

C.M. CHRISTIANSEN CO., INC.

MILWAUKEE:

5501 NORTH SANTA MONICA BLVD.
MILWAUKEE, WI 53217
TEL: (414) 963-9211
EMAIL: eric.r.christiansen@gmail.com

PHELPS:

P.O. Box 100
PHELPS, WI 54554
TEL: (715) 545-2333
FAX: (715) 545-2334

October 15, 2010

SENT BY ELECTRONIC MAIL

Mr. Chris Saari
Wisconsin Department of Natural Resources
Ashland Service Center
2501 Golf Course Road
Ashland, Wisconsin 54806

Re: Your August 27, 2010 letter

Dear Mr. Saari:

Your referenced letter lists a number of concerns with the proposed concept remediation plan for the section of Military Creek near the Phelps former pole yard property. This concept plan was outlined by NRT in correspondence dated February 24, 2010. You further asked for a response by October 15, 2010, which is provided herein.

In 2007, CMC Co. was on a path to determine site-specific risks for dioxins in the sediments based on a conference call on February 9, 2007. We provided a conceptual site model (CSM) to support this activity. DNR and DHFS were to provide comments to this and we would prepare a work plan for additional sediment investigation and risk characterization.

In a letter dated March 3, 2009 you acknowledged that the DNR had not yet provided comments on the CSM. You proposed instead that we "simply proceed with a sediment removal action." Your proposal included the following, that:

- The stretch of Military Creek proposed for sediment removal would represent a relatively limited volume of sediments.
- Removal technologies exist.
- Treatment and disposal options exist.

We agreed to proceed along this path and a concept plan was initially discussed as part of our meeting on June 9, 2009 at NRT's offices. Following that meeting, CM Christiansen Co., Inc. indicated by email to the Department that we were committed to advancing the discussions begun at our June 2009 meeting to achieve final resolution of open matters and obtain closure of the pole yard property. This commitment was given with the understanding that, in light of the open issues discussed, the uncertainties involved, and the need to control costs, it is important to define an endpoint to this project such that we can embark on the appropriate remediation steps with reasonable expectation that our goal of closure can, and will, be obtained within the parameters we all agree to in advance of beginning those remediation steps.

On October 29, 2009 we met again, and our follow-up to that meeting was to submit the conceptual plan for addressing Military Creek Sediments. Although the concept plan was submitted in good faith toward resolution of environmental issues, a number of issues

Mr. Chris Saari, WDNR

October 15, 2010

Page 2 of 2

are now being raised which if factored into a remedial approach would put us far in excess of the volumes discussed at our earlier meetings. It was our intent with the concept plan to put forth a pragmatic and reasonable approach that would achieve the most environmental benefit within limitations of the resources available to this project. It appears we are no closer to our mutual goal.

At this juncture we feel that the constraints put on a removal action put us back to original approach of assessing potential risk in Military Creek. We propose the following steps to move this forward:

1. You mention the "Consensus Based Sediment Quality Guidelines as well as the target site sediment concentration of 15 nanograms per kilogram." Our consultant understands the "guideline" document and its limitations. In your September 9, 2009 correspondence you indicate this target concentration is based on protection of aquatic resource, namely trout fry. You offered to provide specific references or information that supports this dioxin value. We would appreciate receiving the scientific documentation that you previously offered.
2. We would like your review on the conceptual site model as that will assist us in looking at potential risk pathways that the sediments may pose.
3. From there we will be able to determine whether a site-specific risk evaluation should be performed.
4. Regarding the question of contamination to the banks of Military Creek. As you know, a portion of the bank, closest to the former wood treating operations, has already been remediated for pentachlorophenol, which would address any co-occurring contaminants. Much of the remaining shoreline/bank area of Military Creek is heavily vegetated and stable. We in turn would have a concern about removing an arbitrary 2-foot section when it may be better to leave it intact and stabilized.

While we can answer and/or resolve some of the other technical concerns outlined in your letter, these issues have a major impact on defining the scale and endpoint for addressing the Creek. It is important that we resolve these issues, before expending further resources on refining the technical aspects of a conceptual removal plan. The overriding issue of requiring a clean-up to an extremely low target concentration that is not tied to site-specific conditions is simply an unachievable endpoint.

We look forward to receiving further information from you on this matter after which we work toward identifying a mutually agreeable approach for conducting further work on Military Creek sediments. If you have any questions, please don't hesitate to contact me.

