

August 10, 2015

Mr. Michael Kawleski
Georgia-Pacific LLC
Public Affairs MGR III
Consumer Products Comm
1919 South Broadway
Green Bay, WI 54304-1919

Subject: Reported Contamination at Ashview Terrace Apartments, 988-1020 Willard Drive, Ashwaubenon, WI
BRRTS Activity # **02-05-564043**

Dear Kawleski:

On February 12, 2015, the Wisconsin Department of Natural Resources (Department) contracted with OMNI Associates to sample the Ashview Terrace apartment property at 988-1020 Willard Drive in Ashwaubenon Wisconsin. The investigation was initiated after it was discovered, during a search of Brown County records, that a lease agreement had been signed in 1952 between Hattie Willard, owner of property on the north side of Willard Drive and the former Fort Howard Paper Company (Company). The lease allowed the Company to dump mill or other refuse or waste into a "borrow pit" located on Willard property. The Ashview Terrace apartment complex at 988-1020 Willard Drive is located on part of the Willard property at the location of the "barrow pit." Results of the sampling identified polychlorinated biphenyls (PCBs), some at levels greater than health and environmental standards.

The Department believes Georgia Pacific, as the successor to the Fort Howard Paper Company, is responsible for investigating and restoring the environment at the above-described site in accordance with Wis. Stats. § 292 and the Wis. Admin. Code Series NR 700.

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

Legal Responsibilities:

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

- **RESPONSIBILITY.** A person who possesses or controls a hazardous substance which is discharged or who causes the discharge of a hazardous substance shall take those 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 WDNR in writing you must complete the work by the timeframes specified.

1. Within the next **30 days**, by September 9, 2015, 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 **60 days**, by October 9, 2015, you must submit a work plan for completing the investigation. The work plan must comply with the requirements in the NR 700 Wis. Adm. Code rule series and should adhere to current WDNR technical guidance documents.
3. You must initiate the site investigation within 90 days of submitting the site investigation work plan. If a fee for WDNR review has been submitted, the site investigation must begin within 60 days after receiving WDNR comments.
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 WDNR or other agency with administrative authority. For sites with agrichemical contamination, your case will be transferred to the DATCP for oversight.
5. Within 60 days after submitting the Site Investigation Report, you must submit a Remedial Actions Options Report.

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 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:

Robert Klauk
Remediation and Redevelopment Program
Wisconsin Department of Natural Resources
2984 Shawano Avenue
Green Bay, WI
Robert.Klauk@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 and FID numbers (if assigned) shown at the top of this letter.

Site Investigation and Vapor Pathway Analysis

As you develop the site investigation workplan, we want to remind you to include an assessment of the vapor intrusion pathway. Chapter NR 716, Wisconsin Administrative Code outlines the requirements for investigation of contamination in the environment. Specifically, Wis. Admin. § 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 Wis. Admin. §§ NR 716.11(5)(g) and (h) contains the specific requirements for evaluating the presence of vapors in the subsurface 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 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:

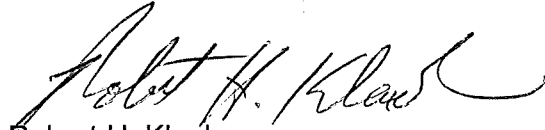
We encourage you to visit our website at <http://dnr.wi.gov/topic/Brownfields/>, where you can find information on selecting a consultant, financial assistance and understanding the cleanup process. You will also find information there about liability clarification letters, post-cleanup liability and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

Information to help you select a consultant, materials on controlling costs, understanding the cleanup process, and choosing a site cleanup method are enclosed. In addition, *Fact Sheet 2 – Voluntary Party Remediation and Exemption from Liability* is enclosed and provides information on obtaining protection of limited liability under Wis. Stats. § 292.15.

If you have questions, call **Robert Klauk @ 920-662-5164** for more information or visit the RR web site at the address above.

Thank you for your cooperation.

Sincerely,



Robert H. Klauk
Hydrogeologist
Remediation & Redevelopment Program

Enclosures: 1. Remediation & Redevelopment Program
2. CLEAN (Contaminated Lands Environmental Action Network)
3. Environmental Contamination – The Basics

cc: J. Michael Davis - Georgia-Pacific LLC, Assistant General Counsel, Headquarters
Law, 133 Peachtree St. NE, PO Box 105605, Atlanta, Georgia 30303-1847

James Zellmer – DNR, Northeast Region

Lacey Cochart – DNR, LS