



November 21, 2017

Via Email (stephen.ales@wisconsin.gov) ONLY

Mr. Stephen M. Ales, P.G.
Field Operations Director
Remediation & Redevelopment Program
Wisconsin Dept. of Natural Resources
101 S. Webster, PO Box 7921
Madison, WI 53707-7921

Re: Barrett Landfill, Inc. v. City of New Berlin

Dear Mr. Ales:

Thank you for your email of November 20, 2017. In the response to my questions, your first numbered paragraph indicates that “we would evaluate the proposal for how it will “affect the landfill cover system, the waste below the cover system, structural integrity of the cover system and other components of the landfill”. This is presumably referencing any requests that might be made for development of the site in the future. My question is what, if any, existing restrictions or orders are in place regarding the site? It would make it difficult for the City to evaluate any development or proposals without knowing what restrictions the DNR has in place at this time.

On a similar note, I believe you indicated that your Staff would be reviewing the groundwater samples from the monitoring wells, which you reference were collected earlier this month. My understanding was that as a result of this evaluation, your Staff would make determinations regarding ongoing maintenance requirements for the site. Presumably, this would also bear on restrictions for the use of the site in the future.

Did I misunderstand you in this regard? Assuming I did not, then the City will wait until it receives an update from your office regarding the impacts of the latest round of testing on the future maintenance and restrictions for the use of the site.

If I am in error with respect to the role that the test data will play in the future use and maintenance of the site, then I would ask what restrictions, if any, are in place at this point regarding the Barrett landfill site and any activities which might be engaged in on that site in the future?

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Thank you for your attention to this matter.

Sincerely,



Mark G. Blum

MGB/jb

Cc: New Berlin Common Council