

State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
107 Sutliff Avenue
Rhinelander WI 54501-3349

Tony Evers, Governor
Preston D. Cole, Secretary
Telephone 608-266-2621
Toll Free 1-888-936-7463
TTY Access via relay - 711



November 2, 2022

STEVEN AND MARY BENASZESKI
N11947 COUNTY ROAD L
TOMAHAWK, WI 54487

Subject: Reported Contamination at the Four Seasons Bar, 1800 US Highway 8 East, Monico, Wisconsin
DNR BRRTS Activity #: 03-44-000144 FID #: 744134160

Dear Mr. and Mrs. Benaszkeski:

On August 26, 1993, Mark La Rowe-RMT, Inc., on behalf of Mike Modrow-Four Seasons Bar, notified the Wisconsin Department of Natural Resources (DNR) that a hazardous substance discharge was detected at the site described above. On November 24, 1993, a Responsible Party (RP) letter was sent to Mr. Modrow. On February 15, 1995, a Notice of Noncompliance (NON) letter was sent to Mr. Modrow. And, on December 19, 2000, a project status update request letter was sent to Mr. Modrow. Copies of these letters are attached for your review. You are receiving this letter because Mr. Modrow stopped working to clean up the site in 2002; the DNR understands you are the current owners of the property mentioned above.

Information submitted to the DNR regarding this site indicates you are responsible for the discharge of a hazardous substance or other environmental pollution (hereafter referred to as "contamination") at the above-described site. "Site" refers to the property where the contamination occurred and any other property it has migrated to, as defined in Wisconsin Administrative Code ("Wis. Admin. Code") § NR 700.03 (56).

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 to investigate and clean up the contamination.

Legal Responsibilities:

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. Stat.") ch. 292 and Wis. Admin. Code chs. NR 700-799 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.

Special Vapor Intrusion Concern with Trichloroethylene:

Contamination that includes trichloroethylene ("TCE"), a chlorinated solvent and common degreaser, is of special concern from a human health perspective due to its potential for acute (short-term) health risks at relatively low concentrations in air. TCE is also a breakdown product of tetrachloroethylene ("PCE," also known as "Perc"), a historically common dry-cleaning chemical. Vapors can travel from contaminated soil or groundwater and along preferential pathways, such as within sewer lines, and enter occupied buildings. This is known as vapor intrusion

(VI). Screening for VI must be conducted at every contaminated site in Wisconsin, as defined in Wis. Admin. Code § 716.11 (5) (a). **However, when TCE is present, screening for VI should be made a priority and an interim action under Wis. Admin. Code § NR 708.11 may be necessary.** For an overview on VI, see *What is Vapor Intrusion?* (RR-892). For more information, go to dnr.wi.gov and search “vapor.” Additional technical guidance on VI is available in *Addressing Vapor Intrusion at Remediation & Redevelopment Sites in Wisconsin*, (RR-800).

General Recommendations for Responsible Parties:

The DNR recommends that you:

1. Hire a Qualified Environmental Consultant

To ensure response actions you plan to undertake comply with Wisconsin law, you should hire an environmental consultant within **30 days**, by December 7, 2022, to meet the regulatory deadlines listed below. A delay in hiring an environmental consultant could result in you missing key submittal deadlines.

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. See *Wis. Admin. Code ch. NR 712 Qualifications and Certifications* (RR-081), for more information.

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.

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 case closure. However, if you want a formal, written response from the DNR, a meeting with the DNR 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 by searching “brownfield fees.”

Required Steps to Take and Documents to Submit:

The steps listed below serve as a general overview only — all mandatory steps and submittals specified in Wis. Admin. Code, chs. NR 700-799 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).

1. **Scoping and Work Plan Submittal – NR 716.07 and 716.09:** The law requires that you appropriately scope your site investigation and submit a work plan within **60 days of this notification**, by January 7, 2023, for completing a site investigation. The work plan must comply with the requirements in Wis. Admin. Code, chs. NR 700-799. For additional assistance, the DNR has extensive guidance on its website at dnr.wi.gov, search “site investigation scoping.”

