State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
107 Sutliff Avenue
Rhinelander WI 54501-3349

Tony Evers, Governor
Karen Hyun, Ph.D., Secretary
Telephone 608-266-2621
Toll Free 1-888-936-7463
TTY Access via relay - 711

June 17, 2025

Mark Gutteter
LSL LLC
260 Timber Heights Drive
Rhinelander, WI 54501

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Subject: **Action Requested by August 1, 2025**
Lake Superior Cleaners, 802 Main Street West, Ashland, WI
DNR BRRTS Activity # 02-02-590111/DNR FID # 802009120

Dear Mr. Gutteter:

On April 20, 2023, the Wisconsin Department of Natural Resources (DNR) notified you of your legal responsibilities under Wisconsin Statute (Wis. Stat.) § 292.11 to investigate the degree and extent of the hazardous substance discharge on the above-referenced site. Attached is a copy of the correspondence.

The DNR sent you a Status Update Request letter on February 13, 2024 (attached), providing timelines for hiring an environmental consultant and for the submittal of a site investigation work plan. In an e-mail dated April 19, 2024, you indicated that the environmental investigation had been placed on hold. The DNR sent an e-mail on October 15, 2024, asking for an update on the status of the environmental investigation and did not receive a response.

Tetrachloroethylene (PCE) and Trichloroethene (TCE) were detected in a soil gas sample and a soil sample respectively during a Phase II Environmental Site Investigation conducted in 2022. TCE is a special concern from a human health perspective due to its potential for short-term health risks at relatively low concentrations in the air. TCE is also a breakdown product of PCE, a historically common dry-cleaning chemical. Vapors can travel from contaminated soil or groundwater and along preferential pathways, such as within cracks and in pavement sewer lines, and enter occupied parts of the building.

The DNR requests that the site investigation work plan be submitted by August 1, 2025. As the responsible party for this hazardous substance discharge, you have a legal responsibility under Wis. Stat. § 292.11 to investigate and clean up contamination resulting from the hazardous substance discharge.

The hazardous substances spill law, Wis. Stat. § 292.11(3), states "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 (Wis. Admin.) Code chs. NR 700 to NR 799 establish requirements for emergency and interim actions, public information, site investigations, design and operation of remedial action systems, and case closure.

The DNR will work with you to move this site towards closure; however, this is the second request the DNR has made for information. **If the above-requested information is not received by August 1, 2025, the DNR may initiate enforcement action against you for your failure to comply with Wis. Stat. ch. 292.**

The DNR appreciates your cooperation and looks forward to an update regarding this site. If you have any questions regarding the site or this letter, please contact me at 715-828-8544 or Jeffrey.paddock@wisconsin.gov.

Sincerely,

Jeff Paddock, P.G.
Northern Region Spill Coordinator
Remediation & Redevelopment Program
Northern Region

Enc: April 20, 2023 – Reported Contamination at Lake Superior Cleaners Letter
February 13, 2024 – Status Update Request

cc: Chris Saari, DNR – Christopher.saari@wisconsin.gov

State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
107 Sutliff Avenue
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April 20, 2023

LSL LLC
Mark Gutteter
260 Timber Heights Drive
Rhinelander, WI 54501

Subject: Reported Contamination at Lake Superior Cleaners, 802 Main Street West, Ashland, WI
DNR BRRTS Activity # 02-02-590111
DNR FID # 802009120

Dear Mr. Gutteter:

On July 7, 2022, the Wisconsin Department of Natural Resources (DNR) was notified that a hazardous substance discharge has occurred at the site located at 802 Main Street West, Ashland (Site). The hazardous substance discharge was identified when Lord and Winter, LLC, conducted a Limited Phase II Site Investigation on May 19, 2022, on behalf of Deep Water, LLC. Two borings were advanced in the parking lot to the south of the Site building and one soil vapor sample was collected from within the Site building. Tetrachloroethene was detected at elevated levels in the soil gas sample, and three chlorinated solvents, including trichloroethene, exceeded soil cleanup goals in one of the borings.

