



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

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August 27, 1998

Mr. David Schuurman
 Schuurman Corporation
 609 Gray Place
 Wausau, WI 54403

Subject: Murray Machinery, Inc. Property, Town of Stettin, Marathon County

Dear Mr. Schuurman:

This letter is intended to define the responsibilities and requirements of the Schuurman Corporation, and any other future property owners, as they relate to environmental matters on the Murray Machinery, Inc. property located in the SW ¼ of Section 32, T29N, R7E, Town of Stettin, Marathon County, Wisconsin. The property is the site of an unlicensed foundry waste disposal site and a licensed foundry waste landfill (License No. 1722), regulated under Chapter 289, Wis. Stats., and the NR 500 series, Wis. Adm. Code. The property is the site of a former hazardous waste surface impoundment, regulated under Chapter 291, Wis. Stats., and the NR 600 series, Wis. Adm. Code. The property is also the site of a leaking underground petroleum storage tank, regulated under Chapter 292, Wis. Stats., and the NR 700 series, Wis. Adm. Code. The status of each site and the requirements for environmental monitoring of the property and long-term care of the foundry waste disposal sites are as follows:

I. Unlicensed Foundry Waste Disposal Site

A) Closure

Closure of the unlicensed foundry waste disposal site has not yet been completed by the Department of Natural Resources ("Department") under the Stipulated Judgment of the Marathon County Circuit Court dated June 2, 1993. The unlicensed disposal site is without a closure plan or plan of operation approved in writing by the Department. Therefore, closure of the unlicensed site is regulated under s. NR 506.08(3), Wis. Adm. Code.

B) Deed Affidavit

The Department will require that the property owner(s) submit evidence that a deed affidavit indicating the existence of the waste disposal site has been recorded in the Office of the Register of Deeds for Marathon County. The purpose of the affidavit is to notify in perpetuity any potential purchaser of the property that the land has been used as a waste disposal area and any future development plans for the area of waste disposal must be approved by the Department.



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C) Development

Use of the waste disposal area for agricultural purposes, establishment or construction of any structures or buildings over the waste disposal area, or excavation of the cover materials or any waste materials must be approved by the Department in writing, pursuant to s. 289.46(2), Wis. Stats., and s. NR 506.085, Wis. Adm. Code. This provision does not prevent future development of the area but will require that an approved barrier between the waste materials and the surface of the ground be maintained and any excavated waste materials will be properly managed under the applicable solid or hazardous waste management regulations.

D) Financial Responsibility

The unlicensed foundry waste disposal site is defined as a waste site under Chapter 289, Wis. Stats. There are no provisions under state statutes requiring financial responsibility for waste sites.

II. Licensed Foundry Waste Landfill

A) Closure

Closure of the licensed (nonapproved) foundry waste landfill has been completed in accordance with the *Conditional Closure Plan Modification - Murray Machinery Foundry Waste Landfill, License No. 1722, Marathon County* dated October 10, 1990, the Stipulated Judgment (Case No. 90- CV-336) entered in Marathon County Circuit Court on June 2, 1993, and s. NR 506.08, Wis. Adm. Code. Closure of the landfill was completed by the U.S. Environmental Protection Agency under a time-critical removal action and documented by Superior Special Services, Inc. in a report entitled *Site Closure Report for Murray Machinery Land Disposal Unit, Wausau Wisconsin* dated January 9, 1997.

B) Deed Affidavit

The Department will require that the property owner(s) submit evidence that a deed affidavit indicating the existence of the landfill has been recorded in the Office of the Register of Deeds for Marathon County. The purpose of the affidavit is to notify in perpetuity any potential purchaser of the property that the land has been used as a landfill and its use is restricted to prevent disturbing the integrity of the final cover or any other components of the containment system or function of the monitoring systems. The deed affidavit shall also reference the long-term care requirements and environmental monitoring requirements.

C) Development

Use of the landfill for agricultural purposes, establishment or construction of any structures or buildings over the waste disposal area, or excavation of the final cover or any waste materials are prohibited unless specifically approved by the Department in writing, pursuant to s. 289.46(2), Wis. Stats., and s. NR 506.085, Wis. Adm. Code.

D) Financial Responsibility

The property owner of a nonapproved facility, as defined by s. 289.01(24), Wis. Stats., that ceases to accept solid waste and permanently terminates disposal operations before October 9, 1993, is not required to maintain proof of financial responsibility, pursuant to s. 289.41(1m)(b)4., Wis. Stats., and s. NR 520.05(1) Table 1 2.a., Wis. Adm. Code.

