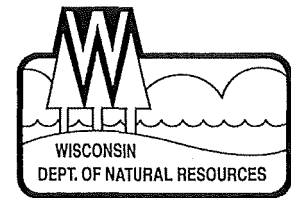


State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
101 S. Webster Street
Box 7921
Madison WI 53707-7921

Scott Walker, Governor
Cathy Stepp, Secretary
Telephone 608-266-2621
Toll Free 1-888-936-7463
TTY Access via relay - 711



August 28, 2014

Bruce F. Davis
Pine Street and Highway 8
RR 2, Box 324
Turtle Lake WI 54889

Subject: Soil Deed Notice correction and suggested Cover Maintenance Plan –
Davis Auto Body, 200 USH 8 & 63, Turtle Lake
DNR BRRTS # 03-03-000273 PECFA # 54889-9999-12

Dear Mr. Davis:

Thanks again for your help when we met with you on August 12, 2014 at your place of business – Davis Auto Body in Turtle Lake. The purpose of this letter is to inform you that the Soil Deed Notice provided previously is required to be corrected to show petroleum soil contamination is actually at 7 feet to 9 feet below ground surface, and not 17 to 19 feet below ground surface, as described in the existing Soil Deed Notice. Enclosed is a draft Deed Notice for your use to modify the existing document and/or if you prefer, the Department of Natural Resources can record the proposed instrument with the Barron County Register of Deeds for your property. Please submit this information within 60 days after the date of this letter.

This letter also serves to provide template maintenance and inspection documentation for the cover (asphalt parking lot) over the soil contaminated area for your existing asphalt parking lot called a Cover Maintenance Plan and Log. The maintenance agreement is not a required condition of your site closure because your site was closed on September 3, 2003 and the closure requirements at that time were different. However, it is strongly recommended that the Cover Maintenance Plan and Log be incorporated into your overall operation and maintenance activities at your facility to be in compliance with current practices and regulations.

Thank you for your cooperation.

Sincerely,

A handwritten signature in black ink that reads 'Ralph N. Smith'.

Ralph N. Smith
Hydrogeologist
Remediation & Redevelopment Program

Encls. Draft Deed Notice
Cover Maintenance Plan and Log

Cc: Case File

Document Number

DEED NOTICE

In Re: [Legal description of the property as it appears on the most recent deed]

STATE OF WISCONSIN)
) ss
COUNTY OF _____)[County where document is signed]

_____, being first duly sworn, on oath deposes and says:

1. That he/she is the owner of the above-described property. OR [That he/she is an officer in the corporation that owns the property, a partner in the partnership that owns the property, or is an employee of the governmental entity that owns the property and has been authorized by the governing body to sign and record this notice.] or [That he/she is an employee of _____ and is authorized to sign this notice on behalf of the owner of the above-described property, _____.]

2. That approval has been given by the Wisconsin Department of Natural Resources for the closure of an environmental contamination case involving the above-described property on the condition that a notification of the existence of residual petroleum contamination on the property is recorded at the Office of the Register of Deeds in the county where the above-described property is located.

3. That this affidavit is being recorded for the purpose of notifying prospective purchasers and other interested parties that soil contaminated with petroleum from a underground storage tank leak remains on this property in the following location: On the North side of the former tank cavity at 7 to 9 feet below ground surface (see attachment). If this contaminated soil is excavated in the future, the soil must be sampled and analyzed, may be considered solid or hazardous waste, and will need to be disposed in accordance with applicable statutes and rules.

Signature: _____
Printed Name: _____

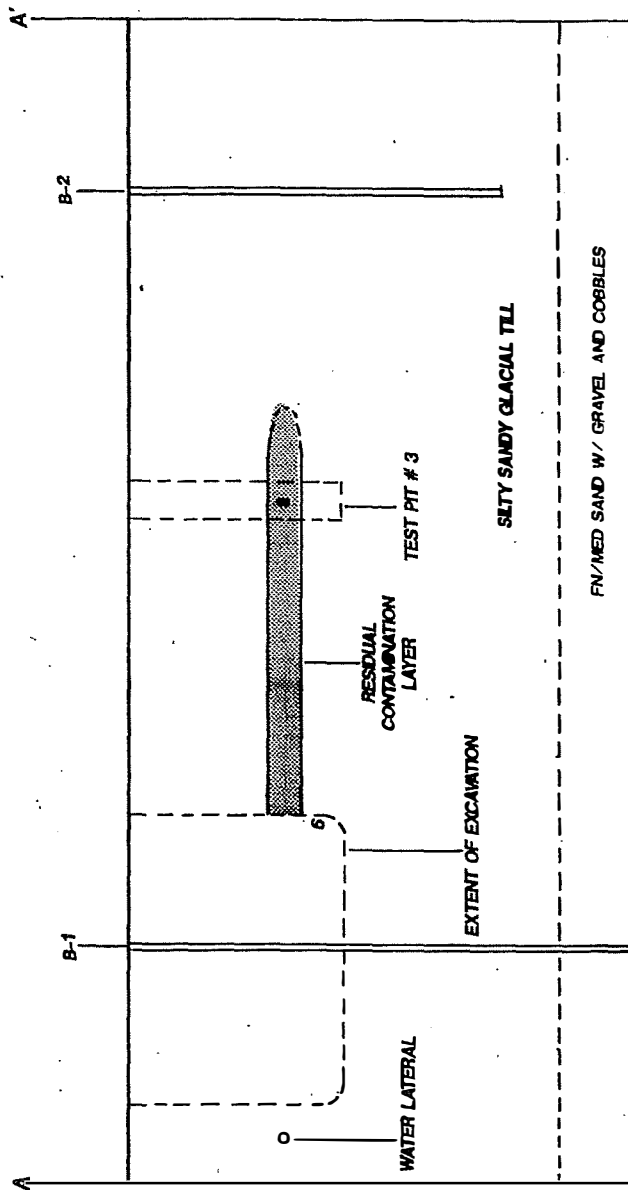
Subscribed and sworn to before me
this ____ day of _____, 20__.


