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February 22, 2021

Email: [JohnT.Hunt@wisconsin.gov](mailto:JohnT.Hunt@wisconsin.gov)

WDNR Northern Region  
Attn: John Hunt  
223 East Steinfest Road  
Antigo, Wisconsin 54409-2777

Re: Technical Review Request for the Proposed Military Creek Trailhead Plan and Land-Use at the "Open" BRRTS Site  
Former C M Christiansen Co Property (now owned by Town of Phelps), Phelps, WI  
DNR BRRTS# 02-64-000068

Dear John:

On behalf of the Town of Phelps, MSA Professional Services, Inc. (MSA) is submitting this Technical Review Request to obtain a review and WDNR response for the proposed Military Creek Trailhead Concept Plan. The information for this request is presented in this letter along with the completed Form 4400-237. The WDNR technical review fees of \$700 are provided via check in a separate letter dated February 24, 2021 and sent to the Northern Region address on the 4400-213 form.

The property with the BRRTS site is currently owned by the Town of Phelps and consists of one parcel (Vilas County #18-1391) with a combined 22.82 acres (i.e. hereafter referred to as the Property). The BRRTS site is currently an "open" case file, and the Town is not viewed as the responsible party for completing remediation activities. The Property is shown on the certified survey dated September 2010 in Attachment A. The survey showed the parcel was owned by C. M. Christiansen Company in 2010, which we understand is no longer operating. A Vilas County GIS parcel map showing the Property is also located in Attachment A, and shows the location of the Property.

### **Background Information and Basis of the Request for WDNR Approval**

Previously, officials from the Town of Phelps and Vilas County have communicated with the WDNR and have obtained a local government unit (LGU) liability exemption for the Town of Phelps. This was described in a WDNR letter dated January 18, 2019, a copy of which is included in Attachment B.

The Town of Phelps proposes to use the Property for the Military Creek Trailhead project, and has received a Motorized Vehicle Trail Grant for this project. This project will require some changes to a small section of the overall 22.82 acre parcel for the trailhead facility. The proposed trailhead Concept Plan is presented in Attachment A and shows the approximate limits of grading, a parking lot area, and a pit toilet facility. The trailhead facility will be constructed west of the existing access driveway and trail that are currently on the Property.

The purpose of this Technical Review Request is to ask for a written WDNR response letter to the Town that approves the proposed land use at the Property. The Town wants to maintain its LGU liability exemption status at the Property, and this request is made by the Town to comply with the

Technical Review Request – Former C. M. Christiansen Property, Phelps, WI  
February 22, 2021

intent of the requirements that are presented in the January 18, 2019 WDNR letter. The requirement is presented in the letter on page 4, item no.3, and further discussed on page 5, item no.8 (refer to Attachment B). According to this requirement, the proposed trailhead project appears to need a WDNR approval to allow construction of the trailhead project, as it is a change at the Property. The Town also wants to maintain its LGU liability exemption at the Property (as described on page 5, paragraph 3 of the letter). The following describes the basis of the request for a WDNR approval response:

- The LGU, to maintain its liability exemption, must take actions directed by WDNR to reduce substantial threats to public health and safety that could occur if the property is developed or re-used by the LGU. This does not require the LGU to conduct a full investigation or cleanup, but it may involve protective measures such as those identified in Wis. Admin. Code NR 708.17.

## PROPERTY SOIL REMEDIATION HISTORY

### Summary of Environmental Remediation Status as Related to the Request

The Property has a history of environmental investigations and remedial actions that are documented in the reports on the WDNR's BRRTS case file # 02-64-000068. The BRRTS site is currently an "open" case file and has not received site closure. A concise summary of environmental activity at the Property is found on page 2 in the January 18, 2019 WDNR letter to the Town of Phelps (refer to Attachment B). Currently, we understand additional remediation activity is focused on the unresolved sediment issues in Military Creek.

The primary contaminant of concern at the site is pentachlorophenol (PCP) that was used for the wood treatment process. This Technical Review Request for the proposed trailhead project is related to the soil remediation status at the Property. The soil remediation consisted of remedial excavations in five "hot spot" areas of the Property that removed contaminated soil in 1999, and further discussed in the following.

According to the reports on the BRRTS site, wood treatment product (fuel oil mixed with PCP) releases were at localized areas of the Property and were investigated from 1987 to 1997. This resulted in five remedial excavation areas that were excavated in September to October 1999, with the excavated contaminated soil disposed at a landfill. The extent of pre-remedial excavation contaminated soil is shown on **Figure 2, PCP Concentrations in Soil** in Attachment B. The 1999 remedial excavations were designed to remove the areas of highest PCP concentration in unsaturated soils and the groundwater fluctuation zone. The remedial excavations removed a majority of the direct contact exceedances, but some residual soil contamination remains on the Property. The remediation areas with residual contamination exceeding the site-specific direct contact standard were capped with a six-inch-thick layer of on-site soil, mulch and vegetation to further prevent potential direct contact human exposure.

According to the January 2000, *Remedial Action Documentation Report*, the soil remediation consisted of the following:

- Excavation and landfill disposal of approximately 3,700 tons of soil and debris from 5 areas;
- Temporary extraction and on-site treatment/disposal of 18,160 gallons of groundwater;
- Capping of approximately 22,200 ft<sup>2</sup> in select areas of concern; and,
- Restoration of disturbed areas of the site.

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Following the remedial excavations, an area of the Property was identified as a “Non-Residential Use Area”, as shown with the boundary drawn in the Declarations of Restrictions document (recorded on July 17, 2000), which is located in Attachment B.

The five excavated areas are shown on the exhibits in Attachment B. Detailed figures of the excavations show the PCP concentrations and depths of soil samples collected from the excavation sidewalls and base, and the concentrations prior to excavation. Figure 7 shows the area of pre-remedial soil contamination and the remedial excavation that was performed on the Property to address direct contact RCL exceedances. The area of remedial excavation to remove direct contact concerns is shown on the exhibit called Plate 1.

### **Discussion of the Site Remediation and Residual Soil Standards**

Two residual contaminant levels (RCL) for PCP were identified for the site in the *Revised Remedial Actions Options Report* dated May 1998, and include:

- 232 mg/Kg PCP was identified as a groundwater pathway RCL for unsaturated soil to allow implementation of the soil performance standard of natural attenuation, and
- 24 mg/Kg PCP was identified as the direct contact RCL for soil within six inches of the surface.

The 232 mg/Kg RCL was developed as a guideline, based on soil performance standards in accordance with NR 720.19(2) (i.e. code version dated February 1996), in place of generic or site-specific RCLs. The performance standard approach was based on the natural attenuation of PCP in groundwater and calculated using an infiltration model in the Design Report. This was used to estimate the volume of soil to be removed from the five excavation areas of the site.

The 24 mg/Kg RCL was a risk-based direct contact RCL calculated using the USEPA Soil Screening Guidance. Reportedly, this was presented in correspondence to DNR dated February 26, 1999 and calculated approximately 2,500 square yards of surface soil with concentrations of PCP above the 24 mg/Kg RCL within 6 inches of the ground surface to require capping. The capping consisted of 6 inches of clean fill obtained from the Property, seeding and mulching, and fencing until vegetative growth was established in the capped areas.

Exhibits with the results of the five excavation areas (refer to Attachment B) show the excavation removed PCP affected soil, but residual PCP levels remained at the areas and in sidewall and base samples at depth, which in most cases were below the direct contact zone. According to the *Remedial Action Documentation Report*, all five excavation areas showed results of post-excavation soil sampling that demonstrated the removal of soil above a geometric mean of approximately 5 mg/kg PCP. The report stated the concentration was below target levels defined for the project.

The following summarizes the post-remedial excavation presented for the five excavation areas.

| <b>Excavation Area #</b> | <b>Excavation Depth (ft)</b>                        | <b>Direct Contact Zone PCP Concentrations</b> | <b>Comments</b>  |
|--------------------------|---|---|--|
| <b>Area 1</b>            | Deeper excavation to 14 to 16 ft, contaminated soil | No PCP exceedances presented in the           | No direct contact zone samples indicated concentrations above risk |

|   |   |  |   |
|---|---|--|---|
| (reference Fig. 2, Remaining Soil Quality Excavation Area 1)                  | replaced with clean, on-site sand and gravel and capped.  | direct contact zone near Area 1  | based RCL of 24 mg/Kg or the current industrial standard of 3.97 mg/Kg PCP  |
| <b>Area 2</b><br>(reference Fig. 3, Remaining Soil Quality Excavation Area 3) | Shallow excavation in wetland area near Military Creek, limited access to excavate due to wetland area. | 3 sidewall samples exceeded risk based target, area was capped                           | Direct contact zone samples indicated concentrations above risk based RCL of 24 mg/Kg or the current industrial standard of 3.97 mg/Kg PCP and were capped with cover soil.                           |
| <b>Area 3</b><br>(reference Fig. 4, Remaining Soil Quality Excavation Area 4) | Shallow excavation of 2 to 5 ft, limited access to excavate due to wetland area                         | Following excavation, 3 sidewall samples exceeded risk based target, and area was capped | Direct contact zone samples indicated concentrations above risk based RCL of 24 mg/Kg or the current industrial standard of 3.97 mg/Kg PCP and were capped with cover soil.                           |
| <b>Area 4</b><br>(reference Fig. 5, Remaining Soil Quality Excavation Area 5) | Shallow excavation of 3 to 5 ft   | Following excavation, 3 sidewall samples exceeded risk based target, and area was capped | Direct contact zone samples indicated concentrations above risk based RCL of 24 mg/Kg or the current industrial standard of 3.97 mg/Kg PCP and were capped with cover soil.                           |
| <b>Area 5</b><br>(reference Fig. 6, Remaining Soil Quality Excavation Area 6) | Shallow excavation of with average of 4 ft  | Following excavation, 1 sidewall sample exceeded risk based target, and area was capped  | No direct contact zone samples indicated concentrations above risk based RCL of 24 mg/Kg and one sample is above the current industrial standard of 3.97 mg/Kg PCP, which was capped with cover soil. |

### **Conclusions of Remedial Excavations**

The maps obtained from the May 1998 *Remedial Action Options Report* and the June 1998 *Design Report and Plan of Operation* indicated the presence of a biopile/treatment cell in the area of the proposed parking lot. However, it does not appear that on-site soil treated was completed and was not performed with the remediation following a *Revised Remedial Action Options Report*. The September 9, 1999 *Plan Revision: Design Report and Plan of Operation* indicates the plan for on-site biological treatment was replaced with off-site disposal of soils at Waste Management's K&W landfill in Ontonagon, Michigan.

As shown in the above table, the concentrations at depth of the remaining residual PCP contamination exceed current RCL industrial standards for PCP, but are not all in the direct contact zone. The current RCL standard for pentachlorophenol (PCP) in soil is 3.97 mg/Kg for the industrial use standard, and 1.02 mg/Kg non-industrial use RCL (RR Program December 2018 RCL Spreadsheet Values).

As discussed previously, excavation and capping boundaries were defined based upon identified PCP soil sample concentrations above 232 mg/Kg and 24 mg/Kg, respectively. These areas were excavated and capped as specified within the design documents (refer to Plate 1 in Attachment B), and will not be disturbed during the proposed project.

Analytical results of sidewall and base samples collected during the remedial activities and summarized on Tables 1 and 2 in Attachment B, indicate that known surface impacts were excavated or capped.

### **CURRENT PROPERTY CONDITIONS AND PROPOSED CHANGES**

The proposed project area is located upgradient from the historical pole dipping operations footprint as noted on maps from the previous site investigation activities. It does not appear that soil borings or soil sampling were performed in the area of proposed changes, however, based on the soil sampling results from soil borings performed on the periphery of historical site operations to the east, soil contamination is not expected in the proposed project area.

#### **Existing Conditions and Cover Observations of Remediation Areas in December 2020**

The existing conditions at the site shown in photos taken on December 4, 2020 are shown in the photos in Attachment C. On the date of the site visit, there were no observations that the five cover areas capped after the 1999 excavations were compromised and none had exposed soil from erosion. All five areas appeared to have well established vegetation.

Other observations of the Property on December 4, 2020 included:

- There is current use of a trail on the Property that starts on the gravel access road off CTH E and extends northward across the Property,
- At least 10 locked monitoring wells were observed without labels,
- Several very old DOT metal drums were observed in various locations which may be associated with prior remediation activities, and
- Several concrete pads, assumed to be prior foundations, and some discarded items such as an old snow plow were observed.

#### **Proposed Changes at the Property**

The proposed Military Creek Trail Head Concept Plan is shown on the shown on the exhibit in Attachment A.

The proposed trail head development is planned to have a 30 ft paved access drive from CTH E, and a 16 ft wide gravel ATV/snowmobile trail separated by a 5 ft wide vegetated buffer. The asphalt road will end at a gravel parking lot trail head which is will also have a trailer and truck-bed unloading zone. Additional amenities will include a unisex pit toilet, small retaining walls, gates and posts, and a trail map kiosk. The proposed trailhead will be constructed in part with a Motorized Vehicle Trail Grant administered by the WDNR.

The proposed construction plan is to modify grade in a small area of the Property to construct the level gravel parking lot and amenities to unload recreational vehicle trailers.

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The proposed trailhead project will not affect the five soil remediation areas that had remedial excavations and were backfilled and capped in 1999. Additional fencing and signs to limit property access to these areas is proposed as an engineering control, compared to the current setting.

The proposed development has no plans for plumbing facilities and water for the pit-toilet restroom facilities.

### **Justification for Approval for the Proposed Land Use**

The following is presented as the basis for the WDNR approval of the Town's request for approval of the proposed Concept Plan for the Property.

**Item 1:** The January 2000 *Remedial Action Documentation Report*, page ES-1 states: *Remedial activities met the goal of removing the areas of highest PCP concentrations in unsaturated soils and the groundwater fluctuation zone for the purpose of improving groundwater quality. Areas with residual impacts adjacent to the excavations were capped for direct contact protection. As a result of the restoration procedures, direct contact with surface soils is not expected in ordinary site use, which presently involves winter recreation activities such as snowmobiling.*

**Justification Comment:** This observation of the Property from 1999 and 2000 remains in 2021. The proposed land use of the Property will be a motorized vehicle trail facility, constructed beyond the restricted land use areas indicated as non-residential use. The proposed use will be similar to the present use, one of which is for snowmobile and ATV trail activity.

There is no residential use plan for the Property. The proposed use of access road, parking lot, and toilet facility will allow public use, but the public users will not remain on the Property for extended periods during their use of the parking area, or enter restricted areas of the Property. This limited amount of time public users will be at the Property also reduces the likelihood of potential human exposure.

**Item 2:** The WDNR has indicated the presence of residual soil contamination at concentrations exceeding State standards must be addressed to repurpose the Property.

**Justification Comment:** The 1999 remedial excavations were performed to remove "hot spot" soil contamination areas as to meet the site specific RCLs developed for the protection of groundwater and direct contact concerns. The residual concentrations from 1999 and 2000 reports were reviewed and information shows small areas may remain above 2021 industrial direct contact standards for PCP in soil. These areas have been capped and are also in the restricted area shown as Non-Residential on the Declarations of Restrictions. This restricted area will not be developed in the proposed trailhead project, or developed as residential or public use areas.

A review of the post-remedial excavation sampling show some direct contact exceedances (above current soil standards for PCP) are present in Areas 2 and 3, which are over 150 ft east of the project area. Most of the exceedances are in soil that could not be excavated due to the wetland area and were subsequently covered and capped. The limited use of these areas which are outside of the proposed project, along with public access restrictions from engineering controls (i.e. fencing, posted signs, inspections) will reduce the likelihood of possible human exposure.

**Item 3:** As previously presented, the LGU, to maintain its liability exemption, will take actions directed by WDNR to reduce substantial threats to public health and safety that could occur if the Property is developed or re-used by the LGU. These actions are described in Chapter NR 708.17.

**Justification Comments:**

For the Military Creek Trailhead project, the proposed NR 708.17 actions will include the use of the following Engineering Controls.

- Limiting public access to the four capped remedial excavation areas (Areas 2 through 5) will be done by Improvements to the current fencing at the Property. Area 1 appears to be in compliance with current direct contact standards and the contaminated material was removed and replaced with clean soil.
- Public access will be limited by the use of signage located by the fencing that posts no public entry beyond the fenced areas. The proposed project will enhance public safety compared to the current condition by updating and controlling access with fencing and signage notifying the public to not enter the capped areas of the Property.
- The proposed land use is consistent with the current use of the Property, as mostly vacant land with access to a maintained motorized vehicle trail. Changes will include a parking lot and a paved access road which will function as additional capped areas on the Property.
- Semi-annual visual inspections (May and November) of the capped areas will be performed by the Town and reported to the WDNR Project Manager. It is noted snowmobile use at the Property will be during frozen soil conditions reducing cap and potential direct contact concerns, and therefore visual inspections will be done during the ATV season.
- During site excavation activities to install the proposed pit toilet and prepare the recreational vehicle unloading area, soils will be screened for contamination using a photoionization detector (PID). If signs of contamination are noted during excavation activities (soil staining, petroleum odors, elevated PID readings, etc.), contaminated soils will be segregated, stockpiled and sampled for proper management (i.e. off-site landfill disposal).

**Requested Action from WDNR**

The Town of Phelps requests a WDNR response and approval of the proposed trailhead project on the Property. This proposed use will be similar to the Property's current use but will involve enhanced public access to the parking lot, the motorized vehicle trail, and the toilet facility as shown on the Concept Plan.

Please address the response letter to:

Ron Buel  
Park Commission President  
Town of Phelps  
P.O. Box 157  
Phelps, WI 54554

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Technical Review Request – Former C. M. Christiansen Property, Phelps, WI  
February 22, 2021

Please contact me with questions or if you need additional information (608-355-8901 or  
dlyster@msa-ps.com).

Sincerely,

MSA Professional Services, Inc.

A handwritten signature in black ink, appearing to read "Richard Lyster". The signature is written in a cursive style with a large initial "R".

Richard Lyster, P.G.  
Project Manager / Sr. Hydrogeologist

Cc: Raine Gardner, MSA

Enc. WDNR Form 4400-237



**Attachment A**

Military Creek Trail Head Concept Plan and Parcel Information

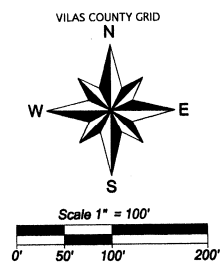
RECEIVED & FILED  
 Vilas County Surveyor's Office  
 Date: 10-29-10  
 By: R  
 VCS File No. B93.55

**16' WIDE EASEMENT DESCRIPTION**

A 16' wide easement for ingress and egress over the existing road located in the NE 1/4 of the SW 1/4 and Government Lot 3, Section 32, Township 42 North, Range 11 East, Town of Phelps, Vilas County, Wisconsin, the centerline of said easement more particularly described as follows:

Commencing at the South 1/4 corner of said Section 32, marked by an aluminum U.S.F.S. monument; thence along the north-south 1/4 line North 00°11'50" West for a distance of 2405.90 feet to the center of an existing woods road, the PLACE OF BEGINNING of said easement. Thence along the existing woods road as follows: South 58°04'44" West for a distance of 54.40 feet; thence along a curve to the right having a radius of 891.77 feet, an arc length of 467.36 feet and being subtended by a chord bearing South 24°08'46" West for a distance of 462.03 feet; thence South 39°09'35" West for a distance of 175.83 feet; thence South 42°22'31" West for a distance of 266.79 feet; thence South 46°01'15" West for a distance of 146.87 feet; thence along a curve to the left having a radius of 50.00 feet, an arc length of 60.27 feet and being subtended by a chord bearing South 11°29'16" West for a distance of 56.69 feet; thence South 23°02'43" East for a distance of 125.24 feet; thence South 12°45'05" East for a distance of 109.34 feet; thence South 25°32'42" East for a distance of 75.84 feet to the northerly right-of-way line of County Trunk Highway "E". The sidelines of the above-described easement extend and foreshorten to intersect the north-south 1/4 line and the northerly right-of-way line of County Trunk Highway "E".

