

From: Schmenk, Colin R -DNR
Sent: Tuesday, July 26, 2022 9:27 AM
To: 'Geoff Dowden'; 'badgerstaterebuilder'
Cc: 'David Schultz'; 'Mike P'; Beggs, Tauren R - DNR; Schultz, Josie M - DNR
Subject: RE: DNR BRRTS Activity # 03-59-000861 Hanson Property (Former Marinan)

Good morning Geoff and Garrett,

I had some internal conversations regarding the future vapor continuing obligation at the Hanson Property (Former Marinan) site and I have a follow up question for you. Can either of you let me know if there will be new underground utilities placed at the site for the new building? If so, will they be intersecting the area of soil contamination? A plan map would be great if one is available.

If no utilities intersect the area of soil contamination, then a post-closure modification will not be needed for this work at this time.

Thank you,
-Colin

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Colin Schmenk

Phone #: (920) 510-9482

ColinR.Schmenk@Wisconsin.gov

From: Schmenk, Colin R -DNR
Sent: Friday, July 22, 2022 7:54 AM
To: 'Geoff Dowden' <GeoffD@bonduelbank.com>; 'David Schultz' <Davids@bonduelbank.com>; 'Mike P' <MikeP@bonduelbank.com>
Cc: 'badgerstaterebuilder' <badgerstaterebuilder@gmail.com>
Subject: RE: DNR BRRTS Activity # 03-59-000861 Hanson Property (Former Marinan)

Good morning all,

Thanks for speaking with me on Tuesday about the Hanson Property (Former Marinan) site. As I said on the call, I would recommend you work with an environmental consultant to see what they feel is the best course of action for moving forward and they can assist you with submitting all necessary documentation to DNR.

Continuing Obligations applied at case closure:

This [Guidance on the Case Closure Process and Continuing Obligations \(RR-606\)](#) provides additional information on continuing obligations. For more information on Residual soil contamination see page 7 and for residual contamination poses a future risk of vapor intrusion go to page 13, which are the continuing obligations applied to this site.

As outlined in the May 13, 2020 closure letter, the Hanson Property (Former Marinan) site has continuing obligations for residual soil contamination and contamination that poses a future risk of vapor intrusion.

- If contaminated soil is encountered, the property owner should talk with DNR prior to moving any contaminated soil and ensure that the soil is properly managed. With this site having petroleum contaminated soil, moving contaminated soil onsite would likely not be approved.
- The continuing obligation that may require additional attention is for contamination that poses a potential future risk for vapor intrusion. When constructing a new building or modifying an existing building a vapor intrusion assessment needs to be provided to DNR to determine if there could be a risk for vapor exposure in the new building or addition. Additional actions could include sub-slab vapor sampling and/or installation of a vapor mitigation system which would be handled under a post-closure modification.

Post-Closure Modification:

This [Guidance on Post-Closure Modifications \(RR-982\)](#) outlines what a post-closure modification is, the different types post-closure modifications, if a notification to DNR is needed, and if fees would be required.

The residual contamination that poses a future risk of vapor intrusion would require that whomever plans on completing the work (property owner or developer) submit a post-closure modification request using the attached [Form 4400-237](#) with the applicable fees. This work should be completed with the assistance of an environmental services contractor/consultant. Here is some additional information to assist with [hiring an environmental consultant](#). You can also find a list of environmental services contractors if you follow the link.

Lender Liability Clarification:

Lenders occasionally want liability clarification in relation to various loans (e.g., mortgage) that they are issuing, even when they are not intending to foreclose in the near future. In this situation, you can refer to Wis. Stat. s. 292.21(1)(a), which provides an exemption for lenders conducting *lending activities*. To be eligible for this exemption, (1) lenders must meet the definition of “lender” (2) the action must be within the definition of “[lending activities](#)” and (3) they must meet the exemption conditions listed under Wis. Stat. s. [292.21\(1\)\(a\)](#) – which, in summary, includes not causing or exacerbating a discharge.

