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WISCONSIN
DEPT. OF NATURAL RESOURCES

August 17, 2021

Luvata Appleton LLC
ATTN: Sam Edwards
553 Carter Court
Kimberly, WI 54136
Via Electronic Mail Only to sam.edwards@luvata.com

Subject: Review of Off-Site Liability Exemption Request
Appleton Wire (Former) – Site 2
908 North Lawe Street, Appleton, Wisconsin
BRRTS #: 02-45-587658, 07-45-583177 FID #: 445035910

Dear Mr. Edwards:

On June 24, 2021, the Wisconsin Department of Natural Resources (DNR) received the *Off-Site Liability Exemption and Liability Clarification Application* (form 4400-201) (Exemption Request), prepared by Envocor LLC for the property located at 908 North Lawe Street, Appleton, Wisconsin (Property). The Exemption Request asks the DNR to determine if Luvata Appleton LLC (Luvata) is exempt from Wis. Stats §§ 292.11(3), (4), and (7)(b) and (c), with respect to the existence of per- and polyfluoroalkyl substances (PFAS) compounds in groundwater that Luvata believes is migrating onto the Property from an off-site source. The Exemption Request was submitted with the applicable fee for DNR review and response, per Wis. Admin. Code § NR 749.04 (1).

Wis. Stat. Section 292.13 (2) requires the DNR to issue, upon request, a written determination regarding a liability exemption for a person who possesses or controls property that is contaminated by an off-site source, when certain conditions are met. To make this determination, the DNR has reviewed information about the Property, including groundwater sampling data for the Property, contained in the following documents:

- *Groundwater and Sub-Slab Vapor Sampling Results* letter, dated October 1, 2020
- *Recent PFAS results for Former Appleton Wire* email with attachments, dated February 17, 2021
- *PFAS Assessment and File Review for Luvata Appleton LLC facility* memorandum with attached Exemption Request, dated June 18, 2021

Background

The Property was formerly owned by Albany International Corp.(Albany) and served as the location of Appleton Wire and its predecessor, Appleton Wire Works, from at least the 1940s until 1981, during which on-site operations included the production of Fourdrinier papermaking wires for the paper industry to increase the durability and lifetime of woven wire fabrics. An eastern portion of the on-site facility (currently a warehouse) housed a former chrome plating operation used for plating the papermaking wires. The chrome plating operation was discontinued in 1981, with the chrome plating equipment being dismantled. Subsequent environmental investigation indicated a release of hexavalent chromium to subsurface soil and groundwater at the Property. Luvata currently operates a brass or bronze metal casting facility at the Property.

In June 2020, based on the historic presence of the chrome plating operations DNR requested groundwater samples be collected from select monitoring wells and submitted for laboratory analysis for PFAS compounds.

These samples were collected in June and December 2020. Laboratory analytical results indicated the presence of PFAS compounds in groundwater at the Property.

Exemption Request

The limited groundwater sampling and analytical for PFAS compounds identified groundwater impacts at the Property in concentrations greater than the proposed Wis. Admin. Code ch. NR 140 proposed preventative action limits and enforcement stands. Luvata proposes that the source of the identified PFAS contamination is an up-gradient off-site source and/or the result of Albany's former chromium plating operation.

DNR Review

Based on the DNR's review of the above-referenced submittals, it was determined that the Exemption Request cannot be approved at this time because there is not sufficient information presented to conclude that contaminants have migrated onto the Property from an off-site source, as detailed below:

1. Insufficient information has been provided to rule out Luvata's current on-site operations as a potential source. More details and information on operations and processes conducted at the site, as well as details on specific chemicals involved should be presented to rule out current operations as a potential source.

2. Provide additional data to establish groundwater flow conditions and contaminant fluctuations. Also provide information as to the distribution of NR 140-compliant wells across the Property and use collected data to develop isoconcentration lines for individual PFAS compounds.

Conclusion

The PFAS contamination at the Property must be investigated and remediated, per Wis. Admin. Code chs NR 700-749, under the BRRTS activity number 02-45-587658, as detailed in *the Reported Contamination at Appleton Wire (Former) – Site 2* DNR letter dated May 25, 2021 (attached). If you conduct additional investigation of the contamination that clearly demonstrates that the Property does qualify for the Off-Site Liability Exemption, then you can request a letter at that time.

If you have any questions concerning this letter, please contact me at (920) 362-2072, or by email at david.neste@wisconsin.gov.

Sincerely,

David Neste
Hydrogeologist
Remediation & Redevelopment Program

Attachment:
Reported Contamination at Appleton Wire (Former) – Site 2, DNR, May 25, 2021

cc: Michael Boozer, Envocor LLC (via email: mboozer@envocor.com)
Tauren Beggs, DNR (via email: Tauren.Beggs@wisconsin.gov)
Michael Prager, DNR (via email: Michael.Prager@wisconsin.gov)

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May 25, 2021

Albany International Corp.
Joseph Gaug
PO Box 1907
Albany, NY 12201-1907

Luvata Appleton, LLC
Sam Edwards
908 N. Lawe Street
Appleton, WI 54911

Sent Via E-Copy Only – joseph.gaug@albint.com
Sent Via E-Copy Only - sam.edwards@luvata.com

Subject: Reported Contamination at **Appleton Wire (Former) – Site 2, 908 N Lawe Street, Appleton, WI**
DNR BRRTS Activity **# 02-45-587658**
DNR FID # 445035910

Dear Messrs. Gaug and Edwards:

On October 1, 2020, perfluoroalkyl and polyfluoroalkyl substances (PFAS) sampling results were reported to the Department of Natural Resources ("DNR") for Appleton Wire (Former), BRRTS # 02-45-000015, and the DNR requested additional PFAS investigation. You requested that a new site be created for the PFAS contamination that was discovered, so the DNR created the environmental repair program (ERP) case at the site described above.

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.

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 June 24, 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 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. **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 July 24, 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, 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.

2. **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.

3. **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.

4. **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.

5. **Submit a Supplemental Site Investigation Work Plan – ch. 716, Wis. Adm. Code:** If the site investigation is not completed after the initial site investigation field work, within 60 days of the site investigation report, you shall submit a Supplemental Site Investigation Work Plan pursuant to s. NR 716.09, Wis. Adm. Code. The purpose of the work plan is to further define the degree and extent of contamination on the Site, including the source property and all affected off-site properties, pertaining to all media and exposure pathways.

6. **Conduct interim actions and submit documentation – ch. NR 708, Wis. Adm. Code**: If any receptors such as potable wells are likely to be impacted, the wells shall be sampled. If the potable wells are impacted above the current proposed cycle 11 proposed standards and/or the hazard index or future standards, potable

water shall be provided to the well owners/users immediately. You shall conduct and submit documentation of interim actions have been started to address the potable well impacts at the Site. These action(s) shall be performed by you in accordance with ss. NR 708.05, NR 708.11, NR 708.13 and s. NR 708.15(2), Wis. Adm. Code.

7. **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.

8. **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.

9. **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).

10. **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, 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:

David Neste
Remediation and Redevelopment Program
Wisconsin Department of Natural Resources
625 E CTH Y STE 700
Oshkosh WI 54901-9731

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, 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, 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, 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 Dave Neste at 920-362-2072 for more information.

Thank you for your cooperation.

Sincerely,

Denise D. Danelski

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