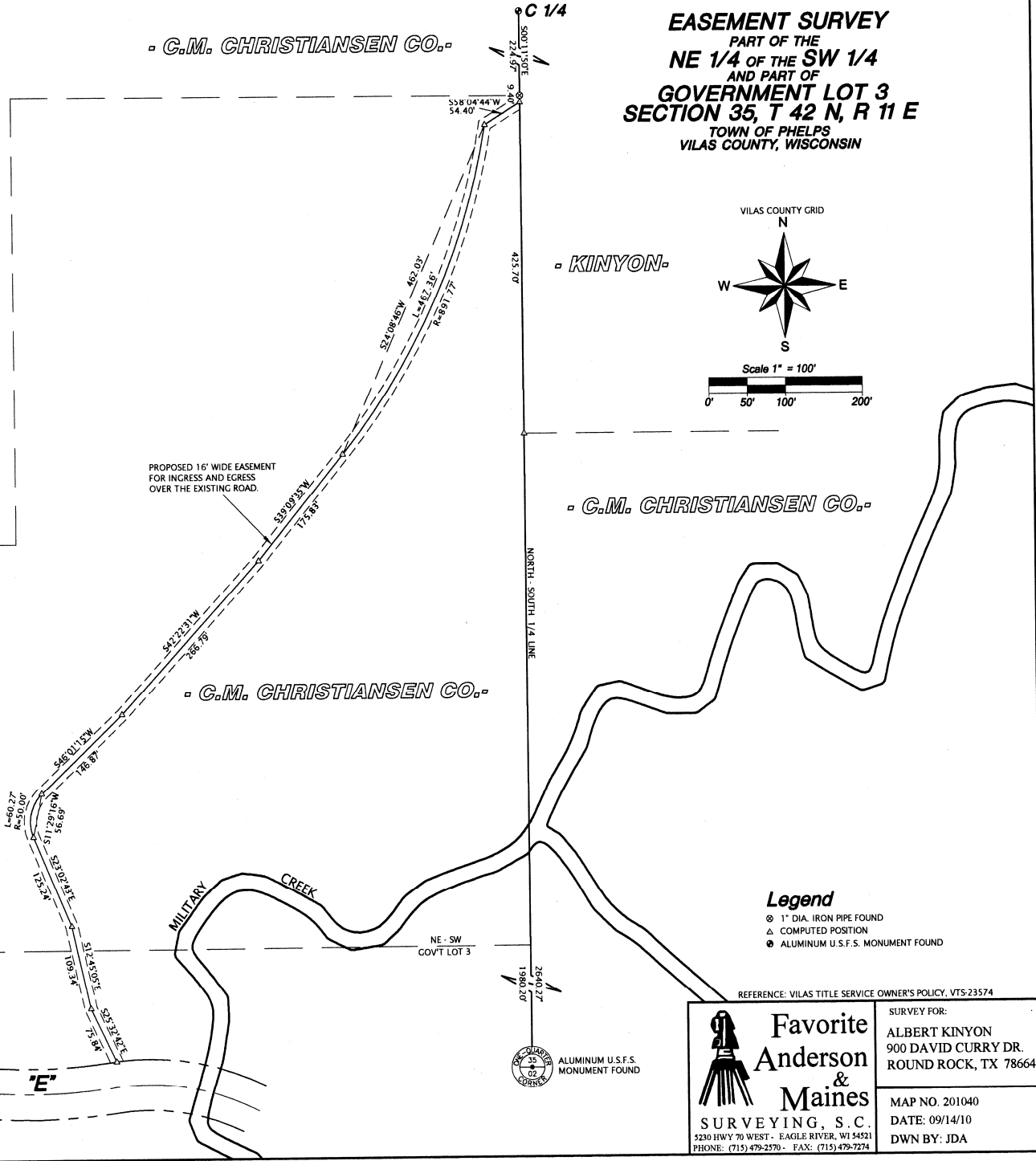
**EASEMENT SURVEY**  
 PART OF THE  
 NE 1/4 OF THE SW 1/4  
 AND PART OF  
 GOVERNMENT LOT 3  
 SECTION 35, T 42 N, R 11 E  
 TOWN OF PHELPS  
 VILAS COUNTY, WISCONSIN



Subject Property



I hereby certify that I have surveyed the property shown hereon; that this map represents an accurate survey of said property to the best of my knowledge and belief; and that I have complied with the applicable requirements of the Wisconsin Administrative Code Section A-E 7.



- Legend**
- ⊗ 1" DIA. IRON PIPE FOUND
  - ⊕ COMPUTED POSITION
  - ⊙ ALUMINUM U.S.F.S. MONUMENT FOUND

REFERENCE: VILAS TITLE SERVICE OWNER'S POLICY, VTS-23574

**Favorite Anderson & Maines SURVEYING, S.C.**  
 5230 HWY 70 WEST - EAGLE RIVER, WI 54521  
 PHONE: (715) 479-2570 - FAX: (715) 479-7224

SURVEY FOR:  
 ALBERT KINYON  
 900 DAVID CURRY DR.  
 ROUND ROCK, TX 78664

MAP NO. 201040  
 DATE: 09/14/10  
 DWN BY: JDA

# Vilas County Parcel 18-1391



2/2/2021, 4:38:41 PM

1:2,400

### Section Corners

- Section Corner
- Quarter Corner

### Water Access

- Boat Ramp
- Carry-In Lake Access

### Highways

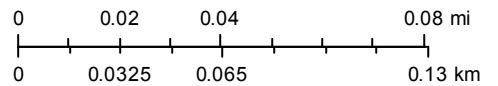
- US/State Highway
- County Highway

### Major Roads

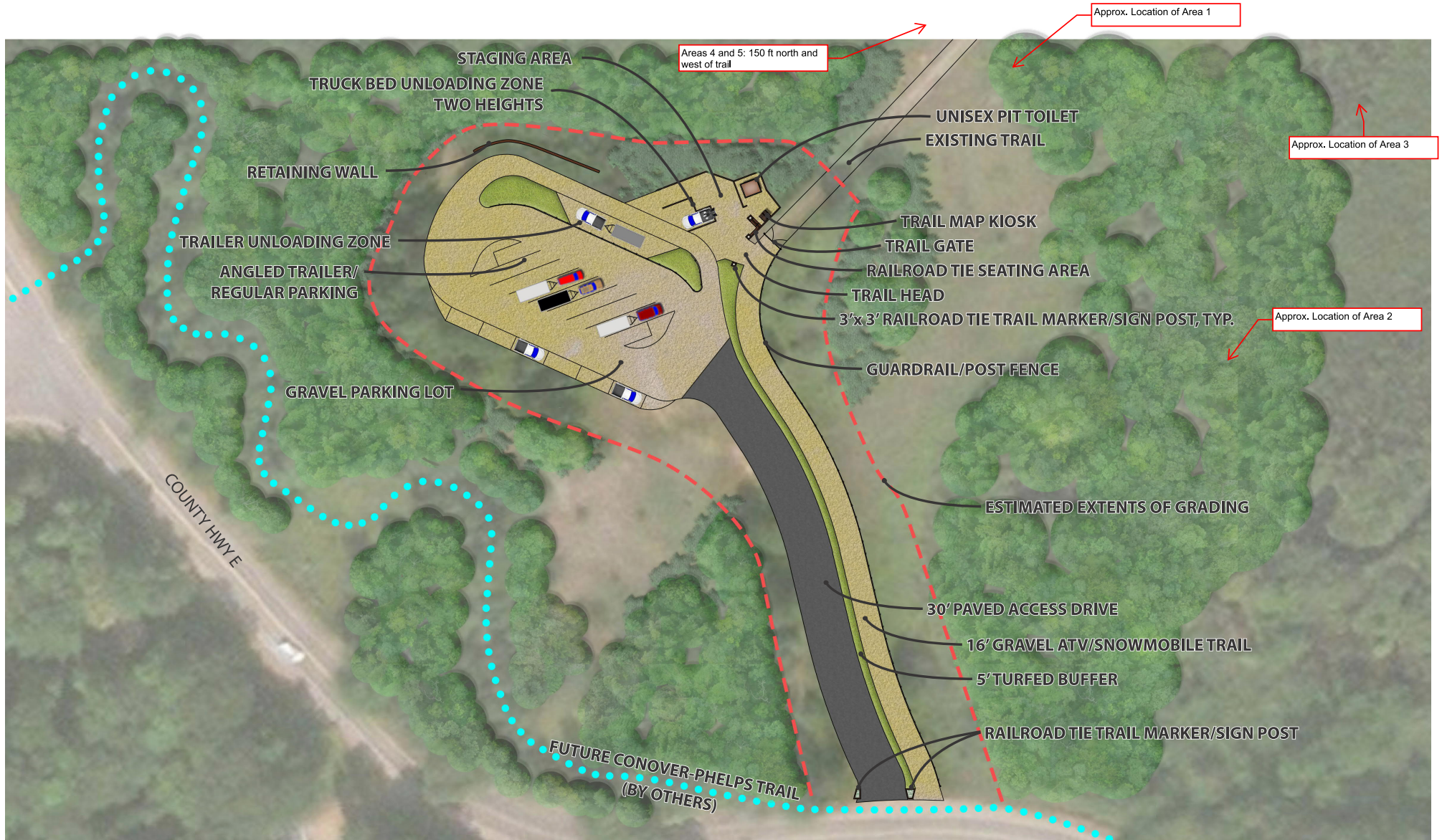
- Collector Road
- Local Road
- Resource Road

### Minor Roads

- Service Road
- 4WD Road
- Runway
- Section Line
- Quarter/Gov't Lot Line
- Section Labels



Created by Vilas County Mapping Department  
Vilas County Land Information Office



# Military Creek Trail Head

## Concept Plan

Phelps, WI  
3.24.2020

- Extents of Grading
- Conover-Phelps Trail





# Military Creek Trail Head Concept Plan

Phelps, WI  
3.24.2020

- - - Extents of Grading
- . . . Conover-Phelps Trail



Concept Plan with Remediation Area Overlay  
Feb 2021

**Attachment B**

Remediation Documentation Exhibits and January 18, 2019 WDNR Letter to the Town of Phelps



January 18, 2019

MR STEVE DOYEN  
CHAIRMAN  
TOWN OF PHELPS  
PO BOX 157  
PHELPS WI 54554

Subject: Applicability of the state Local Government Unit Environmental Liability Exemption for the Town of Phelps at the former wood treatment facility property owned by the C.M. Christiansen Co., in the Town of Phelps, Vilas County, Wisconsin  
Vilas County Parcel Number 018-1391  
DNR BRRTS Case Number #02-64-000068

Dear Chairman Doyen:

On December 19, 2018, the Department of Natural Resources (DNR) received your request for an environmental liability clarification letter, on behalf of the Town of Phelps (the "Town"), for the 22.83-acre parcel located adjacent to County Road E within the NE ¼ SW ¼ and Govt. Lot. 3, of Section 35, Township 42 North, Range 11 East, Town of Phelps, Vilas County, Wisconsin. Vilas County real estate tax records identify the parcel as 018-1391. DNR's case file in the Bureau for Remediation and Redevelopment Tracking System (BRRTS) database for the environmental contamination and cleanup efforts at this parcel is BRRTS 02-64-000068. The parcel is further identified on the map included with this letter as Attachment A, and the parcel will hereinafter be referred to as the "Property."

This letter provides clarification to the Town about the local governmental unit ("LGU") liability exemption authorized by Wis. Stat. § 292.11(9)(e), as well as notice of statutory conditions required to maintain the exemption and a reminder of an LGU's responsibilities if any elective demolition, cleanup or redevelopment activities occur on the Property. This letter also includes the DNR's determination about the potential applicability of the LGU liability exemption at the Property given the proposed method of Property acquisition. Finally, this letter addresses the four specific questions listed in a document attached to your request form.

### 1. Documents and Other Information Reviewed

The DNR has reviewed the following documents provided by the Town to help us make a determination about the potential future applicability of the LGU liability exemption for the Property:

- A Technical Assistance, Environmental Liability Clarification or Post-Closure Modification Request, DNR Form 4400-237, with attachments, dated Dec. 17, 2018, submitted by Robert Egan, Executive Director of the Vilas County Economic Development Corporation, on behalf of the Town of Phelps Chairman, Steven Doyen, and the review fee, which was received by DNR on December 19, 2018.
- Attachments to the Request Form included:
  - A one-page document titled "Technical Assistance, Environmental Liability Clarification Modification Request," which included a summary of the Property and its potential future use as a trailhead parking area, and a list of four questions that the Town wants clarification on. These questions, and DNR's replies, are included below;

- o A one-page Vilas County Tax Parcel Map of the Property and neighboring parcels; and
- o A one-page copy of a 2018 Vilas County Tax Data document for the Property.

The DNR has reviewed all environmental investigation and cleanup files associated with the Property, related to BRRTS case number 02-64-000068, including:

- A “Declaration of Restrictions” document related to the property that was filed with the Vilas County Register of Deeds on July 17, 2000, as Doc. 364004, in Vol. 924, Page 594, which is included with this letter as Attachment B; and
- A 1998 Spill Response Agreement, related to environmental contamination at the Property, signed by the DNR and the C.M. Christiansen Co., which is included with this letter as Attachment C.

The DNR has also had phone conversations about the Town’s request with Robert Egan, and about the Property with Terry Vosburgh, the Town Assessor. Mr. Vosburgh confirmed that the Property consists of 22.83 acres of land.

## **2. Environmental Activity Summary for the Property**

The C.M. Christiansen Co. (CMC) operated a wood pole treatment facility on the Property from the early 1950s through the 1970s. Wooden poles were treated with a liquid substance that contained 5% pentachlorophenol (PCP) and 95% #2 fuel oil.

In August 1987, the Vilas County Sheriff’s Department notified the DNR of citizen complaints regarding chemicals on the Property that seemed to pose a health and safety hazard. The DNR investigated the complaints and observed evidence of discharges of the pole treatment substance to the land surface at several locations on the Property.

In September 1987, the DNR notified CMC that they were legally responsible for environmental contamination on the Property and were required to 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 this state, per Wis. Stat. § 292.11.

From 1987 through 2018 a variety of site investigation efforts have been conducted at the Property by both CMC and the DNR. The most recent work involved the investigation of sediments in Military Creek, which flows through the Property along the eastern edge of the former treatment facility and then discharges into North Twin Lake.

In April 1997 a Spill Response Agreement was signed between CMC and the DNR which set site investigation and remedial action requirements and timeframes (see Attachment C). In Fall 1999 a remedial action occurred, and 3,700 tons of contaminated soil and debris were excavated from the site and disposed of in a licensed landfill. On July 17, 2000, a Declaration of Restrictions was filed with the Vilas County Register of Deeds and attached to the Property. The purpose of the Declaration of Restrictions was to ensure public health and safety would be protected by limiting the use of five specific areas of the Property, consisting of approximately 22,000 square feet, where an engineering control (soil cover) was placed over soil contamination that remained following completion of the excavation in 1999 (see Attachment B).

Since 2013 CMC has completed additional sediment investigation work, and submitted a site investigation report and a proposed remedial action options report for sediment remediation. See BRRTS case file # 02-64-000068, titled CM Christiansen #1 – Pole Dip at <https://dnr.wi.gov/botw/GetActivityDetail.do?adn=0264000068&siteId=4222200&crumb=1&search=b>.



### 3. Method and Purpose of Property Acquisition

It is the DNR's understanding that the Town plans to acquire the Property from Vilas County, following acquisition of the Property by the County through tax foreclosure proceedings. DNR's liability determinations below are based on this acquisition scenario.

### 4. Liability Determinations

The DNR provides the following statutory responsibility clarifications and assurances to the Town concerning its proposed purpose for and method of acquiring the Property, and intended reuse plans:

1. Both the Town of Phelps and Vilas County meet the definition of a "local government unit" as described in Wis. Stat. § 292.11(9)(e)(1).
2. When a county takes title to a property through tax foreclosure proceedings, the county obtains the local government environmental liability exemption authorized by Wis. Stat. § 292.11(9)(e).
3. When a town, village or city takes title to a property from a local governmental unit, such as a county, that is exempt with respect to the property, the town, village or city obtains the local government environmental liability exemption authorized by Wis. Stat. § 292.11(9)(e).
4. If Vilas County acquires title to the Property through tax foreclosure proceedings, and then transfers title of the Property to the Town of Phelps, DNR determines the Town of Phelps will obtain the Wis. Stat. § 292.11(9)(e) local governmental unit liability exemption and the Wis. Stat. § 292.23 solid waste management exemption for the Property.
5. The deed restriction associated with the Property remains in effect, whether the LGU exemption is obtained or not.

### 5. Specific Questions Posed by the Town of Phelps

The following four questions were included in an attachment to the Town's request for liability clarification.

1. Please explain the liability exemption associated with involuntary acquisitions under S. 292.11(9) of the Wisconsin state statutes, by virtue of Vilas County and ultimately the Town of Phelps acquiring the property through tax foreclosure. Is the Town of Phelps qualified for local government environmental liability exemption under S. 292.11(9) of Wisconsin Statutes?
2. What is the responsibility of the Town of Phelps in order to show due care is exercised in the development of the property?
3. Will the Town of Phelps incur any future expense for future testing or remediation of the property if due care is shown in developing the property for the purposes mentioned above (i.e. a trailhead parking area)?
4. What is the town's liabilities because of the deed restriction stating the property can only be used for "industrial use"? Specifically, in the areas of residual contaminated soil under clean soil cover, ground water contamination and sediment contamination.

Other sections of this letter provide in-depth answers to these questions. As such, DNR's direct replies below are brief and include references to the more detailed corresponding sections.

1. The Town must acquire the Property via one of the methods or for one of the purposes identified in Wis. Stat. § 292.11(9)(e)(1m) to obtain the state's local government environmental liability exemption. See sections 3 and 4 in this letter for additional information.

2. Wis. Stat. § 292.11(9)(e)(2) identifies types of hazardous substance discharges that do not qualify for the LGU exemption, which are caused through direct action or inaction of the LGU after acquisition. See sections 6 and 7 for additional information.
3. Wis. Stat. § 292.11(9)(e)(4) declares that DNR directions to reduce substantial threats to public health or safety must be followed when an exempt LGU redevelops or otherwise reuses the property, in order to maintain the exemption. See section 8 for additional information.
4. The Declaration of Restrictions associated with the Property (see Attachment B) is legally binding on any owner of the Property (i.e., including an exempt LGU). Per the Declaration the owner can request that the DNR determine that one or more restrictions are no longer required and extinguish them. See section 8, regarding future use of the Property, for more information about how the Town can work with DNR to make the Property safe for public use. As stated in section 8 below, the previous remedial action approved by DNR at the Property was based on industrial direct-contact residual soil contamination level (RCL) assumptions calculated under Wis. Admin. Code ch. NR 720. In order for the Property to be used for public access and recreation additional remedial action is likely needed.

#### **6. Local Governmental Unit Exemption Information**

When in effect for a specific property, Wis. Stat. § 292.11(9)(e), exempts an LGU from the following statutory responsibilities related to environmental contamination that was caused by another person or entity and exists on the property prior to the LGU's acquisition:

- The responsibility to take actions necessary to restore the environment and minimize harmful effects of hazardous substance discharges to soil, sediment, groundwater, surface waters and air of the state.
- The responsibility to comply with DNR orders to act to prevent hazardous substance discharges.
- The responsibility to reimburse the DNR for activities it takes on the property to identify, locate, monitor, contain, remove or dispose of hazardous substances.

The primary regulatory effect of an exemption from the statutory responsibilities is that an exempt LGU is not required to complete a Wis. Admin. Code ch. NR 716 site investigation or conduct a remedial response action per Wis. Admin. Code chs. NR 722-724 for contamination caused by another party prior to LGU acquisition of the property. An exempt LGU can choose to voluntarily move forward with standard site investigation and cleanup efforts, but it is not required to do so. Little to no environmental response action is required of an exempt LGU while the property remains as is.

#### **7. Exemption Conditions and Limitations**

The state's local government environmental and solid waste management liability exemptions are significant and strong, however, they do have a few conditions and limitations, as discussed below.

Wis. Stat. § 292.11(9)(e)(2) states that the exemption does not apply to hazardous substance discharges caused by the LGU before or after acquisition, such as directly spilling, leaking or dumping hazardous substances on a property. Building demolition and soil disturbing activities on a property with environmental contamination also have the potential to make pre-existing contamination worse and thereby cause new contamination. These types of activities should be discussed with DNR before they occur, to prevent the inadvertent cause of new contamination that could give rise to LGU liability.

