



November 27, 2013

COPY

City of Manitowoc  
Attn: Attorney Kathleen McDaniel  
900 Quay St  
Manitowoc, WI 54220

Anthony Roberts  
5202 Silver Creek Road  
Manitowoc, WI 54220

SUBJECT: Scope of Work – Geophysical Survey, City of Manitowoc Gravel Pit  
3130 Hecker Rd, Town of Newton, Manitowoc County, Wisconsin  
BRRTS # 02-36-000268

Dear Ms. McDaniel and Mr. Roberts:

The Department of Natural Resources (DNR) is requesting access to conduct a geophysical survey(s) at the City of Manitowoc Gravel Pit and east-adjacent Roberts Property to help find existing or new sources of contamination that may not have been revealed in the past. **Please respond by December 7, 2013.** As you know, the City of Manitowoc has been monitoring groundwater on the City's Town of Newton Gravel Pit property and the Roberts property for many years. Recently vinyl chloride and other contaminants were found in potable wells along Hecker Rd. The City is providing bulk and bottled water to certain homes and is in the process of replacing an impacted well. In light of these new developments, the DNR wishes to assist in surveying the properties (at no cost to the City or Mr. Roberts) to screen for possible problem areas that may need further investigation or cleanup.


The DNR is proposing to work with the Wisconsin Geological & Natural History Survey (WGNHS) for the geophysical survey(s) to screen historical locations of potential buried objects (i.e., buried drums, tanks, and buried well casings) that may be contributing to groundwater contamination and to help build upon the previous electromagnetic (EM-31) survey completed on the City's property in 1994 on a 25 foot grid that was followed by test pit excavations. The following outlines the details of the Scope of Work:

- The field work is proposed to be scheduled on December 9<sup>th</sup>, or December 10<sup>th</sup>, weather permitting
- Access to the City of Manitowoc Gravel Pit and Roberts Property to conduct geophysical surveys for anomalies within the subsurface as shown on the attached map
  - 1) Initial reconnaissance survey using a Geometrics 858 magnetometer to measure and record any potential anomalies in the subsurface. Grid spacing would be approximately 10-feet
  - 2) If the magnetic survey identifies large buried anomalies, then an EM-31 survey with a tighter grid spacing of 5-feet will be conducted over the anomalies for a more accurate representation
  - 3) A ground penetrating radar survey (GPR) will be conducted. This survey sends a radio pulse into the ground which reflects off a larger object to provide dimensions to the buried anomalies, if found in previous surveys
- These surveys could take between four to six hours to complete. Results will be plotted on air photos or maps, so that areas of interest could be further investigated as deemed necessary

- On-site DNR personnel will include Tauren Beggs, Liz Heinen, Dave Johnson and Annette Weissbach
- WGNHS personnel will include Dave Hart and Carolyn Streiff
- DNR and WGNHS are self-insured, certificate for DNR is attached and certificate for WGNHS will be provided upon arrival for survey

If you are willing to provide access and allow the DNR and WGNHS to complete this scope of work, please sign, scan, and email the attached access agreement (or fax 920- 662-5197). If you have any questions please feel free to contact either one of us. We will be in touch as the survey date draws nearer. We'll also be available at the Open House at the Newton Town Hall on December 7, 2013 from 10 AM to Noon.

Sincerely,



Tauren Beggs, Hydrogeologist  
(920) 662-5178  
[Tauren.Beggs@wisconsin.gov](mailto:Tauren.Beggs@wisconsin.gov)



Annette Weissbach, Land Recycling Coordinator  
920-662-5165  
[Annette.Weissbach@wisconsin.gov](mailto:Annette.Weissbach@wisconsin.gov)

WDNR Remediation and Redevelopment Program

Attach: Site map with survey locations  
Access agreement  
DNR Certificate of Insurance



7/24/2011

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well

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Google earth

## **ACCESS PERMISSION FORM**

I hereby give my permission to the Wisconsin Department of Natural Resources (DNR) and its employees, duly authorized representatives, agents and contractors, upon advance notice to me, to enter upon and have access at reasonable times to the property described as 5202 Silver Creek Road, Town of Newton, Manitowoc County, Wisconsin (Property), of which I am the legal representative or owner (Property Owner), for the following purposes:

To gain access to any areas on the Property where investigative work is to be completed for the geophysical survey(s). I understand the DNR will provide a copy of the Geophysical Survey report when it is completed.

