

Technical Assistance, Environmental Liability Clarification or Post-Closure Modification Request

Form 4400-237 (R 12/18)

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Section 2. Property Information

Property Name Hayton Area Remediation Project - OU3, Reaches K&L		FID No. (if known) WID006116529	
BRRTS No. (if known) 02-08-281506		Parcel Identification Number NA	
Street Address		City New Holstein	State WI
		ZIP Code 53061	
County Calumet	Municipality where the Property is located <input checked="" type="radio"/> City <input type="radio"/> Town <input type="radio"/> Village of New Holstein	Property is composed of: <input type="radio"/> Single tax parcel <input type="radio"/> Multiple tax parcels	Property Size Acres

1. Is a response needed by a specific date? (e.g., Property closing date) Note: Most requests are completed within 60 days. Please plan accordingly.

No Yes

Date requested by: _____

Reason:

2. Is the "Requester" enrolled as a Voluntary Party in the Voluntary Party Liability Exemption (VPLE) program?

No. **Include the fee that is required for your request in Section 3, 4 or 5.**

Yes. **Do not include a separate fee.** This request will be billed separately through the VPLE Program.

Fill out the information in Section 3, 4 or 5 which corresponds with the type of request:

Section 3. Technical Assistance or Post-Closure Modifications;

Section 4. Liability Clarification; or Section 5. Specialized Agreement.

Section 3. Request for Technical Assistance or Post-Closure Modification

Select the type of technical assistance requested: [Numbers in brackets are for WI DNR Use]

- No Further Action Letter (NFA) (Immediate Actions) - NR 708.09, [183] - **Include a fee of \$350.** Use for a written response to an immediate action after a discharge of a hazardous substance occurs. Generally, these are for a one-time spill event.
- Review of Site Investigation Work Plan - NR 716.09, [135] - **Include a fee of \$700.**
- Review of Site Investigation Report - NR 716.15, [137] - **Include a fee of \$1050.**
- Approval of a Site-Specific Soil Cleanup Standard - NR 720.10 or 12, [67] - **Include a fee of \$1050.**
- Review of a Remedial Action Options Report - NR 722.13, [143] - **Include a fee of \$1050.**
- Review of a Remedial Action Design Report - NR 724.09, [148] - **Include a fee of \$1050.**
- Review of a Remedial Action Documentation Report - NR 724.15, [152] - **Include a fee of \$350**
- Review of a Long-term Monitoring Plan - NR 724.17, [25] - **Include a fee of \$425.**
- Review of an Operation and Maintenance Plan - NR 724.13, [192] - **Include a fee of \$425.**

Other Technical Assistance - s. 292.55, Wis. Stats. [97] (For request to build on an abandoned landfill use Form 4400-226)

- Schedule a Technical Assistance Meeting - **Include a fee of \$700.**
- Hazardous Waste Determination - **Include a fee of \$700.**
- Other Technical Assistance - **Include a fee of \$700.** Explain your request in an attachment.

Post-Closure Modifications - NR 727, [181]

- Post-Closure Modifications: Modification to Property boundaries and/or continuing obligations of a closed site or Property; sites may be on the GIS Registry. This also includes removal of a site or Property from the GIS Registry. **Include a fee of \$1050, and:**
 - Include a fee of \$300 for sites with residual soil contamination; and
 - Include a fee of \$350 for sites with residual groundwater contamination, monitoring wells or for vapor intrusion continuing obligations.

Attach a description of the changes you are proposing, and documentation as to why the changes are needed (if the change to a Property, site or continuing obligation will result in revised maps, maintenance plans or photographs, those documents may be submitted later in the approval process, on a case-by-case basis).

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Skip Sections 4 and 5 if the technical assistance you are requesting is listed above and complete Sections 6 and 7 of this form.

Section 5. Request for a Specialized Agreement

Select the type of agreement needed. Include the appropriate draft agreements and supporting materials. Complete Sections 6 and 7 of this form. More information and model draft agreements are available at: dnr.wi.gov/topic/Brownfields/lgu.html#tabx4.

- Tax cancellation agreement - s. 75.105(2)(d), Wis. Stats. [654]
 - ❖ **Include a fee of \$700, and the information listed below:**
 - (1) Phase I and II Environmental Site Assessment Reports,
 - (2) a copy of the Property deed with the correct legal description.
- Agreement for assignment of tax foreclosure judgement - s.75.106, Wis. Stats. [666]
 - ❖ **Include a fee of \$700, and the information listed below:**
 - (1) Phase I and II Environmental Site Assessment Reports,
 - (2) a copy of the Property deed with the correct legal description.
- Negotiated agreement - Enforceable contract for non-emergency remediation - s. 292.11(7)(d) and (e), Wis. Stats. [630]
 - ❖ **Include a fee of \$1400, and the information listed below:**
 - (1) a draft schedule for remediation; and,
 - (2) the name, mailing address, phone and email for each party to the agreement.