The DNR sent a responsible party letter to Professional Health Care Launderers, Inc. on July 14, 2022. Ashland County records indicate that LSL LLC purchased the property from Professional Health Care Launderers, Inc. Information submitted to the DNR regarding the Site indicates that LSL LLC, as current owner of the site where contaminated soil was encountered, is in control of the discharged hazardous substance and is therefore responsible for the discharged hazardous substance or other environmental pollution (hereafter referred to as "contamination") at the above-described site. "Site" refers to the property where the contamination occurred and any other property it has migrated to, as defined in Wisconsin Administrative Code ("Wis. Admin. Code") § NR 700.03(56).

This letter explains how to initiate the investigation and cleanup of contamination of the site, and how to access further information and assistance from the DNR. 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 to investigate and clean up the contamination.

Legal Responsibilities:

Persons meeting the definition of "responsible party" under Wis. Admin. Code § NR 700.03 (51) must follow applicable law to address the discharge of a hazardous substance to the environment or other environmental pollution. Wisconsin Statutes ("Wis. Stat.") ch. 292 and Wis. Admin. Code chs. NR 700-799 provide specific requirements for undertaking appropriate response actions to address contamination, including requirements for emergency and interim actions, public information, site investigations, remedy selection, design and operation of remedial action systems, and case closure.

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Special Vapor Intrusion Concern with Trichloroethylene:

Contamination that includes trichloroethylene ("TCE"), a chlorinated solvent and common degreaser, is of special concern from a human health perspective due to its potential for acute (short-term) health risks at relatively low concentrations in air. TCE is also a breakdown product of tetrachloroethylene ("PCE," also known as "Perc"), a historically common dry-cleaning chemical. Vapors can travel from contaminated soil or groundwater and along preferential pathways, such as within sewer lines, and enter occupied buildings. This is known as vapor intrusion (VI). Screening for VI must be conducted at every contaminated site in Wisconsin, as defined in Wis. Admin. Code § 716.11 (5) (a). **However, when TCE is present, screening for VI should be made a priority and an interim action under Wis. Admin. Code § NR 708.11 may be necessary.** For an overview on VI, see *What is Vapor Intrusion?* (RR-892). For more information, go to dnr.wi.gov and search "vapor." Additional technical guidance on VI is available in *Addressing Vapor Intrusion at Remediation & Redevelopment Sites in Wisconsin,* (RR-800).

General Recommendations for Responsible Parties:

The DNR recommends that you:

1. Hire a Qualified Environmental Consultant

To ensure response actions you plan to undertake comply with Wisconsin law, you should hire an environmental consultant within **30 days,** by May 19, 2023, to meet the regulatory deadlines listed below. A delay in hiring an environmental consultant could result in you missing key submittal deadlines.

Hiring a consulting firm with staff that have the appropriate state of Wisconsin qualifications to supervise and certify the submittals is a critical component and necessary to meet your requirements. Further, an environmental consultant should be knowledgeable of Wisconsin's technical procedures and laws, and be able to answer questions regarding cleanup requirements. Required qualifications for environmental consultants are specified in Wis. Admin. Code ch. NR 712. See *Wis. Admin. Code ch. NR 712 Qualifications and Certifications* (RR-081), for more information.

2. Properly Submit Reports on Time with Required Information Included

Wisconsin law includes timeframes for submitting technical documents and conducting work, as well as specifications for what should be included in those submittals. This letter provides a general overview of the timeframes and first steps to take for site investigation and cleanup. For an overview of timing requirements, please refer to *NR 700 Process and Timeline Overview* (RR-967), *enclosed.*

The DNR developed the publication *Guidance for Electronic Submittals for the Remediation and Redevelopment Program* (RR-690), to assist responsible parties and consultants in properly submitting documents. Wis. Admin. Code § NR 700.11 (3g), and other specific provisions within Wis. Admin. Code ch. NR 700, outline the requirements for submittals, including electronic submittals.

