



October 31, 2022

MR STEVEN J CLARK
PO BOX 429
LADYSMITH WI 54848

BEAVERS LAND MANAGEMENT LLC
ATTN: BRIAN BOUCHER
2220 6TH AVE N
ESCANABA MI 49829

KEEP THIS LEGAL DOCUMENT WITH YOUR PROPERTY RECORDS

SUBJECT: Case Closure with Continuing Obligations
Auto Stop, 119 West 9th Street, Ladysmith, Wisconsin
BRRTS #03-55-282548, FID #855000520

Dear Mr. Clark and Mr. Boucher:

The Wisconsin Department of Natural Resources (DNR) is pleased to inform you that the Auto Stop case identified above met the requirements of Wisconsin Administrative (Wis. Admin.) Code chs. NR 700 to 799 for case closure with continuing obligations (COs). COs are legal requirements to address potential exposure to remaining contamination. No further investigation or remediation is required at this time for the reported hazardous substance discharge and/or environmental pollution.

However, you, future property owners and occupants of the property must comply with the COs as explained in this letter, which may include maintaining certain features and notifying the DNR and obtaining approval before taking specific actions. You must provide this letter and all enclosures to anyone who purchases, rents or leases this property from you. Some COs also apply to other properties or rights of way (ROWs) affected by the contamination as identified in the Continuing Obligation Summary section of this letter. You may be required to make a real estate condition report disclosure under Wisconsin Statutes (Wis. Stat.) ch. 709.

This case closure decision is issued under Wis. Admin. Code chs. NR 700 to 799 and is based on information received by the DNR to date. The DNR reviewed the case closure request for compliance with state laws and standards and determined the case closure request met the notification requirements of Wis. Admin. Code ch. NR 725, the response action goals of Wis. Admin. Code § NR 726.05(4), and the case closure criteria of Wis. Admin. Code §§ NR 726.05, 726.09 and 726.11, and Wis. Admin. Code ch. NR 140.

The property was used as a retail gas station since the 1960s. The building currently houses the Verizon Phone Store. Contamination at the Auto Stop site was discovered during an investigation at the nearby Doug's Tire site (BRRTS # 03-55-000408). The underground storage tanks (USTs), dispensers and associated piping were removed from the Auto Stop site in 2013. The site was bundled with the Doug's Tire site as part of a joint remedial effort to remove free-phase petroleum product by using a soil vapor extraction (SVE) system.

The Auto Stop site was investigated for a discharge of hazardous substances from the USTs, dispensers, and piping located in the western and central portions of the property. The groundwater contaminant plume associated with the discharge appears to be comingled with contamination from the adjacent Doug's Auto site. Case closure is granted for the petroleum compounds associated with the hazardous substance discharge as documented in the case file. The site investigation and remedial action addressed soil and groundwater. The remedial action consisted of groundwater monitoring, free-phase petroleum product removal and the use of an SVE system. Residual soil contamination remains on the site. Groundwater contamination remains on site and extends beneath U.S. Highway 8, State Highway 27 and an alleyway, extending beneath affected off-site properties.

The case closure decision and COs required were based on the current use of the site for commercial purposes. The site is currently zoned commercial. Based on the land use and zoning, the site meets the non-industrial land use classification under Wis. Admin. Code § NR 720.05(5) for application of residual contaminant levels in soil.

SUMMARY OF CONTINUING OBLIGATIONS

COs are applied at the following locations:

Ladysmith, WI	COS APPLIED	DATE OF MAINTENANCE PLAN
119 West 9 th Street, (Source Property)	Residual Soil Contamination Cover (for soil) Residual Groundwater Contamination	July 2022
811 Lake Avenue	Residual Groundwater Contamination	Not applicable
Rights-of-way for Highways 8 and 27 and alleyway.	Residual Groundwater Contamination	Not applicable

CLOSURE CONDITIONS

Closure conditions are legally required conditions which include both COs and other requirements for case closure (Wis. Stat. § 292.12(2)). Under Wis. Stat. § 292.12(5), you, any subsequent property owners and occupants of the property must comply with the closure conditions as explained in this letter. The property owner must notify occupants for any condition specified in this letter under Wis. Admin. Code §§ NR 726.15(1)(b) and NR 727.05(2). If an occupant is responsible for maintenance of any closure condition specified in this letter, you and any subsequent property owner must include the condition in the lease agreement under Wis. Admin. Code § NR 727.05(3) and provide the maintenance plan to any occupant that is responsible.

