

From: C.M. Christiansen Co., Inc. <CMC.Co.Inc@gmail.com>
Sent: Wednesday, September 28, 2022 4:57 PM
To: Saari, Christopher A - DNR
Cc: McDonough, Jennifer E - DNR; Stoltz, Carrie R - DNR; Zalesny, Jill A - DNR; Bower, Phillip R - DNR; Rich, Elizabeth Gamsky; Steve DOYEN; Ron Buell Jr.
Subject: REVISED Groundcover Maintenance Plan
Attachments: Cover Maintenance Plan Cover Letter v2.pdf; Cover Letter - Phelps Cover Maintenance Plan Cover v2 - Signed.pdf; Cover Maintenance Plan v2 - Signed.pdf; WDNR Comments Ground cover maint plan 08242022.pdf

Follow Up Flag: Follow up
Due By: Thursday, September 29, 2022 11:30 AM
Flag Status: Flagged

**CAUTION: This email originated from outside the organization.
Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Chris:

Attached is the C.M. CHRISTIANSEN CO., INC. GROUND COVER MAINTENANCE PLAN with EXHIBITS, *REVISED* as of September 28, 2022, also being sent by regular mail. This REVISED Plan is filed in response to the Department's August 24, 2022, correspondence, also attached.

PLEASE NOTE that a Duplicate Original is also being sent to the Town of Phelps today, requesting their signature. We have no control over whether the Town's officers sign on to this Plan or not. So, if the Department requires their signature, I respectfully request that you (also) ask them directly.

Regards,
-eric

C.M. CHRISTIANSEN CO., INC.
Eric R. Christiansen, President

CC via email:
Jennifer McDonough - DNR Madison
Carrie Stoltz - DNR Madison
Jill A. Zalesny - DNR Rhinelander
Phillip R Bower - DNR Madison
Elizabeth Gamsky Rich - Rich Law SC

CC via email & regular mail
Steve Doyen & Ronald Buell - Town of Phelps

 EXHIBIT A-1 - Map Showing Deed Restrictions.pdf



 EXHIBIT A-2 - Map Showing Contamination Areas.pdf



 EXHIBIT A-3 Property Boundaries.pdf



 EXHIBIT B - 1-21-2000 ROAR Excerpt.pdf



 EXHIBIT C - DNR Form 4400-305.pdf



 EXHIBIT D - Photos.pdf



*Eric R. Christiansen, President
CM Christiansen Co., Inc.
PO Box 41
Iron River, MI 49935
(414) 963-9211*

C.M. CHRISTIANSEN CO., INC.

PO Box 41 * 425 West Genesee Street

Iron River, MI 49935

(414) 963-9211

cmc.co.inc@gmail.com

ERIC R. CHRISTIANSEN
PRESIDENT

September 28, 2022

via email & CERTIFIED MAIL

Steve Doyen and Ronald Buell
TOWN OF PHELPS
4495 Town Hall Rd
PO Box 157
Phelps, WI 54554

Dear Steve and Ron:

Enclosed herewith is the C.M. CHRISTIANSEN CO., INC. GROUND COVER MAINTENANCE PLAN dated as of September 28, 2022 incorporating revisions based on comments received in Ms. Jennifer McDonough's August 24, 2022 correspondence (also enclosed).

PLEASE NOTE that one of the comments was to the effect that the TOWN OF PHELPS is required to sign off on this Plan. Please take care of this & send a signed original to Ms. McDonough at your earliest convenience.

Regards,

C.M. CHRISTIANSEN CO., INC.



Eric R. Christiansen, President

CC via email:

Jennifer McDonough - DNR Madison

Carrie Stoltz - DNR Madison

Jill A. Zalesny - DNR Rhinelander

Phillip R Bower - DNR Madison

Elizabeth Gamsky Rich - Rich Law SC

C.M. CHRISTIANSEN CO., INC.

PO Box 41 * 425 West Genesee Street

Iron River, MI 49935

(414) 963-9211

cmc.co.inc@gmail.com

ERIC R. CHRISTIANSEN
PRESIDENT

September 28, 2022

Chris Saari
Northern Region Team Supervisor
Remediation and Redevelopment Program
Wisconsin Department of Natural Resources
2501 Golf Course Rd.
Ashland, WI 54806

Dear Mr. Saari:

Enclosed herewith is the C.M. CHRISTIANSEN CO., INC. GROUND COVER MAINTENANCE PLAN dated as of September 28, 2022 incorporating revisions based on comments received in Ms. Jennifer McDonough's August 24, 2022 correspondence.

