

State of Wisconsin  
DEPARTMENT OF NATURAL RESOURCES  
2984 Shawano Avenue  
Green Bay WI 54313-6727

Tony Evers, Governor  
Preston D. Cole, Secretary  
Telephone 608-266-2621  
Toll Free 1-888-936-7463  
TTY Access via relay - 711



February 19, 2020

VPI Corporation  
Jeff Udovich  
3123 S 9<sup>th</sup> Street  
Sheboygan WI 53082

Subject: Reported Contamination at **Vinyl Plastics (former), 3123 S 9<sup>th</sup> St, Sheboygan, WI**  
Reopening of Closed Case  
DNR BRRTS # **02-60-001045**

Dear Mr. Udovich:

On September 15-16, 1993, during a hazardous waste inspection conducted at the above referenced site, the Wisconsin Department of Natural Resources (WDNR) was notified that DEHP, an industrial chemical, had been detected at the site described above. Since that time, WDNR has determined that this contamination on or from the above-described site poses a threat to public health, safety, welfare or the environment.

Based on the information that has been submitted to WDNR to date regarding this site, we believe that this newly reported contamination is residual contamination from a previously identified hazardous substance release for which you were responsible, which was closed by WDNR on June 24, 1997 (see records related to BRRTS # 02-69-001045). The WDNR also believes that a response action in the form of additional investigation and possible additional remediation is needed to address soil and groundwater contamination that exceed applicable standards.

As owner of the property where residual contamination is found you are responsible for restoring the environment at the above-described site under s. 292.11, Wis. Stats., known as the hazardous substances spills law.

This letter describes your legal responsibilities under s. 292.11 Wis. Stats. and explains what you need to do to investigate and clean up the contamination under chs. NR 700-754, Wis. Adm. Code. It also provides you with information about cleanups, environmental consultants, possible financial assistance, and working cooperatively with WDNR.

### **Legal Responsibilities:**

Your legal responsibilities are defined both in statute and in administrative codes. The hazardous substances spill law, s. 292.11 (3) Wis. Stats., states:

- **RESPONSIBILITY.** 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 the state.

Wisconsin Administrative Code chapters NR 700 through NR 754 establish requirements for emergency and interim actions, public information, site investigations, design and operation of remedial action systems, and case closure. Chapter NR 708 includes provisions for immediate actions in response to limited contamination. Chapter NR 140, Wis. Adm. Code establishes groundwater standards for contaminants that reach groundwater.

### **Steps to Take:**

The longer contamination is left in the environment, the farther it can spread and the more it may cost to clean up. Quick action may lessen damage to your property and neighboring properties and reduce your costs in investigating and cleaning up the contamination. To ensure that your cleanup complies with Wisconsin's laws and administrative codes, you should hire a professional environmental consultant who understands what needs to be done. The following information provides the timeframes and required steps to take. Unless otherwise approved by DNR in writing you must complete the work by the timeframes specified.

1. Within the next **30 days**, by March 20, 2020, submit written verification (such as a letter from the consultant) that you have hired an environmental consultant. If you do not take action within this time frame, WDNR may initiate enforcement action against you.
2. Within the next **60 days**, by April 19, 2020, have your consultant submit a work plan for completing the investigation. The consultant must comply with the requirements in the NR 700 rule series and should refer to WDNR technical guidance documents. To facilitate prompt agency review of your reports, your consultant should use the site investigation and closure formats which are available on-line at <http://dnr.wi.gov/topic/Brownfields/Professionals.html>.
3. You must initiate the site investigation within 90 days of submitting the site investigation work plan. If a fee for WDNR review has been submitted, the site investigation must begin within 60 days after receiving WDNR comments.
4. Within 60 days after completion of the field investigation and receipt of the laboratory data, you or your consultant must submit a site investigation report to WDNR.
5. Within 60 days after submitting the Site Investigation Report, you must submit a remedial action options report (RAOR). The RAOR shall include an evaluation of Green and Sustainable Remediation opportunities as required by s. NR 722.09 (2m), Wis. Adm. Code.

Sites where discharges to the environment have been reported are entered into the Bureau for Remediation and Redevelopment Tracking System (BRRTS), a version of which appears on the WDNR's Internet site (BRRTS on the Web). You may view the information related to your site at any time (<http://dnr.wi.gov/topic/Brownfields/wrrd.html>) and use the feedback system to alert us to any errors in the data.

If you want a formal response from the agency on a specific submittal, please be aware that a review fee is required in accordance with ch. NR 749, Wis. Adm. Code. If a fee is not submitted with your reports, you should proceed under the advice of your consultant to complete the site investigation to maintain your compliance with the spills law and chapters NR 700 through NR 754. **The timeframes specified above are required by rule; do not delay the investigation of your site.** We have

provided detailed technical guidance to environmental consultants. Your consultant is expected to know our technical procedures and administrative rules and should be able to answer your questions on meeting cleanup requirements.

All correspondence regarding this site should be sent to:

Richard Joslin  
Remediation and Redevelopment Program  
Wisconsin Department of Natural Resources  
625 E CTH Y, STE 700  
Oshkosh WI 54901-9731

Unless otherwise directed, submit one paper copy and one electronic copy of plans and reports. To speed processing, correspondence should reference the BRRTS and FID numbers (if assigned) shown at the top of this letter.

**Additional Information for Site Owners:**

We encourage you to visit our website at <http://dnr.wi.gov/topic/Brownfields/>, where you can find information on selecting a consultant, financial assistance and understanding the cleanup process. You will also find information about liability clarification letters, post-cleanup liability and more.

If you have questions, call Richard Joslin, at 920-424-7077 for more information or visit the RR Web site at the address above.

Thank you for your cooperation.

Sincerely,



Denise D. Danelski  
Environmental Program Associate – Northeast Region  
Remediation & Redevelopment Program

cc: Blaine Schroyer, Terracon, [blaine.schroyer@terracon.com](mailto:blaine.schroyer@terracon.com)  
Richard Joslin, NER Oshkosh