Wis. Stat. § 292.11(9)(e)(2) also specifically states that an LGU is not exempt from legal responsibility for any contamination caused by the following LGU actions or inactions:

- A failure to take appropriate action to restrict access to the property in order to minimize costs or damages that may result from unauthorized persons entering the property.

- A failure to sample and analyze unidentified substances in containers stored aboveground on the property.
- A failure to remove and properly dispose of, or to place in a different container and properly store, any hazardous substance stored aboveground on the property in a container that is leaking or is likely to leak.

Wis. Stat. § 292.23 authorizes an LGU exemption from certain solid waste management requirements for pre-existing unlicensed solid waste disposal sites. The above-mentioned conditions and limitations of the Wis. Stat. § 292.11(9)(e) exemption also apply to the solid waste exemption, along with others that are specific to solid waste as listed in Wis. Stat. § 292.23(3). Wis. Stat. § 292.23 should be reviewed and consulted if any unlicensed solid waste disposal areas exist on the Property.

Neither Wis. Stat. § 292.11(9)(e) or Wis. Stat. § 292.23 exempt an LGU from Wis. Stat. § 292.11(2), titled "Notice of Discharge." Therefore, all LGUs (whether exempt or not) must notify the DNR immediately of any known and/or newly discovered discharge of a hazardous substance to the environment at the Property. See DNR publication RR-560, at <http://dnr.wi.gov/files/PDF/pubs/rr/RR560.pdf> for additional information about spill and discharge reporting. When the LGU exemption is in effect, reporting identified contamination to DNR that was caused by others prior to LGU acquisition of the property does not trigger site investigation or cleanup requirements for the LGU.

When an LGU redevelops or otherwise reuses a contaminated property for which it has an exemption, Wis. Stat. § 292.11(9)(e)(4) specifies that the LGU must, to maintain its exemption, take actions directed by DNR to reduce substantial threats to public health or safety that could occur when the property is developed or reused by the LGU. This does not require the LGU to conduct a full site investigation or cleanup, but it may involve protective measures such as those identified in Wis. Admin. Code § NR 708.17.

Before beginning any demolition work at the Property, a pre-inspection is required, along with filing of DNR Form 4500-113, Notification for Demolition. See DNR publication WA-651, at <http://dnr.wi.gov/files/pdf/pubs/wa/wa651.pdf> for additional information about demolition activities. Storm water management permits may also be necessary for demolition and construction activities. All LGUs must comply with these requirements.

Federal and State Tank Regulations: The LGU exemption statutes do not exempt above ground or underground storage tanks on the Property from compliance with federal and state requirements, including Wis. Admin. Code ch. ATCP 93. If you have questions about tank requirements; contact the Wisconsin Department of Agriculture, Trade and Consumer Protection (the Bureau of Weights and Measures) directly. Wis. Admin. Code ch. ATCP 93 is available at [https://docs.legis.wisconsin.gov/code/admin\\_code/atcp/090/93](https://docs.legis.wisconsin.gov/code/admin_code/atcp/090/93). DNR publication RR-627, titled Removing Underground Storage Tanks, is at <http://dnr.wi.gov/files/PDF/pubs/rr/RR627.pdf>.

The LGU exemption is only available to local units of government, as defined in Wis. Stat. § 292.11(9)(e)(1). This liability exemption is not transferrable from the exempt LGU to future property owners, except to other eligible LGUs. Nonexempt owners are subject to full environmental responsibility and regulation by, at a minimum, Wis. Stat. ch. 292 and Wis. Admin. Code chs. NR 700-754.

## 8. Future Use of the Property

If the Town intends to redevelop or otherwise reuse the Property during or after taking title and obtaining the liability exemption, the Town should discuss proposed property uses and improvements with the DNR before proceeding. Wis. Stat. § 292.11(9)(e)(4) requires exempt LGUs to take actions the DNR determines are necessary to reduce to acceptable levels any substantial threat to public health or safety when the Property is developed or put into its intended use.

With respect to the Property, the original remedial action was approved by DNR using industrial direct-contact residual soil contamination level (RCL) assumptions calculated under Wis. Admin. Code ch. NR 720, and DNR allowed soil covers over five areas of residual soil contamination that did not meet the RCL standards for

industrial direct contact safety. Since the proposed new use of the Property (i.e., as a trailhead parking area) is public and not industrial, additional actions will need to be conducted to either address the residual contaminated soil (e.g., treatment or removal), install better soil or pavement covers over the residual contamination to protect public health and safety when the proposed new use is implemented, and/or reevaluate the residual contaminant concentrations to see if the site-specific RCLs calculated as part of the remedial action are still applicable.

DNR has previously informed the Town that the capped/covered areas of residual soil contamination at the Property must be addressed in order to repurpose the Property for a public use. Protective measures are necessary to maintain a local government liability exemption as well. Representatives of the Wisconsin Economic Development Corporation (WEDC) have previously indicated that WEDC may be able to fund additional soil cleanup at this site to facilitate the change from industrial to public use.

It is very important to consult with the DNR before and during any demolition, excavation, and/or other development work on the Property. The LGU exemption can be lost if significant public health or safety threats exist in relation to the new use. Wis. Admin. Code § NR 708.17 lists a few types of protective actions that DNR may request when a new use is planned for an LGU-exempt property.

The DNR considers contaminated sediments in Military Creek to be an unresolved health and safety issue that is subject to continuing negotiations between DNR and CMC. If the Town acquires the Property, the Town must, to maintain its liability exemption, allow access to CMC, its consultants and contractors, and DNR as needed to investigate and, if necessary, remediate the contaminated sediments in Military Creek. The Town must also obtain approval from DNR before developing paths and structures adjacent to Military Creek, as these activities could lead to increased human exposure to contaminated creek sediments and/or surface water. This is a significant threat, and action without DNR approval would violate conditions of the LGU exemption.

#### **9. Federal Liability Protections**

In addition to state liability protections, an LGU is also eligible for federal CERCLA liability protection in certain situations. In general, CERCLA provides liability protection to local governments that acquire ownership or control of property through seizure or otherwise in connection with law enforcement activity, or through bankruptcy, tax delinquency, abandonment, or other circumstances in which the government acquires title by virtue of its function as sovereign. More information is available on the US EPA web site at: <http://www.epa.gov/enforcement/state-and-local-government-activities-and-liability-protections>.

In situations involving the purchase of a property, an LGU can obtain CERCLA liability protections if it qualifies as a "bona fide prospective purchaser." One key requirement for this protection is the completion of a Phase I environmental site assessment (ESA) that meets the "all appropriate inquiries" (AAI) standards under 40 CFR, Part 312. This federal standard also requires that a Phase I ESA be completed within 180 days prior to acquisition of title to a property. ESAs following the ASTM Standard E1527-13 meet EPA's AAI standards.

For more information, a US EPA fact sheet, titled "CERCLA Liability and Local Government Acquisitions and Other Activities," is available at <http://www.epa.gov/sites/production/files/documents/local-gov-liab-acq-fs-rev.pdf>.

#### **10. This Letter is Based on Information Provided to DNR**

The DNR's state liability determination in this letter is based on the information provided in the above-referenced document(s). If new or more extensive contamination is discovered at the Property, the LGU is required to notify the DNR in accordance with Wis. Stat. § 292.11(2). The LGU should also know that the LGU exemption from the state Spill Law and Solid Waste Management Requirements will apply to the LGU throughout the LGU's ownership of the Property, but these liability protections are not transferable from the LGU to future owners, except to another eligible LGU.

Information on LGU exemption determinations and other contaminated site activities is tracked in a DNR database that is available on the internet at <http://dnr.wi.gov/botw/SetUpBasicSearchForm.do>. The BRRTS identification number for this location can be found at the top of this letter. The Property, if it is acquired in a manner consistent with Wis. Stat. § 292.11(9)(e)(1m), will be identified in the database as a location where the DNR has made an "LGU Exemption" determination.

#### 11. DNR Contact Information

The DNR hopes this letter provides the Town with the requested clarification concerning the LGU liability exemption for the Property. The DNR looks forward to working with you on this project and others.

If you have any questions, please contact the DNR Project Manager for the Property, John Hunt at 715-623-4190, ext. 3115 or by email at [JohnT.Hunt@Wisconsin.gov](mailto:JohnT.Hunt@Wisconsin.gov). For questions specific to the LGU exemption, and other local government cleanup tools, contact Barry Ashenfelter at 608-267-3120 or [Barry.Ashenfelter@wisconsin.gov](mailto:Barry.Ashenfelter@wisconsin.gov).

Sincerely,



Christopher A. Saari  
Northern Region Team Supervisor  
Remediation & Redevelopment Program

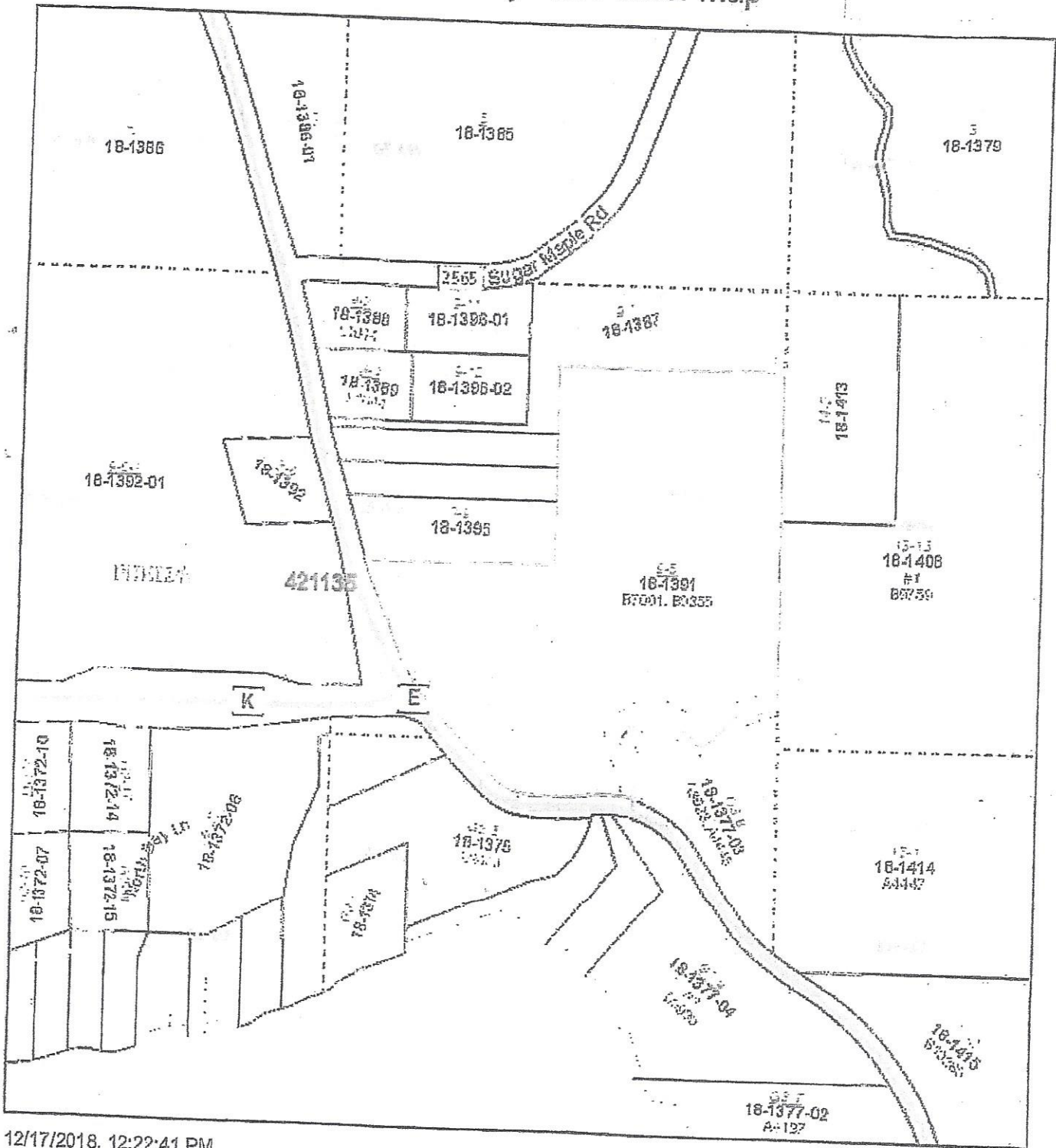
Attachments: Attachment A – Site Map  
Attachment B – Declaration of Restrictions  
Attachment C – Spill Response Agreement

cc: Bob Egan – Vilas County Economic Development Corporation

cc: John Hunt, DNR Antigo ([JohnT.Hunt@Wisconsin.gov](mailto:JohnT.Hunt@Wisconsin.gov))  
Barry Ashenfelter, DNR, RR/5 ([Barry.Ashenfelter@wisconsin.gov](mailto:Barry.Ashenfelter@wisconsin.gov))

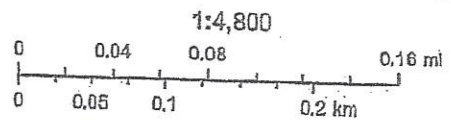
# Vilas County Tax Parcel Map

Attachment A



12/17/2018, 12:22:41 PM

|                        |                    |                        |
|------------------------|--------------------|------------------------|
| <b>Section Corners</b> | <b>Highways</b>    | <b>Minor Roads</b>     |
| Section Corner         | US/State Highway   | Service Road           |
| Quarter Corner         | County Highway     | 4WD Road               |
| <b>Water Access</b>    | <b>Major Roads</b> | Runway                 |
| Boat Ramp              | Collector Road     | Section Line           |
| Carry-In Lake Access   | Local Road         | Quarter/Gov't Lot Line |
|                        | Resource Road      |                        |



Created by Vilas County Mapping Department

364004

VOL 924 PAGE 594

Attachment B

DECLARATION OF RESTRICTIONS

In Re: a parcel of land located within the NE 1/4 SW 1/4 and Govt. Lot 3, both of Section 35, Township 42 North, Range 11 East, Town of Phelps, Vilas County, State of Wisconsin, more completely described as set forth in Exhibit A, attached hereto and incorporated by reference herein (the "Property").

STATE OF WISCONSIN )
) ss
COUNTY OF VILAS )

WHEREAS, C.M. Christiansen Co., Inc., a Michigan corporation (the "Company"), is the owner of the Property, a map of which is attached hereto as Exhibit B and incorporated by reference herein; and,

WHEREAS, the Company desires and intends to impose on the Property certain restrictions that will make it unnecessary to conduct additional soil or groundwater remediation activities on the Property; and,

WHEREAS, soils impacted with pentachlorophenol exist on that portion of the Property identified on Exhibit B as being SUBJECT TO USE RESTRICTION (the "Use-Restricted Portions"); and

WHEREAS, on-site engineering controls will be utilized for the soils impacted with pentachlorophenol in those portions of the Property identified on Exhibit B as being SUBJECT TO ENGINEERING CONTROLS (the "Engineering Controls Portions")

NOW THEREFORE, the Company hereby declares that the Property shall be held, conveyed or encumbered, leased, rented, used, occupied and improved subject to the following limitations and restrictions (individually and together):

- 1. None of the Use-Restricted Portions may be used or developed for a residential use unless, at the time that the residential use is proposed, an investigation is conducted to determine the degree and extent of pentachlorophenol contamination that remains on such Use-Restricted Portions and, further, that remedial action is taken as necessary to meet all applicable residential soil cleanup standards.
2. Any excavating or grading activities performed in any of the Engineering Controls Portions must handle all soils in accordance with Wisconsin Administrative Code Chapter NR 718. Any surfaces removed from any Engineering Controls Portions shall forthwith be replaced with surfaces that are comparable to or less permeable than the surfaces so removed.

These restrictions are hereby declared to be a covenant running with the land and shall be fully binding upon all persons acquiring the Property under any circumstances, whether by descent, devise, purchase, distribution by dividend or in liquidation, or otherwise.

Any person who is or becomes owner of the Property, or any portion thereof, may request that the Wisconsin Department of Natural Resources, or its successors, issue a determination that one or more of the restrictions set forth in this covenant is(are) no longer required with respect to the Property, or the portion thereof so-owned, as the case may be. Upon receipt of such a request, the Wisconsin Department of Natural Resources shall determine whether or not the restriction(s) contained herein can be extinguished as to the Property or as to the portion so-owned, as the case may be. If the Wisconsin Department of Natural Resources determines that the restriction(s) can be extinguished, an affidavit can be recorded with a copy of the Wisconsin Department of Natural Resources' determination to give notice that the applicable restriction(s) is(are) no longer binding.

RECORDED

JUL 17 2000

11:35 AM

John Hansen

REGISTER OF DEEDS, VILAS CO., WI

C/M CHRISTIANSEN CO. INC.

PO BOX 100

PHELPS, WI 54551-0100

16. Joel

Tax Parcel No. 8QQ-5 [018-1391]





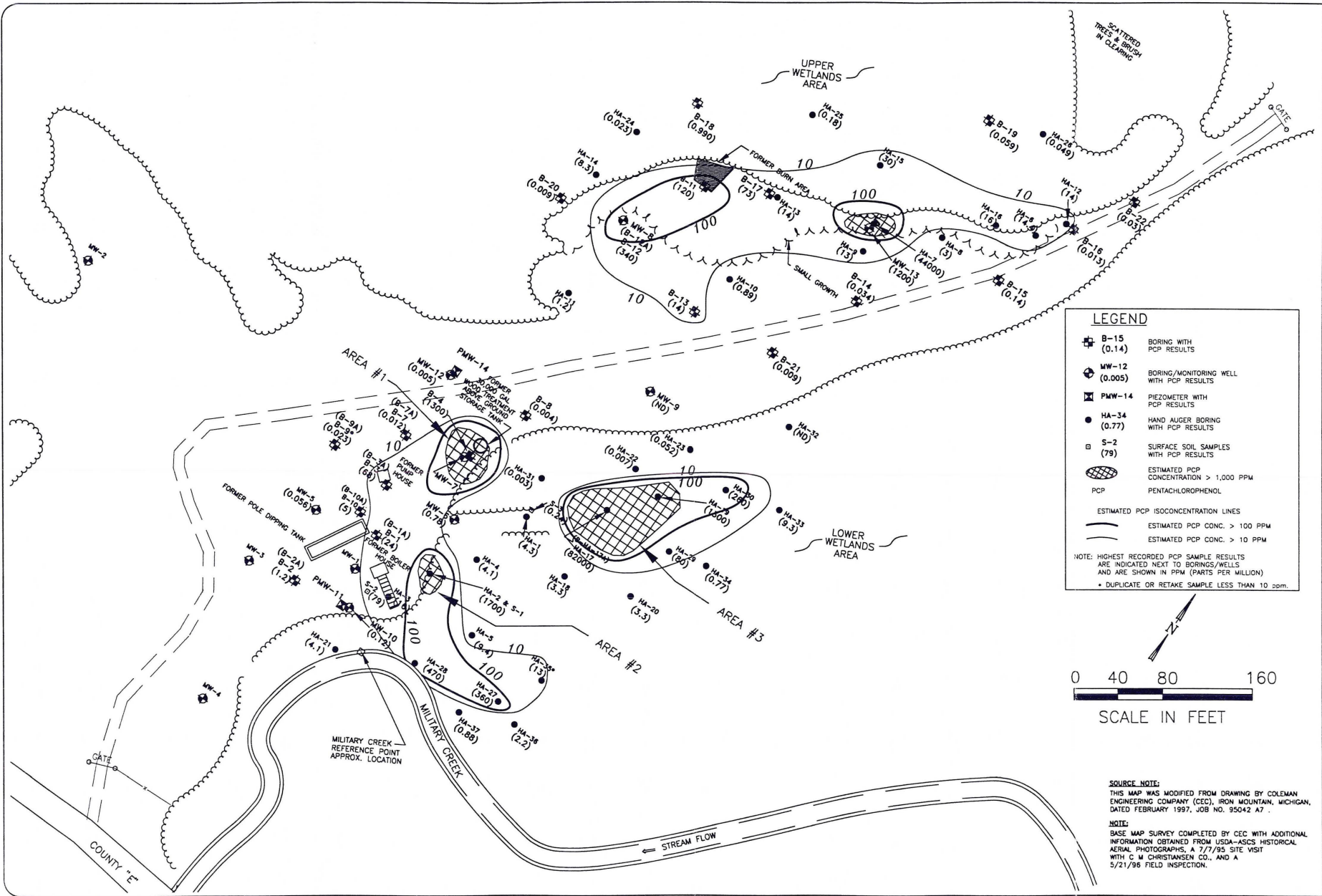
VOL 924 PAGE 596

EXHIBIT A TO DECLARATION OF RESTRICTIONSLegal Description - the "Property"

