



April 26, 2018

Mr. Terry Bystol  
425 Powell Street  
Dodgeville WI 53533

**KEEP THIS DOCUMENT WITH YOUR PROPERTY RECORDS**

SUBJECT: Final Case Closure with Continuing Obligations  
Terry's Kerr McGee, 505 N. Iowa Street, Dodgeville, WI 53533  
DNR BRRTS Activity #: 03-25-001108

Dear Mr. Bystol:

The Department of Natural Resources (DNR) considers Terry's Kerr McGee closed, with continuing obligations. No further investigation or remediation is required at this time. However, you, future property owners, and occupants of the property must comply with the continuing obligations as explained in the conditions of closure in this letter. Please read over this letter closely to ensure that you comply with all conditions and other on-going requirements. Provide this letter and any attachments listed at the end of this letter to anyone who purchases, rents or leases this property from you. Certain continuing obligations also apply to affected property owners or rights-of-way holders. These are identified within each continuing obligation.

This final closure decision is based on the correspondence and data provided, and is issued under chs. NR 726 and 727, Wis. Adm. Code. The South Central Region (SCR) Closure Committee reviewed the request for closure on April 5, 2018. The DNR Closure Committee reviewed this environmental remediation case for compliance with state laws and standards to maintain consistency in the closure of these cases. A request for remaining actions needed was issued by the DNR on April 5, 2018, and documentation that the conditions in that letter were met was received by email on April 26, 2018.

This former gas station site had petroleum soil and groundwater contamination. A soil excavation was conducted in 2013. The conditions of closure and continuing obligations required were based on the property being used for commercial purposes.

Continuing Obligations

The continuing obligations for this site are summarized below. Further details on actions required are found in the section Closure Conditions.

- Groundwater contamination is present at or above ch. NR 140, Wis. Adm. Code enforcement standards.
- Residual soil contamination exists that must be properly managed should it be excavated or removed.
- If a structural impediment that obstructed a complete site investigation and/or cleanup is removed or modified, additional environmental work must be completed.

The DNR fact sheet "Continuing Obligations for Environmental Protection," RR-819, helps to explain a property owner's responsibility for continuing obligations on their property. The fact sheet may be obtained at <http://dnr.wi.gov/files/PDF/pubs/rr/RR819.pdf>.

#### GIS Registry

This site will be included on the Bureau for Remediation and Redevelopment Tracking System (BRRTS on the Web) at <http://dnr.wi.gov/topic/Brownfields/wrrd.html>, to provide public notice of residual contamination and of any continuing obligations. The site can also be viewed on the Remediation and Redevelopment Sites Map (RRSM), a map view, under the Geographic Information System (GIS) Registry layer, at the same web address.

DNR approval prior to well construction or reconstruction is required for all sites shown on the GIS Registry, in accordance with s. NR 812.09 (4) (w), Wis. Adm. Code. This requirement applies to private drinking water wells and high capacity wells. To obtain approval, complete and submit Form 3300-254 to the DNR Drinking and Groundwater program's regional water supply specialist. This form can be obtained on-line at <http://dnr.wi.gov/topic/wells/documents/3300254.pdf>.

All site information is also on file at the SCR Regional DNR office, at 3911 Fish Hatchery Road, Fitchburg, WI. This letter and information that was submitted with your closure request application, including any maps, can be found as a Portable Document Format (PDF) in BRRTS on the Web.

#### Closure Conditions

Compliance with the requirements of this letter is a responsibility to which you and any subsequent property owners must adhere. DNR staff will conduct periodic prearranged inspections to ensure that the conditions included in this letter are met. If these requirements are not followed, the DNR may take enforcement action under s. 292.11, Wis. Stats. to ensure compliance with the specified requirements, limitations or other conditions related to the property.

