

State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
875 S 4TH Ave
Park Falls, WI 54552

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



July 28, 2022

Mr. James Nardo
CCF INC
3972 Cordgrass Way
Naples, FL 34112
Via Electronic Mail Only to jamesnardo@msn.com

SUBJECT: Continuing Obligation Audit, Clear Lake Circle C Site, 426 USH 63, Clear Lake, Wisconsin DNR
BRRTS #03-49-274529

Dear Mr. Nardo:

On July 30, 2009, the Clear Lake Circle C site received closure from the Wisconsin Department of Commerce. The Site was closed with several continuing obligations, including maintaining of an impermeable cap or cover across the property as described in the attached final closure letter and deed notice (document number 636592). On July 25, 2022 the Department of Natural Resources (Department) did an audit at the Site to determine if the continuing obligations are still functioning as intended and evaluate compliance. During the audit the Department documented the cap has not been maintained-the concrete has been broken up, and not replaced. A copy of the Department's Inspection Form 4400-232 is attached.

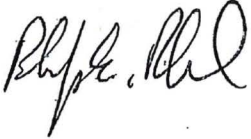
ACTIONS NEEDED

Per the attached deed notice, an impermeable cap or cover shall be maintained across the property until: 1. The soil is actively remediated or removed, or; 2. It can be shown that the soil has naturally degraded to levels shown to be protective of the environment and human health.

Within the next 60 days, by September 28, 2022, please provide a response on actions that will be taken to bring the site back into compliance.

If you have any questions, please feel free contact me at (715) 661-0125, or by email at philip.richard@wisconsin.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Philip E. Richard". The signature is fluid and cursive, with the first name "Philip" being more prominent than the last name "Richard".

Philip E. Richard
Hydrogeologist - Remediation & Redevelopment Program
Northern Region

C: Bruce Olson, SEH (via email)
Bruce Boeder, Boeder Law (via email)

**Modification actions taken after
continuing obligations were applied.
Refer to BOTW for further information.**



ENVIRONMENTAL & REGULATORY SERVICES DIVISION
BUREAU OF PECFA
2715 Post Road
Stevens Point, Wisconsin 54481
TTY: Contact Through Relay
Fax: (715) 345-5269
Jim Doyle, Governor
Richard J. Leinenkugel, Secretary

July 30, 2009

Jim L Nardo
CCF Inc-Central Nardo Circle
PO Box 104
Chaska, MN 55318-0104

RE: **Final Closure**

Commerce # 54005-3445-26-A DNR BRRTS # 03-49-274529
Clear Lake Circle C, 426 US Hwy 63, Clear Lake

Dear Mr. Nardo:

The Wisconsin Department of Commerce (Commerce) has received all items required as conditions for closure of the site referenced above. This site is now listed as "closed" on the Commerce database.

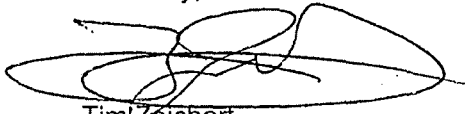
All current and future owners and occupants of the property need to be aware that excavation of contaminated soil may pose a hazard. Special precautions may be needed to prevent inhalation, ingestion or dermal contact with the residual contamination when it is removed. If soil is excavated, the property owner at the time of excavation must have the soil sampled and analyzed to determine if residual contamination remains. If sampling confirms that contamination is present, the property owner at the time of excavation must determine whether the material would be considered solid or hazardous waste and ensure that any storage, treatment or disposal is in compliance with applicable State regulations and standards.

Depending on site-specific conditions, construction over contaminated materials may result in vapor migration into enclosed structures or along newly placed underground utility lines. The potential for vapor inhalation and mitigation should be evaluated when planning any future redevelopment, and measures should be taken to ensure the continued protection of public health, safety, welfare and the environment at the site.

