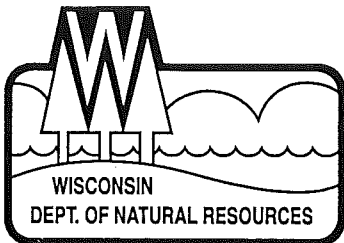


General Property  
BF Chrono



**State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES**

Scott McCallum, Governor  
Darrell Bazzell, Secretary  
Ronald W. Kazmierczak, Regional Director

Shawano Office  
647 Lakeland Rd.  
Shawano, Wisconsin 54166-3843  
Telephone 715-524-2183  
FAX 715-524-3214

December 6, 2001

Ms. Susan Garsow – Clerk  
City of Seymour  
328 North Main St.  
Seymour, WI 54165

COPY

Subject: General Liability Clarification Letter for the Former Deering Property, 120 N. Main St., Seymour, WI; BRRT's # 07-45-278654

Dear Sue:

I have received the City of Seymour's (City )August 3, 2001 request for the Department of Natural Resources (Department) to provide the City with a liability clarification letter for the former Deering Property located at 120 North Main Street in Seymour (Property). Specifically the City is requesting what actions will be required by the Department at the site to achieve case closure and to provide adequate health and safety protections for use of the Property as a park space.

The City acquired the Property through tax delinquency proceedings and as a result has obtained the municipal liability exemption under s. 292.11(9)(1m), Stats. Thus, the City is not responsible to investigate and cleanup the Property. The City has however opted to pursue the NR 700, Wis. Adm. Code cleanup process under the Petroleum Environmental Cleanup Fund Act program (PECFA) so a case closure can be obtained. To achieve case closure under this scenario the City will need to follow the procedures specified in Wisconsin Administrative Code NR 700 series and work with the DNR and the Department of Commerce to address the appropriate remedial actions.

In addition to reviewing applicable Department Administrative Rules and guidance, I have also consulted Chuck Warzecha of the Wisconsin Department of Health and Human Services (HHS) regarding the existing conditions at the Property.

Based on the August 3, 2001 "Site Investigation Update" report (Report) submitted by Northern Environmental, soil and groundwater contamination exists at the Property as a result of the operations of a former service station. The underground tanks, associated components and onsite building have been removed from the property. Concentrations of Polyaromatic hydrocarbon (PAH) contamination above interim guidance standards exists in the soil in the vicinity of the former waste oil tank at soil boring locations B400, B500, B1900, B2100. Concentrations of lead in the soil exceeds the s. NR 720.11(4), Table 2, Wis. Adm. Code value of 50 parts per million (ppm) in two of 16 samples analyzed for this parameter at soil boring locations B1100 and B1300. Three of 21 soil samples analyzed for petroleum volatile organic compounds (PVOC's) exceeded the standard for benzene as listed in s. NR 746.06(2), Table 2, Wis. Adm. Code values at soil boring locations B100, B800 and B900, as well as for several soil parameters listed in s. NR746.06, Table 1, Wis. Adm. Code. Groundwater is impacted above ch. NR 140, Wis. Adm. Code Groundwater Quality Enforcement Standards (ES) for benzene, ethylbenzene, methyl-tert-butyl-ether (MTBE), naphthalene, ethylbenzenes and/or lead at monitoring well locations MW-100, 200, 300, 400 and piezometer – PZ 1800. Locations of the soil borings and monitoring wells are found in Figure 3 and 4 respectively of the Report, which accompany this letter.



The levels of lead in the soil, although above certain interim guidance and administrative rule standards, do not appear to be a substantial public health issue based on the review provided by HHS. However, ch. NR 720, Wis. Adm. Code, requires that the lead contamination be addressed to minimize threats from direct contact. Contaminated soil areas appear to be acting as a continuing source of groundwater contamination and will need to be controlled in some manner.

To achieve case closure the City will need to pursue the following actions:

Lead – The lead in the soil in areas above the s. NR 720.11(4), Table 2, Wis. Adm. Code values will need to be addressed either by removal (and handled as a solid waste) or by providing a sufficient barrier to prevent direct contact with this material. A barrier could include a sufficient (2 feet) clean soil layer over these areas. If lead contaminated soil above 50 ppm is to remain in place, a deed notice will need to be filed on the Property deed at the time of closure indicating this condition exists.