A parcel of land being a part of Gov't. Lot 3 and of the NE $\frac{1}{4}$ -SW $\frac{1}{4}$ , Section 35, T 42 N, R 11 E, Town of Phelps, Vilas County, Wisconsin, and being more particularly described as follows:

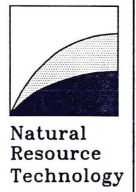
Commencing at the South  $\frac{1}{4}$  corner of said Section 35 being marked by a U.S. Forest Service monument, thence N 0°-04'-39" E 2414.99 feet along the North-South  $\frac{1}{4}$  line of said Section 35 to an iron pipe and the Place of Beginning, thence returning S 0°-04'-39" W 884.28 feet along the East line of said NE $\frac{1}{4}$ -SW $\frac{1}{4}$  to an iron pipe on the Right Bank of Military Creek, thence meandering along said Creek Bank S 45°-02'-00" W 73.60 feet, S 73°-08'-00" W 102.50 feet, S 51°-33'-00" W 82.61 feet, N 61°-31'-13" W 179.00 feet, S 55°-07'-00" W 166.00 feet, S 3°-32'-00" E 90.00 feet, S 34°-44'-00" E 77.44 feet and S 2°-29'-00" E 58.17 feet to the Northerly R/W line of County Trunk Hwy. E, thence along the Northerly R/W line of said Hwy. E Easterly 36 feet more or less along the arc of a 336.51 foot radius curve to the Right to the middle thread of said Military Creek, thence returning Westerly 36 feet more or less along the arc of said 336.51 foot radius curve to the Left to the aforementioned point, thence along the Northerly and Northeasterly R/W line of said Hwy. E as follows: Westerly 91.70 feet along the arc of said 336.51 foot radius curve to the Left (chord bearing S 89°-37'-40" W 91.42 feet) to the point of tangency of said curve, S 81°-49'-18" W 5.39 feet to the point of tangency of a 672.00 foot radius curve to the Right, Westerly 177.34 feet along the arc of said 672.00 foot radius curve to the Right (chord bearing S 89°-22'-54" W 176.82 feet) to the point of tangency of a 183.42 foot radius curve to the Right, Northwesterly 121.07 feet along the arc of said 183.42 foot radius curve to the Right (chord bearing N 64°-08'-56" W 118.88 feet) to the point of tangency of a 2952.00 foot radius curve to the Right, Northwesterly 310.80 feet along the arc of said 2952.00 foot radius curve to the Right (chord bearing N 42°-13'-23" W 310.66 feet) to the point of tangency of a 518.61 foot radius curve to the Right, Northwesterly 152.27 feet along the arc of said 518.61 foot radius curve to the Right (chord bearing N 30°-47'-44" W 151.72 feet) to the point of tangency of said curve and N 22°-23'-04" W 285.74 feet to an iron pipe which lies 800.00 feet South of the North line of said NW $\frac{1}{4}$ -SW $\frac{1}{4}$ , thence leaving said R/W line S 89°-33'-15" E 568.19 feet parallel with and 800.00 feet South of the North line of said NE $\frac{1}{4}$ -SW $\frac{1}{4}$  to an iron pipe, thence N 0°-01'-30" E 575.00 feet parallel with the West line of said NE $\frac{1}{4}$ -SW $\frac{1}{4}$  to an iron pipe, thence S 89°-33'-15" E 664.78 feet parallel with the North line of said NE $\frac{1}{4}$ -SW $\frac{1}{4}$  and back to the Place of Beginning, including all lands lying between the meander line and the lateral lot lines extended to the middle thread of said Military Creek, and including all riparian rights; the same being approximately 22.50 acres, more or less.





|               |     |              |         |
|---------------|-----|--------------|---------|
| DRAWN BY:     | TAS | DATE:        | 4/29/97 |
| CHECKED BY:   | SLF | DATE:        | 4/29/97 |
| APPROVED BY:  | LJP | DATE:        | 4/29/97 |
| AUTOCAD FILE: |     | 1226-B03.DWG |         |

**EXTENT OF PCP IN SOIL**  
**SOIL REMEDIAL ACTION OPTIONS REPORT**  
**C.M. CHRISTIANSEN COMPANY**  
**FORMER POLE TREATMENT FACILITY**  
**PHELPS, WISCONSIN**

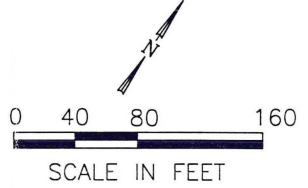


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| DRAWING NO. | 1226-B03    |
| FIGURE NO.  | 2           |

**LEGEND**

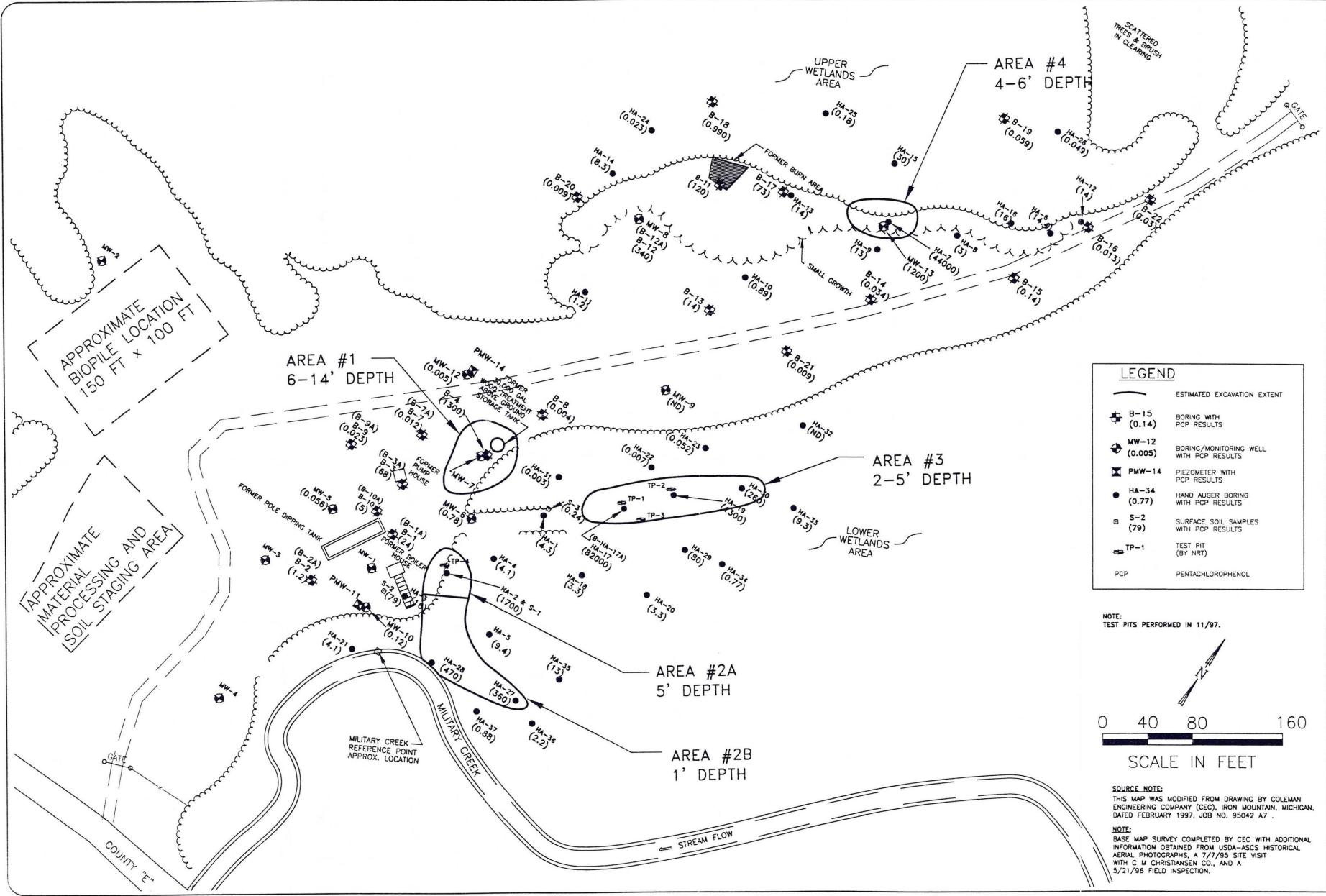
- ✦ B-15 (0.14) BORING WITH PCP RESULTS
- ⊕ MW-12 (0.005) BORING/MONITORING WELL WITH PCP RESULTS
- ⊠ PMW-14 PIEZOMETER WITH PCP RESULTS
- HA-34 (0.77) HAND AUGER BORING WITH PCP RESULTS
- S-2 (79) SURFACE SOIL SAMPLES WITH PCP RESULTS
- ▨ ESTIMATED PCP CONCENTRATION > 1,000 PPM PCP
- ESTIMATED PCP ISOCONCENTRATION LINES
- ESTIMATED PCP CONC. > 100 PPM
- ESTIMATED PCP CONC. > 10 PPM

NOTE: HIGHEST RECORDED PCP SAMPLE RESULTS ARE INDICATED NEXT TO BORINGS/WELLS AND ARE SHOWN IN PPM (PARTS PER MILLION)  
 • DUPLICATE OR RETAKE SAMPLE LESS THAN 10 ppm.



**SOURCE NOTE:**  
 THIS MAP WAS MODIFIED FROM DRAWING BY COLEMAN ENGINEERING COMPANY (CEC), IRON MOUNTAIN, MICHIGAN, DATED FEBRUARY 1997, JOB NO. 95042 A7.

**NOTE:**  
 BASE MAP SURVEY COMPLETED BY CEC WITH ADDITIONAL INFORMATION OBTAINED FROM USDA-ASCS HISTORICAL AERIAL PHOTOGRAPHS, A 7/7/96 SITE VISIT WITH C. M. CHRISTIANSEN CO. AND A 5/21/96 FIELD INSPECTION.



|                            |     |       |         |
|----------------------------|-----|-------|---------|
| DRAWN BY:                  | TAS | DATE: | 5/15/98 |
| CHECKED BY:                | JAG | DATE: | 5/15/98 |
| APPROVED BY:               | LJP | DATE: | 5/15/98 |
| AUTOCAD FILE: 1226-B03.DWG |     |       |         |

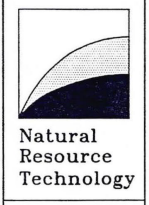
**ESTIMATED AREAS OF EXCAVATION**

**SOIL REMEDIATION ACTION OPTIONS REPORT**

**C.M. CHRISTIANSEN COMPANY, INC.**

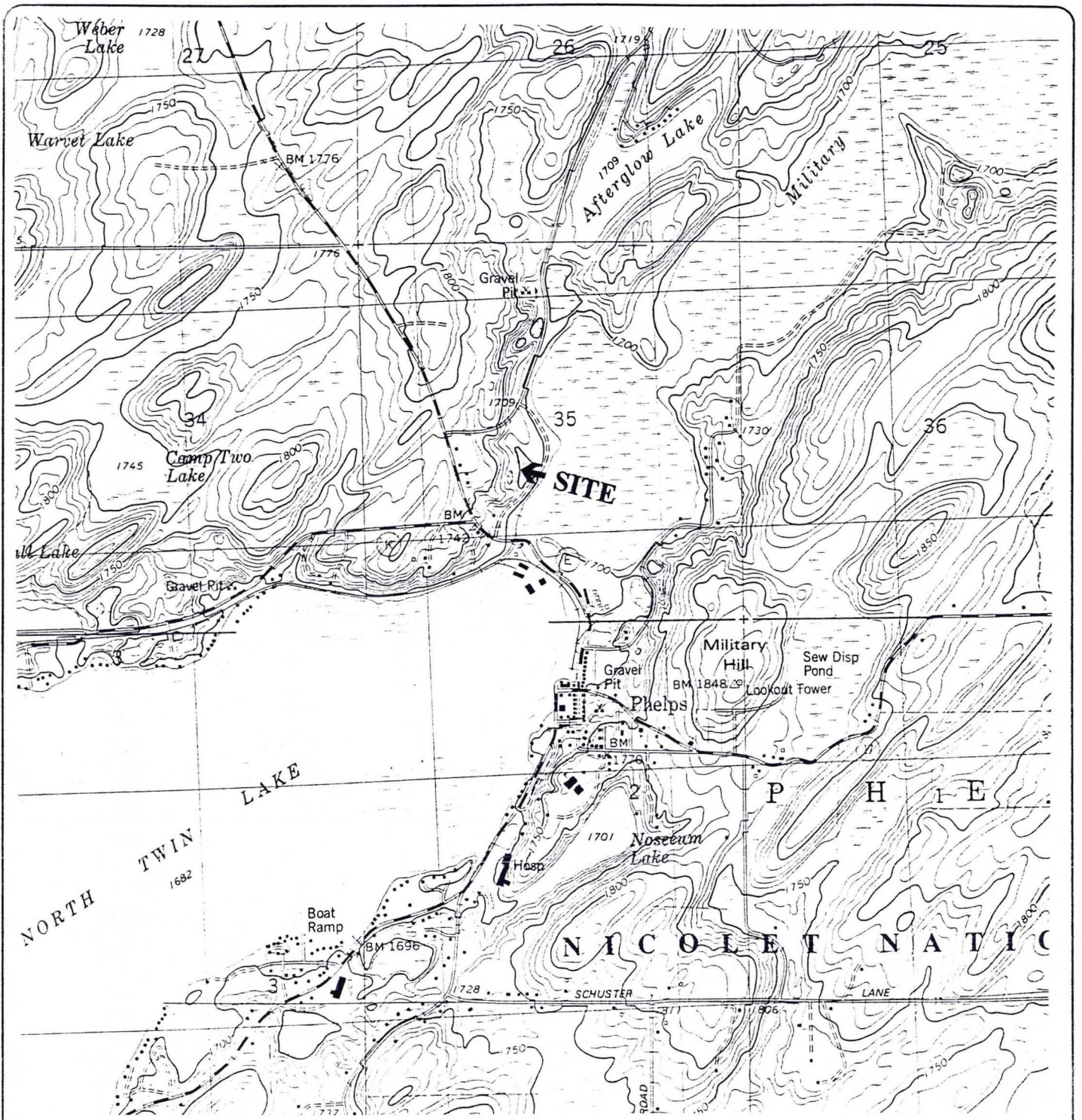
**FORMER POLE TREATMENT FACILITY**

**PHELPS, WISCONSIN**

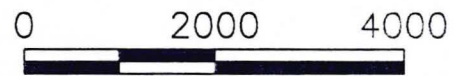


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| FIGURE NO.  | 7           |

**FIGURES**

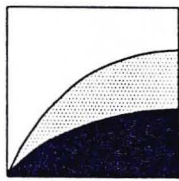


SOURCE: USGS 7.5 MINUTE QUADRANGLE, PHELPS. DATED 1981.



SCALE IN FEET

CONTOUR INTERVAL 10 FEET



Natural  
Resource  
Technology

SITE LOCATION MAP

C.M. CHRISTIANSEN COMPANY, INC.  
FORMER POLE TREATMENT FACILITY  
PHELPS, WISCONSIN

PROJECT NO.  
1226-RD

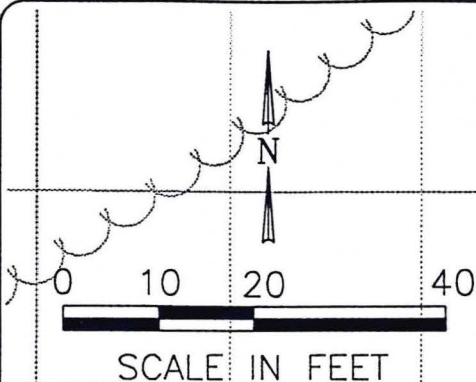
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FIGURE NO.  
1

DRAWN BY: TAS

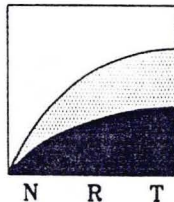
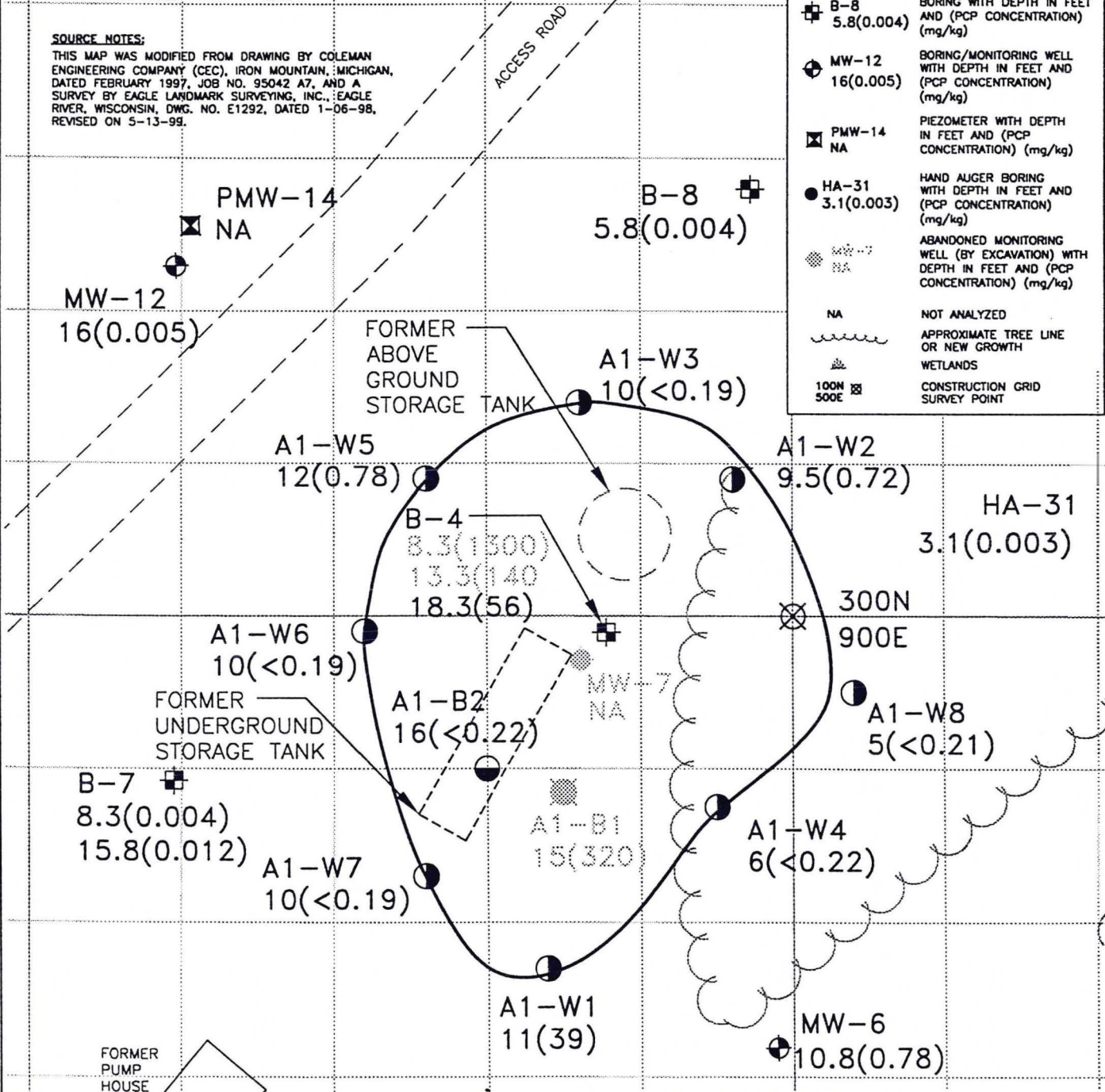
APPROVED BY: *[Signature]*

