



January 6, 2021

William Klitzke  
N6302 Church Road  
Monticello, WI 53570

**KEEP THIS LEGAL DOCUMENT WITH YOUR PROPERTY RECORDS**

SUBJECT: Case Closure with Continuing Obligations  
River Bends Bar, N7298 County Highway (CTH) X, Town of Brooklyn, WI  
BRRTS #: 03-23-198810, FID: 123040280

Dear Mr. Klitzke

The Wisconsin Department of Natural Resources (DNR) is pleased to inform you that the River Bends Bar case identified above met the requirements of Wisconsin Administrative (Wis. Admin.) Code chs. NR 725-727 for case closure with continuing obligations (COs). COs are legal requirements to address potential exposure to remaining contamination. No further investigation or remediation is required at this time for the reported hazardous substance discharge.

However, you, future property owners and occupants of the property must comply with the COs as explained in this letter, which may include maintaining certain features and notifying the DNR and obtaining approval before taking specific actions. You must provide this letter and all enclosures to anyone who purchases, rents or leases this property from you. Some COs also apply to other properties or rights-of-way (ROWs) affected by the contamination as identified in the Continuing Obligation Summary section of this letter.

This case closure decision is issued under Wis. Admin. Code chs. NR 725-727 and is based on information received by the DNR to date. The DNR reviewed the case closure request for compliance with state laws and standards and determined the case closure request met the notification requirements of Wis. Admin. Code ch. NR 725, the response action goals of Wis. Admin. Code § NR 726.05(4), the case closure criteria of Wis. Admin. Code §§ NR 726.05, 726.09 and 726.11, and Wis. Admin. Code ch. NR 140.

The River Bends Bar site was investigated for a discharge of hazardous substances from three underground storage tanks located on site. Soil and groundwater were investigated in the area of the former tanks and downgradient of the former tanks. Vapors were evaluated in the basement of the on-site building. Case closure is granted for the petroleum contaminants analyzed during the site investigation, as documented in the case file. The site investigation and/or remedial action addressed soil, groundwater, and vapor. The remedial action consisted of the excavation of 231.1 tons of contaminated soil. Contamination remains in soil to the west of the on-site building and extends in the ROW of CTH X. Contamination remains in groundwater on the northwest corner of the onsite property and extends into the ROW of CTH C.

The case closure decision and COs required were based on the site being used for commercial purposes. The site is currently zoned commercial, which meets non-industrial use under Wis. Admin. Code § NR 720.05 (5) for application of residual contaminant levels in soil.

### SUMMARY OF CONTINUING OBLIGATIONS

COs are applied at the following locations:

<u>Address (Brooklyn, WI)</u>	<u>COs Applied</u>
N7298 CTH X (Source Property)	Residual Groundwater Contamination Residual Soil Contamination Structural Impediment
County Highway (CTH) C	Residual Groundwater Contamination
County Highway (CTH) X	Residual Soil Contamination

### CLOSURE CONDITIONS

Closure conditions are legally required conditions which include both COs and other requirements for case closure (Wis. Stat. § 292.12 (2)). Under Wis. Stat. § 292.12 (5), you, any subsequent property owners and occupants of the property must comply with the closure conditions as explained in this letter. The property owner must notify occupants for any condition specified in this letter under Wis. Admin. Code §§ NR 726.15 (1) (b) and NR 727.05 (2). If an occupant is responsible for maintenance of any closure condition specified in this letter, you and any subsequent property owner must include the condition in the lease agreement under Wis. Admin. Code § NR 727.05 (3) and provide the maintenance plan to any occupant that is responsible.

DNR staff may conduct periodic pre-arranged inspections to ensure that the conditions included in this letter are met (Wis. Stat. § 292.11 (8)). If these requirements are not followed, the DNR may take enforcement action under Wis. Stat. ch. 292 to ensure compliance with the closure conditions.

