

June 8, 2016

Casetrack #2016-NEEE-031  
BRRTS# 02-45-000015  
Outagamie County  
**Certified Mail/Read Receipt**

Mr. Joseph Morone, President & CEO  
Albany International Corporation  
455 Patroom Creek Blvd. STE 206  
Albany, NY 12206

Mr. JP Hammerton, Technical Director  
Albany International Corporation  
3601 Electric City Blvd.  
Kaukauna, WI 54130

CT Corporation Systems, Reg. Agent  
Albany International Corporation  
8020 Excelsior Drive STE 200  
Madison, WI 53717

Subject: NOTICE OF VIOLATION/ENFORCEMENT CONFERENCE – June 22, 2016

Dear Mr. Morone:

The Department of Natural Resources (department) has reason to believe that Albany International Corporation (Albany) is in violation of Wisconsin State Remedial Action Laws located at 908 N. Lawe Street, Appleton, Outagamie County, Wisconsin (site). The department alleges the following violation:

- 1. Section 292.11(3), Wisconsin Statutes – Hazardous Substance Spills – 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 this state.**

Per the department letter dated November 18, 1986, Albany was named the responsible party to take necessary actions to restore the environment at the site.

On April 23, 2009 Albany entered into a compliance agreement with the department. Per the compliance agreement, the department received Albany's "Written Final Response" on May 4, 2009. The department responded with comments in a letter dated June 1, 2009.

To date the department has no record that Albany has completed a full site investigation per ch. NR 716 Wis. Adm. Code and their "Written Final Response" as agreed upon in the compliance agreement.

On March 17, 2016 the department issued Albany a Notice of Noncompliance requesting a Supplemental Site Investigation Report (SSIR) in compliance with ch. NR 716, Wis. Adm. Code and a Remedial Actions Operations Report (RAOR) in compliance with ch. NR 722 Wis. Adm. Code. The department requested the above information to be submitted no later than April 1, 2016. To date the department has no record of receiving an adequate SSIR or RAOR from Albany.

The department believes that Albany has failed to 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 this state.

We have scheduled the following Enforcement Conference to discuss this matter in more detail:

<b>Conference Date:</b>	<b>June 22, 2016</b>
<b>Conference Time:</b>	<b>10:00 a.m.</b>
<b>Location:</b>	<b>Department of Natural Resources Oshkosh Service Center 625 County Highway Y Oshkosh, WI 54901</b>

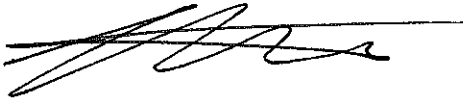
We request you attend the Enforcement Conference as it is an important opportunity to discuss the circumstances surrounding the alleged violations and to learn your perspective on this matter. Please note that in an effort to encourage a candid and productive conversation, attendance is limited to you, your legal counsel and others with the technical expertise necessary to understand, evaluate and correct the violation. A fact sheet describing the Enforcement Conference is enclosed.

The department's enforcement decision will be based upon available information if you do not attend.

Please be advised that violations of s. 292.11(3), Wis. Stats., are enforceable under s. 292.99, Wis. Stats. Section 292.99(1), Wis. Stats., provides for forfeitures up to \$5,000 for each violation. Each day of continued violation is considered a separate offense.

If you have questions or need to reschedule please contact me at (414) 263-8663.

Sincerely,



Benton C. Stelzel  
Environmental Enforcement Specialist

Enclosure: Map, Enforcement Conference Fact Sheet, Compliance Agreement, "Written Final Response," June 1, 2009 Department Response, and March 17, 2016 NON.

- c: J. Borski – DNR/NER Oshkosh  
Charles Silva – Albany International Corp./charles.silva@albint.com  
Joseph Gaug – Albany International Corp./joseph.gaug@albint.com  
Rob Biersteker - Luvata Appleton, LLC/rob.biersteker@luvata.com  
Sam Edwards – Luvata Appleton, LLC/sam.edwards@luvata.com  
Dave Casper – Badger Labs and Engineering, Inc./dcasper@badgerlabs.com



## Environmental Enforcement Conference

An Enforcement Conference (EC) is a meeting between Department of Natural Resources staff and representatives of a person or business that the Department believes has violated an environmental law. The Department issues a Notice of Violation (NOV) when it has reason to believe that a violation of a permit condition, administrative rule or statutory requirement has occurred. The NOV either offers or schedules an EC.

