

**From:** James, Andrew G - DNR  
**Sent:** Thursday, August 5, 2021 2:08 PM  
**To:** Dick Lyster; wca2  
**Subject:** NR 716 Emerging Contaminant Evaluation - Winners Circle Automotive - 03-39-168015

Mr. Lyster & Mr. Berndt,  
The DNR has reviewed your Emerging Contaminant (EC) scoping statement in conformance with NR 716. DNR concurs with the submitted assessment. At this time there will be no additional sampling required for ECs at this site. DNR will proceed with the closure process at this time by sending a list of requested revisions to the closure packet. Please complete these requested revisions to the closure packet and submit them to the DNR in order to proceed with the closure process.  
If you have any questions or concerns please let me know. Thank you.

Sincerely,  
Andy James

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**Andy James**

Hydrogeologist Remediation & Redevelopment Program  
Wisconsin Department of Natural Resources  
2984 Shawano Avenue  
Green Bay, WI 54313  
Cell: 715-527-0114  
[Andrew.James@wisconsin.gov](mailto:Andrew.James@wisconsin.gov)



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**From:** Dick Lyster <[dlyster@msa-ps.com](mailto:dlyster@msa-ps.com)>  
**Sent:** Thursday, August 5, 2021 9:20 AM  
**To:** James, Andrew G - DNR <[andrew.james@wisconsin.gov](mailto:andrew.james@wisconsin.gov)>; wca2 <[wcabmw2@gmail.com](mailto:wcabmw2@gmail.com)>  
**Subject:** RE: 7/19/21 Phone Call Follow-Up - Winners Circle Automotive - 03-39-168015

Good Morning:

As requested, the following is a scoping statement regarding the potential presence of emerging contaminants for the Winners Circle Auto LUST site, BRRTS 03-39-168015, 115 W Ormsby St, Oxford, WI.

MSA performed site investigation activities following PECFA program procedures from approximately 2005 until a site closure request submittal to the WDNR in June 2020. Based on the information in the closure request submittal, the LUST site was associated with a former Tim's Amoco filling station that operated from approximately early 1950's to 1968. The property is now used for storage by the current owner. It consists of two parcels separated by an alley and is zoned downtown commercial. Petroleum contamination was discovered at the site in 1997 and environmental site assessment proceeded through remediation with an installed mechanical system. Assessments were primarily for petroleum

constituents, but included PCB sampling for hydraulic lifts (no detection), assessment at waste oil USTs, and for the former filling station petroleum system. Monitoring results, although limited to petroleum constituents, indicated the primary contamination at this site was unleaded gasoline. Based on what is known about the property history presented in the closure request, potential contaminants associated with the hazardous substance release have been evaluated at the site. There is no indication or documented history that chemical products containing emerging contaminants such as PFAs were ever manufactured, stored, or used at this site.

Please let me know if you have questions.



**Richard Lyster, PG, CPG** | Team Leader

MSA Professional Services, Inc.

100% Employee Owned

+1 (608) 355-8901



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**From:** James, Andrew G - DNR <[andrew.james@wisconsin.gov](mailto:andrew.james@wisconsin.gov)>

**Sent:** Tuesday, July 20, 2021 9:24 AM

**To:** wca2 <[wcabmw2@gmail.com](mailto:wcabmw2@gmail.com)>

**Cc:** Dick Lyster <[dlyster@msa-ps.com](mailto:dlyster@msa-ps.com)>

**Subject:** 7/19/21 Phone Call Follow-Up - Winners Circle Automotive - 03-39-168015

Mr. Berndt,

Thank you for reaching out to me yesterday about the next steps in the closure process and the required Emerging Contaminant (EC) scoping statement. As discussed, all open Bureau of Remediation and Redevelopment contamination cases are required to provide an assessment of ECs prior to closure. I have attached the letter that was sent to you in August of 2020, regarding this requirement. In the letter there are some links to resources which further explain the reason behind this requirement as well as additional information on these contaminants. For additional information on per and poly fluoroalkyl substances, please visit [this link](#) to the DNR's Brownfields page regarding PFAS compounds.

