

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Tommy G. Thompson, Governor
George E. Meyer, Secretary
Scott A. Humrickhouse, Regional
Director

West Central Region Headquarters
1300 W. Clairemont Avenue
PO Box 4001
Eau Claire, Wisconsin 54702-4001
Telephone 715-839-3700
FAX 715-839-6076
TDD 715-839-2786

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
March 25, 1999

BRRTS #02-37-216770
Marathon County

Mr. Rudolph Weisenberger
c/o Brian F. Leonard, Bankruptcy Trustee
Leonard, O'Brian, Willford, Spencer and Gale
100 South Fifth Street, Suite 1200
Minneapolis, MN 55402

SUBJECT: Notice of Non-Compliance
*Weisenberger Tie & Lumber CCA Pressure Treatment Site
Weisenberger Road, Marathon City, WI*

Dear Mr. Weisenberger:

The purpose of this letter is to notify you that you have failed to comply with the Hazardous Substances Spills Law (section 292.11(3), Wisconsin Statutes). In a letter dated December 11, 1991, the Department informed you of your obligation to clean up the hazardous substance which has been discharged from your copper chromated arsenic wood treating plant on your property. In May 1992, Central Wisconsin Engineers, on your behalf, provided the Department with a site assessment for this area. IN May 1993, the Department provided you with the results of the work the Department's contractor performed at the CCA wood treating plant. The Department has received no further documentation indicating that you have completed the cleaned up at this location.

Wisconsin Statute 292.11(3) states:

"A person who possesses or controls a hazardous substance which is discharged or who causes the discharge of a hazardous substance shall take the actions necessary to restore the environment to the extent practicable and minimize the harmful effects from the discharge to the air, lands, or waters of the state."

Under the Spills Law (section 292.11, Wisconsin Statutes), you have a legal responsibility to clean up all contamination.

The Department must take steps to enforce Wisconsin's cleanup laws. This Notice of Noncompliance is the first step in this enforcement action. The following steps will be taken:

- 1) From issuance of this Notice of Noncompliance, you have 30 calendar days to submit the following:


*Quality Natural Resources Management
Through Excellent Customer Service*



- a) written proof that you have a contract with an environmental consultant to investigate and remediate your contamination problem.
 - b) a schedule for completion of the site investigation and remedial action options report as required in the NR 700 series of the Wisconsin Administrative Code.
 - c) documentation of all work completed since May 1992. If you feel you have completed the cleanup at this site, please submit a final report and request a closure review of your file.
- 2) If you either do not respond or you do not provide an adequate response of the activities you have undertaken, you will receive Notification of an Enforcement Conference to discuss your case. You will be notified of the time and location of the conference. You will have 30 days to respond to the enforcement conference notice.
 - 3) If you do not respond within 30 days or fail to attend the scheduled Enforcement Conference, I will proceed to record an affidavit at the county register of deeds office. This affidavit will give notice to potential purchasers of the property that environmental contamination exists on this site.

I await your response before April 25, 1999. If you have any questions about this letter and your responsibilities, please feel free to contact me at (715) 839-1604.

Sincerely,



Wendy Anderson
Engineer

- c: Bill Evans, WCR
Tom Lovejoy, WCR
Michelle Owens, Rhinelander
Linda Meyer, LS/5
Richard Brown, Wausau
Lisa Gutnecht, Wausau

Z 404 101 845

US Postal Service

Receipt for Certified Mail

No Insurance Coverage Provided.

Do not use for International Mail (See reverse)

Sent to <i>Spencer Leonard, O'Brian, Wilford.</i>	
Street & Number <i>100 S. FIFTH ST. SUITE 1200</i>	
Post Office, State, & ZIP Code <i>Minneapolis, MN 55402</i>	
Postage	\$ <i>-33</i>
Certified Fee	<i>1.40</i>
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	<i>1-25</i>
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$ <i>2.98</i>

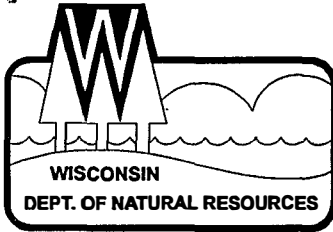
Postmark or Date

3-25-99

Stick postage stamps to article to cover First-Class postage, certified mail fee, and charges for any selected optional services (See front).

1. If you want this receipt postmarked, stick the gummed stub to the right of the return address leaving the receipt attached, and present the article at a post office service window or hand it to your rural carrier (*no extra charge*).
2. If you do not want this receipt postmarked, stick the gummed stub to the right of the return address of the article, date, detach, and retain the receipt, and mail the article.
3. If you want a return receipt, write the certified mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, affix to back of article. Endorse front of article **RETURN RECEIPT REQUESTED** adjacent to the number.
4. If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article.
5. Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in item 1 of Form 3811.
6. Save this receipt and present it if you make an inquiry.