### **Why Should I Attend?**

The EC is an important opportunity to discuss the Department's basis for the alleged violation(s) and learn more about what happened, why it may have happened, and any factors you believe the Department should consider, such as steps that have been or will be taken to stop the violation, correct any effects of the violation, and prevent violations from occurring in the future. It is also your opportunity to explain why you might disagree with the factual and legal conclusions underlying the NOV.

Historic data shows that most violations are resolved at the EC level, without the need for court ordered compliance and/or penalties. In situations where the significance of the violation warrants further enforcement action, your cooperative efforts to resolve the violation and prevent future violations will help minimize your legal and financial liability.

### **Who Should Attend the EC?**

Department staff involved in the EC typically consists of an Environmental Enforcement Specialist and regulatory staff that are familiar with the issues identified in the NOV.

While not required, you may seek representation by legal counsel or the assistance of an environmental consultant to prepare for and/or attend the EC. The EC is most productive when all involved are well-prepared to discuss the allegations and any corrective actions that may be necessary.

To ensure a productive candid discussion, participation in the EC is limited to the person or business involved and others with the legal or technical expertise necessary to understand, evaluate, mitigate and correct the violation. The EC is not an open meeting under state law and the Department will limit participation to those directly involved in the resolution of the matter.

### **What Happens if I don't Attend the EC?**

If a party is unable to attend the EC, they should immediately contact the Environmental Enforcement Specialist at the phone number in the NOV to reschedule. When a party refuses to attend the EC and provides no further information to the Department, the Department's enforcement decision will be based upon available information.

### **What Happens Following the EC?**

The EC is part of the Department's stepped enforcement process. At the EC, Department staff will explain the process and options available to address the alleged violation. Generally, the options range from closing the matter with no further action to referral to the Wisconsin Department of Justice (DOJ) or to U.S. EPA, for further enforcement action. In limited circumstances, the Department can issue citations, which are handled in local court similar to traffic offenses. If a case is referred to DOJ, the DOJ may initiate an action in court on behalf of the State. The State typically asks the Court to impose financial penalties and order completion of any necessary corrective actions. In most of the Department's cases, a cooperative return to compliance with any necessary restoration results in close out of the case. At close out, the Department will send a letter advising of no further enforcement action.



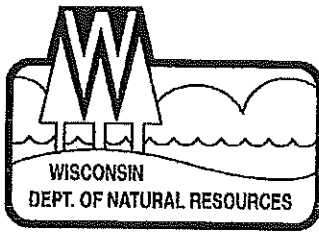
**Directions to Wisconsin Department of Natural Resources  
625 East County Road Y  
Oshkosh, WI  
(updated April 2013)**

- Highway 41 to Hwy 76 (Jackson Street) on north side of Oshkosh
- Hwy 76 South approximately one mile to County Road Y (Sunnyview Lane)
- Left (east) on County Road Y approximately  $\frac{3}{4}$  mile to James P. Coughlin Center (past Winnebago County Park & Sunnyview Expo Fairgrounds)
- Right (south) into the parking areas for the James P. Coughlin Center (there are two entrances – one off Butler Ave and one off Cty Rd Y)

The DNR shares the James P. Coughlin Center with Land & Water Conservation, Winnebago Co. UW-Extension, Parks and USDA Farm Service Agency and Natural Resources Conservation Service. The DNR Service Center is located in the south wing. You may park in any lot and either enter the main doors on the north side of the building or the DNR Service Center doors on either the west or east sides of the building.

When you arrive, please contact the person you are scheduled to meet with using the phone in the DNR Service Center lobby (a phone list is provided) or check in at the DNR Service Center counter. The DNR lobby is open Mon. - Fri., 7:00 AM – 3:00 PM. The counter is open Mon. – Fri., 11:00 AM – 2:00 PM.





State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

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

Northeast Region Headquarters  
2984 Shawano Ave.  
Green Bay, Wisconsin 54313  
Telephone 920-662-5100  
FAX 920-662-5413  
TTY Access via relay - 711

April 23, 2009

Ron Buck, Technical Director  
Albany International  
435 Sixth Street  
Menasha, Wisconsin 54952

Casetrack # 2009-NEEE-008  
BRRTS: 02-45-000015  
Outagamie County

Subject: Compliance Agreement

Dear Mr. Buck:

Thank you for timely executing the compliance agreement between the Department of Natural Resources (Department) and Albany International (Albany). Enclosed for Albany's reference is the finalized compliance agreement. Please ensure adherence to the timelines agreed upon during our negotiations. If changes are needed, contact me in advance of the timeline for a timely resolution to the issue.

