

Carroll D. Besadny
Secretary

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Southeast District
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November 25, 1992

File Ref: U.S. EPA ID #: None

FIS 241692110
Dockets 02-41-119925

Mr. James L. Walt
Attorney for the Estate of Aaron L. Tilton
845 N. 11th Street
Milwaukee, WI 53233

SUBJECT: Conditional Approval of Remedial Investigation Closure Plan
Former Shop-Rite Grocery
3217 West Villard Avenue
Milwaukee, Milwaukee County, Wisconsin

Dear Mr. Walt:

The Wisconsin Department of Natural Resources has reviewed your report entitled "*Remedial Investigation Closure Plan; Estate of Aaron L. Tilton; 3217 West Villard Avenue, Milwaukee, Wisconsin*", dated May 21, 1992 and received by the Department on May 27, 1992. The report was submitted on your behalf by Warzyn, Inc. of Milwaukee, Wisconsin. On November 24, 1992, I met with representatives of Warzyn, Inc. and Godfrey & Kahn in order to talk about remedial investigation closure plan. In that meeting, both parties agreed that this facility should be regulated under s. 144.76(3), Wis. Stats., rather than ss. 144.60 - 144.74, Wis. Stats. As such, the Department conditionally approves the above referenced report as proposed, pending inclusion of the following:

1. At least two rounds of water quality sampling shall be performed on all wells a minimum of 30 days apart, prior to quarterly sampling, if required by the Department.
2. All soils and fluids, including drill cuttings, decontamination water, surge and wash, contaminated clothing and supplies, sludges, etc., from all borehole and groundwater monitoring well construction and development, sampling activities and remedial actions, etc., shall be collected, containerized and properly managed as either a solid waste or hazardous waste. The Estate of Aaron L. Tilton is responsible for making a hazardous waste determination of the above materials according to ss. NR 610.05, 610.07(1)(a), and 615.06, Wis. Adm. Code and 40 CFR 261.3(a)(2). All wastes generated and stored during the investigative phase and remedial process shall be managed according to ch. NR 615, Wis. Adm. Code. The Estate of Aaron L. Tilton is hereby advised that tetrachloroethylene has a hazardous waste number F002.

The Department of Natural Resources determines that the Estate of Aaron L. Tilton's remedial investigation plan is hereby approved, provided that all


conditions set forth are complied with. The Department retains jurisdiction to require submittal of additional information or to modify this approval at any time if, in the Department's opinion, further modifications are necessary. Please be reminded that issuance of a conditional approval does not guarantee facility closure and does not relieve the Estate of legal obligations to meet all other state and local permit, zoning, and regulatory requirements.

The Department reserves the right to require additional work, both on and off the facility property, if the site investigation proves insufficient to:

1. Define the degree, extent, and character of contamination at the facility.
2. Develop an adequate remedial action plan.

Should you have any questions concerning this conditional approval, please contact me at (414)263-8604.

Sincerely,



Scott J. Ferguson, Hydrogeologist
Hazardous Waste Management Section
Southeast District Headquarters

sf:tilton.app

xc: Waryzn, Inc.
Godfrey & Kahn
Bureau - HWS - SW/3
SED HW File