WISCONSIN
DEPT. OF NATURAL RESOURCES

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

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November 29, 2005

Richard J. Goldberg LLC
Helen E. Goldberg
1550 11th Avenue
Grafton, WI 53024

SUBJECT: **Approval to Proceed in the Voluntary Party Liability Exemption (VPLE) Process**
Plymouth Foundry, Former, 1019 N. 11th Avenue, Grafton, WI FID # 246148100, VPLE # 06-46-544458

Dear Ms. Goldberg:

This letter provides information for VPLE program applicants, property owners, and individuals who are potential responsible parties (RPs) for remedial action at the site described above. Please note the legal responsibilities that may apply to you, based upon your relationship with this property.

APPLICANTS TO THE VPLE PROCESS

Thank you for submitting your application to the Department of Natural Resources (DNR) for approval to proceed with an environmental investigation and cleanup associated with the Property referenced above. As you are aware, the VPLE process provides specific liability exemptions for voluntary parties after the completion of an environmental investigation and cleanup that are conducted in accordance with section (s) 292.11, Wis. Stats., and s 292.15, Wis. Stats. We have approved your application to participate in this process, since your property has or has had a discharge of a hazardous substance and you meet the definition of "voluntary party." "Voluntary party" means a person who submits an application to obtain an exemption under this section and pays any fees required..."according to the state law.

Requirements for Environmental Work

In order to obtain the Voluntary Party Liability exemption, all necessary environmental response actions will be reviewed by DNR to determine their compliance with ss. 292.11 and 292.15, Wis. Stats., and the ch. NR 700 administrative rules series. The first step in the process is to conduct an environmental investigation of the entire property, not just an investigation of the known or suspected areas of contamination. The environmental investigation includes a Phase I and II environmental assessment, as well as a ch. NR 716 site investigation. Where environmental work has been previously conducted on the property, that work may satisfy some or all of the requirements of an environmental investigation. In addition, the scope of the environmental investigation must assess the discharge of any hazardous substance, and solid or hazardous waste disposed of on the Property or that has migrated from the Property. DNR will review the reports you will or have submitted and inform you whether additional work is necessary to complete the environmental investigation requirement. The DNR project manager assigned to your VPLE project is Nancy Ryan, who works out of the DNR Plymouth Service Center office located at 1155 Pilgrim Parkway, Plymouth, Wisconsin and can be reached at (920) 892-8756, ext. 3025.

Fees

As a participant in this process, the applicant is responsible for paying fees to the DNR to off set the cost of DNR's activities associated with assisting you as you proceed through the VPLE process.

Thank you for your application fee of $250.00 that was received on November 03, 2005. Please submit an advance deposit of $3,000.00. The DNR will deduct fees at the currently established hourly rate of $85.00 to offset the costs of DNR providing assistance on your project. Fees will be deducted until the project is completed or until the deposit is spent, whichever comes first. In the former case, any remaining balance will be refunded. If department review costs more than the deposit amount, DNR will send quarterly invoices for costs associated with your project during that time period. You will be required to reimburse the DNR for its costs within 30 days of receiving the invoice. You should be aware that the costs associated with DNR assisting you on this property will vary depending on the complexity and size of the property, as well as the completeness of the information that you submit to us. DNR assistance costs generally can average from $2,000 to $10,000, with some properties costing greater or less than that range based on the factors referenced previously.

ADDITIONAL OBLIGATIONS OF APPLICANTS, POTENTIALLY RESPONSIBLE PARTIES, AND PROPERTY OWNERS

The DNR looks forward to working with you, as you address the contamination on or migrating from this property. We would also like to clarify your responsibilities, as well as the responsibilities of any other potentially responsible parties and property owners who may have a relationship to this property.

Wisconsin's hazardous substance spill law assigns responsibilities for cleanup in s 292.11(3)WI. Stats., as follows:

"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."

If you should choose to withdraw from the process or discontinue clean-up efforts, you should be aware that you may have continuing legal responsibilities. If you own the property or caused the hazardous substance discharge, state law requires you to complete the necessary environmental work to restore the environment and minimize effects of discharges on the property and/or migrating off of the property. If you do not own the property, have not caused the discharge, you elect to discontinue clean-up activities at the site, the DNR will work with those persons who caused the discharge or those that own the property to address the remaining environmental concerns.

Thank you for entering the Voluntary Party Liability Exemption process.

Future correspondence concerning technical issues at this site should be sent to Nancy Ryan, (920) 892-8756, ext. 3025. We look forward to working with you as you proceed through this process.

Sincerely,

Victoria Stovall

Victoria Stovall
Remediation and Redevelopment Program Assistant

C: Nancy Ryan, Hydrogeologist
Michael Prager/RR/3 – Madison
Attorney Stephen Castner – Castner Law Office
Kendrick Ebbott – Alpha Terra Science
SER Case File