

Saari, Christopher A - DNR

From: Inman, Scott T - DNR
Sent: Friday, December 12, 2014 4:40 PM
To: Saari, Christopher A - DNR; Killian, James - DNR; Robinson, John H - DNR; Aartila, Tom P - DNR; Fitzpatrick, William - DNR; Hildebrandt, Anke M - DHS; Galarneau, Stephen G - DNR; Fassbender, Judy L - DNR
Subject: RE: CM Christiansen Work Plan call

All,

The sediment section/Office of Great Lakes was asked to review the December 2, 2014 sampling concept by NRT and determine a checklist of sediment requirements based on our conference call earlier today. After reviewing the proposed sampling concept, the Spill Response Agreement, the relevant sections of NR 716, and the historic file information, the most appropriate checklist is the requirements in the Spill Response Agreement. The responsible party has taken no actions that would qualify as a site investigation and therefore the most basic of site information is required, in other words, NR 716. The conceptual proposal, however, would fulfill little, if any, of the approximate 84 requirements of 716.07, 716.09, and 716.13. For reference, I attached the requirements of referenced NR 716 administrative code as a checklist. Chris, it may be useful to go through column C to determine the extent that has been addressed as part of the upland remediation.

Consistent with the requirements of the NR 716, but specific to sediment sites would be the following information: sediment poling for thickness measures, sediment geotechnical characteristics (grain size), sediment total organic carbon, stream flow gaging, water column sampling for compliance with NR 105, stream bank and floodplain sampling, flow characteristics (hydraulic gradient), wetland delineation, and some type of floodplain mapping (HEC RAS Modeling) to determine the applicable floodplain interval and assist with the degree and extend. It wasn't listed in the conceptual proposal and therefore it is probably necessary to point out that sampling would require a SAP, QAPP, and SOPs.

In the event that the RP desires to perform a site specific risk assessment, which they appears to be moving towards. Additional information would be required, such as: sediment toxicity testing, macro invertebrate community structure, Fish Index and Biotic Integrity Surveys, Site Use Surveys, aquatic and terrestrial habitat surveys, and food-chain studies for invertebrates, fish, reptiles, birds, and mammals.



CM Checklist.xlsx

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Scott T. Inman
Office: (608) 264-9201
Cell: (608) 576-4912

Scott.Inman@Wisconsin.gov

-----Original Appointment-----

From: Fitzpatrick, William - DNR **On Behalf Of** Saari, Christopher A - DNR
Sent: Friday, December 12, 2014 9:13 AM

1100 hrs., 12/12/14

CM Christianson external call

Judy Fassbender

John Robinson

Anne Hildebrandt, DHS

Tom Aartila

Bill Fitzpatrick

Jim Killian

Scott Tuman

- Main point: degree & extent hasn't been defined; doesn't meet NR 700 or Spill Response Agreement
- JK - Their document is near-replication of what they proposed in Sept. 2013. Maybe we could sample/assess risk now; if no risk, nothing needed
- B.F. - We've been dancing around too long, we need to clearly explain what we feel is missing
- ZF - she could work w/ ~~the~~ ~~language~~ ~~covering~~ ~~stopped~~ enforcement
- We can send letter response explaining what's lacking (laundry list) plus a schedule to complete ~~the~~ things we need

- I asked Bill, Jim & Scott to provide laundry list, probably can use what we've come up w/ in past

A.A. - she talked to health folks in MD, they discredited much of study due to design concerns

J.F. - still check w/ Lacey ASAP on language. Asked her to also ask Lacey about whether [CMC Co. Inc. (creation of)] offer? RP notification shields assets from ^{being} applied to cleanup.

