

## Vitale, Matthew J - DNR

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**From:** Vitale, Matthew J - DNR  
**Sent:** Thursday, July 25, 2019 1:54 PM  
**To:** 'jmiller@veritassteel.com'  
**Subject:** Continuing obligations audit of historical environmental case - PDM Bridge  
**Attachments:** PDM Bridge Documents.pdf

Jason,

Thank you for taking my call yesterday concerning the audit of the closed case at the Veritas Steel property at 2800 Melby Rd, Eau Claire, WI. The closed case is known as PDM Bridge, BRRTS # 03-09-000619. A series of tank removals revealed petroleum-related soil contamination around several buildings. Some of the impacted soil was excavated and removed, but some soil contamination was left in place around former tanks #4 and #5 south of the Bridge Plant Building in order to prevent damage to the building foundation (a structural impediment).

As part of case closure, a deed restriction was placed on the parcel that requires the property owner to investigate and manage the residual contamination if the structural impediment is ever removed. I've attached a copy of the final closure letter from the DNR and the deed restriction with map. Additional information and these documents can also be found on the DNR's online database of closed sites, BRRTS on the Web:

<https://dnr.wi.gov/botw/GetActivityDetail.do?adn=0309000619>

There is no actions needed by Veritas Steel at this time. This audit serves as a reminder to the property owner of the deed restriction and its requirements. If you sell this parcel, the requirements will stay with the property and become the responsibility of the next owner. If you have any questions, my contact information is below.

Best,

Matt Vitale

**We are committed to service excellence.**

Visit our survey at <http://dnr.wi.gov/customersurvey> to evaluate how I did.

### Matthew Vitale

Hydrogeologist

Remediation and Redevelopment Program

Wisconsin Department of Natural Resources

Eau Claire Regional Office

1300 W. Clairemont Ave.

Eau Claire, WI 54701

Phone: (715) 839-3760

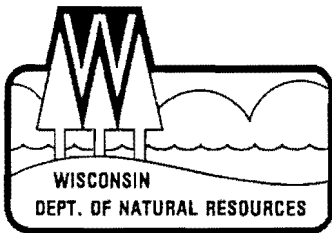
Fax: (715) 839-6076

[Matthew.Vitale@wisconsin.gov](mailto:Matthew.Vitale@wisconsin.gov)



[dnr.wi.gov](http://dnr.wi.gov)





George E. Meyer  
Secretary

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

2004 Highland Avenue  
Eau Claire, WI 54701-4346  
TELEPHONE 715-839-3777  
TELEFAX 715-839-1605

September 3, 1993

File Ref: 4440  
Chippewa County

Mr. Phil Hoilien  
Phoenix Steel, Inc.  
2800 Melby Rd.  
Eau Claire, WI 54703

SUBJECT: Site Closure for Phoenix Steel, Inc. Located at 2800 Melby  
Rd., Eau Claire, WI

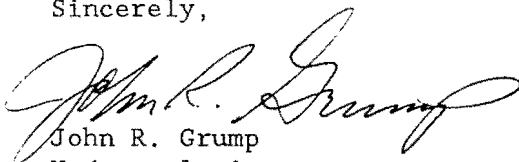
Dear Mr. Hoilien:

I have received a recorded copy of the appropriate Deed Restriction for the above-captioned site. Based on that receipt, we are now closing the site.

Closure is intended to mean that currently available information indicates that this site does not pose a threat to the environment. Be aware that if future data indicates that current or pre-existing activities on this site have created a threat to the environment, this Department reserves the right to request additional information and remediation.

If you have any questions concerning this letter, please contact me at (715) 839-3775.

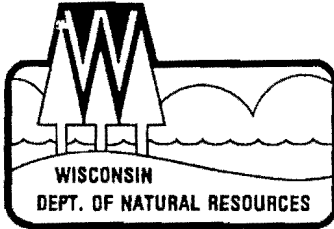
Sincerely,

  
John R. Grump  
Hydrogeologist

JRG/ah

c: Bill Evans  
Christopher Goodwin, Ayres

*file*



George E. Meyer  
Secretary

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

2004 Highland Avenue  
Eau Claire, WI 54701-4346  
TELEPHONE 715-839-3777  
TELEFAX 715-839-1605

July 6, 1993

File Ref: 4440  
Chippewa County

Mr. Phil Hoilien  
Phoenix Steel, Inc.  
2800 Melby Road  
Eau Claire, WI 54703

SUBJECT: Site Closure for the Three Areas of Underground Storage Tank  
Contamination Located at 2800 Melby Road, Eau Claire, WI

Dear Mr. Hoilien:

I have submitted a site closure request to our District Close-Out Committee for the above-captioned site. Based on the data submitted by Christopher Goodwin of Ayres Associates, the committee recommended that this site undergo closure. This closure is granted pending the submittal of a registered deed restriction for the contaminated soil that remains in the area of Tanks 4 and 5. This area is adjacent to your Bridge Plant Building. Due to concerns for the building's integrity, contaminated soil beneath this building could not be removed.

