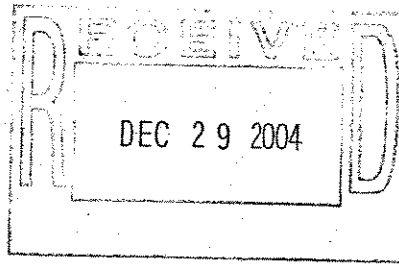


State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor
Scott Hassett, Secretary
Gloria L. McCutcheon, Regional Director

Southeast Region Headquarters
2300 N. Dr. Martin Luther King, Jr. Drive
PO Box 12436
Milwaukee, Wisconsin 53212-0436
Telephone 414-263-8500
FAX 414-263-8606
TTY 711

December 23, 2004



FID: 341107250
BRRTS: 02-41-538239

James Eilman
933 N. Mayfair Rd.
Ste. 311
Milwaukee, WI 53226

Subject: Reported contamination at National Tobacco, 2631-2633 W. National Ave., Milwaukee

Dear Mr. Eilman

On December 16, 2004, Joyce Koker of Sigma Environmental, notified the Wisconsin Department of Natural Resources (WDNR) that soil and potential groundwater contamination had been detected at the site described above.

Based on the information submitted to the WDNR, we believe that the Jon Prill is responsible for restoring the environment at the referenced site under Section 292, Wisconsin Stats., known as the hazardous substances spills law.

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

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 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.

Unless otherwise requested, please send only one copy of plans and reports. 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:

Information to help you select a consultant, and materials on controlling costs, understanding the cleanup process, and choosing a site cleanup method are enclosed. In addition, *Fact Sheet 2, Voluntary Party Remediation and Exemption from Liability* provides information on obtaining the protection of limited liability under s. 292.15, Stats.

Financial Assistance:

Reimbursement from the Petroleum Environmental Cleanup Fund (PECFA) may be available for some of the costs of cleaning up contamination from eligible petroleum storage tanks. Please refer to the enclosed information sheet entitled "*Information about PECFA*" for more information on eligibility and regulations for this program. For more information on the PECFA program, please call the Department of Commerce at 608-266-2424 or visit their web site at: <http://www.commerce.state.wi.us/COM/Com-Petroleum.html>. Funding is also available for cleanup at some drycleaning sites.

Call the DNR Victoria Stovall, Program Assistant at (414) 263-8688 for more information on eligibility or visit the RR web site. <http://www.dnr.state.wi.us/org/aw/rr>. You may also contact this person for all other questions regarding this letter.

Thank you for your cooperation.

Sincerely,



Victoria Stovall
Program Assistant
Remediation & Redevelopment Program
Southeast Region

- Enclosures: 1. Fact Sheet
2. Selecting a consultant
3. Fact Sheet 2, VPLE
4. Env. Services Contractors List
5. Inf. About PECFA Fact Sheet

c: Joyce Koker – Sigma Environmental
WDNR SER Files