



CERTIFIED MAIL

March 6, 2019

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

Subject: **Reported Contamination at the Amcast Industrial and Amcast Automotive Sites;**  
Cedarburg, Wisconsin;  
DNR FID# 246003780 / BRRTS# 02-46-583162 and 02-46-583163  
DNR FID# 246175820 / BRRTS# 02-46-583164

Dear Mr. Burns:

On September 21, 2018, you notified the Department of Natural Resources (DNR) that Oliver Fiontar, LLC, had obtained title to real estate in Cedarburg, Wisconsin, comprised of the parcels tracked as the DNR Remediation and Redevelopment Tracking System (BRRTS) sites listed above. These parcels are part of a larger National Priorities List (NPL) Superfund site being addressed by the United States Environmental Protection Agency (EPA).

Information submitted to, and on file, with DNR regarding these sites indicates that the properties you acquired contain hazardous substance discharges to the environment. As the owner (possessor, controller) of these properties you are responsible for the discharges of hazardous substance and other environmental pollution (hereafter referred to as "contamination") at the above-described sites per Wis. Stat. § 292.11(3). "Site" refers to the property where the contamination occurred and any other property the contamination continues to migrate to, as described in the enclosed Negotiated Agreement #1 ("Agreement").

This letter explains how to initiate the investigation and cleanup of contamination of the site, and how to access further information and assistance from the DNR. The longer contamination is left in the environment, the farther it can spread and the more it may cost to clean up. Quick action may lessen damage to your property and neighboring properties and reduce your costs in investigating and cleaning up the contamination.

**Legal Responsibilities:**

In addition to all terms and conditions contained in the attached Agreement, between DNR and Oliver Fiontar, LLC, which was executed on August 2, 2018, persons meeting the definition of "responsible party" under Wis. Admin. Code § NR 700.03(51) must follow applicable law to address the discharge of a hazardous substance to the environment or other environmental pollution. Wisconsin Statutes ("Wis. Stats.") ch. 292 and Wis. Admin. Code chs. NR 700 through NR 754 provide specific requirements for undertaking appropriate response actions to address contamination, including requirements for emergency and interim actions, public information, site investigations, remedy selection, design and operation of remedial action systems, and case closure.

### **General Recommendations for Responsible Parties:**

The DNR recommends that you:

#### *1. Review Regulatory Deadlines and Environmental Consultant Qualifications*

To ensure response actions you plan to undertake comply with Wisconsin law and the terms of the Agreement, you should review the regulatory deadlines listed below and the schedule specified in the Agreement. The DNR understands that you have hired yourself, Drake Consulting Group, LLC, per the email correspondence titled “Amcast” sent to Project Manager Margaret Brunette on September 21, 2018.

Hiring a consulting firm with staff that have the appropriate State of Wisconsin qualifications to supervise and certify the submittals is a critical component and necessary to meet your requirements. Further, an environmental consultant should be knowledgeable of Wisconsin’s technical procedures and laws, and be able to answer questions regarding cleanup requirements. Required qualifications for environmental consultants are specified in Wis. Admin. Code ch. NR 712. Program guidance is available, see *Wis. Admin. Code ch. NR 712 Qualifications and Certifications, RR-081*.

#### *2. Properly Submit Reports on Time with Required Information Included*

Wisconsin law includes timeframes for submitting technical documents and conducting work, as well as specifications for what should be included in those submittals. This letter provides a general overview of the timeframes and first steps to take for site investigation and cleanup. For an overview of timing requirements, please refer to *NR 700 Process and Timeline Overview, RR-967, enclosed*.

The DNR developed the publication *Guidance for Electronic Submittals for the Remediation and Redevelopment Program, RR-690*, to assist responsible parties and consultants in properly submitting documents. Wis. Admin. Code § NR 700.11(3g), and other specific provisions within Wis. Admin. Code ch. NR 700, outline the requirements for submittals, including electronic submittals. Consultants and representatives of responsible parties are required to submit one paper copy and one electronic copy of submittals, including case closure documents. The electronic version must be an exact duplicate of the paper version. Failure to submit both a paper copy and electronic copy delays acceptance of your submittals per the Agreement.

