From: William Bratcher < will@bratcherlawoffice.com>

Sent: Thursday, October 10, 2019 7:24 PM

To: Janowiak, Steve J - DNR

Subject: FW: Former Schlinsog Dairy/ Kautzer Property

Attachments: TWROW abandonment signed.pdf; TWROW b log.pdf; TW-1 b log.pdf; TW1

well const.pdf

Hi Steve,

I have now been able to obtain more information regarding the geoprobes required in the closure memo (attached, from Ken Lassa @REI). Please add it all to the file.

Would you be able to give me your analysis of whether these documents are sufficient on your end to show that these were done? If not, what do we need that we don't have?

Thank you

Will

--

Atty. Will Bratcher 103 E School St. PO Box 388 Thorp, WI 54771-0388

Phone: 715-669-5611 Fax: 715-669-5587

will@bratcherlawoffice.com

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From: Ken Lassa < klassa@reiengineering.com> Sent: Thursday, October 10, 2019 5:35 PM

To: William Bratcher <will@bratcherlawoffice.com> **Subject:** RE: Former Schlinsog Dairy/ Kautzer Property

Importance: High

Good Afternoon Will,

I have done my best to respond to your questions in sufficient detail and my answers to your questions are in red below.

Thank you,

Ken Lassa

From: William Bratcher < will@bratcherlawoffice.com>

Sent: Wednesday, October 9, 2019 3:55 PM **To:** Ken Lassa <klassa@reiengineering.com>

Subject: RE: Former Schlinsog Dairy/ Kautzer Property

Good afternoon Ken,

Thank you for providing those water sample reports, that is a part of what we requested that you provide. I have forwarded them to the DNR project manager for their review and to add them to the file on their end.

I assure you my client desires to have this matter closed as soon as possible, but we are not going to move forward blindly. As I have described before, we need a complete understanding and disclosure, including all documentation, of everything performed to date and the specific plan moving forward.

You expressed concern about not wanting to duplicate information that Tim Prossa provided me, so here is a link to that information so you can cross check with your responses to my follow up questions below: It appears that you have been provided with PECFA claims #17 to current. There are 16 claims prior to this going back to 2010. Please advise if you think claims from 2010 until claim #17 are pertinent for your review or simply the breakdown of PECFA costs sheet that is returned with the payment can simply be provided to show all previously submitted costs. It is a substantial amount of information and why I asked the question.

https://www.dropbox.com/sh/dvfnypbk3d358zd/AABUp86i9viIf0LDIwqQtaOsa?dl=0

Follow-up questions/what we still need to move forward. They are all interrelated, but the first 3 relate most to whether the estate will be signing or authorizing anything for REI related to <u>past work performed</u>.

1. Please clarify what you mean by your email description of the October 16, 2017 sample event. You indicate TW-1 did not produce enough water for a sample. When conducting an investigation, you can advance various types of soil borings. Some are abandoned once completed as the purpose is to collect soil samples for determination of extent of soil contamination. Other borings may be converted into Chapter NR141 compliant groundwater monitoring wells. The groundwater analytical collected is usually done from a groundwater monitoring well. Those are labeled as Monitoring Well 2 (MW-2). The wells are more expensive to advance and will usually remain for the duration of the investigation so samples can be collected over a period of time to make determinations on contaminant trends. So, the analytical I provided has some samples collected from groundwater monitoring wells labeled as MW. The hydraulic push (Geoprobe) borings advanced were for the purpose of grabbing a

water sample from the open borehole where a temporary well screen was placed into the boring and if water is encountered, it can be samples via peristaltic pump. On occasion these temp wells can also be left in place if given permission from WDNR. Those borings advanced were labeled as TW1 and TW ROW. I have attached the borehole logs, well construction form for TW1 and abandonment form for TWROW. Later you say in general that the final sample event has not been completed. Am I correct in assuming then that TW-1 needs two additional samples and the rest of the wells need one? The 2017 closure memo indicates "conduct 2 years of semi annual groundwater sampling from MW-1, MW-2, MW-3, and MW-6." When you reference TW-1, are you referring to MW-1 or not? And if the TW-1 sample was insufficient, what steps did REI take, with all supporting documentation, to correct the mistake, if any? How far does this now set things back? If this is still an issue, how do we correct it? Groundwater sampling events are referring to the groundwater monitoring wells (MWs). There was no mistake made as there are occasions were water is not encountered or the boring equipment hits refusal and cannot proceed any deeper. It appears to me based on review of the forms attached that TWROW was abandoned as they could only get to a depth of 30 feet below land surface. Groundwater is historically at over 40 feet below land surface in the monitoring wells. Thus, groundwater was not encountered.

