

Lilek, Christine F - DNR

From: Edelstein, Gary A - DNR
Sent: Tuesday, February 22, 2011 2:47 PM
To: Lilek, Christine F - DNR; Schorle.Bernard@epamail.epa.gov
Subject: FW: FF/NN Landfill Draft ICP

FYI

From: Noel, Mike [mailto:Mike.Noel@tetrattech.com]
Sent: Tuesday, February 22, 2011 2:22 PM
To: Edelstein, Gary A - DNR
Subject: RE: FF/NN Landfill Draft ICP

Gary,
The agreement Lori sent you is for a small part of the Sauer property for ingress and egress to maintain and operate the gas extraction system and for the underground utility service to the unit. It does not appear to cover the portions of the parcel with monitoring wells MW-101, MW-102 or MW-106 or the parcel across the street with well MW-108.

From: Lori Rich [mailto:lrch@cityofripon.com]
Sent: Tuesday, February 22, 2011 1:47 PM
To: Noel, Mike
Cc: Edelstein, Gary A - DNR; Olavarria, Nelson
Subject: Re: FF/NN Landfill Draft ICP

We found a copy of an access agreement with David Sauer in our files. A copy is attached. We could find nothing for Alliant Energy.

Lori

On Tue, Feb 22, 2011 at 1:39 PM, Noel, Mike <Mike.Noel@tetrattech.com> wrote:

Gary,

Updates to our February 7 response to ICP comments (attached) are as follows:

Comment 1. I spoke to the Town of Ripon chairman Barry VandeBrink today and he said he discussed the attached notifications request with his board and they agree to provide the notifications as requested.

Comment 2. We have searched files and cannot find monitoring well access agreements with David Sauer or Alliant Energy so we will be contacting them to get those in place.

Comment 3. No change.

From: Edelstein, Gary A - DNR [mailto:Gary.Edelstein@Wisconsin.gov]
Sent: Tuesday, February 22, 2011 12:25 PM
To: Noel, Mike
Subject: RE: FF/NN Landfill Draft ICP

Mike,

Do you have any updates to your responses to the substantive comments 1-3?

Thanks, Gary E

02/22/2011

12/7

**INGRESS AND EGRESS
AND INSTALLATION AND
MAINTENANCE OF
UTILITY EASEMENT**

DOC# 868667

Recorded
MAR. 28, 2006 AT 01:37:00PM

Document No

Patricia Kraus

PATRICIA KRAUS
REGISTER OF DEEDS
FOND DU LAC COUNTY
Fee Amount: \$13.00

Recording Area

RETURN TO:
WURTZ LAW OFFICE
P.O. BOX 603
RIPON, WI 54971

AGREEMENT made this 15 day of March 2006, by and between Beverly Garro, David Sauer and Debra Parrish, hereinafter referred to as "Grantor" and the City of Ripon, Wisconsin, hereinafter referred to as "Grantee".

WHEREAS, the Grantor is the owner of real property located in the Town of Ripon, Wisconsin (as shown on the attached Exhibit A) and the Grantee wishes to use said property now and in the future for the installation and maintenance of an underground utility service and private ingress and egress to maintain and operate a landfill gas extraction system to be installed and maintained on the property owned by the City of Ripon on behalf of the FF/NN Landfill PRP Group.

FOR VALUABLE CONSIDERATION, IT IS HEREBY AGREED AS FOLLOWS:

1. The Grantor, for it, its successors and assigns, grants and conveys unto the Grantee and Grantee's successors in interest, an easement in, to, upon and over land contiguous to the FF/NN Landfill.
2. That the Grantor is the owner of the following described real property which shall be used for private ingress and egress to the FF/NN Landfill site:

Commencing at the Northeast Corner of said Lot 1 of Certified Survey Map Number 3634; thence S08°-50'-15"W along the East line of said Lot 1, recorded as S10°-00'-00"W, 5.09 feet to the Point of Beginning; thence N79°-40'-00"E, 9.60 feet; thence N09°-53'-55"E, 34.20 feet; thence N19°-39'-00"E, 56.71 feet; thence N14°-36'-00"E, 65.02 feet to the North line of said Lot 2 of Certified Survey Map Number 3634 being the South line of CTH "FF"; thence S54°-07'-32"E, along the said South line of CTH "FF" recorded as S52°-58'-17"E, 21.46 feet; thence S14°-36'-00"W, 58.13 feet; thence S19°-39'-00"W, 55.88 feet; thence S09°-53'-55"W, 46.44 feet; thence S79°-40'-00"W, 30.49 feet; thence N08°-50'-15"E, along the East line of said Lot 1 recorded as N10°-00'-00"E, 21.17 feet to the Point of Beginning for the ingress egress easement.