### SOIL

#### *Continuing Obligations to Address Soil Contamination*

Residual Soil Contamination (Wis. Admin. Code chs. NR 718, NR 500-599, and § NR 726.15 (2) (b), and Wis. Stat. ch. 289)

Soil contamination remains to the west of the on-site building and within the ROW of CTH X, indicated on the enclosed map (Fig. B.2.b., Residual Soil Contamination, 07/17/2012). If soil in the location shown on the map is excavated in the future, the property owner or right-of-way holder at the time of excavation must sample and analyze the excavated soil. If sampling confirms that contamination is present, the property owner or right-of-way holder at the time of excavation will need to determine if the material is considered solid waste and ensure that any storage, treatment or disposal complies with applicable standards and rules. Contaminated soil may be managed under Wis. Admin. Code ch. NR 718 with prior DNR approval.

In addition, all current and future property owners, occupants and right-of-way holders need to be aware that excavation of the contaminated soil may pose an inhalation and direct contact hazard; special precautions may be needed to prevent a threat to human health.

Structural Impediment (Wis. Stat. § 292.12 (2) (b), Wis. Admin. Code §§ NR 726.15 (2) (f), NR 727.07 (2))

The on-site building as shown on the enclosed map (Fig. B.2.b., Residual Soil Contamination, 07/17/2012) made complete site investigation and remediation of the contamination on this property impracticable. Upon removal of

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the structural impediment, the property owner shall investigate the degree and extent of petroleum contamination obstructed by the structural impediment. If contamination is found at that time, the property owner shall remediate the contamination in accordance with Wis. Admin. Code chs. NR 700 - 799.

## GROUNDWATER

### *Continuing Obligations to Address Groundwater Contamination and/or Monitoring Wells*

Groundwater Contamination Equals or Exceeds Enforcement Standards (Wis. Admin. Code ch. NR 140 and § NR 812.09 (4) (w))

Groundwater contamination which equals or exceeds the enforcement standards for benzene, ethylbenzene, naphthalene, trimethylbenzene, and xylene are present on-site and within the ROW of CTH C, as shown on the enclosed map (Fig. B.3.b., Groundwater Isoconcentration (8/14/19), 09/23/2019). To construct a new well or reconstruct an existing well, the property owner must obtain prior DNR approval. Additional casing may be necessary to prevent contamination of the well.

## OTHER CLOSURE REQUIREMENTS

Pre-Approval Required for Well Construction (Wis. Admin. Code § NR 812.09 (4) (w))

DNR approval is required before well construction or reconstruction for all sites identified as having residual contamination and/or COs. This requirement applies to private drinking water wells and high capacity wells. To obtain approval, the property owner is required to complete and submit Form 3300-254, Continuing Obligations/Residual Contamination Well Approval Application, to the DNR Drinking and Groundwater program's regional water supply specialist. A well driller can help complete this form. The form can be obtained online at [dnr.wi.gov](http://dnr.wi.gov), search "3300-254." Additional casing may be necessary to help prevent contamination of the well.

## DNR NOTIFICATION REQUIREMENTS

DNR Notification (Wis. Admin. Code §§ NR 727.07, NR 726.15 (2))

The property owner is required to notify the DNR at least 45 days before taking the following actions. The DNR may require additional investigation and/or cleanup actions if necessary, to be protective of human health and the environment.

- Before removing a structural impediment

Send written notifications to the DNR using the RR Program Submittal Portal at [dnr.wi.gov](http://dnr.wi.gov), search "RR submittal portal" (<https://dnr.wi.gov/topic/Brownfields/Submittal.html>). Questions on using this portal can be directed to the contact below or to the environmental program associate (EPA) for the regional DNR office. Visit [dnr.wi.gov](http://dnr.wi.gov), search "RR contacts" and select the EPA tab (<https://dnr.wi.gov/topic/Brownfields/Contact.html>).

## CLOSING

Site and case closure-related information can be found online in the Bureau for Remediation and Redevelopment Tracking System (BRRTS) on the Web (BOTW); go to [dnr.wi.gov](http://dnr.wi.gov) and search "BOTW." Use the BRRTS ID # found at the top of this letter. The site can also be found on the map view, Remediation and Redevelopment Sites Map (RRSM) by searching "RRSM."

Be aware that the case may be reopened under Wis. Admin. Code § NR 727.13 if additional information indicates that contamination on or from the site poses a threat, or for a lack of compliance with a CO or closure requirement.

