



February 1, 2022

DONALD WING  
E7831 SEEFELD ROAD  
NEW LONDON WI 54961

Subject: Notice of Non-Compliance: Action Required by March 18, 2022  
Notice of Potential Deed Affidavit per Wis. Admin. Code § NR 728.11  
Wing Property ("Site"), E7831 Seefeld Road, Caledonia, WI ("Property")  
BRRTs # 02-69-587980

Dear Mr. Wing:

This letter is to notify you that you remain out of compliance with Wisconsin Statutes (Wis. Stat.) chapter 292 and Wisconsin Administrative Code (Wis. Admin. Code) chapters NR 700 through NR 799. On September 7, 2021, the Wisconsin Department of Natural Resources ("department") issued you a Responsible Party (RP) letter notifying you of your responsibilities to investigate the degree and extent of contamination and clean up the above-referenced site.

### History of Site

On June 22, 2021, the department conducted an inspection and collected two soil samples from below the waste pile on site; metals were detected above background threshold values and state established residual contaminant levels indicating a hazardous substance discharge had occurred at the Site. A Notice of Violation was issued on July 15, 2021, outlining the steps to be taken by August 22, 2021. The September 7, 2021, RP letter requested additional information and actions which were to be completed by October 7, 2021, and November 6, 2021. The department did not receive a response to either of these letters. As a result, a Status Update Request letter was issued on November 9, 2021, requesting an update on the above requested actions. This letter requested written verification of hiring an environmental consultant be submitted by November 23, 2021. To date the department has not received notification that you have hired a consultant or submitted the site investigation work plan to address the contamination at your Site. The above-referenced letters are attached to this correspondence for your reference.

### Notice of Non-Compliance

Please be aware that the department may initiate enforcement action against you for failure to comply with Wis. Stat. ch. 292. Your legal responsibilities are defined both in Wis. Stat. ch. 292 and Wis. Admin. Code chs. NR 700 - 799 and are also described in the September 7, 2021, RP letter. In particular, Wis. Stat. § 292.11(3), states:

**RESPONSIBILITY.** A person who possesses or controls a hazardous substance which is discharged or who causes the discharge of a hazardous substance shall take the actions necessary to restore the environment to the extent practicable and minimize the harmful effects from the discharge to the air, lands, or waters of the state.

Our information indicates that you have not taken the necessary steps to complete the environmental investigation at the above-referenced site. In accordance with § NR 716.05(1), you are required to complete a site investigation

February 1, 2022  
Mr. Wing  
Notice of Non-Compliance: Action Required by March 18, 2022  
Wing Property, BRRTS Activity # 02-69-587980

consistent with state statutes and chs. NR-700-799 of Wis. Admin. Code.

Guidance for meeting statutory requirements is available in code. Wis. Admin. Code chs. NR 700 - 799 establish requirements for emergency and interim actions, public information, site investigations, design and operation of remedial action systems, and case closure. Ch. NR 708 includes provisions for immediate actions in response to limited contamination. Wis. Admin. Code ch. NR 140 establishes groundwater quality standards for contaminants that reach groundwater.

#### **Notice of Potential Deed Affidavit**

If you elect not to move forward with the necessary response actions at your site, the department intends to file a deed affidavit on the Property per Wis. Admin. Code § NR 728.11(2), which states:

Where the department has information to demonstrate that the source of contamination is on the property and the property owner or other responsible party has failed to take adequate response action, the department may record an affidavit at the office of the register of deeds for the county in which the property is located..."

This affidavit would provide notice to the public, and any prospective purchaser, of the existing contamination and the environmental liability associated with the Property.

#### **Response Requested**

The department is requesting that by March 18, 2022, you submit documentation that an environmental consultant has been hired to address the contamination at the Site and comply with Wis. Stats. ch. 292 and Wis. Admin. Code chs. NR 700 through NR 799.

Please understand that you are in noncompliance and will remain in noncompliance until you fulfill all requirements of the statute. Failure to take the actions required by Wis. Stat. ch. 292 to address this contamination will cause the department to take appropriate enforcement action.

Your prompt attention to this request is required. If you have questions regarding this notice or how to move this Site forward, please contact Gwen Saliars at (920) 510-4343 or at [gwen.saliars@wisconsin.gov](mailto:gwen.saliars@wisconsin.gov). Thank you for your attention to this matter.

Sincerely,



Roxanne N. Chronert  
Team Supervisor, Northeast Region  
Remediation & Redevelopment

#### **Attachments:**

Notice of Violation dated July 15, 2021  
Responsible Party Letter dated September 7, 2021  
Status Update Request dated November 9, 2021



July 15, 2021

Waupaca County  
Sent Regular Mail and by Text

Donald K Wing  
E7831 Seefeld Road  
New London, WI 54961

Subject: June 22, 2021 Inspection and Additional Notice of Violation

Dear Mr. Wing:

On June 22, 2021 the Department of Natural Resources (department) conducted an inspection related to the issues identified in the March 16, 2020 notice of violation (NOV). The department informed you (Mr. Wing) on May 25, 2021, and June 17, 2021 of the inspection to occur at your property (the Site) located at E7831 Seefeld Road in New London on June 22, 2021. You were not at the Site during the inspection, but we had two discussions with you on the phone at the start and end of the inspection that day. The department accessed the Site under an inspection warrant because you denied access to vehicles and buildings at the Site the morning of June 22, 2021.

