

12/19/05 DeepEarth Technologies, Inc.

Bill Lundy 708/396-0100

Patented technology (H_2O_2 injex, but controllable)

can also be used for site characterization
(reagent reacts w/contam, off-gases to surface
and leaves "mark") Reagent includes ~~CaO₂~~ CaO₂

Works on mixed plumes (chlorinated & petrol)

- Irons - readily oxidized @ pH of 8 (optimum
for his process)

- In situ treatment

Eric Nutall, Univ of New Mexico

- References

Ean Osgerby

Dan Cassidy

Tom Douglas, ^{Pensacola,} ~~Kel~~ Florida

→ W. Lundy @ comcast.net

C.M. CHRISTIANSEN CO., INC.

MILWAUKEE:

5501 NORTH SANTA MONICA BLVD.
MILWAUKEE, WI 53217
TEL: (414) 963-9211
EMAIL: erc@execpc.com



PHELPS:

1 LAKE STREET
P.O. Box 100
PHELPS, WI 54554
TEL: (715) 545-2333
FAX: (715) 545-2334

June 10, 2005

CERTIFIED MAIL

Mr. Christopher A. Saari
Wisconsin Dept. of Natural Resources
2501 Golf Course Road
Ashland, WI 54806

Re: May 13 letter from Michelle DeBrock-Owens, WDNR Enforcement
April 1998 Spill Response Agreement
Former Pole Treatment Facility (BRRTS #02-64-000068)

Dear Mr. Saari:

This is to acknowledge receipt of a letter from Ms. Michelle DeBrock-Owens dated May 13, 2005 and to provide a response. First of all, the letter itself, and its tone, were a surprise to us and regrettably inconsistent with previous discussions we have held with WDNR staff. We are especially dismayed to learn that our good faith efforts to find common ground that is consistent with currently-accepted science has led to the threat of enforcement action.

As you undoubtedly will recall, our consultants (Natural Resource Technology [NRT]) and I met with Mr. John Robinson and yourself in NRT's office on February 15, 2005 to discuss the status of the WDNR's own investigation work on the property and associated report. In her letter, Ms. DeBrock-Owens, who was not present at that meeting, refers specifically to Items 4, 9, and 10 of the 1998 Spill Response Agreement (SRA) which, as you will recall, was also generally discussed at the February 15 meeting. In that context, we are addressing the specific SRA items referenced by Ms. DeBrock-Owens, below.

Items 4 and 9 – Sediment Sampling and Sediment Investigation Report. We are aware that WDNR used EPA funding to conduct a sediment survey in September 2003, which we understood was, at least in part, designed to address these items. In our February meeting, the work was characterized as a screening level assessment that needed further delineation work. A copy of the "Expanded Site Inspection Report" was not available to us until January 2005, over a year after project completion and only a few weeks prior to our February meeting. The report contained no recommendations regarding further actions for Military Creek.

As discussed in our meeting, we are interested in knowing what are the specific recommendations that WDNR has, based on this recent sediment work. We have very

Mr. Christopher Saari

June 10, 2005

Page 2 of 2

limited resources to conduct further work and are not interested in performing studies unless we can tie them to a tangible benefit and endpoint. How are we to decide what further work is necessary without knowing what WDNR finds significant or what its recommendations are?

Item 10 – Remedial Action Options Report (RAOR). We also discussed general approaches for addressing the sediments in our February meeting - realizing this was a hypothetical discussion and that the need for remediation was, and is, yet undetermined. Options discussed at the meeting included capping or removal, and also included the associated question of on-site or off-site disposal. Specifically, we understand that dredging or removal is not a desirable option for sediments in Military Creek as there is no off-site disposal for sediments, even for those containing very low quantities of dioxins and furans. Furthermore, we know of no Wisconsin project where such sediments have been disposed of on-site. We had asked you and Mr. Robinson for further information from WDNR regarding **feasible** disposal options. As mentioned above, it does not make sense to us to expend our limited funds on analyzing options that are not feasible. In fact, it is impossible. We have neither staff nor resources to invent new science or cutting edge solutions in regards to the contaminants of concern that inform WDNR's expectations.