- Intent would be to get response out week of 12/29 or first week in January

Saari, Christopher A - DNR

From: Fitzpatrick, William - DNR
Sent: Wednesday, December 03, 2014 3:28 PM
To: Saari, Christopher A - DNR; Robinson, John H - DNR; Aartila, Tom P - DNR; Killian, James - DNR; Cochart, Lacey L - DNR; Hildebrandt, Anke M - DHS; Inman, Scott T - DNR
Subject: RE: Response to Request for Work Plan - C.M. Christiansen Company Pole Yard Site (WDNR BRRTS #02-64-000068)

Chris

The NRT proposal does not fulfill the direction we gave them in the Oct 22, 2014 letter. NRT proposed 3 sediment and 3 fish tissue samples to characterize degree and extent. They proposed institutional controls (boardwalks) to address the unquantified human health risk.

At our meetings we tried to offer flexibility to assessing the contamination and risk but the proposals offered by the RP continue to be inadequate to meet their obligations. My suggestion for the site investigation: a minimum of 40 sediment and soil samples (PAH, penta, dioxin/ furans), 6 fish samples from species most likely to bioaccumulate dioxins, tree swallow nest box studies and turtle tissue sampling.

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Bill Fitzpatrick, P.E., P.G.
Engineer- Office of the Great Lakes & Contaminated Sediment Section
phone:(608) 266-9267
William.Fitzpatrick@Wisconsin.gov

From: Saari, Christopher A - DNR
Sent: Wednesday, December 03, 2014 12:50 PM
To: Robinson, John H - DNR; Aartila, Tom P - DNR; Killian, James - DNR; Fitzpatrick, William - DNR; Cochart, Lacey L - DNR; Hildebrandt, Anke M - DHS
Subject: FW: Response to Request for Work Plan - C.M. Christiansen Company Pole Yard Site (WDNR BRRTS #02-64-000068)

FYI – This was in my Inbox after lunch. I have not had a chance to look it over yet.

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Chris Saari
Phone: (715) 685-2920
Christopher.Saari@Wi.gov

From: Laurie L. Parsons [<mailto:llparsons@naturalrt.com>]
Sent: Wednesday, December 03, 2014 11:49 AM
To: Saari, Christopher A - DNR
Cc: C.M. Christiansen Co., Inc. (CMC.Co.Inc@gmail.com); Elizabeth Rich (erich@rich-law.com); Denise P. Kay
Subject: Response to Request for Work Plan - C.M. Christiansen Company Pole Yard Site (WDNR BRRTS #02-64-000068)

Saari, Christopher A - DNR

From: Laurie L. Parsons <lparsons@naturalrt.com>
Sent: Wednesday, December 03, 2014 11:49 AM
To: Saari, Christopher A - DNR
Cc: C.M. Christiansen Co., Inc. (CMC.Co.Inc@gmail.com); Elizabeth Rich (erich@rich-law.com); Denise P. Kay
Subject: Response to Request for Work Plan - C.M. Christiansen Company Pole Yard Site (WDNR BRRTS #02-64-000068)
Attachments: CMC Military Creek ltr and fig 20141202.pdf

Good Morning Chris:

On behalf of C.M. Christiansen Co., Inc., please find attached a response to your October 22, 2014 communication. Please contact me should you have any questions regarding this letter.

Regards,

Laurie L. Parsons, PE
President | Principal Engineer
Natural Resource Technology, Inc.
234 W. Florida Street, Fifth Floor
Milwaukee, Wisconsin 53204
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lparsons@naturalrt.com | www.naturalrt.com
Smarter solutions, Exceptional service, Value

From: Saari, Christopher A - DNR [<mailto:Christopher.Saari@wisconsin.gov>]
Sent: Wednesday, October 22, 2014 8:59 AM
To: Eric Christiansen (eric.r.christiansen@gmail.com); C.M. Christiansen Co., Inc. (CMC.Co.Inc@gmail.com)
Cc: Laurie L. Parsons; erich@rich-law.com; Robinson, John H - DNR; Aartila, Tom P - DNR; Cochart, Lacey L - DNR; Fitzpatrick, William - DNR; Killian, James - DNR; Hildebrandt, Anke M - DHS
Subject: Request for Work Plan - C.M. Christiansen Company Pole Yard Site (WDNR BRRTS #02-64-000068)

Good Morning Eric:

The Department has waited for over a year for some sign of progress on this site since our September 2013 meeting in Madison. As we have received no indication that you intend to move forward, the attached letter will go out in today's mail. Please contact me with questions.