Section 6. Other Information Submitted

Identify all materials that are included with this request.

Send both a paper copy of the signed form and all reports and supporting materials, and an electronic copy of the form and all reports, including Environmental Site Assessment Reports, and supporting materials on a compact disk.

Include one copy of any document from any state agency files that you want the Department to review as part of this request. The person submitting this request is responsible for contacting other state agencies to obtain appropriate reports or information.

- Phase I Environmental Site Assessment Report - Date: _____
- Phase II Environmental Site Assessment Report - Date: _____
- Legal Description of Property (required for all liability requests and specialized agreements)
- Map of the Property (required for all liability requests and specialized agreements)
 - Analytical results of the following sampled media: Select all that apply and include date of collection.
 - Groundwater Soil Sediment Other medium - Describe: _____
 - Date of Collection: _____
- A copy of the closure letter and submittal materials
- Draft tax cancellation agreement
- Draft agreement for assignment of tax foreclosure judgment
- Other report(s) or information - Describe: Submitted 6/12/15-OU3 Reaches K&L Closure Documentation Report

For Property with newly identified discharges of hazardous substances only: Has a notification of a discharge of a hazardous substance been sent to the DNR as required by s. NR 706.05(1)(b), Wis. Adm. Code?

- Yes - Date (if known): _____
- No

Note: The Notification for Hazardous Substance Discharge (non-emergency) form is available at:

dnr.wi.gov/files/PDF/forms/4400/4400-225.pdf.

Section 7. Certification by the Person who completed this form

- I am the person submitting this request (requester)
- I prepared this request for: Tecumseh Products Company
Requester Name

I certify that I am familiar with the information submitted on this request, and that the information on and included with this request is true, accurate and complete to the best of my knowledge. I also certify I have the legal authority and the applicant's permission to make this request.



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December 19, 2018

Mr. Bill Fitzpatrick
Water Resources Engineer
State of Wisconsin
Department of Natural Resources
101 S. Webster Street
Madison, WI 53703

**Subject: Hayton Area Remediation Project (HARP)
OU3/Lower Closure Documentation Sampling Results Report- Two
Additional Sampling Events
OU4/Upper Closure Documentation Sampling Results Report**

Dear Bill:

Enclosed please find the *OU3/Lower Closure Documentation Sampling Results Report – Two Additional Sampling Events* and the *OU4/ Upper Closure Documentation Sampling Results Report*. These reports present the results of the Spring 2018 and November 2018 sediment samples collected in OU3/Lower Reaches M through P and the November 2018 sediment samples collected in OU4/Upper.

The sampling results indicate the remediation actions were successful in OU3 and OU4/Upper. Starting in November 2017, three rounds of closure documentation samples have been collected in OU3/Lower Reaches M through P. Results reveal a decreasing trend observed over the sampling events and a calculated surface-area weighted average concentration (SWAC) all within "Tier 2" of the Three Tier Closure Process. The results indicate a continuous decline measuring 34% in SWAC in one year, over the 3-round sampling period.

The results in OU4/Upper have a calculated surface-area weighted average concentration (SWAC) of 0.88 mg/kg, which is below 1 mg/kg within the "Tier 1" of the Three Tier Closure Process.

Pursuant to Sec. III (I) of the Negotiated Agreement (Agreement), Tecumseh successfully completed the post-removal closure sampling of OU3/Lower (Reaches M-P) and OU4/Upper. Consistent with The Three Tier Closure Process of Exhibit D of the Agreement, these sampling results indicate no further action letters issued by the Department pursuant to Sec. (IV)(B) of the Agreement are now required.

Mr. Bill Fitzpatrick
State of Wisconsin
December 19, 2018
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In addition, pursuant to Sec. (IV)(B) of the Agreement, a no further action letter for OU3, Reaches K-L was to have been issued by the Department by no later than December 13, 2018. Please issue that letter forthwith.

If you have any questions, please contact me at (312) 800-5910.

Sincerely,



A handwritten signature in black ink, appearing to read "CH", with a long horizontal flourish extending to the right.

Chris Harvey, PE

Enclosure: OU3/Lower Closure Documentation Sampling Results Report- Two
Additional Sampling Events
OU4/Upper Closure Documentation Sampling Results Report

cc: Darsi Foss/WDNR - Madison
S. Jason Smith/Tecumseh Products Co.-Paris,TN (electronic copy)
Curtis Toll/Greenberg Traurig LLP- Philadelphia (electronic copy)
Jean Greensley/USEPA - Chicago
Marc Faecher/TRC- New Providence, NJ (electronic copy)
Ronald Bock/TRC -Irvine (electronic copy)
Stacy McAnulty/TRC- Madison (electronic copy)
David Crass/Michael Best & Friedrich LLP - Madison