E) Long-Term Care

Under authority of s. 289.46(1), Wis. Stats., any person acquiring rights of ownership, possession, or operation in a licensed solid waste facility at any time after the facility begins to accept waste is subject to all requirements of the license approved for the facility including any requirements related to long-term care of the facility. Requirements for long-term care of the licensed foundry waste landfill are contained in the *Vertical Fill Plan for Murray Machinery, Inc., License No. 1722* dated November 23, 1983. The requirements include regrading and reseeding any areas where settlement has occurred or where erosion has caused the loss of the vegetative cover and/or reduction in the thickness of the final cover.

F) Environmental Monitoring

Under authority of s. 289.31(7)(d), Wis. Stats., the Department may require the monitoring of a closed solid waste disposal site or facility which was either a nonapproved facility or a waste site, as defined under s. 292.01(21), Wis. Stats., when it was in operation. As stated in s. NR 507.15, Wis. Adm. Code, the Department may require the property owner(s) to conduct environmental monitoring in accordance with this chapter and with plans approved by the Department. Requirements for environmental monitoring of the licensed foundry waste landfill are contained in the *Vertical Fill Plan for Murray Machinery, Inc. License No. 1722* dated November 23, 1983.

The requirements include groundwater monitoring at wells MM-1, MM-2, and MM-3 and samples to be analyzed for groundwater elevation, field conductivity, field pH, chemical oxygen demand, chloride, sodium, sulfate, dissolved manganese, and dissolved iron. In addition, the Department requires groundwater samples to be analyzed for the presence of the eight RCRA metals. Environmental monitoring is to occur on an annual basis. A reduction or elimination of the environmental monitoring requirements is possible based on past analytical results and should be requested in writing to the Department. The collection and analysis of groundwater samples shall be done in accordance with s. NR 507.17, Wis. Adm. Code, and the approved plan.

III. Leaking Underground Petroleum Storage Tanks

A) Closure

In a letter dated August 4, 1998, the Department of Natural Resources provided case closure for the former underground storage tank area on the Murray Machinery, Inc. property. Based on the investigative and cleanup documentation provided to the Department, it appears that the extent of petroleum contamination at the Murray Machinery, Inc. property has been determined, and a cleanup has been performed to the extent practicable. The investigation indicated that petroleum contamination remains in the soil at an approximate depth of 8 to 10 feet below ground surface north of the former tank area and under the building. Based on the long-term monitoring of groundwater and the levels of contaminants remaining in the soil, the residual contamination does not appear to present a groundwater or direct contact threat or exceedance. Therefore, no further action is necessary on the site at this time. If, however, in the future contaminated soils are excavated, they must be disposed of properly.

B) Abandonment

Removal of the soil venting extraction system equipment and abandonment of the groundwater monitoring wells will be performed by the consultant for Murray Machinery, Inc. as a condition of site closure.

IV. Former Hazardous Waste Surface Impoundment

A) Cleanup

Cleanup of the former hazardous waste surface impoundment has been completed in accordance with the *Conditional Modification of Closure Plan and Groundwater Monitoring Plan Approval, Murray Machinery, Inc. Hazardous Waste Surface Impoundment, EPA I.D.: WID 025286766, Town of Stettin, Marathon County, Wisconsin* dated July 27, 1991, the Stipulated Judgment (Case No. 90-CV-336) entered in Marathon County Circuit Court on June 2, 1993, and s. NR 685.05, Wis. Adm. Code. Cleanup of the former hazardous waste surface impoundment was completed by the U.S. Environmental Protection Agency under a time-critical removal action.

B) Abandonment

Abandonment of the groundwater monitoring wells associated with the former hazardous waste surface impoundment will be performed by the Department of Natural Resources.

V. Private Water Supply Wells

A) Abandonment

The property owner(s) is responsible for the proper abandonment of all private water supply wells on the property that are no longer in service in accordance with s. NR 812.26, Wis. Adm. Code.

As a potential property owner, you should know that Schuurman Corporation, and any future property owners, would be responsible for the long-term care, environmental monitoring, and deed affidavit requirements related to the foundry waste disposal facilities. In addition, please be aware that the property owner is legally responsible for the identification, proper management, and disposal of any waste materials present on the property.

Materials such as foundry waste in and around the building, asbestos found during demolition work, containers of unknown liquids, chemicals, waste oil from transformers, demolition waste, and so on. As you know, the property owner is responsible for the proper management and disposal of any waste materials present on or generated from the property in accordance with the applicable solid or hazardous waste management regulations.

Based on present circumstances, I believe this letter outlines the responsibilities and requirements related to environmental matters associated with the Murray Machinery, Inc. property. I hope this information provides for your needs and is useful in your decision-making process. The Department supports your efforts to redevelop the Murray Machinery, Inc. property and will continue to assist you in that effort.

If you have any additional questions or concerns regarding this property, please call me at 715-839-3770.