If you have technical questions regarding your site, please contact WDNR Hydrogeologist, Ms. Jennifer Borski at (920) 424-7887. If you have questions regarding this letter, please contact me at (715) 365-8985.

Sincerely,

Jill Zalesny  
Environmental Enforcement Specialist

Enc: Compliance Agreement

Cc: Jennifer Borski - Oshkosh

COMPLIANCE AGREEMENT BY  
THE DEPARTMENT OF NATURAL RESOURCES  
AND  
ALBANY INTERNATIONAL  
OF APPLICABLE REGULATIONS AND  
ACTIONS REQUIRED TO RETURN TO COMPLIANCE

Ron Buck, Technical Director  
Albany International  
435 Sixth Street  
Menasha, WI 54952

Albany International / Outagamie County  
BRRTS# 02-45-000015  
CT # 09-NEEE-008

The following is an agreement between the Department of Natural Resources (Department) and Albany International (Albany) regarding applicable regulatory requirements and actions Albany is required to take due to their responsibility to minimize the effects of chromium contamination at the property 831 North Meade St., Appleton, WI. Albany is the responsible party for addressing this contamination.

Signing of this agreement does not excuse past violations by Albany nor preclude the Department from taking enforcement action for any past violation.

APPLICABLE REGULATORY REQUIREMENTS

1. Albany was identified on May 29, 1985, as a responsible party to address chromium contamination at the site.
2. Section 292.11(3) Wis. Stats. requires the person who possesses or controls a hazardous substance to minimize the harmful effects.
3. Section NR 724.13(3) Wis. Adm. Code requires responsible parties to submit semi-annual operation and maintenance progress reports.
4. Section NR 724.13(4) Wis. Adm. Code requires responsible parties to revise the operations and management plan as required. On June 20, 2007, the Department requested Albany to evaluate the remedy at this site and submit a proposal for continued investigation.

AGREEMENT

Albany acknowledges the actions listed below are necessary in order to return to compliance and accordingly agrees to do the following with regard to Albany's compliance with the spills law:

1. Albany will establish a schedule for the evaluation of the investigation and remedial system which shall include evaluation of the definition of degree and extent, system effectiveness, and a determination of current available and appropriate technologies to bring the site to closure. Albany will prepare a report that includes a schedule and proposal for continued investigation and remediation. As outlined in the March 6, 2009, Notice of Violation, Albany's preliminary response and proposed schedule shall be submitted by **April 14, 2009** and Albany's final response shall be submitted by **May 1, 2009**. Both documents are to be mailed to Jill Zalesny, 107 Sutliff Avenue, Rhinelander, WI 54501.
2. The Department will provide a written response to Albany's final response by **June 1, 2009**.

3. Albany will comply with the schedule and plan for evaluation approved by the Department.

FOR:

Albany International

*Ronald J. Buck* APRIL 10<sup>TH</sup>, 2009  
Ron Buck, Technical Director Date

FOR:

THE DEPARTMENT OF NATURAL RESOURCES

*Jill Zalesny* 4/23/2009  
Jill Zalesny, Environmental Enforcement Specialist Date

*Jennifer Borski* 4/15/2009  
Jennifer Borski, Hydrogeologist Date





**BADGER LABORATORIES & ENGINEERING INC.**  
501 WEST BELL STREET • NEENAH, WISCONSIN 54956-4868 • EST. 1966  
(920) 729-1100 • FAX (920) 729-4945 • 1-800-776-7196

**R + R - OSH  
RECEIVED**

MAY 04 2009

TRACKED  43  
REVIEWED

**Written Final Response**

**Albany International  
Former Chrome Plant  
Groundwater Treatment System  
Appleton, Wisconsin**

*Review 3/09  
reports prior  
to response.*

WDNR ERP# 02-45-000015

Prepared for the

**WISCONSIN DEPARTMENT OF NATURAL RESOURCES**



**BADGER LABORATORIES & ENGINEERING INC.**  
501 WEST BELL STREET • NEENAH, WISCONSIN 54956-4868 • EST. 1966  
(920) 729-1100 • FAX (920) 729-4945 • 1-800-776-7196

April 27, 2009

Ms. Jill Zalesny  
Wisconsin Department of Natural Resources  
107 Sutliff Avenue  
Rhinelander WI 54501

Re: Written Final Response  
Albany International Former Chrome Plant  
Appleton, WI  
WDNR ERP# 02-45-000015  
CASETRACK# 2009-NEEEEE-008

Dear Ms. Zalesny:

Enclosed, please find the Albany International "Written Final Response" as requested in the March 6, 2009 correspondence from to Mr. Ron Buck at Albany International Corporation and as discussed at our meeting on March 31, 2009 in Green Bay.