Per Wis. Admin. Code § NR 716.07 and Wis. Admin. Code § NR 716.09, site investigation scoping and work plans should include an evaluation of the history of the site or facility, including industrial, commercial, or other land uses that may have been associated with one or more hazardous substance discharges at the facility. In addition, an evaluation of the history of previous hazardous substance discharges or environmental pollution, the location of the site or facility, and its proximity to other sources of contamination must be included. Site investigation work plans should also include a sampling and analysis strategy to be used during field investigation that considers all information in the evaluation conducted under Wis. Admin. Code § NR 716.07. Emerging contaminants discharged to the environment, including perfluoroalkyl and polyfluoroalkyl substances (PFAS) and 1,4-dioxane, meet the definition of a hazardous substance or environmental pollution under Wis. Stat. § 292.01 and must be considered during site investigation scoping.

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 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.

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 by 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 a 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 and § NR 726.13 (1) (d).
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 DNR until 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 DNR publication *NR 700 Semi-Annual Site Progress Report* (RR-082), for more information.

Submittals required under Wis. Admin. Code chs. NR 700-799

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

- 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 requesting 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, 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:

Carrie Stoltz
Remediation and Redevelopment Program
Wisconsin Department of Natural Resources
107 Sutliff Avenue
Rhineland, WI 54501
Carrie.Stoltz@Wisconsin.gov

To speed up processing, your correspondence should reference the BRRTS, and Facility Identification (FID) numbers (if assigned) listed at the top of this letter.

Submittals required under the NR 700 rule series should be sent to the DNR using the RR Program Submittal Portal at 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, search “RR contacts” and select the EPA tab (<https://dnr.wi.gov/topic/Brownfields/Contact.html>).

For information on selecting a consultant, seeking financial assistance, and understanding the investigation and cleanup process, please visit the DNR’s Remediation and Redevelopment Program web page at dnr.wi.gov and search “Brownfields”. Information regarding review fees, liability clarification letters, post-cleanup liability and more is also available.

If you have questions, please contact me at (715) 360-1966 or by email at Carrie.Stoltz@Wisconsin.gov for more information.

Thank you for your cooperation.

Sincerely,



Carrie Stoltz
Hydrogeologist - Remediation & Redevelopment Program
Northern Region

Attachments:

- Responsible Party letter, DNR, November 24, 1993
- Notice of Noncompliance letter, DNR, February 15, 1995
- Project status update request letter, DNR, December 19, 2000

On-line Resources:

These DNR fact sheets can be obtained by visiting the DNR website at dnr.wi.gov and searching the DNR publication number (RR-xxx).

RR-967, *NR 700 Process and Timeline Overview*

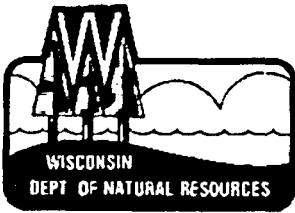
RR-502, *Selecting a Consultant*

RR-024, *Environmental Services Contractor List*

RR-674, *Environmental Contamination Basics*

RR-082, *NR 700 Semi-Annual Site Progress Report*

RR-081, *Wis. Admin. Code ch. NR 712 Qualifications and Certifications*



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State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

George E. Meyer
Secretary

P.O. Box 818
Rhineland, Wisconsin 54501
TELEPHONE 715-369-8965
TELEFAX 715-369-8932
NCD UID#:

November 24, 1993

Mike & Patti Modrow
1800 Hwy 8 E
Monico, WI 54549

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Subject: Petroleum Contamination of Soil and Groundwater at
Four Seasons Bar, Monico, Wisconsin

Dear Mr. & Mrs. Mudrow:

On August 26, 1993 the Department of Natural Resources - Leaking Underground Storage Tank Program was notified by RMT that petroleum contamination was identified during the removal of two tanks from the Department of Transportation (DOT) right-of-way on Hwy 8 East, Monico. The Department has been informed by DOT that the property from which the tanks were removed is infact property owned by Four Seasons Bar. Based on this information the Department believes that petroleum products have been discharged to the environment at the above referenced property.

Under s. 144.76(3), Wis. Stats., any person who possesses or controls a hazardous substance which is discharged, or who causes the discharge of a hazardous substance, must take the actions necessary to restore the environment and minimize the harmful effects from the discharge to the air, lands or waters of the State.

Because you are currently the legal owner of the property where the hazardous substance has been discharged, under State law you are responsible for determining the extent and degree of the contamination to the soil and/or groundwater, and for cleanup and proper disposal of all hazardous substances present at the site. We wish to remind you that time is of the essence in responding to environmental contamination incidents. Generally, the more quickly a release is discovered and responded to, the smaller the damaging impacts and the cost of investigation and/or remediation.

