



December 7, 2021

--sent by email--

Mr. Andy Selle, City Engineer  
City of Fort Atkinson  
101 N. Main Street  
Fort Atkinson, 53538

Subject: Work Plan Not Approved and Non-Compliance with the Cleanup Rules  
BRRTS# 02-28-588371, "Loeb-Lorman Scrapyard Former" Case  
At Lorman, Oak and Hake Streets in Fort Atkinson, Wisconsin

Dear Mr. Selle:

This letter is in response to Terracon Consultants, Inc. (Terracon), "Site Investigation Workplan (Revised)" (Revised Plan), submitted on your behalf to the Department of Natural Resources (Department) on November 8, 2021. The Revised Plan is not approved. The project appears to be out of compliance with NR 700 Wisconsin Administrative Code requirements (aka. the cleanup rules) with respect to an approved work plan.

Revisions to Terracon's September 29, 2021, "Site Investigation Work Plan" (the original plan) were needed to address the Department's concerns that were emailed to the City of Fort Atkinson and Terracon on October 15, 2021. Those concerns were then discussed in a conference call with you, me, Terracon, and other stakeholders on November 1, 2021. In response, Terracon submitted the Revised Plan on November 8, 2021, "...requesting *WDNR written approval of the revised SIWP.*" On November 30, 2021, I contacted you to discuss continued significant concerns with the Revised Plan. Based on that phone call, it is the Department's understanding that Terracon already started and had completed most of the proposed field work.

It appears the project is out of compliance with the following cleanup rules:

- [Section NR 716.09 \(3\) \(b\), Wis. Adm. Code](#) which states, "Responsible parties... shall wait before initiating the field investigation until the department has approved or conditionally approved the work plan..."
- [Section NR 716.11 \(2\), Wis. Adm. Code](#) which states, "The field investigation shall be conducted in accordance with a work plan approved or conditionally approved by the department..."

To account for the lack of compliance, the Department recommends the report on the field work:

- Follow the section NR 716.15, Wis. Adm. Code "Site Investigation Report" requirements to the letter.
- Cite a lack of compliance with the cleanup rules where appropriate and qualify any chapter NR 712, Wis. Adm. Code professional certifications accordingly.
- Fully describe all methods of investigation, as required by section NR 716.15 (2) (e), Wis. Adm. Code, without relying on any previous work plan as a reference.

Sincerely,

Jeff Ackerman, P.G.  
Hydrogeologist  
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cc: Tim Welch (Terracon), Ed Buc (Terracon), Bruce Loeb, Bruce Iverson (TRC Companies, Inc.)