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**Notification of Continuing Obligations
and Residual Contamination**
Form 4400-286 (9/15) C. I. Page

The affected property is:

- ☐ the source property (the source of the hazardous substance discharge), but the property is not owned by the person who conducted the cleanup (a deeded property)
- ☒ a deeded property affected by contamination from the source property
- ☐ a right-of-way (ROW)
- ☐ a Department of Transportation (DOT) ROW

Include this completed page as an attachment with all notifications provided under sections A and B.

Contact Information

Responsible Party: The person responsible for sending this form, and for conducting the environmental investigation and cleanup is:

Responsible Party Name Raisa Beyder c/o Anna Shtivelberg (POA)

Contact Person Last Name Shtivelberg	First Anna	MI	Phone Number (include area code) (414) 763-1495	
Address 242 E. Ravine Bay Rd		City Bayside	State WI	ZIP Code 53217
E-mail <u>rusbvs@hotmail.com</u>				

Name of Party Receiving Notification:

Business Name, if applicable: Redevelopment Authority of City of Milwaukee

Title Mr.	Last Name Reim	First Matt	MI	Phone Number (include area code) (414) 286-5693	
Address 809 N. Broadway Street		City Milwaukee	State WI	ZIP Code 53202	

Site Name and Source Property Information:

Site (Activity) Name Auto Repair on Vliet

Address 2481 W Vliet Street		City Milwaukee	State WI	ZIP Code 53205
DNR ID # (BRRTS#) 03-41-286924		(DATCP) ID #		

Contacts for Questions:

If you have any questions regarding the cleanup or about this notification, please contact the Responsible Party identified above, or contact:

Environmental Consultant: METCO

Contact Person Last Name Anderson	First Ron	MI	Phone Number (include area code) (609) 781-8879	
Address 709 Gillette Street Suite 3		City La Crosse	State WI	ZIP Code 54603
E-mail <u>rona@metcohq.com</u>				

Department Contact:

To review the Department's case file, or for questions on cleanups or closure requirements, contact:

Department of: Natural Resources (DNR)

Address 2300 North Martin Luther King Drive		City Milwaukee	State WI	ZIP Code 53212
Contact Person Last Name Neumann	First Riley	MI	Phone Number (include area code) (414) 263-8603	
E-mail (Firstname.Lastname@wisconsin.gov) <u>riley.neumann@wisconsin.gov</u>				

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Section A: Deeded Property Notification: Residual Contamination and/or Continuing Obligations

KEEP THIS DOCUMENT WITH YOUR PROPERTY RECORDS

809 N. Broadway Street
Milwaukee, WI, 53202

Dear Mr. Reim:

I am providing this letter to inform you of the location and extent of contamination remaining on your property, and of certain long-term responsibilities (continuing obligations) for which you may become responsible. I have investigated a release of:

petroleum

on 2481 W Vliet Street, Milwaukee, WI, 53205 that has shown that contamination has migrated onto your property. I have responded to the release and will be requesting that the Department of Natural Resources (DNR) grant case closure. Closure means that the DNR will not be requiring any further investigation or cleanup action to be taken. However, continuing obligations may be imposed as a condition of closure approval.

You have 30 days to comment on the attached legal description of your property and on the proposed closure request:

Please review the enclosed legal description of your property, and notify Ron Anderson at 709 Gillette Street Suite 3, La Crosse, WI, 54603 within the next 30 days if the legal description is incorrect.

The DNR will not review my closure request for at least 30 days after the date of receipt of this letter. As an affected property owner, you have a right to contact the DNR to provide any technical information that you may have that indicates that closure should not be granted for this site. If you would like to submit any information that is relevant to this closure request, or if you want to waive the 30 day comment period, you should mail that information to the DNR contact: 2300 North Martin Luther King Drive, Milwaukee, WI, 53212, or at riley.neumann@wisconsin.gov.

Your Long-Term Responsibilities as a Property Owner and Occupant:

The responses included

Groundwater monitoring and excavation of 1,020.22 tons of petroleum contaminated soil.

The continuing obligations I am proposing that affect your property are listed below, under the heading **Continuing Obligations**. Under s. 292.12 (5), Wis. Stats., current and future owners and occupants of this property are responsible for complying with continuing obligations imposed as part of an approved closure.

The fact sheet "Continuing Obligations for Environmental Protection" (DNR publication RR 819) has been included with this letter, to help explain the responsibilities you may have for maintenance of a certain continuing obligation, the limits of any liability for investigation and cleanup of contamination, and how these differ. If the fact sheet is lost, you may obtain copies at <http://dnr.wi.gov/files/PDF/pubs/r/RR819.pdf>.

Contract for responsibility for continuing obligation:

Before I request closure, I will need to inform the DNR as to whom will be responsible for the continuing obligation/s on your property.

No contract has been worked out between RP and affected property owner.

Under s. 292.12, Wis. Stats., the responsibility for maintaining all necessary continuing obligations for your property will fall on you or any subsequent property owner, unless another person has a legally enforceable responsibility to comply with the requirements of the final closure letter. If you need more time to finalize an agreement on the responsibility for the continuing obligations on your Property, you may request additional time from the DNR contact identified in **Contact Information**.

