LAC DU FLAMBEAU BAND
OF LAKE SUPERIOR
CHIPPEWA INDIANS

TRIBAL NATURAL RESOURCE DEPARTMENT

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Fish Culture - Fisheries Management - Wildlife Management - Water Resources - Environmental Protection - Conservation Law - Energy - Air Quality

June 1, 2015

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Urgent Legal Matter

William and Linda Kozak
8760 W SQUAW LAKE RD
LAC DU FLAMBEAU WI 54538

Re: 14267 W State Highway 70, Lac du Flambeau
Reported Releases of Hazardous Substances Impacting the Lac du Flambeau Reservation and Determination of Potential Liability for Releases

Dear Mr. and Mrs. Kozak:

The Lac du Flambeau Tribal Natural Resource Department (TNR) has obtained credible evidence that a release of hazardous substances has occurred, and hazardous substances have come to be located, within the exterior boundaries of the Lac du Flambeau Reservation near the south end of Haskell Lake (hereinafter, the "Haskell Lake Investigation Site" or the "Site"). The evidence also indicates that the source of the release of hazardous substance is the property located at 14267 W State Highway 70 (Property), which was formerly operated as service station known as Tower Standard Service, and is within the Haskell Lake Investigation Site..

This letter constitutes formal notice that the TNR has credible evidence to support a finding that Bill and Linda Kozak, owners and operators of 14267 W State Highway 70 and Tower Standard Service is a "potentially liable person" (PLP) for the releases and threatened releases of hazardous substances at the Site pursuant to Tribal law, in particular, Chapter III of the Lac du Flambeau *Hazardous Substance Control Code*. According to our information, there has been a "release" of a "hazardous substance," as those terms are defined in Chapter I of the *Hazardous Substance Control Code*, which poses a threat to human health or the environment.

The evidence supporting these findings is as follows:

1. Tower Standard Service operated as a service station and automobile repair facility from as early as the 1940s to 1997. The Tower Standard Service property contained

six USTs that stored gasoline, diesel, and waste oil. *See* REI's February 2006 "*Case Summary and Closure Report; Tower Standard Service*".

2. The gasoline, diesel and waste oil used, stored and sold at the Tower Standard Service Property contained hazardous substances, as defined under Chapter I of the *Hazardous Substance Control Code*, and included petroleum hydrocarbons, benzene, tolulene, xylene, ethelyne, lead, and other organic and metals.

3. Groundwater sampling was conducted at the Site in December 2013 and June 2014 as part of the Haskell Lake Area Petroleum Contamination Investigation. The sampling results identified the presences of hazardous substances in groundwater at levels that exceed Tribal Cleanup Standards set forth in the Hazardous Substance Control Code. Hazardous substances exceeding Tribal standards include benzene, 1,2-Dibromoethane, ethylbenzene, naphthalene, toluene, and xylene. *See* Weston's February 5, 2014 "*Highway 70 - Haskell Lake Area Groundwater Investigation*"; Weston's August 6, 2014 "*Summary of Findings: June 2014 Vertical Aquifer Sampling, Haskell Lake Area Groundwater Investigation*"

4. Investigations conducted by Weston and reported in its February 5, 2014 and August 5, 2014 Reports identify the Tower Standard Service Property as the likely source of hazardous substances to the Site. *See* Weston's February 5, 2014 "*Highway 70 - Haskell Lake Area Groundwater Investigation*"; Weston's August 6, 2014 "*Summary of Findings: June 2014 Vertical Aquifer Sampling, Haskell Lake Area Groundwater Investigation*"

5. The State of Wisconsin documents from the Tower Standard Service Property located at 14267 W State Highway 70 identify soil and groundwater contamination above Tribal Cleanup Standards as set forth in the Hazardous Substance Control Code. . *See* REI's February 2006 "*Case Summary and Closure Report; Tower Standard Service*".

6. The Haskell Lake Investigation Site is a "facility" as defined in 200.110 (5) of the *Hazardous Substance Control Code*. The Site includes the Tower Standard Service property located at 14267 W State Highway 70.

7. Bill and Linda Kozak owned and operated the Property at the time of disposal or release of hazardous substances at the facility, and are also persons who owned or possessed a hazardous substance and who arranged for disposal or treatment of the hazardous substance at the facility, or otherwise generated hazardous wastes disposed of at the facility. Bill and Linda Kozak are also current owners of the Property and are therefore strictly liable, jointly and severally, for all remedial investigation and remedial action costs, and for all natural resource damages and natural resource damage assessment costs resulting from the releases or threatened releases at the Site.

Please note that you also have thirty (30) calendar days, from the date of receipt of this letter, to provide written comment to the TNR on the accuracy of the information set out herein and on

your proposed status as a PLP. After reviewing your comments, the TNR will make a final written determination of your status as a PLP. If you do not respond within thirty (30) days, the TNR will make a final determination that you are a PLP.

There may be other persons who are potentially liable for the release at the Site. If you are aware of any other PLPs, the TNR encourages you to provide us with their identity and the reason you believe they could be potentially liable. The TNR suggests you may wish to contact these other persons to discuss how you can jointly work together to most efficiently clean up this site.

The TNR's policy is to work cooperatively with persons to ensure the efficient, prompt and effective cleanup of hazardous waste sites. Cooperating with the TNR, in planning or conducting remedial actions at the Site, is not an admission of guilt or liability.

If you have any questions or comments, please feel free to contact me at (715) 588-4160.

Sincerely,

Larry Wawronowicz

Larry Wawronowicz
Tribal Natural Resource Department Director
Lac du Flambeau Band of Lake Superior Chippewa Indians

Encl: *Hazardous Substance Control Code*
"Summary of Findings: June 2014 Vertical Aquifer Sampling, Haskell Lake Area Groundwater Investigation" Report dated August 6, 2014

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