Costs for sampling and excavation activities conducted after case closure are not eligible for PECFA reimbursement. However, if it is determined that any undisturbed remaining petroleum contamination poses a threat, the case may be reopened and further investigation or remediation may be required. If this case is reopened, any original claim under the PECFA fund would also reopen and you may apply for assistance to the extent of remaining eligibility. It is in your best interest to keep all documentation related to environmental activities at your site.

Thank you for your efforts to bring this case to closure. If you have any questions, please contact me in writing at the letterhead address or by telephone at (715) 345-5307.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tim Zeichert', written over a horizontal line.

Tim Zeichert
Senior Hydrogeologist
Site Review Section

cc: Allan Wolfe, Shaw Environmental

RECEIVED

JUL 23 2009

636592

Document Number

ERS DIVISION
STEVENS POINT

NOTICE OF CONTAMINATION TO
PROPERTY

POLK COUNTY, WISCONSIN
Received for record this
12th day of July
AD 2002 at 08:30AM
and recorded in volume 910
of records page 607
Document Number: 636592

Donnie J. Hallberg
Register of Deeds

Legal Description of the Property: In re:

(as it appears on the most recent deed)

Parcel A of Certified Survey Map in Volume 1,
page 69, document No. 311450, being lot 23 of
the Assessor's plat to the Village of Clear
Lake, except the East 150.0 feet thereof
situated in the Southwest Quarter (SW 1/4) of
the Southeast Quarter (SE 1/4), Section 18,
Township 32 North, Range 15 West, Polk County
Wisconsin. (Hereinafter "Property")

Recording Area

Name and Return Address

CCF, Inc.
125 Columbia Ct. A-8
Chaska, MN 55318

STATE OF WISCONSIN

COUNTY OF

)
) ss
)

Parcel Identification Number (PIN)

Section 1. J. L. Nardo is the owner of the above-described property.

Section 2. One or more petroleum discharges have occurred at this property. Petroleum contaminated groundwater above NR 140 enforcement standards and soils above NR 720 residual contaminant levels of the Wisconsin Administrative Code exist(s) on this property.

Section 3. It is the desire and intention of the property owner to impose restrictions on the property, which will make it unnecessary to conduct additional soil or groundwater remediation activities on the property at the present time. The owner hereby declares that all of the property described above is held and shall be held, conveyed or encumbered, leased, rented, used, occupied and improved subject to the following limitations and/or restrictions:

Petroleum contaminated soil remains on this site. According to information filed by Envirogen, Inc., dated September 27, 2001, the residual were identified on-site in soil samples collected during system upgrade activities (See the attached figure and table). An impermeable cap or cover is the selected remedial action to address residual soil contamination on the property. Therefore, an impermeable cap or cover (i.e. concrete, asphalt) shall be maintained across this property until: 1). The soil is actively remediated or removed or; 2). It can be shown that the soil has naturally degraded to levels shown to be protective of the environment and human health. If subsurface work is done in the contaminated areas, the contamination shall be properly treated or disposed of in accordance with applicable laws (File references: Commerce # 54005-3445-26 and WDNR BRRTS # 03-49-274529).

Residual groundwater contamination is also present on-site as identified in the groundwater sample collected from geoprobe GP-2, collected on May 18, 2001. Natural attenuation is the approved

13-

remedial alternative for this site. Anyone who proposes to construct or reconstruct a well on this property is required to contact the Department of Natural Resources' Bureau of Drinking Water and Groundwater, or its successor agency, to determine what specific prohibitions or requirements are applicable, prior to constructing or reconstructing a well on this property. No well may be constructed or reconstructed on this property unless applicable requirements are met.

