State of Wisconsin
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WISCONSIN
DEPT. OF NATURAL RESOURCES

April 12, 2018

Mr. Thomas Misgen
Guy & O'Neill, Inc.
200 Industrial Dr. Fredonia, WI 53021

Subject: Liability Clarification and "No Action Required" Determination
Kenro Manufacturing Building Property (Former), 200 Industrial Dr., Fredonia, Wisconsin
Hydraulic Oil Trench
Parcel #: 09-035-14-006.00
BRRTS #: 07-46-558070
Formerly BRRTS #: 02-46-558620,
FID #: 246078030

Dear Mr. Misgen:

The purpose of this letter is to provide you with clarifications as to environmental liabilities and current environmental conditions at the Kenro Manufacturing Building Property (Former) site, located at 200 Industrial Drive, Fredonia, Wisconsin (Property). The Property consists of approximately 12 acres of land located in Ozaukee County, identified by tax parcel number 09-035-14-006.00. Refer to the attached Figure B.1.b.I, Detailed Site Map, for a site map of the Property.

Summary Determination

Hazardous substance discharges have occurred on the Property. However, the Wisconsin Department of Natural Resources (DNR) has determined that no response actions are required. The DNR has made this determination based on the available data and the criteria in Wis. Admin. § NR 716.05.

Request

On April 5, 2018, Moraine Environmental, Inc. withdrew the case closure request and requested on your behalf that that the DNR issue a liability clarification letter under Wis. Stats. § 292.55. The letter contains a determination as to whether response actions are needed under the Wis. Admin. § NR 700 series based on the discharge of one or more hazardous substances at the Property. The DNR received the fee for providing technical assistance, in accordance with Wis. Admin. § NR 749.04(1).

In order for the DNR to make this determination, you have requested a review of the following documents:

- Release notification, Form 4400-225, dated April 16, 2012
- Case Closure – GIS Registry, Form 4400-202, dated January 1, 2018

The DNR has examined the reports listed above and provides the following summary of the case and opinions concerning environmental conditions at the Property.

Background and Summary of Environmental Conditions

The Property was agricultural land until 1979. From 1980 to 2008, Kenro, Inc. (Kenro) operated at the location, manufacturing plastic injection molded parts. From 2008 to 2012, the Property was used for warehousing prior to the acquisition of the Property by Guy & O' Neill, Inc. in 2012 for wipes manufacturing. The portion of the Property specific to this letter is the hydraulic press trench that Kenro used for plastic parts manufacturing.

In 2011, a Phase I Environmental Site Assessment (ESA) conducted by Moraine Environmental, Inc. (Moraine) detected diesel range organics (DRO) contamination in the upper 5 feet of soil below the hydraulic oil piping trench ranging from 2.7 mg/kg to 3,850 mg/kg. The DNR does not currently have a soil standard for DRO contamination. In 2012, follow-up sampling was conducted by Moraine for a Phase II ESA around the perimeter of the detected DRO contamination, including deeper sampling. This sampling event indicated no detections of DRO and no detections above current soil standards for direct contact or groundwater pathways for volatile organic compounds or polycyclic-aromatic hydrocarbons at and below the sampling intervals in the Phase I ESA.

Liability Determination

The Wisconsin Hazardous Substance Spill Law, Wis. Stats. § 292.11, commonly called the Spills Law, requires those who cause, possess, or control a hazardous substance discharge 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." Wis. Stats. § 292.55 authorizes the DNR to issue clarification letters concerning liability for environmental pollution.

The data summarized above indicates that one or more hazardous substance discharges have occurred on the Property. However, based on the criteria in Wis. Admin. § NR 716.05(2)(a), and the criteria in Wis. Admin. §§ NR 708.09 (1) and (2), the DNR has determined that no response action, including further site investigation activities, is required under the Wis. Admin. § NR 700 series to respond to these identified discharges.