DATE: 01/20/00



**SOURCE NOTES:**  
 THIS MAP WAS MODIFIED FROM DRAWING BY COLEMAN ENGINEERING COMPANY (CEC), IRON MOUNTAIN, MICHIGAN, DATED FEBRUARY 1997, JOB NO. 95042 A7, AND A SURVEY BY EAGLE LANDMARK SURVEYING, INC., EAGLE RIVER, WISCONSIN, DWG. NO. E1292, DATED 1-06-98, REVISED ON 5-13-99.

| LEGEND |  |
|--------|--|
|        | EXTENTS OF EXCAVATION  |
|        | A1-W1<br>11(39)<br>EXCAVATION SIDEWALL SAMPLE WITH DEPTH IN FEET AND (PCP CONCENTRATION) (mg/kg)           |
|        | A1-B2<br>16(<0.22)<br>EXCAVATION BASE SAMPLE WITH DEPTH IN FEET AND (PCP CONCENTRATION) (mg/kg)            |
|        | A1-B1<br>15(320)<br>EXCAVATED SOIL SAMPLE WITH DEPTH IN FEET AND (PCP CONCENTRATION) (mg/kg)               |
|        | B-8<br>5.8(0.004)<br>BORING WITH DEPTH IN FEET AND (PCP CONCENTRATION) (mg/kg)                             |
|        | MW-12<br>16(0.005)<br>BORING/MONITORING WELL WITH DEPTH IN FEET AND (PCP CONCENTRATION) (mg/kg)            |
|        | PMW-14<br>NA<br>PIEZOMETER WITH DEPTH IN FEET AND (PCP CONCENTRATION) (mg/kg)                              |
|        | HA-31<br>3.1(0.003)<br>HAND AUGER BORING WITH DEPTH IN FEET AND (PCP CONCENTRATION) (mg/kg)                |
|        | MW-7<br>NA<br>ABANDONED MONITORING WELL (BY EXCAVATION) WITH DEPTH IN FEET AND (PCP CONCENTRATION) (mg/kg) |
|        | NA<br>NOT ANALYZED   |
|        | APPROXIMATE TREE LINE OR NEW GROWTH  |
|        | WETLANDS   |
|        | 100N<br>500E<br>CONSTRUCTION GRID SURVEY POINT   |

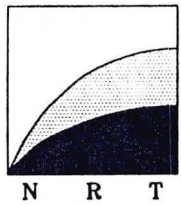
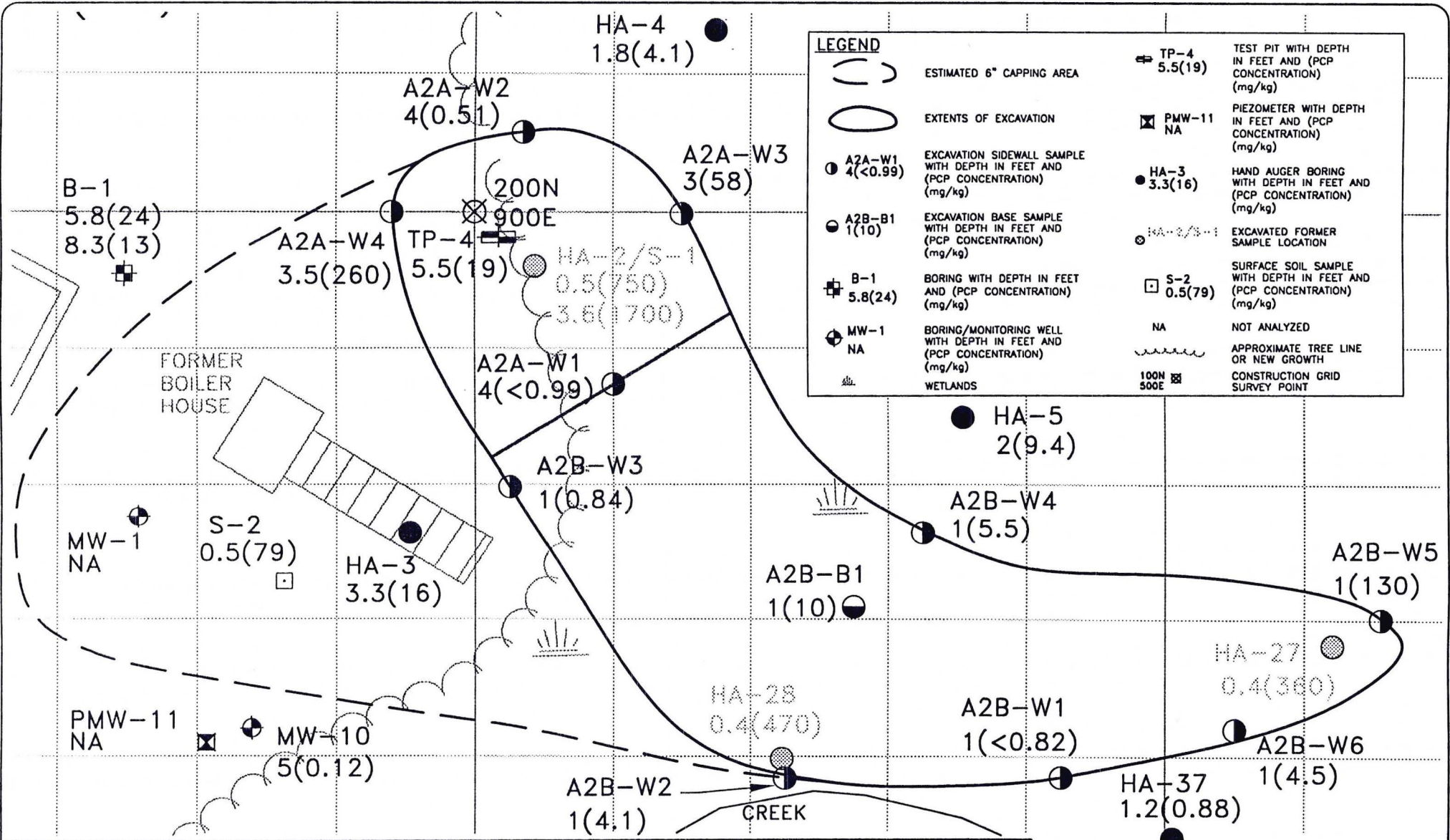


Natural  
Resource  
Technology

REMAINING SOIL QUALITY  
 EXCAVATION AREA 1  
 REMEDIAL DOCUMENTATION REPORT  
 C.M. CHRISTIANSEN COMPANY, INC.  
 FORMER POLE TREATMENT FACILITY  
 PHELPS, WISCONSIN

PROJECT NO.  
1226/RD/4.4  
 DRAWING NO.  
1226-A20  
 FIGURE NO.  
2

DRAWN BY: TAS APPROVED BY: LJP DATE: 01/20/00



Natural  
Resource  
Technology

REMAINING SOIL QUALITY  
EXCAVATION AREA 2  
REMEDIAL DOCUMENTATION REPORT  
C.M. CHRISTIANSEN COMPANY, INC.  
FORMER POLE TREATMENT FACILITY  
PHELPS, WISCONSIN

DRAWN BY: TAS

APPROVED BY: LJP

DATE: 01/20/00

PROJECT NO.  
1226/RD/4.4

DRAWING NO.  
1226-A21

FIGURE NO.  
3

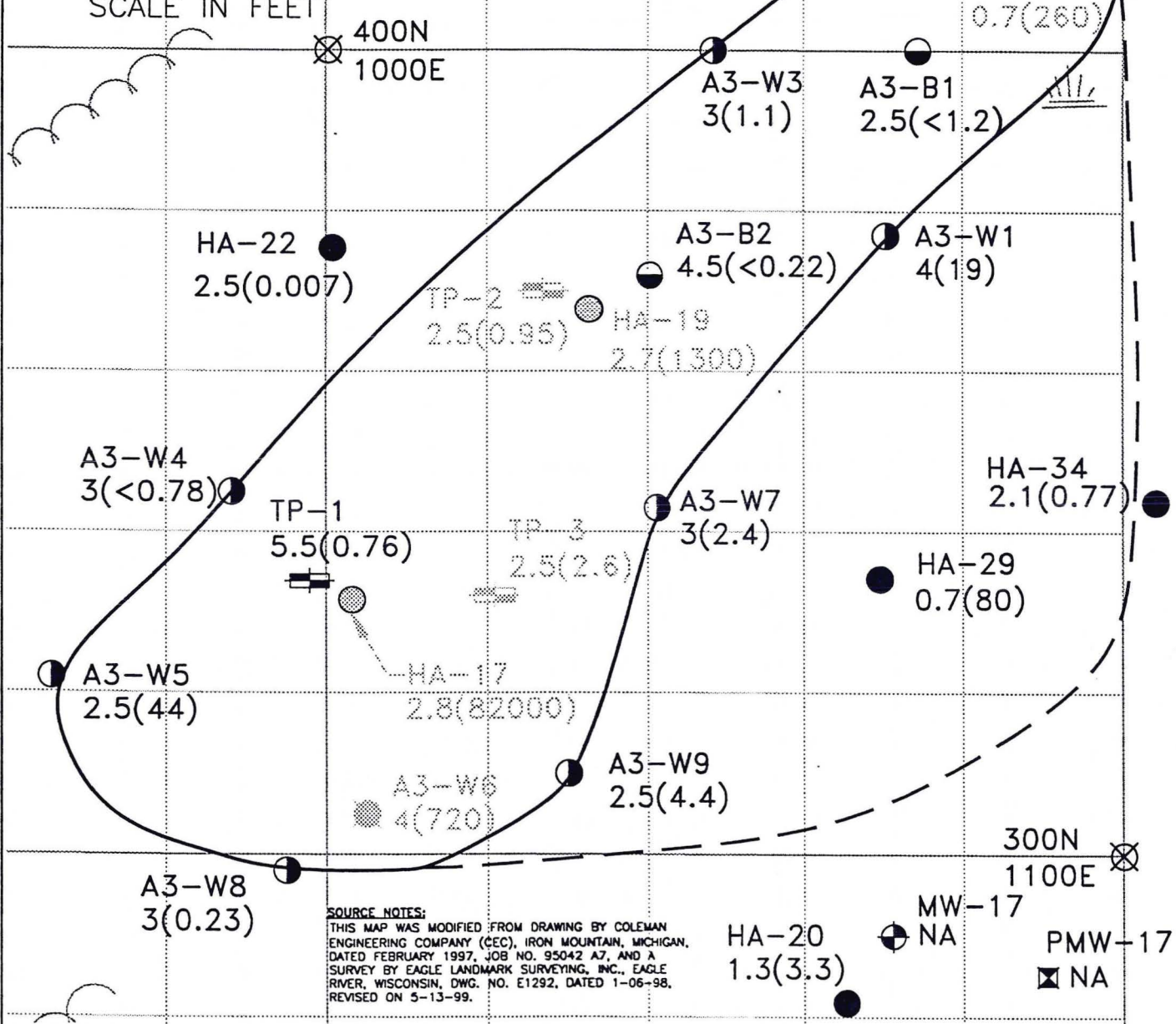
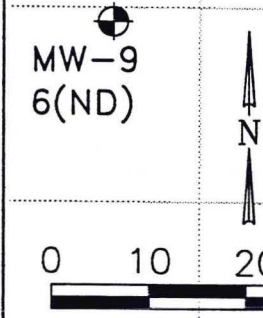


SCALE IN FEET

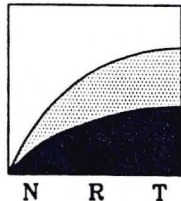
SOURCE NOTES:  
THIS MAP WAS MODIFIED FROM DRAWING BY COLEMAN ENGINEERING COMPANY (CEC), IRON MOUNTAIN, MICHIGAN, DATED FEBRUARY 1997, JOB NO. 95042 A7, AND A SURVEY BY EAGLE LANDMARK SURVEYING, INC., EAGLE RIVER, WISCONSIN, DWG. NO. E1292, DATED 1-06-98, REVISED ON 5-13-99.



| LEGEND |   |
|--------|---|
|        | ESTIMATED 6" CAPPING AREA   |
|        | EXTENTS OF EXCAVATION   |
|        | A3-W1<br>EXCAVATION SIDEWALL SAMPLE WITH DEPTH IN FEET AND (PCP CONCENTRATION) (mg/kg)<br>4(19) |
|        | A3-B1<br>EXCAVATION BASE SAMPLE WITH DEPTH IN FEET AND (PCP CONCENTRATION) (mg/kg)<br>2.5(<1.2) |
|        | A3-W6<br>EXCAVATED SOIL SAMPLE WITH DEPTH IN FEET AND (PCP CONCENTRATION) (mg/kg)<br>4(720)     |
|        | HA-22<br>HAND AUGER BORING WITH DEPTH IN FEET AND (PCP CONCENTRATION) (mg/kg)<br>2.5(0.007)     |
|        | HA-30<br>EXCAVATED FORMER SAMPLE LOCATION   |
|        | MW-9<br>BORING/MONITORING WELL WITH DEPTH IN FEET AND (PCP CONCENTRATION) (mg/kg)<br>6(ND)      |
|        | PMW-17<br>EPIEZOMETER WITH DEPTH IN FEET AND (PCP CONCENTRATION) (mg/kg)<br>NA                  |
|        | TP-1<br>TEST PIT WITH DEPTH IN FEET AND (PCP CONCENTRATION) (mg/kg)<br>5.5(0.76)                |
|        | NA<br>NOT ANALYZED  |
|        | APPROXIMATE TREE LINE OR NEW GROWTH   |
|        | WETLANDS  |
|        | CONSTRUCTION GRID SURVEY POINT  |



**SOURCE NOTES:**  
THIS MAP WAS MODIFIED FROM DRAWING BY COLEMAN ENGINEERING COMPANY (CEC), IRON MOUNTAIN, MICHIGAN, DATED FEBRUARY 1997, JOB NO. 95042 A7, AND A SURVEY BY EAGLE LANDMARK SURVEYING, INC., EAGLE RIVER, WISCONSIN, DWG. NO. E1292, DATED 1-06-98, REVISED ON 5-13-99.












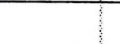

Natural  
Resource  
Technology

REMAINING SOIL QUALITY  
EXCAVATION AREA 3  
REMEDIAL DOCUMENTATION REPORT  
C.M. CHRISTIANSEN COMPANY, INC.  
FORMER POLE TREATMENT FACILITY  
PHELPS, WISCONSIN

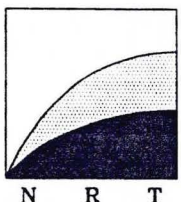
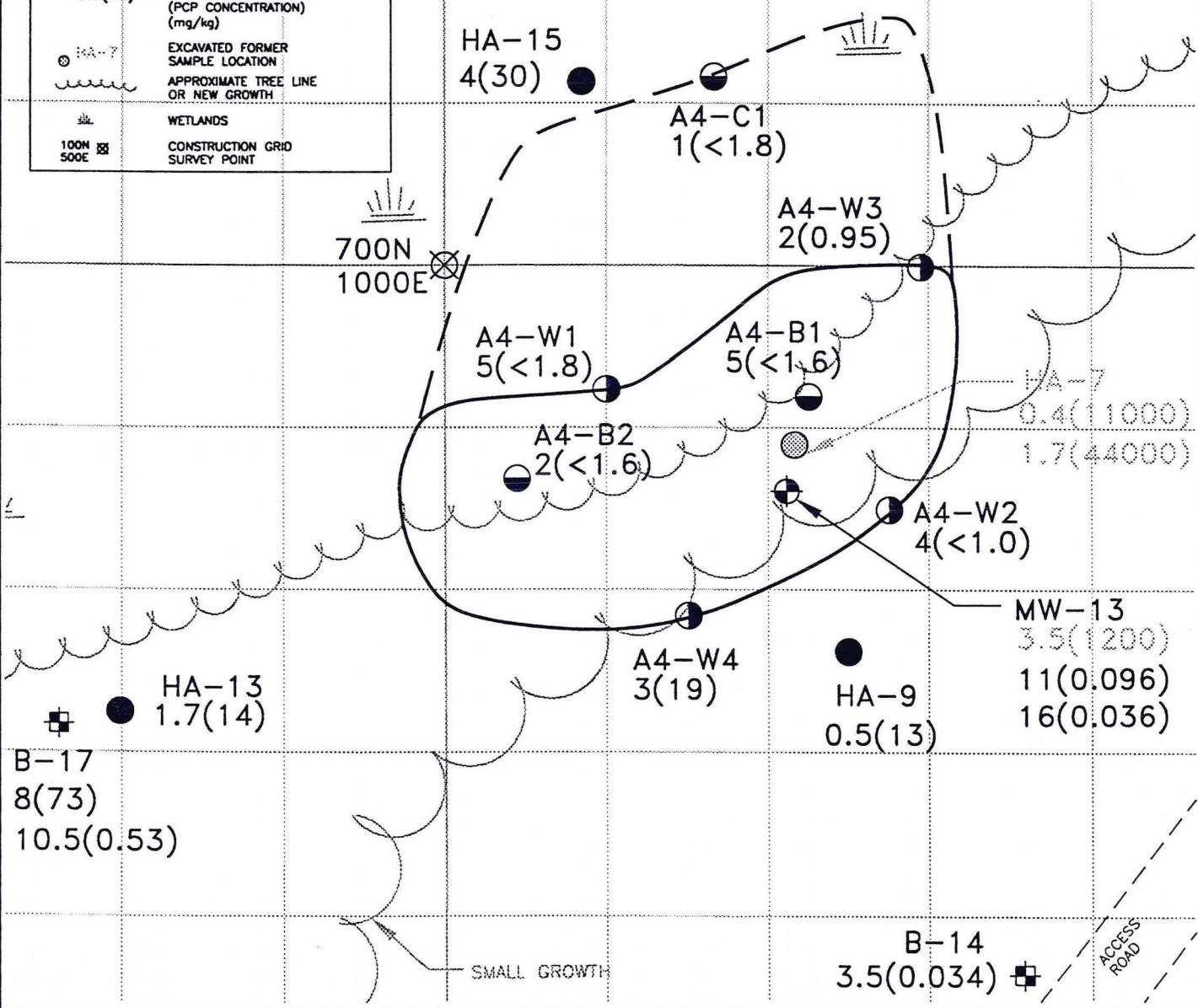
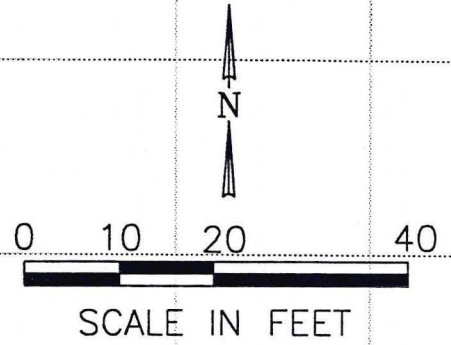
PROJECT NO.  
1226/RD/4.4  
DRAWING NO.  
1226-A22  
FIGURE NO.  
4

DRAWN BY: TAS APPROVED BY: LJP DATE: 01/20/00

**LEGEND**

-  ESTIMATED 6" CAPPING AREA
-  EXTENTS OF EXCAVATION
-  A4-W1  
5(<1.8)  
EXCAVATION SIDEWALL SAMPLE WITH DEPTH IN FEET AND (PCP CONCENTRATION) (mg/kg)
-  A4-B1  
5(<1.6)  
EXCAVATION BASE SAMPLE WITH DEPTH IN FEET AND (PCP CONCENTRATION) (mg/kg)
-  B-17  
8(73)  
BORING WITH DEPTH IN FEET AND (PCP CONCENTRATION) (mg/kg)
-  MW-13  
3.5(1200)  
BORING/MONITORING WELL WITH DEPTH IN FEET AND (PCP CONCENTRATION) (mg/kg)
-  HA-9  
0.5(13)  
HAND AUGER BORING WITH DEPTH IN FEET AND (PCP CONCENTRATION) (mg/kg)
-  HA-7  
EXCAVATED FORMER SAMPLE LOCATION
-  APPROXIMATE TREE LINE OR NEW GROWTH
-  WETLANDS
-  100N  
500E  
CONSTRUCTION GRID SURVEY POINT

**SOURCE NOTES:**  
THIS MAP WAS MODIFIED FROM DRAWING BY COLEMAN ENGINEERING COMPANY (CEC), IRON MOUNTAIN, MICHIGAN, DATED: FEBRUARY 1997, JOB NO. 95042 A7, AND A SURVEY BY EAGLE LANDMARK SURVEYING, INC., EAGLE RIVER, WISCONSIN, DWG. NO. E1292, DATED 1-06-98, REVISED ON 5-13-99.