The DNR appreciates your efforts to restore the environment at this site. If you have any questions regarding this closure decision or anything stated in this letter, contact DNR Project Manager, Caroline Rice at (608) 219-2182, or at [caroline.rice@wisconsin.gov](mailto:caroline.rice@wisconsin.gov). If the project manager is not available, contact information can be found at [dnr.wi.gov](http://dnr.wi.gov), search "RR contacts."

Sincerely,



Steven L. Martin, P.G.  
South Central Region, Team Supervisor  
Remediation and Redevelopment Program

Enclosures:

- Fig. B.3.b., Groundwater Isoconcentration (8/14/19), 09/23/2019
- Fig. B.2.b., Residual Soil Contamination, 07/17/2012

cc. Ron Anderson, METCO, [rona@metcofs.com](mailto:rona@metcofs.com)

Online Resources:

These DNR fact sheets can be obtained by visiting the DNR website at "[dnr.wi.gov](http://dnr.wi.gov)" and searching DNR publication number (RR-xxx). For information on general permits, search using "wastewater general permits."

- RR-671 – "Using Natural Attenuation to Clean Up Contaminated Groundwater: What Landowners Should Know"
- RR-819 – "Continuing Obligations for Environmental Protection"
- RR-973 – "Environmental Contamination and Your Real Estate"
- RR-987 – "Post-Closure Modifications: Changes to Property Conditions after a State-Approved Cleanup"
- RR-690 – "Guidance for Electronic Submittals for the Remediation and Redevelopment Program"

N7301 POTABLE WELL LOCATION

NEW WELL

OLD WELL

CAFE AND ANTIQUE SHOP  
N7302 COUNTY HWY X

BRUSH & WOODED AREA

DALLMAN STREET

COUNTY HWY X

COUNTY HWY C

RESIDENCE  
N7259 COUNTY HWY X  
POTABLE WELL LOCATION UNKNOWN

ESTIMATED EXTENT OF PETROLEUM CONTAMINATION IN UNSATURATED SOIL EXCEEDING NR720 GROUNDWATER RCL'S

REMOVED GASOLINE DISPENSER EX-1

EX-1

GRASS

REMOVED 1000-GAL FUEL OIL UST

EX-7

STAR

RETAINING WALL

CONCRETE

SEPTIC TANK

DRAIN FIELD

GRASS

300 FEET TO SUGAR RIVER

ASPHALT

EX-4

REMOVED 500-GAL GASOLINE UST

EX-10

EX-3

DECK

GRASS

SEPTIC TANK

DRAIN FIELD

GRASS

300 FEET TO SUGAR RIVER

REMOVED 1000-GAL GASOLINE UST AND DISPENSER

EX-2

G-2

DECK



GRASS

SEPTIC TANK

DRAIN FIELD

GRASS

300 FEET TO SUGAR RIVER

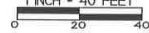
<b>B.2.b RESIDUAL SOIL CONTAMINATION</b> <b>RIVER BENDS BAR</b>		
	<b>ATTICA, WISCONSIN</b> <small>DRAWN BY: ED DATE: 07/27/2002</small>	

NOTE: INFORMATION BASED ON AVAILABLE DATA. ACTUAL CONDITIONS MAY DIFFER

- - GEOPROBE BORING LOCATION
- ⊙ - POTABLE WELL LOCATION
- ⊕ - MONITORING WELL LOCATION
- ⊖ - ABANDONED MONITORING WELL LOCATION
- ⊗ - EXCAVATION SOIL SAMPLE (09/24/18)