In addition, the soil lead may also be causing groundwater impacts as indicated by ch. NR 140, Wis. Adm. Code Preventative Action Limit (PAL) exceedences in MW-200 and 300. Additional sampling is required for lead at these wells to verify that the ch. NR 140, Wis. Adm. Code ES will not be exceeded as a result of the presence of the lead in the soil. Additional actions such as the installation of an impermeable barrier may be necessary if the ES is exceeded.

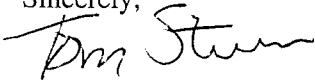
Petroleum compounds – Soils above s. NR 746.06 Table 1, Wis. Adm. Code values are at levels that may cause the occurrence of free product in the groundwater and should be removed to prevent free product from appearing in the future. As with lead, soils above s. NR 746.06, Table 2, Wis. Adm. Code values for benzene less than 4 feet deep will need to be controlled to address the direct contact potential. Source control may be required for soils above s. NR 720.09(4), Table 1, Wis. Adm. Code values, but below s. NR 746.06(2), Table 1 or 2 values, unless it can be demonstrated with additional groundwater monitoring, that these soils are not acting as a continuing source of groundwater contamination. Several rounds of groundwater monitoring will be necessary to determine if groundwater contaminant levels are stable or decreasing in concentrations. The monitoring shall also include testing for the compound benzo-a-pyrene and other PAH compounds. If increasing trends are apparent, additional actions will be necessary to minimize continual impacts to the groundwater from the contaminated soil. Source control can include removal and disposal, treatment (e.g. landfarming) or placement of an impermeable barrier over the contaminated areas of the site to prevent infiltration through the impacted soil.

The City had indicated that the Property would be used as a park/green space. Based on the comments from HHS, there does not appear to be a threat from vapor migration into nearby buildings or utilities as long as a basement or other below ground room is not constructed in the contaminated areas. However, this condition would need to be reevaluated if such an onsite structure is proposed.

Once it has been established that 1) the threat of human contact with lead and benzene contaminated soils has been minimized, 2) petroleum contaminated soil above s. NR746.06(2), Table 1, Wis. Adm. Code levels has been removed or controlled to prevent the occurrence of free product on the groundwater and 3) natural attenuation of remaining contaminants will remediate groundwater in a reasonable period of time -- case closure can be requested. Deed restrictions or notices and recording of any groundwater restrictions on the Geographic Information System (GIS) may be necessary at the time of closure.

I hope I have provided the City with the clarification requested regarding the actions that will be necessary to complete the environmental cleanup at the Property. Please contact me at 715-526-4230 if you have any questions regarding this letter.