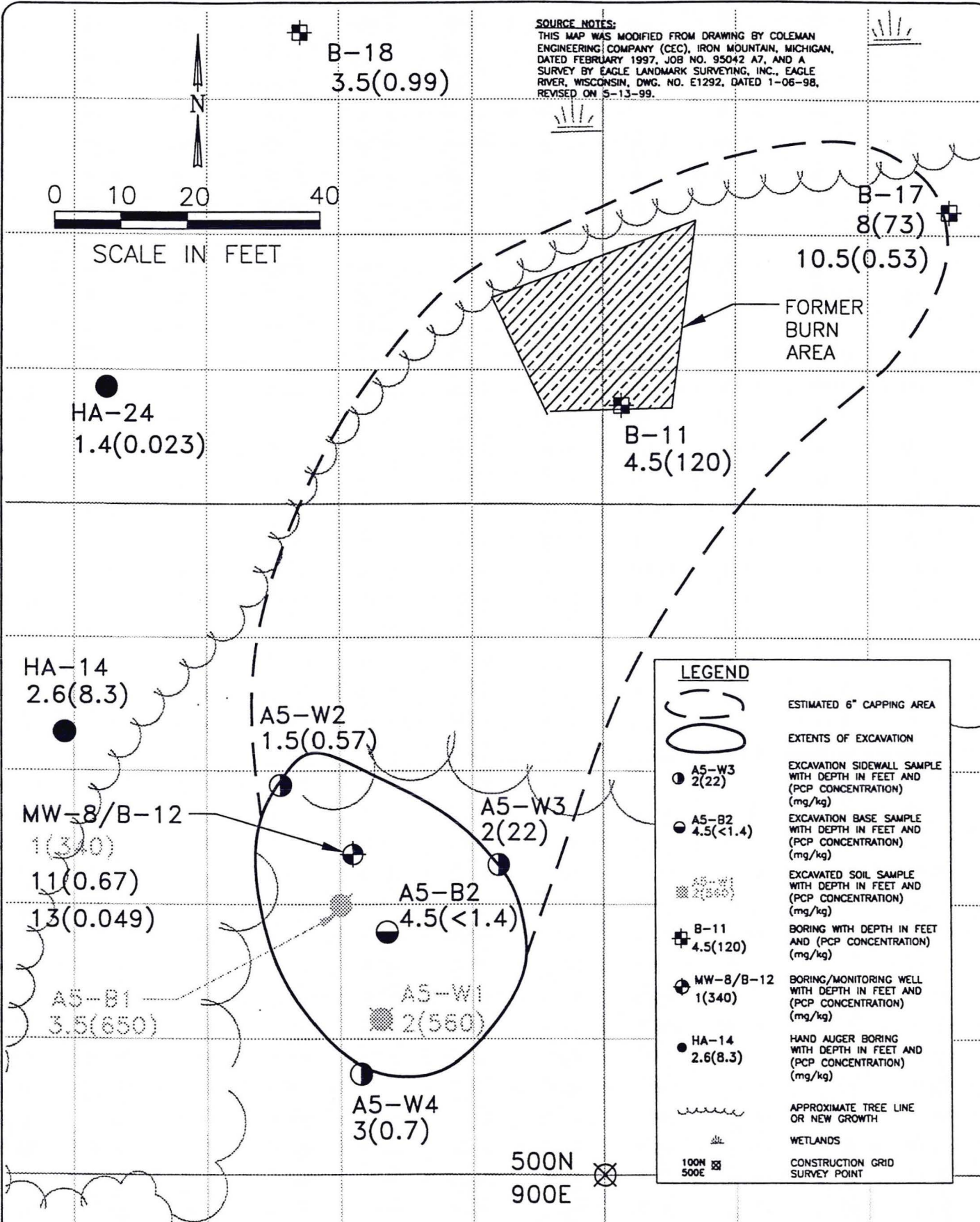
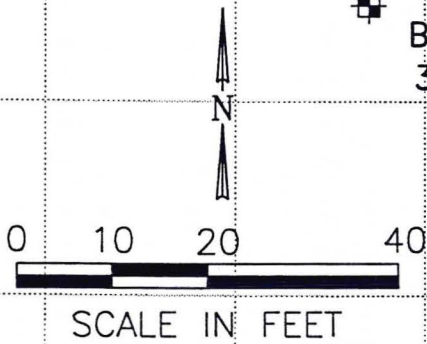
Natural  
Resource  
Technology

**REMAINING SOIL QUALITY  
EXCAVATION AREA 4**  
REMEDIAL DOCUMENTATION REPORT  
C.M. CHRISTIANSEN COMPANY, INC.  
FORMER POLE TREATMENT FACILITY  
PHELPS, WISCONSIN

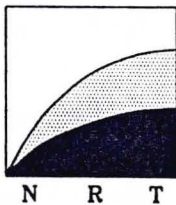
PROJECT NO.  
1226/RD/4.4  
DRAWING NO.  
1226-A23  
FIGURE NO.  
5

DRAWN BY: TAS APPROVED BY: LJP DATE: 01/20/00

**SOURCE NOTES:**  
 THIS MAP WAS MODIFIED FROM DRAWING BY COLEMAN  
 ENGINEERING COMPANY (CEC), IRON MOUNTAIN, MICHIGAN,  
 DATED FEBRUARY 1997, JOB NO. 95042 A7, AND A  
 SURVEY BY EAGLE LANDMARK SURVEYING, INC., EAGLE  
 RIVER, WISCONSIN, DWG. NO. E1292, DATED 1-06-98,  
 REVISED ON 5-13-99.



| LEGEND |  |
|--------|--|
|        | ESTIMATED 6" CAPPING AREA  |
|        | EXTENTS OF EXCAVATION  |
|        | A5-W3<br>2(22)<br>EXCAVATION SIDEWALL SAMPLE WITH DEPTH IN FEET AND (PCP CONCENTRATION) (mg/kg)  |
|        | A5-B2<br>4.5(<1.4)<br>EXCAVATION BASE SAMPLE WITH DEPTH IN FEET AND (PCP CONCENTRATION) (mg/kg)  |
|        | EXCAVATED SOIL SAMPLE WITH DEPTH IN FEET AND (PCP CONCENTRATION) (mg/kg)                         |
|        | B-11<br>4.5(120)<br>BORING WITH DEPTH IN FEET AND (PCP CONCENTRATION) (mg/kg)                    |
|        | MW-8/B-12<br>1(340)<br>BORING/MONITORING WELL WITH DEPTH IN FEET AND (PCP CONCENTRATION) (mg/kg) |
|        | HA-14<br>2.6(8.3)<br>HAND AUGER BORING WITH DEPTH IN FEET AND (PCP CONCENTRATION) (mg/kg)        |
|        | APPROXIMATE TREE LINE OR NEW GROWTH  |
|        | WETLANDS   |
|        | CONSTRUCTION GRID SURVEY POINT   |



Natural  
 Resource  
 Technology

REMAINING SOIL QUALITY  
 EXCAVATION AREA 5  
 REMEDIAL DOCUMENTATION REPORT  
 C.M. CHRISTIANSEN COMPANY, INC.  
 FORMER POLE TREATMENT FACILITY  
 PHELPS, WISCONSIN

PROJECT NO.  
 1226/RD/4.4

DRAWING NO.  
 1226-A24

FIGURE NO.

DRAWN BY: TAS

APPROVED BY: LJP

DATE: 01/20/00

6

## TABLES

**Table 1 - Soil Remediation Analytical Summary - PCP Results****Remedial Documentation Report***C.M. Christiansen Co., Inc. Former Pole Treatment Facility - Phelps, WI*

| Sample Location | Date Collected | Sample Depth (ft) | PID (ppm) | PCP (mg/kg) |
|-----------------|----------------|-------------------|-----------|-------------|
| A1-W1           | 9/21/99        | 11                | 6.2       | 39          |
| A1-W2           | 9/21/99        | 9.5               | 9.5       | 0.72        |
| A1-W3           | 9/21/99        | 10                | 14.0      | <0.19       |
| A1-W4           | 9/22/99        | 8                 | 3.8       | <0.22       |
| A1-W5           | 9/21/99        | 12                | 6.1       | 0.78        |
| A1-W6           | 9/22/99        | 10                | 4.6       | <0.19       |
| A1-W7           | 9/23/99        | 10                | 5.9       | <0.19       |
| A1-W8           | 10/5/99        | 5                 | 5.4       | <0.21       |
| A1-B1           | 9/22/99        | 15                | 61.7      | 320         |
| A1-B2           | 9/23/99        | 16                | 49.2      | <0.22       |
| A2A-W1          | 9/20/99        | 4                 | 4.0       | <0.99       |
| A2A-W2          | 9/20/99        | 4                 | 28.4      | 0.51        |
| A2A-W3          | 9/29/99        | 3                 | 10.5      | 58          |
| A2A-W4          | 9/30/99        | 3.5               | 30.4      | <b>260</b>  |
| A2B-W1          | 9/20/99        | 1                 | 3.2       | <0.82       |
| A2B-W2          | 9/20/99        | 1                 | 3.9       | 4.1         |
| A2B-W3          | 9/20/99        | 1                 | 3.4       | 0.84        |
| A2B-W4          | 9/20/99        | 1                 | 2.7       | 5.5         |
| A2B-W5          | 9/20/99        | 1                 | 2.8       | 130         |
| A2B-W6          | 9/20/99        | 1                 | 0.8       | 4.5         |
| A2B-B1          | 9/29/99        | 1                 | 9.0       | 10          |
| A3-W1           | 9/21/99        | 4                 | 6.1       | 19          |
| A3-W2           | 9/28/99        | 1.5               | 5.1       | 10          |
| A3-W3           | 9/20/99        | 3                 | 20.6      | 1.1         |
| A3-W4           | 9/21/99        | 3                 | 2.6       | <0.78       |
| A3-W5           | 9/29/99        | 2.5               | 14.2      | 44          |
| A3-W6           | 9/20/99        | 4                 | 52.8      | 720         |
| A3-W7           | 9/28/99        | 3                 | 4.6       | 2.4         |
| A3-W8           | 9/29/99        | 3                 | 19.6      | 0.23        |
| A3-W9           | 10/5/99        | 2.5               | 10.4      | 4.4         |
| A3-B1           | 9/28/99        | 2.5               | 9.2       | <1.2        |
| A3-B2           | 9/28/99        | 4.5               | 3.6       | <0.22       |

**Table 1 - Soil Remediation Analytical Summary - PCP Results****Remedial Documentation Report***C.M. Christiansen Co., Inc. Former Pole Treatment Facility - Phelps, WI*

| Sample Location | Date Collected | Sample Depth (ft) | PID (ppm) | PCP (mg/kg) |
|-----------------|----------------|-------------------|-----------|-------------|
| A4-W1           | 9/20/99        | 5                 | 8.9       | <1.8        |
| A4-W2           | 9/20/99        | 4                 | 5.3       | <1.0        |
| A4-W3           | 9/27/99        | 2                 | 9.4       | 0.95        |
| A4-W4           | 9/27/99        | 3                 | 7.2       | 19          |
| A4-B1           | 9/27/99        | 5                 | 5.1       | <1.6        |
| A4-B2           | 9/27/99        | 2                 | 6.5       | <1.6        |
| A4-C1           | 9/23/99        | 1                 | 9.2       | <1.8        |
| A5-W1           | 9/20/99        | 2                 | 21.9      | 560         |
| A5-W2           | 9/27/99        | 1.5               | 4.5       | 0.57        |
| A5-W3           | 9/27/99        | 2                 | 10.8      | 22          |
| A5-W4           | 9/27/99        | 3                 | 10.6      | 0.7         |
| A5-B1           | 9/20/99        | 3.5               | 25.2      | 650         |
| A5-B2           | 9/27/99        | 4.5               | 9.4       | <1.4        |
| CELL-BASE       | 9/20/99        | surface           | --        | 0.7         |
| CELL-EXC        | 9/20/99        | surface           | --        | <0.21       |
| CELL-DE         | 10/5/99        | surface           | --        | <0.2        |
| PSSA-1          | 9/10/99        | surface           | --        | <0.19       |
| PSSA-2          | 9/10/99        | surface           | --        | <0.21       |
| PSSA-3          | 9/10/99        | surface           | --        | 0.42        |
| PSSA-4          | 9/10/99        | surface           | --        | 1           |
| PSSA-5          | 9/10/99        | surface           | --        | <0.2        |
| PSSA-6          | 11/4/99        | surface           | --        | 3           |
| PSSA-7          | 11/4/99        | surface           | --        | 15          |
| PSSA-8          | 11/4/99        | surface           | --        | 0.45        |
| PSSA-9          | 11/4/99        | surface           | --        | 1.5         |
| PSSA-10         | 11/4/99        | surface           | --        | 1.4         |

by: JAM  
chkd by: SLF**Notes:**

1. Shaded samples represent soils removed by additional excavation.
2. Underlined concentrations are above target PCP level of 200 mg/kg.
3. Sample depths are relative to ground surface in immediate area.

Table 2 - Soil Remediation Analytical Summary - PVOC, PAH Results  
 Remedial Documentation Report  
 C.M. Christiansen Co., Inc. Former Pole Treatment Facility - Phelps, WI

| Sample ID  | Sample Date | Sample Depth (feet BGS) | Field PID Reading (ppm) | PVOCs (µg/kg) |              |         |                          |                | Polynuclear Aromatic Hydrocarbons (mg/kg) |                |            |                    |                |                      |                      |                      |          |                        |              |          |                        |                     |                     |             |              |        | Total Organic Carbon (mg/kg) |            |
|--|-------------|-------------------------|-------------------------|---------------|--------------|---------|--------------------------|----------------|---|----------------|------------|--------------------|----------------|----------------------|----------------------|----------------------|----------|------------------------|--------------|----------|------------------------|---------------------|---------------------|-------------|--------------|--------|------------------------------|------------|
|  |             |                         |                         | Benzene       | Ethylbenzene | Toluene | Trimethylbenzenes, total | Xylenes, total | Acenaphthene                              | Acenaphthylene | Anthracene | Benzo(a)anthracene | Benzo(a)pyrene | Benzo(b)fluoranthene | Benzo(g,h,i)perylene | Benzo(k)fluoranthene | Chrysene | Dibenzo(a,h)anthracene | Fluoranthene | Fluorene | Indeno(1,2,3-cd)pyrene | 1-Methylnaphthalene | 2-Methylnaphthalene | Naphthalene | Phenanthrene | Pyrene |                              | Total PAHs |
| A1-W1  | 9/21/99     | 11                      | 6.2                     | <25           | <25          | <25     | <50                      | <50            | <0.013                                    | 0.034          | <0.014     | <0.014             | 0.14           | <0.014               | 0.028                | <0.014               | 0.16     | <0.016                 | <0.014       | <0.014   | <0.016                 | 0.028               | 0.044               | <0.016      | 0.13         | 0.12   | 0.68                         | 3,800      |
| A1-W2  | 9/29/99     | 9.5                     | 9.5                     | --            | --           | --      | --                       | --             | <0.016                                    | <0.019         | <0.018     | 0.037              | 0.033          | 0.025                | <0.020               | 0.03                 | 0.036    | <0.020                 | 0.06         | <0.017   | 0.021                  | <0.018              | <0.016              | <0.020      | 0.018        | 0.045  | 0.31                         | --         |
| A1-W6  | 9/22/99     | 10                      | 4.6                     | <25           | <25          | <25     | <50                      | <50            | <0.013                                    | <0.015         | <0.014     | <0.015             | <0.013         | <0.015               | <0.016               | <0.015               | <0.015   | <0.016                 | <0.014       | <0.014   | <0.016                 | <0.015              | <0.013              | <0.016      | <0.013       | <0.015 | nd                           | --         |
| A1-W7  | 9/23/99     | 10                      | 5.9                     | --            | --           | --      | --                       | --             | <0.014                                    | <0.016         | <0.015     | <0.015             | <0.014         | <0.015               | <0.016               | <0.015               | <0.015   | <0.016                 | <0.014       | <0.014   | <0.016                 | <0.015              | <0.014              | <0.017      | <0.013       | <0.015 | nd                           | --         |
| A2A-W3   | 9/29/99     | 3                       | 10.5                    | <25           | <25          | <25     | <50                      | <50            | <0.12                                     | <0.14          | <0.13      | <0.13              | <0.12          | <0.13                | <0.14                | <0.13                | <0.13    | <0.14                  | <0.13        | <0.13    | <0.14                  | <0.13               | <0.12               | <0.15       | <0.12        | <0.13  | nd                           | 69,000     |
| A2B-B1   | 9/29/99     | 1                       | 9.0                     | <25           | <25          | <25     | <50                      | <50            | <0.071                                    | 0.088          | 0.2        | 0.24               | 0.22           | 0.4                  | 0.12                 | 0.46                 | 0.71     | <0.085                 | 2.0          | <0.074   | 0.14                   | <0.080              | <0.071              | <0.088      | 0.81         | 1.4    | 6.8                          | 41,000     |
| A3-W1  | 9/28/99     | 4                       | 6.1                     | <25           | <25          | <25     | <50                      | <50            | <0.14                                     | <0.16          | <0.15      | <0.15              | <0.14          | <0.15                | <0.16                | <0.15                | <0.15    | <0.16                  | <0.14        | <0.14    | <0.16                  | <0.15               | <0.14               | <0.17       | <0.13        | <0.15  | nd                           | 19,000     |
| A3-W5  | 9/29/99     | 2.5                     | 14.2                    | --            | --           | --      | --                       | --             | <0.057                                    | <0.065         | <0.061     | <0.063             | <0.057         | <0.063               | <0.067               | <0.063               | <0.063   | <0.067                 | <0.059       | <0.059   | <0.067                 | 2.6                 | 3.0                 | 2.4         | 0.063        | <0.063 | 8.1                          | --         |
| A3-W7  | 9/28/99     | 3                       | 4.6                     | --            | --           | --      | --                       | --             | <0.11                                     | <0.13          | <0.12      | <0.13              | <0.11          | <0.13                | <0.13                | <0.13                | <0.13    | <0.13                  | <0.12        | <0.12    | <0.13                  | 0.19                | 0.17                | <0.14       | <0.11        | <0.13  | 0.36                         | --         |
| A3-W8  | 9/29/99     | 3                       | 19.6                    | <25           | <25          | <25     | 790                      | 183            | 0.15                                      | <0.89          | 0.16       | 0.11               | <0.077         | <0.086               | <0.092               | <0.086               | 0.18     | <0.092                 | 0.15         | 0.22     | <0.092                 | 0.66                | 0.55                | 0.16        | 0.69         | 0.52   | 3.6                          | --         |
| A4-W3  | 9/27/99     | 2                       | 9.4                     | <25           | <25          | <25     | <50                      | <50            | <0.017                                    | <0.020         | <0.019     | 0.019              | 0.019          | <0.019               | <0.021               | <0.019               | 0.02     | <0.021                 | 0.018        | <0.018   | <0.021                 | <0.019              | <0.017              | <0.021      | 0.025        | <0.019 | 0.10                         | 24,000     |
| A4-W4  | 9/27/99     | 3                       | 7.2                     | --            | --           | --      | --                       | --             | 0.045                                     | <0.018         | <0.017     | <0.017             | <0.016         | <0.017               | <0.019               | <0.017               | 0.025    | <0.019                 | 0.026        | 0.076    | <0.019                 | 0.11                | 0.078               | <0.019      | 0.14         | 0.06   | 0.56                         | --         |
| A5-W2  | 9/27/99     | 1.5                     | 4.5                     | <25           | <25          | <25     | <50                      | <50            | <0.019                                    | <0.022         | <0.021     | <0.022             | <0.019         | <0.022               | <0.023               | <0.022               | <0.022   | <0.023                 | <0.020       | <0.020   | <0.023                 | 0.044               | 0.037               | <0.024      | <0.019       | <0.022 | 0.08                         | --         |
| A5-W4  | 9/27/99     | 3                       | 10.6                    | --            | --           | --      | --                       | --             | <0.032                                    | <0.036         | <0.034     | <0.035             | <0.032         | <0.035               | <0.038               | <0.035               | <0.035   | <0.038                 | 0.055        | <0.033   | <0.038                 | 0.16                | 0.067               | 0.16        | 0.083        | 0.038  | 0.56                         | --         |
| <b>INTERIM AND PRELIMINARY GUIDANCE LEVELS</b>   |             |                         |                         |               |              |         |                          |                |   |                |            |                    |                |                      |                      |                      |          |                        |              |          |                        |                     |                     |             |              |        |                              |            |
| <b>Groundwater Pathway RCL</b>                   |             |                         |                         | 5.5           | 2900         | 1500    | ns                       | 4100           | 38  | 0.7            | 3,000      | 17                 | 48             | 360                  | 6,800                | 870                  | 37       | 38                     | 500          | 100      | 680                    | 23                  | 20                  | 0.4         | 1.8          | 8,700  | ns                           | ns         |
| <b>Direct Contact Pathway-Non-industrial RCL</b> |             |                         |                         | ns            | ns           | ns      | ns                       | ns             | 900                                       | 18             | 5,000      | 0.088              | 0.0088         | 0.088                | 1.8                  | 0.88                 | 8.8      | 0.0088                 | 600          | 600      | 0.088                  | 1,100               | 600                 | 20          | 18           | 500    | ns                           | ns         |
| <b>Direct Contact Pathway-Industrial RCL</b>     |             |                         |                         | ns            | ns           | ns      | ns                       | ns             | 60,000                                    | 360            | 300,000    | 3.9                | 0.39           | 3.9                  | 39                   | 39                   | 390      | 0.39                   | 40,000       | 40,000   | 3.9                    | 70,000              | 40,000              | 110         | 390          | 30,000 | ns                           | ns         |
| <b>US EPA Residential PRGs</b>                   |             |                         |                         | 0.63          | 230          | 790     | ns                       | 320            | 110                                       | ns             | 5.7        | 0.61               | 0.061          | 0.61                 | ns                   | 6.1                  | 7.2      | 0.061                  | 2,600        | 90       | 0.61                   | ns                  | ns                  | 240         | ns           | 100    | ns                           | ns         |
| <b>US EPA Industrial PRGs</b>                    |             |                         |                         | 1.4           | 230          | 880     | ns                       | 320            | 110                                       | ns             | 5.7        | 2.6                | 0.26           | 2.6                  | ns                   | 26                   | 7.2      | 0.26                   | 27,000       | 90       | 2.6                    | ns                  | ns                  | 240         | ns           | 100    | ns                           | ns         |

- Notes:  
 1. -- = parameter not analyzed  
 2. RCL = WDNR generic Residual Contaminant Level  
 3. PRG = US EPA Region 9 Preliminary Remediation Goals for direct contact.  
 4. Sample depths measured with respect to pre-remedial ground surface elevations.