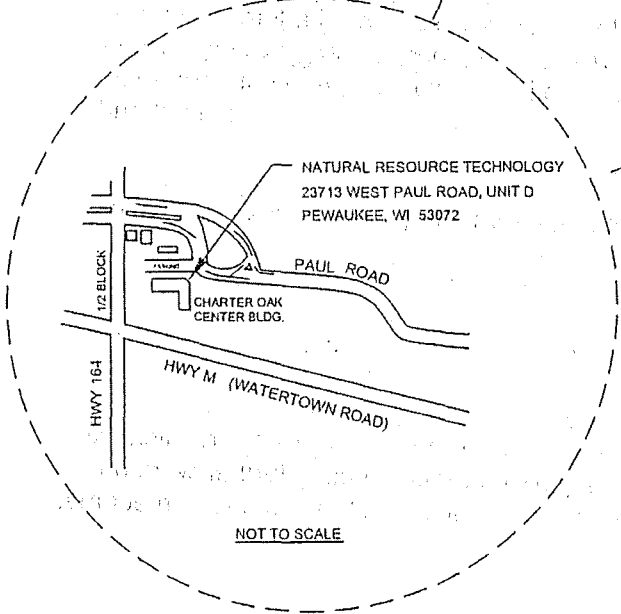
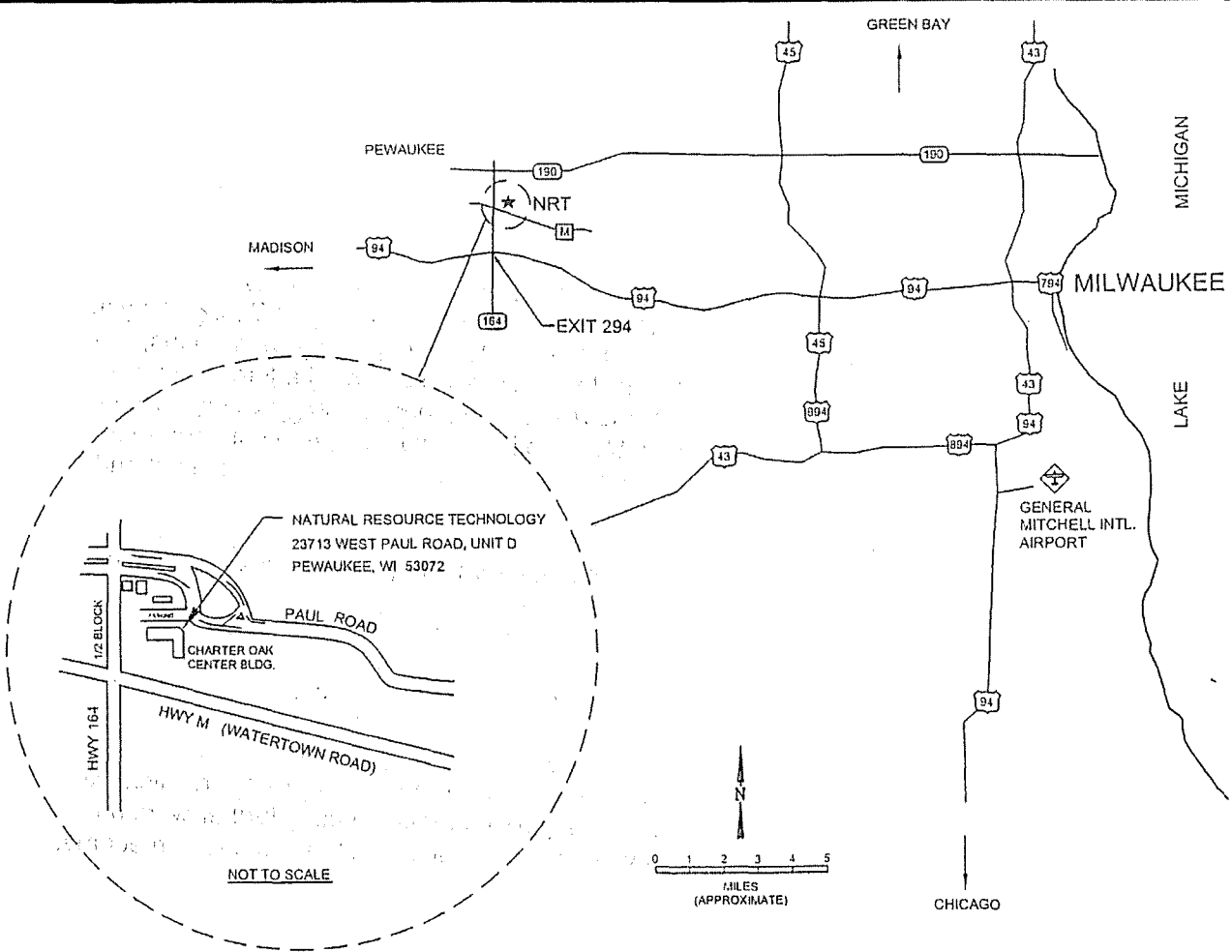
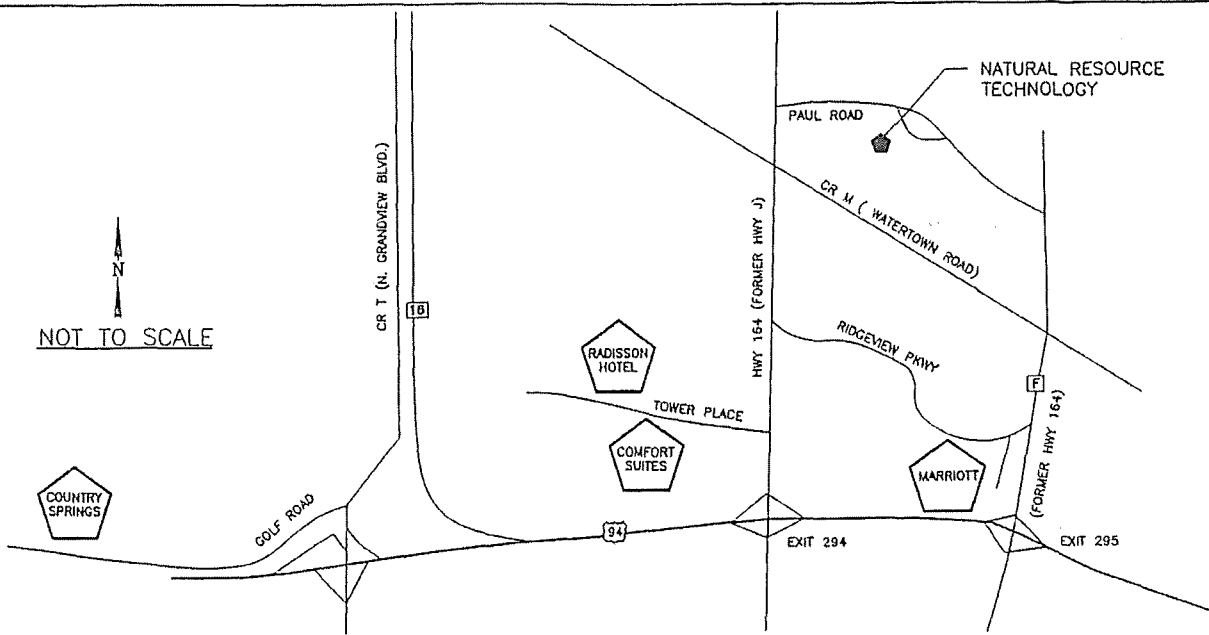
Very truly yours,

C.M. CHRISTIANSEN CO., INC.

by: /s/ Eric R. Christiansen, President

cc: P.C. Christiansen
Laurie Parsons, NRT
Richard Fox, NRT
Elizabeth Gamsky Rich, Esq.

NOT TO SCALE



Y:\Cad\Office\Directions\Airport.dwg



HOW TO FIND US.

NATURAL RESOURCE TECHNOLOGY
 23713 W. PAUL ROAD, UNIT D
 PEWAUKEE, WISCONSIN
 (262) 523-9000

Please visit our
 web site at
www.naturalrt.com

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3 X	Submittal to DNR of a Proposed Groundwater Monitoring Plan <i>MW-1, MW-3, MW-4 west, MW-5, MW-6,</i>	Within 30 days after the effective date of this agreement
4	Military Creek Sampling Start	On or before May 30, 1998, unless an extension is granted by DNR because of adverse weather, or within 30 days after CMC receives DNR comments on the Updated Military Creek Sediment Sampling Plan, whichever is later

Partially Completed by DNR Sept 03

5 X	Submittal to DNR of Soil Remediation System Design that complies with the requirements of ss. NR 724.09 and 724.11 and the relevant requirements of 724.13, Wis. Adm. Code, and application for any permits, variances and other approvals required from DNR	Within 60 days after the effective date of this agreement
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10	Submittal to DNR of a Military Creek Remedial Action Options Report (which may include an evaluation of institutional controls and other non-remedial actions, if appropriate) that complies with the requirements of s. NR 722.13, Wis. Adm. Code, if remediation action is necessary.	Within 60 days after CMC or its contractor receives DNR approval of the Military Creek Investigation Report
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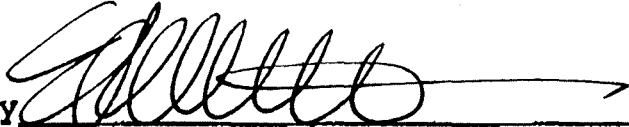
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3. This agreement shall become effective on the date that it is signed by both CMC and the Department.