#### *3. Consider the Benefits of a Fee-based Technical Review of your Submittals*

In-depth DNR review of technical reports and submittals is available for a fee. The Remediation and Redevelopment (RR) Program project managers are available throughout the process to answer general questions and provide general input as the site moves toward closure. However, if you want a formal written response from the DNR, a meeting or both, on a specific submittal, a review fee will be required in accordance with Wis. Admin. Code ch. NR 749. **Obtaining technical assistance from DNR project managers throughout the process is an effective way to prevent problems and delays at the end of the process when case closure is requested.** Forms, a fee schedule, and further information on technical assistance is available at [dnr.wi.gov](http://dnr.wi.gov) and searching “brownfield fees”. The Agreement requires fee-based DNR reviews.

### **Required Steps to Take and Documents to Submit:**

The steps listed below serve as a general overview— all mandatory steps and submittals specified in state law must be met before the DNR can grant “case closure”, which is a determination by the DNR that no further cleanup is necessary at a site, as defined in Wis. Admin. Code § NR 700.03(3m). Additional requirements are specified in the Agreement.

1. **Scoping and Work Plan Submittal – NR 716.07 and 716.09:** The Agreement and subsequent extension granted by the DNR required that you appropriately scope out your site investigation and submit a work plan within **60 days of taking title to the property. The DNR granted an extension of this submittal deadline to January 14, 2019.** The site investigation work plan must comply with the requirements in Wis. Admin. Code, chs. NR 700 through NR 754. For additional assistance, the DNR has extensive guidance on its web page at [dnr.wi.gov](http://dnr.wi.gov) and search “brownfield publications”.

Prior to and during a site investigation, you must evaluate whether any interim actions are needed to contain or stabilize a hazardous substance discharge or environmental pollution, pursuant to Wis. Admin. Code § NR 708.11. If you undertake an interim action (e.g., free product removal), you must submit documentation of the action per Wis. Admin. Code § NR 708.15.

As you develop the site investigation work plan, you must include an assessment of the vapor intrusion pathway. Wis. Admin. Code § NR 716.11(5) outlines the requirements for when to evaluate for the presence of vapors in the sub-surface and in indoor air. The results and conclusions from the vapor assessment must be included in the Wis. Admin. Code § NR 716.15 site investigation report whether or not you elected to take vapor samples. *Addressing Vapor Intrusion at Remediation & Redevelopment Sites in Wisconsin, RR-800*, is available to help responsible parties and their consultants comply with these requirements.

2. **Field Investigation – NR 716.11:** Following submission of the work plan, the site investigation must be started within the timeframe provided under law. The timeframe varies depending on whether you are requesting the DNR’s fee-based review of the work plan. If you do not request a fee-based review of the work plan, you must initiate the field investigation within 90 days of submitting the work plan, and you may proceed with the field investigation upon DNR notification to proceed; however, if the DNR has not responded within 30 days, from submittal of the work plan, you may then proceed with the field investigation. If a fee and request for DNR review of the work plan is submitted, the field investigation must begin within 60 days after receiving DNR approval.
3. **Sample Results Notification Requirements – NR 716.14:** You must report sampling results to the DNR, owners, occupants, and various other parties within 10 business days after receiving the sampling results, unless a different timeframe is approved by the DNR, in accordance with Wis. Admin. Code § NR 716.14.
4. **Site Investigation Report – NR 716.15:** Within 60 days after completion of the field investigation and receipt of the laboratory data, the law requires you to submit a Site Investigation Report (SIR) to the DNR. As part of the SIR or in the Remedial Actions Options Report (RAOR), if there is soil contamination, the responsible party shall identify the current land use (i.e., industrial or non-industrial) and zoning for the site or facility in accordance with Wis. Admin. Code § NR 720.05(5). Also, as part of the SIR or in the RAOR, you must include any interim action report that may be required under Wis. Admin. Code § NR 708.15. The Agreement requires submittal of a Site Investigation workplan.
5. **Remedial Actions Options Report – NR 722:** Within 60 days after submitting the SIR, the law requires you to submit a RAOR. The selected remedy in the RAOR should include an evaluation of green and sustainable remediation criteria, as appropriate, as required by Wis. Admin. Code § NR 722.09(2m). This may be submitted as part of a broader SIR.
6. **Remedial and Interim Action Design, Implementation, Operation, Maintenance and Monitoring Reports – NR 724:** Unless otherwise directed by the DNR, the responsible party shall submit all plans and reports required in Wis. Admin. Code ch. NR 724.
7. **Notification of Residual Contamination or Continuing Obligations – NR 725:** In situations where notification is required, the responsible party must provide submittal(s) that confirms that continuing

obligations have been identified and affected property owners have been notified by the responsible parties 30 days prior to case closure, as required by Wis. Admin. Code ch. NR 725.

