

**From:** Borski, Jennifer - DNR  
**To:** "Stuart Boerst"; "'Corey Stumpf' (coreys@stumpfford.com)"  
**Subject:** RE: Hardees, 3225 W College Ave, Town of Grand Chute, BRRTS #03-45-182502  
**Date:** Monday, November 27, 2017 1:24:00 PM  
**Attachments:** [RE Post Closure Modification documentation for Les Stumpf Ford \(Malchow Property \(Former\) - BRRTS #02-45-228649\).msg](#)  
[image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[image006.png](#)  
[image008.png](#)

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Stuart & Corey,

Thank you for meeting with me on Wednesday, November 15<sup>th</sup>. During that face-to-face meeting at McMahon offices, we discussed options for documentation under the former Hardees case of the recent redevelopment at 3225 W. College Ave. in the Town of Grand Chute. Since our meeting, I met with my supervisor, Roxanne Chronert, as planned on November 17<sup>th</sup>. She was able to confirm that the post closure modification for the Hardees case will be handled under the fees already paid for the Malchow Property case (BRRTS #02-45-228649) that is now at the same address. No additional fees are needed.

I also confirmed it is appropriate to move forward with drafting a revised cap maintenance plan that incorporates the required cover for the Malchow Property case (full extent of former 3223 W. College Ave. parcel) as well as a proposed cover for the residual contamination from the former Hardees case. Along with the revised cap maintenance plan, the eight items listed in my November 6, 2017 email (included below) should be addressed. It is appropriate to request that the DNR consider accepting a *voluntary* request by the current property owner to maintain the impermeable cover over the residual contamination from the Hardees case in place of the requirement to perform additional investigation should the structural impediment be removed, which is the continuing obligation assigned by the DNR at the time of case closure in 2000. It is also appropriate to request that the DNR rescind the deed restriction that requires investigation upon removal of the structural impediment (former Hardees building recently demolished by Stumpf and sidewalk).

In an effort to keep this documentation effort moving, I request that you submit the request, additional documentation and revised cap maintenance plan (incorporating the Malchow Property cap & proposed Hardees cap) **by December 6, 2017**. Please note the changes needed to the cap maintenance plan for the Malchow Property (Former) case as communicated to you in a separate email on November 6, 2017 (attached).

Thank you for your patience as we worked to sort out the best administrative solution to document this redevelopment and address the structural impediment restriction. Let me know if you have any questions on the necessary documentation.

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**Jennifer Borski**

Phone: (920) 424-7887

[jennifer.borski@wisconsin.gov](mailto:jennifer.borski@wisconsin.gov)

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**From:** Borski, Jennifer - DNR  
**Sent:** Tuesday, November 07, 2017 2:02 PM  
**To:** 'Stuart Boerst'; 'Corey Stumpf' (coreys@stumpfford.com)  
**Subject:** RE: Hardees, 3225 W College Ave, Town of Grand Chute, BRRTS #03-45-182502

Stuart & Corey – I just got off the phone with my supervisor and policy staff in Madison regarding this redevelopment (including both the former Malchow and Hardees cases). I'd like to talk with both of you next week before you start on any changes to the cap plan or other documentation. I'm available Tuesday, Wednesday or Friday between 9 & 3. Please let me know if there is a date and time that works best for you. If you prefer, we can meet in person at one of your offices.

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**Jennifer Borski**

Phone: (920) 424-7887

[jennifer.borski@wisconsin.gov](mailto:jennifer.borski@wisconsin.gov)

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**From:** Stuart Boerst [<mailto:SBoerst@mcmgrp.com>]  
**Sent:** Tuesday, November 07, 2017 1:57 PM  
**To:** Borski, Jennifer - DNR; 'Corey Stumpf' ([coreys@stumpfford.com](mailto:coreys@stumpfford.com))  
**Cc:** Chronert, Roxanne N - DNR  
**Subject:** RE: Hardees, 3225 W College Ave, Town of Grand Chute, BRRTS #03-45-182502

Hi Jennifer,

I will begin the process of providing this information next week.

Thank you,

**Stuart Boerst, P.S.S., P.H.**

SENIOR ECOLOGIST/ASSOCIATE



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**From:** Borski, Jennifer - DNR [<mailto:Jennifer.Borski@wisconsin.gov>]  
**Sent:** Monday, November 6, 2017 2:19 PM  
**To:** 'Corey Stumpf' ([coreys@stumpfford.com](mailto:coreys@stumpfford.com)); Stuart Boerst  
**Cc:** Chronert, Roxanne N - DNR  
**Subject:** Hardees, 3225 W College Ave, Town of Grand Chute, BRRTS #03-45-182502

Corey and Stuart,

During review of the *Soil Management Documentation and Cap Replacement Report* dated October 11, 2017 for the former Malchow Property, BRRTS #02-45-228649, it was not clear to me what, if any, additional investigation or removal of residual petroleum-contaminated soil took place at the former gas station at the original 3225 W. College Ave location (former Hardees, BRRTS #03-45-182502) prior to combination of three parcels into Lot 1 of CSM 7311 in 2017. Additional documentation is needed to discuss the petroleum-contaminated site since the focus of the October 2017 document is the continuing obligations assigned to the former Malchow Property case at former 3223 W. College Ave.

