



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

September 20, 2016

MS ELIZABETH GAMSKY-RICH  
ELIZABETH GAMSKY RICH & ASSOCIATES SC  
435 E MILL ST  
PLYMOUTH WI 53073

FILE COPY

Subject: Military Creek Sediment Sampling Plan  
C.M. Christiansen Co. Inc. Former Pole Yard, Phelps, Wisconsin  
WDNR BRRTS #02-64-000068

Dear Ms. Rich:

The Department of Natural Resources' (DNR) Remediation and Redevelopment Program is in receipt of your letter dated September 11, 2016 regarding the above named site. Your letter is a response to comments that I provided to C.M. Christiansen Co., Inc. in a letter dated September 7, 2016 on a sampling plan that had previously been submitted by Natural Resource Technology (NRT).

Specifically, your September 11 letter referenced the issue of "basic physical site characterization and evaluation tasks" that had been raised by the DNR, and your contention that this issue had been addressed by you in a letter dated April 5, 2016. The April 5 correspondence contains references to the "degree and extent of contamination" and Wis. Admin. § NR 716.11, of which you stated "the parties specifically negotiated the exclusion of..."

Please note that the basic physical site characterization and evaluation tasks that the DNR referenced in our previous comments are not related solely to degree and extent of contamination, but are general tasks common to most sediment investigations. The DNR inquired about the status of these tasks because they were included in NRT's submittal entitled *C.M. Christiansen Company, Inc. Supplemental Evaluation of Military Creek and Revised Work Plan for Screening Level Assessment, Phelps, WI*, dated May 13, 1998, which was submitted to fulfill Item 2 of the Spill Response Agreement (SRA, see attached). Specifically, Task 2 – Site Characterization Activities (page 7 of NRT's submittal) proposed the following:

"The site characterization activities will be conducted to obtain background information on the environmental setting to aid in the selection of sediment and surface water sampling locations and to identify possible environmental stresses to the creek. Observations will be made in the field on flow, flood plain, morphology, bathymetry, the presence of upstream or downstream control structures or discharges. Other observations that will be made during the site characterization in the initial field investigation include:

- approximate water velocity;
- water depth;
- approximate current patterns;

- the presence of hydrocarbon, sheens, etc.;
- the presence and type of aquatic vegetation or woody debris; and,
- the presence of undercut banks and areas of scouring."

In addition to being common components of most sediment investigations, the DNR believes that these basic physical site characterization and evaluation tasks would provide information that will likely be necessary for us to evaluate and approve the Military Creek Investigation Report (SRA Item 9) and properly evaluate the Military Creek Remedial Action Options Report required under SRA Item 10.

On a related note, I neglected to point out in our September 7 comment letter to C.M. Christiansen Co., Inc., that that letter would appear to be the starting point for the 30-day timeline to start the sampling of Military Creek, per SRA Item 4. As this was an oversight on our part, the DNR will extend the sampling start date to within 30 days of your client's receipt of this letter.

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](mailto:Christopher.Saari@Wisconsin.gov).

Sincerely,



Christopher A. Saari  
Hydrogeologist

attach. Spill Response Agreement

cc: C.M. Christiansen Co., Inc. (via email and hard copy)  
Andrew Millspaugh – NRT (via email)  
Jessica Kramer – DNR Madison (via email)  
John Robinson – DNR Wausau (via email)

## Saari, Christopher A - DNR

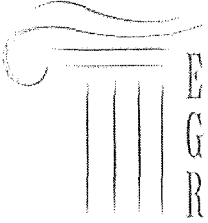
---

**From:** Elizabeth Rich <erich@rich-law.com>  
**Sent:** Sunday, September 11, 2016 10:57 AM  
**To:** Saari, Christopher A - DNR  
**Cc:** Andrew Millspaugh; Heilman, Cheryl W - DNR  
**Subject:** C.M. Christiansen Co., Inc. Pole Yard Site  
**Attachments:** letter to Saari 9-11-16.pdf

Please see attached correspondence.

# Elizabeth Gamsky Rich & Associates SC

435 East Mill Street | Plymouth, WI 53073  
920.892.2449 | erich@rich-law.com



September 11, 2016

Mr. Christopher A. Saari (via electronic mail)  
Wisconsin Department of Natural Resources  
Ashland Service Center  
2501 Golf Course Road  
Ashland, WI 54806

Re: C.M. Christiansen Co., Inc.  
Phelps, Wisconsin  
WNDR BRRTS #02-64-000068

Dear Mr. Saari:

I am in receipt of a copy of your letter to C.M. Christiansen Co., Inc. dated September 7, 2016. Your letter included the following statement: "We note that the current work plan addresses only those comments made on page 2 of the February 11 letter, related to the actual sediment sampling activities. The basic physical site characterization and evaluation tasks discussed on page 1 of that letter were not included in the work plan. It is DNR's belief that the page 1 tasks are still relevant and necessary for a full evaluation of the sediment issues in Military Creek."

