



October 25, 2019

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

Mr. Daniel Joseph Burns III, President
Drake Consulting Group, LLC
118 North Green Bay Rd, Suite 2
Thiensville, WI 53092-1623

SUBJECT: Extension Denied; Statement of Position Not Received
Former Amcast Facility, Cedarburg, WI
WDNR FID# 246003780 and 246175820, BRRTS# 02-46-583162, 02-46-583163, 02-46-583164

Dear Mr. Burns,

This letter is to notify you that the request from Drake Consulting Group, LLC (Drake) on October 10, 2019 for an extension to provide a revised Site Investigation Workplan within 45 days of the Wisconsin Department of Natural Resources ("DNR") letter dated August 27, 2019 is denied. In an email sent on the 45th day requesting an extension, Drake specified an adequate workplan would be completed and submitted by October 31, 2019. Please submit this as soon as practicable.

Additionally, this letter is to notify you that more than thirty (30) days have elapsed since the DNR requested you, Oliver Fiontar, LLC, on March 26, 2019 to provide a Statement of Position for resolving the non-compliance of several terms of Negotiated Agreement #1 (the "Agreement") dated August 2, 2018. DNR issued a Responsible Party Letter and a Notice of Non-Compliance to you, Oliver Fiontar, LLC, on March 6, 2019. The Notice of Noncompliance is a Notice of Dispute, as described in Section X. A. of the Agreement. To date, you have not adequately addressed the compliance issues addressed in the Notice and 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 electronic versions of any reports, plans, notices or other documentation in addition to a paper version, consistent with the Wis. Admin. Code chs. NR 700 through NR 754 rules.

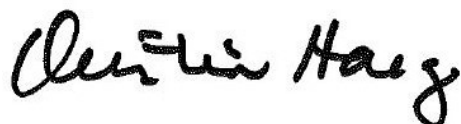
On April 26, 2019, the DNR received the letter titled *August 2, 2018 Negotiated Agreement between the WDNR and Oliver Fiontar, LLC as regards DNR BRRTS Numbers: 02-46-583164, 02-46-583162 & 02-46-583163 Located in Cedarburg, Wisconsin*. This letter was dated April 25, 2019. The letter was not a Statement of Position. The DNR does not agree that you have met your responsibility to take the actions necessary to restore the environment to the extent practicable and minimize the potentially harmful effects from the discharges.

You remain out of compliance because you have failed to document the prevention of ongoing discharges. In addition to Section IV.E of the Agreement, the statutory provision Wis. Stat. § 292.11 (4) (a) states “the department may require that preventative measure be taken by any person possessing or having control over a hazardous substance if the department finds that existing control measures are inadequate to prevent discharges.” Additionally, Wis. Admin. Code § 708.05 (1) states, “unless otherwise directed by the department, responsible parties shall immediately take action to halt a hazardous substance or environmental pollution and to minimize the harmful effects of the discharge or environmental pollution to the air, lands or waters of the state.” According to Addendum D of the Agreement, you were to immediately mitigate and halt PCB migrations. You have been out of compliance of this requirement since you acquired the property.

You remain out of compliance because your Site Investigation Work Plan submittal was inadequate in detail for evaluation. Additionally, the required monthly updates to the DNR and EPA have been lacking sufficient detail, including descriptions and photos to document the specific response actions and development activities taking place at the Properties. Since you obtained the Properties in September 2018, the DNR has not received a Site Investigation Work Plan that meets the requirements of Wis. Admin. Code ch. NR 716. According to Addendum D of the Agreement, you were to submit a Site Investigation Work Plan that meets NR 716 requirements no later than 60 days after acquiring the property. It is now October 2019 and Drake has requested extensions to submit a late work plan on your (Oliver Fiontar, LLC) behalf.

If you have any questions regarding any of the above items, please contact me at (608) 266-0244 or Christine.Haag@wisconsin.gov.

Sincerely,

A handwritten signature in black ink that reads "Christine Haag". The signature is written in a cursive, flowing style.

Christine Haag
Bureau Director
Remediation and Redevelopment Program

cc: Chelsea Corson, Drake (ccorson@drakecg.com)
Krista McKim – U.S. EPA Region 5 (electronic)
Jennifer Dorman – SER