

State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
473 Griffith Ave.
Wisconsin Rapids WI 54494

Scott Walker, Governor
Daniel L. Meyer, Secretary
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May 10, 2018

CERTIFIED MAIL - #7015 3430 0000 6733 9043

Mr. Shane Rader
Rib River Developers
3301 Sherman Street
Wausau, WI 54401

Subject: Notice of Non-Compliance: Action Required by June 11, 2018
Trantow Property Former, 3407 Sherman Street, Wausau
WDNR BRRTS # 02-37-275016

Dear Mr. Rader:

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 November 19, 2004, 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 is attached for your reference.

REI Engineering, Inc. completed a Phase II Environmental Site Assessment report dated August 2013. Within their Conclusion and Recommendation Section, they recommend additional surveying of the actual extent of the carbon rods and continued groundwater sampling. On August 8, 2013 you were copied on an email to REI stating the Department agreed with the recommendations provided. The Department followed up on April 8, 2014 with a letter to you stating their concurrence with REI's recommendations. To date the Department has not received any additional information pertaining to the extent of the carbon rods or groundwater sampling.

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 November 19, 2004 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 completed the site investigation per NR 716.

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 June 11, 2018, you provide documentation that a consultant has been hired and the Conclusions and Recommendations provided within the REI Phase II Environmental Site Assessment report are going to be completed.

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 are experiencing problems selecting an environmental consultant or if you have other questions concerning the cleanup process, please do not hesitate to write or call me at 715-421-7862. Thank you for your attention to this matter.

Sincerely,



Dee Lance
Hydrogeologist
Remediation & Redevelopment

Encl.

RP letter dated November 19, 2004

CC: Dave Rozeboom (WDNR – via email)
Deb Dix (WDNR – via email)
Dave Larsen, REI – via email



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor
Scott Hassett, Secretary
Scott A. Humrickhouse, Regional Director

Wausau Office
5301 Rib Mountain Drive
Wausau, Wisconsin 54401
Telephone 715-359-4522
FAX 715-355-5253

November 19, 2004

Shane M. Rader
Rib River Developers, LLC
3301 Sherman St.
Wausau, WI 54401

Subject: Reported Contamination at Trantow Property, 3407 Sherman St., Wausau, WI
WDNR BRRTS # 02-37-275016

Dear Mr. Rader:

It is our understanding that you as Rib River Developers purchased the property at 3407 Sherman Street in April 2004. In December 2000 we were made aware of possible soil contamination on the property at 3407 Sherman Street. On June 20, 2001 Mr. Dean Trantow confirmed that a soil sample was collected from the property and analyzed for metals. Several metals were detected in the sample (See attached). Based on the information provided responsible party letter was sent to Ms. Irene Trantow notifying her of her responsibilities for investigating the contamination.

Based on the information that we obtained from the Marathon County Register of Deeds you are now the owner of the property. As the property owner, we believe you are responsible for investigating and restoring the environment at the above-described site under Section 292.11, Wisconsin Statutes, known as the hazardous substances spills law.

This letter describes the legal responsibilities of a person who is responsible under section 292.11, explains what you need to do to investigate and clean up the contamination, and provides you with information about cleanups, environmental consultants, possible financial assistance, and working cooperatively with the WDNR and Department of Commerce ("Commerce").

Legal Responsibilities:

Your legal responsibilities are defined both in statute and in administrative codes. The hazardous substances spill law, Section 292.11 (3) Wisconsin Statutes, 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 749 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. Wisconsin Administrative Code chapter NR 140 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. These are the first three steps to take:

1. Within the next **30 days**, by December 15, 2004, you should submit written verification (such as a letter from the consultant) that you have hired an environmental consultant. If you do not take action within this time frame, the WDNR may initiate enforcement action against you.
2. Within the next **60 days**, by January 14, 2005, your consultant should submit a work plan and schedule for the investigation. The consultant must comply with the requirements in the NR 700 rule series and should refer to WDNR technical guidance documents. To facilitate prompt agency review of your reports, your consultant should use the site investigation and closure formats which are available on-line at www.dnr.state.wi.us.

Once an investigation has established the degree and extent of contamination at your site, your consultant will be able to determine whether Commerce or the WDNR has authority over the case.

3. Within 30 days of completion of the site investigation, you or your consultant must provide a brief report at least every 90 days as required by s. NR 724.13 (3), Wis. Adm. Code. Quarterly reports need only include one or two pages of text, plus any relevant maps and tables. Should conditions at your site warrant, we may require more frequent contacts.
4. 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 WDNR's internet site. You may view the information related to your site at any time (<http://www.dnr.state.wi.us/org/aw/rr/brrts>) 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 should proceed under the advice of your consultant to complete the site investigation to maintain your compliance with the spills law and chapters NR 700 through NR 749. **Do not delay the investigation of your site by waiting for an agency response.** 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:

Lisa Gutknecht
Remediation and Redevelopment Program
Wisconsin Department of Natural Resources
5301 Rib Mountain Drive
Wausau, Wisconsin 54401

Unless otherwise requested, please send only one 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.

Additional Information for Site Owners:

Information to help you select a consultant, and materials on controlling costs, understanding the cleanup process, and choosing a site cleanup method are enclosed. In addition, *Fact Sheet 2, Voluntary Party Remediation and Exemption from Liability* provides information on obtaining the protection of limited liability under s. 292.15, Wis. Stats.

Please call me at (715) 359-6514 for more information on eligibility for financial assistance or visit the RR web site . <http://www.dnr.state.wi.us/org/aw/rr>. You may also contact me for all other questions regarding this letter.

Thank you for your cooperation.

Sincerely,



Lisa Gutknecht
Hydrogeologist
Bureau for Remediation & Redevelopment

- Enclosures: 1. Soil sample results
2. Selecting a consultant
3. Fact Sheet 2, VPLE

cc: Bill Evans – DNR, Eau Claire