**Table 3 - Soil Remediation Analytical Summary - TCLP PCP Results  
Remedial Documentation Report**

*C.M. Christiansen Co., Inc. Former Pole Treatment Facility - Phelps, WI*

| <b>Sample Location</b> | <b>Date Collected</b> | <b>TCLP PCP (mg/L)</b> |
|------------------------|-----------------------|------------------------|
| STP-1                  | 9/22/99               | 0.15                   |
| STP-2                  | 9/22/99               | 0.33                   |
| STP-3                  | 9/22/99               | 0.36                   |
| STP-4                  | 9/22/99               | 0.56                   |
| STP-5                  | 9/24/99               | 2.3                    |
| STP-5A                 | 9/24/99               | 2.3                    |
| STP-6                  | 9/27/99               | 1.6                    |
| STP-7                  | 9/29/99               | 0.31                   |
| STP-8                  | 9/29/99               | 1.1                    |
| STP-9                  | 9/29/99               | 0.25                   |
| DRUM                   | 10/5/99               | 1.4                    |

by: JAM

chkd by: SLF

**Notes:**

1. Samples were composited from four locations within stockpile.
2. DRUM represents composite sample of oil sorbent pads.



**Table 4 - Waste Manifest Tracking Log**  
**Remedial Documentation Report**

C.M. Christiansen Co., Inc. Former Pole Treatment Facility - Phelps, WI

| Haz Waste Manifest #  | Truck Volume (CY) | Pile No. | Landfill Weight (tons) |
|-----------------------|-------------------|----------|------------------------|
| WIK 086550            | 50                | 3        | 54.71                  |
| WIK 086551            | 50                | 3        | 47.56                  |
| WIK 086552            | 50                | 3        | 47.54                  |
| WIK 086553            | 50                | 3        | 41.75                  |
| WIK 086554            | 50                | 3        | 32.35                  |
| WIK 086555            | 50                | 3        | 37.33                  |
| <del>WIK 086556</del> | VOID              | VOID     | VOID                   |
| <del>WIK 086557</del> | VOID              | VOID     | VOID                   |
| <del>WIK 086558</del> | VOID              | VOID     | VOID                   |
| WIK 086559            | 50                | 5        | 47.76                  |
| WIK 086560            | 50                | 5        | 41.39                  |
| WIK 086561            | 50                | 9        | 34.39                  |
| WIK 086562            | 50                | 9        | 35.10                  |
| WIK 086563            | 50                | 9        | 40.68                  |
| WIK 086564            | 50                | 5        | 40.51                  |
| WIK 086565            | 50                | 9        | 37.24                  |
| WIK 086566            | 50                | 5        | 43.3                   |
| WIK 086567            | 50                | 9        | 41.77                  |
| WIK 086568            | 50                | 7        | 58.47                  |
| WIK 086569            | 50                | 7        | 46.68                  |
| WIK 086570            | 50                | 7        | 46.56                  |
| WIK 086571            | 30                | 7        | 26.86                  |
| WIK 086572            | 40                | 7        | 48.35                  |
| <del>WIK 086573</del> | VOID              | VOID     | VOID                   |
| WIK 086574            | 30                | 5        | 32.29                  |
| WIK 086575            | 25                | 9        | 32.74                  |
| WIK 086576            | 50                | 3        | 47.33                  |
| WIK 086577            | 25                | 9        | 23.93                  |
| WIK 086578            | 30                | 7        | 27.27                  |
| <del>WIK 086579</del> | VOID              | VOID     | VOID                   |
| WIK 086580            | 25                | 5        | 34.05                  |
| WIK 086581            | 30                | 7        | 30.58                  |
| WIK 086582            | 30                | 7        | 22.57                  |
| <del>WIK 086583</del> | VOID              | VOID     | VOID                   |
| WIK 086584            | 25                | 6        | 30.73                  |
| WIK 086585            | 30                | 6        | 31.41                  |
| WIK 086586            | 30                | 6        | 28.98                  |
| WIK 086587            | 25                | 6        | 29.02                  |
| WIK 086588            | 30                | 6        | 31.82                  |
| WIK 086589            | 25                | 6        | 35.12                  |
| WIK 086590            | 25                | 6        | 34.03                  |

| Haz Waste Manifest #  | Truck Volume (CY) | Pile No. | Landfill Weight (tons) |
|-----------------------|-------------------|----------|------------------------|
| WIK 086591            | 25                | 6        | 36.69                  |
| WIK 086592            | 25                | 6        | 29.36                  |
| <del>WIK 086593</del> | VOID              | VOID     | VOID                   |
| <del>WIK 086594</del> | VOID              | VOID     | VOID                   |
| <del>WIK 086595</del> | VOID              | VOID     | VOID                   |
| WIK 086596            | 30                | 6        | 33.47                  |
| WIK 086597            | 25                | 6        | 34.70                  |
| WIK 086598            | 25                | 6        | 31.53                  |
| WIK 086599            | 30                | 2        | 30.6                   |
| WIK 086600            | 25                | 2        | 34.02                  |
| WIK 086601            | 25                | 7        | 33.5                   |
| WIK 086602            | 25                | 7        | 29.67                  |
| WIK 086603            | 25                | 8        | 31.3                   |
| WIK 086604            | 25                | 7        | 30.23                  |
| WIK 086605            | 25                | 6        | 32.03                  |
| WIK 086606            | 25                | 8        | 29.25                  |
| WIK 086607            | 30                | 8        | 28.73                  |
| WIK 086608            | 25                | 8        | 31.89                  |
| WIK 086609            | 25                | 8        | 29.51                  |
| WIK 086610            | 30                | 8        | 27.92                  |
| WIK 086611            | 25                | 8        | 31.77                  |
| WIK 086612            | 25                | 8        | 32.23                  |
| WIK 086613            | 30                | 8        | 26.31                  |
| WIK 086614            | 25                | 4        | 26.76                  |
| WIK 086615            | 25                | 6        | 28.27                  |
| WIK 086616            | 30                | 8        | 32.57                  |
| WIK 086617            | 25                | 4        | 29.11                  |
| WIK 086618            | 25                | 4        | 31.71                  |
| WIK 086619            | 30                | 4        | 26.4                   |
| WIK 086620            | 25                | 4        | 32.39                  |
| WIK 086621            | 25                | 4        | 34.69                  |
| WIK 086622            | 30                | 4        | 32.64                  |
| WIK 086623            | 25                | 8        | 34.16                  |
| WIK 086624            | 25                | 8        | 28.01                  |
| WIK 086625            | 30                | 8        | 31.43                  |
| WIK 086626            | 25                | 4        | 33.3                   |
| WIK 086627            | 25                | 4        | 33.89                  |
| WIK 086628            | 25                | 4        | 35.31                  |
| WIK 086629            | 25                | 9        | 36.25                  |
| WIK 086630            | 25                | 4        | 35.74                  |
| WIK 086631            | 25                | 4        | 27.55                  |

| Haz Waste Manifest # | Truck Volume (CY) | Pile No. | Landfill Weight (tons) |
|----------------------|-------------------|----------|------------------------|
| WIK 086632           | 25                | 9        | 28.59                  |
| WIK 086633           | 25                | 1        | 34.26                  |
| WIK 086634           | 25                | 1        | 35.71                  |
| WIK 086635           | 25                | 1        | 38.26                  |
| WIK 086636           | 25                | 1        | 38.43                  |
| WIK 086637           | 25                | 1        | 29.44                  |
| WIK 086638           | 25                | 1        | 32.64                  |
| WIK 086639           | 25                | 1        | 29.9                   |
| WIK 086640           | 25                | 1        | 36.49                  |
| WIK 086641           | 25                | 1        | 32.48                  |
| WIK 086642           | 25                | 1        | 30.59                  |
| WIK 086643           | 25                | 2        | 30.25                  |
| WIK 086644           | 25                | 2        | 25.64                  |
| WIK 086645           | 25                | 2        | 30.2                   |
| WIK 086646           | 25                | 2        | 29.12                  |
| WIK 086647           | 25                | 2        | 24.55                  |
| WIK 086648           | 25                | 2        | 32.12                  |
| WIK 086649           | 25                | 2        | 27.42                  |
| WIK 086650           | 25                | 2        | 31.46                  |
| WIK 086651           | 25                | 2        | 31.15                  |
| WIK 086652           | 25                | 1        | 32.13                  |
| WIK 086653           | 25                | 1        | 28.53                  |
| WIK 086654           | 25                | 2        | 31.07                  |
| WIK 086655           | 25                | 2        | 30.63                  |
| WIK 086656           | 25                | 2        | 33.19                  |
| WIK 086657           | 25                | 2        | 31.5                   |
| WIK 086658           | 25                | 2        | 31.92                  |
| WIK 086659           | 25                | 1        | 32.42                  |
| WIK 086660           | 25                | 1        | 28.61                  |
| WIK 086661           | 25                | 9        | 28.98                  |
| WIK 086662           | 25                | 8        | 30.33                  |
| WIK 086663           | 25                | 9        | 33.53                  |
| WIK 086664           | 25                | 1        | 31.78                  |
| WIK 086665           | 25                | 1        | 29.42                  |
| WIK 086666           | 25                | 2        | 30.66                  |
| WIK 086667           | 25                | 2        | 29.32                  |
| WIK 086668           | 25                | 9        | 27.71                  |
| WIK 086669           | 25                | 9        | 28.46                  |

**TOTAL TONNAGE = 3695.95**

**Table 5 - Water Analytical Results - Groundwater Treatment System  
Remedial Documentation Report**

*C.M. Christiansen Co., Inc. Former Pole Treatment Facility - Phelps, WI*

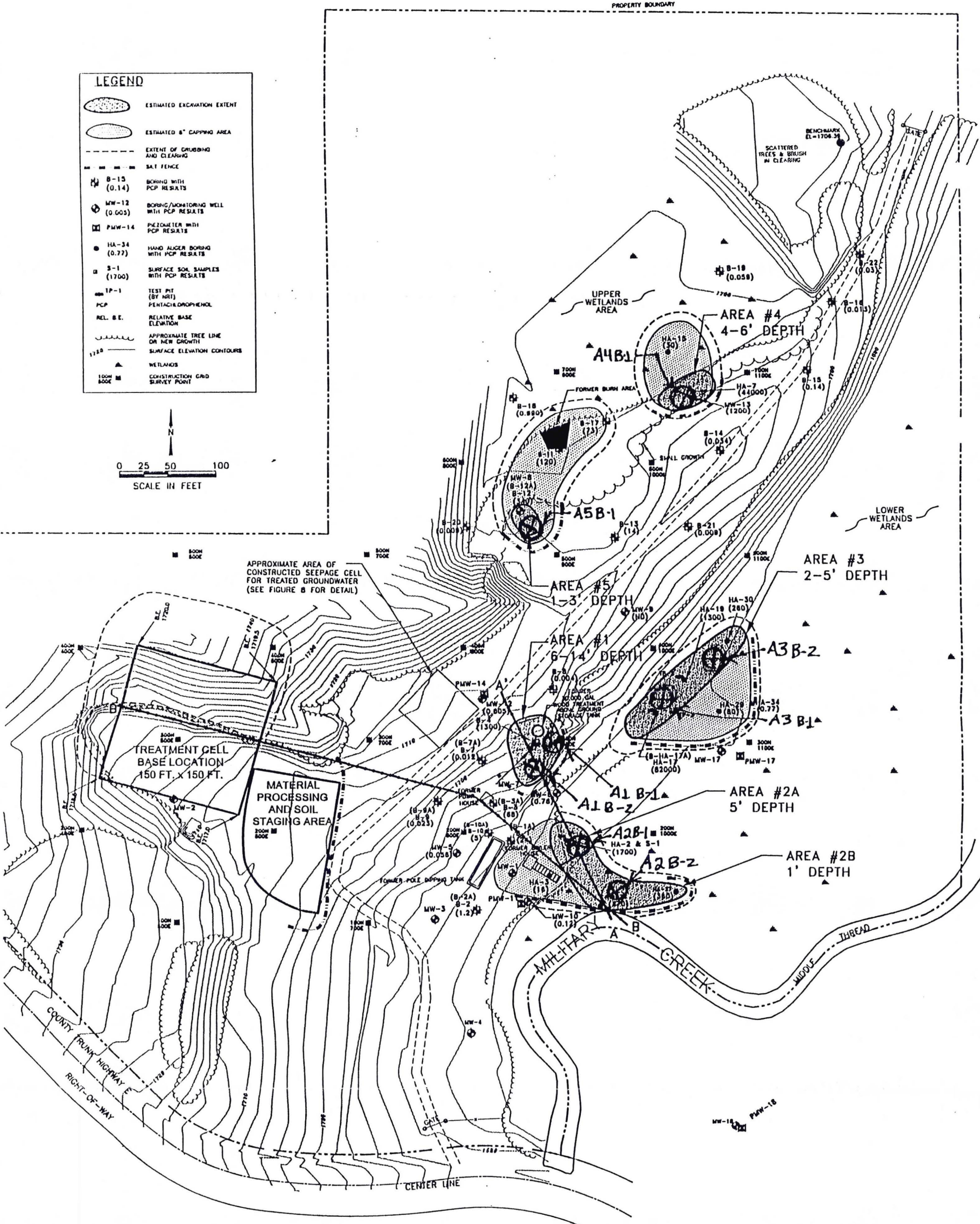
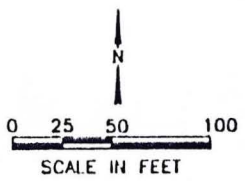
| Sample ID           | Sample Date | Parameter (mg/L)  |             |                    |          | Average Flow (gpd) |
|---------------------|-------------|-------------------|-------------|--------------------|----------|--------------------|
|                     |             | Pentachlorophenol | Naphthalene | Lead - Recoverable | Arsenic  |                    |
| EFF-1               | 9/28/99     | <b>36</b>         | <2.1        | <b>3.8</b>         | 2.9      | 2,594              |
| EFF-2               | 9/30/99     | <3.7              | <0.42       | <2.5               | <2.7     | 2,594              |
| <b>WPDES Limits</b> |             | <b>1</b>          | <b>8</b>    | <b>1.5</b>         | <b>5</b> | <b>72,000</b>      |

Notes:

1. Flows listed equal values averaged over entire discharge period.
2. Values greater than WPDES limits are shaded.

**LEGEND**

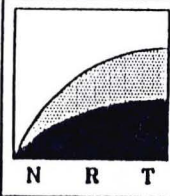
|  |   |
|--|---|
|  | ESTIMATED EXCAVATION EXTENT                           |
|  | ESTIMATED 6" CAPPING AREA                             |
|  | EXTENT OF GRUBBING AND CLEARING                       |
|  | SALT FENCE  |
|  | B-13 BORING WITH PCP RESULTS (0.14)                   |
|  | MW-12 BORING/MONITORING WELL WITH PCP RESULTS (0.005) |
|  | PMW-14 PIEZOMETER WITH PCP RESULTS                    |
|  | HA-34 HAND AUGER BORING WITH PCP RESULTS (0.77)       |
|  | S-1 SURFACE SOIL SAMPLES WITH PCP RESULTS (1700)      |
|  | TP-1 TEST PIT (BY NRI)                                |
|  | PCP PENTACHLOROPHENOL                                 |
|  | REL. B.E. RELATIVE BASE ELEVATION                     |
|  | APPROXIMATE TREE LINE OR NEW GROWTH                   |
|  | SURFACE ELEVATION CONTOURS                            |
|  | WETLANDS  |
|  | 100M BOOE CONSTRUCTION GRID SURVEY POINT              |



**NOTES:**  
 1. BASE MAP SURVEY COMPLETED BY CEC WITH ADDITIONAL SURVEILLANCE OBTAINED FROM USDA-ASCS HISTORICAL AERIAL PHOTOGRAPHS, A 7/7/85 SITE VISIT WITH C. W. CHRISTIANSEN CO., AND A 3/21/88 FIELD INSPECTION. HAND AUGER BORINGS AND SURFACE SOIL SAMPLES OUTSIDE AREAS OF ESTIMATED EXCAVATION NOT SHOWN.  
 2. WETLAND AREA APPROXIMATELY INTERPRETED FROM WISCONSIN WETLAND INVENTORY MAP AND IS NOT FIELD VERIFIED.  
 3. CAPPING AREAS ARE APPROXIMATE AND WILL BE CONFIRMED DURING REMEDIATION ACTIVITIES.  
 4. CONSTRUCTION GRID SURVEY POINTS WITH ORIGIN AT SW 1/16 SECTION CORNER, IRON PIPE LOCATION BASED ON EAGLE LANDMARK SURVEY.

**SOURCE DRAWS:**  
 THIS MAP WAS MODIFIED FROM DRAWING BY COLEMAN ENGINEERING COMPANY (CEC), IRON MOUNTAIN, MICHIGAN, DATED FEBRUARY 1987, JOB NO. 85012 A7, AND A SURVEY BY EAGLE LANDMARK SURVEYING, INC., EAGLE RIVER, WISCONSIN, DED. NO. E1292, DATED 1-08-88, REVISED ON 5-13-88.