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

BY George R. Meyer, Secretary 4/17/98

C.M. CHRISTIANSEN CO., INC., a Michigan corporation

BY 
Printed Name: ERIC R. CHRISTIANSEN
Title: PRESIDENT

10/22/10 CM Christensen call

Bill Fitzpatrick

Tom Artola

Jim Kellan

- Everything we worked towards to this point has been to avoid risk assessment
- They don't want to sample, but want to go w/ risk approach
- Could we do fox tests, build them into this
- Gave them option to continue down path of removal after sampling to better define limits as we'll push this to enforcement
- I'll check w/ Course A, see how long TR will be out, then check in w/ Dan Graff

Try to talk again ~ 11/3

Saari, Christopher A - DNR

From: eric christiansen [eric.r.christiansen@gmail.com]
Sent: Friday, October 15, 2010 2:14 PM
To: Saari, Christopher A - DNR
Cc: Parsons, Laurie L.; Fox, Richard G.; Rich, Elizabeth
Subject: Response to Aug 27 Letter
Attachments: CMC Inc Response to WDNR 101015.pdf

Chris:

Response to your letter of Aug 27 attached -- please contact me if there are any problems in transmission.

regards,
Eric

Eric Christiansen, President
C.M. Christiansen Co., Inc.

cc: Laurie Parsons, Rick Fox, Elizabeth Rich by email; PCC by regular mail

10/22/2010

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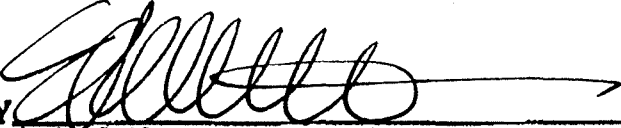
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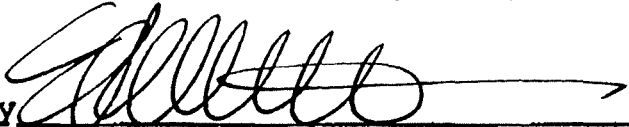
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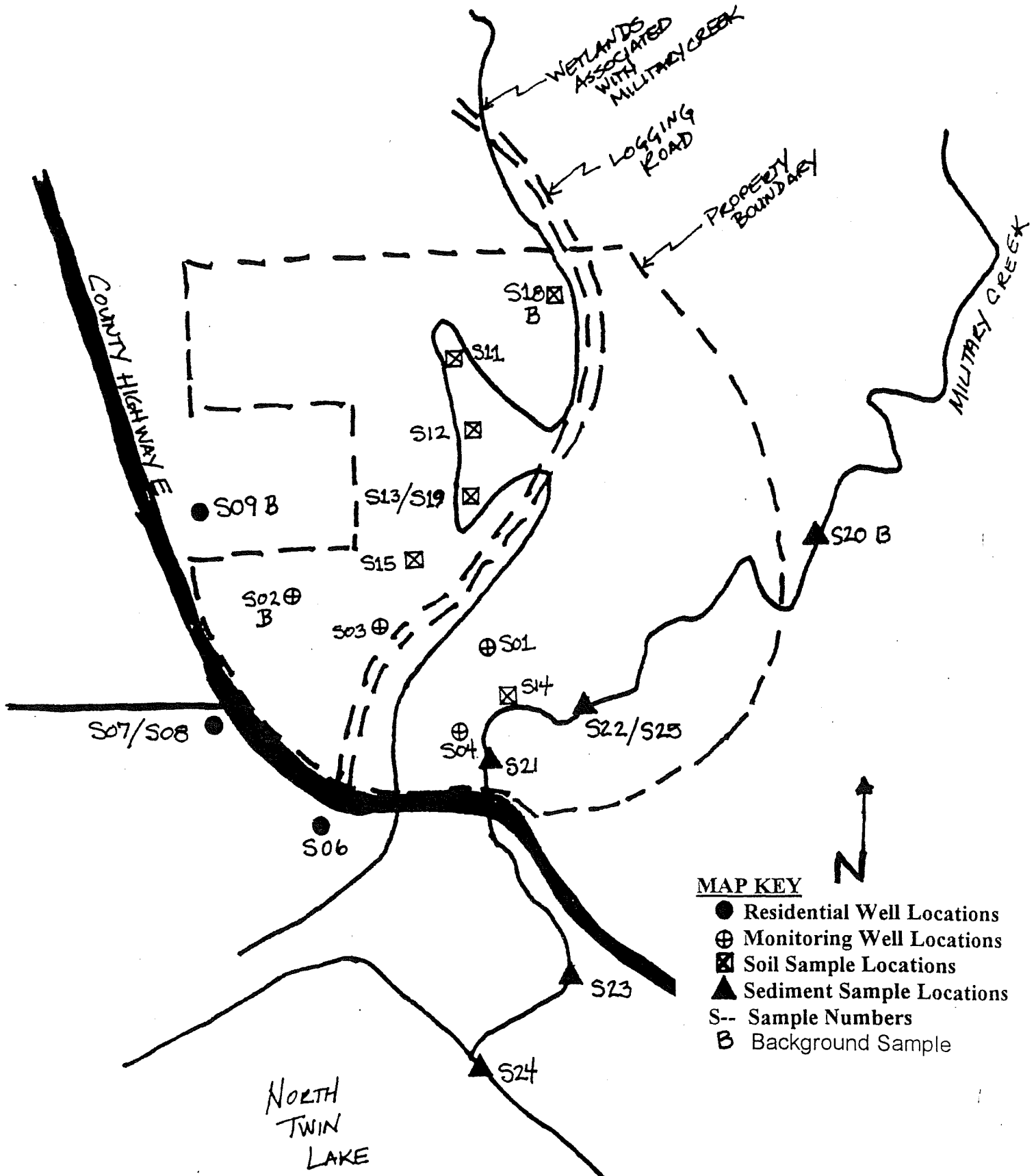
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RESIDENTIAL WELLS , MONITORING WELLS, SOIL AND SEDIMENT
SAMPLE LOCATIONS

C.M. Christiansen Company Site, Phelps, Wisconsin



Based on a 185% enlargement of 165% enlargement of 200% enlargement of Phelps, Wisconsin USGS Topographic Quadrangle Maps, 1981, 1:24 000.



