

State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
3911 Fish Hatchery Road
Fitchburg WI 53711-5397

Scott Walker, Governor
Daniel L. Meyer, Secretary
Telephone 608-266-2621
Toll Free 1-888-936-7463
TTY Access via relay - 711



January 23, 2018

John Lessard, CEO
Fox River Mills, Inc.
227 Poplar St.
Osage, IA 50461-0298

Subject: Potential Responsible Party Letter - Request for Information

Dear Mr. Lessard:

The Wisconsin Department of Natural Resources (“the Department”) is the owner of the Portage Canal (Canal), in Portage, Wisconsin, between the Wisconsin and Fox Rivers. The sediments in the Canal are contaminated with heavy metals which are tracked on the Bureau for Remediation and Redevelopment Tracking System (BRRTs) numbers 02-11-543021, 02-11-577055, 02-11-577056, and 02-11-577057. As part of the on-going efforts to remediate the Canal, the Department is looking for potential sources of hazardous substance discharge and environmental pollution that caused the contamination. The Department has evaluated potential sources and identified the former Portage Woolen Mill (the “Mill”) previously located at 107 East Mullett Street, Portage, Wisconsin as a potential source of heavy metals due to the Mill’s proximity and operational history.

The Mill operated at the Canal location for approximately a century, starting in 1881. The Mill produced mittens, boot socks, athletic socks, fine hosiery, and slipper socks and employed up to 220 people based on historical documents available at <http://portagecanal.org/documents.html>. Sanborn maps show that a dye house was located directly adjacent to the Canal. Textile dyes can contain heavy metals such as cadmium, chromium, copper, lead, mercury, and zinc based on the Environmental Protection Agency’s publication EPA-600/2-78-098 Textile Dyeing Wastewaters, all of which are elevated above protective levels in the Canal sediments. Regarding the Mill, we understand that Fox Rivers Mills, Inc. acquired the Portage Mill in 1988.

The Department believes that you may have information that may be relevant to contaminated sediments in the Canal. We are investigating whether you and/or any past owners or occupants of the Mill may be responsible for the discharge of heavy metals, and other environmental pollution that has impacted the environment. We are sending this letter to request any information that you can provide regarding the presence of historical environmental pollution and/or continuing hazardous substance discharges caused by yourself or other past owners or occupants.

We are sending this letter pursuant to Wis. Stats. paragraph 292.31(1) d. and ask that you provide the information in subdivisions 292.31(1)d(1) through (3), repeated on the next page in *italics*:

- (1) *The type and quantity of waste generated, transported, treated or stored which was disposed of at the site or facility and the dates of these activities.*

In addition, please provide any information that you may have regarding any manufacturing that occurred at the Mill in the past and the years of its operation. When did your company purchase the property? Did your company operate the Woolen Mill, and if so, during what time frames? Also, include a description of any documented hazardous substance spills, groundwater or surface water contamination, and any environmental assessment, investigation or remediation efforts that have. Specifically, indicate what material was used to dye the textiles and indicate how the Mill managed the dye wastewater.

- (2) *The identity of persons who generated, transported, treated or stored waste which was disposed of at the site or facility.*

In addition, we ask that you provide us with a history of the owners, occupants, and land uses at the Property, and your company's relationship to those entities.

- (3) *The identity of subsidiary or parent corporations, as defined in sub. (8) (a) 3., of persons who generated, transported, treated or stored waste which was disposed of at the site or facility.*

Note that sub. (8) (a_3). Refers to "Subsidiary or parent corporation" means any business entity, including a subsidiary, parent corporation or other business arrangement which has elements of common ownership or control or uses a long-term contractual arrangement with any person to avoid direct responsibility for conditions at a site or facility.

This information request applies to data and information that you or others may have collected prior to, or during, ownership of the Property. Please provide any additional information that may aid in determining the source(s) of hazardous substance discharge to the Canal.

Within 60 days of receipt of this notice, please provide me with a letter containing the information requested above. The Department requests this information under the authority of Wis. Stats. Subsections 292.11(8) and 292.31(1). Please send the information to me at 3911 Fish Hatchery Road, Fitchburg, WI 53711-5397.

We appreciate your cooperation in this matter. If you have any questions regarding the content of this letter, please contact me at (608) 275-3310. We would be available to discuss this request at your convenience.

Sincerely,



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Remediation and Redevelopment Program
Wisconsin Department of Natural Resources
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