Please send written notifications in accordance with the following requirements to:

Department of Natural Resources  
Attn: Remediation and Redevelopment Program Environmental Program Associate  
3911 Fish Hatchery Road  
Fitchburg, WI 53711

#### Residual Groundwater Contamination (ch. NR 140, 812, Wis. Adm. Code)

Groundwater contamination greater than enforcement standards is present both on this contaminated property and off this contaminated property, as shown on the attached map: Groundwater Isoconcentration Map, Attachment B.3.b., October 15, 2014. If you intend to construct a new well, or reconstruct an existing well, you'll need prior DNR approval. Affected property owners and right-of-way holders were notified of the presence of groundwater contamination. This continuing obligation also applies to the owners of 106 East Spring Street, Dodgeville, and the ROW holders for North Iowa Street (State Hwy 23) and East Spring Street, Dodgeville.

#### Residual Soil Contamination (ch. NR 718, chs. 500 to 536, Wis. Adm. Code or ch. 289, Wis. Stats.)

Soil contamination remains as indicated on the attached map: Residual Soil Contamination Map, Attachment B.2.b., December 2, 2014. If soil in the specific locations described above 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 to determine if contamination remains. If sampling confirms that contamination is present, the property owner or right-of-way holder at the time of excavation will need to determine whether the material is considered solid or hazardous waste and ensure that any storage, treatment or disposal is in compliance with applicable standards and rules. Contaminated soil may be managed in accordance with ch. NR 718, Wis. Adm. Code, with prior DNR approval. This continuing obligation also applies to the owners of 106 East Spring Street, Dodgeville, and the ROW holders for North Iowa Street (State Hwy 23) and East Spring Street, Dodgeville.

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

Structural Impediments (s. 292.12 (2) (b), Wis. Stats., s. NR 726.15, s. NR 727.07, Wis. Adm. Code)

The building and remaining concrete pavement northwest and southeast of the building located at 505 North Iowa Street, Dodgeville as shown on the attached map: Detailed Site Map, Attachment B.1.b., July 11, 2013, made complete investigation and/or remediation of the soil contamination on this property impracticable. If the structural impediment is to be removed, the property owner shall notify the DNR at least 45 days before removal, and conduct an investigation of the degree and extent of petroleum contamination below the structural impediment. If contamination is found at that time, the contamination shall be properly remediated in accordance with applicable statutes and rules.

Other Closure Information

General Wastewater Permits for Construction Related Dewatering Activities

The DNR's Water Quality Program regulates point source discharges of contaminated water, including discharges to surface waters, storm sewers, pits, or to the ground surface. This includes discharges from construction related dewatering activities, including utility and building construction.

If you or any other person plan to conduct such activities, you or that person must contact that program, and if necessary, apply for the necessary discharge permit. Additional information regarding discharge permits is available at <http://dnr.wi.gov/topic/wastewater/GeneralPermits.html>. If residual soil or groundwater contamination is likely to affect water collected in a pit/trench that requires dewatering, a general permit for Discharge of Contaminated Groundwater from Remedial Action Operations may be needed. If water collecting in a pit/trench that requires dewatering is expected to be free of pollutants other than suspended solids and oil and grease, a general permit for Pit/Trench Dewatering may be needed.

PECFA Reimbursement

Section 101.143, Wis. Stats., requires that Petroleum Environmental Cleanup Fund Award (PECFA) claimants seeking reimbursement of interest costs, for sites with petroleum contamination, submit a final reimbursement claim within 120 days after they receive a closure letter on their site. For claims not received within 120 days of the date of this letter, interest costs after 60 days of the date of this letter will not be eligible for PECFA reimbursement. If there is equipment purchased with PECFA funds remaining at the site, contact the DNR Project Manager to determine the method for salvaging the equipment.

Per Wisconsin Act 55 (2015 State budget), a claim for PECFA reimbursement must be submitted within 180 days of incurring costs (i.e., completing a task). If your final PECFA claim is not submitted within 180 days of incurring the costs, the costs will not be eligible for PECFA reimbursement.

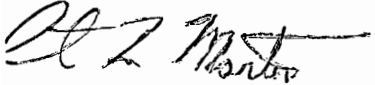
In Closing

Please be aware that the case may be reopened pursuant to s. NR 727.13, Wis. Adm. Code, for any of the following situations:

- if additional information regarding site conditions indicates that contamination on or from the site poses a threat to public health, safety, or welfare or to the environment,
- if the property owner does not comply with the conditions of closure, with any deed restrictions applied to the property, or with a certificate of completion issued under s. 292.15, Wis. Stats., or
- a property owner fails to maintain or comply with a continuing obligation (imposed under this closure approval letter).