———— - OVERHEAD LINES  
 ..... - TELEPHONE LINE  
 - - - - - SEPTIC LINE  
 - - - - - PROPERTY LINE

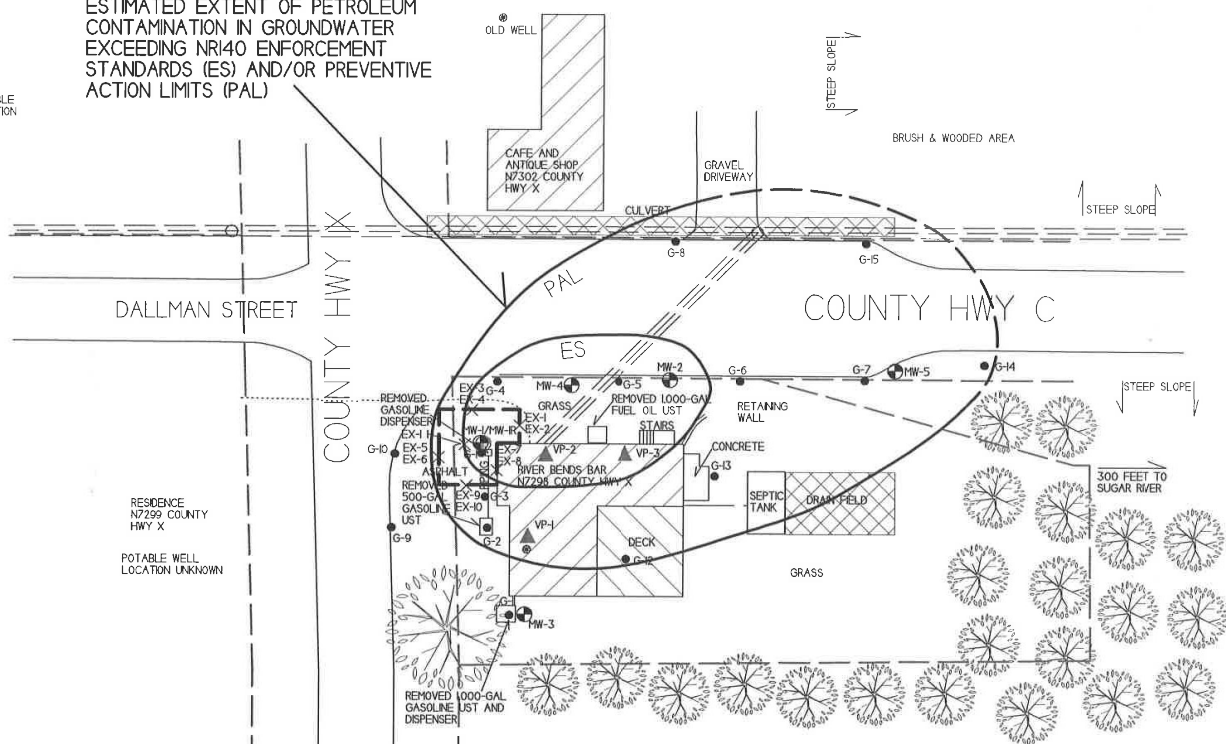
[ ] - EXCAVATION AREA (METCO, SEPTEMBER 2018)

SCALE:  
 1 INCH = 40 FEET  


N7301 POTABLE WELL LOCATION

NEW WELL

ESTIMATED EXTENT OF PETROLEUM CONTAMINATION IN GROUNDWATER EXCEEDING NR140 ENFORCEMENT STANDARDS (ES) AND/OR PREVENTIVE ACTION LIMITS (PAL)

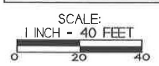


B.3.b GROUNDWATER ISOCONCENTRATION (8/14/19)  
 RIVER BENDS BAR

ATTICA, WISCONSIN

METCO  
 101 Colwell Street, Suite 3  
 Ft. Winthrop, WI 54932  
 Tel: (608) 781-8870  
 Fax: (608) 781-8853

DRAWN BY: ED 07/17/2003  
 UPDATED BY: RW 06/23/2006



- NOTE: INFORMATION BASED ON AVAILABLE DATA. ACTUAL CONDITIONS MAY DIFFER
- - GEOPROBE BORING LOCATION
  - ⊙ - POTABLE WELL LOCATION
  - ⊕ - MONITORING WELL LOCATION
  - ⊖ - ABANDONED MONITORING WELL LOCATION
  - ✕ - EXCAVATION SOIL SAMPLE (09/24/8)
  - ▲ - SUB-SLAB VAPOR PORT LOCATION (SCS ENGINEERING)
  - ▭ - EXCAVATION AREA (METCO, SEPTEMBER 2018)
  - ==== - OVERHEAD LINES
  - ..... - TELEPHONE LINE
  - - SEPTIC LINE
  - - PROPERTY LINE