DNR staff may conduct periodic pre-arranged inspections to ensure that the conditions included in this letter and the maintenance plan dated, July 2022 are met (Wis. Stat. § 292.11(8)). If these requirements are not followed, the DNR may take enforcement action under Wis. Stat. ch. 292 to ensure compliance with the closure conditions.

SOIL

Continuing Obligations to Address Soil Contamination

Residual Soil Contamination (Wis. Admin. Code chs. NR 718, NR 500 to 599, and § NR 726.15(2)(b) and Wis. Stat. ch. 289)

Soil contamination remains in northerly and westerly portions of the site as indicated on the enclosed map (Figure B.2.b Residual Soil Contamination, prepared by Meridian Environmental Consulting, LLC (Meridian) and dated September 13, 2022). If soil in the locations shown on the map 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. If sampling confirms that contamination is present, the property owner or right of way holder at the time of excavation will need to determine if the material is considered solid waste and ensure that any storage, treatment or disposal complies with applicable standards and rules. Contaminated soil may be managed under Wis. Admin. Code ch. NR 718 with prior DNR approval.

In addition, all current and future property owners, occupants and right of way holders need to be aware that excavation of the contaminated soil may pose an inhalation and direct contact hazard; special precautions may be needed to prevent a threat to human health.

Cover (for soil) (Wis. Stat. § 292.12(2)(a), Wis. Admin. Code §§ NR 724.13(1) and (2), NR 726.15(2)(d) and/or (e), NR 727.07(1))

The asphalt cap, located over the northern, southwestern, and western portions of the property as shown on the enclosed map (Figure D.2 Cap Location Map, prepared by Meridian and dated March 28, 2021, shall be maintained in compliance with Meridian's Cap Maintenance Plan, dated July 2022 (enclosed). The purpose of the cover is to minimize the infiltration of water through contaminated soil and prevent direct contact with residual soil contamination that might otherwise pose a threat to human health.

The cover approved for this closure was designed to be protective for commercial or industrial land uses. Before using the property for residential purposes and before taking an action, the property owner must notify the DNR to determine if additional response actions are warranted. A cover intended for industrial land uses or certain types of commercial land uses may not be protective if the property changes to a residential use. This may include, but is not limited to, single or multiple family residences, a school, day care, senior center, hospital or similar settings. In addition, a cover designed for multi-family residential housing use may not be appropriate for use at a single-family residence.

To modify or replace a cover, the property owner must submit a request to the DNR under Wis. Admin. Code ch. NR 727. The DNR approval must be obtained before implementation. The replacement or modified cover must be a structure of similar permeability or be protective of the revised use of the property until contaminant levels no longer exceed Wis. Admin. Code ch. NR 720 groundwater pathway residual contaminant levels and/or direct contact residual contaminant levels.

GROUNDWATER

Continuing Obligations to Address Groundwater Contamination and/or Monitoring Wells

Residual Groundwater Contamination (Wis. Admin. Code ch. NR 140 and § NR 812.09(4)(w))

Groundwater contaminants which equal or exceed their respective enforcement standards is present over most of the site as shown on the enclosed map (Figure B.3.b., Groundwater Contamination, prepared by Meridian and dated March 25, 2021). To construct a new well or reconstruct an existing well, the property owner must obtain prior DNR approval. Additional casing may be necessary to prevent contamination of the well.

Other Groundwater/Monitoring Well Related Closure Information

General Wastewater Permits for Construction-related Dewatering Activities (Wis. Admin. Code ch. NR 200)

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 work and building construction.

If the property owner or any other person plans to conduct such activities, that person must contact the Water Quality Program and, if necessary, apply for the required discharge permit. 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, oil and grease, a general permit for pit/trench *Dewatering Operations* may be needed.