Notary Public, State of _____

Recording Area

Name and Return Address

Parcel Identification Number (PIN)




 = RESIDUAL CONTAMINATION LAYER

1" = 10'

VERTICAL CROSS SECTION MAP

FIGURE 3

NOTE: The following Maintenance Plan template has been slightly revised to follow the structure for Maintenance Plan Attachment D found in Form 4400-202, Case Closure – GIS Registry. References to the closure form are in BOLD, and are just reminders. (June, 2013)

Maintenance Plan Example Template For a Straightforward Site

This maintenance plan example template may be used to begin developing an actual plan at straightforward sites that have only certain post-closure features. Sites that are more complex or contain different features should not use this template. Additional guidance on the content of Operation and Maintenance Plans can be found in “Guidance for Cover Systems as Soil Performance Standard Remedies”, [PUB-RR-709](#).

This example template can be used to begin developing an actual maintenance plan at a simple site that:

- Is closed with contaminated soil remaining that contains contaminants exceeding NR 720 RCLs and the soil presents a direct contact and/or migration to groundwater pathway threat;
- Uses a soil performance standard cover or barrier to address the direct contact and/or migration to groundwater pathway(s);
- Uses a cover or barrier that is pavement and/or a building(s); and
- Can be closed with natural attenuation addressing the groundwater pathway where contaminated soil remains that can leach contaminants into groundwater. Often a cover or barrier is a necessary part of the overall remedial approach to assure natural attenuation continues successfully after closure, because it provides some level of infiltration reduction that should not be changed. These maintenance plans should be developed to assure that occurs after closure is granted.

In some cases, DNR may request the signature of the property owner, to acknowledge the responsibility for maintenance of a remedy. This is generally limited to the situation where someone other than the responsible party is maintaining a cap or engineered control.

Cover [and [Building] [Slab]] Barrier Purpose

The [insert type of cover/barrier/cap] over the contaminated [groundwater plume] [or soil] serve as a barrier to prevent direct human contact with residual soil contamination that might otherwise pose a threat to human health. [These [insert type of cover/barrier/cap] also act as a partial infiltration barrier to minimize future soil-to-groundwater contamination migration that would violate the groundwater standards in ch. NR 140, Wisconsin Administrative Code.] Based on the current and future use of the property, the barrier should function as intended unless disturbed.

Annual Inspection

The [insert type of cover/cap] overlying the [contaminated groundwater plume] [or soil] and as depicted in [Figure ___] will be inspected once a year, normally in the spring after all snow and ice is gone, for deterioration, cracks and other potential problems that can cause [additional infiltration into] [or exposure to] underlying soils. The inspections will be performed by the property owner or their designated representative. The inspections will be performed to evaluate damage due to settling, exposure to the weather, wear from traffic, increasing age and other factors. Any area where soils have become or are likely to become exposed [[and] where infiltration from the surface will not be effectively minimized] will be documented. A log of the inspections and any repairs will be maintained by the property owner and is included as Exhibit B, Cap Inspection Log. The log will include recommendations for necessary repair of any areas where underlying soils are exposed [[and] where infiltration from the surface will not be effectively minimized]. Once repairs are completed, they will be documented in the inspection log. A copy of the inspection log will be kept at the address of the property owner and available for submittal or inspection by Wisconsin Department of Natural Resources ("WDNR") representatives upon their request.

[Note: The WDNR may, in some instances, require in the case closure letter that the inspection log be submitted at least annually after every inspection. If the case closure letter requires that, then add the following sentence to the paragraph above: A copy of the inspection log must be submitted to the WDNR at least annually after every inspection.]

Maintenance Activities

(Form 4400-202, Attachment D. part 3. – Description of Maintenance Actions required for maximizing effectiveness of the engineered control, vapor mitigation system (see Vapor Mitigation Checklist), feature or other action for which maintenance is required.)

If problems are noted during the annual inspections or at any other time during the year, repairs will be scheduled as soon as practical. Repairs can include patching and filling or larger resurfacing or construction operations. In the event that necessary maintenance activities expose the underlying soil, the owner must inform maintenance workers of the direct contact exposure hazard and provide them with appropriate personal protection equipment ("PPE"). The owner must also sample any soil that is excavated from the site prior to disposal to ascertain if contamination remains. The soil must be treated, stored and disposed of by the owner in accordance with applicable local, state and federal law.

In the event the [insert type of cover/cap] overlying the [contaminated groundwater plume] [or soil] are removed or replaced, the replacement barrier must be equally impervious. Any replacement barrier will be subject to the same maintenance and inspection guidelines as outlined in this Maintenance Plan unless indicated otherwise by the WDNR or its successor.

The property owner, in order to maintain the integrity of the [insert type of cover/cap], will maintain a copy of this Maintenance Plan on-site and make it available to all interested parties

Exhibit B
Barrier INSPECTION and MAINTENANCE LOG
(Form 4400-202, Attachment D. Part 4.)

Inspection Date	Inspector	Condition of Cap	Recommendations	Has recommended maintenance from previous inspection been implemented?