ENVIRONMENTAL CONSULTANTS

23713 W. PAUL ROAD, SUITE D
PEWAUKEE, WI 53072
(P) 262.523.9000
(F) 262.523.9001

Mr. Chris Saari
Wisconsin Department of Natural Resources
2501 Golf Course Road
Ashland, WI 54806

February 24, 2010
(1226)

RE: C.M. Christiansen Co., Inc. (CMC), Former Pole Treatment Facility, Phelps, Wisconsin
BRRTS Activity #02-64-000068
Conceptual Plan for Addressing Military Creek Sediments

Dear Mr. Saari:

On behalf of C.M. Christiansen Co., Inc. (CMC), Natural Resource Technology, Inc. (NRT) is providing a Conceptual Plan to address sediments in Military Creek adjacent to the former Pole Yard property in Phelps, Wisconsin. CMC agreed to provide this Conceptual Plan at a meeting in Stevens Point with WDNR and NRT on October 29, 2009.

PURPOSE

The purpose of this Conceptual Plan is to address Military Creek sediments where polychlorinated dibenzo-p-dioxins and polychlorinated dibenzofurans (PCDD/PCDF) were detected in previous investigations conducted by WDNR. In meetings and correspondence on this project, we have discussed the ongoing concern over limited available resources and the desire to close out environmental issues efficiently, with as little cost uncertainty as possible. The soil and groundwater investigation and remediation work completed in the past 15 years required significant financial resources of the company. Therefore, it is important to CMC that any further efforts or expenditures be focused on achieving a closure/no further action end point. As such, CMC is seeking concurrence from the WDNR that the Concept Plan described below will satisfy CMC's obligation for addressing Military Creek sediments.

BACKGROUND

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Mr. Chris Saari, WDNR
February 24, 2010
Page 4



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Principal Scientist

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Attachment: Figure 1 – Sediment Remedial Option

Cc: Mr. Eric R. Christiansen, C. M. Christiansen Co., Inc.
Mr. John Robinson, WDNR
Mr. James Killian, WDNR
Mr. William Fitzpatrick, WDNR

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LEGEND

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- UTILITY POLE
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- TELEPHONE PEDESTAL
- TREE LINE
- SURVEY BENCHMARK
- GUY POLE
- + 50N STATION (FT)

Core ID	TCDD/F TEQ ⁽¹⁾	TOC	TEQ Normalized ⁽²⁾
Depth Interval (feet)	2,3,7,8-Substituted Dioxins and Furans (ng/kg)	Total Organic Carbon (%)	(ng/kg)

-- = no data
 nd = not detected
 TCDD/F = Total 2,3,7,8-Substituted Dioxins and Furans
 TEQ = total equivalent
 ng/kg = nanogram/kilogram
 R = Reanalyzed
 (1) TEQ calculated using World Health Organization (WHO) 2005 toxic equivalency factors (TEF)
 (2) TEQ normalized using total organic carbon analysis results for each sample in accordance with WDNR Consensus - Based Sediment Quality Guidelines, December 2003

SED-04	TCDD/F TEQ ⁽¹⁾	TOC	TEQ Normalized ⁽²⁾
0 - 0.5'R	221	5.7	38.8
0.5 - 2.58'R	614	3.0	204

SED-03	TCDD/F TEQ ⁽¹⁾	TOC	TEQ Normalized ⁽²⁾
0 - 0.5'	25.7	18.1	1.4
0.5 - 3'	1.7	18.0	0.09

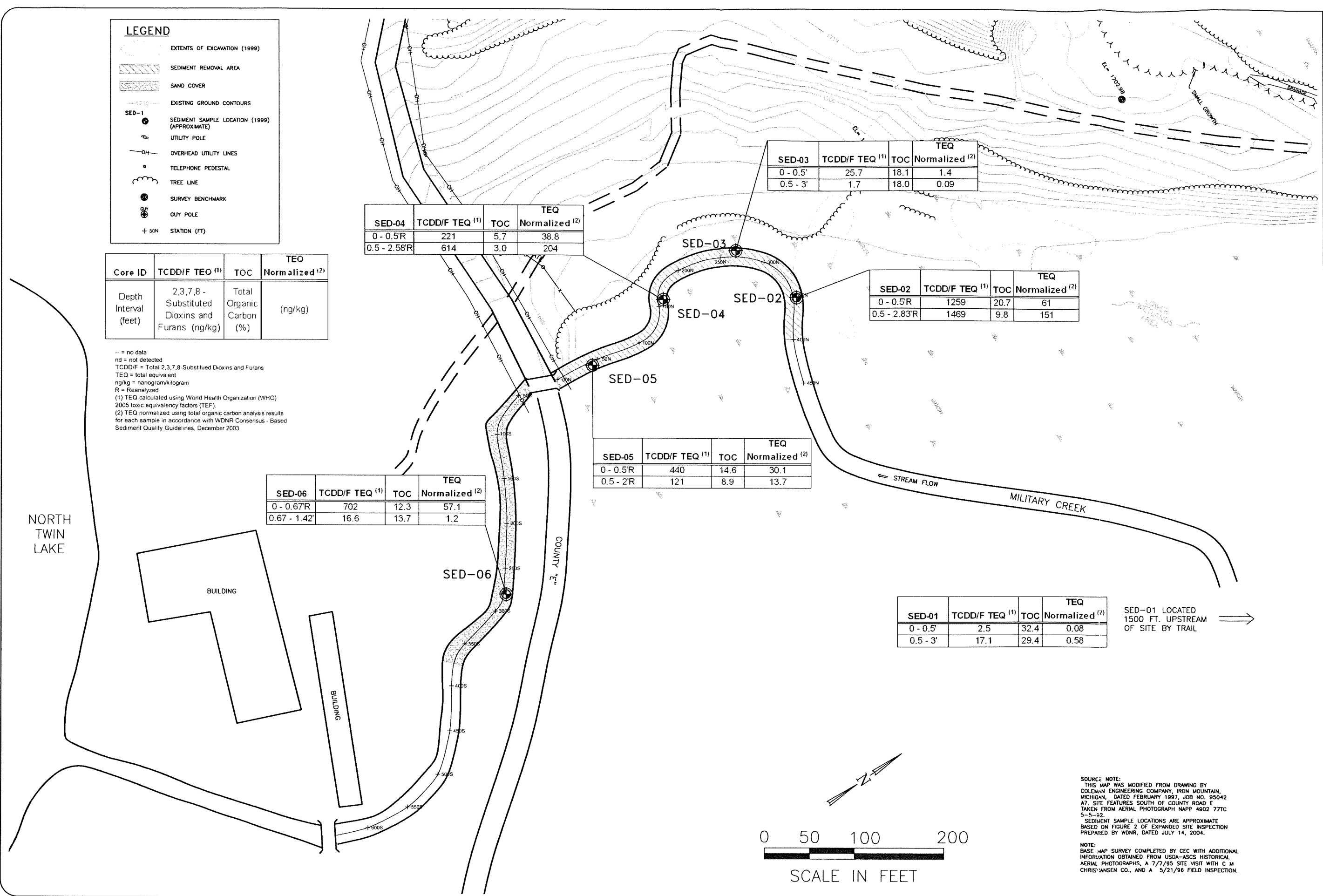
SED-02	TCDD/F TEQ ⁽¹⁾	TOC	TEQ Normalized ⁽²⁾
0 - 0.5'R	1259	20.7	61
0.5 - 2.83'R	1469	9.8	151