Pre-Approval Required for Well Construction (Wis. Admin. Code § NR 812.09(4)(w))

DNR approval is required before well construction or reconstruction for all sites identified as having residual contamination and/or COs. This requirement applies to private drinking water wells and high-capacity wells. To obtain approval, the property owner is required to complete and submit Form 3300-254, Continuing Obligations/Residual Contamination Well Approval Application, to the DNR Drinking and Groundwater program's regional water supply specialist. A well driller can help complete this form. The form can be obtained at dnr.wi.gov, search "3300-254." Additional casing may be necessary to help prevent contamination of the well.

OTHER CLOSURE REQUIREMENTS

Maintenance Plan and Inspection Log (Wis. Admin. Code §§ NR 726.11(2), NR 726.15(1)(d), NR 727.05(1)(b)3., Wis. Admin. Code § NR 716.14(2) for monitoring wells)

The property owner is required to comply with the enclosed Cap Maintenance Plan for the asphalt cover, to conduct inspections annually and to use the inspection log (DNR Form 4400-305 or Form 4400-321 VMS Inspection Log) to document the required inspections. The maintenance plan and inspection log are to be kept up-to-date and on-site. The property owner shall submit the inspection log to the DNR only upon request, using the RR Program Submittal Portal. See the DNR Notification and Approval Requirements section below for more information on how to access the Submittal Portal.

Certain activities are limited at closed sites to maintain protectiveness to human health and the environment; these activities are identified in the enclosed maintenance plan. The property owner is required to notify the DNR at least 45 days before and obtain approval from the DNR prior to taking the following actions (Wis. Admin. Code §§ NR 727.07, NR 726.15 (2), Wis. Stat. § 292.12(6)):

- Before removing a cover or any portion of a cover
- Replacement with another barrier
- Excavating or grading of the land surface
- Filling on capped or paved areas
- Plowing for agricultural cultivation
- Construction or placement of a building or other structure
- Changing the use or occupancy of the property to residential exposure setting (e.g., single or multi-family residences, school, daycare, senior center, hospital, etc.)

The DNR may require additional investigation and/or cleanup actions, if necessary, to be protective of human health and the environment. The case may be reopened under Wis. Admin. Code § NR 727.13 if additional information indicates that contamination on or from the site poses a threat, or for a lack of compliance with a CO or closure requirement. Compliance with the maintenance plan is considered when evaluating the reopening criteria.

Pre-Approval Required for Well Construction (Wis. Admin. Code § NR 812.09(4)(w))

DNR approval is required before well construction or reconstruction for all sites identified as having residual contamination and/or COs. This requirement applies to private drinking water wells and high capacity wells. To obtain approval, the property owner is required to complete and submit Form 3300-254, Continuing Obligations/Residual Contamination Well Approval Application, to the DNR Drinking and Groundwater program's regional water supply specialist. A well driller can help complete this form. The form can be obtained online at dnr.wi.gov, search "3300-254." Additional casing may be necessary to help prevent contamination of the well.

SUBMITTALS AND CONTACT INFORMATION

Site, case-related information and DNR contacts can be found online in the Bureau for Remediation and Redevelopment Tracking System (BRRTS) on the Web (BOTW); go to dnr.wi.gov and search “BOTW.” Use the BRRTS ID # found at the top of this letter. The site can also be found on the map view, Remediation and Redevelopment Sites Map (RRSM) by searching “RRSM.”

Send written notifications and inspection logs to the DNR using the RR Program Submittal Portal at dnr.wi.gov, search “RR submittal portal” (<https://dnr.wi.gov/topic/Brownfields/Submittal.html>). Questions on using this portal can be directed to the contact below or to the environmental program associate (EPA) for the regional DNR office. Visit dnr.wi.gov, search “RR contacts” and select the EPA tab (<https://dnr.wi.gov/topic/Brownfields/Contact.html>).

CLOSING

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 Carrie Stoltz at (715) 360-1966 or at Carrie.Stoltz@Wisconsin.gov. You can also contact me at (715) 208-4404 or by email at Christopher.Saari@wisconsin.gov.