As stated below, your closure request is administratively paused until DNR receives the EC scoping evaluation from your consultant and the additional actions (if any) are complete. Once your EC scoping statement is received, DNR will evaluate and provide a recommendation as to the need for additional information, additional sampling or if no additional sampling for ECs is required at your site. Once this process is complete DNR will proceed with reviewing your closure request. The next step in the closure process will be the revisions to the closure packet. Once the revisions have been received and are deemed complete, DNR will issue a Remaining Actions Needed (RAN) letter which directs you to abandon the wells at the site, dispose of any remaining Investigative Derived Waste and provide documentation of these steps. You had asked how many monitoring wells remain at your site which will need to be abandoned. It appears from my desktop assessment the following monitoring wells still remain and must be abandoned: MW-2, MW-3, MW-6, MW-6P, MW-7A/MW-7P, MW-8P, MW-10P. However, once the RAN letter has been issued, your consultant will perform a site visit and physically verify the remaining monitoring wells during the well abandonment process.

Thank you again for your phone call and continuing to move your site to the point of final closure. Should you have any questions or concerns please do not hesitate to contact me. Thank you and have a nice day.

Sincerely,

Andy James

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Andy James

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**From:** James, Andrew G - DNR

**Sent:** Friday, July 16, 2021 12:50 PM

**To:** wca2 <[wcabmw2@gmail.com](mailto:wcabmw2@gmail.com)>

**Cc:** Dick Lyster <[dlyster@msa-ps.com](mailto:dlyster@msa-ps.com)>

**Subject:** RE: Regarding 7/12/21 phone call - Winners Circle Automotive - 03-39-168015

Mr. Berndt,

I spoke with Mr. Lyster on Wednesday regarding the EC scoping statement. As this was not covered under the PECFA reimbursement program, MSA is not under contract to complete this work, however it does sound like they would be willing to perform the assessment. You and your consultant will have to work the details of this arrangement out. The closure request is administratively paused until the DNR receives the EC scoping statement and it is determined that all (if any) additional steps in relation to ECs, have been completed. In regards to your comment about slowing down the closure process, it is in your best interest to continue to provide any information or complete any requested action, promptly and accurately. This will help ensure the closure process continues to proceed timely and efficiently. Please continue to work with your consultant to provide the EC scoping statement to DNR. As soon as we can process this statement (and any resulting recommended actions are completed), DNR will proceed with processing the closure request. Please give me a call if you'd like to discuss.

Sincerely,

Andy James

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Andy James

Hydrogeologist Remediation & Redevelopment Program

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**From:** wca2 <[wcabmw2@gmail.com](mailto:wcabmw2@gmail.com)>  
**Sent:** Thursday, July 15, 2021 11:10 AM  
**To:** Dick Lyster <[dlyster@msa-ps.com](mailto:dlyster@msa-ps.com)>; James, Andrew G - DNR <[andrew.james@wisconsin.gov](mailto:andrew.james@wisconsin.gov)>  
**Subject:** Re: Regarding 7/12/21 phone call - Winners Circle Automotive - 03-39-168015

Thank you for the clarification. Were you able to get in touch with the DNR with regards to this statement? What was the outcome of that contact and will this slow down my closure request determination?

Terry Berndt  
608-547-7466

On Wed, Jul 14, 2021 at 9:07 AM Dick Lyster <[dlyster@msa-ps.com](mailto:dlyster@msa-ps.com)> wrote:

Terry: Good morning, It is not a form but a statement that MSA has performed a review for PFAs and other chemicals then the statement is provided to DNR. I did take a call from Andrew James on June 1 and then he sent a couple examples on email from a couple of DOT projects, but those are different than the PECFA petroleum sites, such as yours. Our work was only related to the old petroleum system at the property so the PECFA work tested for petroleum, not other materials. We do not have specific property history or knowledge for what DNR refers to as emerging contaminants (EC) at the property (or in Oxford). I think this makes his request awkward for us, as he wants us to write a position statement for something that we have no knowledge of, and then send that to him. The closure request was submitted to DNR on June 18, 2020 by Jayne who was the lead on the project for you. I will see if I can call him this morning and discuss. Dick Lyster, MSA

