

From: [OJ Ojinaga](#)
To: [Dewey, Jeffrey](#); [Paddock, Jeffrey J - DNR](#)
Subject: RE: Wausau Superfund Site - Question
Date: Wednesday, March 27, 2024 10:56:18 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)

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Jeff,

Thank you for providing the link to the ESD. I will review it and share it with the Group to see if there are any questions that we may have.

From: Dewey, Jeffrey <Dewey.Jeffrey@epa.gov>
Sent: Tuesday, March 26, 2024 10:10 AM
To: Paddock, Jeffrey J - DNR <jeffrey.paddock@wisconsin.gov>; OJ Ojinaga <oj.ojinaga@ghd.com>
Subject: RE: Wausau Superfund Site - Question

Hi OJ,

See the following link to the finalized Explanation of Significant Differences (ESD) EPA issued on 3/15/24 that requires institutional controls to be placed on the Site :

<https://semspub.epa.gov/work/05/989420.pdf>

I plan to go through the ESD and its requirements during our next planned call, but am happy to discuss earlier if you have any questions or if there are matters related to this sale that require immediate discussion.

Best,
Jeff D.

U.S. EPA

From: Paddock, Jeffrey J - DNR <jeffrey.paddock@wisconsin.gov>
Sent: Tuesday, March 26, 2024 9:49 AM
To: OJ Ojinaga <oj.ojinaga@ghd.com>
Cc: Dewey, Jeffrey <Dewey.Jeffrey@epa.gov>
Subject: RE: Wausau Superfund Site - Question

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Hi OJ,

We were able to discuss your question internally and had the following comments/questions:

- There are currently no deed restrictions or continuing obligations present on any of the parcels on the west side of the site (former Marathon Electric Property). The DNR no longer uses deed restrictions as a means to enforce use restrictions on a property. These restrictions are enforced through imposing continuing obligations (COs) and are documented in a CO letter.
- There will be restrictions placed on the former Marathon Electric property. EPA recently drafted an Explanation of Significant Differences (ESD) which specified requirements to place Institutional Controls (ICs) on the site. The current process would be that the responsible parties submit an Institutional Control plan to EPA, which also identifies applicable WI COs. Once EPA approves the institutional control plan, the DNR would then impose continuing obligations.
- Could you provide a list of the parcels that are being sold? A list of parcels could help the DNR outline specific institutional controls and COs by parcel.
- Could you provide the contact information for the potential buyer and a timeline for the potential sale?
- We recommend that the potential buyer request a General Liability Clarification letter from the DNR to outline and document potential risks associated with purchasing the property. The cost to issue the letter is \$700.00 and the form can be found at [Remediation & Redevelopment \(RR\) Program services and fees | Wisconsin DNR](#)
- We recommend that the potential buyer discuss General Superfund requirements and liability considerations with EPA.

Thank you and please let me know if you have any additional questions.

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Visit our survey at <http://dnr.wi.gov/customersurvey> to evaluate how I did.

Jeff Paddock

Phone: 715-828-8544

Jeffrey.Paddock@Wisconsin.gov

From: OJ Ojinaga <oj.ojinaga@ghd.com>

Sent: Tuesday, March 19, 2024 9:35 AM

To: Paddock, Jeffrey J - DNR <jeffrey.paddock@wisconsin.gov>

Subject: FW: Wausau Superfund Site - Question

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safe.

Jeff-

Please see the email below, specifically the green highlighted below regarding a deed restriction.

Thanks-
OJ

From: Holty, Jacob <Jacob.Holty@RegalRexnord.com>
Sent: Wednesday, March 13, 2024 12:52 PM
To: OJ Ojinaga <oj.ojinaga@ghd.com>
Subject: RE: Wausau Superfund Site - Question

Yes, if you could. I don't like opening up a can to get ourselves into more potential risk, but I also do not want to be the reason for the hold up of the sale. I just need to know if the DNR is in need of or waiting for a deed restriction on the west bank?

Thank you,
Jacob Holty

From: OJ Ojinaga <oj.ojinaga@ghd.com>
Sent: Wednesday, March 13, 2024 10:50 AM
To: Holty, Jacob <Jacob.Holty@RegalRexnord.com>
Subject: RE: Wausau Superfund Site - Question

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Jacob-

The only information the DNR is what I had provide you in the email. But I'm happy to reach out and see what they say specifically to what is highlighted in your email below.

