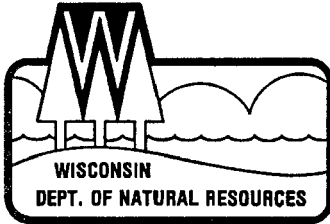


02-37-210770



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

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

Northern Region Co-Headquarters
PO Box 818, 107 Sutliff Ave.
Rhinelander, WI 54501-0818
TELEPHONE 715-365-8900
FAX 715-365-8932
TDD 715-365-8957

July 31, 1997

FID# 737088330
CASETRACK# 97-WCEE-048

CERTIFIED MAIL

Mr. Rudolph J. Weisenberger
Weisenberger Tie & Lumber Co., Inc.
506 8th Avenue N.W.
Forrest Lake, Mn 55025

SUBJECT: NOTICE OF VIOLATION

Dear Mr. Weisenberger:

This notice is to advise you that the Department of Natural Resources ("the Department") has reason to believe that Weisenberger Tie and Lumber Co., Inc. located on Weisenberger Road, Marathon City, Wisconsin, is in violation of Wisconsin's hazardous waste regulations. This notice is issued pursuant s. 291.95(1), Stats.

On May 27, 1997, Richard Brown, of the Department, inspected the copper chromated arsenic (CCA) wood preserving pressure treating unit at the Weisenberger Tie and Lumber Company Facility. At the time of the inspection it was found that both working solution and product make up solution of CCA were being stored at the facility. The alleged area of violation of Ch. NR 615, Wis. Adm. Code associated with the storage of these solutions and the actions needed to resolve it are listed below:

Section NR 615.05(3), Wis Adm. Code. A generator who accumulates hazardous waste on-site in containers or tanks, without a storage license, for 90 days or less shall within 90 days of first accumulating the waste, ship the waste to an off-site licensed hazardous waste treatment, storage, or recycling facility.

The solutions in the CCA unit have not been used for their intended purpose for over two years. As such, the Department no longer considers these solutions to be products, but in fact are wastes and must be managed as such.

The Department is concerned that these solutions present an environmental threat due to deterioration of containment structures and storage tanks that contain the solutions. Specifically, the collection pit under the pressure treating unit has the potential to overflow with surface run off water and cause a release to the environment of CCA. The collection pit currently contains ponded surface water that needs to be properly disposed of. If a

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release of this nature occurs, Weisenberger Tie and Lumber would be responsible for cleanup and restoring the environment.

The CCA solutions at the facility must be removed before a release to the environment occurs and additional clean up costs are incurred by Weisenberger Tie and Lumber Company. The solutions must either be disposed of by an approved hazardous waste management firm, or recycled by some other firm that can use the solutions in a working CCA pressure treating operation.

It has been brought to the attention of the Department that Mr. Charles Summers is willing to look into this situation and deal with these wastes in a manner acceptable to the Department. Within 30 days of receiving this notice, please indicate to the Department if you approve of Mr. Summers working with the Department to resolve this matter. If this is not acceptable to you, please indicate how you will comply with the administrative code requirements listed above. Send your response to Richard Brown at the Department of Natural Resources, 5301 Rib Mountain Drive, Wausau, Wisconsin 54401.

The Department is authorized to seek injunctive or other appropriate relief for violations of Wisconsin's hazardous waste laws, including forfeitures of no more than \$25,000 per violation, pursuant to s. 291.97(1), Stats. Any person who intentionally commits an act that violates these laws or fails to perform an act required under these laws may be fined no more than \$100,000 per day of violation or imprisoned for not more than five years, or both pursuant to s. 291.97(2)(b)2., Stats. Each day of continued violation is a separate offense.

If you have any technical questions concerning this case, please call Richard Brown at (715) 359-4843. If you have any questions concerning this notice, please contact me at (715) 365-8935.

Sincerely,



Michelle DeBrock-Owens
Environmental Enforcement Specialist

c: Enforcement File, Rhinelander
CASETRACK File, Rhinelander
Linda Meyer, LS/5
Pete Flaherty, LS/5
Cynthia Hirsch, DOJ
Dick Brown, DOJ
Don Grasser, WIRAP
Richard Brown, Wausau
Wendy Anderson, Eau Claire
Aggie Cook, WA/3
Charles Summers, Marathon Mills, Inc., 1499 Weisenberger Rd., Marathon, WI 54448
Mr. George B. Goyke, Byrne, Goyke, Olsen & Tillisch, S.C., P.O. Box 1566, Wausau, WI 54402-1566