
Wisconsin Department of Natural Resources
2300 N. Martin Luther King Dr.
Milwaukee, WI 53212

Kimberly.Smith@wisconsin.gov

Unless otherwise requested, please send only one copy of plans and reports. In addition to the paper copy, an electronic copy may also be submitted. To speed processing, correspondence should reference the BRRTS and FID numbers (if assigned) shown at the top of this letter.

Additional Information for Site Owners:
We encourage you to visit our website at http://dnr.wi.gov/org/aw/rr, where you can find information on selecting a consultant, financial assistance and understanding the cleanup process. You will also find information there about liability clarification letters, post-cleanup liability and more.

If you have questions, call the DNR Project Manager Nancy Ryan at (414) 263-8533 for more information or visit the RR web site at the address above.

Thank you for your cooperation.

Sincerely,

Kimberly Smith
Environmental Program Associate
Remediation & Redevelopment Program

Selecting a Consultant – RR-502
http://dnr.wi.gov/org/aw/rr/archives/pubs/RR502.pdf

Environmental Services Contractor List – RR-024
http://dnr.wi.gov/org/aw/rr/archives/pubs/RR024.pdf
VPLE Fact Sheet #2
http://dnr.wi.gov/org/aw/rr/archives/pubs/RR506.pdf
Environmental Contamination Basics, RR-674
http://dnr.wi.gov/org/aw/rr/archives/pubs/RR674.pdf

Petroleum Environmental Cleanup Fund Award, Information about PECFA Reimbursement, Commerce publication ERS-10083-P (on Commerce web site)
http://commerce.wi.gov/ERpdf/pecfa/ER-PECFA-ERS10083(Info)_REV_7-07.pdf

Underground Storage Tanks, Clarifying Local Government Unit's Responsibility to Remove Tanks on Properties They Own, RR-627 (if applicable)
http://dnr.wi.gov/org/aw/rr/archives/pubs/RR627.pdf

Dry Cleaner Environmental Response Fund Program Basics
http://dnr.wi.gov/org/aw/rr/archives/pubs/RR749.pdf

cc: Tom Bauman – Giles Engineering Associates Inc
DNR SER Case File