From: Holty, Jacob <Jacob.Holty@RegalRexnord.com>
Sent: Friday, March 8, 2024 11:07 AM
To: OJ Ojinaga <oj.ojinaga@ghd.com>
Subject: RE: Wausau Superfund Site - Question

Thank you OJ for the update. Is there supposed to be a deed restriction in place? Here are some notes associated with the sale of the business and I want to make sure we have the right information. I highlighted the statement at the bottom, Do you know if the DNR is waiting for a deed restriction to close out the source/soil remediation phase of the project on the west bank?

b. With regard to the facility located at 100 East Randolph Street, Wausau, WI (the “Wausau Facility”):

- i. The Wausau Facility is located on the Ground Water Contamination Superfund Site (also referred to as the Wausau Water Supply NPL Site). Sampling performed in 1987 and 1988 identified a closed municipal landfill located on the Wausau Facility as a source of perchloroethylene, trichloroethylene, cis-1,2-dichloroethene, chloroform, carbon tetrachloride and vinyl chloride as the primary contaminants of concern in soil and trichloroethylene, cis-1,2-dichloroethene, and tetrachloroethene are the primary contaminants of concern in groundwater impacting the West Bank area of the Wisconsin River, as described in the Sixth Five-Year Review Report for Wausau Ground Water Contamination Superfund Site Marathon County, Wisconsin prepared by U.S. Environmental Protection Agency Region 5 dated April 9, 2020. Marathon Electric Manufacturing Corp. entered into the following agreements with the City of Wausau and other responsible parties: (1) Agreement between the City of Wausau and Marathon Electric Manufacturing Corporation, dated July 6, 1988; (2) Escrow Agreement between City of Wausau, Wausau Chemical Corporation, James Cherwinka and Marathon Electric dated November 29, 1990; (3) Settlement and Covenant Not to Sue, dated November 29, 1990; (4) Wausau Superfund Group Participation Agreement, dated November 29, 1990; and (5) Consent Decrees with the United States Environmental Protection Agency (“EPA”) and the State of Wisconsin in 1989 (Civil Action No. 89-C-855-C) and in 1991 (Civil Action No. 90-C-0831-C).

Marathon Electric Manufacturing Corp. entered into a Settlement Agreement with Employers Insurance of Wausau (“Wausau Insurance”) on January 21, 1992 regarding the Wausau Groundwater Contamination Site, pursuant to which, Wausau Insurance agreed to pay and has continued to pay seventy percent (70%) of future costs related to environmental claims (as such terms are defined in the Settlement Agreement) relating to the Wausau Groundwater Contamination Site. The principal current ongoing response actions for which the Company and other parties, as applicable, are responsible are the operation of air strippers in conjunction with two municipal wells, a groundwater extraction well, annual groundwater monitoring, annual vapor intrusion assessments, and landfill cap inspections and associated repair/upgrades. The Company is required to record a deed restriction against the property (but has not yet done so) as a condition for the Wisconsin Department of Natural Resources to close out the source/soil remediation phase of the project on the West Bank of the Wisconsin River. The Acquired Companies and the Seller Entities are not aware of any cap improvements or upgrades (beyond routine maintenance) that are required at this time. This disclosure is hereinafter referred to as the “Wausau Site Matter.”

Thank you,
Jacob Holty

From: OJ Ojinaga <oj.ojinaga@ghd.com>
Sent: Friday, March 8, 2024 10:41 AM
To: Holty, Jacob <Jacob.Holty@RegalRexnord.com>
Subject: FW: Wausau Superfund Site - Question

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Ignore my first email as the deed restriction only pertained to Wausau Chemical.

WDNR doesn't have record of a deed restriction for Marathon Electric/Rexnord.

From: Paddock, Jeffrey J - DNR <jeffrey.paddock@wisconsin.gov>
Sent: Friday, March 8, 2024 10:29 AM
To: OJ Ojinaga <oj.ojinaga@ghd.com>; Thompson, Matthew A - DNR <MatthewA.Thompson@wisconsin.gov>
Subject: RE: Wausau Superfund Site - Question

That is correct, I found no record of a deed restriction in place for Marathon Electric/Rexnord on the west bank.