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**From:** wca2 <[wcabmw2@gmail.com](mailto:wcabmw2@gmail.com)>  
**Sent:** Wednesday, July 14, 2021 6:56 AM  
**To:** James, Andrew G - DNR <[andrew.james@wisconsin.gov](mailto:andrew.james@wisconsin.gov)>  
**Cc:** Dick Lyster <[dlyster@msa-ps.com](mailto:dlyster@msa-ps.com)>  
**Subject:** Re: Regarding 7/12/21 phone call - Winners Circle Automotive - 03-39-168015

Mr. Lyster,

Has the form the DNR requested on June 1st been sent to them?

Please advise.

Thank you

Terry Berndt

Owner

Winner's Circle Automotive

115 Ormsby St PO Box 6

Oxford WI 53952

608-547-7466

On Tue, Jul 13, 2021 at 2:02 PM James, Andrew G - DNR <[andrew.james@wisconsin.gov](mailto:andrew.james@wisconsin.gov)> wrote:

Mr. Berndt,

In response to your voice message yesterday and my return phone call today, I am providing a follow up email to answer your questions. Currently the DNR must receive an NR 716 Emerging Contaminant (EC) scoping statement from all open sites prior to closing the site. This statement is a summation of an evaluation from the environmental consultant regarding the potential presence of known environmental ECs at your site. Your consultant will specifically look at this suite of contaminants and the potential for ECs to have impacted the environment as a result of your site in a similar way they evaluate the contaminants of concern at any site. Once your consultant provides this statement, DNR will review and determine whether additional sampling is required. In addition to the NR 716 EC scoping statement, revisions to the closure packet are necessary prior to closing the site. These revisions are used to complete the Continuing Obligations (CO) packet once your site has closed.

Once these and any follow up actions are complete, the DNR will proceed with the closure process at your site. This will include issuing a Remaining Actions Needed (RAN) letter which outlines the final steps required to close your site. Once the RAN are complete, DNR will issue the Final Closure letter and administratively close your site.

If you have any questions please give me a call or send me an email. I am available most days during normal business hours. Typically I would suggest trying to call earlier in the day in order to ensure you can reach me.

Thank you and have a nice week.

Sincerely,

Andy James

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**Andy James**

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**From:** James, Andrew G - DNR

**Sent:** Tuesday, June 1, 2021 10:44 AM

**To:** Dick Lyster <[dlyster@msa-ps.com](mailto:dlyster@msa-ps.com)>

**Cc:** [wcabmw2@gmail.com](mailto:wcabmw2@gmail.com)

**Subject:** NR 716 Emerging Contaminant Evaluation - Winners Circle Automotive - 03-39-168015

Good Morning Mr. Lyster,

Wisconsin Department of Natural Resources (DNR) is requesting a scoping statement regarding emerging contaminants at the above-listed site. In accordance with Wis. Admin. Code § NR 716.07, site investigation work plans shall include an evaluation of all potential contaminants associated with a hazardous substance discharge and/or environmental pollution, including emerging contaminants. The evaluation should include any available information on whether any products containing emerging contaminants, including PFAS, are presently or were produced, used, handled, or stored at the site or used in any process services; the duration of PFAS-containing product use; the type of PFAS contained in the product; and any areas of the site where PFAS-containing products may have been used, stored, managed, or discarded. The evaluation must include an assessment of all environmental media affected or potentially affected by the contamination per Wis. Admin. Code § NR 716.07(4), and potential or known impacts to receptors per Wis. Admin. Code § NR 716.07(8).

Once received, DNR will evaluate your submittal and provide a decision whether further sampling of emerging contaminants is required at this site. If no sampling or additional documentation is required, DNR will proceed with reviewing the closure request. If you have any questions, please do not hesitate to ask. Thank you.

Sincerely,  
Andy James

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