3. Consider the Benefits of a Fee-based Technical Review of your Submittals

In-depth DNR review of technical reports and submittals is available for a fee. The Remediation and Redevelopment (RR) Program project managers are available throughout the process to answer general questions and provide general input as the site moves toward case closure. However, if you want a formal, written response from the DNR, a meeting with the DNR or both on a specific submittal, a review fee will be required in accordance with Wis. Admin. Code ch. NR 749. **Obtaining technical assistance from DNR project managers throughout the process is an effective way to prevent problems and delays at the end of the process when**

case closure is requested. Forms, a fee schedule and further information on technical assistance is available at dnr.wi.gov by searching "brownfield fees."

Required Steps to Take and Documents to Submit:

The steps listed below serve as a general overview only — all mandatory steps and submittals specified in Wis. Admin. Code, chs. NR 700-799 must be met before the DNR can grant case closure, which is a determination by the DNR that no further cleanup is necessary at a site, as defined in Wis. Admin. Code § NR 700.03 (3m).

1. **Scoping and Work Plan Submittal – NR 716.07 and 716.09**: The law requires that you appropriately scope your site investigation and submit a work plan within **60 days of this notification,** by May 31, 2023, for completing a site investigation. The work plan must comply with the requirements in Wis. Admin. Code, chs. NR 700-799. For additional assistance, the DNR has extensive guidance on its website at dnr.wi.gov, search "site investigation scoping."

   Per Wis. Admin. Code § NR 716.07 and Wis. Admin. Code § NR 716.09, site investigation scoping and work plans should include an evaluation of the history of the site or facility, including industrial, commercial, or other land uses that may have been associated with one or more hazardous substance discharges at the facility. In addition, an evaluation of the history of previous hazardous substance discharges or environmental pollution, the location of the site or facility, and its proximity to other sources of contamination must be included. Site investigation work plans should also include a sampling and analysis strategy to be used during field investigation that considers all information in the evaluation conducted under Wis. Admin. Code § NR 716.07. Emerging contaminants discharged to the environment, including perfluoroalkyl and polyfluoroalkyl substances (PFAS) and 1,4-dioxane, meet the definition of a hazardous substance or environmental pollution under Wis. Stat. § 292.01 and must be considered during site investigation scoping.

   Prior to and during a site investigation, you must evaluate whether any interim actions are needed to contain or stabilize a hazardous substance discharge or environmental pollution, pursuant to Wis. Admin. Code § NR 708.11. If you undertake an interim action (*e.g.*, free product removal), you must submit documentation of the action per Wis. Admin. Code § NR 708.15.

   As you develop the site investigation work plan, you must include an assessment of the vapor intrusion pathway. Wis. Admin. Code § NR 716.11 (5) outlines the requirements for when to evaluate for the presence of vapors in the sub-surface and in indoor air. The results and conclusions from the vapor assessment must be included in the Wis. Admin. Code § NR 716.15 site investigation report whether or not you elected to take vapor samples. *Addressing Vapor Intrusion at Remediation & Redevelopment Sites in Wisconsin* (RR-800), is available to help responsible parties and their consultants comply with these requirements.

2. **Field Investigation – NR 716.11**: Following submission of the work plan, the site investigation must be started within the timeframe provided under law. The timeframe varies depending on whether you are requesting the DNR's fee-based review of the work plan. If you do not request a fee-based review of the work plan, you must initiate the field investigation within 90 days of submitting the work plan, and you may proceed with the field investigation upon DNR notification to proceed; however, if the DNR has not responded within 30 days from submittal of the work plan, you may then proceed with the field investigation. If a fee and request for DNR review of the work plan is submitted, the field investigation must begin within 60 days after receiving DNR approval.

3. **Sample Results Notification Requirements – NR 716.14**: You must report sampling results to the DNR, owners, occupants, and various other parties within 10 business days after receiving the sampling results, unless a different timeframe is approved by the DNR, in accordance with Wis. Admin. Code § NR 716.14.