In an email correspondence to WDNR on April 17, 2005, we indicated that we were waiting for more information from WDNR regarding the sediment issues raised in our February 15 meeting and reiterated above. Unfortunately, WDNR has chosen to issue a threat of enforcement rather than provide a substantive response to items committed to in our meeting on this matter. We do not understand why this is the case. Our timelines for further work can be established once WDNR project representatives provide the input that we understand had been agreed to on February 15, 2005. We cannot, however, develop timelines in the absence of this information.

We want to move forward in continuing voluntary compliance with our responsibilities in this matter in good faith. To this end, we respectfully must ask for the information outlined above that was our understanding would be forthcoming following the February 15, 2005 meeting between representatives of WDNR, NRT and CMC Co., Inc.

Very truly yours,

C.M. CHRISTIANSEN CO., INC.



Eric R. Christiansen,
President

cc: Ms. Michelle DeBrock-Owens
Mr. P.C. Christiansen
Ms. Laurie Parsons
Ms. Elizabeth Gamsky Rich

C.M. CHRISTIANSEN CO., INC.

P.O. Box 100

Phelps, WI 54554



Mr. Christopher A. Saari
Wisconsin Dept. of Natural Resources
2501 Golf Course Road
Ashland WI 54806

CERTIFIED MAIL – RETURN RECEIPT REQUESTED



54806-3505 01



10/13/05 0930 hrs.

Participated in conference call w/ John Robinson,
Michelle Debrock-Owens, Deb Johnson

We discussed history, current status

CAMU

Disposal out of state

1135 hrs John Robinson, & Mark Gordon

10/21

- Nothing in rule making dioxin as haz waste, maybe would be included as part of other listing
- RCRA defin. is being revised to be more consistent w/ Fed. defin.
- Assuming sed. are solid rather than haz waste, then it would be a matter of presenting character to landfills.
- If it's not RCRA, then ~~no~~ CAMU doesn't apply
Could then manage under NR 718
- If landfills can't take it, then they can look @ on-site treatment
- Bottom line is CMC needs to do RAO to demonstrate their options, or lack thereof
- JR will talk to Michelle about letter language

Saari, Christopher A.

From: Saari, Christopher A.
Sent: Thursday, June 09, 2005 11:56 AM
To: Robinson, John H.; Debrock Owens, Michelle
Subject: FW: May 13 Letter from Michelle DeBrock-Owens

FYI

-----Original Message-----

From: echristiansen@wi.rr.com [mailto:echristiansen@wi.rr.com]
Sent: Thursday, June 09, 2005 11:45 AM
To: Saari, Christopher A.
Subject: May 13 Letter from Michelle DeBrock-Owens

Subject: May 13 Letter from Michelle DeBrock-Owens

Chris:

Just a short note to let you know informally that tomorrow (Friday, June 10) I expect to mail my response to Michelle DeBrock-Owens' May 13 letter -- I will be sending it directly to you, copy to her. It has taken some effort to coordinate this response. Also, FYI, I will be taking a trip with my wife and other family members beginning later next week, and so will be unable to be back to you on any response you might have until after July 4.

eric

Eric R. Christiansen
President
C.M. Christiansen Co., Inc.
P.O. Box 100
Phelps, WI 54554
Phelps: (715) 545-2333 tel
Phelps: (715) 545-2334 fax
Milwaukee: (414) 963-9211 (tel)
erc@execpc.com

mail2web - Check your email from the web at <http://mail2web.com/> .

Chris Saari
Ashland

C.M. CHRISTIANSEN CO.