SED-05	TCDD/F TEQ ⁽¹⁾	TOC	TEQ Normalized ⁽²⁾
0 - 0.5'R	440	14.6	30.1
0.5 - 2'R	121	8.9	13.7

SED-06	TCDD/F TEQ ⁽¹⁾	TOC	TEQ Normalized ⁽²⁾
0 - 0.67'R	702	12.3	57.1
0.67 - 1.42'	16.6	13.7	1.2

SED-01	TCDD/F TEQ ⁽¹⁾	TOC	TEQ Normalized ⁽²⁾
0 - 0.5'	2.5	32.4	0.08
0.5 - 3'	17.1	29.4	0.58

SED-01 LOCATED 1500 FT. UPSTREAM OF SITE BY TRAIL



SOURCE NOTE:
 THIS MAP WAS MODIFIED FROM DRAWING BY COLEMAN ENGINEERING COMPANY, IRON MOUNTAIN, MICHIGAN, DATED FEBRUARY 1997, JOB NO. 95042 A7. SITE FEATURES SOUTH OF COUNTY ROAD E TAKEN FROM AERIAL PHOTOGRAPH NAPP 4902 777C 5-5-92.
 SEDIMENT SAMPLE LOCATIONS ARE APPROXIMATE BASED ON FIGURE 2 OF EXPANDED SITE INSPECTION PREPARED BY WDNR, DATED JULY 14, 2004.
NOTE:
 BASE MAP SURVEY COMPLETED BY CEC WITH ADDITIONAL INFORMATION OBTAINED FROM USDA-ASCS HISTORICAL AERIAL PHOTOGRAPHS, A 7/7/95 SITE VISIT WITH C.M. CHRISTIANSEN CO., AND A 5/21/96 FIELD INSPECTION.

DRAWN BY: RLH	DATE: 02/09/10
CHECKED BY: HMS	DATE: 02/09/10
APPROVED BY: LLP	DATE: 02/25/10
DRAWING NO: 1226-81-B01	
REFERENCE:	

SEDIMENT REMEDIAL OPTION
 MILITARY CREEK CONCEPTUAL PLAN
 C.M. CHRISTIANSEN COMPANY
 FORMER POLE TREATMENT FACILITY
 PHELPS, WISCONSIN



NATURAL RESOURCE TECHNOLOGY

PROJECT NO.
1226/8.1

FIGURE NO.
1



NATURAL
RESOURCE
TECHNOLOGY

ENVIRONMENTAL CONSULTANTS

23713 W. PAUL ROAD, SUITE D
PEWAUKEE, WI 53072
(P) 262.523.9000
(F) 262.523.9001

Mr. Chris Saari
Wisconsin Department of Natural Resources
2501 Golf Course Road
Ashland, WI 54806

February 24, 2010
(1226)

RE: C.M. Christiansen Co., Inc. (CMC), Former Pole Treatment Facility, Phelps, Wisconsin
BRRTS Activity #02-64-000068
Conceptual Plan for Addressing Military Creek Sediments

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WWW.NATURALRT.COM

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[\\Pawfile\projects\1200\1226\Sediment Remediation\Concept Plan 2010\1226 CMC Concept Plan Feb 2010.doc]

Saari, Christopher A - DNR

From: Laurie L. Parsons [lparsons@naturalrt.com]
Sent: Wednesday, February 24, 2010 5:41 PM
To: Saari, Christopher A - DNR
Cc: Richard G. Fox; Eric Christiansen; Robinson, John H - DNR
Subject: Military Creek Concept Plan
Attachments: 1226 CMC Concept Plan Feb 2010.pdf

Chris, attached is the concept plan developed on behalf of CMC. Signed copy with final version of the drawing will be forthcoming to the distribution list by mail.

Laurie L. Parsons, PE
President/Principal Engineer
Natural Resource Technology, Inc.
23713 W. Paul Road, Suite D
Pewaukee, WI 53072
262.522.1193 direct | 262.719.4502 mobile
262.523.9000 phone | 262.523.9001 fax
lparsons@naturalrt.com | www.naturalrt.com



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-- = no data
 nd = not detected
 TCDD/F = Total 2,3,7,8-Substituted Dioxins and Furans
 TEQ = total equivalent
 ng/kg = nanogram/kilogram
 R = Resuspended
 (1) TEQ calculated using World Health Organization (WHO) 2005 toxic equivalency factors (TEFs)
 (2) TEQ normalized using total organic carbon analysis results for each sample in accordance with WDNR Consensus-Based Sediment Quality Guidelines, December 2003.