Sincerely,



Christopher A. Saari
Northern Region Team Supervisor
Remediation and Redevelopment Program

Enclosures:

- Figure B.2.b, Residual Soil Contamination, Meridian Environmental Consulting, LLC, September 13, 2022
- Figure B.3.b, Ground Water Contamination, Meridian Environmental Consulting, LLC, March 25, 2021
- Attachment D.1, Cap Maintenance Plan, Meridian Environmental Consulting, LLC, July 2022
- Figure D.2, Cap Location Map, Meridian Environmental Consulting, LLC, March 28, 2021

cc: DOT HazMat Unit (via email)
Ken Shimko – Meridian Environmental Consulting, LLC (via email)
Carrie Stoltz – DNR Rhinelander (via email)

On-line Resources:

These DNR fact sheets can be obtained by visiting the DNR website at “dnr.wi.gov” and searching the DNR publication number (RR-xxx). For information on general permits, search using “wastewater general permits.”

- RR-671 – “Using Natural Attenuation to Clean Up Contaminated Groundwater: What Landowners Should Know”
- RR-819 – “Continuing Obligations for Environmental Protection”
- RR-973 – “Environmental Contamination and Your Real Estate”
- RR-987 – “Post-Closure Modifications: Changes to Property Conditions after a State-Approved Cleanup”

CAP MAINTENANCE PLAN

July 2022

Property Located at:

Autostop/SSG Corp (former)
119 W 9th St S
Ladysmith, Wisconsin 54848
(Rusk County)

D.1 Descriptions

Site Reference Information:

DNR BRRTS No. 03-55-282548
PECFA No. 54848-1295-19
Rusk County Parcel#: 246-02094-0000

Introduction

This document is the Cap Maintenance Plan for above-referenced property in accordance with the requirements of s.NR724.13(2), Wis. Adm. Code. The maintenance activities relate to the impermeable (asphalt) parking area over an area of petroleum contaminated soil and ground water.

More site-specific information about this property may be found with:

- The DNR case file
- BRRTS on the Web (DNR's internet based data base of contaminated sites) which contains the link to a PDF with site-specific information at the time of closure and continuing obligations
- RR Sites Map/GIS Registry layer for a map view of the site
- The DNR project manager for Rusk County sites

Description of Contamination

Soil contaminated by petroleum is located in the former tank basin area (see Figure D.2). The extent of the soil contamination is shown on the attached Figure D.2. The petroleum contamination is primarily found at the water table (> 15 ft below grade).

Soil samples containing Lead above the Not To Exceed Direct Contact Standard (NTEDC) of 27 mg/kg were collected from borings B100 (completed as MW-100), B200 (MW-200), and B300 (MW-300) at a depth of 2.5 – 4.5 ft below grade. These concentrations are interpreted to be typical of shallow soil at many commercial properties and are limited in extent.

Description of the Impermeable Cap

The area of impacted soil is capped by asphalt associated with the parking/drive areas. The asphalt thickness is estimated to be at least 2 inches thick. This will require little maintenance.

Purpose of Impermeable Cap

The purpose of the impermeable cap is to prevent direct human contact with residual soil contamination that might otherwise pose a threat to human health. The impermeable cap acts as a partial infiltration barrier to minimize future soil-to-ground water contamination migration that would violate the ground water standards in ch. NR140, Wisconsin Adm. Code. Based on the current use of the property, the barrier should function as intended unless disturbed.

Annual Inspection

The impermeable cap will be inspected once per year (June) for deterioration, cracks and other potential problems that can cause infiltration and/or human contact to the underlying soils. The inspections will be performed by the property owner. The inspections will be performed to evaluate damage due to settling, exposure to the elements, traffic wear, age, and other factors. Any area where soils have become or are likely to become exposed and where infiltration from the surface will not be effectively minimized will be documented.

A log of the inspections and any repairs will be maintained by the property owner and is included with this Plan (Form 4400-305, Continuing Obligations Inspections and Maintenance Log). The log will include recommendations for necessary repair of any areas where underlying soils are exposed and where infiltration from the surface will not be effectively minimized. Once repairs are completed, they will be documented in the inspection log. A copy of the maintenance plan and inspection log will be kept at the site and will be provided to DNR representatives upon request.

Maintenance Activities

If problems are noted during the annual inspection or at any other time during the year, repairs will be scheduled as soon as practical. Repairs can include patching and filling or larger resurfacing or construction operations. In the event that necessary maintenance activities expose the underlying soil, the owner must inform maintenance workers of the direct contact exposure hazard and provide them with appropriate personal protection equipment (PPE). The owner must also sample any soil that is excavated from the site prior to disposal to ascertain if contamination remains. The soil must be treated, stored and disposed of by the owner in accordance with applicable local, state and federal law.