8. **Semi-annual Reporting -- NR 700.11:** Wis. Admin. Code § NR 700.11(1)(a) requires responsible parties to submit semi-annual site progress reports to the department until final case closure is granted. The reports summarize the work completed over six months and additional work planned to adequately complete the response action at the site. Consultants may submit these reports on behalf of responsible parties. These reports are due in January and July of each year. Please refer to department publication *NR 700 Semi-Annual Site Progress Report, RR-082*, for more information. The Agreement requires monthly reporting.

#### Submittals required under Wis. Admin. Code chs. NR 700 - 726

These documents, as applicable, must be submitted to the department prior to the responsible party requesting case closure, unless otherwise directed by the department:

- Ch. NR 708 reports and documentation for any immediate or interim actions.
- Ch. NR 712 professional certifications and signatures are included with applicable submittals.
- Ch. NR 716 work plan(s) and site investigation report.
- Ch. NR 722 remedial action options report (exception is for Dry Cleaners Environmental Response Fund sites), with the selected remedial action identified.
- Ch. NR 724 design, construction documentation, operation, maintenance and monitoring plans and reports, including vapor mitigation commissioning.
- Ch. NR 725 submittal(s) that confirms that continuing obligations have been identified and affected property owners have been notified by the responsible parties 30 days prior to case closure.
- If requesting case closure, the Ch. NR 726 case closure form and documentation substantiating compliance with the NR 700 rule series.
- Ch. NR 749 fees have been paid, as applicable, including closure and database fees.
- Ch. NR 700 semi-annual site progress reports starting six months after notification.

#### **Additional Information:**

The DNR tracks information on all cleanup sites in a DNR database available at [dnr.wi.gov](http://dnr.wi.gov) and search "BOTW". The Bureau for Remediation and Redevelopment Tracking System (BRRTS) identification number for this site is listed at the top of this letter. You may view information related to your site on this database at any time.

All correspondence regarding this site should be directed to:

Margaret Brunette, P.G.  
Remediation and Redevelopment Program  
Wisconsin Department of Natural Resources  
2300 N. Martin Luther King Jr. Dr  
Milwaukee, WI 53212  
[margaret.brunette@wisconsin.gov](mailto:margaret.brunette@wisconsin.gov)

**As previously noted, you are required to submit one paper copy and one electronic copy of plans and reports. To speed up processing, your correspondence should reference the BRRTS and Facility Identification (FID) numbers listed in the subject line on page one of this letter.**

Please visit the DNR's Remediation and Redevelopment Program website at [dnr.wi.gov](http://dnr.wi.gov) and search "Brownfields", for information on selecting a consultant, seeking financial assistance, and understanding the investigation and cleanup process. Information regarding review fees, liability clarification letters, post-cleanup liability and more is also available.

If you have questions, please call me for more information.

Thank you for your cooperation.

Sincerely,



Michele 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](mailto:Michele.Norman@wisconsin.gov)

**Encl.** - NEGOTIATED AGREEMENT #1: A WIS. STAT. § 75.106 AGREEMENT BETWEEN THE WISCONSIN DEPARTMENT OF NATURAL RESOURCES AND OLIVER FIONTAR LLC, TO INVESTIGATE AND CLEAN UP ENVIRONMENTAL CONTAMINATION AT THE FORMER AMCAST INDUSTRIAL CORPORATION PROPERTIES IN CEDARBURG, WISCONSIN; OZAUKEE COUNTY PARCELS: 13-051-01-05-000, 13-050-21-09-000, and 13-050-21-08-000. U.S. EPA SUPERFUND SITE ID: WIN000510210.DNR BRRTS Numbers: 02-46-000795, 04-46-243223, 04-46-243336, 07-46-581557.

**Encl.** – Notice of Noncompliance

**Encl.** – Notice of Proposed Amendment to the Negotiated Agreement

**cc.** Krista McKim, P.E., Remedial Project Manager, U.S. EPA, [McKim.Krista@epa.gov](mailto:McKim.Krista@epa.gov)