



October 21, 2016

BERT DOWNING JR – VP/TREAS
F V STEEL AND WIRE COMPANY
5430 LBJ FREEWAY STE 1700
DALLAS TX 75240

Subject: Reported Contamination at F V Steel and Wire Company,
111 N. Douglas St., Hortonville, Outagamie County, WI
DNR BRRTS # 02-45-560221

Dear Mr. Downing, Jr.:

In 2009, United Engineering Consultants, Inc. (UEC) on behalf of Fox Valley Steel & Wire Co. (James Monroe) notified the Department of Natural Resources (DNR) that volatile organic compounds (VOCs), polycyclic aromatic hydrocarbons (PAHs), metals, cyanide and zinc had been detected at 111 North Douglas Street in Hortonville, Outagamie County, Wisconsin (the "Property"). The DNR directed Fox Valley Steel & Wire Co. to conduct an investigation in a letter dated June 5, 2009 and assigned BRRTS #02-45-553699. On April 10, 2013, the DNR split the contaminants into two cases based on property ownership and causer information submitted to the DNR:

- Metals, cyanide and zinc remained tracked under DNR Site Name: *Fox Valley Steel & Wire Co* with DNR BRRTS #02-45-553699 and Fox Valley Steel & Wire Co as the listed responsible party;
- VOCs and PAHs were assigned DNR Site Name: *Keystone Consolidated Industries, Inc.* with DNR BRRTS #02-45-560221 and Keystone Consolidated Industries, Inc. as the listed responsible party.

On October 11, 2016, the DNR received a submittal dated October 4, 2016 with the subject "Correction of Responsible Party for BRRTS Activity No. 02-45-560221". The October 2016 submittal included the following:

- A narrative of corporate history of "F V Steel and Wire Company" and Property ownership since 1948;
- Certificate of good standing for "F V Steel and Wire Company" from Wisconsin Department of Financial Institutions (DFI);
- DFI Corporate Records for "F V Steel and Wire Company" dated 09/28/2016;
- DFI Corporate Records for "Keystone Consolidated Industries, Inc." dated 10/04/2016; and
- Chain of title results from Environmental Data Resources, Inc.(EDR) for search from January 1, 1940 to September 9, 2016 for the Property.

After review of the October 2016 submittal, the DNR changed the DNR Site Name from *Keystone Consolidated Industries, Inc.* to *F V Steel and Wire Company* and are naming F V Steel and Wire Company as responsible for the continued investigation and cleanup of the VOCs and PAHs at the Property.

The remainder of this letter is the standard letter of responsibility typically issued by DNR when a case is assigned. Where noted, the letter has been modified from the standard language due to site-specific circumstances.

Based on the information that has been submitted to the DNR regarding this site, we believe **F V Steel and Wire Company** is responsible for investigating and restoring the environment at the above-described site under Section 292.11, Wisconsin Statutes, known as the hazardous substances spill 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 and working cooperatively with the DNR.

Legal Responsibilities:

Your legal responsibilities are defined both in statute and in administrative codes. The hazardous substances spill law, Section 292.11 (3) Wisconsin Statutes, 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 754 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. The following information provides the timeframes and required steps to take. Unless otherwise approved by DNR in writing you must complete the work by the timeframes specified.

1. Within 30 days of being notified of contamination, written verification (such as a letter from the consultant) needs to be submitted to verify you have hired an environmental consultant. **As of the date of this letter, the DNR understands that AECOM was hired in May 2013 to perform the VOC and PAH investigation at the Property and remains the environmental consultant. Please notify the DNR immediately if this is not correct.**
2. Within 60 days of being notified of contamination, a work plan for completing the investigation must be submitted. The work plan must comply with the requirements in the NR 700 Wis. Adm. Code rule series and should adhere to current DNR technical guidance documents. **As of the date of this letter, a work plan was received on March 25, 2015.**

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3. You must initiate the site investigation within 90 days of submitting the site investigation work plan. You may proceed with the field investigation upon DNR notification to proceed. If the DNR has not responded within 30 days from submittal of the work plan, you are required to proceed with the field investigation. If a fee for DNR review has been submitted, the field investigation must begin within 60 days after receiving DNR approval. **As of the date of this letter, the DNR understands that AECOM initiated the field investigation at the site in April 2015.**
4. Within 60 days after completion of the field investigation and receipt of the laboratory data, you must submit a Site Investigation Report to the DNR or other agency with administrative authority. **As of the date of this letter, the DNR received a Site Investigation Report for this site on September 9, 2016 without a review fee.**
5. Within 60 days after submitting the Site Investigation Report, you must submit a remedial actions options report (RAOR). The RAOR shall include an evaluation of Green and Sustainable Remediation opportunities as required by s. NR 722.09 (2m), Wis. Adm. Code.

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 DNR'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 DNR 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 must complete the site investigation and cleanup to maintain your compliance with the spills law and chapters NR 700 through NR 754. **The timeframes specified above are required by rule, so do not delay the investigation of your site.** We have provided detailed technical guidance to environmental consultants. Your consultant is expected to know our 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 Rd. Y, STE. 700
Oshkosh, WI 54901-9731
Jennifer.borski@wisconsin.gov

Unless otherwise directed, submit one paper copy and one electronic copy of plans and reports. To speed processing, correspondence should reference the BRRTS number shown at the top of this letter.

Site Investigation and Vapor Pathway Analysis

We want to remind you to include an assessment of the vapor intrusion pathway in the site investigation. Chapter NR 716, Wisconsin Administrative 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

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substances or environmental pollution in all affected media". In addition, section NR 716.11(5) (g) and (h) contains the specific requirements for evaluating the presence of vapors in the sub-surface as well as in indoor air.

You will need to include documentation with the Site Investigation Report that explains how the assessment was done. If the vapor 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 DNR 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 understanding the cleanup process. You will also find information there about liability clarification letters, post-cleanup liability and more.

Information on the **Voluntary Party Liability Exemption (VPLE) Program** is also enclosed and can be found on our website at <http://dnr.wi.gov/files/PDF/pubs/rr/RR506.pdf>.

Please contact me in Oshkosh by phone at 920-424-7887 or by email at jennifer.borski@wisconsin.gov with any questions. Thank you for your cooperation.

Sincerely,



Jennifer Borski
Hydrogeologist
Remediation & Redevelopment Program

encl: Voluntary Party Liability Exemption, RR-506

Cc w/o encl:

Courtney Riley, Keystone Consolidated Industries, Inc., criley@valhi.net
Steve Schubring, AECOM, steve.schubring@aecom.com
Registered Agent: Corporation Service Company, 8040 Excelsior Dr., STE 400, Madison, WI 53717