The aforementioned deed restriction allows you to receive closure but stipulates that in the event that this building is ever razed, the contamination that remains under the building must be remediated. I am enclosing a model "Deed Restriction" prepared by our Legal Council. Please have your attorney draft a deed restriction that is specific to the Bridge Plant Building.

Upon completion of the draft, a copy must be sent to this office for review. Subsequent to my review a copy of the final restriction must be registered with the Chippewa County Register of Deeds. Proof of registration must be forwarded for my records.

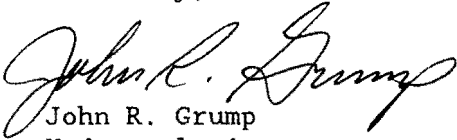
Closure is intended to mean that currently available information indicates that this site does not pose a threat to the environment. Be aware that if future data indicates that current or pre-existing activities on this site have created a threat to the environment, this Department reserves the right to request additional information and remediation.

Mr. Phil Hoilien - July 6, 1993

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If you have any questions concerning this letter, please contact me at  
(715) 839-3775.

Sincerely,

A handwritten signature in cursive script that reads "John R. Grump". The signature is written in dark ink and is positioned above the printed name and title.

John R. Grump  
Hydrogeologist

JRG/ah

Enclosure

c: Bill Evans  
Christopher Goodwin, Ayres

DECLARATION OF RESTRICTION

IN RE: A part of the NE¼ of the SE¼ of Section 33, T28N, R9W, in the City of Eau Claire, Chippewa County, Wisconsin described as follows: Commencing at the Northeast corner of said NE¼-SE¼ of said Section 33, thence N 89°53' W along the North line of said NE¼-SE¼ 20.00'; thence S. 0°15' W along the West R/W of White Avenue 787.40' to the Northeast corner of the land to be described and the point of beginning; thence continue S 0°-15' W along the West R/W of White Avenue 337.60'; thence N. 89°-53' W 800.87'; thence N. 0°-05'-30" E 336.67'; thence S. 89°57' E 801.80' to the West R/W of White Avenue and the point of beginning.

STATE OF WISCONSIN)  
  )ss.  
COUNTY OF CHIPPEWA)

WHEREAS, Phoenix Steel, Inc. is the owner of record of the above-described property; and

WHEREAS, it is the desire and intent of the property owner to impose on it restrictions which will make it unnecessary to conduct further soil remediation activities on the property at the present time.

NOW, THEREFORE, the owner hereby declares that all of the property described above is held and shall be held, conveyed or encumbered, leased, rented, used, occupied and improved subject to the following limitations and restrictions:

One or more petroleum discharges have occurred at this property. Structural impediments existing at the time of clean-up made complete remediation of the discharges impracticable. Petroleum contaminated soil may remain at this property along the south wall of the building, currently identified as the "Bridge Plant", located on the above-described property. Pursuant to the requirements of s. 144.76, Wis. Stats., any future subsurface work in this location which removes the structural impediments which currently exist shall provide for investigation of the degree and extent of petroleum contamination. To the extent contamination is found at that time, the Wisconsin Department of Natural Resources shall be immediately notified and the contamination shall be properly treated or disposed of in accordance with applicable laws.

This restriction is hereby declared to be a covenant running with the land and shall be fully binding upon all persons acquiring the above-described property whether by descent, devise, purchase or otherwise. This restriction inures to the benefit of and is enforceable by the Wisconsin Department of Natural Resources, its successor or assign. The Department, its successor or assign, may initiate proceedings at law or in equity against any person or persons violating or proposing to violate this covenant to prevent the proposed violation or to recover damages for such violation.

Executed this 17 day of August, 1993.

PHOENIX STEEL, INC.

By: Milton A. Lunda  
President

Attested: R. L. Ridley  
Secretary

AUTHENTICATION

Signatures of Milton A. Lunda, President,  
Robert L. Ridley, Secretary, of Phoenix  
Steel, Inc., a Wisconsin corporation,  
authenticated this 17th day of  
August, 1993.

