UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

JAN 0 4 2016

REPLY TO THE ATTENTION OF:

CERTIFIED MAIL # [7001 0320 0006 0184 8079]
RETURN RECEIPT REQUESTED

William and Linda Kozak
8760 West Squaw Lake Road
Lac du Flambeau, Wisconsin 54538

Re: Tower Standard Site - Contractor Cooperation with EPA; Consent for Access; Incomplete Ability to Pay Information

Dear Mr. and Mrs. Kozak:

As you are aware, investigations of contamination from leaking underground storage tanks are ongoing at your property located at 14267 State Highway 70 West in Lac du Flambeau, Wisconsin, also known as the Tower Standard site. The U.S. Environmental Protection Agency's October 13, 2015 Corrective Action Notice to you noted that some of the work carried out under Wisconsin's Petroleum Environmental Cleanup Fund Award (PECFA) at the site may address corrective action requirements of 40 C.F.R. Part 280, for which you are liable.

In order for work under the PECFA program to adequately cover the federal requirements your PECFA contractor carrying out that work must consistently cooperate with EPA and the Lac du Flambeau Band of Lake Superior Chippewa Natural Resources Division (NRD). This includes, but is not limited to, providing EPA and the Tribal NRD the opportunity to review work plans, providing EPA and the Tribal NRD adequate notice of sampling and other work the contractor performs at the site, and providing EPA and Tribal NRD any sample results. You must direct your contractor to do this. This is separate from any requirement to provide the State of Wisconsin with this information. This information includes, but is not limited to, laboratory data reports, well log forms, field notes, and sampling forms. All outstanding reports, forms, and notes are needed as soon as possible.

For future work, all laboratory data reports must be submitted within one week of receipt from the laboratory by your contractor. Other information must be submitted to EPA within 2 weeks of generation. All information may be submitted either by paper copy or electronically. Additionally, your contractor must give notice of any sampling or field activity no later than 10 working days prior to the commencement of the activity so plans can be made by EPA and the Tribe to be present.

Additionally, EPA will require continued access to the site, and the previous consent to access you provided to us was dated but unsigned. Section 9005 of RCRA, 42 U.S.C. § 6991d, authorizes EPA to enter the Site to obtain samples, conduct monitoring or to take corrective

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action, among other activities. With that in mind, please sign and date the enclosed consent to access and return it within 10 days of receipt of this letter. If you do not give consent or your consent limits activities EPA must perform to address the contamination, you should be aware that EPA has the authority to obtain access through a warrant or federal order.

Finally, EPA received the financial information you submitted to support your claim that you cannot afford to pay for corrective action at your property. You did not provide enough information for our financial expert to evaluate your ability to pay. Specifically, you did not include the amount of funds in the three bank accounts listed in your individual inability to pay form. This information is clearly relevant to your ability to pay for corrective action; you must submit to us your most recent bank statements from each of these accounts if you wish to continue your claim.

You may assert a claim of business confidentiality under 40 C.F.R. Part 2, Subpart B, for any portion of the information you submit to us. Information subject to a business confidentiality claim is available to the public only to the extent allowed by 40 C.F.R. Part 2, Subpart B. If you fail to assert a business confidentiality claim, EPA may make all submitted information available, without further notice, to any member of the public who requests it.

We are available to discuss the situation with you and encourage you to contact us if you have any questions regarding this letter. You can reach Bob Egan of my staff at (312) 886-6212, or your legal counsel may contact Erik Olson, Associate Regional Counsel, at (312) 886-6829.

Sincerely,

Margaret M. Guerriero
Director
Land and Chemicals Division

Enclosure

CONSENT FOR ACCESS TO PROPERTY
Tower Standard
14267 State Highway 70 West
Lac du Flambeau, WI

William Kozak
8760 West Squaw Lake Road
Lac du Flambeau, Wisconsin 54538

I hereby voluntarily consent to officers, employees, or authorized representatives of the United States Environmental Protection Agency (U.S. EPA), entering and having continued access to freely move about all property at the former underground storage tank facility situated at 14267 State Highway 70 West, Lac du Flambeau, Wisconsin, for the purpose of:

1) Sampling activities, including soils and groundwater, installation of groundwater monitoring wells

I realize these actions taken by U.S. EPA are undertaken pursuant to its enforcement responsibilities under the statutory authority of Section 9005 of the Resources Conservation and Recovery Act (RCRA), as amended, 42 United States Code Section 6991d.

This written permission and Consent for Access to Property is given by me voluntarily, on behalf of myself and all other co-owners of the above stated property, with knowledge of my right to refuse and without threats or promises of any kind.

_____
Signature

_____
Date