⊕ Waste Characterization TCLP Sample Location 9/2/99 SLF



Natural Resource Technology

REMEDIAL CONSTRUCTION PLAN

DESIGN REPORT ADDENDUM  
 C.M. CHRISTIANSEN COMPANY, INC.  
 FORMER POLE TREATMENT FACILITY, PHELPS, WISCONSIN

DRAWN BY: TAS      CHECKED BY: SLF      APPROVED BY: LJP  
 DATE: 05/20/99      DATE: 05/20/99      DATE: 05/20/99

|                         |
|-------------------------|
| PROJECT NO.<br>1226/4.1 |
| DRAWING NO.<br>1226-001 |
| PLATE<br>1              |

**Attachment C**

**Existing Conditions Photos – December 4, 2020**



Photo PC030002 - Looking northwest on December 4, 2020 from CTH E toward the access gravel road and existing trail on the Town of Phelps parcel # 19-1391 toward the area of the proposed parking lot. The existing access gravel road will be modified to have a 30 ft paved access drive and a 16 ft wide gravel ATV/snowmobile trail following the existing gravel road and trail on the parcel. Lowlands adjacent to Military Creek and drainage is in photo right.



Photo PC030002- Looking northeast across 1999 remediation area 2B showing established vegetation over prior excavated area and monitoring wells positioned in lowlands adjacent to Military Creek (seen in photo right) with higher elevation ridge and existing trails past pine trees in photo left.



Photo PC030015- Looking northeast across 1999 remediation areas 2B and 3 showing established vegetation over prior excavated areas and monitoring wells positioned in lowlands adjacent to Military Creek drainage area east of the parcel.



Photo PC030018 – Looking southeast toward the Military Creek lowlands east of the parcel and fencing previously installed on the property east of the existing gravel road and trail on the parcel. CTH E and Military Creek crossing is in photo right.



Photo PC030024- Looking northeast along existing trail toward 1999 remediation areas 4 and 5 on the left side of the trail and not near the proposed parking area for the trailhead project.



Photo PC030032- Looking northeast with existing trail and path in photo right and at the 1999 remediation areas 4 and 5 on the left side of the trail showing established vegetation over the formerly excavated and backfilled areas



Photo PC030035- Looking southwest and additional view of established cover and vegetation at the 1999 remediation areas 4 and 5. The existing trail is in photo left.



Photo PC030053- Looking west at the area of the proposed parking lot and pit toilet of the trailhead project.





Photo PC030062- Looking west at the area of the proposed parking lot and pit toilet of the trailhead project.



Photo PC030064- Looking west at the area of the proposed parking lot and pit toilet of the trailhead project.

**Attachment D**

**WDNR Form 4400-237 Technical Review Request**

**Notice:** Use this form to request a **written response (on agency letterhead)** from the Department of Natural Resources (DNR) regarding technical assistance, a post-closure change to a site, a specialized agreement or liability clarification for Property with known or suspected environmental contamination. A fee will be required as is authorized by s. 292.55, Wis. Stats., and NR 749, Wis. Adm. Code., unless noted in the instructions below. Personal information collected will be used for administrative purposes and may be provided to requesters to the extent required by Wisconsin's Open Records law [ss. 19.31 - 19.39, Wis. Stats.].

## Definitions

**"Property"** refers to the subject Property that is perceived to have been or has been impacted by the discharge of hazardous substances.

**"Liability Clarification"** refers to a written determination by the Department provided in response to a request made on this form. The response clarifies whether a person is or may become liable for the environmental contamination of a Property, as provided in s. 292.55, Wis. Stats.

**"Technical Assistance"** refers to the Department's assistance or comments on the planning and implementation of an environmental investigation or environmental cleanup on a Property in response to a request made on this form as provided in s. 292.55, Wis. Stats.

**"Post-closure modification"** refers to changes to Property boundaries and/or continuing obligations for Properties or sites that received closure letters for which continuing obligations have been applied or where contamination remains. Many, but not all, of these sites are included on the GIS Registry layer of RR Sites Map to provide public notice of residual contamination and continuing obligations.

## Select the Correct Form

This form should be used to request the following from the DNR:

- Technical Assistance
- Liability Clarification
- Post-Closure Modifications
- Specialized Agreements (tax cancellation, negotiated agreements, etc.)

Do **not** use this form if one of the following applies:

- Request for an **off-site liability exemption or clarification** for Property that has been or is perceived to be contaminated by one or more hazardous substances that originated on another Property containing the source of the contamination. Use DNR's Off-Site Liability Exemption and Liability Clarification Application Form 4400-201.
- Submittal of an Environmental Assessment for the **Lender Liability Exemption**, s 292.21, Wis. Stats., **if no response or review by DNR is requested**. Use the Lender Liability Exemption Environmental Assessment Tracking Form 4400-196.
- Request for an **exemption to develop on a historic fill site** or licensed landfill. Use DNR's Form 4400-226 or 4400-226A.
- **Request for closure** for Property where the investigation and cleanup actions are completed. Use DNR's Case Closure - GIS Registry Form 4400-202.

All forms, publications and additional information are available on the internet at: [dnr.wi.gov/topic/Brownfields/Pubs.html](http://dnr.wi.gov/topic/Brownfields/Pubs.html).

## Instructions

1. Complete sections 1, 2, 6 and 7 for all requests. Be sure to provide adequate and complete information.
2. Select the type of assistance requested: Section 3 for technical assistance or post-closure modifications, Section 4 for a written determination or clarification of environmental liabilities; or Section 5 for a specialized agreement.
3. Include the fee payment that is listed in Section 3, 4, or 5, unless you are a "Voluntary Party" enrolled in the Voluntary Party Liability Exemption Program **and** the questions in Section 2 direct otherwise. Information on to whom and where to send the fee is found in Section 8 of this form.
4. Send the completed request, supporting materials and the fee to the appropriate DNR regional office where the Property is located. See the map on the last page of this form. A paper copy of the signed form and all reports and supporting materials shall be sent with an electronic copy of the form and supporting materials on a compact disk. For electronic document submittal requirements see: <http://dnr.wi.gov/files/PDF/pubs/rr/RR690.pdf>

The time required for DNR's determination varies depending on the complexity of the site, and the clarity and completeness of the request and supporting documentation.

# Technical Assistance, Environmental Liability Clarification or Post-Closure Modification Request

Form 4400-237 (R 12/18)

Page 2 of 7

## Section 1. Contact and Recipient Information

### Requester Information

This is the person requesting technical assistance or a post-closure modification review, that his or her liability be clarified or a specialized agreement and is identified as the requester in Section 7. DNR will address its response letter to this person.

|                                 |                           |                                |   |
|---------------------------------|---------------------------|--------------------------------|---|
| Last Name<br>Buel               | First<br>Ron              | MI<br>MI                       | Organization/ Business Name<br>Town of Phelps |
| Mailing Address<br>P.O. Box 157 |                           |                                | City<br>Phelps                                |
|                                 |                           |                                | State<br>WI                                   |
|                                 |                           |                                | ZIP Code<br>54554                             |
| Phone # (include area code)     | Fax # (include area code) | Email<br>ronaldbuell@gmail.com |   |

The requester listed above: (select all that apply)

- Is currently the owner
  Is considering selling the Property  
 Is renting or leasing the Property
  Is considering acquiring the Property  
 Is a lender with a mortgagee interest in the Property  
 Other. Explain the status of the Property with respect to the applicant:

### Contact Information (to be contacted with questions about this request)

Select if same as requester

|                                 |                           |                                |   |
|---------------------------------|---------------------------|--------------------------------|---|
| Contact Last Name<br>Buel       | First<br>Ron              | MI<br>MI                       | Organization/ Business Name<br>Town of Phelps |
| Mailing Address<br>P.O. Box 157 |                           |                                | City<br>Phelps                                |
|                                 |                           |                                | State<br>WI                                   |
|                                 |                           |                                | ZIP Code<br>54554                             |
| Phone # (include area code)     | Fax # (include area code) | Email<br>ronaldbuell@gmail.com |   |

### Environmental Consultant (if applicable)

|   |                           |                             |  |
|---|---------------------------|-----------------------------|--|
| Contact Last Name<br>Richard                  | First<br>Lyster           | MI<br>MI                    | Organization/ Business Name<br>MSA Professional Services |
| Mailing Address<br>1230 South Blvd            |                           |                             | City<br>Baraboo  |
|   |                           |                             | State<br>WI  |
|   |                           |                             | ZIP Code<br>53913  |
| Phone # (include area code)<br>(608) 355-8901 | Fax # (include area code) | Email<br>dlyster@msa-ps.com |  |

## Section 2. Property Information

|   |  |   |                           |
|---|--|---|---------------------------|
| Property Name<br>former C M Christiansen Company site |  |   | FID No. (if known)        |
| BRRTS No. (if known)<br>02-64-000068                  |  | Parcel Identification Number<br>18-1391   |                           |
| Street Address<br>CTH E                               |  |   | City<br>Phelps            |
|   |  |   | State<br>WI               |
|   |  |   | ZIP Code                  |
| County<br>Vilas                                       | Municipality where the Property is located<br><input type="radio"/> City <input checked="" type="radio"/> Town <input type="radio"/> Village of Phelps | Property is composed of:<br><input checked="" type="radio"/> Single tax parcel <input type="radio"/> Multiple tax parcels | Property Size Acres<br>23 |

# Technical Assistance, Environmental Liability Clarification or Post-Closure Modification Request

Form 4400-237 (R 12/18)

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1. Is a response needed by a specific date? (e.g., Property closing date) Note: Most requests are completed within 60 days. Please plan accordingly.

No  Yes

Date requested by: 04/01/2021

Reason: Wish to obtain approval to proceed with the grant and project bidding schedule

2. Is the "Requester" enrolled as a Voluntary Party in the Voluntary Party Liability Exemption (VPLE) program?

No. **Include the fee that is required for your request in Section 3, 4 or 5.**

Yes. **Do not include a separate fee.** This request will be billed separately through the VPLE Program.

**Fill out the information in Section 3, 4 or 5 which corresponds with the type of request:**

**Section 3. Technical Assistance or Post-Closure Modifications;**

**Section 4. Liability Clarification; or Section 5. Specialized Agreement.**

## Section 3. Request for Technical Assistance or Post-Closure Modification

Select the type of technical assistance requested: [Numbers in brackets are for WI DNR Use]

- No Further Action Letter (NFA) (Immediate Actions) - NR 708.09, [183] - **Include a fee of \$350.** Use for a written response to an immediate action after a discharge of a hazardous substance occurs. Generally, these are for a one-time spill event.
- Review of Site Investigation Work Plan - NR 716.09, [135] - **Include a fee of \$700.**
- Review of Site Investigation Report - NR 716.15, [137] - **Include a fee of \$1050.**
- Approval of a Site-Specific Soil Cleanup Standard - NR 720.10 or 12, [67] - **Include a fee of \$1050.**
- Review of a Remedial Action Options Report - NR 722.13, [143] - **Include a fee of \$1050.**
- Review of a Remedial Action Design Report - NR 724.09, [148] - **Include a fee of \$1050.**
- Review of a Remedial Action Documentation Report - NR 724.15, [152] - **Include a fee of \$350**
- Review of a Long-term Monitoring Plan - NR 724.17, [25] - **Include a fee of \$425.**
- Review of an Operation and Maintenance Plan - NR 724.13, [192] - **Include a fee of \$425.**

Other Technical Assistance - s. 292.55, Wis. Stats. [97] (For request to build on an abandoned landfill use Form 4400-226)

- Schedule a Technical Assistance Meeting - **Include a fee of \$700.**
- Hazardous Waste Determination - **Include a fee of \$700.**
- Other Technical Assistance - **Include a fee of \$700.** Explain your request in an attachment.

Post-Closure Modifications - NR 727, [181]

- Post-Closure Modifications: Modification to Property boundaries and/or continuing obligations of a closed site or Property; sites may be on the GIS Registry. This also includes removal of a site or Property from the GIS Registry. **Include a fee of \$1050, and:**
  - Include a fee of \$300 for sites with residual soil contamination; and
  - Include a fee of \$350 for sites with residual groundwater contamination, monitoring wells or for vapor intrusion continuing

Attach a description of the changes you are proposing, and documentation as to why the changes are needed (if the change to a Property, site or continuing obligation will result in revised maps, maintenance plans or photographs, those documents may be submitted later in the approval process, on a case-by-case basis).

# Technical Assistance, Environmental Liability Clarification or Post-Closure Modification Request

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**Skip Sections 4 and 5 if the technical assistance you are requesting is listed above and complete Sections 6 and 7 of this**

## Section 4. Request for Liability Clarification

Select the type of liability clarification requested. Use the available space given or attach information, explanations, or specific questions that you need answered in DNR's reply. Complete Sections 6 and 7 of this form. **[Numbers in brackets are for DNR Use]**

"Lender" liability exemption clarification - s. 292.21, Wis. Stats. [686]

❖ **Include a fee of \$700.**

Provide the following documentation:

- (1) ownership status of the real Property, and/or the personal Property and fixtures;
- (2) an environmental assessment, in accordance with s. 292.21, Wis. Stats.;
- (3) the date the environmental assessment was conducted by the lender;
- (4) the date of the Property acquisition; for foreclosure actions, include a copy of the signed and dated court order confirming the sheriff's sale.
- (5) documentation showing how the Property was acquired and the steps followed under the appropriate state statutes.
- (6) a copy of the Property deed with the correct legal description; and,
- (7) the Lender Liability Exemption Environmental Assessment Tracking Form (Form 4400-196).
- (8) If no sampling was done, please provide reasoning as to why it was **not** conducted. Include this either in the accompanying environmental assessment or as an attachment to this form, and cite language in s. 292.21(1)(c)2., h.-i., Wis. Stats.:
  - h. The collection and analysis of representative samples of soil or other materials in the ground that are suspected of being contaminated based on observations made during a visual inspection of the real Property or based on aerial photographs, or other information available to the lender, including stained or discolored soil or other materials in the ground and including soil or materials in the ground in areas with dead or distressed vegetation. The collection and analysis shall identify contaminants in the soil or other materials in the ground and shall quantify concentrations.
  - i. The collection and analysis of representative samples of unknown wastes or potentially hazardous substances found on the real Property and the determination of concentrations of hazardous waste and hazardous substances found in tanks, drums or other

"Representative" liability exemption clarification (e.g. trustees, receivers, etc.) - s. 292.21, Wis. Stats. [686]

❖ **Include a fee of \$700.**

Provide the following documentation:

- (1) ownership status of the Property;
- (2) the date of Property acquisition by the representative;
- (3) the means by which the Property was acquired;
- (4) documentation that the representative has no beneficial interest in any entity that owns, possesses, or controls the Property;
- (5) documentation that the representative has not caused any discharge of a hazardous substance on the Property; and
- (6) a copy of the Property deed with the correct legal description.

Clarification of local governmental unit (LGU) liability exemption at sites with: (select all that apply)

- hazardous substances spills - s. 292.11(9)(e), Wis. Stats. [649];
- Perceived environmental contamination - [649];
- hazardous waste - s. 292.24 (2), Wis. Stats. [649]; and/or
- solid waste - s. 292.23 (2), Wis. Stats. [649].

❖ **Include a fee of \$700, a summary of the environmental liability clarification being requested, and the following:**

- (1) clear supporting documentation showing the acquisition method used, and the steps followed under the appropriate state statute(s).
- (2) current and proposed ownership status of the Property;
- (3) date and means by which the Property was acquired by the LGU, where applicable;
- (4) a map and the ¼, ¼ section location of the Property;
- (5) summary of current uses of the Property;
- (6) intended or potential use(s) of the Property;
- (7) descriptions of other investigations that have taken place on the Property; and
- (8) (for solid waste clarifications) a summary of the license history of the facility.

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## Section 4. Request for Liability Clarification (cont.)

Lease liability clarification - s. 292.55, Wis. Stats. [646]

❖ **Include a fee of \$700 for a single Property, or \$1400 for multiple Properties and the information listed below:**

- (1) a copy of the proposed lease;
- (2) the name of the current owner of the Property and the person who will lease the Property;
- (3) a description of the lease holder's association with any persons who have possession, control, or caused a discharge of a hazardous substance on the Property;
- (4) map(s) showing the Property location and any suspected or known sources of contamination detected on the Property;
- (5) a description of the intended use of the Property by the lease holder, with reference to the maps to indicate which areas will be used. Explain how the use will not interfere with any future investigation or cleanup at the Property; and
- (6) all reports or investigations (e.g. Phase I and Phase II Environmental Assessments and/or Site Investigation Reports conducted under s. NR 716, Wis. Adm. Code) that identify areas of the Property where a discharge has occurred.

General or other environmental liability clarification - s. 292.55, Wis. Stats. [682] - Explain your request below.

❖ **Include a fee of \$700 and an adequate summary of relevant environmental work to date.**

No Action Required (NAR) - NR 716.05, [682]

❖ **Include a fee of \$700.**

Use where an environmental discharge has or has not occurred, and applicant wants a DNR determination that no further assessment or clean-up work is required. Usually this is requested after a Phase I and Phase II environmental assessment has been conducted; the assessment reports should be submitted with this form. This is not a closure letter.

Clarify the liability associated with a "closed" Property - s. 292.55, Wis. Stats. [682]

❖ **Include a fee of \$700.**

- Include a copy of any closure documents if a state agency other than DNR approved the closure.

Use this space or attach additional sheets to provide necessary information, explanations or specific questions to be answered by the DNR.

## Section 5. Request for a Specialized Agreement

Select the type of agreement needed. Include the appropriate draft agreements and supporting materials. Complete Sections 6 and 7 of this form. More information and model draft agreements are available at: [dnr.wi.gov/topic/Brownfields/Igu.html#tabx4](http://dnr.wi.gov/topic/Brownfields/Igu.html#tabx4).

Tax cancellation agreement - s. 75.105(2)(d), Wis. Stats. [654]

❖ **Include a fee of \$700, and the information listed below:**

- (1) Phase I and II Environmental Site Assessment Reports,
- (2) a copy of the Property deed with the correct legal description.

Agreement for assignment of tax foreclosure judgement - s.75.106, Wis. Stats. [666]

❖ **Include a fee of \$700, and the information listed below:**

- (1) Phase I and II Environmental Site Assessment Reports,
- (2) a copy of the Property deed with the correct legal description.

Negotiated agreement - Enforceable contract for non-emergency remediation - s. 292.11(7)(d) and (e), Wis. Stats. [630]

❖ **Include a fee of \$1400, and the information listed below:**

- (1) a draft schedule for remediation; and,
- (2) the name, mailing address, phone and email for each party to the agreement.

# Technical Assistance, Environmental Liability Clarification or Post-Closure Modification Request

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## Section 6. Other Information Submitted

Identify all materials that are included with this request.

Send both a paper copy of the signed form and all reports and supporting materials, and an electronic copy of the form and all reports, including Environmental Site Assessment Reports, and supporting materials on a compact disk.

Include one copy of any document from any state agency files that you want the Department to review as part of this request. The person submitting this request is responsible for contacting other state agencies to obtain appropriate

Phase I Environmental Site Assessment Report - Date: \_\_\_\_\_

Phase II Environmental Site Assessment Report - Date: \_\_\_\_\_

Legal Description of Property (required for all liability requests and specialized agreements)

Map of the Property (required for all liability requests and specialized agreements)

Analytical results of the following sampled media: Select all that apply and include date of collection.

Groundwater  Soil  Sediment  Other medium - Describe: \_\_\_\_\_

Date of Collection: 11/01/1999

A copy of the closure letter and submittal materials

Draft tax cancellation agreement

Draft agreement for assignment of tax foreclosure judgment

Other report(s) or information - Describe: MSA letter describing letter request and exhibits, text from BRRTS case file

For Property with newly identified discharges of hazardous substances only: Has a notification of a discharge of a hazardous substance been sent to the DNR as required by s. NR 706.05(1)(b), Wis. Adm. Code?

Yes - Date (if known): \_\_\_\_\_

No

Note: The Notification for Hazardous Substance Discharge (non-emergency) form is available at:

[dnr.wi.gov/files/PDF/forms/4400/4400-225.pdf](http://dnr.wi.gov/files/PDF/forms/4400/4400-225.pdf).

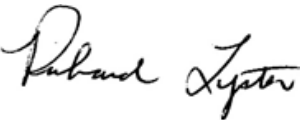
## Section 7. Certification by the Person who completed this form

I am the person submitting this request (requester)

I prepared this request for: Ron Buel, Town of Phelps

Requester Name

I certify that I am familiar with the information submitted on this request, and that the information on and included with this request is true, accurate, and complete to the best of my knowledge. I also certify I have the legal authority and the applicant's permission to make this request.



February 22, 2021

Signature

Date Signed

Sr. Hydrogeologist

Title

(608) 355-8901

Telephone Number (include area code)