3. Said easement is given for the sole purpose of ingress and egress by the Grantee and all other persons who are accessing the FF/NN Landfill. This Easement shall include the right to install and maintain underground electrical service across the above-described property. Grantee shall be solely responsible for any improvements or maintenance of the roadway or access area.
4. The Grantee shall indemnify the Grantor against, and hold Grantor harmless from any and all claims, actions, suits, proceedings, costs, expenses, damages and liabilities, including reasonable attorney's fees and costs, arising out of, connected with, or resulting from Grantee's use of the above-described premises for private ingress and egress to the FF/NN Landfill.
5. The easement granted herein shall terminate four months after notification is given by the Wisconsin Department of Natural Resources that the gas extraction system is no longer needed. Grantee shall notify grantor when such notice has been given by the Department of Natural Resources. Grantee shall execute such documents as may be necessary to clear title to the property upon termination of the easement.
6. Grantee shall not convey or assign its interest in this easement without the prior written consent of Grantor.

IN WITNESS WHEREOF, the parties hereto have duly executed this agreement the day and year first above written.

GRANTOR:

By: Beverly Garro
Beverly Garro

By: David Sauer
David Sauer

By: Debra Parrish
Debra Parrish

GRANTEE:

City of Ripon

By: Steve Barg
Steve Barg

Subscribed and sworn to before me this 23rd day of MARCH 2006

Subscribed and sworn to before me this 24th day of March 2006

David Solube
Notary Public-State of Wisconsin
My Commission IS PERMANENT

Angela DSS
Notary Public-State of Wisconsin
My Commission 9/3/06

This instrument was drafted by:

Attorney Ludwig L. Wurtz
WURTZ LAW OFFICE
201 E. Fond du Lac Street
P.O. Box 603
Ripon, WI 54971-0603
Ph. (920) 745-2800
Fax (920) 745-2802

Lilek, Christine F - DNR

From: Edelstein, Gary A - DNR
Sent: Tuesday, February 22, 2011 1:48 PM
To: Lilek, Christine F - DNR; Schorle.Bernard@epamail.epa.gov
Subject: FW: FF/NN Landfill Draft ICP
Attachments: Access Agreement - Sauer, David.pdf

FYI

From: Lori Rich [mailto:lrich@cityofripon.com]
Sent: Tuesday, February 22, 2011 1:47 PM
To: Noel, Mike
Cc: Edelstein, Gary A - DNR; Olavarria, Nelson
Subject: Re: FF/NN Landfill Draft ICP

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Comment 1. I spoke to the Town of Ripon chairman Barry VandeBrink today and he said he discussed the attached notifications request with his board and they agree to provide the notifications as requested.

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From: Edelstein, Gary A - DNR [mailto:Gary.Edelstein@Wisconsin.gov]
Sent: Tuesday, February 22, 2011 12:25 PM
To: Noel, Mike
Subject: RE: FF/NN Landfill Draft ICP

Mike,

Do you have any updates to your responses to the substantive comments 1-3?

Thanks, Gary E

Gary A. Edelstein, P.E., Waste Management Engineer
Wisconsin Department of Natural Resources
Bureau for Remediation and Redevelopment - RR/5
P.O. Box 7921
Madison, WI 53707
(608)267-7563
Internet E-Mail => Gary.Edelstein@wisconsin.gov

From: Noel, Mike [mailto:Mike.Noel@geotransinc.com]
Sent: Monday, February 07, 2011 2:02 PM
To: Edelstein, Gary A - DNR
Cc: Schorle.Bernard@epamail.epa.gov; Lilek, Christine F - DNR; Olavarria, Nelson; Lori Rich (lrich@cityofripon.com)
Subject: RE: FF/NN Landfill Draft ICP

Gary,

Per your request, attached is our response to your comments on the draft ICP for the Ripon FF/NN Landfill.

Mike

From: Edelstein, Gary A - DNR [mailto:Gary.Edelstein@Wisconsin.gov]
Sent: Tuesday, January 18, 2011 5:47 PM
To: Noel, Mike
Cc: Schorle.Bernard@epamail.epa.gov; Lilek, Christine F - DNR
Subject: RE: FF/NN Landfill Draft ICP

Mike,

We and EPA have completed our review of the draft Institutional Control Plan and have the following comments. We would appreciate it if you could respond to the comments by email or letter by 2/7/11, and after we agree on the responses, submit a final plan within 2 weeks after agreement that accounts for our comments. We can then include the plan in the site file and account for it in the next Five Year Review report.