In the event the impermeable surface is replaced, the replacement must be equally impervious. Any replacement barrier will be subject to the same maintenance and inspection guidelines as outlined in this Maintenance Plan unless indicated otherwise by the DNR or its successor.

The property owner, in order to maintain the integrity of the impermeable surface, will keep a copy of this maintenance plan at the site and provide it to all interested parties (e.g., on-site employees, contractors, future property owners, etc.) for viewing.

Prohibition of Activities and Notification of DNR Prior to Actions Affecting a Cover/Barrier

The following activities are prohibited on any portion of the property where the impermeable barrier is required as shown on the attached map, unless prior written approval has been obtained from the WDNR:

- 1) removal of the existing barrier
- 2) replacement with another barrier
- 3) excavating or grading of the land surface
- 4) filling on capped or paved areas
- 5) plowing for agricultural cultivation
- 6) construction or placement of a building or other structure
- 7) changing the use or occupancy of the property to residential exposure setting (e.g., single or multi-family residences, school, day care, senior center, hospital, etc.)

If removal, replacement or other changes to the impermeable barrier are considered, the property owner will contact DNR at least 45 days before taking such an action to determine whether further action may be necessary to protect human health, safety, or welfare or the environment, in accordance with s.NR727.07, Wis. Adm. Code.

Amendment or Withdrawal of Maintenance Plan

This Maintenance Plan can be amended or withdrawn by the property owner and its successors with the written approval of DNR.

Contact Information

Site Owner and Operator:

Beaver's Land Management LLC
2220 6th Ave N
Escanaba, MI 49829

Signature: _____



Date: _____

7-26-2022

Kenneth Shimko
Environmental Consultant

Consultant:

Kenneth Shimko
Meridian Environmental Consulting, LLC
2711 North Elco Road
Fall Creek, WI 54742
(715)832-6608

DNR Project Manager

Carrie Stoltz
Wisconsin Department of Natural Resources
107 Sutliff Ave
Rhineland, Wisconsin 54501

D.2 Cap Location Map (attached)