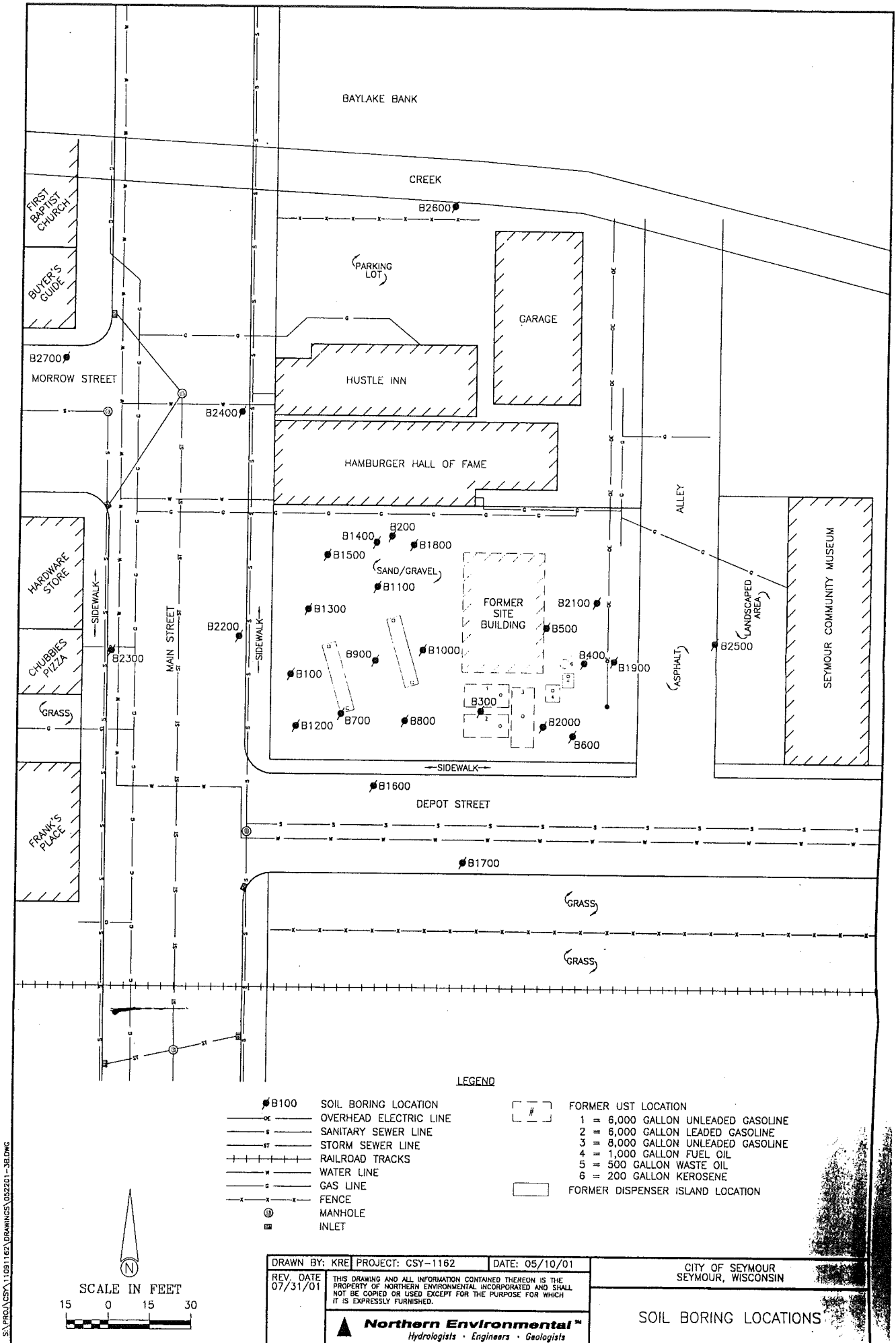
Sincerely,



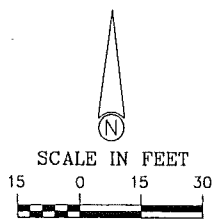
Tom Sturm  
Hydrogeologist  
Remediation and Redevelopment Program  
Email: sturmt@dnr.state.wi.us

Cc : Lynelle Caine – Northern Environmental, 954 Circle Drive, Green Bay, WI 54304  
Bruce Urban - NER  
Dan Kolberg – RR/3  
Joe Renville –LS/5  
Kathy Erdmann - NER





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- B100 SOIL BORING LOCATION
- - - - - OVERHEAD ELECTRIC LINE
- - - - - SANITARY SEWER LINE
- - - - - STORM SEWER LINE
- +++++ RAILROAD TRACKS
- - - - - WATER LINE
- - - - - GAS LINE
- - - - - FENCE
- ⊗ MANHOLE
- ⊠ INLET