We are committed to service excellence.

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Chris Saari
Hydrogeologist – Remediation and Redevelopment Program
Wisconsin Department of Natural Resources
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Fax: (715) 685-2909
Christopher.Saari@Wi.gov



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(F) 414.837.3608

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

December 2, 2014
(1226/P091315)

RE: Proposed Work Plan Elements
CMC Co. Inc. former pole yard, Phelps, Wisconsin
WDNR BRRTS Activity #02-64-000068

Dear Chris,

As a result of our technical meeting with the Wisconsin Department of Natural Resources (WDNR) and the Department of Health Services (DHS) on September 27, 2013, and the letter transmitted from WDNR to C.M. Christiansen Co. Inc. on October 22, 2014, NRT has developed a proposed path forward to address the remaining potential chemical exposure pathways related to the CMC Co. Inc. (CMC) former pole yard. The objective is to achieve agreement, in principal, on concept prior to developing the detailed plan for implementation of the work. The intent of the work plan concept presented here is that these efforts will provide the mitigation and remaining information necessary for WDNR, DHS, and the Town of Phelps to make a determination regarding the property transfer from private to public domain.

The potential exposure routes that have been brought forward by WDNR and DHS are listed below and illustrated in Figure 1.

Human health exposure routes:

- Fish consumption from Military Creek and North Twin Lake
- Human contact with sediment via wading and playing in Military Creek and at the mouth of the creek
- Residential direct contact scenario dependent upon the county plans for the property

Ecological exposure routes:

- Fish consumption by birds and mammals
- Benthic community population health

Toxicity of chemicals to humans and wildlife is comprised of two primary components: concentration and exposure. An evaluation of *concentration*, or dose, considers the chemical-residue concentrations in source material, such as sediment or fish, relative to the concentrations known to cause toxic effects. An *exposure* evaluation considers the likelihood of contaminated material contact or consumption. *Toxicity* requires a combination of both exposure and chemical concentrations at toxic levels. As a result, toxicity can be mitigated by remediating elevated concentrations and/or limiting exposure.

NRT proposes that the following actions will address the potential exposure routes that have been identified and provide sufficient information to support property ownership decisions. It is intended that these actions can form the basis of an agreement with WDNR that could be implemented in 2015.

WWW.NATURALRT.COM

Potential exposure route	Proposed path forward
Human consumption of fish from Military Creek and North Twin Lake	<p>Subsistence fishing is not feasible and sport fishing is limited on the segment of Military Creek at the former pole yard due to insufficient fish populations. <i>No action is required.</i></p> <p>North Twin Lake is an active fishery and a positive feature for promoting community and tourism in Phelps. <i>Action: sample sport fish and measure residue concentrations in fish tissue for comparison to fish consumption guidelines.</i> <i>Proposed sampling would include dioxin analysis of fillet tissue from 3 fish of the most commonly caught and consumed species, or 3 fish of the species expected to have the greatest residue levels.</i></p>
Direct human contact with sediment via wading and playing in Military Creek and at the mouth of the creek	<p>Military Creek at the pole yard site is too shallow for swimming and not conducive to wading due to soft sediment in most areas. <i>Action: Design an interface to the wetland and creek for the public that is inviting and promotes use of the resource while limiting direct contact access opportunities, such as a boardwalk.</i></p> <p>Sediment present where Military Creek flows into North Twin Lake will have a higher potential for direct contact. Unlike sediment at depth in North Twin Lake which does not have potential for direct contact, hence indirect exposure will be evaluated via fish sampling as described above. <i>Action: Sample sediment in areas of likely potential contact.</i> <i>Proposed sampling would include dioxin analysis of 3 sediment samples at the approximate locations illustrated in Figure 2.</i> <i>Evaluate concentrations relative to EPA guidelines and findings at comparable sites.</i></p>
Residential direct contact	<p>Currently this is not residential property. <i>Action: Establish or maintain zoning to restrict construction of residence and maintain as a common public resource.</i></p>
Fish consumption by birds and other wildlife	<p>The greatest potential exposure route for wildlife present in the wetland and otherwise on the site is consumption of fish containing chemical residues. However, collection of samples from birds and other wildlife is not necessary. <i>Action: Use soil, sediment, and fish tissue data to evaluate the potential for toxic effect on wildlife populations based on the extensive wildlife research that has been conducted over the past 7 years on a site in Michigan with similar TEQ concentrations, the Tittabawassee River.</i></p>
Benthic community population health	<p>Benthic invertebrates lack the biological mechanism that makes vertebrates sensitive to the primary toxic effect of dioxin. However, they do serve as a potential bioaccumulation pathway for wildlife. <i>Action: Benthic community bioaccumulation potential will be evaluated in a meaningful manner by the evaluation specific to birds and wildlife described above.</i></p>