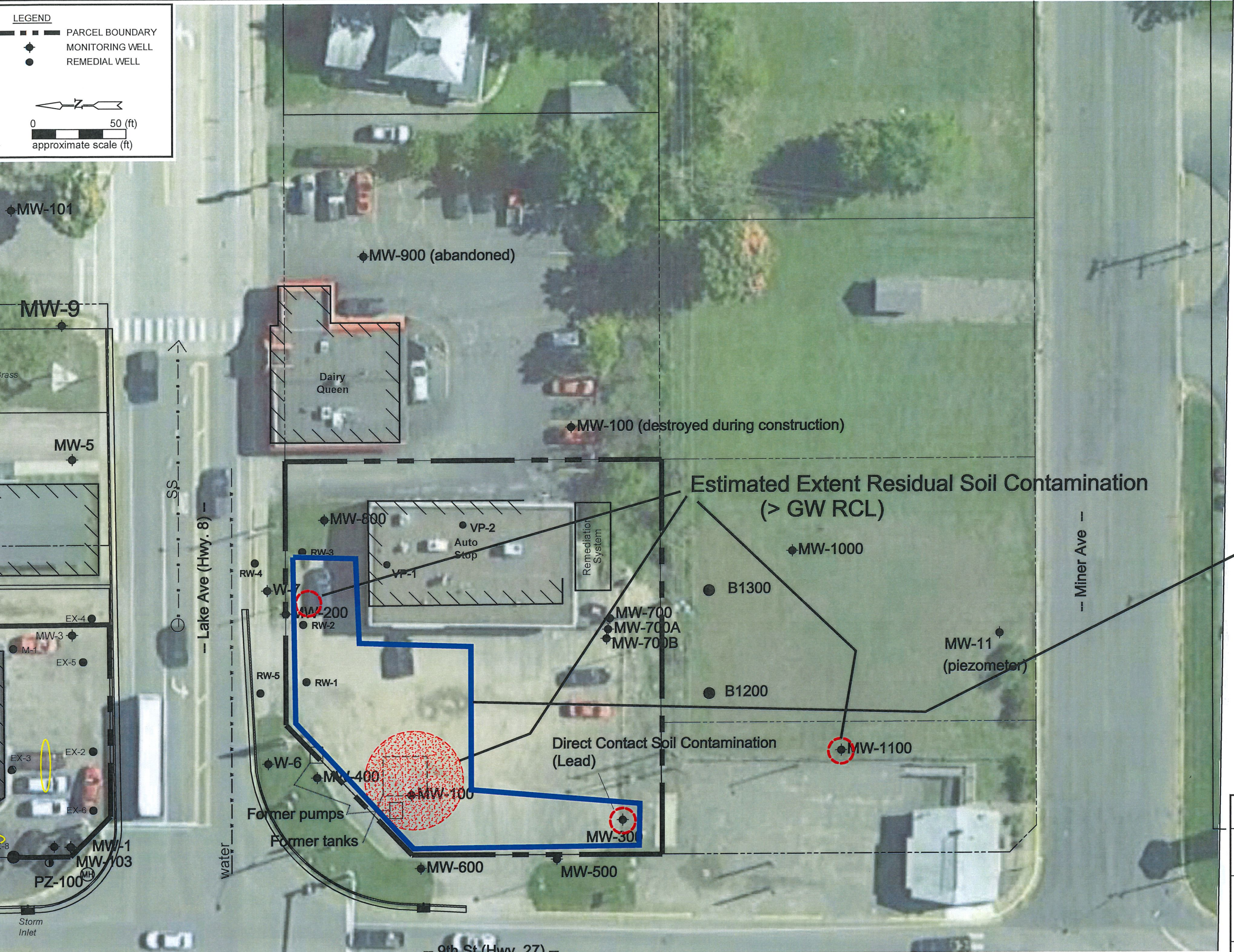
D.3 Photographs of Impermeable Barrier (pavement) (attached)

D.4 Continuing Obligations Inspection and Maintenance Log (attached)

LEGEND

- PARCEL BOUNDARY
- ◆ MONITORING WELL
- REMEDIAL WELL

0 50 (ft)
approximate scale (ft)



CAP Location



Cap

U.7

Continuing Obligations Inspection and Maintenance Log
Form 4400-305 (2/14)

Directions: In accordance with s. NR 727.05 (1) (b) 3., Wis. Adm. Code, use of this form for documenting the inspections and maintenance of certain continuing obligations is required. Personal information collected will be used for administrative purposes and may be provided to requesters to the extent required by Wisconsin's Open Records law [ss. 19.31-19.39, Wis. Stats.]. When using this form, identify the condition that is being inspected. See the closure approval letter for this site for requirements regarding the submittal of this form to the Department of Natural Resources. A copy of this inspection log is required to be maintained either on the property, or at a location specified in the closure approval letter. Do NOT delete previous inspection results. This form was developed to provide a continuous history of site inspection results. The Department of Natural Resources project manager is identified in the closure letter. The project manager may also be identified from the database, BRRTS on the Web, at <http://dnr.wi.gov/botw/SetUpBasicSearchForm.do>, by searching for the site using the BRRTS ID number, and then looking in the "Who" section.

Activity (Site) Name Autostop/SSG Corp	BRRTS No. 03-55-282548
Inspections are required to be conducted (see closure approval letter): <input checked="" type="radio"/> annually <input type="radio"/> semi-annually <input type="radio"/> other – specify _____	

Inspection Date	Inspector Name	Item <input type="checkbox"/> monitoring well <input checked="" type="checkbox"/> cover/barrier <input type="checkbox"/> vapor mitigation system <input type="checkbox"/> other:	Describe the condition of the item that is being inspected	Recommendations for repair or maintenance	Previous recommendations taken and implemented?	Photographs taken and attached?
					<input type="radio"/> Y <input type="radio"/> N	<input type="radio"/> Y <input type="radio"/> N
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U.7

03-55-282548
BRTS No.

Autostop/SSG Corp
Activity (Site) Name

Continuing Obligations Inspection and Maintenance Log
Form 4400-305 (2/14)

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