

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Tommy G. Thompson, Governor
George E. Meyer, Secretary
William H. Smith, Regional Director

Wisconsin Department of Natural
Resources
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Superior, Wisconsin 54880
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August 17, 2000

Mr. Ron Peterson
Fraser Shipyards Inc.
P.O. Box 997
Superior, WI 54880

FID# 816047210
HW/CORR
Douglas County
Case # NWD-93-11
WID 988639597

Subject: No Further Action at Area of Concern #5 Paint Treatment Area.

Dear Mr. Peterson:

On June 8, 2000 the Department received a report and request to close-out Area of Concern #5 at Fraser Shipyards in Superior, Wisconsin. Open tanks contained paint waste which tests showed to be hazardous were observed during an April 1993 inspection. The report and request were submitted to the regional close-out committee for review which took place July 17, 2000.

Based on the investigation and remedial documentation provided to the Department, it appears that the lead and chromium contamination in Area of Concern #5 at Fraser Shipyards has been remediated to the extent practical. Therefore, the Department considers the case "conditionally closed" since soil contamination that exceeded industrial soil cleanup standards has been removed. However, due to presence of lead residual contamination above residential standards at the site, a condition of close-out of this case is that the owner sign and record a deed restriction for the property to prohibit non-industrial use. To document that this condition has been complied with, the property owner must submit to the Department a copy of the recorded deed restriction, with the recording information stamped on it.

Based on the June 8, 2000 report and the fact that the Fraser Shipyards is an industrial site, the committee has approved Area of Concern #5 for closure, conditioned upon the recording of a deed restriction. Fraser excavated and disposed of lead contaminated soil beneath the paint storage area and resampled. This notification of a conditional closure decision requires Fraser to submit a final report to DNR for AOC#5, 8, and 11, which will be used as the basis for a public notice for the closure of a hazardous waste site. The report is required under paragraph # 9 of the January 9, 1998 Stipulation and Judgment.

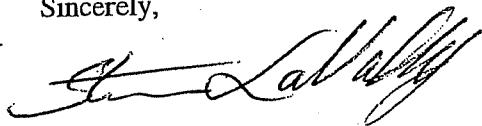
You should note that this letter does not constitute Department "certification" under s. 292.15, Wis. Stats. Persons who meet the definition of "voluntary party" in s. 292.15 must receive Department pre-approval prior to conducting a site investigation in order to be eligible for the liability exemption under s. 292.15, Wis. Stats. For more information regarding the Voluntary Party Liability Exemption Statute, call (800) 367-6076.

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If you have question regarding this letter please contact Steve LaValley at 715-392-7831

Sincerely,



Steve LaValley
Waste Management Specialist

SAL:

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Michael Michaelsen - Spooner
Lorraine Stoltzfus - DOJ
Jim Hosch - Superior
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