C.M. CHRISTIANSEN, FOUNDER

MANUFACTURERS & DISTRIBUTORS

(715) 545-2333

• VILAS COUNTY •

P O Box 100

FAX 715-545-2334

PHILIPS • WISCONSIN 54554

May 25, 2005



Michelle DeBrock-Owens
Environmental Enforcement Specialist
STATE OF WISCONSIN
DEPT OF NATURAL RESOURCES
Northern Region Headquarters
107 Sutliff Avenue
Rhineland, WI 54501-3349



Dear Michelle:

Since day one, I recall, (in your Rhineland office), I couldn't believe we would ever hear from you again concerning the old Pole Yard problem. Even at 83 years of age, it seems nothing today "is forever".

All I know or remember from back in the "Forties" about this whole thing is; this Company would never have done anything in our operations (now over 103 years) that was out of line, dishonest or knowingly against the law.

As for our Pole Treating operation over those few years, everything we did was very legal, approved by everyone in the industry and nationally accepted by the Feds, State, DNR and Town. I don't think a permit was required those days, but if one was, I am sure the Company Executives would have obtained one. Too much was to be invested to jeopardize such an investment without it.

The contemporary grounds, based upon the past laws when commenced and the complete cease of those operations some 20+ years ago should be proof enough.

I am indeed sorry I haven't paid more attention to you over the

May 25, 2005

past 11 or 12 years of this, but my association prior thereto was with Russ.

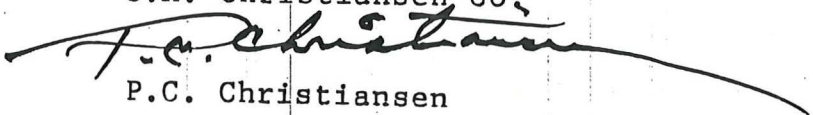
All during WWII that part of our operation created a number of essential jobs here the year around and no one lost a dime for their lack of work. Now the profit savings to this Company for those years are nearly dissipated owing to new and heretofore unknown regulations under which we now seem to operate (at least in part).

If we accidentally spilled some gallons of that expensive treatment material, as per specifications set out to us by our customers (Public Utilities), then they (many big ones) should have been contacted. Every hole they have drilled for their many thousands of set poles throughout the State of Wisconsin and all of our adjacent States has had a "spill" into the soil around the base of the pole. They too are responsible for their spills around every one of their set poles of many, many years.

It was (and probably still is) their own treatment specifications we had to meet to make our very legal sales to them.

To date, we alone have had to meet over \$1,000,000.00 of unforeseen expenses regarding this Northwoods project. No financial help from anyone (grants, donations, tax relief, subsidies or other). The money had to come from "after tax savings" of three generations of resourceful private management. What is this "dot-com" world coming to? Very little incentive for our future. We are willing to help work this out, but the additional costs might prove costly for a free private enterpriser such as we are.

Sincerely,
C.M. Christiansen Co.


P.C. Christiansen

1300hr

Are sed's HW or not?

If not, what effect would low-level dioxin conc. have on landfill acceptance?

- CMU concept is possible



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor
Scott Hassett, Secretary
John Gozdzialski, Regional Director

Northern Region Headquarters
107 Sutliff Ave.
Rhineland, Wisconsin 54501-3349
Telephone 715-365-8900
FAX 715-365-8932
TTY Access via relay - 711

May 13, 2005

CERTIFIED MAIL

File Ref.: 4190
CASETRACK #: 2005-NOEE-029

Mr. Eric R. Christiansen
5501 N. Santa Monica Blvd.
Milwaukee, WI 53217

Subject: April 1998 Spill Response Agreement Activities

Dear Mr. Christiansen:

It is the Department's understanding that you indicated C.M. Christiansen Company does not have the financial resources to complete any work beyond basic groundwater monitoring for the Phelp's pole yard site. The Department was willing to follow through with the ability-to-pay procedures as outlined in Chris Saari's March 24, 2005 letter to you. You responded that the ability-to-pay procedure was not an option for you at this time.