The Department would like to know what action you plan to take to clean up the apparent discharged hazardous substance. The Department requests that within 7 days of the receipt of this letter, you provide it with your decision in writing as to whether or not you have decided to hire an environmental consultant to address the environmental impact and a list of the consultants which you have contacted.

November, 24, 1993

Within 45 days of the receipt of this letter, a work plan for the site investigation must be submitted to the Department for approval. The work plan for the site investigation shall include a description of the investigative methods and quality control procedures which will be used during the site investigation.

Attached to this letter is guidance developed by the Department to aid persons in investigating and/or remediating hazardous substance releases. In addition, a "Remedial Investigation Checklist" (Form SW-115) is enclosed. The investigation report shall include, at a minimum, all the information listed on the checklist. If any of the information is omitted from the report, an explanation must be included for the omissions. Any incomplete reports will be considered unacceptable by the Department.

In the case of confirmed free product at the site, please refer to the Federal Register 40 CFR Part 280.62(a)(6) which states "Investigate to determine the possible presence of free product, and begin free product removal as soon as practicable and in accordance with §280.64." Section 280.64 has been provided as an appendix in the site assessment guidance.

Please be aware that there are regulations under ch. NR103, Wisconsin Administrative Code which relate to investigations being performed in wetland areas. If there are or may be wetland areas in the vicinity of the investigation, you may wish to consult Department personnel regarding regulations which may affect the work performed at the site.

Please be advised that the Department's current case load will not allow the Department to review all site investigation and remediation plans when they are submitted. However, this does not relieve you from any of the responsibilities under s. 144.76, Stats. The Department requests that you proceed with investigation and remediation under the direction of a qualified environmental consultant. All work performed at the site is expected to comply with Federal and State regulations and guidance for investigation and remediation of environmental contamination incidents. The Department requests quarterly updates and copies of all reports and work plans be sent to the Department to be reviewed as time permits. Please be aware that the Department retains the right to request additional work at any point in the project based on review of information submitted. If, however, you have questions or concerns regarding the progress of the investigation or cleanup, please feel free to contact us as necessary.

The Department ranks every reported contamination incident based on what is known about the site. If you fail to respond within the time period identified above, or if you fail to take the appropriate action, the Department has the authority under s. 144.76(7), Wis. Stats., to take the necessary action and to seek reimbursement for all its actual and necessary expenditures from the responsible party(ies). If the Department utilizes federal funds to undertake the necessary actions, the U.S. Environmental Protection Agency also has the right to seek reimbursement for all Department expenditures from the responsible party(ies).

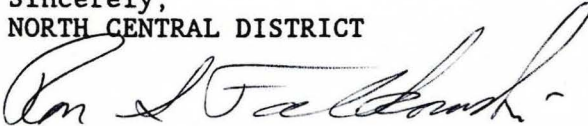
Four Seasons Bar

November, 24, 1993

The State of Wisconsin provides financial assistance to owners of eligible underground storage tanks to help them clean up tank sites. You may be eligible for the reimbursement of some costs related to the cleanup under the state's Petroleum Storage Remedial Action Fund, commonly called PECFA. This fund is administered by the Wisconsin Department of Industry, Labor and Human Relations (DILHR). We encourage you to contact the DILHR at (608)267-4545 to determine your eligibility for this program or for more information.

Your cooperation in addressing this matter will be greatly appreciated. If you have any questions regarding this letter, please feel free to contact me at (715)369-8983.

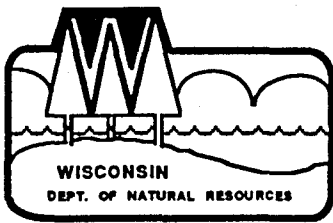
Sincerely,
NORTH CENTRAL DISTRICT



Ron S. Falkowski
Project Hydrogeologist
Leaking Underground Storage Tank Program

Enclosures

cc: DILHR, Madison
File



George E. Meyer
Secretary

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

North Central District Headquarters
PO Box 818
Rhinelander, Wisconsin 54501
Telephone 715/369-8983
Telefax 715/369-8932

NCD UID# 144

February 15, 1995

Mike Modrow
1800 Hwy 8 East
Monico, WI 54549

Certified Mail

SUBJECT: NOTICE OF NONCOMPLIANCE

Dear Mr. Modrow:

This letter is to inform you that the Department of Natural Resources (Department) believes that a potential threat to the environment may exist from a discharge of petroleum product. This discharge reportedly occurred at 1800 Hwy 8 E, Monico, WI, the site of a former Gas Station which you now own and operate as Four Seasons bar.

