



November 28, 2018

Mr. Dennis Weisenberger  
714 W Knox St  
Wausau, WI 54401

Subject: Notice of Non-Compliance: Action Required by December 27, 2018  
Weisenberger Tie & Lumber, 1520 Weisenberger Rd, Marathon City, WI  
DNR BRRTS Activity # 02-37-000008, 02-37-216770, and 02-37-579282

Dear Mr. Weisenberger:

This letter is to notify you that you are out of compliance with Wisconsin Statutes (Wis. Stat.) chapter 292 and Wisconsin Administrative Code (Wis. Admin. Code) chapters NR 700 through NR 754. On October 17, 2018, the Wisconsin Department of Natural Resources ("Department") notified you of your responsibilities to investigate the degree and extent of contamination and clean up the above-referenced site. That letter was sent certified mail but was rejected/neglected upon attempted delivery. That letter is attached for your reference. In addition, the Department, as well as the Village of Marathon City, has made numerous attempts to contact you by phone.

Please be aware that the Department may initiate enforcement action against you for failure to comply with Wis. Stat. chapter 292. Your legal responsibilities are defined both in Wis. Stat. chapter 292 and Wis. Admin. Code chapters NR 700 through 754 and are also described in the October 17, 2018 letter. In particular, Wis. Stat. § 292.11(3), states:

**RESPONSIBILITY.** 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.

Our information indicates that you have not contacted the Village of Marathon City to complete an access agreement in order to continue the site investigation and cleanup of the Weisenberger Tie and Lumber property.

Wis. Admin. Code chapters NR 700 through NR 754 establish requirements for emergency and interim actions, public information, site investigations, design and operation of remedial action systems, and case closure. Chapter NR 708 includes provisions for immediate actions in response to limited contamination. Wis. Admin. Code chapter NR 140 establishes groundwater quality standards for contaminants that reach groundwater.

The Department is requesting that by December 27, 2018, you contact Mr. Andy Kurtz, Administrator of the village of Marathon City, to discuss and sign the access agreement to allow the village to proceed with their Wisconsin Assessment Monies (WAM) grant application.

Mr. Kurtz can be reached at the Marathon City Office, 233 Walnut St, Marathon City, WI, by phone at (715) 443-2221, by email at [akurtz@marathoncity.org](mailto:akurtz@marathoncity.org), or by mail at the address below:

Attn: Andy Kurtz, Administrator  
Village of Marathon City  
P.O. Box 487  
Marathon City, WI 54448

If you do not wish to cooperate with the Village, the Department expects you to continue progress at this site. To ensure that your cleanup complies with Wisconsin's laws and administrative codes, you should hire a professional environmental consultant who understands what needs to be done. Additional information can be found in the enclosed October 17, 2018 letter.

Please understand that you are in noncompliance and will remain in noncompliance until you fulfill all requirements of the statute. Failure to take the actions required by Wis. Stat. § 292.11 to address this contamination will cause the Department to review this case for enforcement actions. Additionally, please be advised that the Department is authorized under Wis. Stat. § 292.94 to assess non-reimbursable fees for any reports you are required to submit as part of additional enforcement actions.

If you have other questions concerning the cleanup process, please do not hesitate to write or call the DNR Project Manager, Matthew Vitale at (715) 839-3760 or [Matthew.Vitale@wisconsin.gov](mailto:Matthew.Vitale@wisconsin.gov). Thank you for your attention to this matter.

Sincerely,



Matthew Vitale  
Hydrogeologist  
Remediation & Redevelopment Program

Encl.

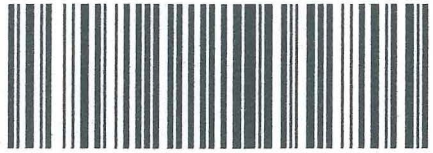
October 17, 2018 letter to Mr. Dennis Weisenberger; Reported Contamination at Weisenberger Tie & Lumber

CC: Andy Kurtz, Village of Marathon City

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State of Wisconsin  
DEPARTMENT OF NATURAL RESOURCES  
1300 W Clairemont Ave  
Eau Claire, WI 54701

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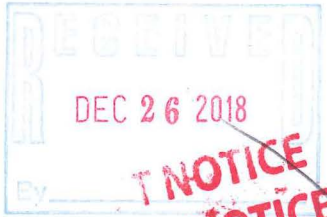
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*WNC*

Mr. Dennis Weisenberger  
714 W Knox St  
Wausau, WI 54401



**NOTICE**  
**NOTICE**

*11/30*

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Subject: Notice of Non-Compliance: Action Required

UNC

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RETURN TO SENDER  
UNCLAIMED  
UNABLE TO FORWARD  
BC: 54701612700 \*0425-01263-18-47

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT  
OF THE RETURN ADDRESS, FOLD AT DOTTED LINE

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

MR. DENNIS WEISENBERGER  
714 W KNOX ST  
WAUSAU, WI 54401



9590 9402 2709 6351 3101 53

2. Article Number (Transfer from service label)

7017 0530 0000 6059 4711

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X

Agent

Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1?  Yes  
If YES, enter delivery address below:  No

3. Service Type

- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery
- Priority Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
- Return Receipt for Merchandise
- Signature Confirmation™
- Signature Confirmation Restricted Delivery

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PS Form 3811, July 2015 PSN 7530-02-000-9053

Domestic Return Receipt