Regards,

C.M. CHRISTIANSEN CO., INC.



Eric R. Christiansen, President

CC via email:

Jennifer McDonough - DNR Madison
Carrie Stoltz - DNR Madison
Jill A. Zalesny - DNR Rhinelander
Phillip R Bower - DNR Madison
Elizabeth Gamsky Rich - Rich Law SC

CC via email & regular mail

Steve Doyen & Ronald Buell - Town of Phelps

C.M. CHRISTIANSEN CO. INC.
c/o Registered Agent Solutions Inc
PO Box 266
Eaton Rapids, MI 48827
Ground Cover Maintenance Plan

September 28, 2022

"POLEYARD"
County E
Phelps, WI 54554

DNR BRRTS Case #02-64-000068
FID #76436230

Part of Govt Lot 3 and the North East ¼ of the South East ¼ in Section 35, T42N, R11E,
Town of Phelps, Vilas County, Wisconsin. Vilas County Parcel Number 018-1391

Introduction

This document is the Maintenance Plan for a ground cover barrier system at the above-referenced property in accordance with the requirements of s. NR 724.13 (2), Wis. Adm. Code. The maintenance activities relate to the existing sand, gravel, and stone barrier system which occupies the area over contaminated soil that was excavated in 1999.

More site-specific information about this property/site may be found in:

- The case file in the DNR Northern Region office
- At <http://dnr.wi.gov/topic/Brownfields/wrrd.html>, which includes:
 - BRRTS on the Web (DNR's internet-based database of contaminated sites) for the link to a PDF for site-specific information,
 - RR Sites Map for a map view of the site, and
- The DNR project manager for Vilas County, WI

Description of Contamination

Soil contaminated by #2 fuel oil blended with approximately 5% pentachlorophenol was located in the areas subject to deed restrictions (EXHIBIT A-1), also described as "Contamination Areas" (EXHIBIT A-2), attached to this Plan.

Description of the Cover to be Maintained

The groundcover barrier consists of a minimum of 6 inches of clean sand and gravel with respect to all areas except "Contamination Area #2" (referring to EXHIBIT A-2), where the groundcover barrier is 6 inches of topsoil beneath a non-woven geo-textile, covered with an additional 6-inch layer of two-inch stone riprap (above the fabric). SEE EXHIBIT B, an excerpt from the Remedial Action Documentation Report for the Former Pole Treatment Facility, dated January 21, 2000 (pages 2-16 and 2-17). In addition, the property owner has fenced the respective "contamination areas" with chain-link fence.

Cover Purpose

The cover over the contaminated soil serves as a barrier to prevent direct human contact with residual soil contamination. Based on the current use of the property, the barrier should function as intended unless disturbed.

Annual Inspection

The cover will be inspected once a year, normally in the late spring after all snow and ice is gone, for deterioration and other potential problems that could cause exposure to underlying soils. The inspections will be performed by the property owner or their designated representative. The inspections will be performed to evaluate damage due to settling, exposure to the weather, wear from traffic, increasing age, and other factors. Any area where contaminated soils have become or are likely to become exposed will be documented.

A log of inspections and any repairs will be maintained by the property owner on Form 4400-305, Continuing Obligations Inspection and Maintenance Log, a form of which is attached to this Plan as EXHIBIT C. The log will include recommendations for necessary repair of any areas where underlying soils are exposed. Once repairs are completed, they will be documented in the inspection log.

As there is currently no acceptable place at the site, a copy of this Plan and the inspection log will be kept at the address of the property owner and will be submitted to Wisconsin Department of Natural Resources (DNR) using the DNR RR Program's Submittal Portal [www.dnr.wisconsin.gov - keyword search "brownfields submittal"].

Maintenance Activities

If problems are noted during the annual inspections or at any other time during the year, repairs will be scheduled as soon as practical. Repairs can include patching and filling or larger resurfacing or construction operations. In the event that necessary maintenance activities expose the underlying soil, the owner must inform maintenance workers of the direct contact exposure hazard and provide them with appropriate personal protection equipment (PPE). The owner must also sample any soil that is excavated from the site prior to disposal to ascertain if contamination remains. The soil must be treated, stored, and disposed of by the owner in accordance with applicable local, state, and federal law.