4. **Site Investigation Report – NR 716.15**: Within 60 days after completion of the field investigation and receipt of the laboratory data, the law requires you to submit a Site Investigation Report (SIR) to the DNR. As part of the SIR or in the Remedial Actions Options Report (RAOR), if there is soil contamination, the responsible party shall identify the current land use (*i.e.*, industrial, or non-industrial) and zoning for the site or facility in accordance with Wis. Admin. Code § NR 720.05 (5). Also, as part of the SIR or in the RAOR, you must include any interim action report that may be required under Wis. Admin. Code § NR 708.15.

5. **Remedial Actions Options Report – NR 722**: Within 60 days after submitting the SIR, the law requires you to submit a RAOR. The selected remedy in the RAOR should include an evaluation of green and sustainable remediation criteria, as appropriate, as required by Wis. Admin. Code § NR 722.09 (2m). This may be submitted as part of a broader SIR.

6. **Remedial and Interim Action Design, Implementation, Operation, Maintenance and Monitoring Reports – NR 724**: Unless otherwise directed by the DNR, the responsible party shall submit all plans and reports required by Wis. Admin. Code ch. NR 724.

7. **Notification of Residual Contamination or Continuing Obligations – NR 725**: In situations where notification is required, the responsible party must provide a submittal(s) that confirms that continuing obligations have been identified and affected property owners have been notified by the responsible parties 30 days prior to case closure, as required by Wis. Admin. Code ch. NR 725 and § NR 726.13 (1) (d).

8. **Semi-Annual Reporting – NR 700.11**: Wis. Admin. Code § NR 700.11 (1) (a) requires responsible parties to submit semi-annual site progress reports to the DNR until case closure is granted. The reports summarize the work completed over six months and additional work planned to adequately complete the response action at the site. Consultants may submit these reports on behalf of responsible parties. These reports are due in January and July of each year. Please refer to DNR publication *NR 700 Semi-Annual Site Progress Report* (RR-082), for more information.

Submittals required under Wis. Admin. Code chs. NR 700-799

These documents, as applicable, must be submitted to the DNR prior to the responsible party requesting case closure, unless otherwise directed by the DNR:

- ☐ Ch. NR 708 reports and documentation for any immediate or interim actions.
- ☐ Ch. NR 712 professional certifications and signatures are included with applicable submittals.
- ☐ Ch. NR 716 work plan(s) and site investigation report.
- ☐ Ch. NR 722 remedial action options report (exception is for Dry Cleaners Environmental Response Fund sites), with the selected remedial action identified.
- ☐ Ch. NR 724 design, construction documentation, operation, maintenance and monitoring plans and reports, including vapor mitigation commissioning.
- ☐ Ch. NR 725 submittal(s) that confirms that continuing obligations have been identified and affected property owners have been notified by the responsible parties 30 days prior to requesting case closure.
- ☐ If requesting case closure, the Ch. NR 726 case closure form and documentation substantiating compliance with the NR 700 rule series.
- ☐ Ch. NR 749 fees have been paid, as applicable, including closure and database fees.
- ☐ Ch. NR 700 semi-annual site progress reports starting six months after notification.

Additional Information:

The DNR tracks information on all cleanup sites in a DNR database available at dnr.wi.gov, search "BOTW." The Bureau for Remediation and Redevelopment Tracking System (BRRTS) identification number for this site is listed at the top of this letter. You may view information related to your site on this database at any time.

All correspondence regarding this site should be directed to:

Jeff Paddock
Remediation and Redevelopment Program
Wisconsin Department of Natural Resources
107 Sutliff Avenue
Jeffrey.Paddock@wisconsin.gov

To speed up processing, your correspondence should reference the BRRTS and Facility Identification (FID) numbers (if assigned) listed at the top of this letter.

