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

DEC 14 2017

REPLY TO THE ATTENTION OF:
LC-17J

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Tony Koblinski
President and CEO
Madison-Kipp Corporation
201 Waubesa Street
Madison, Wisconsin 53704

Re: Madison-Kipp Corporation, 201 Waubesa Street, Madison, Wisconsin
PCB Site Remediation and State Settlement
EPA ID: WID006071716

Dear Mr. Koblinski:

The U.S. Environmental Protection Agency, Region 5 has received a copy of the November 27, 2017 Stipulation and Order for Judgment between the State of Wisconsin and the Madison-Kipp Corporation (MKC), Madison, Wisconsin, resolving, under state law, the State's 2012 enforcement action against MKC to address polychlorinated biphenyl (PCB) contamination at its facility located at 201 Waubesa Street, Madison, Wisconsin (the Site). EPA appreciates the efforts of the Wisconsin Department of Natural Resources (WDNR) and MKC to resolve the State claims in this matter. EPA looks forward to working with both parties to address the remaining federal requirements at the Site under the Toxic Substances Control Act (TSCA) and federal PCB regulations.

Since 2014, EPA has been coordinating with WDNR to reach a joint state and federal resolution of PCB contamination at the site under the State's NR 700 rules and TSCA. During 2017, this coordination ended and WDNR and MKC negotiated an independent resolution of the matter under state law. EPA intends to review the settlement between WDNR and MKC in order to become familiar with the terms and conditions negotiated by the two parties and to determine what additional requirements may be necessary for remediation of site conditions under TSCA and the PCB regulations. In addition, under the 2006 One Cleanup Program Memorandum of Agreement between EPA and WDNR, EPA considers the Site to be a complex site (Type A) involving environmentally diverse or multiple complex issues. As a result, MKC is required to seek EPA review and approval under TSCA for any remedial activities involving PCBs at the Site. In regards to the groundwater on or near the MKC property, EPA encourages MKC to promptly coordinate any changes to its monitoring well network with EPA prior to abandoning or installing any new monitoring wells at the Site. EPA is concerned with potential

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contamination of drinking water in the area around the Site and would like to the opportunity to assess changes to the monitoring well network.

Please let the record reflect that EPA continues to reserve all of its rights in this matter and that any settlement agreement between WDNR and MKC shall not limit the authority of EPA, or the United States, to take, direct or order any and all actions necessary to prevent, abate or minimize an actual or threatened release of hazardous substances, pollutants or contaminants on, at, or from the Site. Further, nothing in any such agreement shall prevent EPA from seeking any remedy or relief under TSCA, the Resource Conservation and Recovery Act, the Safe Drinking Water Act, or any other applicable statute or regulation in this matter, nor shall it relieve MKC from compliance with any federal law or regulation nor preclude EPA from initiating any enforcement action, including an action seeking civil or criminal penalties, for any violation of any applicable federal law or regulation.

We look forward to working with WDNR and MKC to achieve final resolution of environmental concerns at the Site under both state and federal law.

Sincerely,

Michael D. Harris

Michael D. Harris
Acting Division Director
Land and Chemicals Division

cc: Ken Zolnierczyk, LCD, EPA
Mario Mangino, LCD, EPA
Dave Petrovski, LCD, EPA
Peter Ramanauskas, LCD, EPA
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