- 2. Any and all documentation you have to support your verbal statement that No. 1 on the closure memo has been completed (install two geoprobes to the east of the site). If you do not have such documentation, please indicate where I can obtain it. If <u>all</u> of the documentation you have regarding that has already been submitted as a PECFA claim dated 11/16/2017 (see link above) please confirm that as well. This request is consistent with my correspondence to REI dated 09/12/2019. See request No. 2 therein. I have attached the geoprobe soil boring documents as discussed above.
- 3. Please review the copy of the claim that REI submitted to Tim Prossa dated 06/26/2019. Please confirm whether that, combined with the water sample results you provided me via email below, constitute all of the documentation you have about what REI is trying to obtain approval for at this time. If it is not all of the documentation you have, please provide me with all of it. This claim was submitted for the June, 2019 sample event. As such, the documentation in the claim contains the Usual and Customary (U & C) invoice spreadsheet with documentation such as the chain of custody for the samples collected. I previously provided you with the analytical reports for this sample event. The purge water from this event was also containerized and brought back to REI. 15 gallons of contaminated water was disposed of by GFL. This documentation is in the claim information you have from Tim Prosa. The other charges are for an invoice charge that we get for all the administrative time involved in entering and preparing an invoice as well as a PECFA claim preparation fee of which we are allowed to claim twice a year for the administrative costs associated with preparing all the required documents for the PECFA claim. It appears that we did not include the costs for the disposal by GFL as we did not have the proof of payment in time to include on this claim. As such, this would be included in a future claim as the percentage of the disposal invoice for this project was \$28.35. There would also be a cost for the analytical that would need to be included in future claim as it was not included in this claim likely due to not having proof of payment in advance of this claim. The Pace Analytical cost is \$175.16 for 4 samples at the U & C rate of \$43.79 as determined by **WDNR**

Once I have all of the above, I can talk to Lacii about whether the estate will provide the requested authorizations about that <u>previous work</u>. As an aside, you told me on the phone yesterday that the fraudulent w-9 was submitted for work performed during Steve's lifetime, but that has proven to be false – by the June sampling event Steve had been dead for months. It should go without saying that if we move forward together, Dave Larsen will NOT be involved. As I mentioned over the phone. I do not have direct knowledge as I was not part of the conversation. However, I have included a blank copy of a W-9 that Mr. Kautzer signed, but did not date that was in our file. A few years back, WDNR began requesting updated W-9 form for every year. Previously it was practice and satisfactory to provide one at the beginning of the project. When I spoke with our administrative team, they told me as I told you over the phone. When we reach out to clients each year over the past few years, our administrative team informed me that a couple clients have asked our staff to sign and asked us to date as needed, so we don't have to bug them every year about this. Thus it is plausible this was the case with Mr. Kautzer.

Taking my time to review this whole issue and in all honesty- It appears to me that Dave Larsen was informed in an email in April that Mr. Kautzer had passed. Whether he missed reading that email or all out forgot, I do not know. He has been out of the office on field work for a project all week in an area of northern Wisconsin with very poor reception. However, what should have happened was to not conduct <u>any</u> work until updated forms were received. When the claims get put together by the administrative team, they then go to the project manager for a review and onto me for a final review as I am checking to make sure all backup documentation is included for invoices. It is not uncommon for PECFA to reject a claim if all documentation is not included or to "kick out costs" they believe do not have proper documentation for the U & C invoice. Reviewing the claim on my part includes making sure the W-9 is included, but it isn't part of my review to ask our project manager if the client is still alive as I would not know that since I have not been directly involved with the client.