Submittals required under the NR 700 rule series should be sent to the DNR using the RR Program Submittal Portal at dnr.wi.gov, search "RR submittal portal" (https://dnr.wi.gov/topic/Brownfields/Submittal.html). Questions on using this portal can be directed to the contact below or to the environmental program associate (EPA) for the regional DNR office. Visit dnr.wi.gov, search "RR contacts" and select the EPA tab (https://dnr.wi.gov/topic/Brownfields/Contact.html).

Please visit the DNR's Remediation and Redevelopment Program web page at dnr.wi.gov, search "Brownfields" for information on selecting a consultant, seeking financial assistance, and understanding the investigation and cleanup process. Information regarding review fees, liability clarification letters, post-cleanup liability and more is also available.

If you have questions or would like to discuss the situation, please contact me by phone at (715) 828-8544 or email at Jeffrey.paddock@wisconsin.gov for more information.

Thank you for your cooperation.

Sincerely,

Jeff Paddock, P.G.
Hydrogeologist - Remediation & Redevelopment Program
Northern Region

On-line Resources:
These DNR fact sheets can be obtained by visiting the DNR website at dnr.wi.gov and searching the DNR publication number (RR-xxx). For information on general permits, search using "wastewater general permits."

RR-967, *NR 700 Process and Timeline Overview*
RR-502, *Selecting a Consultant*
RR-024, *Environmental Services Contractor List*
RR-506, *VPLE Fact Sheet #2*

RR-674, *Environmental Contamination Basics*
RR-082, *NR 700 Semi-Annual Site Progress Report*
RR-081, *Wis. Admin. Code ch. NR 712 Qualifications and Certifications*
Form 4400-237, *Technical Assistance and Environmental Liability Clarification Request*
RR-892, *What is Vapor Intrusion?*

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February 13, 2024

LSL LLC
Mark Gutteter
260 Timber Heights Drive
Rhinelander, WI 54501

Subject: **Status Update Request**
Lake Superior Cleaners, 802 Main Street West, Ashland, WI
DNR BRRTS Activity # 02-02-590111
DNR FID # 802009120

Dear Mr. Gutteter:

On April 20, 2023, the Wisconsin Department of Natural Resources (DNR) notified you of your legal responsibilities under Wisconsin Statute (Wis. Stat.) § 292.11 to investigate the degree and extent of the hazardous substance discharge on the above-referenced site. Attached is a copy of that correspondence.

The DNR has not received information concerning your efforts to respond to this hazardous substance discharge since a September 18, 2023, phone conversation with you, during which you stated that you were going to contact an environmental consultant. The DNR sent e-mails asking for an update on November 3, 2023, and January 10, 2024, and has not received a response.

The DNR requests that the following actions be completed:

1. To ensure response actions you plan to undertake comply with Wisconsin law, you must hire a qualified environmental consultant by **March 14, 2024.**
2. The submittal of a work plan by **April 15, 2024,** as described in Wisconsin Administrative (Wis. Admin.) Code sections NR 716.07 and NR 716.09, and consistent with the timeline spelled out in the DNR's notification letter of April 20, 2023.

As the responsible party for this hazardous substance discharge, you have the legal responsibility under Wis. Stat. § 292.11 to investigate and clean up contamination resulting from the hazardous substance discharge.

Your legal responsibilities are defined in statute and in administrative code. The hazardous substances spill law, Wis. Stat. § 292.11(3), states "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."

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Wis. Admin. Code chs. NR 700 to NR 799 establish requirements for emergency and interim actions, public information, site investigations, design and operation of remedial action systems, and case closure.

The DNR appreciates your attention to this matter, and we look forward to an update regarding this site. Failure to take the actions required under Wis. Stat. § 292.11 to address this contamination will cause the DNR to review this case for enforcement actions.

If you have any questions regarding the site or this letter, please contact me at 715-828-8544 or Jeffrey.paddock@wisconsin.gov.

Sincerely,

Jeff Paddock, P.G.
Northern Region Spill Coordinator
Remediation & Redevelopment Program
Northern Region

Enc: April 20, 2023 – Reported Contamination at Lake Superior Cleaners Letter