

State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
101 S. Webster Street
Box 7921
Madison WI 53707-7921

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



August 28, 2018

Roswell Properties L.L.C., LTD.
Richard G. Persinger
100 North Center Street
Newton Falls, OH 44444-1321

Subject: Notice of Non-Compliance Update Request: Action Requested by September 27, 2018
Undeveloped Rosemurgy Property, 218 South 4th Street, Wausau, WI 54403
DNR BRRTS#: 02-37-548031
DNR FID#: 737211090

Dear Mr. Persinger:

This letter is to notify you that you are out of compliance with Wisconsin Statutes (Wis. Stat.) chapter 292 and Wisconsin Administrative Code (Wis. Admin. Code) chapters NR 700 through NR 754. On February 27, 2018, the Wisconsin Department of Natural Resources ("Department") notified Mitch Brazin, REO Manger of your responsibilities to investigate the degree and extent of contamination and clean up the above-referenced site. On July 18, 2018 Mr. Brazin was notified via a notice of non-compliance that action was required at the site. This letter has been attached for your information. To date the Department has not received the information requested.

The Department is requesting that by September 27, 2018, you provide documentation that the site is in compliance with Wis. Stat. chapter 292.

If the investigation does not proceed the Department will have no choice but to continue the enforcement process which will likely include the placement of a deed affidavit on your property. The deed affidavit will serve to warn potential purchasers of the environmental contamination that is present on the property.

If you are experiencing problems selecting an environmental consultant or if you have other questions concerning the cleanup process, please do not hesitate to write or call Matt Thompson at 715-839-3750 or by email at MatthewA.Thompson@wisconsin.gov. Thank you for your attention to this matter.

Sincerely,

Matt Thompson
Hydrogeologist
Remediation & Redevelopment Program

Encl: July 18, 2018 Notice of Non-compliance



July 18, 2018

Mitch Brazin
REO Manager
The Cadle Company & Affiliates
100 North Center Street
Newton Falls OH 44444-1321

Subject: Notice of Non-Compliance: Action Required by August 20, 2018
Undeveloped Rosemurgy Property, 218 South 4th Street, Wausau, WI
DNR BRRTS #: 02-37-548031
DNR FID #: 737211090

Dear Mr. Brazin:

This letter is to notify you that you are out of compliance with Wisconsin Statutes (Wis. Stat.) chapter 292 and Wisconsin Administrative Code (Wis. Admin. Code) chapters NR 700 through NR 754. On February 27, 2018, the Wisconsin Department of Natural Resources ("Department") notified you of your responsibilities to investigate the degree and extent of contamination and clean up the above-referenced site. That letter is attached for your reference.

The Department has requested that Roswell Properties LLC. LTD, (Roswell) take actions necessary to restore the environment to the extent practicable in emails subsequent to the responsible party letter sent February 27, 2018. The Department requested that by July 10, 2018 documentation that an environmental contractor be hired to perform the required work, to date, the Department has not received this documentation.

Please be aware that the Department may initiate enforcement action against you for failure to comply with Wis. Stat. chapter 292. Your legal responsibilities are defined both in Wis. Stat. chapter 292 and Wis. Admin. Code chapters NR 700 through 754 and are also described in the February 27, 2018 Responsible Party 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 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.

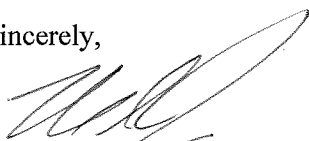
Wis. Admin. Code chapters NR 700 through NR 754 establish requirements for emergency and interim actions, public information, site investigations, design and operation of remedial action systems, and case closure. Chapter NR 708 includes provisions for immediate actions in response to limited contamination. Wis. Admin. Code chapter NR 140 establishes groundwater quality standards for contaminants that reach groundwater.

The Department is requesting that by August 20, 2018, you submit documentation that an environmental consultant has been retained to perform the required environmental investigation.

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. § 292.11 to address this contamination will cause the Department to review this case for enforcement actions. Additionally, please be advised that the Department is authorized under Wis. Stat. § 292.94 to assess non-reimbursable fees for any reports you are required to submit as part of additional enforcement actions.

If you are experiencing problems selecting an environmental consultant or if you have other questions concerning the cleanup process, please do not hesitate to write or call Matt Thompson at 715-839-3750. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'MT', is written over a horizontal line.

Matt Thompson
DNR – West Central Region
Remediation & Redevelopment

Encl.

Responsible Party Letter, February 27, 2018