



May 11, 2012

Mr. Mark Meunier  
Madison Kipp (MKC) Corporation  
201 Waubesa Street  
Madison, WI 53704

Subject: Requirements of Comprehensive Investigation and Remediation Activities  
Madison Kipp Corporation (MKC), 201 Waubesa Street, Madison  
BRRS Activity Number: 02-13-001569

Dear Mr. Meunier:

This letter outlines the Department's expectations for the comprehensive contaminant investigation and remediation at the MKC property located at 201 Waubesa Street, Madison. A letter dated May 4, 2012, describes the Department's expectations regarding the polychlorinated biphenyl (PCB) investigation and immediate action; this letter addresses the broader scope of requirements for conducting site-wide environmental response actions as well as improving communications and public participation. These expectations were shared with you and other MKC representatives in a meeting held at the Department's central office on April 23, 2012.

The previous scope of work negotiations with the Department of Justice will be replaced/supplemented with the requirements and timelines set forth in this document. A table of the previously negotiated tasks and deadlines is included with this letter as Attachment A. These tasks and deadlines will serve as minimal requirements and maximum allowable milestone dates. Other items not addressed in the table shall be addressed as outlined below.

### Investigation and Remediation

The Department is requiring Kipp to follow the requirements for environmental response actions, as set forth in the NR700 series of the Wisconsin Administrative Code. During our meeting, we discussed an approach whereby the enclosed "matrix" would be used by your consultant to outline all portions of the NR700 series code that would be applicable to any given work task performed at the site. A copy of the matrix is included as Attachment B. It is hoped that by providing yourselves and us with a detailed list of tasks, a schedule for completion and a list of deliverables as required by code, we will be assured of receiving quality information for our own review purposes and to share with external stakeholders.

All pathways of concern are to be addressed by Kipp's investigation and remediation implementation (soil, groundwater, soil vapor, air emissions). A completed matrix for *all* anticipated and in-progress work shall be submitted by May 31, 2012. All steps in the process are to receive Department approval prior to implementation. By January 31, 2013, the site investigation shall be completed and remedial activities for all pathways are to be implemented. All submittals will consist of two paper copies and one electronic copy, and include the appropriate review fee per ch. NR749, Wis. Adm. Code. The Department reserves the right to require specific actions or additional information as it deems necessary.

A workplan that discusses Kipp's proposal for completing the entire site investigation for all known and suspected contaminants, and pathways of concern shall:

- be submitted by May 31, 2012;
- include sampling for the expanded list of parameters outlined in the May 4 PCB letter, and reiterated here: volatile organic compounds (VOCs), heavy metals, polycyclic aromatic hydrocarbons (PAHs), and cyanides and PCBs. Kipp may need to expand this list of parameters to include any other contaminants known to be present based upon Phase I documentation and/or characteristics of product or waste historically or currently used at the facility. Kipp will provide a discussion of these items in the workplan;
- identify which of the actions described are underway, and which actions are "new";
- meet the criteria set forth in s. NR 716.09, Wis. Admin. Code;
- be accompanied by a draft matrix document and the appropriate review fee (see ch. NR 749, Wis. Adm. Code, for more information);
- be comprised of two paper copies and one electronic copy; and
- be approved by Department personnel prior to implementation.

Kipp should not stop work on existing actions to wait for our overall approval of this workplan.

Future submittals for proposed action(s) for each stage of work (for example: site investigation or remedial action evaluation and implementation) will include an updated matrix document and require Department approval prior to implementation. The appropriate number and type of documents will be submitted and the appropriate review fee will accompany any item submitted for review.

The Department has designated the MKC site as a "complex" site under ch. NR 700, Wis. Admin. Code. Reports meeting the requirements of the NR700 series that contain testing results, such as groundwater monitoring reports, shall be submitted to the Department no later than two weeks of receiving the data from the laboratory. In the case of incremental sampling (for example, the recently completed soil vapor survey or the future backyard soil sampling) data shall be shared with the Department as it becomes available with a summary report due within two weeks after the sampling is completed.

Work activities will be implemented in accordance with the NR700 series requirements.

### **Public Participation and Enhanced Communications**

It is expected that Kipp representatives will actively participate in neighborhood outreach, consistent with ch. NR 714, Wis. Adm. Code, and as directed by the Department. This may result in the need to have a presence at a public meeting/open house, develop fliers or other informational hand-outs, make access agreements available and/or have consultants available to answer questions.