Regarding sediment stability, NRT recognizes the complexities involved in evaluating hydraulic systems as referred to in WDNR's October 22, 2014 letter. Our suggestion for a limited hydrologic evaluation was not in lieu of sediment sampling in the creek bed. It pertained to the suggestion that there should be sampling in upland areas adjacent to the downstream segment of Military Creek, an unlikely exposure concern considering the substantial flood attenuation capacity of the upstream wetland complex, CMC is open to discussing the purpose and need for any hydrologic evaluation, particularly if the WDNR sees no value in it.

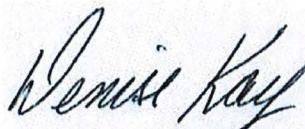
The proposed sampling and actions presented here are intended to adequately evaluate and address the potential exposure routes brought forward by WDNR and DHS, while maintaining a functional and diverse wildlife habitat, and allowing the Town of Phelps to develop the property in a manner responsive to the public interest. Details of the sampling plans and supporting information would be provided once agreement is reached on the concepts outlined herein. We look forward to working with key stakeholders to establish a path forward for the former pole yard property that can be integrated into overall development plans for the area as envisioned by the Town. The proposed actions represent C.M. Christiansen Co., Inc.'s continued compliance with the Spill Response Agreement.

Sincerely,

NATURAL RESOURCE TECHNOLOGY, INC.