Any person who is or becomes owner of the property described above may request that the Wisconsin Department of Commerce, or its successor, issue a determination that the restrictions set forth in this covenant are no longer required. That property owner shall provide any and all necessary information to the Department in order for the Department to be able to make a determination. Upon receipt of such a request, the Department shall determine whether or not the restrictions contained herein can be extinguished. Conditions under which a restriction may be extinguished will be determined in accordance with the site specific standards, rules and laws for this property. If the Department determines that the restrictions can be extinguished, an affidavit, with a copy of the Department's written determination, may be recorded to give notice that this restriction, or portions of this restriction are no longer binding. Any restriction placed upon this property shall not be extinguished without the Department's written determination.

IN WITNESS WHEREOF, the owner of the property has executed this document, this 9th day of July, 2002.

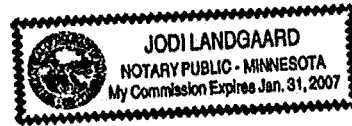
[When appropriate use the following clause]:

By signing this document, [he/she] acknowledges that [he/she] is duly authorized to sign this document on behalf of _____.

Signature: J. L. Nardo

Printed Name: J. L. Nardo

Title: Owner / President



Subscribed and sworn to before me this 9th day of July, 2002.

Jodi Landgaard

Notary Public, State of Minnesota

My commission 12/10/07

This document was drafted by the Wisconsin Department of Commerce.

BRRTS ID No. 03-49-274529

Reviewer: Phil Richard

Region: Northern

Review Date: 07/25/2022

Site Name: Clear Lake Circle C

See RR5242 for instructions <http://intranet.dnr.state.wi.us/int/aw/rr/guidance/RR5242.pdf> . Steps with an * denote DNR follow up; ** denote RP/property owner follow up. If auditing a VPLE site, use the applicable LUST or ERP BRRTS number. Use the NOTES area in each section to add information not otherwise addressed.

File Review:

1. Review BRRTS, and the file if needed, to identify the File Review information:

Site Address 426 USH 63	City Clear lake	ZIP Code 54005
County Parcel Identification Number (PIN) 113-00230-0000	FID Number	

Original Responsible Person
 CCF Inc.

Has the property been transferred since the continuing obligation was recorded/applied? No Yes

If Yes: Current Property Owner

Phone Number	Email
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Select all continuing obligations applied (at case closure or RAP approval or letter to LGU):

Add to BRRTS	AC in BRRTS	AC	Action Code (AC) Meaning
<input type="checkbox"/>	<input type="checkbox"/>	51	Deed notice
<input type="checkbox"/>	<input checked="" type="checkbox"/>	52	Deed restriction for soil
<input type="checkbox"/>	<input type="checkbox"/>	730	Groundwater use restriction
<input type="checkbox"/>	<input type="checkbox"/>	95	Deed instrument conditions met (for audits, use if deed restriction was updated by filing a deed notice)
<input type="checkbox"/>	<input type="checkbox"/>	101	GIS Registry PDF modified - date DNR letter sent
<input type="checkbox"/>	<input type="checkbox"/>	104	Site removed from GIS Registry - date DNR letter sent
<input type="checkbox"/>	<input type="checkbox"/>	696	Continuing obligation required of LGU to maintain liability exemption
<input type="checkbox"/>	<input type="checkbox"/>	605	Green Space Grant awarded (deed restriction)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	56	Continuing Obligation applied (use with codes 220-238)
<input type="checkbox"/>	<input type="checkbox"/>	46	Impacted Right-of-Way
<input type="checkbox"/>	<input type="checkbox"/>	220	Soil at industrial use level
<input type="checkbox"/>	<input checked="" type="checkbox"/>	222	Cover/engineered containment system (pavement, soil cover, etc.)
<input type="checkbox"/>	<input type="checkbox"/>	224	Structural impediment (buildings or other structures)
<input type="checkbox"/>	<input type="checkbox"/>	226	Vapor mitigation/response
<input type="checkbox"/>	<input type="checkbox"/>	228	Site-specific (identify in comment field)
<input type="checkbox"/>	<input type="checkbox"/>	230	LGU was directed to take a protective action
<input type="checkbox"/>	<input checked="" type="checkbox"/>	232	Residual soil contamination > RCLs/SS RCLs (use with AC 220, 222, 224)
<input type="checkbox"/>	<input type="checkbox"/>	234	Monitoring well needs to be abandoned
<input type="checkbox"/>	<input checked="" type="checkbox"/>	236	Site closed with groundwater contamination > ES
<input type="checkbox"/>	<input type="checkbox"/>	238	Maintenance and inspection documentation required to be submitted
<input type="checkbox"/>	<input checked="" type="checkbox"/>	185	Closure Compliance Review completed
<input type="checkbox"/>	<input checked="" type="checkbox"/>	186	Closure Compliance Review - RP follow up needed
<input type="checkbox"/>	<input type="checkbox"/>	187	Closure Compliance Review follow up completed
<input type="checkbox"/>	<input type="checkbox"/>	99	Use this code with comments, for actions not listed under AC 186 (i.e. submittal of inspection reports)