I write to remind you that our response to this issue was addressed in a letter from the Company's undersigned legal counsel to you dated April 5, 2016. We note that your letter does not reference or acknowledge that correspondence. Should you or counsel for the DNR wish to discuss the matter further, you may contact me.

Very truly yours,

ELIZABETH GAMSKY RICH & ASSOCIATES SC

A handwritten signature in cursive script that reads "Elizabeth G. Rich".

Elizabeth Gamsky Rich

cc: Andrew Millspaugh, Natural Resources Technology  
DNR Attorney Cheryl Heilman ([cheryl.Heilman@Wisconsin.gov](mailto:cheryl.Heilman@Wisconsin.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

September 7, 2016

FILE COPY

C.M. CHRISTIANSEN CO INC  
C/O ERIC CHRISTIANSEN  
5501 N SANTA MONICA BLVD  
MILWAUKEE WI 53217

Subject: Military Creek Sediment Sampling Plan  
C.M. Christiansen Co., Inc. Former Pole Yard  
Phelps, Wisconsin  
WDNR BRRTS #02-64-000068

Dear Mr. Christiansen:

On August 3, 2016, the Department of Natural Resources' (DNR) Remediation and Redevelopment program received via email an electronic version of the *Military Creek Sediment Sampling Plan*, prepared for the above named site by Natural Resource Technology (NRT) and dated August 3, 2016. The work plan was prepared in response to comments provided to you in a letter from the DNR dated February 11, 2016. The comments related to a conceptual approach for evaluating Military Creek that was presented to the DNR in December 2015.

We note that the current work plan addresses only those comments made on page 2 of the February 11 letter, related to the actual sediment sampling activities. The basic physical site characterization and evaluation tasks discussed on page 1 of that letter were not included in the work plan. It is DNR's belief that the page 1 tasks are still relevant and necessary for a full evaluation of the sediment issues in Military Creek. However, we feel that the work plan presented by NRT in August 2016 will provide a good start to completing the investigation of Military Creek, and we therefore encourage you to proceed with implementing this sampling effort. We would also request that NRT keep us informed of the sampling schedule so that we might be able to observe some of the field work.

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](mailto:Christopher.Saari@Wisconsin.gov).

Sincerely,

Christopher A. Saari  
Hydrogeologist

cc: Andrew Millsbaugh – NRT  
Elizabeth Gamsky-Rich – Elizabeth Gamsky-Rich & Associates SC  
John Robinson – DNR Wausau



Jess Kramer – DNR Madison  
Tom Aartila – DNR Park Falls  
Bill Fitzpatrick – DNR Madison  
Jim Killian – DNR Madison  
Rob Thiboldeaux – DHS

FILE COPY

## Saari, Christopher A - DNR

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**From:** Saari, Christopher A - DNR  
**Sent:** Wednesday, September 07, 2016 11:34 AM  
**To:** C.M. Christiansen Co., Inc. (CMC.Co.Inc@gmail.com)  
**Cc:** Rich, Elizabeth Gamsky (erich@rich-law.com); Andrew Millspaugh (amillspaugh@naturalrt.com); Robinson, John H - DNR; Kramer, Jessica L - DNR; Aartila, Tom P - DNR; Fitzpatrick, William - DNR; Killian, James - DNR; Thiboldeaux, Robert L - DHS  
**Subject:** RE: Military Creek Sediment Sampling Plan - WDNR BRRS Activity #02-64-000068  
**Attachments:** 201609071119.pdf

Good Morning:

The attached letter will go out in today's mail. Please contact me if you have any questions.

**We are committed to service excellence.**

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

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

---

**From:** Andrew Millspaugh [<mailto:amillspaugh@naturalrt.com>]  
**Sent:** Wednesday, August 03, 2016 1:34 PM  
**To:** Saari, Christopher A - DNR  
**Cc:** Cochart, Lacey L - DATCP; Robinson, John H - DNR; C.M. Christiansen Co., Inc. ([CMC.Co.Inc@gmail.com](mailto:CMC.Co.Inc@gmail.com)); Rich, Elizabeth Gamsky ([erich@rich-law.com](mailto:erich@rich-law.com))  
**Subject:** Military Creek Sediment Sampling Plan - WDNR BRRS Activity #02-64-000068

Mr. Saari,

On behalf of C.M. Christiansen Co. Inc., Natural Resource Technology, Inc. (NRT) is providing the attached sediment sampling plan for Military Creek, C.M Christiansen Co. Inc Former Pole Yard, Phelps, Wisconsin (WDNR BRRS Activity #02-64-000068). This work plan incorporates elements listed on page 2 of your February 11, 2016 letter to Mr. Eric Christiansen for developing an acceptable overall sampling scope.

