Key Terminals
Kewaunee, Wisconsin

AGENDA

ATTENDEES: Mark Filmanowicz, Attorney – Payne & Dolan
Bill Wolske, Attorney —City of Kewaunee Corporation
Jim Hutchison – Foth&Van Dyke
Mayor Jerry Zelten – City of Kewaunee
Terry Hegeman_WDNR
Greg Tilkens –WDNR
Carrie Rackey – WDNR
Kathy Erdmann - WDNR

MEETING DATE: April 14, 1999

MEETING TIME: 10:30 am

MEETING LOCATION: Kewaunee City Hall
413 Milwaukee Street
Kewaunee, Wisconsin DNR

RE: Voluntary Party Liability Exemption (VPLE) Process

1. Summary of Work to Date – Jim Hutchision – Foth & Van Dyke
   - Site History
   - Cleanup
   - Closure

2. Voluntary Party Liability Exemption Issues
   - Phase I and II report
   - Natural Attenuation for groundwater remediation

3. Time Frame for WDNR review

Jerome Zoelter	Mayor
Charles Ballerine	Director Public Work
Terry Hegeman	WDNR
Greg Tilkens	WDNR
Kathy Erdmann	WDNR
CARRIE RACKEY	WDNR
Darin A. Jeanquart	City Council
WM WOLSKE	KEWAUNEE CITY ATTORNEY
Jim Hutchison	Foth & VAN DYKE
Mark Filmanowicz	Payne & Dolan

Meeting with Key Terminals/City of Kewaunee
Voluntary Party Liability Exemption Issues
April 14, 1999
Kewaunee City Hall

Attendees:

Jerome Zelter – Mayor, City of Kewaunee
Charles Balleine – Director of Public Works, City of Kewaunee
Greg Tilkens – DNR
Kathryn Erdmann – DNR
Carrie Rackey – DNR
Darin A. Jeanquart – Kewaunee City Council
William Wolske – Kewaunee City Attorney
Jim Hutchinson – Foth & Van Dyke
Mark Filmanowicz – Payne & Dolan

Site Information:

The Key Terminals site is owned by Kewaunee Engineering. The responsible party is Payne & Dolan. The site is located on North Main Street in Kewaunee.

Foth and Van Dyke representative Jim Hutchison gave an overview of the site history. Before remedial activities, this site was highly contaminated with petroleum and chlorinated compounds. Post excavation sampling shows soils to be within DNR standards, but two on-site monitoring wells indicate a slight Benzene enforcement standard exceedance in groundwater. Post excavation groundwater monitoring has continued for approximately two years with the Benzene level hovering around 6-8 parts per billion in the two wells. The DNR has approved the site for closure with a groundwater use restriction. The site owner does not want to place a deed restriction on the property.

Kewaunee Engineering, owner of this site, has expressed interest in donating the property to the City of Kewaunee. The city does not want to take title to the property while there is risk of exposing itself to future liability for cleanup. As a potential solution, the RP has submitted an application for the Voluntary Party Liability Exemption (VPLE). This would allow the RP to obtain a Certificate of Completion (COC) once groundwater contamination levels are within DNR standards. The COC would exempt the property owner/RP from liability for contamination that occurred up to the date the certificate is issued. As the COC travels with the property, Kewaunee Engineering could then donate the property to the City of Kewaunee without transferring risk of liability.

DNR representatives explained that, in order to apply for the VPLE, Phase I and Phase II reports must be submitted. All present agreed this would not be a problem as all of the information required for these reports can be compiled from data already in the file. DNR representatives explained that a COC could not be issued while there is an ES exceedance in groundwater, even

though the site was approved for flexible closure. DNR representatives indicated that proposed changes in the upcoming Governor's Budget would allow DNR to grant a COC at a property with enforcement standard exceedances if natural attenuation is the approved selected remedy *and* the RP takes out environmental insurance in case the remedy is unsuccessful.

The RP is considering the options:

1) Close the site with a groundwater use restriction
2) Enter into the VPLE and continue to monitor groundwater until contamination is within standards
3) Postpone VPLE activites until the Governor's Budget is passed