How was site selected for audit? (AC = BRRTS Action Code)

- Vapor Mitigation AC 226
- VPLE with AC 56
- Enforcement Follow-up
- Other: _____
- Green Space Grant AC 605
- AC 220, 222, 224, 228, or 230
- Deed Restriction AC 52 or 696 (LGU)
- Age of Remedy
- Complaint Received
- Regional Priority

Date of:

- Final Closure 07/30/2009
- Certificate of Completion _____
- Green Space Grant _____
- Remedial Action Plan Approval _____
- General Liability Clarification Letter _____
- Local Gov't Unit (LGU) Letter _____

Describe any site-specific requirements (AC 228) that the site owner and/or responsible party needed to address:

Is the site on BRRTS as having residual contamination and continuing obligations?

- Yes
- No – *Add to BRRTS using applicable action codes (56, etc.)**

Were neighboring properties affected?

- Yes
- No

If yes, are these properties listed in BRRTS with AC 56?

- Yes
- No – *Update BRRTS, use form 4400-246**

Was a maintenance plan required at closure?

- NA
- No
- Yes – It is: in the file PDF missing

If no maintenance plan was required, offer the property owner the template model with inspection log, and note in the follow up section of the audit that one was provided on the audit date

Was/were the appropriate restriction(s) recorded with the Register of Deeds?

- Yes
- No
- NA

Has a restriction been amended, or been nullified by DNR?

- No
- Yes: Was BRRTS updated? (95) Yes No*
- Was the CO PDF updated? Yes No*

Notes:

Site Visit:

2. **Contact the site owner for access. Provide a copy of the maintenance plan, if applicable. If the audit is being conducted for a CO which would now require a maintenance plan, provide a template version if no maintenance plan was required at closure, for the property owner's use (voluntary).**
3. **Walk the site (ideally with the owner or responsible party) to review the site conditions against the conditions documented at closure/other to verify or change answers to questions in #1. Discuss use of the maintenance plan or template.**
4. **With the site owner/RP (if possible), answer the following for DNR RR records:**

Did the site owner know about the continuing obligation(s)? Yes No

Have site conditions changed since closure that would affect either a deed restriction or other restrictions or requirements associated with the site?

- No
- Yes – Explain:

Examples: 1) a building has been razed and investigation and remediation occurred.
2) excavation or residential development has occurred in a restricted area.

Has a pavement (asphalt or concrete) cover, soil cover or other sort of cover, such as a building, been removed or is it in disrepair? No/NA

Yes – Should it be replaced or repaired? Yes** No

If a performance standard was the final remedy, has it been altered?

No

Yes – Explain:

Was the DNR notified? Yes No

Have local zoning changes occurred since closure?

No/NA

Yes – Does it appear to impact the effectiveness of the restriction?

No

Yes – Describe:

Is soil sampling needed to determine if the final remedy has been modified such that a direct contact threat exists?