The DNR appreciates your efforts to restore the environment at this site. If you have any questions regarding this closure decision or anything outlined in this letter, please contact Janet DiMaggio at (608) 275-3295, or at [janet.dimaggio@wisconsin.gov](mailto:janet.dimaggio@wisconsin.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "S L Martin".

Steven L. Martin, P.G.  
SCR Team Supervisor  
Remediation & Redevelopment Program

Attachments:

- Groundwater Isoconcentration Map, Attachment B.3.b., October 15, 2014
- Residual Soil Contamination Map, Attachment B.2.b., December 2, 2014
- Detailed Site Map, Attachment B.1.b., July 11, 2013

cc: Ron Anderson, METCO, 709 Gillette Street, Suite 3, La Crosse, WI 54603

- ≡≡≡≡ - OVERHEAD LINES
- · — · — · - SANITARY SEWER LINE
- · — · — · - STORM SEWER LINE
- · — · — · - WATER LINE
- · — · — · - PHONE LINE
- · — · — · - NATURAL GAS LINE

□ - PHASE II ENVIRONMENTAL ASSESSMENT BORING LOCATION (DOT)

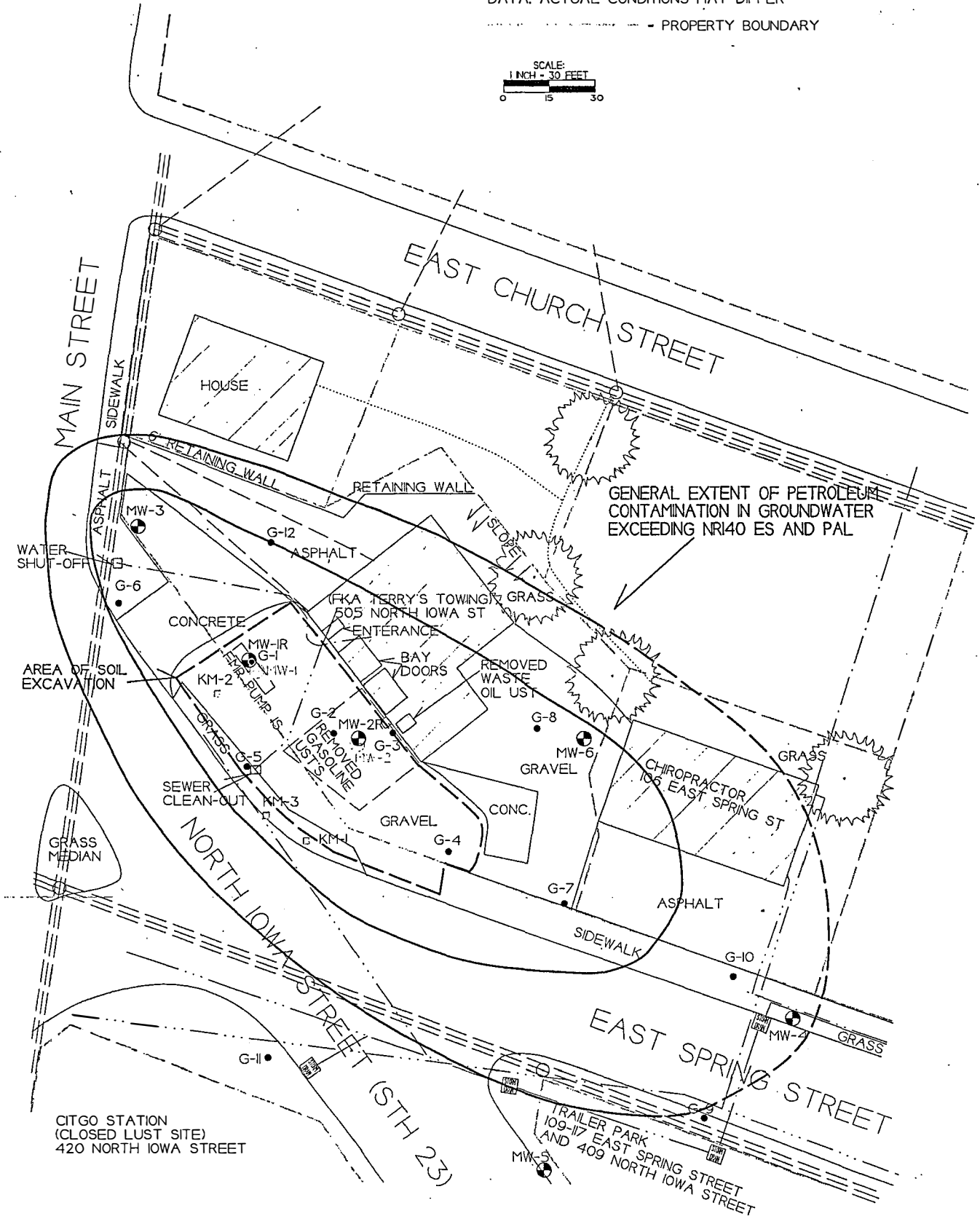
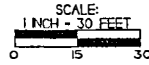
● - GEOPROBE BORING LOCATION