#### Burn Pit

In relation to the burn pit at the Site we discussed what was needed:

1. Removal of intact lightbulbs for recycling to be taken to a legitimate collector or recycler and provide a receipt to the department.
2. You identified that a company named "Recycle That Stuff" in Appleton would take broken lightbulbs. We received verification that Recycle that Stuff cannot take broken lightbulbs because lamps that are intentionally broken or crushed by the generator (you) are no longer considered a universal waste under s. NR 673.05(2)(c), Wis. Adm. Code and they are not a licensed hazardous waste treatment, storage and disposal facility. There are several licensed facilities in Wisconsin, and licensed transporters that will deliver waste to licensed facilities in other states. See the attached hazardous waste contractors list provided to you previously.
3. Sample the burn pit material for a proper waste determination. As previously discussed, the department recommends that you contact a consultant to assist you in making a proper waste determination for disposal of the entire pile as a hazardous waste.
4. Removal of the burn pit waste and scrape the underlying contaminated soils by a contractor who is licensed to transport and dispose of the waste – See the attached hazardous waste contractors list provided to you previously.
5. After removal of the waste pile and scraping of underlying soil, collect 2 soil samples below the burn pit and have them analyzed for Resource Conservation and Recovery Act (RCRA) metals by a s. NR141 laboratory Wis. Adm. Code Wisconsin certified laboratory.
6. Provide the lab results of the waste analysis for both the burn pit waste and the soil samples to the department.
7. Provide the department with disposal receipts for:
  - a. burn pit waste/ash and underlying soils,
  - b. intact lightbulbs,
  - c. CRT televisions/monitors



We agreed that you would complete the work in the next 60 days and that I would be calling you every 2 weeks to discuss your progress. Therefore, By August 22, 2021 the burn pile waste determination analysis, burn pile and soil removal and proper disposal, and the sampling from underlying soils should be completed, and the televisions/monitors should be taken to a recycler. Please provide documentation of actions taken, lab results and disposal receipts by August 22, 2021.

### **Televisions/monitors**

Previously in a conversation on June 18, 2021 and through text messages you told me that you disposed of 121 of the 139 televisions/computer monitors at Recycle That Stuff in Appleton and you provided a photo of the receipt. You also identified that you were not able to dispose of the remaining 18 televisions/monitors due to a lack of money and these were not removed from the box truck you were using that day.

On June 22, 2021, during our morning phone call you identified that some of the televisions/monitors were disposed of at Recycle That Stuff in Appleton, but that there are now 6 gaylord boxes of televisions/monitors that you were not able to dispose of due to your finances and that these boxed televisions/monitors are currently at your former business location at 1800 W. Rogers Ave., Appleton. You later texted some photos of these boxed televisions outside.

### **NOTICE OF VIOLATION**

The department has reason to believe that you are in violation of Wisconsin's solid and hazardous waste laws at the Site located at E7831 Seefeld Road, New London, Town of Caledonia, Waupaca County, Wisconsin. The violation is based upon a site visit by the department on June 22, 2021.

The department alleges the additional following violations— related to the generation and storage of the cathode ray tubes (CRTs – a hazardous waste) in the televisions and monitors.

- 1) **Section 291.21(9), Wis. Stats., Generation.** A person generating a hazardous waste shall arrange that all wastes generated by them are transported, treated, stored or disposed of at facilities holding a license issued under this chapter or issued under the Resource Conservation and Recovery Act (RCRA).

During the inspection on June 22, 2021, you said that the remaining CRT televisions/monitors were put in six gaylord boxes which are now stored at your previous landlords' property at 1800 W. Rogers Ave. in Appleton – where you formerly rented a building for your former business Pony's Pallets LLC. You also texted photos of these CRT televisions/monitors to my department cell phone.

The department believes you failed to ensure that all wastes generated were properly transported, treated, stored or disposed of at facilities holding a license issued under this chapter.

- 2) **Section 291.25(2)(b), Wis. Stats., Licenses: Treatment, Storage or Disposal (TSD).** No person may operate a hazardous waste facility without an interim or operating license issued under this section.

During a phone call with you on June 18, 2021 you stated you loaded 139 CRT televisions/monitors that were stored at the Site since the initial inspection on July 2, 2019. Under s. NR 661.0039(1)(d) Wis. Adm. Code, you exceeded the speculative accumulation timeframe of one calendar year. In addition, the photos you texted on June 22, 2021 also showed that the six gaylord boxes with CRT televisions/monitors are now stored at an unlicensed TSD facility located at 1800 W. Rogers Ave. in Appleton. Therefore, these CRT televisions/monitors are no longer excluded as a solid waste and are now considered a hazardous waste.



Donald K Wing  
July 15, 2021

The department believes you failed to obtain a license for the storage of hazardous waste CRTs at your site and at the 1800 W. Rogers Ave. property in Appleton.

**Inspection documentation, laboratory reports, and discharge to environment**

Attached are the site photos and the laboratory reports for the samples that were collected by the department on June 22, 2021. The grab sample results from the waste pile (sample BP-1 and BP-3) identifies concentrations of several heavy metals (barium, lead, mercury) in the waste.

The soil sample results show that there has been a hazardous substance discharge of RCRA metals to the underlying soils (sample BP-2) from the burn pile on your Site which requires the department's Remediation and Redevelopment Program to become involved. A Bureau for Remediation and Redevelopment Tracking System (BRRTS) case number 02-69-587890 has been created. the Remediation and Redevelopment Program will review the documentation regarding the burn pile removal, soil scrape, and post removal soil sample results to determine whether additional actions will be required.

**As stated above, you have until August 22, 2021 to complete the work above.** If you do not meet this deadline the department has no other choice than to make the recommendation to refer you to the Department of Justice.

Please be advised the department is authorized to seek injunctive or other appropriate relief for violations of hazardous waste management laws, including forfeitures of not more than \$25,000 per day of violation pursuant to s. 291.97, Wis. Stats. Each day of violation is considered a separate offense.

If you have questions or would like to schedule an Enforcement Teleconference to discuss the alleged violations and your perspective on the circumstances surrounding this matter, please contact me at 920-808-0045 within 14 days of receipt of this letter. Alternatively, you may provide information in writing that you would like the department to consider in its decision.

The department's enforcement decision will be based upon available information if you do not schedule an Enforcement Teleconference within the next 14 days or provide written information by August 22, 2021.

If you have any questions regarding this letter or want to schedule an enforcement teleconference, please call me at (920) 808-0045.