The DNR does not approve Phase I or Phase II ESAs because rules have not been established in Wisconsin to define what constitutes an adequate Phase I ESA or Phase II ESA. The DNR does use as guidance the American Society for Testing and Materials International Standard Guide for Environmental Site Assessments: Phase I Environmental Site Assessment Process (E1527-13) and Phase II Environmental Site Assessment Process (E1903-11).

The number and location of monitoring points, the types of media sampled, the number of samples collected, and the laboratory analysis performed are a matter of professional opinion. All areas of the Property were not assessed, the numbers of samples collected were limited based on professional judgment and financial considerations, and samples were not analyzed for all parameters. Therefore, the DNR can only respond to the information and data as presented in the reports and cannot predict what might be discovered in the future and the consequences of those discoveries.

This letter relates and refers only to those conditions described above and to information and data you submitted to the DNR in your request for this letter. The DNR makes no determination concerning the presence or absence of hazardous substances, other than those identified in the documents and reports listed above, which you submitted to us. In the future, if the DNR becomes aware of new information concerning the contaminants referenced above, or the presence of other contaminants on the Property, the DNR will evaluate that data at that time to determine if any response actions are required. Whenever possible, the DNR requires the person who caused the discharge to take the appropriate response actions.

The Bureau for Remediation and Redevelopment Tracking System (BRRTS) identification number for this activity is shown at the top of this letter. The DNR tracks information on all case determinations such as this letter in a DNR database that is available on the Internet at: http://dnr.wi.gov/topic/Brownfields/botw.html Since there is no action required for this case, the DNR will identify this site activity as a "No Action Required" determination, and the former BRRTS #: 02-46-558620 will be changed to 09-46-558620 to reflect that change.

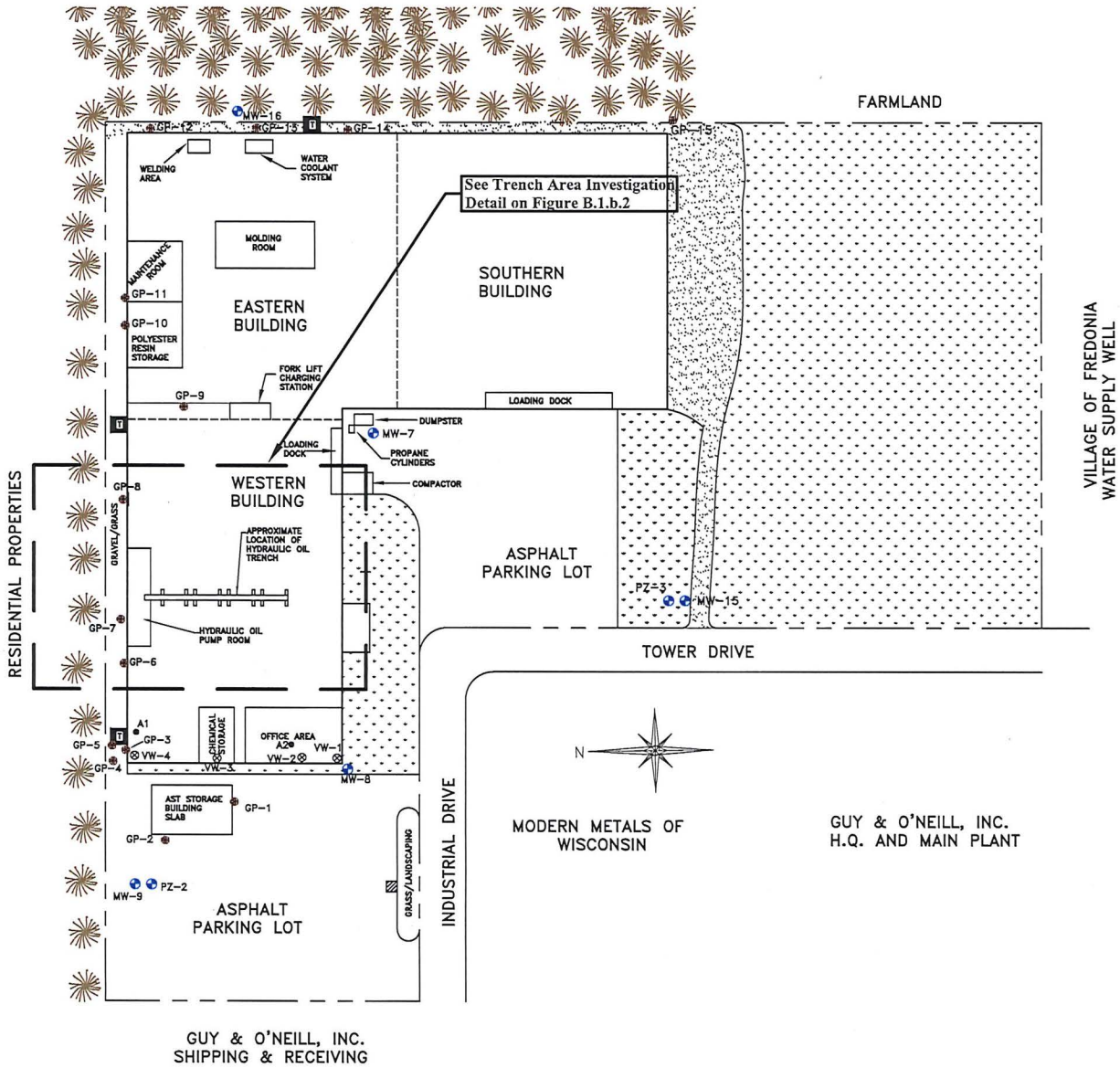
If you have any questions, please contact me, the DNR Project Manager, at 920-893-8523, or by writing to the address at the top of this letter or by email to johnm.feeney@wisconsin.gov.

