



SENT CERTIFIED MAIL – RETURN RECEIPT REQUESTED

May 26, 2016

LUVATA APPLETON LLC
MR ROB BIERSTEKER, VICE PRESIDENT
553 CARTER CT
KIMBERLY WI 54136

Subject: Reported Contamination at Appleton Wire (Former), 908 N. Lawe St., Appleton, WI
(Formerly addressed as 831 N. Meade St., circa 1985-2009)
DNR BRRTS Activity # 02-45-000015

Dear Mr. Biersteker:

In September 1985, Daniel E. Bergsma, Vice President and General Manager of Albany International, Appleton Wire Division, notified the Department of Natural Resources (DNR) that chromium had been detected at the site described above. A letter of responsibility was issued to Albany International, Appleton Wire Division (Albany International) on November 18, 1986 and reiterated in a letter on April 22, 2008.

The purpose of this letter is to inform you of the historical release and your potential liability as the owner of this property. The DNR has been working with Albany International since 1985 to investigate and cleanup this chromium contamination. In addition, a Compliance Agreement was signed by Albany International and the DNR in April 2009. However, the investigation and cleanup actions are not proceeding in a reasonable amount of time or in full accordance with the NR 700 Rule Series and 2009 Compliance Agreement. Most recently, the DNR issued Albany International a notice of noncompliance on March 17, 2016 via certified mail (attached). While Albany International did respond by informing DNR that Ron Buck retired and was replaced by JP Hammerton, the site remains out of compliance.

Whenever possible, the DNR pursues the person who caused the hazardous substance discharge as the responsible party to take the appropriate response actions. The land owner is also a responsible party since they are in possession or control of the discharge. The DNR will take the steps available to it through state law to compel the person that the DNR believes to have caused the discharge on the property to take the response action necessary to address that threat.

Based on the information available to the DNR regarding ownership of this property, we believe Luvata Appleton, LLC is the land owner in possession or control of the discharge and therefore also responsible for investigating and restoring the environment at the above-described site under Section 292.11, Wisconsin Statutes, known as the hazardous substances spill law. At this time the DNR is continuing to pursue the causer, Albany International, as the responsible party to take appropriate actions. The DNR has begun the secondary stepped enforcement process because Albany International is out of compliance. The DNR will keep you informed of the status and your obligations; however, the remainder of this letter describes the legal responsibilities of a person who is responsible

under section 292.11, Wis. Stats., and explains what needs to be done to investigate and clean up the contamination. It also provides you with information about what is expected for cleanups and working cooperatively with the DNR.

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 754 establish requirements for emergency and interim actions, public information, site investigations, design and operation of remedial action systems, and case closure. Wisconsin Administrative Code chapter NR 140 establishes groundwater standards for contaminants that reach groundwater.

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 DNR's internet site. You may view the information related to this site at any time (<http://dnr.wi.gov/botw/SetUpBasicSearchForm.do>) and use the feedback system to alert us to any errors in the data.

All correspondence regarding this site should be sent to:

Jennifer Borski
Remediation and Redevelopment Program
Wisconsin Department of Natural Resources
625 E. County Road Y, STE. 700
Oshkosh, WI 54901-9731
Jennifer.borski@wisconsin.gov

Unless otherwise directed, submit one paper copy and one electronic copy of plans and reports. To speed processing, correspondence should reference the BRRTS number shown at the top of this letter.

Additional Information for Site Owners:

We encourage you to visit our website at <http://dnr.wi.gov/topic/Brownfields/>, where you can find information on selecting a consultant, financial assistance and understanding the cleanup process. You will also find information there about liability clarification letters, post-cleanup liability and more.

Information on environmental contamination and the voluntary party liability exemption (VPLE) is enclosed.

Please contact me in Oshkosh by phone at (920) 424-7887 or by email at jennifer.borski@wisconsin.gov with any questions.

May 26, 2016
Luvata Appleton, LLC
Reported Contamination at Appleton Wire (Former), 908 N. Lawe St., Appleton, WI
WDNR BRRTS #02-45-000015

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Sincerely,



Jennifer Borski
Hydrogeologist
Remediation & Redevelopment Program

Enclosures:

- Notice of Noncompliance, March 17, 2016
- Environmental Contamination Basics, RR-674, <http://dnr.wi.gov/files/PDF/pubs/rr/RR674.pdf>
- Voluntary Party Liability Exemption, RR-506, <http://dnr.wi.gov/files/PDF/pubs/rr/RR506.pdf>

Cc w/o encl:

Sam Edwards, Luvata Appleton, LLC (Sam.Edwards@luvata.com)
Mike Boozer, ChemReport (mboozer@chemreport.com)
Albany International, JP Hammerton, P.O. Box 1939, Appleton, WI 54912-1939
Albany International, Joe Gaug, P.O. Box 1907, Albany, NY 12201-1907
Roxanne Chronert, DNR – Green Bay (Roxanne.Chronert@wisconsin.gov)
Benton Stelzel, DNR – Milwaukee (Benton.Stelzel@wisconsin.gov)

State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
Oshkosh Service Center
625 East County Road Y, Suite 700
Oshkosh, WI 54901-9731

Scott Walker, Governor
Cathy Stepp, Secretary
Telephone 608-266-2621
Toll Free 1-888-936-7463
TTY Access via relay - 711



SENT CERTIFIED MAIL – RETURN RECEIPT REQUESTED

March 17, 2016

Albany International Corporation
Attn: Ron Buck
435 Sixth Street
Menasha WI, 54952

SUBJECT: NOTICE OF NONCOMPLIANCE
Appleton Wire (Former)
908 N Lawe Street, Appleton, WI
WDNR BRRTS #02-45-000015

Dear Mr. Buck:

On July 30, 2015, the Wisconsin Department of Natural Resources (the "Department") requested a Supplemental Site Investigation Report (SSIR) that covers the additional investigation performed in 2014 and 2015 and a Remedial Actions Options Report (RAOR) in compliance with NR 722, Wis. Adm. Code be submitted to the Department by September 30, 2015. In response to the request, your environmental consultant, David Casper, provided an e-mail the following day, July 31, 2015, stating that these requests would be complied with by the dates indicated. However, the Department has not yet received the requested SSIR or RAOR.

Within 14 days, by April 1, 2016, please provide the requested information to the Department. Please be aware that the Department is responsible for assuring 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 you in 1986 and reiterated in a letter dated April 22, 2008. The Department may involve an Environmental Enforcement Specialist to assist in moving this site forward.

Your cooperation and timely response to this matter is appreciated. Please contact me in Oshkosh by phone at (920) 424-7887 or by e-mail at Jennifer.Borski@wisconsin.gov with any questions.

Sincerely,

Jennifer Borski
Hydrogeologist
Remediation & Redevelopment Program

Electronic Copy: David Casper, Badger Laboratories and Engineering, Inc. – dcasper@badgerlabs.com