Sincerely,



Jennifer Pelczar  
Environmental Enforcement Specialist

Attachments: June 22, 2021 site photos and Wisconsin State Laboratory of Hygiene laboratory reports for samples BP-1, BP-2, BP-3, Hazardous Waste Treatment Storage and Disposal list

ecc: Alex Beyer – [alexander.beyer@wisconsin.gov](mailto:alexander.beyer@wisconsin.gov)  
Kristin DuFresne – [kristin.dufresne@wisconsin.gov](mailto:kristin.dufresne@wisconsin.gov)  
Kaitlin Kernosky – [Kaitlin.kernosky@wisconsin.gov](mailto:Kaitlin.kernosky@wisconsin.gov)  
Gwen Saliars – [gwen.saliars@wisconsin.gov](mailto:gwen.saliars@wisconsin.gov)

# Waste Treatment, Storage and Disposal Facilities in Wisconsin 2018

	Site Address	City, State, Zip	Contact	Contact Addr	Email Addr	County
AKES LLC	N59 W14776 BOBOLINK AVE	MENOMONEE FALLS, WI 53051	MICHAEL SCHICK, R&Q MANAGER (262) 252-6246	PO BOX 444 BUTLER, WI 53007-0444	mschick@brenntag.com	Waukesha Count
EMS INC	2100 BADGER RD	KAUKAUNA, WI 54130	KELLY TAYLOR, EHS MGR (608) 298-6420	3715 LEXINGTON AVE MADISON, WI 53714	kdtaylor@safety-kleen.com	Outagamie Coun
EMS INC	2200 S WEST AVE	WAUKESHA, WI 53189	KELLY TAYLOR, ENV MGR (608) 298-6420	3715 LEXINGTON AVE MADISON, WI 53714	kdtaylor@safety-kleen.com	Waukesha Count
CO	114 N MAIN ST	COTTAGE GROVE, WI 53527	JOHN GRAFF, FLEET & COMPLIANCE MGR (262) 792-1450	300 N PATRICK BLVD BROOKFIELD, WI 53045	john.graff@hydrite.com	Dane County
NT AND .C	5611 W HEMLOCK ST	MILWAUKEE, WI 53223	TITA LAGRIMAS, EX VICE PRESIDENT REG AFFAIRS (219) 354-2352	1433 E 83RD AVE STE 200 MERRILLVILLE, IN 46410	TITA.LAGRIMAS@TRADEBE.COM	Milwaukee Coun
AL SOLUTIONS	W124 N9451 BOUNDARY RD	MENOMONEE FALLS, WI 53051	JOE BAUMANN, GM (262) 255-6655	W124 N9451 BOUNDARY RD MENOMONEE FALLS, WI 53051-1603	joe.baumann@veolia.com	Waukesha Count
AL SOLUTIONS	1275 MINERAL SPRINGS DR	PORT WASHINGTON, WI 53074	PHILLIP DITTER, EHS MANAGER (262) 243-8900	1275 MINERAL SPRINGS DR PORT WASHINGTON, WI 53074	phillip.ditter@veolia.com	Ozaukee County
TE INC	21211 DURAND AVE	UNION GROVE, WI 53182	JOHN KENDALL, EHS MANAGER (262) 878-2599	21211 DURAND AVE UNION GROVE, WI 53182-9711	jkendal2@wm.com	Racine County
TAL SERVICES	5200 RYDER RD	EAU CLAIRE, WI 54701	BECKY ANDERSON, COMPL DIR (715) 834-9624	5200 RYDER RD EAU CLAIRE, WI 54701	bandersn@wrres.com	Eau Claire Count

# Donald Wing Property Sampling Event

Date: 06-22-2021

Location: E7831 Seefeld Road, New London,  
WI. Waupaca County.

Photographer: Alexander Beyer

Description: Burn pit area as seen from the  
driveway, facing south.





# Donald Wing Property Sampling Event

Date: 06-22-2021

Location: E7831 Seefeld Road, New London,  
WI. Waupaca County.

Photographer: Alexander Beyer

Description: Burn pit area as seen from the  
driveway, facing southeast.



# Donald Wing Property Sampling Event

Date: 06-22-2021

Location: E7831 Seefeld Road, New London,  
WI. Waupaca County.

Photographer: Alexander Beyer

Description: Burn pile, facing east.





# Donald Wing Property Sampling Event

Date: 06-22-2021

Location: E7831 Seefeld Road, New London,  
WI. Waupaca County.

Photographer: Alexander Beyer

Description: Burn pile, facing south.





# Donald Wing Property Sampling Event

Date: 06-22-2021

Location: E7831 Seefeld Road, New London,  
WI. Waupaca County.

Photographer: Alexander Beyer

Description: Burn pile, facing west.



# Donald Wing Property Sampling Event

Date: 06-22-2021

Location: E7831 Seefeld Road, New London,  
WI. Waupaca County.

Photographer: Alexander Beyer

Description: Detail of burn pile materials.





# Donald Wing Property Sampling Event

Date: 06-22-2021

Location: E7831 Seefeld Road, New London,  
WI. Waupaca County.

Photographer: Alexander Beyer

Description: Detail of burn pile materials.





# Donald Wing Property Sampling Event

Date: 06-22-2021

Location: E7831 Seefeld Road, New London,  
WI. Waupaca County.

Photographer: Alexander Beyer

Description: Detail of burn pile materials.



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Date: 06-22-2021

Location: E7831 Seefeld Road, New London,  
WI. Waupaca County.

Photographer: Alexander Beyer

Description: Detail of burn pile materials.





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Date: 06-22-2021

Location: E7831 Seefeld Road, New London,  
WI. Waupaca County.

Photographer: Alexander Beyer

Description: Detail of burn pile materials.





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Location: E7831 Seefeld Road, New London,  
WI. Waupaca County.

Photographer: Alexander Beyer

Description: Detail of burn pile materials.



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Date: 06-22-2021

Location: E7831 Seefeld Road, New London,  
WI. Waupaca County.

Photographer: Alexander Beyer

Description: Detail of burn pile materials.



# Donald Wing Property Sampling Event

Date: 06-22-2021

Location: E7831 Seefeld Road, New London,  
WI. Waupaca County.

Photographer: Alexander Beyer

Description: Detail of burn pile materials.