Sincerely,

**Andrew M. Millspaugh, PE**  
*Environmental Engineer*  
Natural Resource Technology, Inc.  
234 W. Florida Street, Fifth Floor  
Milwaukee, Wisconsin 53204  
414.837.3523 Direct | 518.573.4378 Cell  
414.837.3607 Main | 414.837.3608 Fax  
[amillspaugh@naturalrt.com](mailto:amillspaugh@naturalrt.com) | [www.naturalrt.com](http://www.naturalrt.com)

*Smarter Solutions, Exceptional Service, Value*

## Saari, Christopher A - DNR

---

**From:** Andrew Millspaugh <amillspaugh@naturalrt.com>  
**Sent:** Wednesday, August 03, 2016 1:34 PM  
**To:** Saari, Christopher A - DNR  
**Cc:** Cochart, Lacey L - DATCP; Robinson, John H - DNR; C.M. Christiansen Co., Inc. (CMC.Co.Inc@gmail.com); Rich, Elizabeth Gamsky (erich@rich-law.com)  
**Subject:** Military Creek Sediment Sampling Plan - WDNR BRRS Activity #02-64-000068  
**Attachments:** Military Creek Sediment Investigation Work Plan 160803.pdf

Mr. Saari,

On behalf of C.M. Christiansen Co. Inc., Natural Resource Technology, Inc. (NRT) is providing the attached sediment sampling plan for Military Creek, C.M Christiansen Co. Inc Former Pole Yard, Phelps, Wisconsin (WDNR BRRS Activity #02-64-000068). This work plan incorporates elements listed on page 2 of your February 11, 2016 letter to Mr. Eric Christiansen for developing an acceptable overall sampling scope.

Sincerely,

**Andrew M. Millspaugh, PE**

*Environmental Engineer*

*Natural Resource Technology, Inc.*

*234 W. Florida Street, Fifth Floor*

*Milwaukee, Wisconsin 53204*

*414.837.3523 Direct | 518.573.4378 Cell*

*414.837.3607 Main | 414.837.3608 Fax*

[amillspaugh@naturalrt.com](mailto:amillspaugh@naturalrt.com) | [www.naturalrt.com](http://www.naturalrt.com)

*Smarter Solutions, Exceptional Service, Value*





ENVIRONMENTAL CONSULTANTS

234 W. FLORIDA STREET, FIFTH FLOOR  
MILWAUKEE, WISCONSIN 53204  
(P) 414.837.3607  
(F) 414.837.3608

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

August 3, 2016  
(NRT Project No. 2381)  
Sent via email

RE: Military Creek Sediment Sampling Plan  
C.M. Christiansen Co. Inc. Former Pole Yard, Phelps, Wisconsin  
WDNR BRRTS Activity #02-64-000068

Dear Mr. Saari,

On behalf of C.M. Christiansen Co. Inc., Natural Resource Technology, Inc., (NRT) is providing notice to WDNR of planned sediment sampling at the above referenced site. Sediment sampling will incorporate elements listed on page 2 of your February 11, 2016 letter to Mr. Eric Christiansen to develop an acceptable overall sampling scope.

This Work Plan was prepared to comply with relevant requirements of NR 716. Background information, site history, and contaminant types have been described in previous documents submitted to WDNR. Sediment sampling during this field mobilization will include the following activities, which are shown on the attached Figure 1:

- Sediment Thickness Measurements:
  - Beginning at the area of DNR sample Sed-01, sediment thickness measurements will be performed through manual poling along transects perpendicular to Military Creek every 100 ft to the mouth of North Twin Lake. Measurement locations along transects will occur mid-channel, at the shoreline, and one intermediate location for a minimum of 5 locations per transect.
- Sediment Sampling:
  - Re-sampling at the approximate locations of DNR sample locations SED-01, SED-02, SED-03, SED-04, SED-05, and SED-06.
  - Sampling at two additional samples upstream of Country Road E and spaced equidistant between SED-01 and SED-02. These new sample locations are identified on Figure 1 as SED-101 and SED-102.
  - Sampling at six additional locations downstream of County Road E to the stream delta at the mouth of Military Creek with North Twin Lake. These new sample locations are identified on Figure 1 as SED-103, SED-104, SED-105, SED-106, SED-107, and SED-108.
  - Locations will be sample by manual coring methods to a target depth of 30 inches below the sediment surface. Core locations will be at the midpoint of the creek unless there are notable features at the sampling location to suggest zones of sediment deposition, such as the inside of a bend. In these instances, the sampling location may be located at the area of suspected sediment deposition.
- Sediment Core Processing and Laboratory Testing:
  - Collected sediment cores will be segmented into three intervals as measured from the sediment surface: 0 to 6 inches, 6 to 18 inches, and 18 to 30 inches.