In an effort to improve communications and ensure work is being completed as expected, the Department has arranged a series of recurring conference calls between the Department and your technical team. The calls are scheduled for every other Wednesday, beginning May 9, from 2 p.m. until 3:30 pm. An updated contact list is included with this letter for your use.

Additionally, the Department is requiring the submittal of written, bi-monthly status reports, due on the 1<sup>st</sup> and 15<sup>th</sup> of each month, or the closest following business day. The reports are to contain information about activities completed since the previous report and discuss activities scheduled for the upcoming two weeks. These updates will be shared with the public through the Department's list serv.

The Department will be provided a courtesy copy on all correspondence that is not deemed confidential.

Kipp will need to post signs on their property regarding the presence of contaminated soil on-site per s. NR714.07(3), Wis. Adm. Code. Signs are to be posted within 2 days of receiving them from the Department.

**Neighborhood Assistance**

The possibility of Kipp requesting an off-site exemption liability clarification letter for the neighbors was also discussed at our April 23 meeting. The off-site exemption letter may assist local property owners in understanding both Kipp's and their rights and responsibilities under state law. The letter may also prove useful in addressing concerns over property values and lending issues. Further, Kipp could also request a letter from the neighborhood addressing lender issues concerning contamination that may assist the lender community in better understanding the situation.

Similarly, Kipp should consider requesting closure letters for the off-site affected homes once the backyard soil remediation efforts are complete. This would clarify for any current owner, potential lender or future property purchaser whether soil contamination issues remain on any given property.

The Department will ensure this work gets accomplished in the manner outlined above. It is the Department's preference that Kipp work directly with it to do so. However, should that goal not be realized, then Department will exercise its options to expeditiously move this project forward by exercising its legal authorities, partnering with other regulatory entities, or using its own contractor to do the work, at the expense of the RP. We hope our goals and expectations for a new path forward are clear and this new path results in improved results for all parties involved.

Please contact me if you have any questions.

Respectfully,

A handwritten signature in black ink, appearing to read "Linda F. Hanefeld for". The signature is written in a cursive, flowing style.

Linda Hanefeld  
South Central Team Supervisor, Remediation and Redevelopment Program  
(608) 275-3310

cc: Steve Tinker, DOJ  
David Crass, Michael Best  
Mike Schmoller, DNR (file)

Kipp Comprehensive Investigation and Remediation Activities  
 Attachment A  
 May 11, 2012

Due Date	Work Item
April 15, 2012	On- and off-site shallow groundwater sampling
April 27, 2012	Report documenting functionality of and/or repairs to the 5 sub-slab vapor mitigation systems installed by Kipp (146, 150, 154, 162 and 166 South Marquette Street)
May 7, 2012	All data and report per NR 708 documenting the sub slab and indoor air sampling event at the nine homes
May 9 2012	SVE system installation and operation documentation per NR 708 and NR 724
May 15, 2012	Complete off site shallow soil sampling.
May 31, 2012	Complete site investigation workplan
July 18, 2012	Complete investigation and remediation of PCB contamination – including submittal of NR700-compliant report(s)
August 1, 2012	Complete backyard soil investigation and remediation – including NR 700 series documentation
January 31, 2013	All remedial actions will be in-place and fully functional

Attachment B  
 Kipp Task Matrix – Example work product tracking  
 May 11, 2012

Code	Section/subsection	Task/NA	Schedule, timeline, completion date	Deliverables
700				
706				
708				
714				
716				
720				
722				
724				
725				
726				
749				

Regulators' Kipp Team – Contact Information  
 May 11, 2012

Policy	Technical	Outreach	Health	Legal
Mark Griesfeldt - DNR RR Bureau Director 267-7562	Linda Hanefeld - DNR SCR RR Team Supervisor 275-3310	Bill Cosh – DNR Agency Spokesperson 267-2773	Henry Nehls-Lowe - DHS 266-3479	Steve Tinker – DOJ, Asst Attorney General 266-0764
Darsi Foss - DNR Brownfields Section Chief 267-6713	Mike Schmoller - DNR SCR Project Manager 275-3303	Andrew Savagian - DNR SCR/AW Division Information Officer 261-6442	John Hausbeck – Madison/Dane Co. Health 243-0331	Tom Dosch – DNR Attorney 266-0060
Peter Ramanauskas - US EPA - TSCA 312-886-7890	Terry Evanson - DNR RR Vapor Technical Expert 266-0941	Eric Ballas - DNR Brownfields Outreach Marketing Specialist 267-0543		