# Donald Wing Property Sampling Event

Date: 06-22-2021

Location: E7831 Seefeld Road, New London,  
WI. Waupaca County.

Photographer: Jennie Pelczar

Description: Sample BP-1.



# Donald Wing Property Sampling Event

Date: 06-22-2021

Location: E7831 Seefeld Road, New London,  
WI. Waupaca County.

Photographer: Jennie Pelczar

Description: Sample BP-1.





# Donald Wing Property Sampling Event

Date: 06-22-2021

Location: E7831 Seefeld Road, New London,  
WI. Waupaca County.

Photographer: Jennie Pelczar

Description: Burn pile.





# Donald Wing Property Sampling Event

Date: 06-22-2021

Location: E7831 Seefeld Road, New London,  
WI. Waupaca County.

Photographer: Jennie Pelczar

Description: Sample BP-2.



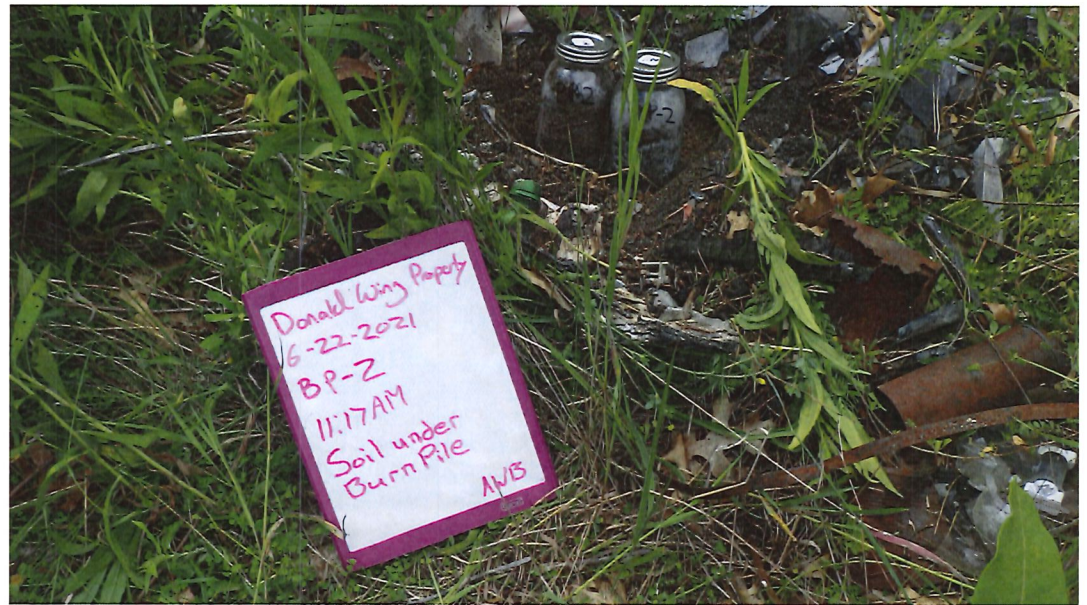
# Donald Wing Property Sampling Event

Date: 06-22-2021

Location: E7831 Seefeld Road, New London,  
WI. Waupaca County.

Photographer: Jennie Pelczar

Description: Sample BP-2.





# Donald Wing Property Sampling Event

Date: 06-22-2021

Location: E7831 Seefeld Road, New London,  
WI. Waupaca County.

Photographer: Alexander Beyer

Description: Insulation bag in burn pile area.







## Laboratory Report

Environmental Health Division

**WSLH Sample: 568434001**

Report To:  
ZANA SIJAN  
WISCONSIN DNR

Invoice To:  
ZANA SIJAN  
WISCONSIN DNR

Customer ID: WA007

Field #: BP-1

Project No:

Collection End: 6/22/2021 11:08:00 AM

Collection Start:

Collected By: ALEXANDER BEYER

Date Received: 6/22/2021

Date Reported: 7/9/2021

Sample Reason:

ID#: NA

Sample Location: E7831 SEEFELD ROAD, NEW  
LONDON WI

Sample Description: BURN PILE MATERIAL. NORTHSIDE  
OF PILE: GLASS, ASH, METAL,  
WASTE SAMPLING SCOOP

Sample Type: OW-OTHER WASTE

Waterbody:

Point or Outfall:

Sample Depth:

Program Code:

Region Code:

County: 69

### Metals, Total

Analyte	Analysis Method	Result	Units	LOD	LOQ
Prep Date: 06/28/21 14:51		Analysis Date: 06/29/21 13:07			
Arsenic	SW846 6010B	ND	mg/kg	1.00	3.00
Barium	SW846 6010B	27.7	mg/kg	0.500	1.60
Cadmium	SW846 6010B	ND	mg/kg	0.100	0.300
Chromium	SW846 6010B	ND	mg/kg	0.500	1.60
Lead	SW846 6010B	2.03F	mg/kg	1.00	3.00
Selenium	SW846 6010B	ND	mg/kg	4.00	12.0
Silver	SW846 6010B	ND	mg/kg	1.00	3.00
Prep Date: 06/24/21 11:49		Analysis Date: 06/24/21 14:37			
Mercury	SW846 7471A	0.111	mg/kg	0.0146	0.0439



Environmental Health Division

**WSLH Sample: 568434001**

WDNR LAB ID:113133790   NELAP LAB ID:2091   EPA LAB ID:WI00007, WI00008   WI DATCP ID:105-415

## List of Abbreviations:

LOD = Level of detection  
LOQ = Level of quantification (for PFAS the LOQ = MRL)  
ND = None detected. Results are less than the LOD  
F next to result = Result is between LOD and LOQ  
Z next to result = Result is between 0 (zero) and LOD  
if LOD=LOQ, Limits were not statistically derived

Test results for NELAP accredited tests are certified to meet the requirements of the NELAC standards. For a list of accredited analytes

see <http://www.slh.wisc.edu/about/compliance/nelac-laboratory-accreditation>

Results, LOD and LOQ values have been adjusted for analytical dilutions and percent moisture where applicable.

Results relate only to the items tested.