SED-04	TCDD/F TEQ ⁽¹⁾	TOC	TEQ Normalized ⁽²⁾
0 - 0.5R	221	5.7	38.8
0.5 - 2.55R	614	3.0	204

SED-03	TCDD/F TEQ ⁽¹⁾	TOC	TEQ Normalized ⁽²⁾
0 - 0.5'	25.7	18.1	1.4
0.5 - 3'	1.7	18.0	0.09

SED-02	TCDD/F TEQ ⁽¹⁾	TOC	TEQ Normalized ⁽²⁾
0 - 0.5R	1259	20.7	61
0.5 - 2.65R	1469	9.8	151

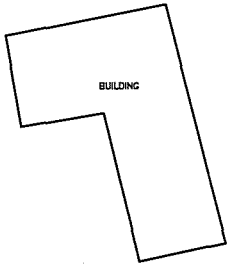
SED-05	TCDD/F TEQ ⁽¹⁾	TOC	TEQ Normalized ⁽²⁾
0 - 0.5R	440	14.6	30.1
0.5 - 2R	121	8.9	13.7

SED-06	TCDD/F TEQ ⁽¹⁾	TOC	TEQ Normalized ⁽²⁾
0 - 0.67R	702	12.3	57.1
0.67 - 1.42'	16.6	13.7	1.2

SED-01	TCDD/F TEQ ⁽¹⁾	TOC	TEQ Normalized ⁽²⁾
0 - 0.5'	2.5	32.4	0.08
0.5 - 3'	17.1	29.4	0.58

SED-01 LOCATED 1500 FT. UPSTREAM OF SITE BY TRAIL

NORTH TWIN LAKE



SED-06

OSHA TRAIL

SED-05

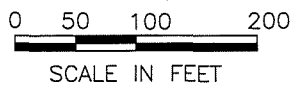
SED-04

SED-02

SED-03

MILITARY CREEK

LOWER WETLANDS AREA



DRAFT

SOURCE NOTE:
 THIS MAP WAS MODIFIED FROM DRAWING BY COLSIAM ENGINEERING COMPANY, 1908 MOUNTAIN MICHIGAN, DATED FEBRUARY 1997, JOB NO. 05042 AT SITE LOCATED SOUTH OF OSHA TRAIL E TAKEN FROM AERIAL PHOTOGRAPH NAPP 4802 771C 9-5-92
 SEDIMENT SAMPLE LOCATIONS ARE APPROXIMATE BASED ON PHOTO'S OF EXPOSED SITE INSPECTION PREPARED BY WDM, DATED JULY 14, 2004.
 NOTES:
 BASE MAP SURVEY COMPLETED BY CSD WITH ADDITIONAL INFORMATION OBTAINED FROM USDA-ASCS HISTORICAL AERIAL PHOTOGRAPHS, A 7/7/99 SITE VISIT WITH G.M. CHRISTIANSEN CO., AND A 5/21/99 FIELD INSPECTION.

DRAWN BY: RLH DATE: 02/09/10
 CHECKED BY: HMS DATE: 02/09/10
 APPROVED BY: DATE:
 DRAWING NO: 1226-81-801
 REFERENCE: .

SEDIMENT REMEDIAL OPTION
 MILITARY CREEK CONCEPTUAL PLAN
 C.M. CHRISTIANSEN COMPANY
 FORMER POLE TREATMENT FACILITY
 PHELPS, WISCONSIN



NATURAL RESOURCE TECHNOLOGY

PROJECT NO.
1226/8.1

FIGURE NO.
1

LEGEND

- EXTENTS OF EXCAVATION (1999)
- SEDIMENT REMOVAL AREA
- SAND COVER
- EXISTING GROUND CONTOURS
- SEDIMENT SAMPLE LOCATION (APPROXIMATE)
- UTILITY POLE
- OVERHEAD UTILITY LINES
- TELEPHONE PEDESTAL
- TREE LINE
- SURVEY BENCHMARK
- GUY POLE
- + 50N STATION (FT)

Core ID	TCDD/F TEQ ⁽¹⁾	TOC	TEQ Normalized ⁽²⁾
Depth Interval (feet)	2,3,7,8 - Substituted Dioxins and Furans (ng/kg)	Total Organic Carbon (%)	(ng/kg)

- = no data
 nd = not detected
 TCDD/F = Total 2,3,7,8-Substituted Dioxins and Furans
 TEQ = total equivalent
 ng/kg = nanogram/kilogram
 R = Reanalyzed
 (1) TEQ calculated using World Health Organization (WHO) 2005 toxic equivalency factors (TEF).
 (2) TEQ normalized using total organic carbon analysis results for each sample in accordance with WDNR Consensus - Based Sediment Quality Guidelines, December 2003.

SED-06	TCDD/F TEQ ⁽¹⁾	TOC	TEQ Normalized ⁽²⁾
0 - 0.67R	702	12.3	57.1
0.67 - 1.42'	16.6	13.7	1.2

SED-04	TCDD/F TEQ ⁽¹⁾	TOC	TEQ Normalized ⁽²⁾
0 - 0.5R	221	5.7	38.8
0.5 - 2.58R	614	3.0	204

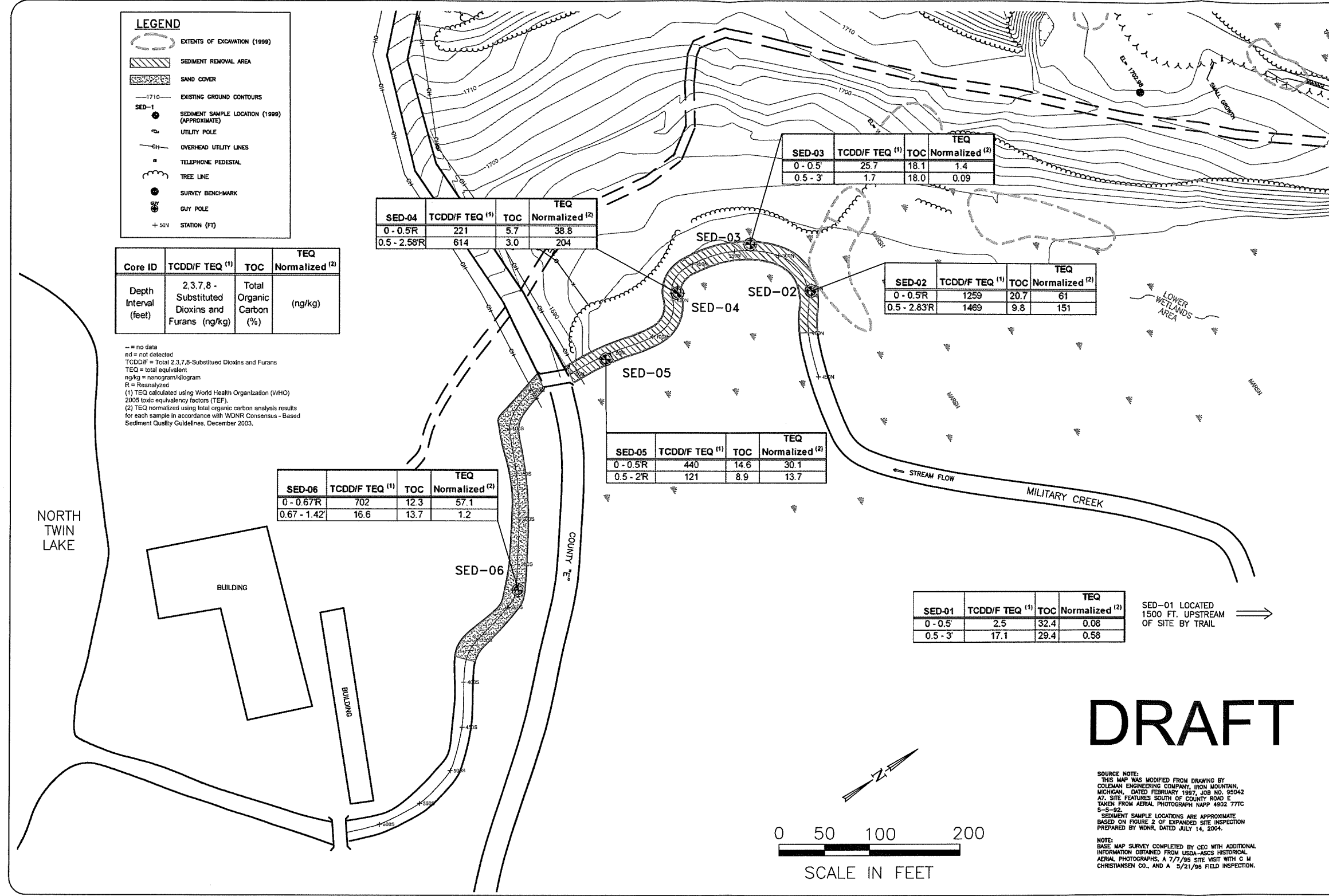
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0 - 0.5R	440	14.6	30.1
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SED-03	TCDD/F TEQ ⁽¹⁾	TOC	TEQ Normalized ⁽²⁾
0 - 0.5'	25.7	18.1	1.4
0.5 - 3'	1.7	18.0	0.09