- 4. Also consistent with my correspondence dated 09/12/2019, request no. 3, for any items that have not been completed on the closure memo (abandon PW-1 and PW-2, water sampling, and submit closure request), please provide the following, in written form:
 - a. What specific steps need to be taken to complete them. The potable wells need to be abandoned. The well driller would have to completed the work for the amount approved by WDNR. As agent for the site, REI then needs to receive the invoice, pay the invoice and obtain cancelled checks for the payment. One additional sampling event of the groundwater monitoring wells is needed to complete the approved scope. Same process for payment to the laboratory. Once completed, a letter report submitted and upon review by WDNR. Once this is all completed, prepare a reimbursement claim for this scope. The WDNR will review the documentation submitted and they will determine if the site can proceed to case closure or if additional investigative work will be required. WDNR closure committee makes the decisions on when to close a site not the consultant. We can recommend, but ultimately it is up to the WDNR closure committee. Once the WDNR determines the next steps, then we need to submit a request through the U & C cost schedule for the items needed. When WDNR approves, then the consultant can proceed with the work.
 - b. Your <u>specific</u> proposal as far as when and how those steps will be completed. The consultant will be asked to provide a scope based on the WDNR project manager review and what (if any) additional actions they may want to see. This process is driven by the WDNR with recommendations from the consultant taken into consideration. Not trying to be evasive, but I simply cannot predict WDNR's response.

- c. Any barriers to completing the work (e.g. permits required, etc.). No work can or will proceed without the updated signed forms
- d. The estimated time of completion.* Once forms are received and claim payment for work completed for June sample event, the final sample event can be scheduled and well driller contacted for well abandonment.
- e. The estimated cost of completion and what portion thereof you anticipate will be covered by PECFA. The site is PECFA eligible. As long as all costs are incurred in line with the U & C schedule or approved through a variance, they will be reimbursed until the program ends. Keep in mind that all costs will need to be submitted well in advance of the July 20, 2020 deadline which means all work will cease months before that deadline. In regards to costs not covered by PECFA. Those would be the WDNR case closure review fee (\$1050, and registration fees for residual soil (\$300) and groundwater (\$350). So, you are looking at a total cost of \$1,700 that will not be covered by PECFA as they do not cover closure related costs. WDNR will not review a site for closure consideration unless these costs are paid. Thus, these costs should be considered for the estate. If the site is not closed by WDNR prior to the end of PECFA, the responsible party is still responsible to conduct the actions as required by WDNR, only there will be no cost reimbursement. Thus, all costs post PECFA are out of pocket and incurred by the responsible party identified by WDNR.

My requests in No. 4, above, are needed before we can even consider authorizing any <u>future work</u>, so if REI would like to be involved, I expect a detailed answer, in writing about the plan moving forward. We're not going to do anything without a specific plan in writing, just as I am sure you wouldn't write a contractor a blank check without a plan. There is no blank check with the PECFA program. All costs are strictly controlled by the current program rules. No consultant will take on work and expect to be reimbursed unless the WDNR has proved an approved scope and associated costs. Once the above steps of well abandonment and final sample event are completed, summary of these actions can be submitted and WDNR will determine next step. This may be closure submittal preparation or additional investigative activities.

*You also expressed concern about REI being able to finish this matter by the expiration of PECFA. If that is the case, and REI does not believe it could finish the project within the time required, please let me know immediately so we can seek a provider that is able to do so. You are free to choose any consultant you wish if you desire to go that direction. Please know that in order to do so, the new consultant will need to establish a number of things including an entirely new agent contract with the updated forms. 10-15 years ago and prior, there were many firms working in the PECFA program. Changes made in this program have made most firms decide to stop working in the PECFA program. Those few that remain are all nearly at capacity and not usually looking to take on additional PECFA work at this time. We have been contacted by clients and other firms over the last year asking us to take on projects that they don't have the current capacity to handle. There is not a large demand for this type of work at this time due to all involved.

Thank you for your patience. This is a lot of detail and PECFA is not an easy program to understand. Furthermore, the current project manager is not very familiar with PECFA as most of his WDNR career has been in drinking water and not in remediation and redevelopment and certainly not involved with PECFA.

I look forward to getting that information, documentation, and plan from you as soon as possible.

Thank you.

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Fax: 715-669-5587

will@bratcherlawoffice.com

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From: Ken Lassa < klassa@reiengineering.com > Sent: Tuesday, October 8, 2019 6:44 PM

To: will@bratcherlawoffice.com

Subject: Former Schlinsog Dairy/ Kautzer Property

Importance: High

Good Evening Will,

The attached documents are the analytical reports for the groundwater sample events collected on 10/16/17, 4/25/18 and 6/6/19. You can see on the chain of custody that the event conducted in October 16, 2017 also had a sample collected from TW-1. That was from one of the two borings advanced on that day, per the first item on the letter we discussed this afternoon. The soil boring contractor was Geiss Soil and Samples. Their invoice was included in PECFA claim #18 submitted on November 16, 2017. However, only one of the borings advanced had enough water from the boring to collect a water sample for submittal to the lab for analysis. This is also documented by the Geiss invoice that reflects only one sample collected which was submitted in Claim #18 on November 16, 2017.

