



March 26, 2019

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Oliver Fiontar, LLC
Daniel Joseph Burns III – Member
N105 W7585 Chatham St.
Cedarburg, WI 53012-3255

Subject: Notice of Expiration of Informal Dispute Resolution Period
Amcast Industrial and Amcast Automotive Sites; Cedarburg, Wisconsin;
BRRTS# 02-46-583164, 02-46-583162, 02-46-583163 and 07-46-581557

Dear Mr. Burns:

This letter is to notify you that twenty (20) days have elapsed since the Wisconsin Department of Natural Resources ("DNR") issued a Notice of Non-Compliance to you, Oliver Fiontar, LLC, on March 6, 2019 for not complying with several terms of Negotiated Agreement #1 (the "Agreement") dated August 2, 2018 for the Amcast Industrial and Amcast Automotive Sites ("Properties"). The DNR considers the March 6, 2019 Notice of Non-Compliance as a Notice of Dispute (herein the "Notice"), as described in Section X. A. of the Agreement. To date, you have not addressed the compliance issues in the Notice summarized below:

- Immediately mitigate all continuing discharges of hazardous substances migrating from the Properties.
- Immediately mitigate the migration of PCB contamination beyond the boundaries of the Properties.
- Submit a site investigation work plan for the Properties that meets Wis. Admin. Code ch. NR 716 requirements, to DNR within 60 days of taking title to the Properties.
- Provide to DNR paper and electronic versions of any reports, plans, notices or other documentation consistent with the Wis. Admin. Code chs. NR 700 through NR 754 rules, specifically NR 700.11(3g). The DNR has received electronic versions of the monthly updates but not any paper copies.

Per Section X. B of the Agreement, you have thirty (30) days or until April 25, 2019 to submit a Statement of Position regarding this Dispute. If you do not submit a Statement of Position, the DNR will pursue additional environmental enforcement.

You submitted a monthly update to the DNR electronically on March 22, 2019. In that update you stated that "Having now received notice of the issuance of the BRRTS numbers and the previously requested "Responsible Party" letter from the WDNR, Oliver Fiontar, LLC has requested that Drake work to finalize the WDNR requested Site Investigation Workplan and submit it to the WDNR (with a copy to the EPA's Regional Project Manager) for review". Notice to Oliver Fiontar, LLC regarding environmental activities required at the Properties were formalized in the Agreement effective August 2, 2018. The DNR reminds Oliver Fiontar, LLC that it has an ongoing obligation 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, regardless of whether or not the state directed

them to do so (*State of Wisconsin v. Chrysler Outboard Marine Corporation*, 219 Wis.2d 130 (1988)). To date, Oliver Fiontar, LLC has failed to take the necessary actions specified in the Agreement and required by Wisconsin law to investigate and remediate the contamination at the Properties.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in cursive script that reads "Michele R. Norman".

Michele R. Norman
Team Supervisor – Remediation and Redevelopment Program - Southeast
Wisconsin Department of Natural Resources
2300 N. Martin Luther King Jr. Dr., Milwaukee, WI 53212
Michele.Norman@wisconsin.gov

cc. Krista McKim, P.E., Remedial Project Manager, U.S. EPA, McKim.Krista@epa.gov (electronic)