

Hanson, David L - DNR

From: Brunette, Margaret M - DNR
Sent: Tuesday, April 2, 2019 2:10 PM
To: Hanson, David L - DNR
Subject: FW: Proposed Amendment to Amcast Negotiated Agreement #1 - Amcast BRRTS # Assignment Request Response from Oliver Fiontar, LLC
Attachments: DOC031419-03142019111732.pdf

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From: DJ Burns <djburns@drakecg.com>
Sent: Thursday, March 14, 2019 3:17 PM
To: Brunette, Margaret M - DNR <Margaret.Brunette@wisconsin.gov>; Ales, Stephen M - DNR <Stephen.Ales@wisconsin.gov>; Fassbender, Judy L - DNR <Judy.Fassbender@wisconsin.gov>
Cc: 'DJ Burns' <djburns@drakecg.com>; mckim.krista@epa.gov; 'Chelsea Corson' <ccorson@drakecg.com>; carlyc@drakecg.com
Subject: Proposed Amendment to Amcast Negotiated Agreement #1 - Amcast BRRTS # Assignment Request Response from Oliver Fiontar, LLC

Margaret, Stephen & Judy:

Oliver Fiontar, LLC is in receipt of your March 6, 2019 correspondence entitled, "Notice of Proposed Amendment to Amcast Negotiated Agreement #1" and offers the following response:

At no time prior to, nor after, the acquisition of tax parcels 13-051-01-05-000, 13-050-21-09-000 and 13-050-21-08-000 did Oliver Fiontar, LLC or its consultant (Drake Consulting Group, LLC) request a "consolidation" of BRRTS cases as per the statement contained in your letter.

In an email sent to Margaret Brunette and Judy Fassbender in September 2018, Oliver Fiontar, LLC wrote the following:

"Please be advised that the transfer of the three (3) parcels that comprised a portion of the Amcast Superfund site in Cedarburg have now been transferred to Oliver Fiontar, LLC's ownership effective September 17, 2018 via the recording of the attached Judgment, Deed, and Recorded Assignment which were filed by the Ozaukee County Register of Deeds office (Please see email below from Attorney Michael Herbrand and attachments containing copies of the officially recorded information evidencing the transfer date of September 17, 2018). As previously discussed, Oliver Fiontar, LLC is requesting that the WDNR assign two separate BRRTS numbers for the "Amcast North" property (one parcel - 13051010500 located at N37 W5684 Hamilton Road) and the "Amcast South" property (comprised of two parcels 130502109000 & 130502108000 which are generally referred to by the N39 W7589 Hamilton Road address). Please let us know via email what WDNR BRRTS numbers will be assigned to the two sites."

As stated in the email, Oliver Fiontar, LLC was most certainly not seeking a “consolidation” of BRRTS cases as the DNR states in their letter, but was rather requesting the opening (or establishment) of two new BRRTS cases associated with what have become commonly known as the Amcast North and Amcast South properties in order to permit differentiation between the “open” Superfund related BRRTS Case #02-46-000795 (Amcast Ind. Corp. (SF NPL)) site and the new BRRTS cases. It was also expected that the notification to the DNR of the acquisition of these properties by Oliver Fiontar, LLC (which was provided within the email to the DNR) would permit the DNR to promptly issue what are generally referred to as responsible party (RP) letters to Oliver Fiontar, LLC for its newly acquired properties. Drake had indicated to Oliver Fiontar, LLC that we should expect to receive such letters within a few weeks time. We’d note that no responsible party (RP) letters are known to have been issued to Oliver Fiontar, LLC until such time that we received your March 6, 2019 correspondence (i.e. the RP letters were not issued until approximately 6 months after the DNR was notified of the new owner of the various properties).

With the understanding that the DNR now desires to assign three parcel-specific BRRTS numbers as detailed in its March 6, 2019 correspondence (rather than the two which were requested by Oliver Fiontar, LLC in its September 2018 request), Oliver Fiontar, LLC has no objection to the creation of those three new BRRTS case numbers with the understanding that it feels the DNR must agree to A.) the inclusion of a “note” within the newly created BRRTS case files for BRRTS 02-46-583162 & BRRTS 02-46-583163 (similar to the proposed note for the new BRRTS case file of 02-46-583164) which reads: “Also see BRRTS 02-46-000795 for Superfund activities and 07-46-581557 for the Agreement associated with all three referenced tax parcels and B.) the inclusion of language within the “note” for BRRTS 02-46-583164 that reads, “the purpose of this BRRTS case number is to differentiate actions required by state law and the Agreement from CERCLA/Superfund activities at the site.

In the event that the DNR agrees to the inclusion of the above language in all of the proposed BRRTS case files, Oliver Fiontar, LLC will not object to the Proposed Amendment to Amcast Negotiated Agreement #1 as discussed in the March 6, 2019 DNR correspondence.

We would note that the DNR’s captioning of the names of the proposed BRRTS sites could lead to some confusion in the future. As such, we would request that the DNR consider captioning the newly created BRRTS cases as follows:

BRRTS 02-46-583164 – “Former Amcast North Parcel 13-051-01-05-000”
BRRTS 02-46-583162 – “Former Amcast Central Parcel 13-050-21-09-000”
BRRTS 02-46-583163 – “Former Amcast South Parcel 13-050-21-08-000”

The proposed captioning of the central and south parcels under the shared name of “Amcast Automotive” seems duplicative to us and could therefore result in confusion in the future. The sole use of tax parcel ID numbers could also lead to confusion and an inability to easily track the site in the event that redevelopment of the site occurs via the planned future subdivision of the current tax parcels, as future subdivision of the parcels will cause new tax parcel identification numbers to be created.

Please let us know if the DNR consents to the proposed inclusion of the language and will consider the modification of the DNR proposed naming/captioning of the new BRRTS cases. We have copied the EPA’s Regional Project Manager for the Amcast site (Krista McKim) on this correspondence in order to express Oliver Fiontar, LLC’s desire to ensure that the DNR include the requested “note” in each of the newly opened BRRTS cases which will direct such users to refer to the Superfund BRRTS case #02-46-000795 for additional information regarding these properties.

D.J. Burns – Member
Oliver Fiontar, LLC
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