As indicated over the phone, the final groundwater sample event of this scope has not been completed. As agent, REI receives approval for the scope from the WDNR, then completes the work and incurs all costs. All required documentation for reimbursement is then submitted to Mr. Tim Prosa at WDNR for review and payment. This process does require REI to provide proof of payment to the

service providers. This process can take some time to conduct the work, receive the invoice, pay the invoice, obtain copies of cancelled checks and then prepare with all necessary forms and documentation for reimbursement.

During our phone conversation, you indicated that you have been in contact with Tim Prosa and have received quite a volume of documentation. I would be glad to provide you with copies of the submitted claims as well as state's response with breakdown, but you may already have that documentation from Mr. Prosa. Please advise if you wish for me to send this documentation or are satisfied that you already have copies of the submitted claims.

The outstanding issue for REI is that we have incurred cost in the total amount of \$2,221.93 that were attempted to be submitted in June, 2019 which reflect costs incurred from the June 6, 2019 sample event. The state gives consultants up to 180 days to submit costs for reimbursement. Thus, our interest for wanting to resolve the issue of the signed forms. Quick math gives us less than 54 days remaining for this to get submitted and REI reimbursed for our costs incurred. This issue also gives us the reason not to conduct the final sample event and complete the report to complete the scope as we have no way of being reimbursed until getting the revised signed forms.

As you may also know, the PECFA program will end in July, 2020. That means for consultant, no work will be conducted after about the end of April 2020. We know how long the process takes to prepare all claims and obtain reimbursement prior to the July deadline. We also anticipate a large backlog of claims submitted in advance of the end of the program. Thus, there is an importance to moving this project forward in a timely manner. We look forward to continuing to work with you on this issue towards the ultimate goal for each of us which is closure of the site from the WDNR.

Thank you,

Ken Lassa

Ken Lassa

Environmental Services Department Manager





Signature

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This form is authorized by Chapters 281,283,289,292,293,295, and 299, Wis. Stats. Completion of thes form is mandatory. Failure to file this form may result in forfeiture of between \$10 and \$25,000, or imprisonment for up to one year, depending on the program and conduct involved. Personally identifiable information on this form is not intended to be used for any other purpose. NOTE: See instructions for more information, including where the completed form should be sent.

Firm

REI Engineering, Inc. 4080 North 20th Avenue, Wausau, WI

State of Wisconsin	
Department of Natural R	esources

MONITORING WELL	CONSTRUCTION
Form 4400-113A	Rev. 4.90

E Way Davis - A No	Local Grid Lo	cation of Mo			Well Name
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Former Schlinsog Dairy Facility License Permit or Monitoring Number	Grid Origin Lo				Wis. Unique Well Number DNR Well Numb
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D. Surface seal, bottomft. MSL or1	—π <u> </u>	~	1	if If	yes, describe;
12. USCS Classification of soil near screen:		1		3. Su	rface seal: Bentonite S Concrete Concrete Other
	Ì 🖁			4. M	aterial between well casing and protective pipe: Bentonite Annular space seal
13. Sieve analysis attached? ☐ Yes ☒ No					Other
14. Drilling method used Rotary 🔲 50)	5		- 5	Annular space seal: a. Granular Bentonite 🔯
Hollow Stem Auger 4 Geoprobe Other X	1			b. —	Annular space seal: Lbs/gal mudweight
Other 🗷				d.	% Pertonite Bentonite-cement grout
15. Drilling fluid used: Water 02 Air 00				9	N ³ Volume added for any of the above
Drilling Mud ☐ 03 None ☒ 9	1	6			Tremie pumped Gravity
16. Drilling additives used? ☐ Yes ☒ N	0			,6. B	entonite seal: a. Bentonite Granules 🗵
Describe				/ c.	1/4 in. 3/8 in. 1/2 in. Bentonite pellets Other
17. Source of water (attach analysis):				7. Fir	ne sand material Manufacturer, product name and mesh size Red Flint Sand #15
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E, Bentonite seal, topft. MSL or				/ 8. Fil	ter pack material: Manufacturer, product name and mesh size Red Flint Sand #40
F. Fine sand, topft, MSL .or3	64ft				Volume addedf1 3
G. Filter pack, topft. MSL or				9. \	Well casing: Flush threaded PVC schedule 40 🛮 🗎
H. Screen joint, topft. MSL or					Other L_
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J. Filter pack, bottomft. MSL or				a.	Continuous slotOther
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I hereby certify that the information on this form	s true and co	rect to the be	st of my kno Firm	wieage	REI Engineering, Inc.
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Please complete both sides of this form and return to the appropriate DNR office listed at the top of this form as required by chs. 144,147 and 160 Wis. Stats., failure to file this form may result in a forfeiture of not less than \$10, nor more than \$5000 for each day of violation. In accordance with ch. 147 Wis. Stats., failure to tile this form may result in a forfeiture of not more than \$10,000 for each day of violation. NOTE: Shaded areas are for DNR use only, see instructions for more information including where the completed form should be sent.