- The top two core intervals (i.e., 0 to 6 inches and 6 to 18 inches) will be analyzed for chemical and physical parameters. The bottom interval (i.e., 18 to 30 inches) will be retained and archived for possible future analysis.
- Intervals submitted for laboratory testing will be analyzed for Diesel Range Organics (DRO), 2,3,7,8-substituted dioxins and furans, particle size, total organic carbon (TOC), and percent solids.

### Methods

Sediment poling and core sampling will be performed from a small shallow-draft sampling vessel such as a jon boat or canoe due to the small size of Military Creek. A handheld differential global positioning system with sub-meter accuracy will be used to locate sampling locations. Sediment thickness poling will be performed using a 1.5-inch diameter aluminum poling rod marked with 0.1 foot increments to measure the depth of refusal. Sediment cores will be collected in 2-5/8 inch inside diameter clear plastic core tubes using manual push methods due to the shallow target sample depth of 30 inches. If difficult sampling conditions are encountered, a weighted slide hammer will be used to facilitate sampling of the target depth. Power-assisted coring is not planned or expected to be needed. Collected cores will be capped on both ends and properly labeled with identifying information.

Following collection, sediment cores will be processed on land according to the described sampling plan. Cores will be extruded, photographed, and divided into the prescribed three intervals. Each interval will be homogenized and then transferred to laboratory provided sample containers. Samples will be transported to the analytical laboratory under chain of custody at the end of the sample event. Sampling, handling, and quality control procedures will follow NRT's Standard Operating Procedures, which can be made available upon request.

### Schedule

Field preparation activities will begin this summer and include coordinating with the analytical laboratory, scheduling field personnel and equipment, preparing a Health and Safety Plan, and performing a Diggers One-Call utility locate. Sediment sampling will be completed by the end of 2016 and is anticipated for September or October. Sampling data and observations will be summarized in a report that will be submitted to WDNR.

Sincerely,

NATURAL RESOURCE TECHNOLOGY, INC.

A handwritten signature in black ink, appearing to read "Andrew M. Millspaugh".

Andrew M. Millspaugh, PE  
Environmental Engineer

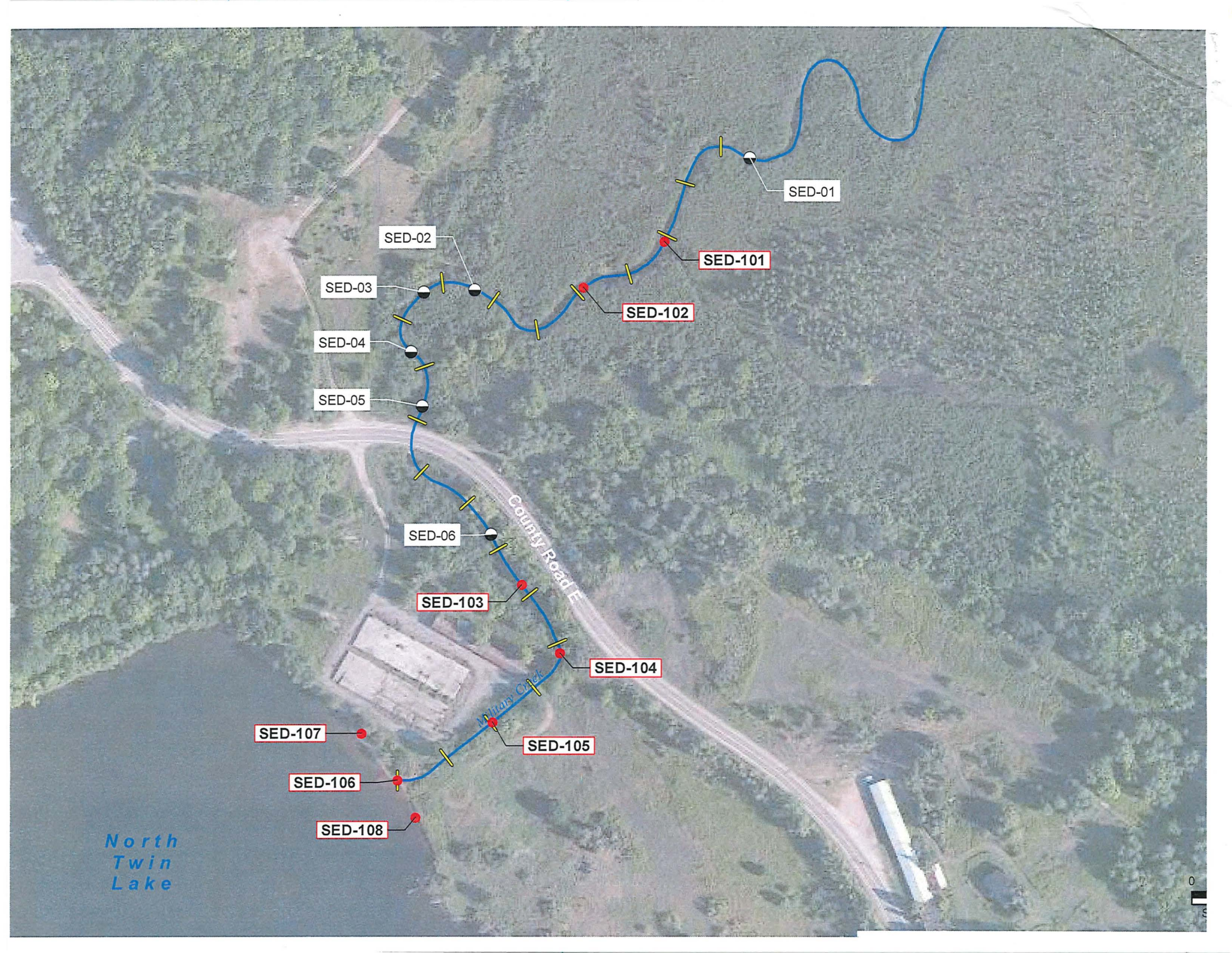
### Enclosures:

Figure 1 Planned Sediment Characterization Locations

cc: Lacey Cochart – Attorney  
John Robinson – WDNR  
Eric Christiansen – C.M. Christiansen Co., Inc.  
Elizabeth Gamsky Rich, Esq. – Elizabeth Gamsky Rich & Associates SC







North  
Twin  
Lake

- SED-01
- SED-02
- SED-03
- SED-04
- SED-05
- SED-06
- SED-101
- SED-102
- SED-103
- SED-104
- SED-105
- SED-106
- SED-107
- SED-108

County Road E

Military Creek



## Saari, Christopher A - DNR

---

**From:** DNRRNR700Reporting@wisconsin.gov  
**Sent:** Tuesday, July 12, 2016 4:01 PM  
**To:** CMC.Co.Inc@gmail.com  
**Cc:** Saari, Christopher A - DNR  
**Subject:** WDNR NR700 Semi-Annual Report Confirmation

Thank you for submitting your NR700 semi-annual progress report. The DNR Project Manager for this site has been notified of your report submittal. If final case closure has not been granted for this Activity before the next reporting period, you will receive a system-generated email reminder and link to report for the next period.

The contents of your report is included below for your records:

Report ID: 16073300999094  
BRRTS No.: 02-64-000068  
PECFA No: 54554-9707-00  
Activity Name: C M CHRISTIANSEN #1 - POLE DIP  
Address: 2276 STH 17, PHELPS  
Reporting Period: 1/1/2016 - 6/30/2016

Submitted On: 07/12/2016

Submitter Role: RP Contact

Status: Site Investigation: No Activity

Comments:

Meetings with consultants to prepare 2016 sampling plan in line with latest WDNR letter.

PECFA Eligible? No

6/20/16 1500hrs

CM Christensen

John Robinson

Christine Haag

Gena Larson

Tom Coogan

JR & I provided background on site

CH - can they, Town take property on taxes?

Yes, but our experience is that Town wants  
"clean" closed site

CH thinks we have options

Would there be \$ to bring site from Industrial to Recreational?

We discussed possibility for Stewardship/Trail's funds  
to help w/ redevelopment

## Saari, Christopher A - DNR

---

**From:** Steve Doyen <steve.doyen@frontier.com>  
**Sent:** Tuesday, May 24, 2016 6:42 PM  
**To:** Saari, Christopher A - DNR  
**Subject:** Re: Former C.M. Christiansen Co. Pole Yard Site, Phelps

wesnday and thursday are best 6:00 p m but if it has to be in the mourning we could work it out

On Tuesday, May 24, 2016 8:14 AM, "Saari, Christopher A - DNR" <[Christopher.Saari@wisconsin.gov](mailto:Christopher.Saari@wisconsin.gov)> wrote:

It might help with our scheduling if you could tell me if there are certain days of the week and/or times of the day that work better for Town Board members. Anything to narrow it down would probably help us select an agreeable date/time for all. Thanks!