This Laboratory Report shall not be reproduced except in full, without written approval of the laboratory.

The water microbiology unit analyzes samples as received and not all samples are tested for preservation before analysis is performed.

## Previous Reports

This sample was previously reported under the following report ID(s): 8815247

## Responsible Party

Inorganic Chemistry: Graham Anderson, Supervisor 608-224-6281

Metals: Graham Anderson, Supervisor 608-224-6281

Organics: Erin Mani, Supervisor 608-224-6269

Environmental Toxicology: Dawn Perkins, Supervisor 608-224-6230

Water Microbiology: Martin Collins, Supervisor 608-224-6239

Radiochemistry: David Webb, Division Director 608-224-6227



## Laboratory Report

Environmental Health Division

**WSLH Sample: 568434002**

Report To:  
ZANA SIJAN  
WISCONSIN DNR

Invoice To:  
ZANA SIJAN  
WISCONSIN DNR

Customer ID: WA007

Field #: BP-2

Project No:

Collection End: 6/22/2021 11:17:00 AM

Collection Start:

Collected By: ALEXANDER BEYER

Date Received: 6/22/2021

Date Reported: 7/13/2021

Sample Reason:

ID#: NA

Sample Location: E7831 SEEFELD ROAD, NEW  
LONDON WI

Sample Description: SOIL UNDER BURN PILE  
NORTHEAST SIDE: SANDY SOIL,  
LIGHT BROWN SAMPLING SCOOP

Sample Type: SO-SOIL

Waterbody:

Point or Outfall:

Sample Depth:

Program Code:

Region Code:

County: 69

### Sample Comments

Reissue report with TCLP results

### Metals, Total

Analyte	Analysis Method	Result	Units	LOD	LOQ
Prep Date: 06/28/21 14:51		Analysis Date: 06/29/21 13:12			
Arsenic	SW846 6010B	22.9	mg/kg	0.959	2.88
Cadmium	SW846 6010B	2.12	mg/kg	0.0959	0.288
Chromium	SW846 6010B	113	mg/kg	0.479	1.53
Selenium	SW846 6010B	ND	mg/kg	3.84	11.5
Silver	SW846 6010B	2.35F	mg/kg	0.959	2.88
Prep Date: 06/24/21 11:49		Analysis Date: 06/24/21 14:37			
Mercury	SW846 7471A	0.0373F	mg/kg	0.0148	0.0443
Prep Date: 07/02/21 08:35		Analysis Date: 07/02/21 13:45			
Barium	SW846 6010B	866	mg/kg	9.51	30.4
Lead	SW846 6010B	3540	mg/kg	19.0	57.1

Matrix spike QC exceeded.





## Laboratory Report

Environmental Health Division

**WSLH Sample: 568434002**

### Metals, TCLP (Ext.Method 1311)

Analyte	Analysis Method	Result	Units	LOD	LOQ
Prep Date: 07/02/21 08:23		Analysis Date: 07/02/21 12:49			
Lead	SW846 6010B	0.233	mg/L	0.0500	0.150
Matrix spike QC exceeded.					
Chromium	SW846 6010B	ND	mg/L	0.0100	0.0300



**Wisconsin State  
Laboratory of Hygiene**  
UNIVERSITY OF WISCONSIN-MADISON

Wisconsin State Laboratory of Hygiene  
2601 Agriculture Drive, PO Box 7996  
Madison, WI 53707-7996  
(800)442-4618 - FAX (608)224-6213  
<http://www.slh.wisc.edu>

## Laboratory Report

Environmental Health Division

**WSLH Sample: 568434002**

WDNR LAB ID:113133790 NELAP LAB ID:2091

EPA LAB ID:WI00007, WI00008

WI DATCP ID:105-415

### List of Abbreviations:

LOD = Level of detection

LOQ = Level of quantification (for PFAS the LOQ = MRL)

ND = None detected. Results are less than the LOD

F next to result = Result is between LOD and LOQ

Z next to result = Result is between 0 (zero) and LOD

if LOD=LOQ, Limits were not statistically derived

Test results for NELAP accredited tests are certified to meet the requirements of the NELAC standards. For a list of accredited analytes

see <http://www.slh.wisc.edu/about/compliance/nelac-laboratory-accreditation>

Results, LOD and LOQ values have been adjusted for analytical dilutions and percent moisture where applicable.

Results relate only to the items tested.

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Water Microbiology: Martin Collins, Supervisor 608-224-6239

Radiochemistry: David Webb, Division Director 608-224-6227



## Laboratory Report

Environmental Health Division

**WSLH Sample: 568434003**

Report To:  
ZANA SIJAN  
WISCONSIN DNR

Invoice To:  
ZANA SIJAN  
WISCONSIN DNR

Customer ID: WA007

Field #: BP-3  
Project No:  
Collection End: 6/22/2021 11:27:00 AM

Collection Start:  
Collected By: ALEXANDER BEYER  
Date Received: 6/22/2021  
Date Reported: 7/9/2021  
Sample Reason:

ID#: NA  
Sample Location: E7831 SEEFELD ROAD, NEW  
LONDON WI  
Sample Description: BURN PILE MATERIAL.  
SOUTHWEST SIDE: GLASS, ASH  
METAL, WASTE SAMPLING SCOOP  
Sample Type: OW-OTHER WASTE  
Waterbody:  
Point or Outfall:  
Sample Depth:  
Program Code:  
Region Code:  
County: 69

### Metals, Total

Analyte	Analysis Method	Result	Units	LOD	LOQ
Prep Date: 06/28/21 14:51		Analysis Date: 06/29/21 13:26			
Arsenic	SW846 6010B	ND	mg/kg	0.940	2.82
Barium	SW846 6010B	3.58	mg/kg	0.470	1.50
Cadmium	SW846 6010B	ND	mg/kg	0.0940	0.282
Chromium	SW846 6010B	ND	mg/kg	0.470	1.50
Lead	SW846 6010B	5.19	mg/kg	0.940	2.82
Selenium	SW846 6010B	ND	mg/kg	3.76	11.3
Silver	SW846 6010B	ND	mg/kg	0.940	2.82
Prep Date: 06/24/21 11:49		Analysis Date: 06/24/21 14:37			
Mercury	SW846 7471A	0.311	mg/kg	0.0149	0.0447