State of Wis., Dept. of Natural Resources dnr.wi.gov

Well / Drillhole / Borehole Filling & Sealing Report

Form 3300-005 (R 4/2015)

Page 1 of 2

Notice: Completion of this report is required by chs. 160, 281, 283, 289, 291-293, 295, and 299, Wis. Stats., and chs. NR 141 and 812, Wis. Adm. Code. In accordance with chs. 281, 289, 291-293, 295, and 299, Wis. Stats., failure to file this form may result in a forfeiture of between \$10-25,000, or imprisonment for up to one year, depending on the program and conduct involved. Personally identifiable information on this form is not intended to be used for any other purpose. Return form to the appropriate DNR office and bureau. See instructions on reverse for more information.

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Reason for Removal from	Service	WI Unio	ue Well#	of Rep	placement Well			n, Casing & Sea		erial						
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3. Filled & Sealed Wel						Liner(s) re	erforated?		님	Yes No No						
Monitoring Well	C	•		Date (mm/dd/yyyy)	Screen re				Yes No No						
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City			State		Code	Signature of	f Person Doin	g Work	1000	ite Signed						
Wausau WI 54401						1	1/9/2017									

	Kemediation	Redevelopment	Other		gement [_				Page	1 of 1		
acility/Project Na	me Former Schlinsog Dairy	License/Perm	it/Monito	oring N	umber Bf	RRTS 0	3-10-	554767	Bori		nber TV	/- ROW	
Boring Drilled By: Darrin Prentice - Ge	Name of crew chief (first, last) a iss Soil and Sample	nd Firm	Date D 10/16	rilling /2017	Started		Dat 10	te Drillin /16/201	ng Comi	pleted	D	rilling N Geopro Hydrau	
VI Unique Well No	Final	Final Static Water Level S					vation	Boreh 2,25	nole Diameter " ۷-				
ocal Grid Orgin (Lat Long					Local Grid Location N□ S□					E□ W□		
acility ID	County (Clark	County	Code 1	10	Civil	Tow	n/City/o	r Village	Loyal			
Sample			f.,—						Soil	Prope	rties		
Number Type Length Att. & Recovered (in) Blow Counts	And Ge	ock Description ologic Origin For th Major Unit		U.S.C.S.	Graphic	Well	PID/FID	Compressive Strength	Moisture Content	Liquid Limit	Plasticity Index	P 200 RQD/	RQD/ Comments
1 SS 24	Low plasticity brown/mottling Organicy 3 Sandy brown/red clay	Organicy							M				
2 SS 18	Red/brown sand/clay	Ded/hygun cond/glay mix w/ some cobble											
3 SS 30	5 = Red/brown sand/ctay 1												
4 SS 24	13 - 14 - 15 - 15 - 15 - 15 - 15 - 15 - 15	Red/brown sand/clay mix w/ large intermittent co											
5 SS 0	No recovery												
6 SS 18	18 Red/brown sand/clay and cobble seam of medium/coarse	mix, increasing angular gr sand at ~19'	ravel	CL									
7 SS 20	22 23			UL.									
8 SS 18	24 Hard clay/siit/sand cc 25 Angular gravel, cobble 26 27 28 29	nglomerate , virtually impassible		CL									
	Boring abandoned - c	rilling too difficult	/		2000								
I herby certify that t	ne information on this form is true ar	d the correct to the best of	f my knov	ledge									

This form is authorized by chapters 281,283,289,292,293,295, and 299, Wis. Stats. Completion of thes form is mandatory. Failure to file this form may result in forfeiture of between \$10 and \$25,000, or imprisonment for up to one year, depending on the program and conduct involved. Personally identifiable information on this form is not intended to be used for any other purpose. NOTE: See instructions for more information, including where the completed form should be sent.