Since the Department does not have any information showing inability to pay, the Department requires C.M. Christiansen Company to comply with all of the remaining items in the April 1998 Spill Response Agreement. Specifically, complete the investigation of Military Creek as required in number 4 and 9 of the agreement and submit a completed Remedial Actions Option Report as required in number 10 of the agreement. Please submit a timeline within 30 days, to the Department for approval, indicating when items 4, 9, and 10 of the Spill Response Agreement will be completed by C. M. Christiansen Company.

The Department will consider C.M. Christiansen to be in violation of the Spill Response Agreement if items 4, 9, and 10 are not completed in an approved timeline. The Department will consider pursuing further enforcement action, if necessary, including referral to the Department of Justice for prosecution.

If you have any questions concerning this letter, please call me at 715-365-8935. If you have any technical questions concerning this case, please contact Chris Saari at 715-685-2920.

Sincerely,

Michelle DeBrock-Owens
Environmental Enforcement Specialist

c: Enforcement File, Rhineland
CASETRACK File, Rhineland
Chris Saari, Ashland
John Robinson, Rhineland
Deb Johnson, LS/5

Saari, Christopher A.

From: Saari, Christopher A.
Sent: Monday, April 18, 2005 10:10 AM
To: Debrock Owens, Michelle
Cc: Robinson, John H.
Subject: CM Christiansen

Hi Michelle:

I have reviewed the April 1998 Spill Response Agreement, and there are four items (Nos. 2, 4, 9 and 10) that deal with sediment quality in Military Creek. In my view, CM Christiansen has completed No. 2, and DNR partially completed Nos. 4 and 9 with the Superfund Expanded Site Inspection in 2003. It appears that the remaining compliance issues for the company would be to finish the investigation of Military Creek (Nos. 4 and 9), and then complete and submit the *Remedial Action Options Report* required in No. 11. Essentially, we need the company to finish the definition of degree and extent of sediment contamination (as much as that is possible in a stream setting), and then evaluate different remedial options (including "institutional controls and other non-remedial actions, if appropriate"; I believe that the company's attorney added that language).

Please let me know if you have any questions.

Chris Saari
Hydrogeologist, Remediation & Redevelopment Program
Wisconsin Department of Natural Resources
Telephone: 715-685-2920
E-Mail: Christopher.Saari@dnr.state.wi.us

Saari, Christopher A.

From: Eric R. Christiansen [echristiansen@wi.rr.com]
Sent: Sunday, April 17, 2005 11:44 PM
To: Saari, Christopher A.
Cc: Laurie Parsons; Richard G. Fox; Elizabeth Gamskiy Rich
Subject: Ability To Pay for Corporations

Chris:

In response to your letter of March 24, 2005, here's the current status:

(1) We have decided the corporate ability-to-pay procedure does not appear to work for us at this time. We will keep an open mind on it as the situation develops.

(2) We are waiting for the next groundwater sampling plan from NRT along the lines discussed at our Feb 15 meeting. We would expect to conduct the next round of sampling in May per that plan.

(3) We are waiting for more information from you (WDNR) regarding the sediment, etc. Please talk with Laurie Parsons or Rick Fox regarding specifics on this.

I hope this covers everything. If not, please get back to me.

regards,
eric

cc by regular mail to PC Christiansen

Eric R. Christiansen
President
C.M. Christiansen Co., Inc.
P.O. Box 100
Phelps, WI 54554
Phelps: (715) 545-2333 tel
Phelps: (715) 545-2334 fax
Milwaukee: (414) 963-9211 (tel)



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor
Scott Hassett, Secretary
John Gozdziwski, Regional Director

Ashland Service Center
2501 Golf Course Road
Ashland, Wisconsin 54806
Telephone 715-685-2900
FAX 715-685-2909

March 24, 2005

FILE COPY

MR ERIC R CHRISTIANSEN
5501 N SANTA MONICA BLVD
MLWAUKEE WI 53217

Subject: Environmental Contamination at the C.M. Christiansen Company Pole Yard Site,
Phelps, Wisconsin (BRRTS #02-64-000068)

