

**From:** Keller, Ethan J - DNR  
**Sent:** Tuesday, April 16, 2024 10:09 AM  
**To:** freitagauto@yahoo.com  
**Cc:** lynn@clse.pro  
**Subject:** RE: reply response for the April 15 extension deadline

Good Morning Nola,

Thank you for your response to the Property Access Letter (dated February 27th 2024). Email will suffice, a paper letter is not necessary at this time.

With your intent to allow access to your property, please work with Lynn Bradley of Carow Land Surveying & Environmental to negotiate and finalize the specifics of the access agreement on issues such as the work schedule, the restoration of the disturbed portions of the property, etc.

The DNR appreciates your cooperation in this matter. I look forward to working with you on this project.

Best Regards,

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**Ethan Keller**

Hydrogeologist - Remediation and Redevelopment Bureau  
Wisconsin Department of Natural Resources  
Oshkosh Service Center  
625 E CTY Y, Suite 700 Oshkosh, WI, 54901

Cell Phone: (920) 718-0063  
[ethan.keller@Wisconsin.gov](mailto:ethan.keller@Wisconsin.gov)



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-----Original Message-----

From: Freitag <[freitagauto@yahoo.com](mailto:freitagauto@yahoo.com)>  
Sent: Friday, April 12, 2024 1:32 PM  
To: Keller, Ethan J - DNR <[ethan.keller@wisconsin.gov](mailto:ethan.keller@wisconsin.gov)>  
Cc: [lynn@clse.pro](mailto:lynn@clse.pro)  
Subject: re: reply response for the April 15 extension deadline

CAUTION: This email originated from outside the organization.

Do not click links or open attachments unless you recognize the sender and know the content is safe.

I have attached a word document for the reply response deadline stated in the letter that was sent to me allowing access for your testing. Please let me know if you need this letter mailed to you as well, or if this email will serve as fulfilling the response requested.

Thank you,

Nola Freitag  
H.A. Freitag & Son, Inc.  
Montello, WI 53949

# **H.A. FREITAG & SON, INC.**

*Automotive Sales, Service and Towing Since 1905*

41 Main Street – P.O. Box 744

Montello, Wisconsin 53949

Phone (608) 297-2151

April 12, 2024

State of Wisconsin  
Department of Natural Resources  
2984 Shawano Avenue  
Green Bay, WI 54313-6727

Attention: Ethan Keller

I am writing in response to your letter received on March 1<sup>st</sup>, 2024 with a reply date extended to April 15th.

We had initially denied the request to install wells with Lynn Bradley when we were first asked in the fall of 2020 because the proposed map of wells to be installed showed 4 wells to be installed on my property, 1 well on the property that caused the spill, 1 well on the west side of Hwy 22 on another neighbor's property and 1 well on the North side on another neighbor's property. At that time, I had explained to Ms. Bradley that I was not happy with having holes drilled and plastic PVC shafts put through our black top lots and causing permanent damage to the blacktop. Even when the well gets removed, all that was done to repair damage was pouring in loose blacktop to fill the hole and leaving the PVC shaft in the ground. I have 2 perfect examples from the previous wells that were installed on our property of this permanent damage. The 2 previous wells had loose blacktop installed over the hole, and the PVC shaft was left in the ground. Over the years the loose blacktop just breaks apart from the weeds that find their way through the hole that was made and then when the ground freezes and thaws, it pushes the PVC shaft up through the original hole. It then causes the rest of the blacktop to heave up around it and the PVC shaft punctures tires that drive over it. Since our business is in automotive sales, our lot is used to display our cars and we do not care to have a well that causes future damage to our vehicles.

To my memory, roughly a year later, Ms. Bradley had then asked us to install 1 well only on the East side of the building that caused the spill, which would be in our grass area. This is the 1 area that would be acceptable due to it would not cause a hole in our blacktop. At the time, I had asked her if the other neighbors had given their approval to install wells – meaning the ones proposed at 20 Main Street, the South side neighbor of us and the neighbor across the street (the old beauty shop), but evidently to my knowledge they all had declined the wells to be installed in their properties. We had felt that if everyone else has the right to decline, then why should we be the only one to accept a well on our property, so we as well declined at that time.