Environmental Health Division

**WSLH Sample: 568434003**

WDNR LAB ID:113133790 NELAP LAB ID:2091 EPA LAB ID:WI00007, WI00008 WI DATCP ID:105-415

#### List of Abbreviations:

LOD = Level of detection  
LOQ = Level of quantification (for PFAS the LOQ = MRL)  
ND = None detected. Results are less than the LOD  
F next to result = Result is between LOD and LOQ  
Z next to result = Result is between 0 (zero) and LOD  
if LOD=LOQ, Limits were not statistically derived

Test results for NELAP accredited tests are certified to meet the requirements of the NELAC standards. For a list of accredited analytes

see <http://www.slh.wisc.edu/about/compliance/nelac-laboratory-accreditation>

Results, LOD and LOQ values have been adjusted for analytical dilutions and percent moisture where applicable.

Results relate only to the items tested.

This Laboratory Report shall not be reproduced except in full, without written approval of the laboratory.

The water microbiology unit analyzes samples as received and not all samples are tested for preservation before analysis is performed.

#### Previous Reports

This sample was previously reported under the following report ID(s): 8815247

#### Responsible Party

Inorganic Chemistry: Graham Anderson, Supervisor 608-224-6281

Metals: Graham Anderson, Supervisor 608-224-6281

Organics: Erin Mani, Supervisor 608-224-6269

Environmental Toxicology: Dawn Perkins, Supervisor 608-224-6230

Water Microbiology: Martin Collins, Supervisor 608-224-6239

Radiochemistry: David Webb, Division Director 608-224-6227



September 7, 2021

Donald Wing  
E7831 Seefeld Road  
New London, WI 54961

Subject: Reported Contamination at **Wing Property, E7831 Seefeld Rd,**  
**Town of Caledonia, WI**  
DNR BRRS Activity # **02-69-587980**  
DNR FID # 469104130

Dear Mr. Wing:

On June 22, 2021, the Wisconsin Department of Natural Resources (DNR) conducted an inspection and collected soil sample (BP-2) from below the waste pile, metals were detected indicating a hazardous substance has occurred at the site described above. A Notice of Violation (NOV) was issued on July 15, 2021 (attached), outlining the steps to be taken by August 23, 2021, to remove the burn pile, excavate impacted soil, and collected post excavation soil samples to determine whether additional actions will be required. To date these response actions have not taken place.

Information submitted to the DNR regarding this site indicates you are responsible for the discharge of a hazardous substance or other environmental pollution (hereafter referred to as "contamination") at the above-described site. "Site" refers to the property where the contamination occurred and any other property it has migrated to, as defined in Wisconsin Administrative Code ("Wis. Admin. Code") § NR 700.03 (56).

This letter explains how to initiate the investigation and cleanup of contamination of the site, and how to access further information and assistance from the DNR. The longer contamination is left in the environment, the farther it can spread and the more it may cost to clean up. Quick action may lessen damage to your property and neighboring properties and reduce your costs to investigate and clean up the contamination.

### **Legal Responsibilities:**

Persons meeting the definition of "responsible party" under Wis. Admin. Code § NR 700.03 (51) must follow applicable law to address the discharge of a hazardous substance to the environment or other environmental pollution. Wisconsin Statutes ("Wis. Stat.") ch. 292 and Wis. Admin. Code chs. NR 700-799 provide specific requirements for undertaking appropriate response actions to address contamination, including requirements for emergency and interim actions, public information, site investigations, remedy selection, design and operation of remedial action systems, and case closure.

### **Special Vapor Intrusion Concern with Trichloroethylene:**

Contamination that includes trichloroethylene ("TCE"), a chlorinated solvent and common degreaser, is of special concern from a human health perspective due to its potential for acute (short-term) health risks at relatively low concentrations in air. TCE is also a breakdown product of tetrachloroethylene ("PCE," also known as "Perc"), a historically common dry-cleaning chemical. Vapors can travel from contaminated soil or groundwater and along preferential pathways, such as within sewer lines, and enter occupied buildings. This is known as vapor intrusion (VI). Screening for VI must be conducted at every contaminated site in Wisconsin, as defined in Wis. Admin. Code § 716.11 (5) (a). **However, when TCE is present, screening for VI should be made a priority and an interim action under Wis. Admin. Code § NR 708.11 may be necessary.** For an overview on VI, see *What is Vapor Intrusion?* (RR-892). For more information, go to [dnr.wi.gov](http://dnr.wi.gov) and search "vapor." Additional technical guidance on VI is available in *Addressing Vapor Intrusion at Remediation & Redevelopment Sites in Wisconsin*, (RR-800).

### **General Recommendations for Responsible Parties:**

The DNR recommends that you:

#### *1. Hire a Qualified Environmental Consultant*

To ensure response actions you plan to undertake comply with Wisconsin law, you should hire an environmental consultant within **30 days**, by October 7, 2021, to meet the regulatory deadlines listed below. A delay in hiring an environmental consultant could result in you missing key submittal deadlines.

Hiring a consulting firm with staff that have the appropriate state of Wisconsin qualifications to supervise and certify the submittals is a critical component and necessary to meet your requirements. Further, an environmental consultant should be knowledgeable of Wisconsin's technical procedures and laws, and be able to answer questions regarding cleanup requirements. Required qualifications for environmental consultants are specified in Wis. Admin. Code ch. NR 712. See *Wis. Admin. Code ch. NR 712 Qualifications and Certifications* (RR-081), for more information.

#### *2. Properly Submit Reports on Time with Required Information Included*

Wisconsin law includes timeframes for submitting technical documents and conducting work, as well as specifications for what should be included in those submittals. This letter provides a general overview of the timeframes and first steps to take for site investigation and cleanup. For an overview of timing requirements, please refer to *NR 700 Process and Timeline Overview* (RR-967), *enclosed*.