⊕ - MONITORING WELL LOCATION

B.3.b. GROUNDWATER ISOCONCENTRATION MAP OCTOBER 15, 2014		
TERRY'S KERR MCGEE (TERRY'S TOWING)		
	1421 State Road 18 La Crosse, WI 54601 Tel: (608) 781-4879 Fax: (608) 781-8893	DODGEVILLE, WISCONSIN
	DRAWN BY: ED/JP DATE: 1/5/10 Revised on 12/01/14	

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



— · — · — · - PROPERTY BOUNDARY



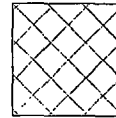
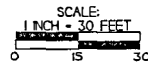
CITGO STATION  
(CLOSED LUST SITE)  
420 NORTH IOWA STREET

TRAILER PARK  
109-117 EAST SPRING STREET  
AND 409 NORTH IOWA STREET

- ≡≡≡≡ - OVERHEAD LINES
- · — · — · - SANITARY SEWER LINE
- · — · — · - STORM SEWER LINE
- · — · — · - WATER LINE
- · — · — · - PHONE LINE
- · — · — · - NATURAL GAS LINE
- ⊙ - PHASE II ENVIRONMENTAL ASSESSMENT BORING LOCATION (DOT)
- - GEOPROBE BORING LOCATION
- ⊕ - MONITORING WELL LOCATION
- ⊖ - ABANDONED MONITORING WELL LOCATION

B.2.b RESIDUAL SOIL CONTAMINATION		
TERRY'S KERR MCGEE (TERRY'S TOWING)		
	DODGEVILLE, WISCONSIN  DRAWN BY: JZ DATE: 12/02/14	

