



April 10, 2013

MR DAVID KILPATRICK – ASSOC GEN COUNSEL
MR BERT DOWNING JR – CFO
KEYSTONE CONSOLIDATED INDUSTRIES INC
3 LINCOLN CENTER
5430 LYNDON B JOHNSON FWY STE 1740
DALLAS TX 75240-2601

Subject: Reported Contamination at 111 N. Douglas St., Hortonville, Outagamie Co., WI
WDNR BRRTS Site Name: Keystone Consolidated Industries, Inc.
WDNR BRRTS Activity # 02-45-560221
WDNR FID # 445031620

Dear Messer's Kilpatrick and Downing, Jr.:

The Wisconsin Department of Natural Resources (WDNR) understands that the property located at 111 North Douglas Street in Hortonville, Outagamie County, Wisconsin (the "Property") is owned by Keystone Consolidated Industries, Inc. Please advise us immediately if this is not accurate. The WDNR has been working with Fox Valley Steel and Wire Co., the James Monroe family and their consultant, United Engineering Consultants, Inc. (UEC) since 2009 regarding releases of volatile organic compounds (VOCs), polycyclic aromatic hydrocarbons (PAHs), metals, cyanide and zinc discovered at the Property. The environmental investigation to date has been performed by UEC initially on behalf of Fox Valley Steel and Wire Co. and most recently on behalf of the Monroe family and tracked under:

WDNR Site Name: Fox Valley Steel & Wire Co
WDNR BRRTS Activity #02-45-553699

Based on information submitted to the WDNR, the release(s) of VOCs and PAHs identified at the Property are being split from the remainder of the environmental contamination and assigned a new site name and tracking number:

WDNR Site Name: Keystone Consolidated Industries, Inc.
WDNR BRRTS Activity # 02-45-560221

Based on the information that has been submitted to the WDNR regarding this site, we believe you are responsible for continuing the investigating of VOCs and PAHs and restoring the environment at the above-described Property under Section 292.11, Wisconsin Statutes, known as the hazardous substances spills law.

This letter describes the legal responsibilities of a person who is responsible under Section 292.11, Wis. Stats., explains what you need to do to investigate and clean up the contamination, and provides you with information about cleanups, environmental consultants, possible financial assistance, and working cooperatively with the WDNR.

Legal Responsibilities:

Your legal responsibilities are defined both in statute and in administrative codes. The hazardous substances spill law, Section 292.11(3), Wis. Stats., states:

- **RESPONSIBILITY.** A person who possesses or controls a hazardous substance which is discharged or who causes the discharge of a hazardous substance shall take the actions necessary to restore the environment to the extent practicable and minimize the harmful effects from the discharge to the air, lands, or waters of the state.

Wisconsin Administrative Code chapters NR 700 through NR 749 establish requirements for emergency and interim actions, public information, site investigations, design and operation of remedial action systems, and case closure. Wisconsin Administrative Code chapter NR 140 establishes groundwater standards for contaminants that reach groundwater.

Steps to Take:

The longer contamination is left in the environment, the farther it can spread and the more it may cost to clean up. Quick action may lessen damage to your property and neighboring properties and reduce your costs in investigating and cleaning up the contamination. To ensure that your cleanup complies with Wisconsin's laws and administrative codes, you should hire a professional environmental consultant who understands what needs to be done. These are the first steps to take:

1. Within the next **30 days, by May 10, 2013**, you should submit written verification (such as a letter from the consultant) that you have hired an environmental consultant. If you do not take action within this time frame, the WDNR may initiate enforcement action against you.
2. Within the next **60 days, by June 10, 2013**, your consultant should submit a work plan and schedule for the investigation. The consultant must comply with the requirements in the NR 700 Wis. Adm. Code rule series and should adhere to current WDNR technical guidance documents.

In addition, within 30 days of completion of the site investigation, your consultant should submit a Site Investigation Report to the WDNR or other agency with administrative authority.

Sites where discharges to the environment have been reported are entered into the Bureau for Remediation and Redevelopment Tracking System ("BRRTS"), a version of which appears on the WDNR's internet site. You may view the information related to your site at any time (<http://dnr.wi.gov/botw/SetUpBasicSearchForm.do>) and use the feedback system to alert us to any errors in the data.

If you want a formal written response from the department on a specific submittal, please be aware that a review fee is required in accordance with ch. NR 749, Wis. Adm. Code. If a fee is not submitted with your reports, you should proceed under the advice of your consultant to complete the site investigation and cleanup to maintain your compliance with the spills law and chapters NR 700 through NR 749. **Do not delay the investigation of your site by waiting for an agency response.** We have provided detailed technical guidance to environmental consultants. Your consultant is expected to know Wisconsin's technical procedures and administrative rules and should be able to answer your questions on meeting cleanup requirements.

All correspondence regarding this site should be sent to:

Jennifer Borski
Remediation and Redevelopment Program
Wisconsin Department of Natural Resources
625 E. County Road Y, STE. 700
Oshkosh, WI 54901-9731

Unless otherwise requested, please send only one copy of plans and reports. In addition to the paper copy, an electronic copy may also be submitted. To speed processing, correspondence should reference the BRRTS and FID numbers shown at the top of this letter.

Site Investigation and Vapor Pathway Analysis

As you develop the site investigation work plan, we want to remind you to include an assessment of the vapor intrusion pathway. Chapter NR 716, Wis. Adm. Code outlines the requirements for investigation of contamination in the environment. Specifically, s. NR 716.11(3)(a) requires that the field investigation determine the "nature, degree and extent, both areal and vertical, of the hazardous substances or environmental pollution in all affected media". In addition, section NR 716.11(5) specifies that the field investigation include an evaluation of the "pathways for migration of the contamination, including drainage improvements, utility corridors, bedrock and permeable material or soil along which vapors, free product or contaminated water may flow".

You will need to include documentation with the Site Investigation Report that explains how the assessment was done. If the pathway is being ruled out, then the report needs to provide the appropriate justification for reaching this conclusion. If the pathway cannot be ruled out, then investigation and, if appropriate, remedial action must be taken to address the risk presented prior to submitting the site for closure. The WDNR has developed guidance to help responsible parties and their consultants comply with the requirements described above. The guidance includes a detailed explanation of how to assess the vapor intrusion pathway and provides criteria which identify when an investigation is necessary. The guidance is available at: <http://dnr.wi.gov/files/PDF/pubs/rr/RR800.pdf>.

Additional Information for Site Owners:

We encourage you to visit our website at <http://dnr.wi.gov/topic/Brownfields/>, where you can find information on selecting a consultant, financial assistance and understanding the cleanup process. You will also find information there about liability clarification letters, post-cleanup liability and more.

Please contact me in Oshkosh at 920-424-7887 or at Jennifer.borski@wisconsin.gov with any questions. Please visit the RR web site at the address above for more information. Thank you for your cooperation.

Sincerely,



Jennifer Borski
Hydrogeologist
Remediation and Redevelopment Program

E-copy: Carleen Monroe
Tim Anderson, UEC

Paper copy: George M. Ruhl, Midwest Air Technologies, Inc.