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Jeff Paddock

Phone: 715-828-8544

Jeffrey.Paddock@Wisconsin.gov

From: OJ Ojinaga <oj.ojinaga@ghd.com>
Sent: Friday, March 8, 2024 10:26 AM
To: Paddock, Jeffrey J - DNR <jeffrey.paddock@wisconsin.gov>; Thompson, Matthew A - DNR <MatthewA.Thompson@wisconsin.gov>
Subject: RE: Wausau Superfund Site - Question

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You are correct, I miss read the email.

So to clarify, there is no deed restriction in place for Marathon Electric/Rexnord on the west bank?

From: Paddock, Jeffrey J - DNR <jeffrey.paddock@wisconsin.gov>
Sent: Friday, March 8, 2024 10:15 AM
To: OJ Ojinaga <oj.ojinaga@ghd.com>; Thompson, Matthew A - DNR <MatthewA.Thompson@wisconsin.gov>
Subject: RE: Wausau Superfund Site - Question

I thought Rexnord was on the west bank, do they have property on the other side? The deed restriction is for the Wausau Chemical Site on the east side of the river.

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Jeff Paddock

Phone: 715-828-8544

Jeffrey.Paddock@Wisconsin.gov

From: OJ Ojinaga <oj.ojinaga@ghd.com>

Sent: Friday, March 8, 2024 10:13 AM

To: Thompson, Matthew A - DNR <MatthewA.Thompson@wisconsin.gov>; Paddock, Jeffrey J - DNR <jeffrey.paddock@wisconsin.gov>

Subject: RE: Wausau Superfund Site - Question

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That is correct

From: Thompson, Matthew A - DNR <MatthewA.Thompson@wisconsin.gov>

Sent: Friday, March 8, 2024 9:59 AM

To: OJ Ojinaga <oj.ojinaga@ghd.com>; Paddock, Jeffrey J - DNR <jeffrey.paddock@wisconsin.gov>

Subject: RE: Wausau Superfund Site - Question

I think Rexnord took over the Marathon Electric building/footprint didn't they?

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Visit our survey at <http://dnr.wi.gov/customersurvey> to evaluate how I did.

Matt Thompson

Office: 715-492-2304

MatthewA.Thompson@wisconsin.gov

From: OJ Ojinaga <oj.ojinaga@ghd.com>

Sent: Friday, March 8, 2024 9:51 AM

To: Paddock, Jeffrey J - DNR <jeffrey.paddock@wisconsin.gov>; Thompson, Matthew A - DNR <MatthewA.Thompson@wisconsin.gov>

Subject: RE: Wausau Superfund Site - Question

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Jeff,

This is perfect. Rexnord is on the east bank.

Do you happen to have a copy of the deed restriction?

From: Paddock, Jeffrey J - DNR <jeffrey.paddock@wisconsin.gov>

Sent: Friday, March 8, 2024 8:37 AM

To: OJ Ojinaga <oj.ojinaga@ghd.com>; Thompson, Matthew A - DNR <MatthewA.Thompson@wisconsin.gov>

Subject: RE: Wausau Superfund Site - Question

You don't often get email from jeffrey.paddock@wisconsin.gov. [Learn why this is important](#)

Hi OJ,

Sorry for the delayed response, I was at a conference the past two days. There is a deed restriction for the Wausau Chemical company on the east side, but we don't have a record of a deed restriction for the west side. EPA is preparing an Explanation of Significant Differences which will address institutional controls, including continuing obligations, which will likely apply to the west side of the site.

Thank you and let me know if you have additional questions.

We are committed to service excellence.

Visit our survey at <http://dnr.wi.gov/customersurvey> to evaluate how I did.

Jeff Paddock

Phone: 715-828-8544

Jeffrey.Paddock@Wisconsin.gov

From: OJ Ojinaga <oj.ojinaga@ghd.com>

Sent: Wednesday, March 6, 2024 2:29 PM

To: Thompson, Matthew A - DNR <MatthewA.Thompson@wisconsin.gov>; Paddock, Jeffrey J - DNR <jeffrey.paddock@wisconsin.gov>

Subject: Wausau Superfund Site - Question

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Good afternoon-

I received a call from one of our PRPs (Rexnord), to notify me that they are in the process of selling to

another company. As part of this sale there are questions related to the site obligations related to the superfund site. One of the questions is regarding a deed restriction that was to be put in place once the landfill cap was finalized. To your knowledge, was this ever completed with the DNR? If so, can you provide me with a copy?

OJ

Daniel (OJ) Ojinaga
Project Manager/Engineer

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