Laurie L. Parsons, PE
Principal Engineer



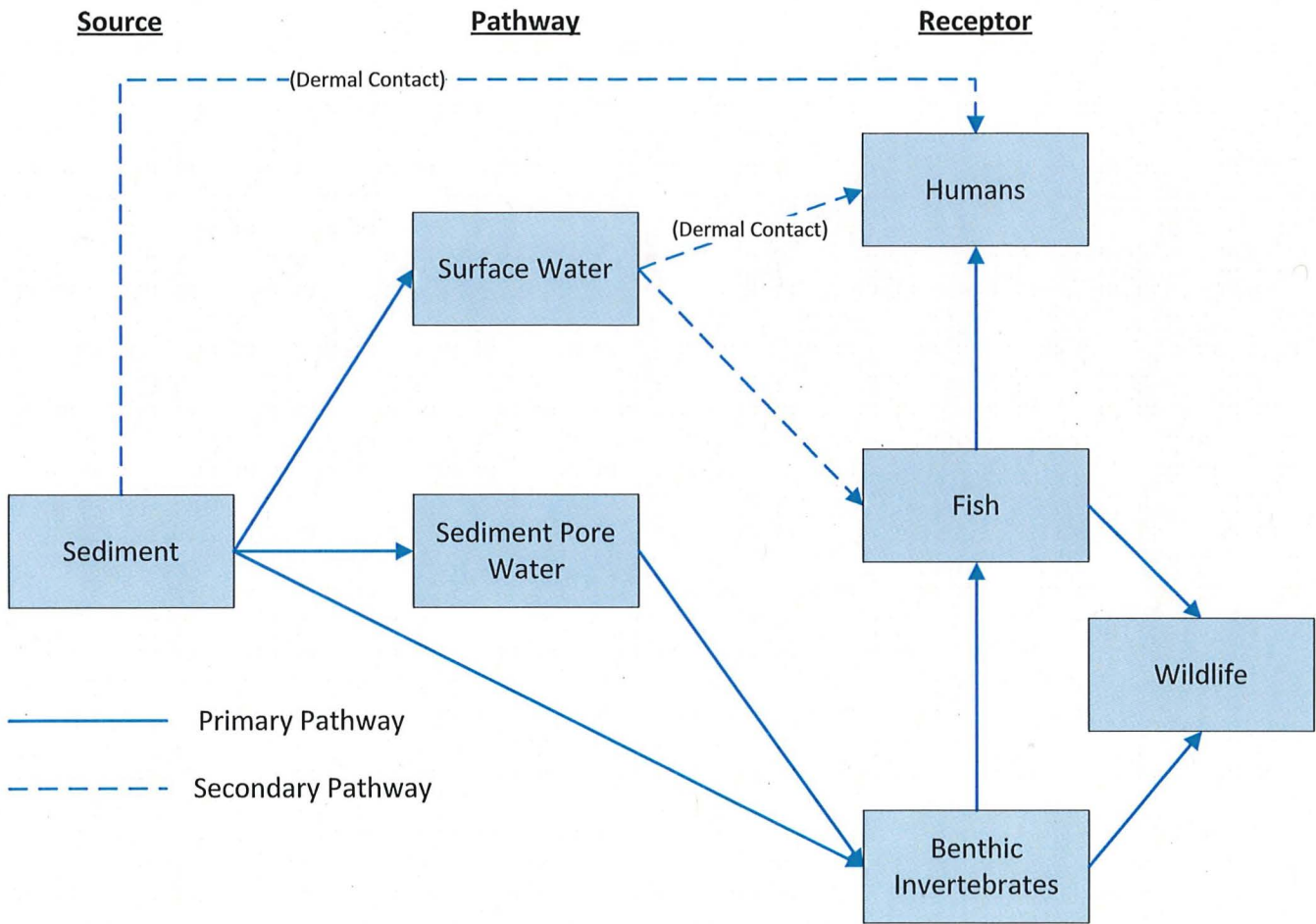
Denise P. Kay, PhD
Principal Scientist

Enclosures:

- Figure 1: Potential exposure pathways at the CMC Co. Inc. former pole yard.
- Figure 2: Proposed approximate sampling locations

cc: Eric Christiansen, C.M. Christiansen Co., Inc.
Elizabeth Gamsky Rich, Esq.

Figure 1: Potential exposure pathways at the CMC Co. Inc. former pole yard.



Y:\Mapping\Projects\121226\MXD\Military_Creek_Proposed Sample Locations.mxd Author: lcushman Date/Time: 10/16/2013, 1:02:52 PM



Service Layer Credits: Source: Esri, DigitalGlobe, GeoEye, i-cubed, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

DRAWN BY/DATE:
TDC 10/14/13
REVIEWED BY/DATE:
DPK 10/14/13
APPROVED BY/DATE:
DPK 10/14/13

PROPOSED APPROXIMATE SAMPLING LOCATIONS
MILITARY CREEK
PHELPS, VILAS COUNTY, WISCONSIN

PROJECT NO: 1226

FIGURE NO: 2





ENVIRONMENTAL CONSULTANTS

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Mr. Chris Saari
Wisconsin Department of Natural Resources
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Ashland, WI 54806