02/22/2011

Substantive Comments

1. Sections 3.4.4.3, 3.4.4.4 and 5.4.1 - Follow up to the submitted requests to the Town Board should be accounted for in the final plan, if possible. If the Board agrees to the requests before the 3rd week of February, then the final plan can reflect that. If they don't respond or respond negatively, then the final plan should describe what follow up will occur or any alternative arrangements made to replace the functions.

2. Section 4.1 - Are there adequate access agreements in place for all monitoring wells for the site? That should be described here and if there are any problems a plan provided for how any monitoring well access problems will be remedied.

3. Section 4.1 - The statement is made that we (DNR) informed NEA to restrict their pumping but it is not enforceable. We informed them in a non-compliance letter regarding their general WPDES water discharge permit and, yes, restricting their pumping so as to not affect the plume may not be enforceable under that permit. However, the letter correctly states we could make them an RP for the site if they continued which would make them potentially liable for cleanup costs. So far, that appears to have been effective. We suggest the third paragraph in this section be revised to reflect this comment.

Other Comments and Minor Corrections

4. We ask that the title of the report include the NPL site name of "Ripon City Landfill" in parenthesis so the title would be:

Institutional Control Study/Plan

Ripon FF/NN Landfill (Ripon City Landfill)

5. Figure 3 - a. We suggest you remove the grey lines that appear to designate roads/streets. These lines interfere with being able to see the public water line extension line. In addition, we suggest you use more contrasting colors to distinguish the areas served by the municipal water system within the city limits and the areas served outside those limits. The blue and violet (purple) lines look too similar, especially when viewing the pdf on a computer monitor.

b. Does figure 3 show all private and monitoring wells within the entire area of the map? Does it only show private wells that have been located in previous investigations and not all of them within the map area? If there are limits to which wells are displayed, then that should be clarified with a note on the map and within the plan text.

6. It appears the acronym 'LSBK' in the second item in the notes on Table 1 is a typo and should be removed.

7. Please add an explanation to section 3.4.1.2 and the second note in Table 1 for the 1200 foot well separation requirement that if the 1200 boundary intersects a property that the restriction only applies to the portion of the property inside the restricted area.

8. Section 2.8 - Were the existing private wells converted to piezometers or water table monitoring wells? If they are now piezometers, the language is OK.

9. Section 2.11 - In the second paragraph, just before the colon, it should be "the desired effects", not "desired affects".

10. Section 3.4.1.3 - The last sentence in this section appears to refer to only the area bounded by the violet (purple) lines (the color may change per comment 5.a.) in Figure 3. So that area isn't confused with the area in the Town served by city water, we suggest the sentence read: "The area within the city limits served by the Ripon Water Utility is shown on Figure 3."

11. Section 3.4.2.1. ". . .extension is show on Figure 3". It should be "shown".

12. Section 3.4.4.2 - We suggest the following language regarding removal of the casing area in the future be added: "The WDNR may remove the casing area restrictions once the contamination is gone and there is no further threat of contamination in the designated areas. At this site, that would likely not occur for many, many years."

13. Section 4.2 - The last paragraph can more clearly state that the city ordinance doesn't apply to the area the water was extended to in the Town. I can also state that those properties in the Town with a city water line in front of them could still construct a new private well unless there is a contract to prevent it, but they would be subject to the DNR special casing zone restrictions.

14. Section 5.4.2 - The web site mentioned in the first paragraph also has well construction reports for reconstructed as well as new wells. The site should be checked for both.

Thanks, Gary E

Gary A. Edelstein, P.E., Waste Management Engineer
Wisconsin Department of Natural Resources
Bureau for Remediation and Redevelopment - RR/5
P.O. Box 7921
Madison, WI 53707
(608)267-7563
Internet E-Mail => Gary.Edelstein@wisconsin.gov

From: Noel, Mike [<mailto:Mike.Noel@geotransinc.com>]
Sent: Wednesday, December 01, 2010 8:17 AM
To: Edelstein, Gary A - DNR; Schorle.Bernard@epamail.epa.gov
Cc: Nelson.Olavarria@CooperIndustries.com; Steve Barg
Subject: FF/NN Landfill Draft ICP

Gary and Bernard,

The draft Institutional Control Plan for the FF/NN Landfill is attached for your review and comment. A hard copy will also be submitted via mail.