As requested in that letter, our response will address the following three issues:

1. Additional investigation needed at the Albany International Corp. former Chrome Plant to comply with ch. NR 716, Wis. Adm. Code.
2. Plans for evaluation of the existing remediation system, including performance.
3. Commitment to semi-annual reporting compliance per NR. 724, Wis. Adm. Code.

If you have any questions or require additional information, feel free to contact me.

Very truly yours,  
Badger Laboratories and Engineering Co., Inc.

Ron Buck,  
Technical Director  
Albany International Corporation

David J. Casper  
Project Manager  
Badger Laboratories and Engineering Inc.

Enclosures: "Written Final Response"

cc: Ron Buck, Albany International, Amy Monk, Albany International  
Jennifer Borski, Wisconsin WDNR  
Mr. John Stoeger. Stoeger & Associates

## Project Background

The Albany International, former Chrome Plant, located at 831 North Meade Street, Appleton, Wisconsin, was in use from 1963 to 1982. The property was sold to Valley Cast in 1984. In 1984, Valley Cast employees noted groundwater collecting in the basement of the building, which subsequent tests indicated contained chromium.

1. In May of 1985, STS Consultants, Inc. submitted a preliminary report based on three soil borings and three wells on the north side of the building. This was followed up by a two-stage work plan to identify probable methods of chromium migration and the extent of chromium contamination in the vicinity of the building.
2. In March of 1986, STS conducted the first part of Stage 1 of this work plan, comprised of field work (test pits) to evaluate the processes that control the movement of chromium contaminated water into and out of the basement area, and to assess the chromium content of water samples from sumps in homes located on the east side of Meade Street. This work determined that chromium contamination was not present in the residential sumps and that chromium contamination of the soil was variable and not present at extremely high concentrations.
3. In June, 1986 soil samples from beneath the basement floor and through two of the basement walls were collected as the second part of Stage I of the work plan. This work determined that soil contamination was variable and relatively low in concentration across the basement floor, with the exception of one sample, which exhibited significant chromium concentration.
4. STS initiated Stage II of the investigation on January 19, 1987. The purpose of the investigation was to determine the horizontal and vertical extent of the chromium contamination and evaluate the effectiveness of the facility's basement sump to collect contaminated groundwater from the north and south sides of the building. Sixteen soil borings to approximately 20-feet below land surface (bls) and one boring to approximately 40-feet bls were performed. Five monitoring wells were constructed, including four water table observation wells and one deep piezometer. Soil samples from the borings yielded variable chromium concentrations. The maximum depth of soil contamination observed was 15-feet.

The results of STS investigation indicated that the chromium contamination appeared limited to areas along the northeast and southeast ends of the building to a depth of approximately 15-feet below grade. Due to soil contamination variability and the lack of definitive correlation of soil contaminant concentrations

with groundwater contaminant concentrations, STS recommended the use of the basement and the construction of a French Drain on the north side of the basement to collect the contaminated groundwater for treatment. There was no recommendation to perform soil removal as a means to mediate the impact of the chromium on the groundwater in the STS report. In 1988, a chemical precipitation process was installed to treat the groundwater collecting in the basement sump. That system was operated until 1998, when it was replaced by an ion exchange treatment system.

5. As a preparatory step for the design and installation of the French Drain recommended by STS, additional subsurface work was performed in 1990. This work included the installation of ten soil borings, from 20-feet to 42-feet bls. Soil samples from the borings were collected and analyzed. Two of the borings were converted to piezometers, and two others were converted to water table observation wells. Rising head field hydraulic conductivity tests were conducted in seven of the wells. These tests were used as the basis of the design for the French Drain.

STS observed a relationship between EP toxicity and total chromium concentration, in its July, 1990 report. STS determined that soil chromium concentrations above 180 ppm would yield an EP toxicity of 5 mg/l. This correlation was used as the basis of STS's estimate that only about 28 of the 105 cubic yards of soil, that would have to be removed to construct the French Drain, would be hazardous.