Sincerely,

John Feeney, P.G.
Project Manager - Hydrogeologist
Remediation and Redevelopment Program
Wisconsin Department of Natural Resources

Attachment: Detailed Site Map, Figure B.1.b.I

cc: Dave Lennon, Moraine Environmental Inc.
Margaret Brunette, DNR Milwaukee Office (electronic)



LEGEND

- GP-2 / B-6 — SOIL BORING LOCATIONS
- MW-8 / PZ-1 — GROUNDWATER WELL LOCATIONS
- A1 — AMBIENT AIR SAMPLE LOCATION
- VW-2 — SOIL GAS VAPOR SAMPLE LOCATION
- TREES
- TRANSFORMER
- PROPERTY BOUNDARY
- GRASS
- GRAVEL
- CATCH BASIN

NOTES:

1. BASE MAP OBTAINED FROM FORMER KENRO CONSULTANT – ARCADIS SITE LAYOUT MAP (9-19-07)
2. SOIL BORINGS GP-1 THRU GP-15 DRILLED ON 10-12-11.
3. INTERIOR ROOMS AND FEATURES REPRESENT KENRO, INC.'S USE OF THE INDUSTRIAL BUILDING.
4. THE GROUNDWATER MONITORING WELLS WERE INSTALLED BY OTHERS AS PART OF ON-GOING SITE INVESTIGATIONS OF AN OFF-SITE SOURCE.
5. BURIED UTILITY LINES ARE NOT SHOWN AS THE SHALLOW GROUNDWATER IS 40 FEET DEEP, WELL BELOW UTILITY DEPTHS. THIS ELIMINATES THE NEED TO INVESTIGATE POTENTIAL MIGRATION WITHIN A UTILITY CORIDOOR, DUE TO THE HYDRAULIC OIL RELEASE IN THE TRENCH WITHIN THE BUILDING.

Moraine Environmental, Inc.
Environmental Management Services
766 N. Tower Drive, Fredonia, WI 53021
262-692-3345 / Fax 262-692-3348

FIGURE B.1.b.1
DETAILED SITE MAP

Former Kenro, Inc.
200 Industrial Drive, Fredonia, WI 53021

0 Graphic Scale 100

Revised by CTS
Revised: 1-10-18
Project File: Mtrd-531
531 0 Working.dwg

*Note: Depiction prepared from field notes. Boundaries are not surveyed.