In the event the cover overlying the soil is removed or replaced, the replacement barrier must be equally impervious. Any replacement barrier will be subject to the same maintenance and inspection guidelines as outlined in this Plan unless indicated otherwise by the DNR or its successor.

Prohibition of Activities and Notification of DNR Prior to Actions Affecting the Cover

The following activities are prohibited on any portion of the property where the soil cover is required, as shown on the attached maps, EXHIBITS A-1 and A-2, unless prior written

approval has been obtained from the DNR: 1) removal of the existing barrier; 2) replacement with another barrier; 3) excavating or grading of the land surface; 4) filling on capped areas; 5) plowing for agricultural cultivation; 6) construction or placement of a building or other structure; or 7) changing the use or occupancy of the property to a residential exposure setting, which may include certain uses, such as single or multiple family residences, a school, day care, senior center, hospital, or similar residential exposure settings.

If removal, replacement, or other changes to a cover are considered, the property owner will contact DNR at least 45 days before taking such an action to determine whether further action may be necessary to protect human health, safety, or welfare, or the environment, in accordance with s. NR 727.07, Wis. Adm. Code.

Amendment or Withdrawal of Maintenance Plan

This Plan can be amended or withdrawn by the property owner and its successors with the written approval of DNR.

Dated as of September 28, 2022

FORMER Site Owner and Operator: C.M. CHRISTIANSEN CO., INC.
c/o Registered Agent Solutions Inc
PO Box 266
Eaton Rapids, MI 48827

by: 
Eric R. Christiansen, President

CURRENT Property Owner: TOWN OF PHELPS
4495 Town Hall Rd
PO Box 157
Phelps, WI 54554

by: _____
[printed name & title]

Location Maps

EXHIBITS A-1, A-2, and A-3

Excerpt from the Remedial Action Documentation Report for the Former Pole Treatment Facility, dated January 21, 2000 (pages 2-16 and 2-17) - EXHIBIT B

Continuing Obligations Inspection and Maintenance Log

DNR Fillable Form Form 4400-305 - SAMPLE attached as EXHIBIT C

[<https://dnr.wi.gov/files/PDF/forms/4400/4400-305.pdf>]

Current Photographs of Areas Subject to Cover/Barrier:

EXHIBIT D



August 24, 2022

Eric R. Christiansen
C.M. Christiansen Co.
5501 N Santa Monica Blvd
Milwaukee, WI 53217-5160
Email: CMC.Co.Inc@gmail.com

BRRTS Activity #02-64-000068
FID #76436230
Vilas County

C.M. Christiansen Co., Inc
c/o Registered Agent Solutions Inc
PO Box 266
Eaton Rapids, MI 48827

Subject: Ground cover maintenance plan review

Dear Mr. Christiansen:

On August 5, 2022, a ground cover maintenance plan, dated July 29, 2022, was submitted to the department. Based on our review, we are requesting additional information.

- On page 2 of 3 "Annual Inspection", the last paragraph states that the inspection log will be kept at the address of the property owner and available for submittal or inspection by DNR representatives upon request. Please submit the annual inspection reports to the department using the DNR RR Program's Submittal Portal. Instructions on using the Portal can be found here: [RR Program Submittal Portal | | Wisconsin DNR](#) dnr.wisconsin.gov keyword search "brownfields submittal".
- On page 3 of 3 If the current property owner is the Town of Phelps, a town representative needs to sign this document and update the signature block with the street address.
- Photographs of the cover areas must be submitted to the department. Photographs of covers are applicable not only in case closure situations.

By September 30, 2022, please submit a revised ground cover maintenance plan. If you have any questions or concerns, please contact me at (608) 640-0438 or by email at Jennifer.McDonough@wisconsin.gov

Sincerely,

Environmental Enforcement Specialist

cc: Carrie Stoltz – DNR, Rhinelander

Chris Saari – DNR, Ashland
Phil Bower – DNR, Madison
Jill Zalesny – DNR, Rhinelander
Elizabeth Gamsky Rich - Rich Law SC