**We are committed to service excellence.**

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

Chris Saari

Phone: (715) 685-2920

[Christopher.Saari@Wi.gov](mailto:Christopher.Saari@Wi.gov)

---

**From:** Steve Doyen [<mailto:steve.doyen@frontier.com>]  
**Sent:** Monday, May 23, 2016 8:38 PM  
**To:** Saari, Christopher A - DNR  
**Subject:** Re: Former C.M. Christiansen Co. Pole Yard Site, Phelps

Thank you i will wait to here from you  
Steve Doyen

On Thursday, May 19, 2016 1:20 PM, "Saari, Christopher A - DNR" <[Christopher.Saari@wisconsin.gov](mailto:Christopher.Saari@wisconsin.gov)> wrote:

Hello Mr. Doyen:

My name is Chris Saari and I am the DNR's Remediation and Redevelopment project manager for the above named cleanup site. I understand from Connie Antonuk that you are hoping to set up a meeting with DNR staff to discuss the Town of Phelps' possible acquisition of the site property. I have started looking for some possible meeting dates from which you can choose, and either myself or my supervisor (John Robinson) will get back to you soon to let you know when we'd be available.

Feel free to contact me in the meantime if you have questions. Thanks.

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Visit our survey at <http://dnr.wi.gov/customersurvey> 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](mailto:Christopher.Saari@Wi.gov)

[dnr.wi.gov](http://dnr.wi.gov)

# Elizabeth Gamsky Rich & Associates SC

435 East Mill Street | Plymouth, WI 53073  
920.892.2449 | erich@rich-law.com



April 5, 2016

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

Re: C.M. Christiansen Co., Inc.  
Phelps, Wisconsin  
WDNR BRRTS # 02-64-000068

Dear Mr. Saari:

I am writing in response to your letter of February 11, 2016. As a preliminary matter, I note that the letter is erroneously addressed to Mr. Eric Christiansen. Mr. Christiansen currently serves as an officer of C.M. Christiansen Co., Inc., which the DNR has identified as the responsible party in the above-referenced matter. There has been no allegation that Mr. Christiansen has any personal involvement in the matter, nor is there any factual or legal basis for such an allegation. Accordingly, please address future correspondence either to the undersigned, or to C.M. Christiansen Co., Inc., in care of Mr. Christiansen as President.

Please be advised that the Company has reviewed your comments and has submitted them to its legal and environmental consultants for further consideration. In doing so, we are mindful of the Company's obligations under the 1998 Spill Response Agreement (SRA). We note that the SRA does not include a requirement that the "degree and extent of contamination in and around Military Creek" be "fully characterize[d]", as your letter indicated. In fact, the parties specifically negotiated the exclusion of a reference to Wis. Admin. Code NR 716.11 precisely because both parties recognized at the time the SRA was entered into that delineation of the degree and extent of contamination at this site was not practicable.

The Company intends to complete investigative work this year, as requested in your letter. We are working with our environmental consultant and will submit the work plan documentation when it is available. Please direct any questions to the undersigned.

Very truly yours,

ELIZABETH GAMSKY RICH & ASSOCIATES SC

  
Elizabeth Gamsky Rich

cc: Lacey Cochart via email cochart.lacey@wisconsin.gov

## Saari, Christopher A - DNR

---

**From:** Cochart, Lacey L - DATCP  
**Sent:** Tuesday, April 05, 2016 2:40 PM  
**To:** Elizabeth Rich  
**Cc:** Saari, Christopher A - DNR; Robinson, John H - DNR; Heilman, Cheryl W - DNR  
**Subject:** RE: C.M. Christiansen Co., Inc.  
**Attachments:** WDNR BRRTS #02-64-000068

Elizabeth,

I no longer work at DNR. I've copied Remediation Program staff and attorney Cheryl Heilman on this email and included the 2nd email I received.

Thank you.

Lacey Cochart  
Assistant Legal Counsel  
Wisconsin Department of Agriculture,  
Trade and Consumer Protection  
2811 Agriculture Drive, P.O. Box 8911  
Madison, WI 53708-8911  
(608) 224-5006  
[Lacey.Cochart@Wisconsin.Gov](mailto:Lacey.Cochart@Wisconsin.Gov)

-----Original Message-----

**From:** Elizabeth Rich [<mailto:erich@rich-law.com>]  
**Sent:** Tuesday, April 05, 2016 2:35 PM  
**To:** Cochart, Lacey L - DATCP  
**Subject:** C.M. Christiansen Co., Inc.

Hello Lacey—

Please see attached note.