Dear Mr. Christiansen:

I am writing you today in regards to the additional investigative and potential cleanup actions that the Department of Natural Resources' Remediation and Redevelopment Program is seeking at the above named site. As you will recall, you and representatives of Natural Resource Technology met with John Robinson and myself on February 15, 2005 to discuss the results of the Expanded Site Inspection conducted by the Department in 2003. Other topics discussed at that meeting included the status of the April 1998 Spill Response Agreement between the C.M. Christiansen Company, Inc. and the Department, and actions that the Department feels need to be completed at the site, namely additional groundwater monitoring and further investigation of sediment quality in Military Creek.

You indicated at the February 15 meeting that the C.M. Christiansen Company, Inc. does not have the financial resources to do much beyond basic groundwater monitoring at the site. We then talked about the Department's Ability To Pay process, and subsequent to the meeting, I forwarded some information to you regarding that process. Since that time, we have learned that our Ability To Pay process was set up to evaluate financial information for individuals, not corporations.

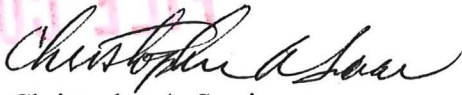
There is a possibility that the Department of Justice could help to determine whether the C.M. Christiansen Company, Inc. has the ability to pay for the needed work. However, in order for us to explore that option, you would have to indicate in writing your company's inability to pay and request that the Department of Natural Resources seek assistance from the Department of Justice in making this determination. In addition you would need to provide detailed financial information about the company. Without this request, we will be unable to proceed on the ability to pay determination. We would, however, still have to address the issue of compliance with the Spill Response Agreement.

We are therefore asking that you let the Department know by April 15, 2005 whether or not you wish to move forward with the Ability To Pay determination. The letter should be addressed to me at the address listed above.

Mr. Eric Christiansen – March 24, 2005
Page 2

If you have any questions concerning this letter or the project in general, please do not hesitate to write or call me at 715-685-2920. I can also be reached by e-mail at Christopher.Saari@dnr.state.wi.us.

Sincerely,

A handwritten signature in cursive script, appearing to read "Christopher A. Saari".

Christopher A. Saari
Hydrogeologist

cc: Michelle Debrock-Owens – DNR Rhinelander
John Robinson – DNR Rhinelander

2/15/05

Meeting w/CMC & NRT

Me, John Robinson

Laurie Parsons, Rick Fox - NRT

Eric Christensen - CMC

Site History

Major operations ceased in 1975, some limited operations through 1981? Pole treatment was basically offshoot of company sawmill

Company today has no operations, no income other than occasional land sale. Income generated from timber sale a 8 yrs ago almost gone now.

PC still goes to office but nothing going on, other than trying to sell some scattered assets (barn, etc.)

Eric is president of subsidiary, of Inc., set up for Pole Yard property

- Informed them of Nationwide Insurance file request.

They've re-sent notice to insurance carrier once Johnson Controls case was revised

John will e-mail memo to L.P. (Linda Meyer's legal interpretation of case)

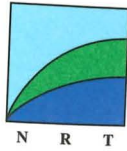
- ~~Event~~ through report

- L.P. asked about new well survey data (from SE)

W.L. measurements (vert. gradient)

- Check memo from C. Marzocco (is it ~~page~~ just one page)

- GN close, they will submit sampling plan (MVs above ES, MV-4 next at some point)
- Soil portion done
- Maybe GCL for Upland portion in future
- Sediments
 - DNR position - results point to need for add'l invest.
 - EC/NRT position - no where to dispose of PCDs cont. material, so why bother doing anything?
R.F. - believes we can skip the middle steps, come to conclusion that nothing else can be done
 - Use ability to pay process, if there is no ability, maybe use SFR
- * We need to talk to B. Fitzpatrick re: PCDs issue (disposal options)
- * Should APHs be clearing beaver dams from stream?
- L.R. has issues about depth of PCP in sed profile (is it even bio-available?)
- * Is remedial action possible in Class 4 T-S?
- * Email/mail ATP info to EC.
- * Check for e-mail from J. Hansen re: revised WW discharge limit