Mike

Michael R. Noel | Vice President, Principal Hydrogeologist
Office: 262-792-1282 x 223 | Fax: 262-792-1310 | Mobile: 262-853-4983

mnoel@geotransinc.com

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From: Edelstein, Gary A - DNR
Sent: Tuesday, February 22, 2011 1:43 PM
To: Lilek, Christine F - DNR; Schorle.Bernard@epamail.epa.gov
Subject: FW: FF/NN Landfill Draft ICP
Attachments: 012011 Town of Ripon Notifications Request.pdf; 020711 Response to ICP Comments.pdf

FYI

From: Noel, Mike [mailto:Mike.Noel@tetrattech.com]
Sent: Tuesday, February 22, 2011 1:40 PM
To: Edelstein, Gary A - DNR
Cc: Olavarria, Nelson; Lori Rich
Subject: RE: FF/NN Landfill Draft ICP

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Per your request, attached is our response to your comments on the draft ICP for the Ripon FF/NN Landfill.

Mike

From: Edelstein, Gary A - DNR [mailto:Gary.Edelstein@Wisconsin.gov]

Sent: Tuesday, January 18, 2011 5:47 PM

To: Noel, Mike

Cc: Schorle.Bernard@epamail.epa.gov; Lilek, Christine F - DNR

Subject: RE: FF/NN Landfill Draft ICP

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Other Comments and Minor Corrections

4. We ask that the title of the report include the NPL site name of "Ripon City Landfill" in parenthesis so the title would be:

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5. Figure 3 - a. We suggest you remove the grey lines that appear to designate roads/streets. These lines interfere with being able to see the public water line extension line. In addition, we suggest you use more contrasting colors to distinguish the areas served by the municipal water system within the city limits and the areas served outside those limits. The blue and violet (purple) lines look too similar, especially when viewing the pdf on a computer monitor.

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7. Please add an explanation to section 3.4.1.2 and the second note in Table 1 for the 1200 foot well separation requirement that if the 1200 boundary intersects a property that the restriction only applies to the portion of the property inside the restricted area.

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12. Section 3.4.4.2 - We suggest the following language regarding removal of the casing area in the future be added: "The WDNR may remove the casing area restrictions once the contamination is gone and there is no further threat of contamination in the designated areas. At this site, that would likely not occur for many, many years."

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14. Section 5.4.2 - The web site mentioned in the first paragraph also has well construction reports for reconstructed as well as new wells. The site should be checked for both.

Thanks, Gary E

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mnoel@geotransinc.com

43
2-7-11



175 N. Corporate Drive
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Brookfield, WI 53045

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262-792-1282 FAX 262-792-1310

February 7, 2011

Gary A. Edelstein, P.E.,
Waste Management Engineer
Wisconsin Department of Natural Resources
Bureau for Remediation and Redevelopment - RR/5
P.O. Box 7921
Madison, WI 53707

RE: Response to January 18, 2011 Comments on Draft Institutional Control Plan (ICP)
for Ripon FF/NN Landfill

Dear Gary,

The following is a response to the January 18, 2011 email comments the WDNR and USEPA provided on the draft ICP. Each of your comments is presented below followed by our response in bold text.

Substantive Comments:

1. Sections 3.4.4.3, 3.4.4.4 and 5.4.1 - Follow up to the submitted requests to the Town Board should be accounted for in the final plan, if possible. If the Board agrees to the requests before the 3rd week of February, then the final plan can reflect that. If they don't respond or respond negatively, then the final plan should describe what follow up will occur or any alternative arrangements made to replace the functions.

Response: The request was submitted to the Town of Ripon on January 21, 2011. If the Town doesn't respond or responds negatively, then the final plan will describe alternative arrangements made to replace the function.

2. Section 4.1 - Are there adequate access agreements in place for all monitoring wells for the site? That should be described here and if there are any problems a plan provided for how any monitoring well access problems will be remedied.

Response: Access agreements are in place for off-site monitoring wells P-113 (Dennis Miller), P-114 (Alan Ehster), P-115 (Harold Wiese), P-116 (William Hadel) and were included in the draft ICP. We are still in the process of checking on access agreements for the following David L. Sauer (MW-101, MW-102, MW-106, MW-108) and Alliant Energy (MW-3A/3B). If it is determined that no access agreement exists with these property owners, they will be contacted to get an access agreement in place.

