



CERTIFIED MAIL – RETURN RECEIPT REQUESTED

September 12, 2014

Joseph & Maxine Mancheski
3320 Hecker Road
Manitowoc, WI 54220

SUBJECT: Off-site Property Access for Additional Investigation
Manitowoc City / Former Newton Tn Gravel Pit
3130 Hecker Road, Town of Newton, Wisconsin
WDNR BRRTS # 02-36-000268

Dear Mr. & Mrs. Mancheski:

The purpose of this letter is to explain the current status of the environmental investigation taking place at the Manitowoc City / Former Newton Tn Gravel Pit property located at 3130 Hecker Road, Manitowoc, Wisconsin, and to explain your rights and responsibilities as a property owner whose property is directly downgradient and may have been impacted by an off-site source from the Manitowoc City / Former Newton Tn Gravel Pit property. Please read this letter carefully, in its entirety.

Investigation at Manitowoc City / Former Newton Tn Gravel Pit:

This investigation began due to chlorinated solvent contamination found in soil and groundwater on the Manitowoc County / Former Newton Tn Gravel Pit property. According to s. 292.11, Wisconsin State Stats, the City of Manitowoc (City) has the responsibility to define the degree and extent of the contamination and see that contamination in soil and groundwater is cleaned up in accordance with chs. NR 700-726, Wis. Adm. Code.

Defining the extent of contamination in soil is performed by taking soil borings and analyzing the soil for constituents of the source contamination. In this particular case, the source contaminants are chlorinated solvents. Groundwater is investigated by installing monitoring wells and analyzing groundwater for the same constituents.

As part of the site investigation to define the degree and extent of contamination, AECOM sent you a request to access your property for the purpose of installing groundwater monitoring wells to collect groundwater samples. The City has also contacted you regarding this request. The Department understands from AECOM and the City that you have verbally declined their requests to allow access to your property.

In order for the City to properly continue the site investigation of the groundwater contamination that has migrated off their property, they need to install groundwater monitoring wells to determine the degree and extent of groundwater contamination and to further assess the risk to the drinking water aquifer (supply) in the immediate area in the Town of Newton. Since the groundwater flow has been determined to be flowing southeast from the City's property, monitoring well locations on your property are essential to stay in line with the groundwater flow direction and to best assess the groundwater contamination that is affecting the Town of Newton residents' private wells.

Explanation of Appropriate Statues:

- S. 292.13(1), Wisconsin State Stats., (Property affected by off-site discharges), states, *A person, other than a state agency, is exempt from s. 292.11(3), (4) and (7)(b) and (c) with respect to the existence of a hazardous substance in the groundwater on property possessed or controlled by that person if...*
- (d) The person agrees to allow the Department, any authorized representatives of the Department, any party that possessed or controlled the hazardous substance or caused the discharge of the hazardous substance and any consultant or contractor of such a party to enter the property to take action to respond to the discharge.*
- and*
- (f) The person agrees to avoid any interference with action undertaken to respond to the discharge and to avoid actions that worsen the discharge.*

Refusal of access to the responsible party, or their representative, to enter an impacted property to address the contamination is viewed by the Department as taking "possession and control" of the discharge. S. 292.11(3), Wisconsin State Stats., states, *A person who possesses or controls a hazardous substance which is discharged or who causes the discharge of a hazardous substance shall take the actions necessary to restore the environment to the extent practicable and minimize the harmful effects from the discharge to the air, lands or waters of this state.*

Summary:

In summary, the combination of these sections in the Wisconsin State Stats. means that further delay or denial by you of AECOM's and the City's requests to install groundwater monitoring wells on your property, for the purpose of investigating and remediating the contamination in groundwater originating from the Manitowoc City / Former Newton Town Gravel Pit property, will result in the Department naming you as a responsible party for this contamination under s. 292.11, Wisconsin State Stats. This would make you liable for the contamination that may have migrated onto your property. Therefore, it is in your best interest to address this access issue immediately so the City can continue with the investigation of contamination originating from their property. I hope that you contact Dave Henderson of AECOM at (414) 944-6080 or Kathleen McDaniel of the City at (920) 686-6990 and grant permission for the City and their consultant to begin the investigation on your property as directed by the Department.

For the purpose of continuing the investigation at Manitowoc City / Former Newton Town Gravel Pit in a timely manner, please respond to the Department in writing with your decision within 14 days from the date you receive this letter. Failure to provide an adequate response within this time frame will result in a recommendation for the transfer of responsibility to you for the contamination that may have migrated onto your property.

If you have any questions regarding the content of this letter, please contact me in Green Bay at (920) 662-5178.

Sincerely,



Tauren R. Beggs
Hydrogeologist
Northeast Region Remediation & Redevelopment Program

cc: Roxanne N. Chronert, DNR (E-copy, Roxanne.Chronert@wisconsin.gov)
Dave Henderson, AECOM (E-copy, Dave.Henderson@aecom.com)
Kathleen McDaniel, City of Manitowoc (E-copy, kmcdaniel@manitowoc.org)