I reviewed the final closure letter dated November 2, 2000, October 2000 deed restriction and October 2000 groundwater use restriction for the former Hardees case. **Additional information is needed to confirm compliance with the continuing obligations assigned to the property for this case.** The former Hardees case was closed with residual soil and groundwater contamination and a structural impediment present that prevented a complete investigation. The deed restriction (attached) states,

*Structural impediments existing at the time of clean-up (side-walk along West College Avenue and the existing Hardees building) made complete remediation of the soil contamination on this property impracticable. If the structural impediments on this property that are described above are removed, the property owner shall conduct an investigation of the degree and extent of the petroleum contamination. To the extent that contamination is found at that time, the (WDNR) shall be immediately notified and the contamination shall be properly remediated in accordance with applicable statutes and rules. If the currently-inaccessible contaminated soil that remains on the property is excavated in the future, it will have to be sampled and analyzed and the treatment or disposal of the soil as a solid or hazardous waste may be necessary.*

I also reviewed the Continuing Obligation (formerly called GIS Registry) packet for the former Hardees case. It is not entirely clear where residual soil contamination remained. I have requested the file be transferred from central storage in Madison to me for review. While we are waiting for that file, I request that all work performed at the former 3225 W. College Ave. parcel be documented in a brief status update under the Hardees case name and BRRTS tracking number (both a hard copy and e-copy per RR-690). The brief update should discuss the following items to serve as a stand-alone document:

1. Combination of parcels into Lot 1 of CSM 7311;
2. Current ownership;
3. Dates of demolition of building (former Hardees later used as car sales office/show room) and any backfill placement;
4. Status of sidewalk present along the north side of the parcel at the time of site closure in November 2000 (i.e., was this sidewalk removed/replaced during April 2017 site work?);
5. Soil sampling, excavation and/or site grading work performed at the former Hardees site in 2017;
6. Asphalt replacement work performed in 2017;
7. Include a figure of the current site layout with location of existing structure (with respect to the former Hardees building, if possible); and
8. Discuss any proposed actions, as appropriate, to stay in compliance with the continuing obligations assigned to

the property for this case.

Upon receipt, I will review this information along with the historical file. Please let me know if you have any questions.

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**Jennifer Borski**

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**From:** Stuart Boerst [<mailto:SBoerst@mcmgrp.com>]  
**Sent:** Thursday, October 12, 2017 12:26 PM  
**To:** Borski, Jennifer - DNR  
**Cc:** 'Corey Stumpf' ([coreys@stumpfford.com](mailto:coreys@stumpfford.com))  
**Subject:** RE: Post Closure Modification documentation for Les Stumpf Ford (Malchow Property (Former) - BRRTS #02-45-228649)

Hi Jennifer,

Attached is the soil management and replacement cap report with supporting documentation on the Les Stumpf Ford property, Appleton, Wisconsin. If you need anything else, please let me know.

Have a great day.

**Stuart Boerst, P.S.S., P.H.**

SENIOR ECOLOGIST/ASSOCIATE



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**From:** Borski, Jennifer - DNR [<mailto:Jennifer.Borski@wisconsin.gov>]  
**Sent:** Thursday, September 28, 2017 2:51 PM  
**To:** Stuart Boerst  
**Cc:** 'Corey Stumpf' ([coreys@stumpfford.com](mailto:coreys@stumpfford.com))  
**Subject:** RE: Post Closure Modification documentation for Les Stumpf Ford (Malchow Property (Former) - BRRTS #02-45-228649)

Hi Stuart,

I have not yet received the necessary documentation for this redevelopment. If the submittal is already mailed, please disregard this email. Otherwise, please submit this information by **Friday, October 13, 2017**.

The *Guidance for Submitting Documents to the Remediation and Redevelopment Program*, [RR-690](#), was just updated this month. Please reference the current version for instructions on electronic submittals. A paper copy is also required and can be submitted directly to me in the Oshkosh office.

Let me know if you have any questions.

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Jennifer Borski  
Phone: (920) 424-7887  
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**From:** Stuart Boerst [<mailto:SBoerst@mcmgrp.com>]  
**Sent:** Wednesday, July 26, 2017 3:56 PM  
**To:** Borski, Jennifer - DNR  
**Cc:** 'Corey Stumpf' ([coreys@stumpfford.com](mailto:coreys@stumpfford.com))  
**Subject:** RE: Post Closure Modification documentation for Les Stumpf Ford (Malchow Property (Former) - BRRTS #02-45-228649)

Hi Jennifer,

We will submit the documentation within the next 4-8 weeks.

Have a good day.

**Stuart Boerst, P.S.S., P.H.**

SENIOR ECOLOGIST/ASSOCIATE



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**From:** Borski, Jennifer - DNR [<mailto:Jennifer.Borski@wisconsin.gov>]  
**Sent:** Wednesday, July 26, 2017 3:25 PM  
**To:** Stuart Boerst  
**Cc:** 'Corey Stumpf' ([coreys@stumpfford.com](mailto:coreys@stumpfford.com))  
**Subject:** Post Closure Modification documentation for Les Stumpf Ford (Malchow Property (Former) - BRRTS #02-45-228649)

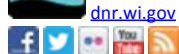
Stuart,

I see that the redevelopment is complete at this location. Please reply with a time frame for submittal of the post closure modification documentation per the conditional approval letter dated 4/21/17 (attached).

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Jennifer Borski  
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