6. In 1992, the French Drain, consisting of approximately 110 feet of perforated piping, placed 14 feet below grade, was installed along the north side of the building. The piping discharges the collected groundwater to a manhole at the northeast corner of the facility, from which it is pumped into storage tanks located in the basement of the facility.
7. In August 2002, two additional monitoring wells were installed at the south property line of the site as requested by the WDNR. MW18/18A
8. Currently, ten groundwater monitoring wells exist at the site to monitor the chromium contamination. Additionally, the French Drain and basement sump are sampled to track the effectiveness of the treatment system.
9. On April 16, 2003, the Wisconsin WDNR requested additional investigation work at the site to better define the level and extent of the subsurface chromium concentrations. In response, Albany International retained McMahon Associates,

Inc to review the initial STS, Inc. investigation and perform a subsurface investigation to further define the horizontal and vertical extent of the chromium contamination.

10. As part of the investigation, eleven geoprobe monitoring wells were installed in and around the two source areas for chromium contamination. The resultant report, entitled, "Site Investigation Report of the Albany International Former Chrome Plant Property", dated February 11, 2005, summarized the investigation. The conclusions of the report were that the existing groundwater extraction system was likely controlling and reducing the chromium groundwater plume.
11. In June 2007, representatives from Albany International Corp., Badger Laboratories and Engineering and Stoeger & Associates LLC, met with WDNR to discuss the need for additional investigation on the former chrome plant site. At that time, Albany International Corp was of the opinion that, based upon the results of the continued geoprobe monitoring, the chromium plume was contained on-site and within the capture zone created by the two collection system components.
12. At the request of the Wisconsin DNR, the 11 geoprobe monitoring wells on the site were sampled and abandoned on April 23, 2008.

**Response to Item # 1: *Additional investigation needed at the Albany International Corp. former Chrome Plant to comply with ch. NR 716, Wis. Adm. Code***

In the June 2007 meeting with WDNR staff, the status of the site investigation, site closure and potential future monitoring requirements of the site were all discussed. A proposal to install additional groundwater monitoring wells on the north side of the property, and perhaps across Meade Street to the east and northeast was put forth. As discussed in that meeting, these monitoring points would be installed in preparation for the closure of the French Drain portion of the collection system. The French Drain closure and installation of these additional wells was proposed to happen at a future time when the chromium concentrations in the French Drain consistently remained below 7 mg/l Total Chromium. This criteria was chosen since it is the allowable concentration required for direct discharge to the City of Appleton wastewater treatment facility.

As stated in our "*Preliminary Written Response*" dated April 10, 2009, Albany International Corporation understands the need to comply with NR716 regarding site investigation.



review +  
respond  
(sw of mws/SA)

time frame  
good - confirm  
location

Additional site investigation activities proposed for the site at this time include the construction of 2 additional groundwater monitoring wells in the warehouse portion of the building, west/northwest of the basement area. The approximate location of these wells is shown on Figure 1 enclosed. The groundwater monitoring wells are proposed to be constructed as a nest, with one well constructed as a water table monitoring well, and the other constructed as a piezometer. The groundwater table well will be installed to an approximate depth of 22-feet below ground surface (approx. elev.769) to (approx. elev.747). and the piezometer to approximately 40-feet below ground surface (elev. 729) These additional wells will provide for groundwater monitoring in all directions around the source area. We propose to design and install these wells by June 30, 2009.

**Response to Item # 2: Plans for evaluation of the existing remediation system, including performance.**

The current groundwater treatment system consists of an ion exchange system utilizing pH adjustment. Since 2007, the system has been modified to include pH adjustment directly in the storage tanks. This improves the treatment efficiency of the ion exchange resin. The storage capacity has also been increased from 1200 to 4000 gallons.

Based upon the calculated chrome removals presented in the 2008 Annual Operation and Maintenance Report, the ion exchange system is effective in removing chromium from the collected groundwater. Trend lines added to the historical chromium concentration graphs in the 2008 Annual Report also show consistently decreasing Total Chromium concentrations in all monitoring wells associated with the site.

The City of Appleton Wastewater Treatment facility has modified the site wastewater discharge permit to allow for direct discharge to the wastewater treatment plant if historical chromium concentrations remain below 7 mg/L. This direct discharge is felt to be an achievable goal.

win what  
time period?