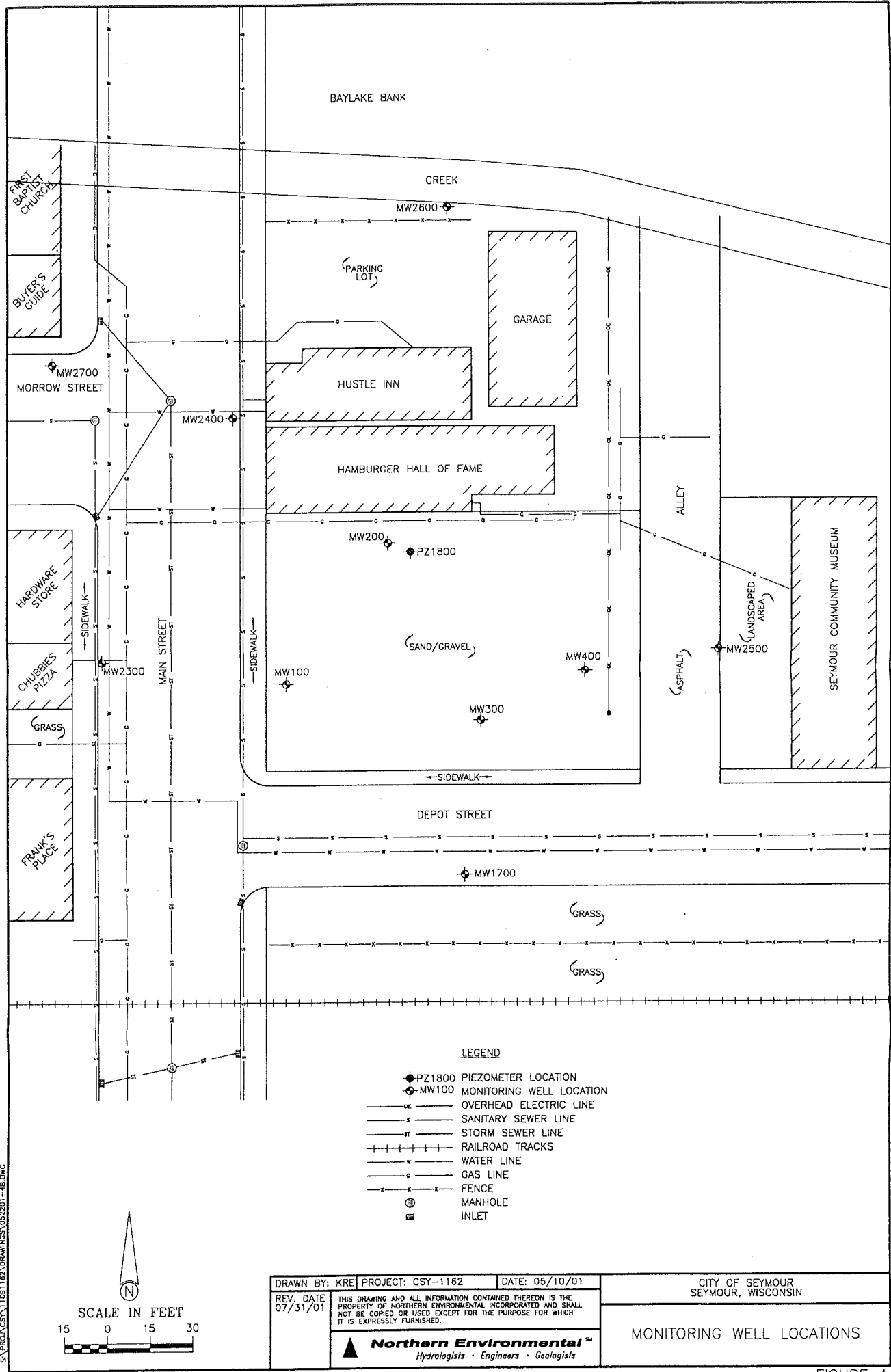
LEGEND

- ☐ # FORMER UST LOCATION
- 1 = 6,000 GALLON UNLEADED GASOLINE
- 2 = 6,000 GALLON LEADED GASOLINE
- 3 = 8,000 GALLON UNLEADED GASOLINE
- 4 = 1,000 GALLON FUEL OIL
- 5 = 500 GALLON WASTE OIL
- 6 = 200 GALLON KEROSENE
- ☐ FORMER DISPENSER ISLAND LOCATION

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<b>Northern Environmental™</b> Hydrologists · Engineers · Geologists		

CITY OF SEYMOUR  
SEYMOUR, WISCONSIN  
  
**SOIL BORING LOCATIONS**

FIGURE 3



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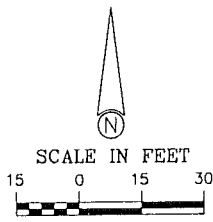


FIGURE 4