To my current knowledge there are 2 wells installed on State Hwy 22 west and south west of the building that caused the spill, 1 well at the corner of 22 & 23 city property parking lot and 1 inside the building that caused the spill. To my understanding, the owner at 20 Main Street has now approved installing wells on his property, but also note, that these wells are on a gravel parking lot and in a grassy area that would be easily repairable verses a black top lot. I talked with Ms. Bradley on March 4<sup>th</sup> to gain this information and also talked about the possibility of placing the wells in different locations per what was proposed back in 2020 to us. I had not received any current proposals as to where the wells would need to be placed currently and wanted to receive an updated proposal of well placement since all I have to go on is what was proposed 4 years ago. She did say that we would not need to put a well on our South lot due to there is a well in front of our business on State Hwy 22. She did say that she never received a reply from the neighbor to the south of our East side lot to allow placement of that one well that was proposed, so she just assumed he was denying access, but said she

would check into that option again. She also said that she was going to re-inspect the area to the East of the building that caused the spill for other possible placements of the well. She also stated that she was going to look into the possibility to just do a bore hole verses a well shaft in the lot that would be just slightly south of the building that caused the spill.

When I look at the original extent of contamination report that was created to give us final closure in 2002, it shows that the dry cleaning material or Chlorinated compound was only found in 1 out of the 4 well placements that were proposed in 2020 to us. Based on the report that shows the ground water flow there should be no reason for 3 out of the 4 proposed wells on the original proposal in 2020. If the state was going to proceed with remedy of this contamination, the original well that was in the area of the contamination should have never been removed, because since then, we had re-blacktopped our lot with the assumption that we were done with the damage of our lot. If the state was going to proceed with remedy of this contamination, back in roughly 2016, the state had completely torn up the highway and sidewalks to the dirt layer. We had talked with the foreman in charge of the project at the time and asked them to just take a few scoops deeper into the ground to get rid of the contaminate that was there and just fill it in with fresh clean soil so the contaminate could not spread any further. The foreman's response was "it stays" and would not even look further into the concern.

We feel that we have been singled out to be forced into allowing monitoring wells on our property. We were open to installing a well as long as the fairness was spread out equally among the other neighbors, as to not show favoritism directing the project towards 1 neighbor like in this case, us, since the majority of the wells (4) was proposed on our property. To my understanding, I am the only one that declined the wells that received a letter that would recommend transfer of responsibility to me for potentially migrated contamination. There were other neighbors that have declined wells, so they should have received a similar letter and in turn be forced to prove immunity by placing a well on their property to verify the contamination did not spread to their property.

On March 12<sup>th</sup>, I received a current map showing the proposed placement of wells and bore holes on my property. This map now shows 2 additional boring holes through my blacktop lot to define the extent of the contamination. Per my conversation with Ms. Bradley, if contamination is found in these 2 areas, more holes may be needed to define the extent of the contamination, which leaves an open invitation for further damage to my blacktop. While, I fully understand the need to define the area of the contamination, the land owner affected should be brought back to whole after an investigation is done to this extent and not left with a blacktop lot peppered with holes that were quick filled with loose blacktop.

As of today's date, we do not have a confirmation if the southern neighbor will allow a well, we do not have a confirmation if the 1 well directly south of the building that caused the contamination can be a boring hole instead of a well, we do not have a time line that the well would be in place, we do not have a full confirmation of exactly how many holes will be made on our lot and we do not have a confirmation on what the remedy will be once the area is defined. We do not want to take responsibility for someone else's contamination, so **yes**, we will allow the 3 soil boring holes and 1 well on our property in the grass area to the east of the building that caused the contamination as shown on the March 12<sup>th</sup> map for you to be able to remedy the contamination. We will allow you access to the property, but since we have vehicles lined up across the driveways of our property, you would need to contact us ahead of time so that I can move vehicles each time you need access. We would appreciate you moving the 1 well on the very south line of our property 2 to 3 foot south to the neighboring property that was proposed before to eliminate damage of our blacktop lot to a grassy area that is easily repairable, or if that neighbor does not allow you access, it would be appreciated if you move the hole to the very edge of our blacktop right at the property line rather than in the center of the blacktop. If a well is installed anywhere on our property, we would like to have confirmation that the PVC shaft will be removed completely, soil reinstalled in the hole and all damage to ground/blacktop is repaired in a more professional manner verses just dumping loose blacktop over the hole that will allow for weeds to push through in a year.

Please feel free to call me at 608-369-2254 if you have any further questions. I would prefer that you call me, Nola Freitag verses my Dad, Richard Freitag, because he is very hard of hearing. I am the General Manager of the property and will be able to answer your questions and work with you on this project.

Thank you,

Nola Freitag and Richard Freitag  
H.A. Freitag & Son, Inc.  
41 Main Street  
Montello, WI 53949