Albany International Corporation will conduct an evaluation of the historical performance of the collection and treatment system. In addition, Albany will evaluate whether additional groundwater collection opportunities are feasible, within the confines of cost effective remediation. In situ treatment of the soil and groundwater, and source area soil removal opportunities will also be evaluated. We propose to perform this evaluation on the following timeline:

OK

- Develop and initially sample new groundwater monitoring wells by July 10, 2009.

- OK • Conduct second round of sampling of new groundwater monitoring devices by August 10, 2009.
- OK • Utilize historic groundwater monitoring data and newly acquired data from the two new groundwater monitoring wells to evaluate contaminant capture of the existing groundwater collection/treatment system
- OK • Evaluate alternatives to groundwater collection and treatment.
- OK • Submit completed evaluation report with recommendations for changes to current groundwater collection and treatment process by October, 15, 2009.

**Response to Item # 3: Documentation regarding alleged abandonment of the temporary wells**

The 11 geoprobe monitoring wells were abandoned following the April 23, 2008 quarterly sampling. Groundwater elevations were collected from each well and each well was sampled for Total Chromium. The geoprobe monitoring well abandonment forms, historical geoprobe groundwater elevations, and a summary of the sampling results have been submitted to the Department in "Geoprobe Monitoring Well Summary Report" dated March 24, 2009. This document was delivered to the Department on March, 26, 2009.

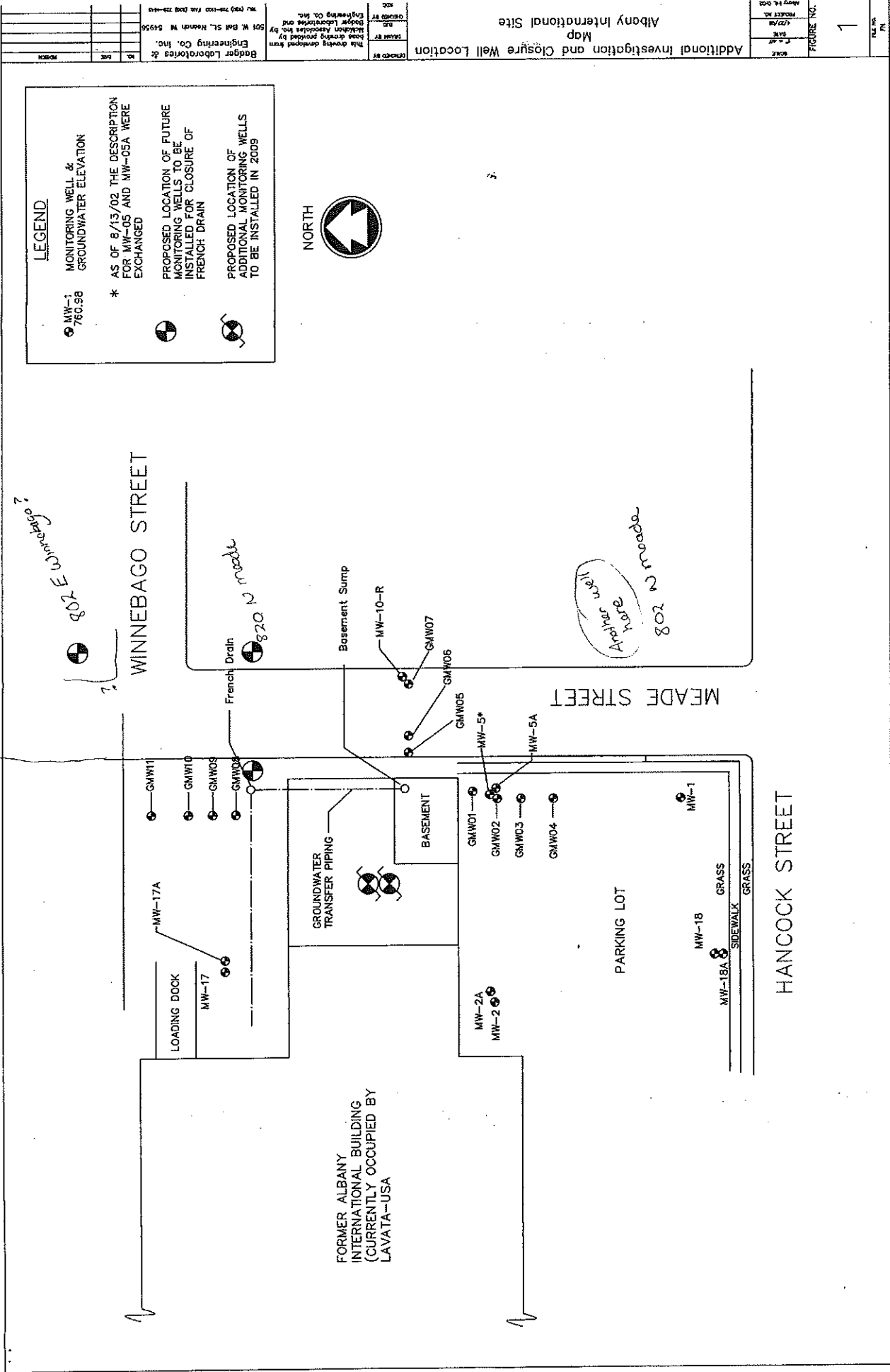
Albany International Corporation therefore has the understanding that with that submittal the required actions of Item #3 have been completed.

