

State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
Waukesha Service Center
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Waukesha WI 53188

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June 26, 2014

Mr. Ken Brown
Illinois Tool Works, Inc.
3600 West Lake Avenue
Glenview, IL 60025-5811

Subject: Reported Contamination at Former West Bend Company Facility
400 Washington St., West Bend, WI
Reopening of Closed Case
FID# 267004650, BRRTS# 02-67-257332

Dear Mr. Brown:

On September 4, 2013, the Department of Natural Resources ("DNR") issued a case closure letter for the Former West Bend Company Facility. The case was closed with the continuing obligation that the sub-slab soil vapors beneath Buildings B and E must be mitigated before the buildings are occupied. On February 25, 2014, the DNR received a preliminary plan for the vapor mitigation system to be installed in Buildings B and E. DNR has determined that the case warrants reopening, under s. NR 727.13 (1), Wis. Adm. Code, due of the threat to human health from chlorinated solvent vapors in the soil beneath Buildings B and E and the planned redevelopment of these buildings.

As the representative of the entity that caused the discharge of this hazardous substance contamination, you are responsible for restoring the environment at the above-described site under s. 292.11, Wis. Stats., known as the hazardous substances spills law.

This letter describes the legal responsibilities of a person who is responsible under s. 292.11, Wis. Stats. and explains what you need to do.

Legal Responsibilities:

Your legal responsibilities are defined both in statute and in administrative codes. The hazardous substances spill law, s. 292.11 (3) Wis. Stats., 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.

Wisconsin Administrative 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. Chapter NR 140, Wis. Adm. Code establishes groundwater standards for contaminants that reach groundwater.

Steps to Take:

The longer contamination is left in the environment, the farther it can spread and the more it may cost to clean up. Quick action may lessen damage to your property and neighboring properties and reduce your costs in investigating and cleaning up the contamination. 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. The following information provides the required steps to take.

1. Your consultant has submitted a preliminary plan for the vapor mitigation systems in Buildings B and E at the site. The DNR provided comments to your consultant on the preliminary plan for the vapor mitigation systems in Buildings B and E. Submit a final plan for the vapor mitigation systems in Buildings B and E. The DNR's September 4, 2013 final case closure letter required that the mitigation plan must be submitted to the DNR for written approval prior to implementing the plan.
2. After the final vapor mitigation plan is implemented and the vapor mitigation system is operational, Buildings B and E may be occupied. Communication testing is also needed to make sure the VMS is effective. Thirty days prior to requesting case closure the property owner must be provided with the vapor mitigation system maintenance plan and notified that the vapor mitigation system must be continually operated over time. When case closure is requested for the site, submit notification to the property owner with receipt, the maintenance plan for the vapor mitigation systems in Buildings B and E (including a map and diagram of the vapor mitigation system and photographs of the system parts needing inspections and maintenance), and the closure review and GIS fees. When the final case closure letter is reissued, the site specific condition requiring installation of a vapor mitigation system in Buildings B and E and requiring DNR written approval of the vapor mitigation plan will be removed. The new closure letter will include a new condition stating that the vapor mitigation system must be continually operated and maintained, and inspections must be documented.

Sites where discharges to the environment have been reported are entered into the Bureau for Remediation and Redevelopment Tracking System ("BRRTS"), a version of which appears on the DNR's internet site (BRRTS on the Web). You may view the information related to your site at any time (<http://dnr.wi.gov/topic/Brownfields/clean.html>) and use the feedback system to alert us to any errors in the data.

If you want a formal response from the agency on a specific submittal, please be aware that a review fee is required in accordance with ch. NR 749, Wis. Adm. Code. If a fee is not submitted with your reports, you must complete the necessary work to maintain your compliance with the spills law and chapters NR 700 through NR754. We have provided detailed technical guidance to environmental consultants. Your consultant is expected to know our technical procedures and administrative rules and should be able to answer your questions on meeting cleanup requirements.

All correspondence regarding this site should be sent to:

Administrative Associate
Remediation and Redevelopment Program
Wisconsin Department of Natural Resources
2300 Dr. Martin Luther King Jr. Drive
Milwaukee, WI 53212

Unless otherwise directed, submit one paper copy and one electronic copy of plans and reports. To speed processing, correspondence should reference the BRRTS and FID numbers (if assigned) shown at the top of this letter.

The DNR appreciates your efforts to restore the environment at this site. If you have any questions the case or anything outlined in this letter, please contact me at the letterhead address, by phone at (262) 574-2166, or by e-mail at david.volkert@wisconsin.gov.

Thank you for your cooperation.

Sincerely,



David G, Volkert, P.G.
Hydrogeologist
Remediation & Redevelopment Program

cc: Dan Barkes, Riverbend Development, LLC
Anton Doneff, Rivershores Regency, LLC
Mike Noel, Tetra Tech GEO
WDNR SER File