102595-97-B-0145



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Tommy G. Thompson, Governor
George E. Meyer, Secretary
Scott A. Humrickhouse, Regional Director

West Central Region Headquarters
1300 W. Clairemont Avenue
PO Box 4001
Eau Claire, Wisconsin 54702-4001
Telephone 715-839-3700
FAX 715-839-6076
TDD 715-839-2786

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
April 1, 1999

BRRTS #02-37-216770
Marathon County

651-982-0354

Mr. Rudolph Weisenberger
506 8th Avenue NW
Forest Lake, MN 55025

SUBJECT: Notice of Non-Compliance
Weisenberger Tie & Lumber CCA Pressure Treatment Site
Weisenberger Road, Marathon City, WI

Dear Mr. Weisenberger:

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 - c) documentation of all work completed since May 1992. If you feel you have completed the cleanup at this site, please submit a final report and request a closure review of your file.
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- 3) If you do not respond within 30 days or fail to attend the scheduled Enforcement Conference, I will proceed to record an affidavit at the county register of deeds office. This affidavit will give notice to potential purchasers of the property that environmental contamination exists on this site.

I await your response before May 1, 1999. If you have any questions about this letter and your responsibilities, please feel free to contact me at (715) 839-1604.

Sincerely,



Wendy Anderson
Engineer

- c: James Lodoen, 4200 IDS Center, 80 South 8th Street, Minneapolis, MN 55402
Bill Evans, WCR
Michelle Owens, Rhinelander
Linda Meyer, LS/5
Richard Brown, Wausau
Lisa Gutnecht, Wausau

2 404 101 875

US Postal Service

Receipt for Certified Mail WNT

No Insurance Coverage Provided.

Do not use for International Mail (See reverse)

Sent to	
Rudolph Weisenberger	
Street & Number	
506 8TH AVE NW	
Post Office, State, & ZIP Code	
Forest Lake, MN 55025	
Postage	\$ -33
Certified Fee	1.40
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	1-25
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$ 2-98

Postmark or Date

4-1-99

Stick postage stamps to article to cover First-Class postage, certified mail fee, and charges for any selected optional services (See front).

1. If you want this receipt postmarked, stick the gummed stub to the right of the return address leaving the receipt attached, and present the article at a post office service window or hand it to your rural carrier (*no extra charge*).
2. If you do not want this receipt postmarked, stick the gummed stub to the right of the return address of the article, date, detach, and retain the receipt, and mail the article.
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4. If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article.
5. Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in item 1 of Form 3811.
6. Save this receipt and present it if you make an inquiry.

102595-97-B-0145

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Print your name, address, and ZIP Code in this box •

Department of Natural Resources
West Central Region
1300 W. Clairemont Avenue
P.O. Box 4001
Eau Claire, WI 54702-4001

RECEIVED
APR 27 1999
DNR - WJ

Wendy Anderson

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

- 1. Addressee's Address
- 2. Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

Rudolph Weisenberger
 506 8TH Ave NW
 FOREST LAKE, MN
 55025

4a. Article Number

2404-101-875

4b. Service Type

- Registered Certified
- Express Mail Insured
- Return Receipt for Merchandise COD

7. Date of Delivery

5. Received By: (Print Name)

8. Addressee's Address (Only if requested and fee is paid)

6. Signature: (Addressee or Agent)

X Rudolph Weisenberger Jr

Thank you for using Return Receipt Service.

BRIAN F. LEONARD
TRUSTEE

RECEIVED
MAR 30 1999
DMS-100

100 South Fifth Street
Suite 1200
Minneapolis, Minnesota 55402
Telephone (612) 332-1030
Fax (612) 332-2740
btleonard@mpls.lowsq.com

March 29, 1999

Wendy Anderson, Engineer
State of Wisconsin
Department of Natural Resources
West Central Region Headquarters
1300 W. Clairemont Avenue
P.O. Box 4001
Eau Claire, WI 54702-4001

Dear Ms. Anderson:

I received two letters from you, each dated March 25, 1999. The letters were addressed to Rudolph Weisenberger, but sent in care of the undersigned.

Please consider this letter to be my position that, as Trustee of the bankruptcy estate of Rudolph and Florence Weisenberger, case no. 3-98-5866, I do not have any authority or ability to accept notices from you on behalf of Rudolph Weisenberger.

I suggest that all notices, including your letters of March 25, 1999, be sent directly to Mr. Weisenberger, if you feel such notices are necessary or appropriate. I am not rendering any opinion as to whether any such notices from you are necessary or appropriate.

Thank you.

Yours very truly,

By



Brian F. Leonard
Trustee

BFL:amw

*C: all those on
my original 3/25/99
letters.*

*3/31/99 NOT IN
4/1/99 See back*

Ruddy Weisenberg
506 8TH AVE NW
FOREST LAKE MN
55025

BANKRUPTCY
ATTORNEY

JAMES LODOEN
612-371-3211

4200 105 cents
80 South 8TH ST
Min MN 55102