SED-02	TCDD/F TEQ ⁽¹⁾	TOC	TEQ Normalized ⁽²⁾
0 - 0.5R	1259	20.7	61
0.5 - 2.83R	1469	9.8	151

SED-01	TCDD/F TEQ ⁽¹⁾	TOC	TEQ Normalized ⁽²⁾
0 - 0.5'	2.5	32.4	0.08
0.5 - 3'	17.1	29.4	0.58

SED-01 LOCATED 1500 FT. UPSTREAM OF SITE BY TRAIL



DRAWN BY:	RLH	DATE:	02/09/10
CHECKED BY:	HMS	DATE:	02/09/10
APPROVED BY:		DATE:	
DRAWING NO: 1226-81-B01			
REFERENCE:			

SEDIMENT REMEDIAL OPTION
 MILITARY CREEK CONCEPTUAL PLAN
 C.M. CHRISTIANSEN COMPANY
 FORMER POLE TREATMENT FACILITY
 PHELPS, WISCONSIN



NATURAL RESOURCE TECHNOLOGY

PROJECT NO.	1226/8.1
FIGURE NO.	1

DRAFT

SOURCE NOTE:
 THIS MAP WAS MODIFIED FROM DRAWING BY COLEMAN ENGINEERING COMPANY, IRON MOUNTAIN, MICHIGAN, DATED FEBRUARY 1997, JOB NO. 95042 AT SITE FEATURES SOUTH OF COUNTY ROAD E TAKEN FROM AERIAL PHOTOGRAPH NAPP 4802 777C 5-5-92.
 SEDIMENT SAMPLE LOCATIONS ARE APPROXIMATE BASED ON FIGURE 2 OF EXPANDED SITE INSPECTION PREPARED BY WDNR, DATED JULY 14, 2004.
NOTE:
 BASE MAP SURVEY COMPLETED BY OSC WITH ADDITIONAL INFORMATION OBTAINED FROM USDA-ASCS HISTORICAL AERIAL PHOTOGRAPHS, A 7/7/85 SITE VISIT WITH C.M. CHRISTIANSEN CO., AND A 5/21/98 FIELD INSPECTION.

Saari, Christopher A - DNR

From: eric christiansen [eric.r.christiansen@gmail.com]
Sent: Friday, October 15, 2010 2:14 PM
To: Saari, Christopher A - DNR
Cc: Parsons, Laurie L.; Fox, Richard G.; Rich, Elizabeth
Subject: Response to Aug 27 Letter
Attachments: CMC Inc Response to WDNR 101015.pdf

Chris:

Response to your letter of Aug 27 attached -- please contact me if there are any problems in transmission.

Regards,

Eric

Christiansen

Eric Christiansen, President

CMC Christiansen Co., Inc.

101015

cc: Laurie Parsons, Rick Fox, Elizabeth Rich by email; PCC by regular mail

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C.M. CHRISTIANSEN CO., INC.

MILWAUKEE:

5501 NORTH SANTA MONICA BLVD.
MILWAUKEE, WI 53217
TEL: (414) 963-9211
EMAIL: eric.r.christiansen@gmail.com

PHELPS:

P.O. Box 100
PHELPS, WI 54554
TEL: (715) 545-2333
FAX: (715) 545-2334

October 15, 2010

SENT BY ELECTRONIC MAIL

Mr. Chris Saari
Wisconsin Department of Natural Resources
Ashland Service Center
2501 Golf Course Road
Ashland, Wisconsin 54806

Re: Your August 27, 2010 letter

Dear Mr. Saari:

Your referenced letter lists a number of concerns with the proposed concept remediation plan for the section of Military Creek near the Phelps former pole yard property. This concept plan was outlined by NRT in correspondence dated February 24, 2010. You further asked for a response by October 15, 2010, which is provided herein.

In 2007, CMC Co. was on a path to determine site-specific risks for dioxins in the sediments based on a conference call on February 9, 2007. We provided a conceptual site model (CSM) to support this activity. DNR and DHFS were to provide comments to this and we would prepare a work plan for additional sediment investigation and risk characterization.

In a letter dated March 3, 2009 you acknowledged that the DNR had not yet provided comments on the CSM. You proposed instead that we "simply proceed with a sediment removal action." Your proposal included the following, that:

- The stretch of Military Creek proposed for sediment removal would represent a relatively limited volume of sediments.
- Removal technologies exist.
- Treatment and disposal options exist.

We agreed to proceed along this path and a concept plan was initially discussed as part of our meeting on June 9, 2009 at NRT's offices. Following that meeting, CM Christiansen Co., Inc. indicated by email to the Department that we were committed to advancing the discussions begun at our June 2009 meeting to achieve final resolution of open matters and obtain closure of the pole yard property. This commitment was given with the understanding that, in light of the open issues discussed, the uncertainties involved, and the need to control costs, it is important to define an endpoint to this project such that we can embark on the appropriate remediation steps with reasonable expectation that our goal of closure can, and will, be obtained within the parameters we all agree to in advance of beginning those remediation steps.