December 2, 2014
(1226/P091315)

RE: Proposed Work Plan Elements
CMC Co. Inc. former pole yard, Phelps, Wisconsin
WDNR BRRTS Activity #02-64-000068

This misses the whole "overall public resource value" point that we've been stressing to them

Dear Chris,

As a result of our technical meeting with the Wisconsin Department of Natural Resources (WDNR) and the Department of Health Services (DHS) on September 27, 2013, and the letter transmitted from WDNR to C.M. Christiansen Co. Inc. on October 22, 2014, NRT has developed a proposed path forward to address the remaining potential chemical exposure pathways related to the CMC Co. Inc. (CMC) former pole yard. The objective is to achieve agreement, in principal, on concept prior to developing the detailed plan for implementation of the work. The intent of the work plan concept presented here is that these efforts will provide the mitigation and remaining information necessary for WDNR, DHS, and the Town of Phelps to make a determination regarding the property transfer from private to public domain.

The potential exposure routes that have been brought forward by WDNR and DHS are listed below and illustrated in Figure 1.

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Ecological exposure routes:

- Fish consumption by birds and mammals
- Benthic community population health

Toxicity of chemicals to humans and wildlife is comprised of two primary components: concentration and exposure. An evaluation of *concentration*, or dose, considers the chemical-residue concentrations in source material, such as sediment or fish, relative to the concentrations known to cause toxic effects. An *exposure* evaluation considers the likelihood of contaminated material contact or consumption. *Toxicity* requires a combination of both exposure and chemical concentrations at toxic levels. As a result, toxicity can be mitigated by remediating elevated concentrations and/or limiting exposure.

NRT proposes that the following actions will address the potential exposure routes that have been identified and provide sufficient information to support property ownership decisions. It is intended that these actions can form the basis of an agreement with WDNR that could be implemented in 2015.

Potential exposure route	Proposed path forward
Human consumption of fish from Military Creek and North Twin Lake Question is not just if exposure exceeds standards, but are contam. locations what stream/lake sp could be?	Subsistence fishing is not feasible and sport fishing is limited on the segment of Military Creek at the former pole yard due to insufficient fish populations. <i>No action is required.</i> North Twin Lake is an active fishery and a positive feature for promoting community and tourism in Phelps. <i>Action: sample sport fish and measure residue concentrations in fish tissue for comparison to fish consumption guidelines. Proposed sampling would include dioxin analysis of fillet tissue from 3 fish of the most commonly caught and consumed species, or 3 fish of the species expected to have the greatest residue levels.</i>
Direct human contact with sediment via wading and playing in Military Creek and at the mouth of the creek Does boardwalk eliminate potential DC? Fish sampling doesn't answer Q1	Military Creek at the pole yard site is too shallow for swimming and not conducive to wading due to soft sediment in most areas. <i>Action: Design an interface to the wetland and creek for the public that is inviting and promotes use of the resource while limiting direct contact access opportunities, such as a boardwalk.</i> Sediment present where Military Creek flows into North Twin Lake will have a higher potential for direct contact. Unlike sediment at depth in North Twin Lake which does not have potential for direct contact, hence indirect exposure will be evaluated via fish sampling as described above. <i>Action: Sample sediment in areas of likely potential contact. Proposed sampling would include dioxin analysis of 3 sediment samples at the approximate locations illustrated in Figure 2. Evaluate concentrations relative to EPA guidelines and findings at comparable sites.</i>
Residential direct contact	Currently this is not residential property. <i>Action: Establish or maintain zoning to restrict construction of residence and maintain as a common public resource.</i>
Fish consumption by birds and other wildlife Sed. guys are going to have to weigh in on this approach. I don't like it but can't quantify why	The greatest potential exposure route for wildlife present in the wetland and otherwise on the site is consumption of fish containing chemical residues. However, collection of samples from birds and other wildlife is not necessary. <i>Action: Use soil, sediment, and fish tissue data to evaluate the potential for toxic effect on wildlife populations based on the extensive wildlife research that has been conducted over the past 7 years on a site in Michigan with similar TEQ concentrations, the Tittabawassee River.</i>
Benthic community population health So what they're saying is, "We'll eval. benthic by eval. fish/wildlife, which will be eval. by using data from site 400 miles away."	Benthic invertebrates lack the biological mechanism that makes vertebrates sensitive to the primary toxic effect of dioxin. However, they do serve as a potential bioaccumulation pathway for wildlife. <i>Action: Benthic community bioaccumulation potential will be evaluated in a meaningful manner by the evaluation specific to birds and wildlife described above.</i>