No

Yes – Describe:

For example, an asphalt cover has been removed or is in disrepair, or a new contaminated site is present upgradient, etc.

Has additional monitoring or remediation been done since the site was closed?

No

Yes – Describe:

Soil sampling conducted in 2018.

Does a new threat to public health or the environment exist (e.g. new sources or exposure routes)?

No

Yes – Does sampling need to be performed?

No

Yes** – Describe what should be done to address the problem, and by whom:

Is the vapor mitigation system or sub-slab depressurization system (SSDS) operating as designed? (pressure gradient being maintained)

Yes

NA

No** – Describe any follow up needed:

Have any of the exposure assumptions used for closure changed at this site?

NA

No

Yes – Describe any follow up needed:

Has the land use at this site changed such that a vapor intrusion pathway may now exist?

No

Yes – Describe any follow up needed:

Has the land use changed such that there are either health or safety issues?

- No
- Yes – Describe any follow up needed:

Notes:

COMPLIANCE AND FOLLOW-UP SUMMARY:

5. Identify compliance and any follow up needed.

Is the site in compliance with the continuing obligations/closure approval document?

- Yes
- No – Describe what's not in compliance and the reasons for noncompliance:
Portion of cap that is/was concrete is in disrepair.

(May depend on extent of non-compliance, non-maintenance of remedy or changed ownership or conditions. If case is out of compliance, it should be prioritized by the region, for new casework or enforcement, as needed.)

Has the maintenance agreement required at closure been followed?

- Yes
- NA
- No – Describe:

Was the property owner reminded to complete and document the (yearly) inspections?

- Yes
- NA
- No – Why not?

Was a maintenance plan or template provided to the property owner at the site visit?

- Yes
- NA
- No – If no, why not?

6. Are additional actions by the RP property owner warranted at the site? *The intent is to return the site to compliance with continuing obligation. If a significant land use change has occurred, and/or further remedial action is needed, determine if the site meets the NR 726 reopening criteria.***

- No
- Yes – Summarize the actions needed to return the site to compliance and identify who is responsible:

Notes:

Cap must be repaired to bring back into compliance.

Add AC 186 for RP/property owner follow-up required. Use AC 99 if a reminder was provided to the property owner to complete and document inspections.

7. * Does the site require follow up by DNR?

- No
- Yes: contact or enforcement to return site to compliance with continuing obligation
- updating BRRTS for the CO PDF (adding or modifying a packet)
- reopen site (add ACs 186, 12 and 13)
- other: _____

8. * Attach photographs of the site, documenting site conditions. Label the photos with the site name/BRRTS Activity number/date/view. If a follow-up letter is sent, include a copy with the audit. (audit/photos/follow-up letter)

9. * Save a copy of the audit using the following naming convention: YYYYMMDD_185_CO_Audit.pdf. For follow-up documentation use YYYYMMDD_186_Follow_Up_Needed.pdf.

10. Update applicable BRRTS action codes on the Table on page 1. Use the regional tracking sheet, and have your Regional EPA update the ACs and upload the audit PDF into BRRTS.

11. Notify Central Office when the audit has been completed and loaded into BRRTS.

{Click to Add/Edit Image File (*.bmp;*.jpg;*.gif;*.png;*.tif)}

Date added: 07/27/2022



Title: Clear Lake Circle C, BRRTS # 03-49-274529, 7/25/2022, looking south.

BRRTS Number: 03-49-274529

**Remediation & Redevelopment
Continuing Obligation Review**

Form 4400-232 (R 04/19)

Page 6 of 7

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Date added: 07/27/2022



Title: Clear Lake Circle C, BRRTS # 03-49-274529, 7/25/2022, looking north.

{Click to Add/Edit Image File (*.bmp;*.jpg;*.gif;*.png;*.tif)}

Date added: 07/27/2022



Title: Clear Lake Circle C, BRRTS # 03-49-274529, 7/25/2022, looking east.