The permission that is granted herein shall remain in effect from the date of signing this form to January 10, 2013. After this period, if the Property Owner wishes to withdraw permission for continued access, the Property Owner shall notify the DNR of that fact. The DNR shall, within 90 days after receiving such notice, either discontinue access or obtain a court order to allow continued access.

The Property Owner agrees not to damage or interfere with any investigative work and agrees to notify third parties who plan to conduct any activity on the Property described above that the Department of Natural Resources may be concurrently working on the property.

The WDNR shall be responsible for the consequences of its own acts, errors, or omissions and those of its employees, agents, contractors, officers, and representatives and shall be responsible for any losses, claims, and liabilities which are attributable to such acts, errors, or omissions. The Property Owner recognizes and understands that it may be responsible for the consequences of its own acts, errors, or omissions and those of its employees, agents, boards, commissions, agencies, officers and representatives, including providing its own defense. In situations including joint liability, each party shall be responsible for the consequences of its own acts, errors, or omissions and those of its employees, agents, boards, commissions,

agencies, officers and representatives. It is not the intent of the parties to impose liability beyond that imposed by state statutes. This clause applies only to actions of each party pursuant to this agreement, and does not apply to actions or events that occur outside the scope of this agreement.

The DNR will notify the property owner at least two business days prior to accessing the property.

IN WITNESS WHEREOF:

\_\_\_\_\_  
Signature of Property Owner

\_\_\_\_\_  
Date

\_\_\_\_\_  
Mailing Address of Owner

\_\_\_\_\_  
Email Address

\_\_\_\_\_  
Area Code and Home Telephone Number

\_\_\_\_\_  
Area Code and Mobile Phone Number



**WISCONSIN DEPARTMENT OF  
ADMINISTRATION**

**SCOTT WALKER**  
GOVERNOR

**MIKE HUEBSCH**  
SECRETARY

Division of Enterprise Operations  
Bureau of State Risk Management  
Post Office Box 77008  
Madison, WI 53707-1008  
Voice (608) 266-0168  
Fax (608) 264-8250

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**Date:** November 27, 2013

**To:** Kathleen McDaniel, Assistant City Attorney  
City of Manitowoc  
900 Quay Street  
Manitowoc WI 54220

**Re:** Certificate of Protection in Lieu of an Insurance Policy

**For:** Magnetic and/or geophysical survey project in the City of Manitowoc - Town of Newton  
Gravel Pit, SW, NW, Section 2, T18N, R23E BRRTS #02-36-000268 in December 2013

To Whom It May Concern:

This is to certify that the Wisconsin Department of Natural Resources is protected by the State of Wisconsin Self-Funded Liability and Property Programs. Section 20.505 (2) (k), Wisconsin Statutes, provides funds to pay liability and property claims. In addition, section 895.46 provides that the state will pay judgments taken against state officers or employees for acts carried out while the officers or employees were acting within the scope of their employment.

Please accept this as evidence of protection for applicable liability claims brought against the state, its officers or employees and damage to property for which the state may be responsible. If you need any further assistance, please feel free to contact this office.

This certificate applies only to state officers, agents, and employees; it does not apply to independent contractors; and issuance of the certificate does not waive any duty of a contractor to acquire liability insurance.

Sincerely,

*Sherry Rowin, ARM, CRIS*  
Property & Liability Program Manager  
Department of Administration  
Bureau of State Risk Management

cc: Karen Kreger, DNR Risk Management; Annette Weissbach, DNR