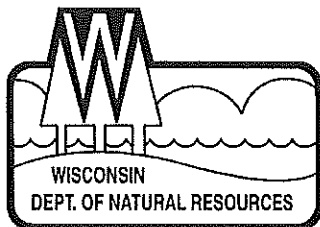
**Response to Item # 4: Commitment to semi-annual reporting compliance with NR. 724, Wis. Adm. Code**

OK Albany International Corporation, Badger Laboratories and Engineering and Stoeger & Associates, LLC, agree to commit to the report schedule presented by the WDNR. Semi-annual O&M reports will be submitted to the WDNR within 60 days of the end of each semi-annual period

- January 1,- June 30, 2009
- July 1, - December 31, 2009

SA O&M  
reports due  
u 8/31 (Jan-Jun)  
u 2/28 (Jul-Dec)





## State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

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

Oshkosh Service Center  
625 East County Road Y, STE. 700  
Oshkosh, WI 54901-9731  
TELEPHONE 920-424-3050  
FAX 920-424-4404

June 1, 2009

MR RON BUCK  
ALBANY INTERNATIONAL  
435 SIXTH ST  
MENASHA WI 54952

SUBJECT: Department Response to March, April & May 2009 Documents for  
Appleton Wire (Albany International), 831 North Meade St., Appleton  
**WDNR BRRTS #: 02-45-000015**

Dear Mr. Buck:

In response to a Notice of Violation issued to Albany International ("Albany") by the Department of Natural Resources ("the Department") on March 6, 2009, Badger Labs & Engineering ("Badger Labs") submitted several documents on behalf of Albany. In accordance with the Cooperative Agreement, signed April 23, 2009, this letter is a written response to the *Written Final Response*, dated April 27, 2009, ("the Final Response") submitted by Badger Labs on behalf of Albany.

The Department received several documents from March through May 2009 in regard to this site. They include the following:

- *Geoprobe Monitoring Well Summary Report*, March 24, 2009
- *Semi-Annual Operation & Maintenance Report Year 2008*, March 24, 2009
- *Annual Operation & Maintenance Report Year 2008*, March 24, 2009
- *Written Preliminary Response*, April 10, 2009
- *Written Final Response*, April 27, 2009

The reports listed above were reviewed in detail to provide a response to Albany's plans for moving forward at the site. This letter will serve to address the four items listed in the Notice of Violation. A more detailed technical response to the reports will follow under separate cover.

### **Item #1 – Additional investigation to comply with ch. NR 716, Wis. Adm. Code**

Albany proposes to install three additional monitoring wells east and northeast of the existing French Drain at some point in the future for preparation of shut-down of the French Drain collection. The locations of these proposed wells are shown on Figure 1 of the Final Response. It appears that the proposed well locations are 908 North Lawe St (source property), 820 North Meade Street (residential property east of the source area) and 802 East Winnebago Street (residential property northeast of the source area). The proposed wells appear to be located in areas that will be useful in evaluating the character of the groundwater plume after shut-down of the French Drain collection. Please note that additional wells may be necessary depending on the data collected from the proposed well locations. The Department recommends Albany consider installing these additional wells during the system evaluation and perform long-term monitoring, if necessary, on a reduced schedule agreeable to the Department.