**Natural
Resource
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Richard G. Fox
Senior Scientist
Direct 262.522.1194

rfox@naturalrt.com

GREENDALE HIGH SCHOOL

ERIC R. CHRISTIANSEN

THEATRE DIRECTOR

6801 SOUTHWAY
GREENDALE, WI 53129

TEL: (414) 423-0110
FAX: (414) 423-1667

EMAIL: eric.christiansen@greendale.k12.wi.us

CELL: (414) 963-9211



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor
Scott Hassett, Secretary
John Gozdzialski, Regional Director

Ashland Service Center
2501 Golf Course Road
Ashland, Wisconsin 54806
Telephone 715-685-2900
FAX 715-685-2909

January 12, 2005

FILE COPY

MR ERIC R CHRISTIANSEN
5501 N SANTA MONICA BLVD
MLWAUKEE WI 53217

Subject: Expanded Site Inspection Report for the C.M. Christiansen Company Pole Yard Site, Phelps, Wisconsin (BRRTS #02-64-000068)

Dear Mr. Christiansen:

Enclosed please find a copy of the *Expanded Site Inspection Report* prepared by the Department of Natural Resources' Remediation and Redevelopment Program for the above named site. I have also forwarded copies of the report to Mr. P.C. Christiansen in Phelps and to Ms. Laurie Parsons at Natural Resource Technology. As you are aware, the Expanded Site Inspection (ESI) was conducted under a cooperative agreement with the Environmental Protection Agency's Superfund Site Assessment program. The report details the results of groundwater, surface water and sediment sampling performed by the Department in 2003 as part of the ESI.

The Department would like to meet with you to discuss the findings of the ESI and to determine the next steps for this site. We believe that this meeting would be more productive if it was held face-to-face rather than by telephone, but we are also aware that your schedule might make a meeting in northern Wisconsin difficult. It might be possible for my supervisor and myself to travel to the Milwaukee area to meet with you if that would help in getting this meeting scheduled. Once you have had a chance to review this report, please contact me so that we can arrange a time and place for us to get together.

If you have any questions concerning this letter or the project in general, please do not hesitate to write or call me at 715-685-2920. I can also be reached by e-mail at Christopher.Saari@dnr.state.wi.us.

Sincerely,

Christopher A. Saari
Hydrogeologist

encl.

cc: P.C. Christiansen – C.M. Christiansen Company, Inc., PO Box 100, Phelps, WI 54554 (w/encl)
Laurie Parsons – Natural Resource Technology, Inc., 23713 W. Paul Rd., Unit D, Pewaukee, WI 53072 (w/encl)
John Robinson – DNR Rhinelander (w/o encl)

January 7, 2004

Mr. Cris Saari
WDNR
2501 Golf Course Road
Ashland, WI 54806

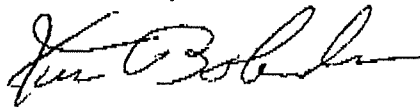
Dear Mr. Saari:

Please accept this letter as a request for public information. Specifically, I would like to make arrangements to have the files copied for the C M Christiansen #1 – Pole Dip Site located in Phelps, Wisconsin. I understand you will be taking the files to a local copy service and I am to contract with them to make the copies.

Please call if you have any questions regarding this request.

Thank you for your help.

Sincerely,



Ken Bolender
Nationwide Indemnity
1878 Highway 26 West
Nashville, AR 71852



DATE: 1-7-05

TO: Mr. Chris Sorri

FAX: 715-685-2909

FROM: Ken Bolender, 870-845-0887, 870-845-0889 fax

Number of pages including this one 2.

Request for documents.

Four horizontal lines for additional text or signature.