3. Section 4.1 - The statement is made that we (DNR) informed NEA to restrict their pumping but it is not enforceable. We informed them in a non-compliance letter

regarding their general WPDES water discharge permit and, yes, restricting their pumping so as to not affect the plume may not be enforceable under that permit. However, the letter correctly states we could make them an RP for the site if they continued which would make them potentially liable for cleanup costs. So far, that appears to have been effective. We suggest the third paragraph in this section be revised to reflect this comment.

Response: We will add a third paragraph as follows:

“The WDNR has informed NEA in an October 14, 2008 non-compliance letter regarding their general WPDES water discharge permit to restrict their pumping but it is not enforceable. However, the letter states the WDNR could make them a responsible party for the Site if they continued which would make them potentially liable for cleanup costs. So far, the warning seems to have been effective.”

Other Comments and Minor Corrections:

4. We ask that the title of the report include the NPL site name of "Ripon City Landfill" in parenthesis so the title would be:

Institutional Control Study/Plan
Ripon FF/NN Landfill (Ripon City Landfill)

Response: Title has been changed as noted.

5. Figure 3 - a. We suggest you remove the grey lines that appear to designate roads/streets. These lines interfere with being able to see the public water line extension line. In addition, we suggest you use more contrasting colors to distinguish the areas served by the municipal water system within the city limits and the areas served outside those limits. The blue and violet (purple) lines look too similar, especially when viewing the pdf on a computer monitor.

Response: Modifications to Figure 3 have been made to make clearer the water main extension and the areas served by municipal water inside and outside city limits more clear.

b. Does figure 3 show all private and monitoring wells within the entire area of the map? Does it only show private wells that have been located in previous investigations and not all of them within the map area? If there are limits to which wells are displayed, then that should be clarified with a note on the map and within the plan text.

Response: The figure shows all known and assumed private well locations on the map. Private wells are assumed for all properties outside the areas of municipal water service and with at least one structure. Monitoring wells are for the FF/NN Landfill Site only.

6. It appears the acronym 'LSBK' in the second item in the notes on Table 1 is a typo and should be removed.

Response: Typo has been removed.

7. Please add an explanation to section 3.4.1.2 and the second note in Table 1 for the 1200 foot well separation requirement that if the 1200 boundary intersects a property that the restriction only applies to the portion of the property inside the restricted area.

Response: Explanation has been added to section 3.4.1.2 and the second note in Table 1 stating that if the 1200-foot setback boundary intersects a property, the restriction only applies to the portion of the property inside the restricted area.

8. Section 2.8 - Were the existing private wells converted to piezometers or water table monitoring wells? If they are now piezometers, the language is OK.

Response: The private wells were converted to piezometers.

9. Section 2.11 - In the second paragraph, just before the colon, it should be "the desired effects", not "desired affects".

Response: The text has been changed as noted.

10. Section 3.4.1.3 - The last sentence in this section appears to refer to only the area bounded by the violet (purple) lines (the color may change per comment 5.a.) in Figure 3. So that area isn't confused with the area in the Town served by city water, we suggest the sentence read: "The area within the city limits served by the Ripon Water Utility is shown on Figure 3."

Response: The text has been changed as noted.

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Response: The text has been changed as noted.

12. Section 3.4.4.2 - We suggest the following language regarding removal of the casing area in the future be added: "The WDNR may remove the casing area restrictions once the contamination is gone and there is no further threat of contamination in the designated areas. At this site, that would likely not occur for many, many years."

Response: The noted text has been added to the end of section 4.4.4.2

13. Section 4.2 - The last paragraph can more clearly state that the city ordinance doesn't apply to the area the water was extended to in the Town. I can also state that those

properties in the Town with a city water line in front of them could still construct a new private well unless there is a contract to prevent it, but they would be subject to the DNR special casing zone restrictions.

Response: The text has been changed to more clearly state that the city ordinance doesn't apply to the area the water was extended to in the Town. The text was also changed to state that those properties in the Town with a city water line in front of them could still construct a new private well unless there is a contract to prevent it, but they would be subject to the DNR special casing zone restrictions.

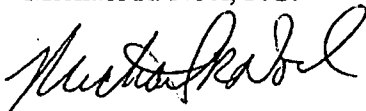
14. Section 5.4.2 - The web site mentioned in the first paragraph also has well construction reports for reconstructed as well as new wells. The site should be checked for both.

Response: The text has been changed to reflect that the web site has well construction reports for reconstructed as well as new wells and that the site will be checked for both.

If you agree with our responses, we will submit a final plan within two weeks after agreement that accounts for your comments.

Sincerely,

Michael R. Noel, P.G.



Vice President, Principal Hydrogeologist