Sincerely,

Loren A. Brumberg

Loren A. Brumberg
Waste Management Specialist
Land Recycling Program

LAB:lb

c: Darsi Foss - RR/3
Judy Ohm/Chuck Leveque - LS/5
Bill Evans - WCR
Dave Lundberg/Don Grasser - WCR
Lisa Gutknecht/Deb Pingel - Wausau
Jim McKay - DOJ
Rhineland EE File

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UST AREA

Four tanks pulled in 1989. Only one tank area (gasoline) of the four shows any significant contamination. The core oil and diesel fuel tank areas showed no significant contamination. The fuel oil and gasoline tank areas were overexcavated. A monitoring well was installed in each area. The fuel oil tank area showed no detects in the soil and groundwater after soil removal. The gasoline tank area still had significant soil contamination after the excavation. An soil vapor extraction system (SVE) and monitoring wells were installed in the area for further assessment and clean-up. The groundwater in the vicinity has showed little or no detect of petroleum contaminants. Confirmatory soil samples were collected in the vicinity of the SVE system in April 1997. See attached tables for pre- and post-remedial soil sample results. Benzene, ethylbenzene and xylene concentrations in two of the soil samples are still above the NR720 standards. RMT has requested closure of the site. They need to provide additional documentation and a justification for closing the site at this time. Discussions will be held with RMT the week of April 13, 1998 to determine if the requested information can be provided.

LANDFILLS

The licensed landfill area has been filled with the fixed sediments from the lagoon and capped with clay and soil. The cap was approved by Don Grasser, Waste Sub-Team Leader, Wisconsin Rapids. The Department has recommended that the prospective purchaser of the property be responsible for maintaining the cap and long-term groundwater monitoring for the landfill. At the time of a site visit on 4/18/96 by the DNR, staff noted that a portion of the cap had eroded and was exposing foundry wastes. Three surficial soil samples were collected from the landfill in the early 1990's. Phenol and naphthalene were detected in low concentrations in one or more samples. One sediment sample was collected from the wetland adjacent to the landfill; this sample contained low concentrations of toluene and arochlor-1252. The above information is taken from the Phase I Environmental Assessment Report, Murray Machinery, Inc., Property dated December 20, 1996. I believe these samples were taken before EPA added material to the landfill and capped it.

There is no mention in the file of any additional work that is needed for the unlicensed portion of the landfill other than

long-term groundwater monitoring. Three borings were advanced into this landfill in 1989. Low concentrations of polynuclear aromatic hydrocarbons (PAHs) were detected. This information is from the Phase I report.

Neither of the landfills has a liner or leachate collection system.

LAGOON

The on-site lagoon was utilized for noncontact cooling water from the operation of the furnace in the foundry and for water from an emission control system. Stormwater also ran into the lagoon. There are conflicting reports regarding actual stormwater discharge lines running into the lagoon.

A Time Critical Removal Action was performed in the lagoon by a US EPA contractor. Contaminated sediment was removed, treated and disposed of in the on-site licensed landfill. Confirmation samples were collected according to the Phase I report. The clean-up of the lagoon sediments is complete according to the Phase I report. Downgradient monitoring of the groundwater has indicated a reduction in the concentrations of groundwater contaminants.

OTHER AREAS OF ENVIRONMENTAL CONCERN

The Phase I report identified two other areas of environmental concern; a transformer area and two potential areas of buried drums. While EPA was on site completing the landfill work, Mr. Don Grasser asked them to investigate one of the barrel areas. No evidence of buried barrels was found. The other two areas have not been investigated based on my file review.

Questions to be answered:

Is the lagoon action closed out/closeable? Do we have the documentation to support closure? Can we close it out under NR700 Wis. Adm. Codes?

What about enforcement actions taken regarding the site? What is needed to close these actions out?

Were the last groundwater samples collected in 1996?

Do the transformer and alleged buried barrel areas need to be addressed?

If this site is used for residential purposes do we (DNR) have any additional concerns? I am assuming that all the information and conclusions to date are based on this site being used as a industrial site.

Do we need to confirm that stormwater is discharging into the lagoon? Has the surface water in the impoundment been sampled since EPA did the sediment removal? (I couldn't find the reports for the EPA work) If this site is used for residential purposes, do we (DNR) have any additional concerns regarding the lagoon?

CLOSURE

The water supply wells and lagoon well should be abandoned.

Long-term maintenance of the landfill cap should be required. Do we need to inspect it before property transaction? If it needs repairs who would be responsible for those repairs?

Do we need to put a building restriction on the landfilled areas?

Would we be able to close out the UST portion with the high residual levels in the soil? These soils are located under the building, however it appears the building will be removed if the current property transaction is completed. Would we have any additional requirements/restrictions if the building were removed?

Can we close out the surface impoundment/lagoon under NR700?

Can we issue a "no further action" letter for both the licensed and unlicensed landfills?

What type of liability letter would the prospective purchaser of the land receive from the DNR and what would it cover?

Stormwater discharge to the lagoon. Should it be disconnected?