## Saari, Christopher A - DNR

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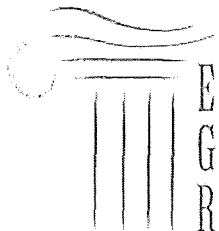
**From:** Elizabeth Rich <erich@rich-law.com>  
**Sent:** Tuesday, April 05, 2016 2:33 PM  
**To:** Saari, Christopher A - DNR  
**Cc:** Cochart, Lacey L - DATCP  
**Subject:** WDNR BRRTS #02-64-000068  
**Attachments:** letter to DNR 4-5-16.pdf

Please see attached correspondence.

# Elizabeth Gamsky Rich & Associates SC

435 East Mill Street | Plymouth, WI 53073

920.892.2449 | erich@rich-law.com



April 5, 2016

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

Re: C.M. Christiansen Co., Inc.  
Phelps, Wisconsin  
WDNR BRRTS # 02-64-000068

Dear Mr. Saari:

I am writing in response to your letter of February 11, 2016. As a preliminary matter, I note that the letter is erroneously addressed to Mr. Eric Christiansen. Mr. Christiansen currently serves as an officer of C.M. Christiansen Co., Inc., which the DNR has identified as the responsible party in the above-referenced matter. There has been no allegation that Mr. Christiansen has any personal involvement in the matter, nor is there any factual or legal basis for such an allegation. Accordingly, please address future correspondence either to the undersigned, or to C.M. Christiansen Co., Inc., in care of Mr. Christiansen as President.

Please be advised that the Company has reviewed your comments and has submitted them to its legal and environmental consultants for further consideration. In doing so, we are mindful of the Company's obligations under the 1998 Spill Response Agreement (SRA). We note that the SRA does not include a requirement that the "degree and extent of contamination in and around Military Creek" be "fully characterize[d]", as your letter indicated. In fact, the parties specifically negotiated the exclusion of a reference to Wis. Admin. Code NR 716.11 precisely because both parties recognized at the time the SRA was entered into that delineation of the degree and extent of contamination at this site was not practicable.

The Company intends to complete investigative work this year, as requested in your letter. We are working with our environmental consultant and will submit the work plan documentation when it is available. Please direct any questions to the undersigned.

Very truly yours,

ELIZABETH GAMSKY RICH & ASSOCIATES SC

  
Elizabeth Gamsky Rich

cc: Lacey Cochart via email cochart.lacey@wisconsin.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

February 11, 2016

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

FILE COPY

Subject: Military Creek Sediment Sampling Plan  
C.M. Christiansen Co. Inc. Former Pole Yard  
Phelps, Wisconsin  
WDNR BRRTS #02-64-000068

Dear Mr. Christiansen:

The Department of Natural Resources (DNR) has received correspondence from Natural Resource Technology (NRT) dated December 16, 2015, conveying a conceptual approach for additional investigation proposed for Military Creek downstream of the former pole yard facility. The approach consists of four surface sediment sampling locations "in the area where a direct human contact scenario is more likely to occur." NRT proposes that the details of this plan would be provided along with supporting information once agreement has been reached with the DNR on the conceptual approach.

Based on a review of this conceptual approach by staff from DNR and the Department of Health Services, we offer the following questions and comments for your consideration:

- The overall scope of the proposed work is not clear. Does NRT intend to perform the sampling discussed in the December 16, 2015 correspondence in addition to, or in lieu of, the tasks described in the Proposed Work Plan Elements correspondence from NRT dated December 2, 2014? Among other things, the 2014 proposal included fish tissue analyses and a limited hydrologic evaluation. During previous discussions, DNR staff have also expressed the need to evaluate potential contaminant deposition in North Twin Lake, as well as potential re-deposition of contaminated sediments on the adjacent floodplain during high water events.
- At some point in the investigation, does NRT propose to conduct basic physical site characterization observations, such as was included in their May 13, 1998 revised work plan? At that time, NRT had discussed tasks such as observing flow characteristics (e.g., water depth and velocity, current patterns), stream and floodplain morphology, and the presence and types of aquatic vegetation.
- From a public health perspective, we are curious as to how NRT determined that the four selected sampling areas represent areas where direct human contact is more likely to occur.
- We are expecting that the plan details will include information about sampling depth. We are concerned about the meaning of "surface sediment samples"; if people are using this waterway for recreation, it is likely that wading into the water would result in contact with sediments below the immediate "surface sediment", depending on the characteristics of the creek bed.



In terms of an acceptable overall sampling scope, we believe that the modifications below are needed to more fully characterize the degree and extent of contamination in and around Military Creek, as required under the 1998 Spill Response Agreement.

