



May 6, 2016

Tom Keller
Tennyson Terrace LLC
448 W Washington Ave
Madison WI 53703

Subject: Keller Property (1902 Tennyson), 1910 Tennyson Lane, Madison
BRRTs No: 03-13-553975

Dear Mr. Keller:

The Department of Natural Resources' Remediation and Redevelopment Program (the Department) recently reviewed the case file for the above named site and determined that the information is not current. The Department was notified on October 30, 2005 of contamination encountered during a Phase 2 Environmental Site Assessment. The Department then notified you on July 24, 2009 of your responsibilities to investigate the degree and extent of contamination and clean up the site. 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. Chapter NR 708 includes provisions for immediate actions in response to limited contamination. Wisconsin Administrative Code chapter NR 140 establishes groundwater standards for contaminants that reach groundwater.

Since the time that the Department sent you the notification of your responsibilities, we have not received any information on the progress of investigative or remedial actions at the site since that time.

Therefore, the Department is requesting that within 30 days, by June 24, 2016, you provide a summary of investigative and cleanup work that has been performed on this site to date. The summary should also include a proposed timeline for completing any investigative and/or remedial actions that might be needed to bring this case to closure. This summary should be submitted in writing to me at the above address.

You should note that failure to take the actions required by s. 292.11, Wis. Stats., to address this contamination might lead me to recommend that this case be reviewed for Department enforcement actions. One possible action involves the Department recording a notice of residual contamination on the property's deed under section NR 728.11, Wis. Adm. Code. The deed notice would inform any potential purchaser of the property of the presence of the contamination, and this notice would remain

in effect until the contamination has been addressed. For more environmentally serious situations, the Department has the ability through our stepped enforcement process to take additional enforcement actions, up to and including referral of the case for prosecution by the Department of Justice. Such referrals will result in court-stipulated actions and monetary forfeitures.

If you are experiencing problems selecting an environmental consultant or if you have other questions concerning the cleanup process, please do not hesitate to write or call me at (608) 273-5613. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Woody Myers", written over a circular stamp or seal.

Woody Myers
Project Manager
Remediation & Redevelopment Program

cc: John Hausbeck, Public Health
Case File