The DNR developed the publication *Guidance for Electronic Submittals for the Remediation and Redevelopment Program* (RR-690), to assist responsible parties and consultants in properly submitting documents. Wis. Admin. Code § NR 700.11 (3g), and other specific provisions within Wis. Admin. Code ch. NR 700, outline the requirements for submittals, including electronic submittals.

#### *3. Consider the Benefits of a Fee-based Technical Review of your Submittals*

In-depth DNR review of technical reports and submittals is available for a fee. The Remediation and Redevelopment (RR) Program project managers are available throughout the process to answer



general questions and provide general input as the site moves toward case closure. However, if you want a formal, written response from the DNR, a meeting with the DNR or both on a specific submittal, a review fee will be required in accordance with Wis. Admin. Code ch. NR 749. **Obtaining technical assistance from DNR project managers throughout the process is an effective way to prevent problems and delays at the end of the process when case closure is requested.** Forms, a fee schedule and further information on technical assistance is available at [dnr.wi.gov](http://dnr.wi.gov) by searching “brownfield fees.”

### **Required Steps to Take and Documents to Submit:**

The steps listed below serve as a general overview only — all mandatory steps and submittals specified in Wis. Admin. Code, chs. NR 700-799 must be met before the DNR can grant case closure, which is a determination by the DNR that no further cleanup is necessary at a site, as defined in Wis. Admin. Code § NR 700.03 (3m).

1. **Immediate Actions – NR 708.09:** The law requires you to take any immediate actions needed to halt and minimize harmful effects, unless you are otherwise directed by the DNR, and to submit documentation describing immediate actions and outcomes within 45 days after the initial hazardous substance discharge notification is given to the DNR. A final immediate action report should be submitted in accordance with Wis. Admin. Code § NR 708.09.
2. **Scoping and Work Plan Submittal – NR 716.07 and 716.09:** The law requires that you appropriately scope your site investigation and submit a work plan within **60 days of this notification**, by November 6, 2021, for completing a site investigation. The work plan must comply with the requirements in Wis. Admin. Code, chs. NR 700-799. For additional assistance, the DNR has extensive guidance on its website at [dnr.wi.gov](http://dnr.wi.gov), search “site investigation scoping.”

Per Wis. Admin. Code § NR 716.07 and Wis. Admin. Code § NR 716.09, site investigation scoping and work plans should include an evaluation of the history of the site or facility, including industrial, commercial or other land uses that may have been associated with one or more hazardous substance discharges at the facility. In addition, an evaluation of the history of previous hazardous substance discharges or environmental pollution, the location of the site or facility, and its proximity to other sources of contamination must be included. Site investigation work plans should also include a sampling and analysis strategy to be used during field investigation that considers all information in the evaluation conducted under Wis. Admin. Code § NR 716.07. Emerging contaminants discharged to the environment, including perfluoroalkyl and polyfluoroalkyl substances (PFAS) and 1,4-dioxane, meet the definition of a hazardous substance or environmental pollution under Wis. Stat. § 292.01 and must be considered during site investigation scoping.

Prior to and during a site investigation, you must evaluate whether any interim actions are needed to contain or stabilize a hazardous substance discharge or environmental pollution, pursuant to Wis. Admin. Code § NR 708.11. If you undertake an interim action (e.g., free product removal), you must submit documentation of the action per Wis. Admin. Code § NR 708.15.

As you develop the site investigation work plan, you must include an assessment of the vapor intrusion pathway. Wis. Admin. Code § NR 716.11 (5) outlines the requirements for when to evaluate for the presence of vapors in the sub-surface and in indoor air. The results and conclusions from the vapor assessment must be included in the Wis. Admin. Code § NR 716.15 site

investigation report whether or not you elected to take vapor samples. *Addressing Vapor Intrusion at Remediation & Redevelopment Sites in Wisconsin* (RR-800), is available to help responsible parties and their consultants comply with these requirements.

3. **Field Investigation – NR 716.11**: Following submission of the work plan, the site investigation must be started within the timeframe provided under law. The timeframe varies depending on whether you are requesting the DNR's fee-based review of the work plan. If you do not request a fee-based review of the work plan, you must initiate the field investigation within 90 days of submitting the work plan, and you may proceed with the field investigation upon DNR notification to proceed; however, if the DNR has not responded within 30 days from submittal of the work plan, you may then proceed with the field investigation. If a fee and request for DNR review of the work plan is submitted, the field investigation must begin within 60 days after receiving DNR approval.
4. **Sample Results Notification Requirements – NR 716.14**: You must report sampling results to the DNR, owners, occupants and various other parties within 10 business days after receiving the sampling results, unless a different timeframe is approved by the DNR, in accordance with Wis. Admin. Code § NR 716.14.
5. **Site Investigation Report – NR 716.15**: Within 60 days after completion of the field investigation and receipt of the laboratory data, the law requires you to submit a Site Investigation Report (SIR) to the DNR. As part of the SIR or in the Remedial Actions Options Report (RAOR), if there is soil contamination, the responsible party shall identify the current land use (*i.e.*, industrial or non-industrial) and zoning for the site or facility in accordance with Wis. Admin. Code § NR 720.05 (5). Also, as part of the SIR or in the RAOR, you must include any interim action report that may be required under Wis. Admin. Code § NR 708.15.
6. **Remedial Actions Options Report – NR 722**: Within 60 days after submitting the SIR, the law requires you to submit a RAOR. The selected remedy in the RAOR should include an evaluation of green and sustainable remediation criteria, as appropriate, as required by Wis. Admin. Code § NR 722.09 (2m). This may be submitted as part of a broader SIR.
7. **Remedial and Interim Action Design, Implementation, Operation, Maintenance and Monitoring Reports – NR 724**: Unless otherwise directed by the DNR, the responsible party shall submit all plans and reports required by Wis. Admin. Code ch. NR 724.
8. **Notification of Residual Contamination or Continuing Obligations – NR 725**: In situations where notification is required, the responsible party must provide a submittal(s) that confirms that continuing obligations have been identified and affected property owners have been notified by the responsible parties 30 days prior to case closure, as required by Wis. Admin. Code ch. NR 725 and § NR 726.13 (1) (d).
9. **Semi-Annual Reporting – NR 700.11**: Wis. Admin. Code § NR 700.11 (1) (a) requires responsible parties to submit semi-annual site progress reports to the DNR until case closure is granted. The reports summarize the work completed over six months and additional work planned to adequately complete the response action at the site. Consultants may submit these reports on behalf of responsible parties. These reports are due in January and July of each year. Please refer to DNR publication *NR 700 Semi-Annual Site Progress Report* (RR-082), for more information.

