



November 5, 2015

Attorney Elizabeth G. Rich
Elizabeth Gamsky Rich & Associates SC
435 E. Mill Street
Plymouth, WI 53073

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

Dear Ms. Rich:

The Department sent a letter to your client, Mr. Eric Christiansen, in January of this year. The Department also sent a request for information and documentation to you in January. The Department is currently working on a Superfund Site Reassessment for this site and will send that assessment to the U.S. Environmental Protection Agency soon. Regardless of our recent efforts, we asked your client to conduct a site inspection in 2003 and have continued to request that site investigation work be conducted. To date, the Department is the only entity that has completed sampling and data collection on sediments at this site. Our January request for a scope of work by March 2, 2015 was not answered. Instead the Department received a letter from you including references to "good faith disagreement" and "mixed messages and unclear direction from the DNR."

The Department recognizes that significant work was completed on soil and groundwater; however, there has not been any work completed by your client to investigate Military Creek, which is required by the Spill Response Agreement. The data collected by the Department shows that additional investigation of Military Creek is needed, which is why we have repeatedly asked C.M. Christiansen to submit a Sampling Plan for Military Creek.

You have also asserted that your client does not have the ability to pay for the work required at this site. However, your offer to provide "financial hardship information related to the Spill Response Agreement" is not something the Department can analyze. The Wisconsin Department of Justice makes determinations as to ability to pay upon referral of the case by the Department.

The Department has asked and requested in writing, information related to the ownership of the site at the time of operation as well as current ownership. Your letter states that C.M. Christiansen Co., Inc., entered into a Spill Response Agreement with the Department. You provided no other information that answers our question of ownership. The Department is requesting, for the second time, that you provide to the Department documentation that shows the current owner of the property and number of years since purchase by the current owner, in addition to the ownership of the property at the time of operation as a pole yard.

Please respond to this letter within 30 days. The Department will take the necessary steps forward based on your response. If we do not receive the information requested, the Department may issue a Notice of Noncompliance.

Sincerely,


Lacey Cochart
Attorney

cc: Chris Saari-DNR
John Robinson-DNR