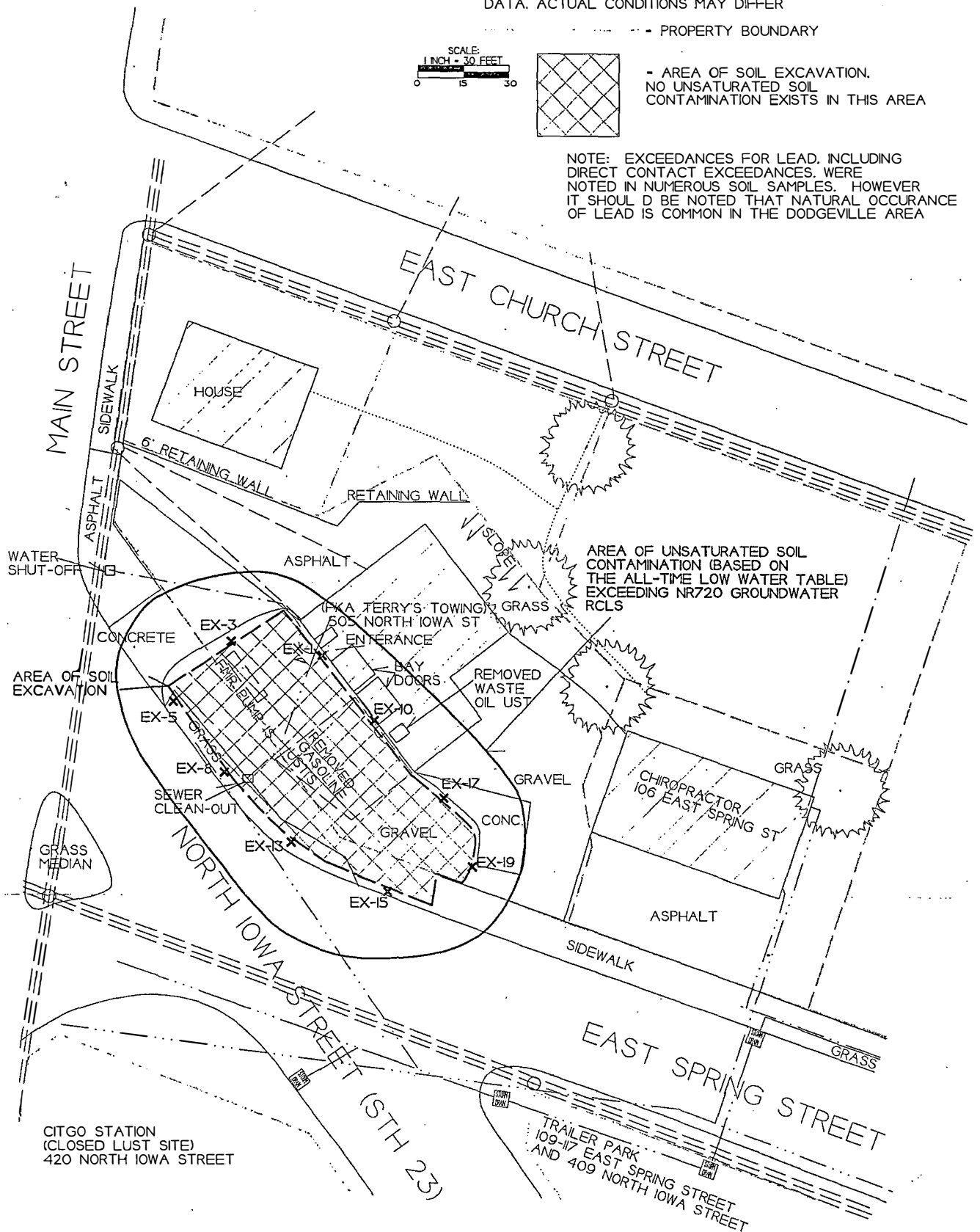
NOTE: INFORMATION BASED ON AVAILABLE DATA. ACTUAL CONDITIONS MAY DIFFER





- PROPERTY BOUNDARY

- AREA OF SOIL EXCAVATION.  
NO UNSATURATED SOIL CONTAMINATION EXISTS IN THIS AREA

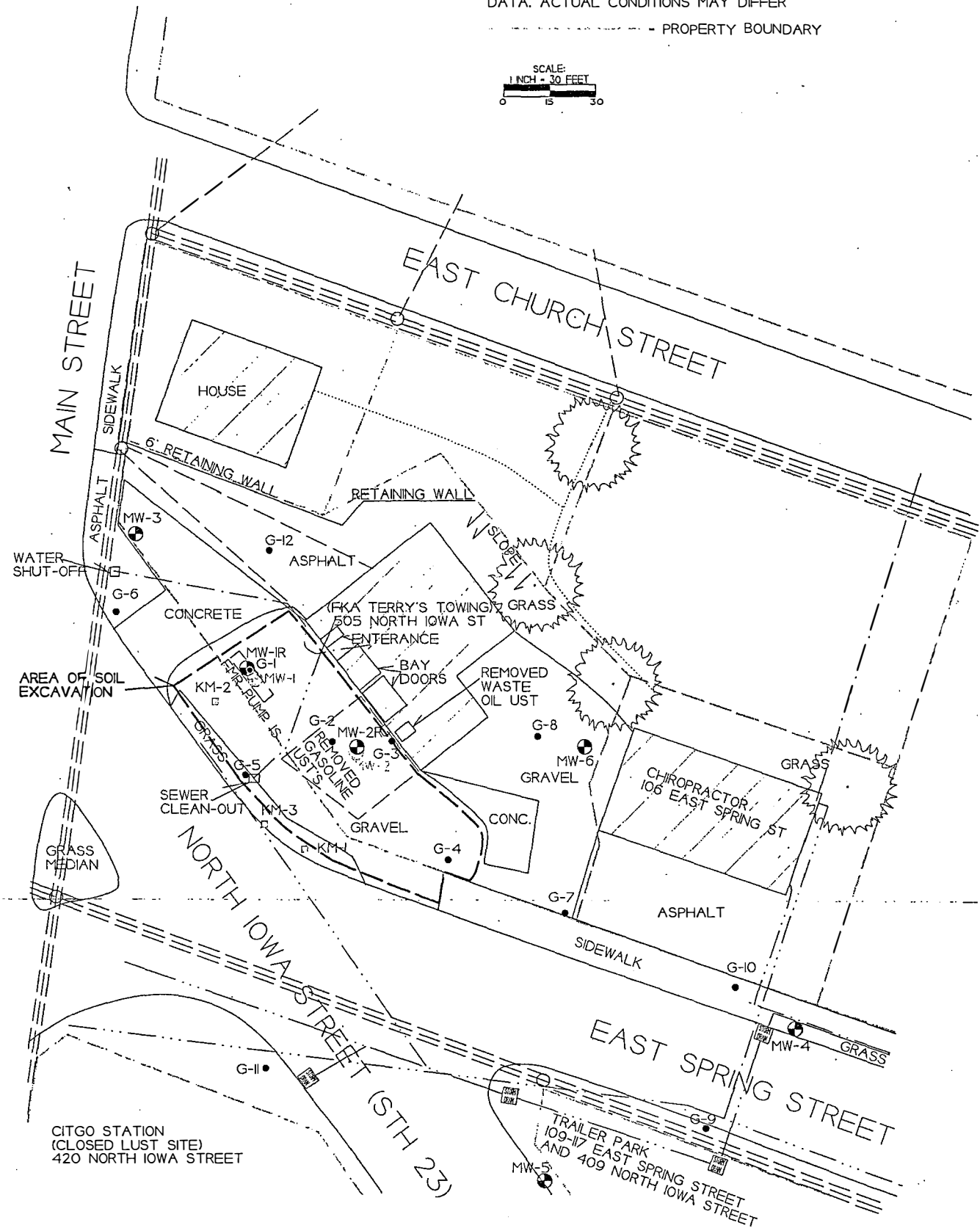
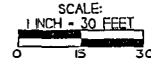
NOTE: EXCEEDANCES FOR LEAD, INCLUDING DIRECT CONTACT EXCEEDANCES, WERE NOTED IN NUMEROUS SOIL SAMPLES. HOWEVER IT SHOULD BE NOTED THAT NATURAL OCCURRENCE OF LEAD IS COMMON IN THE DODGEVILLE AREA



- ≡≡≡≡≡ - OVERHEAD LINES
- · — · — · - SANITARY SEWER LINE
- · — · — · - STORM SEWER LINE
- · — · — · - WATER LINE
- · — · — · - PHONE LINE
- · — · — · - NATURAL GAS LINE
- - PHASE II ENVIRONMENTAL ASSESSMENT BORING LOCATION (DOT)
- - GEOPROBE BORING LOCATION
- ⊙ - MONITORING WELL LOCATION
- ⊙ - ABANDONED MONITORING WELL LOCATION

B.1.b DETAILED SITE MAP		
TERRY'S KERR MCGEE (TERRY'S TOWING)		
	1421 State Road 16 La Crosse, WI 54601 Tel: (608) 781-8879 Fax: (608) 781-3953 <small>Established through agreement</small>	
DODGEVILLE, WISCONSIN DRAWN BY: ED/J.P. DATE: 1/5/10 Revised on 7/1/13		

