



October 17, 2018

CERTIFIED MAIL

Mr. Dennis Weisenberger
714 W Knox St
Wausau, WI 54401

Subject: Reported Contamination at Weisenberger Tie & Lumber, 1520 Weisenberger Rd, Marathon City, WI, DNR BRRTS Activity # 02-37-000008, 02-37-216770, and 02-37-579282
DNR FID #737088330

Mr. Weisenberger,

The Weisenberger Tie & Lumber property is the site of three ongoing environmental repair cases. Past investigations and cleanup efforts lead and paid for by the Wisconsin Department of Natural Resources (“the Department”) were conducted in the late 1980s through early 2000s. However, final case closure has not been reached for the three cases below:

DNR BRRTS Activity No.	Activity Name
02-37-000008	Weisenberger Tie & Lumber Penta
02-37-216770	Weisenberger Tie & Lumber CCA
02-37-579282	Weisenberger Cunapsol Cleanup

Based on the information that has been submitted to the Department regarding this site, we believe you are responsible for investigating and restoring the environment at the Weisenberger Tie & Lumber property 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, environmental consultants, possible financial assistance, and working cooperatively with the Department.

Legal Responsibilities:

Your legal responsibilities are defined both in statute and in administrative codes. It is our understanding that you have been acting as the manager of the Weisenberger Tie and Lumber property, renting out building space to two businesses, and have the authority to grant access to the property. 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.

In the legal opinion of the Department, your actions as the manager of the property indicate you exert possession and control of the property and the hazardous substance (the remaining contamination) which was discharged. This would make you a responsible party for the three environmental cases.

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.

Based on the last known information collected in 2003, soil and groundwater contamination exists to the south of the site buildings. The current conditions of the parcel north of Weisenberger Rd is unknown. Once the Department can verify that the site investigation is complete, and cleanup actions that took place in the 1990s and 2000s are still protective today, the sites can potentially be closed.

Earlier this year, Mr. Andy Kurtz, the administrator of the village of Marathon City contacted you. The village is applying for a Wisconsin Assessment Monies (WAM) Grant, to pay for the next step in the investigation. The plan is to collect soil samples in locations of previously identified contamination, in order to assess the current site conditions. This grant cannot be awarded without an access agreement, which you can provide as the manager of the site.

Steps to Take:

If you wish to cooperate with the Village of Marathon City to progress this site toward closure, please contact Mr. Andy Kurtz within the next **30 days**, by November 16, 2018, to sign the access agreement and allow the village to proceed with the WAM grant application.

Mr. Kurtz can be reached at the Marathon City Office, 233 Walnut St, Marathon City, WI, by phone at (715) 443-2221, by email at akurtz@marathoncity.org, or by mail at the address below:

Attn: Andy Kurtz, Administrator
Village of Marathon City
P.O. Box 487
Marathon City, WI 54448

If you do not wish to cooperate with the Village, the Department will expect you to continue progress at this site. 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 the next **30 days**, by November 17, 2018, 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 DNR may initiate enforcement action against you.
2. Within **60 days**, by December 17, 2018, 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 DNR technical guidance documents.
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.

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. For sites with agrichemicals contamination, your case will be transferred to the Department of Agriculture, Trade and Consumer Protection for oversight.
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.

All correspondence regarding this site should be sent to:

Matthew Vitale
Remediation and Redevelopment Program
Wisconsin Department of Natural Resources
Eau Claire Regional Office
1300 W Clairemont Ave.

To speed processing, correspondence should reference the BRRTS numbers shown at the top of this letter.

Additional Information for Responsible Parties:

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

If you have questions or would like more information, you may contact me, the DNR Project Manager by phone at (715) 839-3760 or email Matthew.Vitale@wisconsin.gov or visit the RR web site at the address above.

Thank you for your cooperation.

Sincerely,



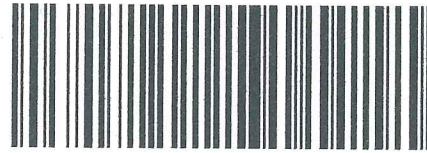
Matthew Vitale
Hydrogeologist
Remediation & Redevelopment Program



State of Wisconsin
 Department of Natural Resources
 1300 West Clairemont Avenue
 Eau Claire WI 54701-6127

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 Street and Apt. No., or PO Box No. **714 W KNOX ST**
 City, State, ZIP+4® **WAUSAU, WI 54401**

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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