Albany also proposes to install a nest consisting of a monitoring well and piezometer in the warehouse area, northwest of the basement, to provide groundwater monitoring data in all directions from the source. The locations of these proposed wells are shown on Figure 1 of the Final Response. It appears that the wells are proposed to be located at 908 North Lawe St (source property), inside the building. The proposed wells appear to be located in an area where total chrome concentrations are anticipated to range between 15,000 and 20,000 micrograms per liter (ug/L) in the shallow groundwater. The Department agrees that an additional well nest northwest of the basement is appropriate. The purpose of the well nest should be decided prior to finalizing the distance from the source. Albany proposes to install the nest by June 30, 2009, develop and sample the wells by July 10, 2009 and collect a second sample by August 10, 2009. This time frame is acceptable. The Department requests that Albany electronically confirm each milestone is met by submitting brief electronic mails to [jennifer.borski@wisconsin.gov](mailto:jennifer.borski@wisconsin.gov).

After review of the March 2009 Operation and Maintenance ("O&M") reports for 2008 data and *Geoprobe Monitoring Well Summary Report* that includes geoprobe monitoring well data from 2004 through 2008, the Department strongly recommends Albany install a monitoring well in the northwest corner of 802 North Meade Street to assist in the system evaluation. At a minimum, this will need to be performed prior to submittal of a request for closure.

#### **Item #2 – Evaluation of the existing remediation system, including performance (ch. NR 722)**

Albany proposes to evaluate the performance of the existing collection and treatment system as well as consider the feasibility of alternative collection and treatment technologies, including in-situ remediation. Albany further proposes to submit the evaluation report by October 15, 2009 that will include recommendations for changes to the system, if warranted. This time frame is acceptable. The evaluation report should include a detailed time schedule for implementation of the recommendations. If a detailed review and response to the system evaluation report is requested of the Department, the report should be accompanied by the appropriate fee. Please reference ch. NR 749, Wis. Adm. Code.

The Final Response discusses the potential for the City of Appleton to allow for direct discharge to the sanitary sewer and lists a compliance limit of 7 milligrams per liter (mg/L) for total chromium. Please note that the City of Appleton also has a compliance limit of 4.5 mg/L for hexavalent chromium. This limit for hexavalent chromium is likely also applicable and should be considered during evaluation of the system.

Albany states in the Final Response that "direct discharge is felt to be an achievable goal"; however, there is no time frame discussed to achieve direct discharge. This should be discussed in the evaluation report.

#### **Item #3 – Geoprobe monitoring well abandonment documentation (NR 141)**

Albany provided the Department with the *Geoprobe Monitoring Well Summary Report*, received March 27, 2009. This report includes abandonment forms confirming the wells were abandoned on April 23, 2009. This satisfies this issue identified in the Notice of Violation.

#### **Item #4 – Commitment to semi-annual reporting (ch. NR 724)**

Albany agrees to commit to submitting semi-annual O&M reports for the period of January 1<sup>st</sup> through June 30<sup>th</sup> by August 31<sup>st</sup> and the period of July 1<sup>st</sup> through December 31<sup>st</sup> by February 26<sup>th</sup> of each year. This proposal is acceptable to the Department and satisfies this issue identified in the Notice of Violation.



Please note that under the current remediation system, the semi-annual O&M reports are to include Form 4400-194, pages GI-1 through GI-3, GW-1, GW-4 and all appropriate attachments (reference GW-1, section D). The Department recommends Albany consider including the following in future O&M reports:

1. Residential addresses and property boundaries along Meade Street and at the intersection of Meade and Winnebago Streets;
2. The northern road boundary for Winnebago Street and the boundaries for Meade Street north of the intersection;
3. The 2005 aerial photo as a base for site maps; and
4. A table that summarizes the total pounds of chromium removed per year from the French Drain, the sump and the total for the system.

As stated above, a more detailed response to the March 2009 O&M reports will follow under separate cover.

The Department appreciates your efforts to remediate this site and we look forward to moving forward with the efforts outlined in this letter. Please feel free to contact me with any questions at (920) 424-7887.

Sincerely,



Jennifer Borski  
Hydrogeologist  
Bureau for Remediation & Redevelopment

Electronic Copy: J. Zalesney, DNR, EE – Rhinelander  
D. Casper, Badger Labs  
J. Stoeger, Stoeger & Associates

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](mailto:Jennifer.Borski@wisconsin.gov) with any questions.

Sincerely,

A handwritten signature in black ink that reads "Jennifer Borski".

Jennifer Borski  
Hydrogeologist  
Remediation & Redevelopment Program

Electronic Copy: David Casper, Badger Laboratories and Engineering, Inc. -- [dcasper@badgerlabs.com](mailto:dcasper@badgerlabs.com)