Saari, Christopher A - DNR

From: Saari, Christopher A - DNR
Sent: Wednesday, October 22, 2014 8:59 AM
To: Eric Christiansen (eric.r.christiansen@gmail.com); C.M. Christiansen Co., Inc. (CMC.Co.Inc@gmail.com)
Cc: Laurie L. Parsons (lparsons@naturalrt.com); erich@rich-law.com; Robinson, John H - DNR; Aartila, Tom P - DNR; Cochart, Lacey L - DNR; Fitzpatrick, William - DNR; Killian, James - DNR; Hildebrandt, Anke M - DHS
Subject: Request for Work Plan - C.M. Christiansen Company Pole Yard Site (WDNR BRRS # 02-64-000068)
Attachments: 201410220839.pdf

Good Morning Eric:

The Department has waited for over a year for some sign of progress on this site since our September 2013 meeting in Madison. As we have received no indication that you intend to move forward, the attached letter will go out in today's mail. Please contact me with questions.

We are committed to service excellence.

Visit our survey at <http://dnr.wi.gov/customerurvey> to evaluate how I did.

Chris Saari

Hydrogeologist – Remediation and Redevelopment Program

Wisconsin Department of Natural Resources

Phone: (715) 685-2920

Fax: (715) 685-2909

christopher.Saari@Wi.gov





State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Scott Walker, Governor
Cathy Stepp, Secretary

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

October 22, 2014

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

FILE COPY

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

Dear Mr. Christiansen:

I am writing today to request an update on the current status of the above named project. As you will recall, staff from the Departments of Natural Resources (DNR) and Health Services (DHS) met with you and your consultants from Natural Resource Technologies (NRT) on September 27, 2013 in Madison. The impetus of that meeting was to come to develop a plan for the next steps needed to move this project forward, so as to facilitate the potential transfer of the site property, along with other properties owned by the C.M. Christiansen Company, to the Town of Phelps to aid with the Town's economic growth and redevelopment plans. A vote on the property acquisitions was proposed to be put to the residents of the Town of Phelps at the Town's annual meeting on November 19, 2013.

I thought it might be helpful to begin with a recap of our September 2013 meeting. During that meeting, we discussed how best to address the gaps in the existing site data. There are obvious questions about the degree and extent of contamination in Military Creek, and what affects those contaminants might have on ecological receptors in the creek (and beyond). DNR staff described the difficulties that we have had in trying to make decisions on risk and potential remedies relying only on the limited, and dated, data that DNR collected in 1995 and 2003 through the Superfund site inspection process. Furthermore, a member of the Phelps Town Board has raised valid concerns about the potential for contaminant migration to North Twin Lake.

Potential options brought forth by NRT to address these data gaps included using surrogates (e.g., bird eggs, fish tissue) to determine if certain risk pathways are relevant, and using receptor-based analyses to determine if such risks are reasonable.

As our discussion continued, we identified the following potential receptors: benthic organisms, fish, mammals, birds, and human health via direct contact and ingestion. In addition, agency staff stressed the need to take the overall public resource value of Military Creek and North Twin Lake into account when evaluating this site.