### **Submittals required under Wis. Admin. Code chs. NR 700-799**

These documents, as applicable, must be submitted to the DNR prior to the responsible party requesting case closure, unless otherwise directed by the DNR:

- ☐ Ch. NR 708 reports and documentation for any immediate or interim actions.
- ☐ Ch. NR 712 professional certifications and signatures are included with applicable submittals.
- ☐ Ch. NR 716 work plan(s) and site investigation report.
- ☐ Ch. NR 722 remedial action options report (exception is for Dry Cleaners Environmental Response Fund sites), with the selected remedial action identified.
- ☐ Ch. NR 724 design, construction documentation, operation, maintenance and monitoring plans and reports, including vapor mitigation commissioning.
- ☐ Ch. NR 725 submittal(s) that confirms that continuing obligations have been identified and affected property owners have been notified by the responsible parties 30 days prior to requesting case closure.
- ☐ If requesting case closure, the Ch. NR 726 case closure form and documentation substantiating compliance with the NR 700 rule series.
- ☐ Ch. NR 749 fees have been paid, as applicable, including closure and database fees.
- ☐ Ch. NR 700 semi-annual site progress reports starting six months after notification.

### **Additional Information:**

The DNR tracks information on all cleanup sites in a DNR database available at [dnr.wi.gov](http://dnr.wi.gov), search "BOTW." The Bureau for Remediation and Redevelopment Tracking System (BRRTS) identification number for this site is listed at the top of this letter. You may view information related to your site on this database at any time.

All correspondence regarding this site should be directed to:

Gwen Saliars  
Remediation and Redevelopment Program  
Wisconsin Department of Natural Resources  
625 E CTH Y, STE 700  
Oshkosh, WI 54901-9731  
[gwen.saliars@wisconsin.gov](mailto:gwen.saliars@wisconsin.gov)

To speed up processing, your correspondence should reference the BRRTS and Facility Identification (FID) numbers (if assigned) listed at the top of this letter.

Submittals required under the NR 700 rule series should be sent to the DNR using the RR Program Submittal Portal at [dnr.wi.gov](http://dnr.wi.gov), search "RR submittal portal" (<https://dnr.wi.gov/topic/Brownfields/Submittal.html>). Questions on using this portal can be directed to the contact below or to the environmental program associate (EPA) for the regional DNR office. Visit [dnr.wi.gov](http://dnr.wi.gov), search "RR contacts" and select the EPA tab (<https://dnr.wi.gov/topic/Brownfields/Contact.html>).

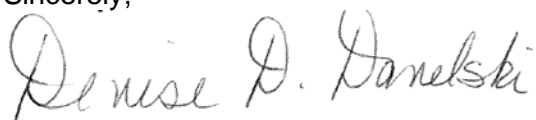


Please visit the DNR's Remediation and Redevelopment Program web page at [dnr.wi.gov](http://dnr.wi.gov), search "Brownfields" for information on selecting a consultant, seeking financial assistance, and understanding the investigation and cleanup process. Information regarding review fees, liability clarification letters, post-cleanup liability and more is also available.

If you have questions, please call Gwen Saliars at 920-510-4343 for more information.

Thank you for your cooperation.

Sincerely,

A handwritten signature in cursive script that reads "Denise D. Danelski".

Denise D. Danelski  
Environmental Program Associate - Remediation & Redevelopment Program  
Northeast Region

Enclosures:

1. Notice of Violation letter, dated July 15, 2021
2. NR 700 Process and Timeline Overview, RR-967
3. Environmental Contamination Basics, [RR-674](#)
4. Selecting a Consultant, [RR-502](#)
5. Environmental Services Contractor List, [RR-024](#)



November 9, 2021

DONALD WING  
E7831 SEEFELD ROAD  
NEW LONDON WI 54961

Subject: **Status Update Request**  
Wing Property, E7831 Seefeld Road, Town of Caledonia, WI  
DNR BRRTS Activity # 02-69-587980  
DNR FID # 469104130

Dear Mr. Wing:

On September 7, 2021, the Wisconsin Department of Natural Resources (DNR) notified you of your legal responsibilities under Wisconsin Statute (Wis. Stat.) § 292.11 to investigate the degree and extent of the hazardous substance discharge on the above-referenced site. DNR has not received any information from you concerning your response to this hazardous substance discharge. DNR requests that the following information be submitted **by November 23, 2021**:

- 1.) A written status update including hiring an environmental consultant.

As the responsible party for this hazardous substance discharge, you have the legal responsibility under Wis. Stat. § 292.11 to investigate and clean up contamination resulting from the hazardous substance discharge. DNR will work with you to move this site towards closure.

Your legal responsibilities are defined in statute and in administrative code. The hazardous substances spill law, Wis. Stat. § 292.11(3), states "A person who possesses or controls a hazardous substance which is discharged or who causes the discharge of a hazardous substance shall take the actions necessary to restore the environment to the extent practicable and minimize the harmful effects from the discharge to the air, lands, or waters of the state."

Wisconsin Administrative Code (Wis. Admin. Code) chs. NR 700 to NR 799 establish requirements for emergency and interim actions, public information, site investigations, design and operation of remedial action systems, and case closure.

The DNR appreciates your cooperation and looks forward to an update regarding this site. If you have any questions regarding the site or this letter, please contact me at (920) 510-4343 or [gwen.saliares@wisconsin.gov](mailto:gwen.saliares@wisconsin.gov).

Sincerely,

Gwen Saliares  
Hydrogeologist  
Remediation & Redevelopment Program