The legal owner of the property who possesses or controls a hazardous substance which has been discharged, is responsible for determining the extent and degree of the contamination to the soil and groundwater, clean-up, and proper disposal of all hazardous substances present at the site.

You should have received a letter from the Department outlining your responsibility and deadlines for responding. Information in our case file indicates that you have not met some of those deadlines. At this time we believe you may not be in compliance with Department Code and/or guidance.

To correct this compliance issue the Department requests confirmation within 30 days that you have hired a qualified environmental consultant. The Department expects that you will have your consultant respond with a scope of work plan within 45 days of being hired.

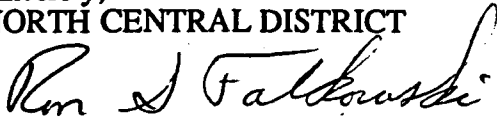
If you have not yet determined your eligibility for the Petroleum Environmental Cleanup Fund Act (PECFA) reimbursement program you can contact PECFA claims at (608) 266-2424.

Your cooperation in addressing this matter will be greatly appreciated. Written correspondence on this matter should be sent to:

Ron S. Falkowski
Department of Natural Resources
PO Box 818
Rhinelander, WI 54501

Failure to remit your response to the Department within thirty(30) days of receiving this letter may result in Enforcement action being taken. Be advised that enforcement actions by the Department may effect PECFA reimbursement.

Sincerely,
NORTH CENTRAL DISTRICT

A handwritten signature in cursive script that reads "Ron S. Falkowski". The signature is written in black ink and is positioned below the typed name.

Ron S. Falkowski
Hydrogeologist, Leaking Underground Storage Tank Program

c: File
DILHR, PECFA Claims, Madison
Enforcement, Rhinelander



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Tommy G. Thompson, Governor
George E. Meyer, Secretary
William H. Smith, Regional Director

Northern Region Headquarters
107 Sutliff Ave.
Rhineland, Wisconsin 54501-0818
Telephone 715-365-8900
FAX 715-365-8932
TTY 715-365-8957

December 19, 2000

PATTI MODROW
1407 UPLAND AVE
RHINELANDER, WI 54501

Subject: Project Status Update Request for **FOUR SEASONS BAR**
BRRTS Case # 03-44-000144

Dear Sir or Madam:

You were notified by the Wisconsin Department of Natural Resources (DNR) of your responsibility to investigate and, as needed, clean up contamination located at the above-referenced property. As owner of this property you have certain legal responsibilities, as outlined in Section 292.11(3), Wisconsin Stats., also known as the hazardous substances spills law. Section 292.11(3) states:

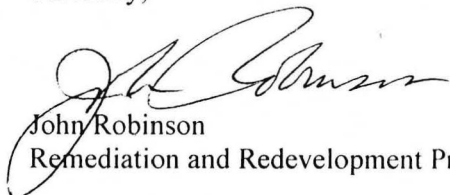
- **RESPONSIBILITY.** A person who possesses or controls a hazardous substance which is discharged or who causes the discharge of a hazardous substance shall take the actions necessary to restore the environment to the extent practicable and minimize the harmful effects from the discharge to the air, lands or waters of the State.

Our files indicate that we have not received any written correspondence or reporting for the case since submittal of a **Miscellaneous/24 on 04/19/1995**. In order to get this case back on track toward remediation of the existing contamination and ultimately, DNR case closure, please have your consultant prepare and submit documentation on the status of this case. If you do not have a consultant, please notify the department in writing within the next thirty days as to your intentions to submit the requested documentation. A lack of response to this letter may result in the initiation of formal enforcement actions.

Forward the requested updates, detailing the current status of the case, to the attention of: **Danielle Lancour, WDNR-Rhineland, 107 Sutliff Avenue, Rhineland, WI 54501.**

If you have any questions regarding this correspondence, please contact Chuck Weister at (715) 365-8941.

Sincerely,


John Robinson
Remediation and Redevelopment Program Supervisor

cc: file