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July 8, 2002

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Jennifer S. Pelczar
Remediation and Redevelopment Program
Wisconsin Department of Natural Resources
Northeast Region Office
625 E. County Road Y, Suite 700
Oshkosh, WI 54901-9731

Dear Ms. Pelczar:

Re: Responses to Comments May 6, 2002
Workplan for FF/NN Landfill
BRRTS # 02-20-000915

I requested that Gerald DeMers prepare in writing responses of a technical nature to the "comments" in your June 12, 2000 letter to me. (A copy of his letter and the original of the letter's attachment are enclosed.) These responses represent the position of the FF/NN PRP Group.

Besides Mr. DeMers' responses there are a few matters of which I think it is necessary to apprise you.

The first matter relates to the location of the deep well or deep wells. Prior to the public meeting on May 8, 2002, I had sent to William Miller an Access Agreement for a deep well on the Miller property. Following the meeting, I discussed with Mr. Miller whether he was willing to sign the Agreement or required some changes. He stated that he found the Agreement acceptable but would only sign if he was given a monetary accommodation on the hookup charge for the water main extension. I solicited from the PRPs the authority to provide that accommodation in the amount specified by Mr. Miller. I advised Mr. Miller by letter of the availability of the accommodation and requested that he sign the Agreement and return it to me. Instead he called me to say he would not sign the Agreement, despite the accommodation and his prior commitment.

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Miller's reasons are interesting in that he bases his rejection of the Agreement on the Department's motives and failures in this matter, not on the content of the Agreement or the adequacy of the PRPs' accommodation. According to Miller, the Department just wants to make the PRPs spend a lot of money and in the process get some for itself. His explanation on this point included that a deep well was not necessary because several of his neighbors had wells at the depth needed and sampling those wells should suffice. He also complained that the Department sent everyone else in the neighborhood the results of their wells' tests but not Miller's. (As to the latter I have seen a copy of a letter to Mr. and Mrs. Miller, so I suspect Mr. Miller either may not have seen the letter or if he has he may have forgotten it because it is the same as so many other letters on the subject, namely, "no detect.")

My attempts to educate Mr. Miller about the need to measure both water quality and piezometric potential at a location and the difference between a monitoring well and a drinking water well for those purposes were apparently not successful. Because we believe that if another deep well is needed, the Miller property provides the optimum location, we, therefore, request the Department exercise its statutory authority and persuasive skills with Mr. Miller. (If the Department doubts it has such authority, I will be glad to provide the basis for the argument that it does.)

On the matter of a deep well in addition to the one on the Miller property, as suggested by your June 12, 2002 letter, it is fundamental to our concerns that any expense be reasonable and necessary. To illustrate the first factor, a well to the depth of approximately 280' bgs in the subterranean conditions found in the area would cost well in excess of \$30,000. Such an expense is only reasonable if also necessary. The second factor, necessity, is addressed in paragraph # 8 of the DeMers Letter. Although the Department may not want to constrain its work demands based on costs, it is required by statute to take into account such factors under both state and federal superfund authority.

The second matter also relates to costs. In that regard, I include the Department's demands to: monitor additional parameters, such as so-called indicator parameters; the suggestion of sampling Alliant's wells MW-1S and 1D; and, the adding of a well to the mandatory sampling regime because of an isolated detect of chloromethane. Mandating the indicator parameters, for example, is an instance of

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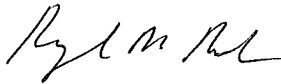
rote application of landfill-related sampling criteria to the FF/NN site, despite the plethora of data that indicate the parameters are unrelated to the type or concentration of the contamination attributable to the Landfill. Similarly, the contamination at the Alliant wells bears no rationale relationship to the contaminant of concern migrating off-site from the FF/NN site. As a result, they should be deleted. These cost items, which are unnecessary in my judgment, further drain the PRPs' ability to finance the useful and needed work.

Looking to the future we expect the Department's assistance with Mr. Miller on access and its restraint on sampling demands.

Finally, we are still awaiting Alliant's cost estimate on the water main extension and subsequent demand for prepayment by the PRPs.

Thank you for your consideration of the above.

Sincerely,



Raymond M. Roder

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Enc.

cc Gerald DeMers (w/o enc.)
Nelson Olavarria (w/o enc.)
Steve Barg (w/enc.)
Ludwig L. Wurtz (w/enc.)