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





April 26, 2018

Mr. Steve Wilkinson  
106 East Spring Street  
Dodgeville WI 53533

— Subject: Continuing Obligations and Property Owner Requirements for  
106 East Spring Street, Dodgeville, Wisconsin  
Parcel Identification Number: 0571A  
Final Case Closure for Terry's Kerr McGee, 505 North Iowa Street, Dodgeville, WI  
DNR BRRTS Activity #: 03-25-001108

Dear Mr. Wilkinson:

The purpose of this letter is to notify you that certain continuing obligations apply to the property at 106 East Spring Street, Dodgeville, (referred to in this letter as the "Property") due to contamination remaining on the Property. The continuing obligations are part of the cleanup and case closure approved for the above referenced case, located at 505 North Iowa Street, Dodgeville. (The case is referenced by the location of the source property, i.e. the property where the original discharge occurred, prior to contamination migrating to the Property.) The continuing obligations that apply to the Property are stated as conditions in the attached closure approval letter, and are consistent with s. 292.12, Wis. Stats., and ch. NR 700, Wis. Adm. Code, rule series. They are meant to limit exposure to any remaining environmental contamination at the Property. These continuing obligations will also apply to future owners of the Property, until the conditions no longer exist at the Property.

It is common for properties with approved cleanups to have continuing obligations as part of cleanup/closure approvals. Information on continuing obligations on properties can be found by using the Bureau for Remediation and Redevelopment Tracking System (BRRTS) on the Web. This database is found at <http://dnr.wi.gov/topic/Brownfields/wrrd.html>. This page also provides information on how to find further information about the closure and residual contamination, and how to use the map application, RR Sites Map, including the GIS Registry layer, which shows sites closed with residual contamination and continuing obligations.

The department reviewed and approved the case closure request regarding the petroleum contamination in soil and groundwater at this site, based on the information submitted by METCO. As required by state law, you received notification about the requested closure from the person conducting the cleanup. No further investigation or cleanup is required at this time. However, the closure decision is conditioned on the long-term compliance with certain continuing obligations, as described below.



### Continuing Obligations Applicable to Your Property

A number of continuing obligations are described in the attached case closure letter to Mr. Terry Bystol, dated April 26, 2018. However, only the following continuing obligations apply to your Property.

- Residual soil contamination
- Residual groundwater contamination

### Residual Soil Contamination (ch. NR 718, chs. 500 to 536, Wis. Adm. Code or ch. 289, Wis. Stats.)

Soil contamination remains as indicated on the attached map: Residual Soil Contamination Map, Attachment B.2.b., December 2, 2014. If soil in the specific locations described above is excavated in the future, the Property owner at the time of excavation must sample and analyze the excavated soil to determine if contamination remains. If sampling confirms that contamination is present, the Property owner at the time of excavation will need to determine whether the material is considered solid or hazardous waste and ensure that any storage, treatment or disposal is in compliance with applicable standards and rules. Contaminated soil may be managed in accordance with ch. NR 718, Wis. Adm. Code, with prior DNR approval.

In addition, all current and future owners and occupants of the Property need to be aware that excavation of the contaminated soil may pose an inhalation or other direct contact hazard and as a result special precautions may need to be taken to prevent a direct contact health threat to humans.

### Residual Groundwater Contamination (ch. NR 140, 812, Wis. Adm. Code)

Groundwater contamination greater than enforcement standards is present both on this Property, as shown on the attached map: Groundwater Isoconcentration Map, Attachment B.3.b., October 15, 2014. If you intend to construct a new well, or reconstruct an existing well, you'll need prior DNR approval.

### GIS Registry – Well Construction Approval Needed

Because of the residual soil and groundwater contamination and the continuing obligations, this site, which includes your Property, will be listed on the Bureau for Remediation and Redevelopment Tracking System (BRRTS) on the Web, at <http://dnr.wi.gov/topic/Brownfields/wrrd.html>. If you intend to construct or reconstruct a well on the Property, you will need to get Department approval in accordance with s. NR 812.09 (4) (w), Wis. Adm. Code. To obtain approval, Form 3300-254 needs to be completed and submitted to the DNR Drinking and Groundwater program's regional water supply specialist. A well driller can help with this form. This form can be obtained online at:

<http://dnr.wi.gov/topic/wells/documents/3300254.pdf>. If at some time, all these continuing obligations are fulfilled, and the remaining contamination is either removed or meets applicable standards, you may request the removal of the Property from the GIS Registry.