If Bonduel Bank is interested, we can provide a letter that clarifies their liability status under the lender exemption with Form 4400-237 and fee. FYI, the “lender” part of the *Technical Assistance and Environmental Liability Clarification Request (Form 4400-237)* under Section 4 of the form is geared toward the more-frequent foreclosure-related requests. You would not need to submit an environmental assessment for a “lending activities” exemption. In addition to the form, the things Bonduel Bank would need to include with a request for the “lending activities” exemption are:

- a clear statement of their request
- a description of the activities that they are inquiring about
- a description of their relationship to the property owner
- documentation of the current ownership status of the real Property, and/or the personal Property and fixtures
- a copy of the Property deed with the correct legal description

Please let me know if you have any additional questions.

Thank you,
-Colin

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Colin Schmenk

Hydrogeologist – Remediation & Redevelopment Program

Wisconsin Department of Natural Resources

2984 Shawano Ave

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From: Schmenk, Colin R -DNR

Sent: Friday, July 15, 2022 3:20 PM

To: Geoff Dowden <GeoffD@bonduelbank.com>

Cc: David Schultz <Davids@bonduelbank.com>; Mike P <MikeP@bonduelbank.com>;

'badgerstaterebuilder' <badgerstaterebuilder@gmail.com>

Subject: RE: DNR BRRTS Activity # 03-59-000861

Yes, that will work for me. Have a nice weekend yourself!

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Colin Schmenk

Phone #: (920) 510-9482

ColinR.Schmenk@Wisconsin.gov

From: Geoff Dowden <GeoffD@bonduelbank.com>

Sent: Friday, July 15, 2022 3:08 PM

To: Schmenk, Colin R -DNR <colinr.schmenk@wisconsin.gov>

Cc: David Schultz <Davids@bonduelbank.com>; Mike P <MikeP@bonduelbank.com>;

'badgerstaterebuilder' <badgerstaterebuilder@gmail.com>

Subject: RE: DNR BRRTS Activity # 03-59-000861

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Thanks very much for your response Colin.

Could we make 4:00 in the afternoon work for a short call?

Please let me know when you can.

Have a great weekend!

Geoff Dowden
Vice President Loans
Bonduel State Bank
715-758-2141

From: Schmenk, Colin R -DNR <colinr.schmenk@wisconsin.gov>
Sent: Friday, July 15, 2022 2:08 PM
To: Geoff Dowden <GeoffD@bonduelbank.com>
Cc: David Schultz <Davids@bonduelbank.com>; Mike P <MikeP@bonduelbank.com>;
'badgerstaterebuilder' <badgerstaterebuilder@gmail.com>
Subject: RE: DNR BRRTS Activity # 03-59-000861

Good afternoon Geoff,

I will give you a call on Tuesday to discuss this site. Would any particular time work best for you? I will be out of the office early this afternoon and won't be back until Tuesday morning.

Thank you,
-Colin

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Colin Schmenk
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From: Geoff Dowden <GeoffD@bonduelbank.com>
Sent: Thursday, July 14, 2022 8:45 AM
To: Schmenk, Colin R -DNR <colinr.schmenk@wisconsin.gov>
Cc: David Schultz <Davids@bonduelbank.com>; Mike P <MikeP@bonduelbank.com>;
'badgerstaterebuilder' <badgerstaterebuilder@gmail.com>
Subject: FW: DNR BRRTS Activity # 03-59-000861

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From: Geoff Dowden
Sent: Thursday, July 14, 2022 8:42 AM
To: 'colin.schmenk@wisconsin.gov' <colin.schmenk@wisconsin.gov>
Cc: David Schultz <Davids@bonduelbank.com>; Mike P <MikeP@bonduelbank.com>;
'badgerstaterebuilder' <badgerstaterebuilder@gmail.com>
Subject: DNR BRRTS Activity # 03-59-000861

Good Morning Colin:

We are looking to mortgage for construction of commercial building at W3306 Cty Rd BE, Bonduel, WI.

We are aware of the fact that there has been evidence of environmental fossil fuel contamination at the property.

We have reviewed the information on the BRRTS website and have noted that the site has been “administratively closed” and that all remedial actions deemed necessary by the department have been completed.

We need to know specifically:

1. which, if any, continuing obligations would prevent the construction of a new commercial facility,
2. specifically what liabilities, monetary and otherwise, any party with an interest in the property could be undertaking
3. what can be done to eliminate any of those liabilities including soil excavation and/or removal, drilling a new well if necessary, septic system updates, etc.

We appreciate your time in looking into this for us and look forward to your response.

Please let me know if you have any questions.

Geoff Dowden
Vice President Loans
Bonduel State Bank
715-758-2141