On October 29, 2009 we met again, and our follow-up to that meeting was to submit the conceptual plan for addressing Military Creek Sediments. Although the concept plan was submitted in good faith toward resolution of environmental issues, a number of issues

Mr. Chris Saari, WDNR
October 15, 2010
Page 2 of 2

are now being raised which if factored into a remedial approach would put us far in excess of the volumes discussed at our earlier meetings. It was our intent with the concept plan to put forth a pragmatic and reasonable approach that would achieve the most environmental benefit within limitations of the resources available to this project. It appears we are no closer to our mutual goal.

At this juncture we feel that the constraints put on a removal action put us back to original approach of assessing potential risk in Military Creek. We propose the following steps to move this forward:

1. You mention the "Consensus Based Sediment Quality Guidelines as well as the target site sediment concentration of 15 nanograms per kilogram." Our consultant understands the "guideline" document and its limitations. In your September 9, 2009 correspondence you indicate this target concentration is based on protection of aquatic resource, namely trout fry. You offered to provide specific references or information that supports this dioxin value. We would appreciate receiving the scientific documentation that you previously offered.
2. We would like your review on the conceptual site model as that will assist us in looking at potential risk pathways that the sediments may pose.
3. From there we will be able to determine whether a site-specific risk evaluation should be performed.
4. Regarding the question of contamination to the banks of Military Creek. As you know, a portion of the bank, closest to the former wood treating operations, has already been remediated for pentachlorophenol, which would address any co-occurring contaminants. Much of the remaining shoreline/bank area of Military Creek is heavily vegetated and stable. We in turn would have a concern about removing an arbitrary 2-foot section when it may be better to leave it intact and stabilized.

While we can answer and/or resolve some of the other technical concerns outlined in your letter, these issues have a major impact on defining the scale and endpoint for addressing the Creek. It is important that we resolve these issues, before expending further resources on refining the technical aspects of a conceptual removal plan. The overriding issue of requiring a clean-up to an extremely low target concentration that is not tied to site-specific conditions is simply an unachievable endpoint.

We look forward to receiving further information from you on this matter after which we work toward identifying a mutually agreeable approach for conducting further work on Military Creek sediments. If you have any questions, please don't hesitate to contact me.

Very truly yours,

C.M. CHRISTIANSEN CO., INC.

by: /s/ Eric R. Christiansen, President

cc: P.C. Christiansen
Laurie Parsons, NRT
Richard Fox, NRT
Elizabeth Gamsky Rich, Esq.



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor
Matthew J. Frank, Secretary
John Gozdziński, Regional Director

Ashland Service Center
2501 Golf Course Road
Ashland, Wisconsin 54806
Telephone 715-685-2900
FAX 715-685-2909

August 27, 2010

FILE COPY

MR ERIC R CHRISTIANSEN
5501 N SANTA MONICA BLVD
MILWAUKEE WI 53217

Subject: Environmental Contamination at the C.M. Christiansen Company Pole Yard Site,
Phelps, Wisconsin (WDNR BRRTS Activity #02-64-000068)

Dear Mr. Christiansen:

The Department of Natural Resources' Remediation and Redevelopment program has received the correspondence entitled *Conceptual Plan for Addressing Military Creek Sediments*, prepared for the above named site by Natural Resource Technology and dated February 24, 2010. This conceptual plan was prepared in response to discussions we had at an October 29, 2009 meeting in Stevens Point regarding the sediment contamination associated with your site. The sediments are impacted with polychlorinated dibenzo-p-dioxins and polychlorinated dibenzofurans (PCDD/PCDF) resulting from the former wood treating activities at the site.

Department staff recently discussed the conceptual plan and how it compared with our thoughts regarding the sediment contamination. This submittal helps to provide a basis for continuing the discussion on a sustainable remedy to address the contaminated sediments.

Unfortunately, we would be unable to approve a remedial action based solely upon this conceptual plan, due to several inter-related concerns. Our concerns include the proposed dredge depth, potential over-bank deposition to the bank/flood plain, future channel stability, and post-remediation sampling and monitoring. We also have concerns about the assumptions/information used to develop the proposal as it relates to the stretch of Military Creek downstream of the bridge on County Highway E. We therefore cannot provide you with concurrence that the conceptual plan will meet regulatory standards and fulfill your obligations to address the sediment contamination in Military Creek.

- The proposed dredge depth of 1 foot does not appear to be adequate to address the contaminated sediments that have been identified in Military Creek. Sediment samples collected by the Department at depths greater than 1 foot exceeded probable effects concentrations found in the Consensus Based Sediment Quality Guidelines as well as the target site sediment concentration of 15 nanograms per kilogram ($\eta\text{g/Kg}$) that we referred to in our September 9, 2009 letter.
- We have concerns about the potential for transfer of sediment contamination to the banks of Military Creek through overbank deposition during flood events. This area of the site has not been characterized for PCDD/PCDF during previous investigative efforts. That is a major reason why the Department included removal of two feet of bank material as part of the conceptual restoration sketch included with the aforementioned September 9, 2009 letter.

- We are also concerned about the stability of the creek channel in the future; it will likely not stay in the same location indefinitely. What effect, if any, will this have on post-remedial distribution of residual contaminated sediments?
- The lack of post-remediation monitoring in the conceptual plan is a major concern for the Department. Long term effectiveness and stability of the sand cover cannot be determined without monitoring.
- We view the lower segment of Military Creek downstream of the County Highway E bridge as a big unknown in terms of the degree and extent of sediment contamination. What information was used by NRT to develop their proposed downstream extent of sand cover? How is bed stability affected by a 6-inch rise in grade due to sand cover? How do we know the sand cover will remain stable, without monitoring?

We request that you get back to us by **October 15, 2010** to let us know how you intend to proceed. If we are unable to reach an agreement on the approach to the sediment cleanup the Department will evaluate whether to conduct the work through the environmental repair fund under s. 292.31 of the Wis. Stats. or pursuing other enforcement options.

If you have any questions concerning this letter or the project in general, please do not hesitate to write or call me at 715-685-2920. I can also be reached by e-mail at Christopher.Saari@Wisconsin.gov.

Sincerely,



Christopher A. Saari
Hydrogeologist

cc: Laurie Parsons – NRT
John Robinson – DNR Rhinelander
Tom Aartila – DNR Park Falls
Bill Fitzpatrick – WT/3
Jim Killian – WT/3
Michelle Debrock-Owens – DNR Rhinelander
Henry Nehls-Lowe – DHS