



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor
Matthew J. Frank, Secretary
Ronald W. Kazmierczak, Regional Director

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SENT CERTIFIED MAIL – RETURN RECEIPT REQUESTED

April 22, 2008

MR RON BUCK
ALBANY INTERNATIONAL
435 SIXTH ST
MENASHA WI 54952

SUBJECT: **Notice of Non-compliance, Responsibility Under s. 292.11, Wis. Stats and Request for Written Response**
Albany International (Appleton Wire), 831 North Meade St., Appleton
WDNR BRRTS #: 02-45-000015

Dear Mr. Buck:

Notice of Non-Compliance

The Wisconsin Department of Natural Resources (WDNR) last received an Operation and Maintenance (O&M) Report on March 8, 2007. Ch. NR 724.13(3)(e), Wis. Adm. Code requires semi-annual submittal of O&M reports at sites with an active engineered remedy. Since March 2007, the Department has not received any written information from you or your consultant regarding this case. As a result, the Department is issuing this notice of non-compliance.

Please provide the Department with an O&M Report by **May 16, 2008** that covers the period January 1, 2007 to December 31, 2007 to bring this site back into compliance with reporting requirements. A semi-annual O&M Report covering the period January 1, 2008 through June 30, 2008 should be submitted by July 30, 2008.

Please be aware that the Department is responsible to assure that releases to the environment are adequately addressed in a timely manner. No response to this request or confirmation that appropriate actions are not being taken at this site will be interpreted as non-compliance with your responsibilities outlined in state statutes. These responsibilities were communicated to Albany International in meetings in 1985 and 1986, a letter in 1986 and are reiterated below. If necessary, the Department will involve an Environmental Enforcement Specialist to assist in moving this site forward.

Responsibility under s. 292.11, Wis. Stats.

Based on the information that has been submitted to the WDNR regarding this site, we believe Albany International is 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. Albany's 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, reporting and case closure. Wisconsin Administrative Code chapter NR 140 establishes groundwater standards for contaminants that reach groundwater.

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. Your consultant is expected to know our technical procedures and administrative rules and should be able to answer your questions on meeting cleanup requirements.

Request for Written Response

On June 28, 2007, I proactively met with you, Mr. Dave Casper with Badger Labs & Engineering and Mr. John Stoeger with Stoeger & Associates at your office in Menasha at my request. The purpose of the meeting was to review the status of the investigation and remediation at the site, determine the status of temporary wells installed by McMahan in 2004, discuss additional delineation of the plume needed prior to requesting closure, discuss alternative remedies available to expedite cleanup of the groundwater plume and review reporting requirements.

During that meeting, you and your consultants agreed to several follow-up actions, including requesting an extension for the 2004 temporary wells, additional groundwater monitoring and evaluation of remedial action options (RAO). At the close of the meeting, we discussed that you would propose a plan for continued investigation and remediation by the end of September 2007. As stated above, no written correspondence has been submitted since March 2007.

A separate written response to our June 2007 discussion should be submitted by **May 9, 2008** that outlines what investigation and remediation actions have taken place since our meeting and plans for moving forward at the site. The response should specifically identify which of the following actions Albany intends to perform, as discussed in our meeting:

1. continue to operate the existing system with plume delineation closer to closure,
2. enhance the existing extraction system,
3. modify the existing extraction system,
4. perform an alternative RAO such as reduction by injection or
5. evaluate other potential RAOs.

Your cooperation and timely response to this matter is appreciated. If you have any questions or comments, please feel free to contact me in Oshkosh at (920) 424-7887.

Sincerely,



Jennifer Borski
Hydrogeologist
Bureau for Remediation & Redevelopment

Electronic Copy: D. Casper, Badger Labs