- Beginning at the area of DNR sample Sed-01, conduct transects for sediment thickness measurement by manual poling every 100', to the mouth of North Twin Lake.
- Sediment Sampling:
  - Re-sampling of sediment at DNR sample locations SED-01 through SED-06.
  - Two additional upstream (above County Rd. E) samples located equidistant between SED-01 and SED-02.
  - Six sediment samples collected downstream: Three at existing proposed (yellow dots) in-river samples; one additional in-river sample located between SED-06 and most-upstream yellow dot; and two additional samples in the stream delta, at some distance away from the mouth of Military Creek.
  - Sampling to be conducted by hand or power-assisted coring.
  - Core samples to be segmented 0 – 6", 6" – 18", and 18" – 30".
  - First two segments analyzed for chemical and physical parameters. The third segment would be retained for possible future analysis.
  - Parameters: Diesel Range Organics (DRO); 2,3,7,8-substituted dioxins and furans; particle size; total organic carbon (TOC); and % solids.

Additional sampling data is necessary to continue to characterize the area and the extent of contamination. However, depending on the results of this phase of the investigation, additional samples may be required to fully understand the risks present at the site and/or the appropriate remediation strategy for the contaminated area(s). For example, based on results of this work, floodplain sampling may be required along some or the entire Military Creek segment impacted by dioxin and furan contaminants.

We expect the necessary investigative work to be completed this year. The DNR shares your interest in seeing this project come to completion as efficiently and effectively as possible to protect human health and the environment both now and into the future.

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 Parson – NRT  
Elizabeth Gamsky Rich – Elizabeth Gamsky Rich & Associates SC  
John Robinson – DNR Wausau  
Lacey Cochart – DNR LS/8  
Tom Aartila – DNR Park Falls  
Bill Fitzpatrick – DNR WT/3  
Jim Killian – DNR WT/3  
Anke Corbeil – DHS

## Saari, Christopher A - DNR

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**From:** Killian, James - DNR  
**Sent:** Friday, January 29, 2016 11:27 AM  
**To:** Saari, Christopher A - DNR  
**Cc:** Fitzpatrick, William - DNR; Corbeil, Anke M - DHS; Galarneau, Stephen G - DNR  
**Subject:** FW: Desired investigative work for Military Creek

Chris;

Bill and I have reviewed NRT's plan and find it lacking in detail necessary for the required NR700 site delineation.

With that in mind, the following modifications to NRT's proposed sampling plan would be acceptable.

- Beginning at the area of Sed-01, transects for sediment thickness measurement conducted by manual poling every 100', to mouth of North Twin Lake.
- Sediment Sampling:
  - Re-sampling of sediment at SED-01 through SED-06
  - Two additional upstream (above County Rd. E) samples located equidistant between SED-01 and SED-02
  - 6 sediment samples taken downstream: Three at existing proposed (yellow dots) in-river samples. One additional in-river sample located between SED-06 and most-upstream yellow dot. Two additional samples in the stream delta, at some distance away from mouth of river.
  - Sampling to be conducted by hand or power-assisted coring.
  - Core samples to be segmented 0 – 6", 6 – 18", 18 to 30".
  - First two segments analyzed for chemical and physical parameters. Third segment retained.
  - Parameters: DRO, 2,3,7,8,-substituted dioxins and furans, particle size, TOC, and %solids.

This work is necessary to begin characterizing the degree and extent of DLC contamination at the Military Creek Site. Based on results of this work, floodplain sampling may be required along some or the entire Military Creek segment impacted by DLC contaminants.

Thanks,

**We are committed to service excellence.**

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

James Killian  
Office of Great Lakes  
Sediment Management Program  
Wisconsin Department of Natural Resources  
Phone: 608-264-6123  
[james.killian@wi.gov](mailto:james.killian@wi.gov)



## Saari, Christopher A - DNR

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**From:** DNRRNR700Reporting@wisconsin.gov  
**Sent:** Sunday, January 17, 2016 1:41 PM  
**To:** CMC.Co.Inc@gmail.com  
**Cc:** Saari, Christopher A - DNR  
**Subject:** WDNR NR700 Semi-Annual Report Confirmation

Thank you for submitting your NR700 semi-annual progress report. The DNR Project Manager for this site has been notified of your report submittal. If final case closure has not been granted for this Activity before the next reporting period, you will receive a system-generated email reminder and link to report for the next period.

The contents of your report is included below for your records:

Report ID: 16013300996191  
BRRTS No.: 02-64-000068  
PECFA No: 54554-9707-00  
Activity Name: C M CHRISTIANSEN #1 - POLE DIP  
Address: 2276 STH 17, PHELPS  
Reporting Period: 7/1/2015 - 12/31/2015  
Submitted On: 01/17/2016

Submitter Role: RP Contact

Status: Site Investigation: No Activity

**Comments:**

Current status is ongoing communication between CM Christiansen Co., Inc. and WDNR to identify next steps. Latest correspondence: Letter from Consultant NRT to WDNR dated December 15, 2015, to propose sampling activity for 2016.

PECFA Eligible? No