(Note: Future property owners would need to negotiate a new agreement.)

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Remaining Contamination:

Soil Contamination:

Soil contamination remains at :
2475 W Vliet Street

The remaining contaminants include:

Lead, Benzene, Ethylbenzene, Naphthalene, Toluene, 1,2,4 Trimethylbenzene, 1,3,5 Trimethylbenzene, Xylene, Benzo(a)pyrene, and Chrysene.

at levels which exceed the soil standards found in ch. NR 720, Wis. Adm. Code. The following steps have been taken to address any exposure to the remaining soil contamination.

Excavation of 1,020.22 tons of petroleum contaminated soil.

Continuing Obligations on Your Property: As part of the cleanup, I am proposing that the following continuing obligations be used at your property, to address future exposure to residual contamination. If my closure request is approved, you will be responsible for the following continuing obligations.

To construct a new well or to reconstruct an existing well, the property owner at the time of construction or reconstruction will need to obtain prior approval from the DNR. See the paragraph **GIS Registry and Well Construction Requirements**. Typically, this results in casing off a portion of the aquifer during drilling, when needed, to protect the water supply.

Residual Soil Contamination:

If soil is excavated from the areas with residual contamination, the property owner at the time of excavation will be responsible for the following:

- determine if contamination is present
- determine whether the material would be considered solid or hazardous waste
- ensure that any storage, treatment or disposal is in compliance with applicable statutes and rules.

Contaminated soil may be managed in-place, in accordance with ch. NR 718, Wis. Adm. Code, with prior DNR approval. In addition, all current and future property 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 during excavation activities to prevent a health threat to humans.

Depending on site-specific conditions, construction over contaminated soils or groundwater may result in vapor migration of contaminants into enclosed structures or migration along underground utility lines. The potential for vapor inhalation and means of 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.

Maintenance and Audits of Continuing Obligations:

If compliance with a maintenance plan is required as part of a continuing obligation, an inspection log will need to be filled out periodically, and kept available for inspection by the DNR. Submittal of the inspection log may also be required. You will also need to notify any future owners or occupants of this property of the need to maintain the continuing obligation and to document that maintenance in the inspection log. Periodic audits of these continuing obligations may be conducted by the DNR, to ensure that potential exposure to residual contamination is being addressed. The DNR provides notification before conducting site visits as part of the audit.

GIS Registry and Well Construction Requirements:

If this site is closed, all properties within the site boundaries where contamination remains, or where a continuing obligation is applied, will be listed on the Bureau for Remediation and Redevelopment Tracking System (BRRTS) on the Web, at <http://dnr.wi.gov/topic/Brownfields/clean.html>. Inclusion on this database provides public notice of remaining contamination and of any continuing obligations. Documents can be viewed on this database, and include final closure letters, site maps and any applicable maintenance plans. The location of the site may also be viewed on the Remediation and Redevelopment Sites Map (RR Sites Map), on the "GIS Registry" layer, at the same internet address listed above.

DNR approval prior to well construction or reconstruction is required for all sites included in 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. Special well construction standards may be necessary to protect the well from the remaining contamination. Well drillers need to first obtain approval from a regional water supply specialist in DNR's Drinking Water and Groundwater Program. The well construction application, form 3300-254, is on the internet at <http://dnr.wi.gov/topic/wells/documents/3300254.pdf>.

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Site Closure:

If the DNR grants closure, you will receive a letter which defines the specific continuing obligations on your property. The status of the site (open or closed) may also be checked by searching BRRTS on the Web. You may view or download a copy of the closure letter (sent to the responsible party) from BRRTS on the Web. You may also request a copy of the closure letter from the **responsible party** or by writing to the DNR contact, at Riley Neumann, riley.neumann@wisconsin.gov, (414) 263-8603. The final closure letter will contain a description of the continuing obligation, any prohibitions on activities and will include any applicable maintenance plan.

If you have any questions regarding this notification, I can be reached at: (608) 781-8879

rona@metcohq.com



Signature of responsible party/environmental consultant for the responsible party

Date Signed

5/13/20

Attachments

Contact Information

Legal Description for each Parcel:

Factsheets:

RR 819, Continuing Obligations for Environmental Protection

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Remediation and Redevelopment Program

June 2017

Continuing Obligations for Environmental Protection Responsibilities of Wisconsin Property Owners Wis. Stat. § 292.12

Purpose

This fact sheet is intended to help property owners understand their legal requirements under s. 292.12, Wis. Stat., regarding continuing obligations that arise due to the environmental condition of their property.

Introduction

The term “continuing obligations” refers to certain actions for which property owners are responsible following a completed environmental cleanup. They are sometimes called environmental land use controls or institutional controls. These legal obligations, such as a requirement to maintain pavement over contaminated soil, are most often found in a cleanup approval letter from the state.

Less commonly, a continuing obligation may apply where a cleanup is not yet completed but a cleanup plan has been approved, or at a property owned by a local government that is exempt from certain cleanup requirements.

What Are Continuing Obligations?