[Signature]  
Jack A. Postlewaite  
Member of the State Bar of Wisconsin

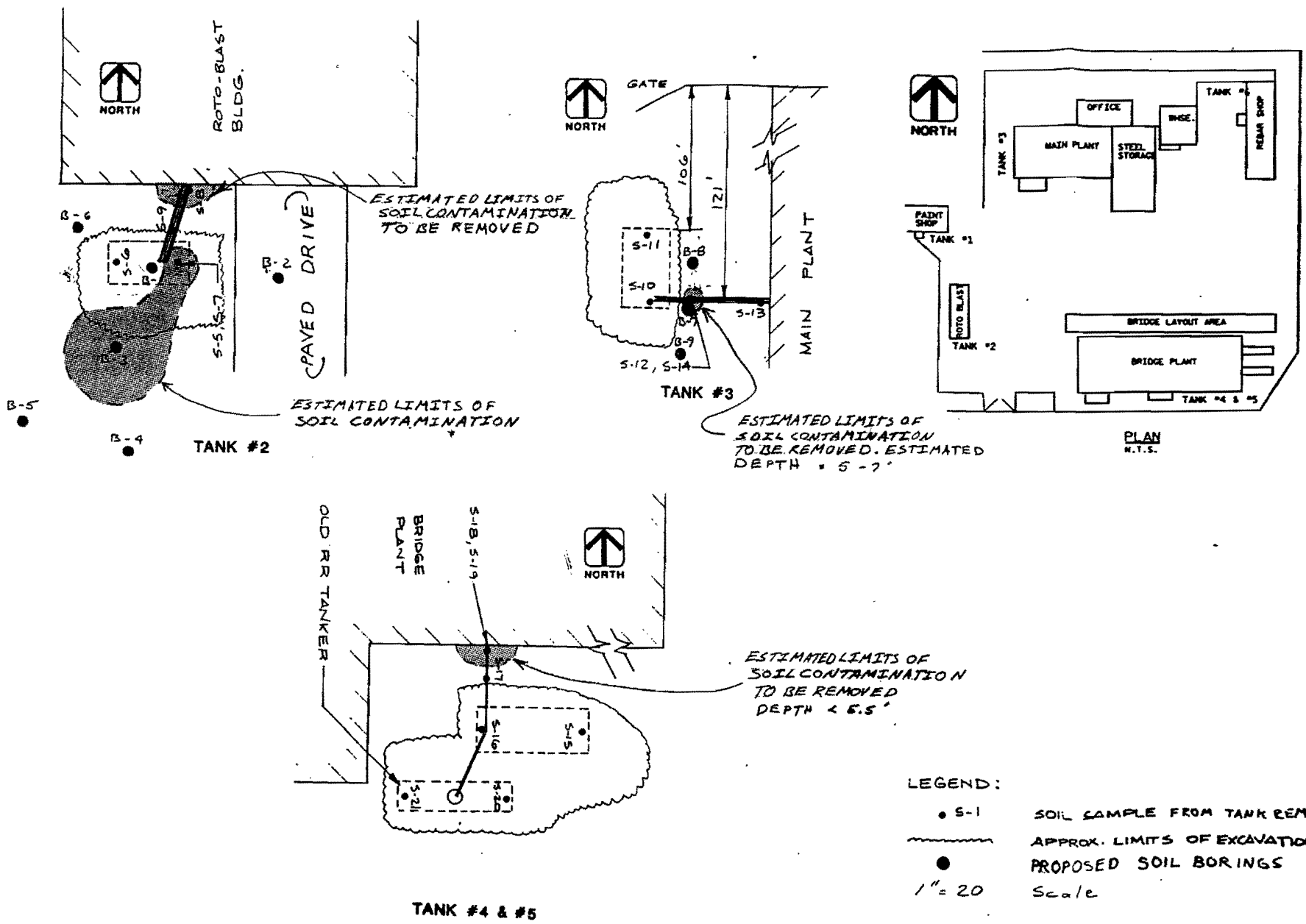
This document was drafted by Jack A. Postlewaite.

Registers Office }  
Chippewa County, WI } 93  
Received for Record  
the 19 day of Aug  
A.D. 19 93 at 9:30 o'clock a m.  
and recorded in vol. 754  
of Records Page 621-622  
Christine M. Koppert  
Register

Carrick, Parsons, Postlewaite

P.O. Box 1207

Case Claire, Wis 12<sup>th</sup> ed



SITE PLAN

DRG. BY: MLE  
 DATE: JULY 1992  
**ARES ASSOCIATES**

REMEDIAL INVESTIGATION  
 PHOENIX STEEL, INC.  
 EAU CLAIRE, WISCONSIN

FIGURE  
 2

**LEGEND:**  
 ● S-1 SOIL SAMPLE FROM TANK REMOVAL  
 ~~~~~ APPROX. LIMITS OF EXCAVATION  
 ● PROPOSED SOIL BORINGS  
 1" = 20 Scale

PLAN N.T.S.