

## Amadi, Eric A - DNR

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**From:** Haag, Christine T - DNR  
**Sent:** Wednesday, December 16, 2020 11:37 AM  
**To:** Bollinger, Mike W (Pittsburgh) USA; Amadi, Eric A - DNR  
**Cc:** Fassbender, Judy L - DNR; Norman, Michele R - DNR; Nelson, William J - DNR; Slenska, Mike (Pittsburgh) USA; McChesney, Charles (Pittsburgh) USA; Philpotts, Brett H (Pittsburgh) USA; Eric M. McLeod (Eric.McLeod@huschblackwell.com); Noel, Mike; Buss, Pamela E - DNR  
**Subject:** RE: Review of Site Conditions and Progress in the VPLE Program - Former Koppers Tar Plant & Wabash Alloys (BRRTS #: 02-41-553761 & 06-41-561509) and City of Oak Creek Utility Corridor Lot 1 (BRRTS #: 02-41-561425 & 06-41-561426), Oak Creek, WI.

Good afternoon Mike (Bollinger),

As stated in the November 19, 2020 letter titled "Review of Site Conditions and Progress in the VPLE Program; Interim Action Work Plan Required by December 21, 2020," the Department of Natural Resources requires an Interim Action Work Plan on December 21, 2020. The letter specified, in bold, ". . .submit an interim action work plan to prevent the further migration of contamination in compliance with all regulatory code requirements, including Wis. Admin. Code § NR 708.11, by December 21, 2020."

An interim action shall be taken where it is necessary to contain or stabilize a discharge of a hazardous substance or environmental pollution, in order to minimize any threat to public health, safety, or welfare or the environment. Wis. Admin. Code s. NR 708.11(1)(a). When an interim action is warranted, responsible parties shall implement an interim action as soon as . . . possible to do so. Wis. Admin. Code s. NR 708.11(1)(b).

The department is requiring an interim action for a site that applied for the Voluntary Party Liability Exemption program in January 2014. Furthermore, the department is requiring an interim action and may invoke the processes of Wis. Stat. § 292.15(2)(av)1. and Wis. Admin. Code § NR 750.05(4) because reasonable progress has not been made at the site. References to immediate actions in the November 19, 2020 letter were included because the present conditions at the property warrant immediate action. All that said, department staff look forward to receiving your work plan on December 21, 2020 and meeting with you on February 2, 2021, as scheduled.

The department expects the Interim Action Work Plan to fully address the known concerns at the site. Regarding the commencement of the work, the department amends the January 28, 2021 commencement date to a date as soon as practicable, given seasonal limitations at the property, following department approval or conditional approval of the work plan under Wis. Admin. Code s. NR 716.09(3)(b). Please be aware the department may disapprove a work plan under Wis. Admin. Code s. NR 716.09(3)(c); however, should Beazer follow the explicit direction to conduct free product removal and adhere to the requirements of Wis. Admin. Code §§ NR 708.11 and 708.13, we hope the technical meeting resolves any remaining issues and Beazer's implementation of said work plan resolves concerns regarding participation in VPLE.

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**Christine Haag**

Pronouns: she/her/hers

Director, Remediation & Redevelopment Program/EM Division

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**From:** Bollinger, Mike W (Pittsburgh) USA <Mike.Bollinger@TRMI.Biz>  
**Sent:** Monday, December 14, 2020 2:56 PM  
**To:** Amadi, Eric A - DNR <Eric.Amadi@wisconsin.gov>; Haag, Christine T - DNR <Christine.Haag@wisconsin.gov>  
**Cc:** Fassbender, Judy L - DNR <Judy.Fassbender@wisconsin.gov>; Norman, Michele R - DNR <Michele.Norman@wisconsin.gov>; Nelson, William J - DNR <William.Nelson@wisconsin.gov>; Slenska, Mike (Pittsburgh) USA <Mike.Slenska@TRMI.Biz>; McChesney, Charles (Pittsburgh) USA <Charles.McChesney@TRMI.Biz>; Philpotts, Brett H (Pittsburgh) USA <Brett.Philpotts@trmi.biz>; Noel, Mike <Mike.Noel@tetrattech.com>; Eric M. McLeod (Eric.McLeod@huschblackwell.com) <Eric.McLeod@huschblackwell.com>  
**Subject:** RE: Review of Site Conditions and Progress in the VPLE Program - Former Koppers Tar Plant & Wabash Alloys (BRRTS #: 02-41-553761 & 06-41-561509) and City of Oak Creek Utility Corridor Lot 1 (BRRTS #: 02-41-561425 & 06-41-561426), Oak Creek, WI.

Dear Eric

Please see the attached letter regarding the referenced sites. Please note that we are specifically requesting clarification of your request for a Work Plan. We are requesting that the department clarify whether an Interim Action Work Plan or an Immediate Action Work Plan is being requested.

Regards

## Michael W. Bollinger

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**From:** Amadi, Eric A - DNR <[Eric.Amadi@wisconsin.gov](mailto:Eric.Amadi@wisconsin.gov)>  
**Sent:** Thursday, November 19, 2020 12:30 PM  
**To:** Bollinger, Mike W (Pittsburgh) USA <[Mike.Bollinger@TRMI.Biz](mailto:Mike.Bollinger@TRMI.Biz)>  
**Cc:** Fassbender, Judy L - DNR <[Judy.Fassbender@wisconsin.gov](mailto:Judy.Fassbender@wisconsin.gov)>; Haag, Christine T - DNR <[Christine.Haag@wisconsin.gov](mailto:Christine.Haag@wisconsin.gov)>; Norman, Michele R - DNR <[Michele.Norman@wisconsin.gov](mailto:Michele.Norman@wisconsin.gov)>; Nelson, William J - DNR <[William.Nelson@wisconsin.gov](mailto:William.Nelson@wisconsin.gov)>  
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Hi Mike (Bollinger):

Please see attached letter regarding the referenced subject. If you have questions, please let us know.

Thanks.

Eric

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**Eric Amadi**

Cell Phone: (414) 405-0752 - primary phone contact during the COVID-19 health crisis

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