As a possible approach going forward, NRT recommended focusing on analyses of fish rather than collecting more sediment data, and also focusing on North Twin Lake. Following a suggestion from NRT, we also discussed desktop stream and sediment stability and hydrologic assessments as different means to address the concerns raised about potential contaminant migration and receptors. The Department has experience with sediment stability modeling, which is a complex process that often requires site-specific measurements of the sediment critical shear stress and erosion rate, in addition to other input parameters such as channel geometry, hydraulic gradient, flow, bed roughness, material composition and strength (none of which, to our knowledge has been collected at this site). Even when detailed site-specific information exists, the heterogeneous nature of sediment material composition can lead to inconclusive results. The only certain way to determine the presence of contaminants in North Twin Lake and Military Creek is to test the sediment. The Department maintains the position that chemical testing of the sediment is essential information for sediment remediation projects.

Near the conclusion of that September 27, 2013 meeting, NRT proposed submitting to the DNR an outline of an investigation work plan approximately two weeks after the meeting.

However, when we did not receive the work plan outline a month after the meeting, I inquired as to the status of that document. In response, you informed me via an email message dated October 31, 2013 that, because the Town of Phelps was not intending to put the proposed property acquisitions to their voters at that annual meeting, "we are stepping back to take a more measured look at the outcomes of our recent meetings with DNR". We have received no indication from you since that time that C.M. Christiansen Company, Inc. (CMC), intends to move ahead with this project.

As such, we feel that it is necessary to remind you that compliance with the investigation and remediation requirements imposed by section 292.11, Wisconsin Statutes, is not optional. In April 1998, when you signed the Spill Response Agreement with the DNR under s. 292.11(7)(a), Wis. Stats., you agreed among other things to investigate Military Creek and submit investigation and remedial action options reports to DNR. To date, you have not completed these items.

While we have tried to work with you in a cooperative manner to address the site's remaining contaminated sediment issues over the past ten years, we have reached a point where the lack of forward progress has lead us to reconsider our options, including enforcement of the delinquent Spill Response Agreement. You have stated on a number of occasions that CMC has only limited resources to address the remaining issues at the site, and we have in turn offered you the option to formally make that case through an Ability to Pay process. However, you have so far declined to utilize that process, so we remain unsure what resources CMC can actually contribute to the project.

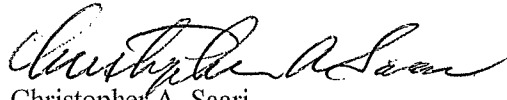
Therefore, we are requesting that **by December 15, 2014**, you submit to the DNR the work plan that was discussed at our September 27, 2013 meeting, along with a timeline to implement that work plan and return the site to compliance with the Spill Response Agreement. Should you fail to provide these submittals to us within this timeframe, we will proceed with next step(s) of the enforcement process, which would be a referral of the Spill Response Agreement to the Wisconsin Department of Justice.

Mr. Eric Christiansen – October 22, 2014

Page 3

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
Elizabeth Gamsky Rich
John Robinson – DNR Wausau
Tom Aartila – DNR Park Falls
Lacey Cochart – DNR Madison (LS/8)
Bill Fitzpatrick – DNR Madison (WT/3)
Jim Killian – DNR Madison (WT/3)
Anke Hildebrandt – DHS

9/18/14 1300hrs

CM Christensen Internal discussion

John Robinson

Akhe Hildebrandt

Tom Parilla

Bill Fitzpatrick

Scott Truman

- I explained what prompted today's call (contact from C. Snook, Town of Phelps)
- B.F. - Why give them another chance? Just go to enforcement
- Need to include analysis of N. Twin Lake
- Can't provide them end-points, data too old
Need to know lineal reach of stream, extent up & downstream, how far & where it at all out to lake. Also hydraulic analysis of creek, identity & floodplain & potential impacts
- A.H. - DHS could add letter in support of needing more activity/cleanup from human health perspective
- J.R. - He'll work w/ me & Lacey to draft up a deadline letter, or else we go enforcement

Overview & time schedule →