### Property Owner Responsibilities

The owner (you and any subsequent property owner) of this Property is responsible for compliance with these continuing obligations, pursuant to s. 292.12, Wis. Stats. You are required to pass on the information about these continuing obligations to anyone who purchases this property from you (i.e. pass on this letter), in accordance with s. NR 727.05. For residential property transactions, you are required to make disclosures under Wis. Stats. s. 709.02. You may have additional obligations to notify buyers of the condition of the property and the continuing obligations set out in this letter and the closure letter.

If you lease or rent the property to an occupant who will be responsible for maintaining a continuing obligation, you will need to include that responsibility in a lease agreement, in accordance with s. NR 727.05, Wis. Adm. Code.

Please be aware that failure to comply with the continuing obligations may result in enforcement action by the DNR. The DNR intends to conduct inspections in the future to ensure that the conditions included in this letter, including compliance with referenced maintenance plans, are met.

These responsibilities are the property owner's. A property owner may enter into a legally binding agreement (such as a contract) with someone else (the person responsible for the cleanup) to take responsibility for compliance with the continuing obligations. If the person with whom any property owner has an agreement fails to adequately comply with the appropriate continuing obligations, the DNR has the authority to require the property owner to complete the necessary work.

A legal agreement between you and another party to carry out any of the continuing obligations listed in this letter does not automatically transfer to a new owner of the property. If a subsequent property owner cannot negotiate a new agreement, the responsibility for compliance with the applicable continuing obligations resides with that Property owner.

When maintenance of a continuing obligation is required, the Property owner is responsible for inspections, repairs, or replacements as needed. Such actions should be documented by the Property owner and the records kept accessible for the DNR to review for as long as the department directs.

You and any subsequent Property owners are responsible for notifying the department at least 45 days before making a change to a continuing obligation, and obtaining approval, before making any changes to the property that would affect the obligations applied to the Property. Send all written notifications in accordance with the above requirements to the South Central Region RR Program, 3911 Fish Hatchery Road, Fitchburg, WI 53711, to the attention of the Environmental Program Associate.

The DNR fact sheet, RR-819, "Continuing Obligations for Environmental Protection" helps explain a property owner's responsibility for continuing obligations on their property. This fact sheet should have been sent to you when you received a notification letter before the closure request was submitted to the DNR. You may obtain a copy at <http://dnr.wi.gov/files/PDF/pubs/rr/RR819.pdf>.

Under s. 292.13, Wis. Stats., owners of properties affected by contamination from another property are generally exempt from investigating or cleaning up a hazardous substance discharge that has migrated onto a property from another property, through the soil, groundwater or sediment pathway. However, the exemption under s. 292.13, Wis. Stats., does not exempt the property owner from the responsibility to maintain a continuing obligation placed on the property in accordance with s. 292.12, Wis. Stats. To maintain this exemption, that statute requires the current property owner and any subsequent property owners, to meet the conditions in the statute, including:

- Granting reasonable access to the DNR or responsible party, or their contractors;
- Avoiding interference with response actions taken; and
- Avoiding actions that make the contamination worse (e.g., demolishing a structure and causing or worsening the discharges to the environment).

The DNR appreciates your efforts. If you have any questions regarding this closure decision or anything outlined in this letter, please contact Janet DiMaggio at (608) 275-3295.

Sincerely,



Steven L. Martin, P.G.  
SCR Team Supervisor  
Remediation & Redevelopment Program

Attach. Final Case Closure Letter with Continuing Obligations (with attachments), Terry's Kerr McGee, April 26, 2018

cc: Terry Bystol, 425 Powell Street, Dodgeville, WI 53533  
Ron Anderson, METCO, 709 Gillette Street, Suite 3, La Crosse, WI 54603