Continuing obligations are legal requirements designed to protect public health and the environment in regard to contamination that remains on a property.

Continuing obligations still apply after a property is sold. Each new owner is responsible for complying with the continuing obligations.

Background

Wisconsin, like most states, allows some contamination to remain after cleanup of soil or groundwater contamination (residual contamination). This minimizes the transportation of contamination and reduces cleanup costs while still ensuring that public health and the environment are protected.

The Department of Natural Resources (DNR), through its Remediation and Redevelopment (RR) Program, places sites or properties with residual contamination on a public database in order to provide notice to interested parties about the residual contamination and any associated continuing obligations. Please see the “Public Information” section on page 3 to learn more about the database. (Prior to June 3, 2006, the state used deed restrictions recorded at county courthouses to establish continuing obligations, and those deed restrictions have also been added into the database.)

Types of Continuing Obligations

1. Manage Contaminated Soil that is Excavated

If the property owner intends to dig up an area with contaminated soil, the owner must ensure that proper soil sampling, followed by appropriate treatment or disposal, takes place. Managing contaminated soil must be done in compliance with state law and is usually done under the guidance of a private environmental professional.

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2. Manage Construction of Water Supply Wells

If there is soil or groundwater contamination and the property owner plans to construct or reconstruct a water supply well, the owner must obtain prior DNR approval to ensure that well construction is designed to protect the water supply from contamination.

Other Types of Continuing Obligations

Some continuing obligations are designed specifically for conditions on individual properties. Examples include:

- keeping clean soil and vegetation over contaminated soil;
- keeping an asphalt "cover" over contaminated soil or groundwater;
- maintaining a vapor venting system; and
- notifying the state if a structural impediment (e.g. building) that restricted the cleanup is removed. The owner may then need to conduct additional state-approved environmental work.



Property owners with the types of continuing obligations described above will find these requirements described in the state's cleanup approval letter or cleanup plan approval, and *must*:

- comply with these property-specific requirements; and
- obtain the state's permission before changing portions of the property where these requirements apply.

The requirements apply whether or not the person owned the property at the time that the continuing obligations were placed on the property.

Changing a Continuing Obligation

A property owner has the option to modify a continuing obligation if environmental conditions change. For example, petroleum contamination can degrade over time and property owners may collect new samples showing that residual contamination is gone. They may then request that the DNR modify or remove a continuing obligation. Fees are required for the DNR's review of this request and for processing the change to the database (\$1050 review fee, \$300/\$350 database fee). Fees are subject to change; current fees are found in Wis. Admin. § NR 749 online at http://docs.legis.wisconsin.gov/code/admin_code/nr/700/749.

Public Information

The DNR provides public information about continuing obligations on the Internet. This information helps property owners, purchasers, lessees and lenders understand legal requirements that apply to a property. The DNR has a comprehensive database of contaminated and cleaned up sites, *BRRTS on the Web*. This database shows all contamination activities known to the DNR. Site specific documents are found under the *Documents* section. The information includes maps, deeds, contaminant data and the state's closure letter. The closure letter states that no additional environmental cleanup is needed for past contamination and includes information on property-specific continuing obligations. If a cleanup has not been completed, the state's approval of the remedial action plan will contain the information about

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continuing obligations.

Properties with continuing obligations can generally be located in the DNR's *RR Sites Map*. RR Sites Map provides a map view of contaminated and cleaned up sites, including sites with continuing obligations, and links to *BRRTS on the Web* and *RR Sites Map* are part of the Wisconsin Remediation and Redevelopment Database (WRRD) at <http://dnr.wi.gov/topic/Brownfields/wrrd.html>.

If a completed cleanup is shown in *BRRTS on the Web* but the site documents cannot be found in the documents section, the DNR's closure letter can still be obtained from a regional office. For assistance, please contact a DNR Environmental Program Associate (see the RR Program's Staff Contact web page at dnr.wi.gov/topic/Brownfields/Contact.html).

Off-Site Contamination: When Continuing Obligations Cross the Property Line

An off-site property owner is someone who owns property that has been affected by contamination that moved through soil, sediment or groundwater from another property. Wis. Stat. § 292.13 provides an exemption from environmental cleanup requirements for owners of "off-site" properties. The DNR will generally not ask off-site property owners to investigate or clean up contamination that came from a different property, as long as the property owner allows access to his or her property so that others who are responsible for the contamination may complete the cleanup.

However, off-site property owners are legally obligated to comply with continuing obligations on their property, even though they did not cause the contamination. For example, if the state approved a cleanup where the person responsible for the contamination placed clean soil over contamination on an off-site property, the owner of the off-site property must either keep that soil in place or obtain state approval before disturbing it.

Property owners and others should check the *Public Information* section above if they need to:

- determine whether and where continuing obligations exist on a property;
- review the inspection, maintenance and reporting requirements, and
- contact the DNR regarding changing that portion of the property. The person to contact is the person that approved the closure or remedial action plan.

Option for an Off-Site Liability Exemption Letter

In general, owners of off-site properties have a legal exemption from environmental cleanup requirements. This exemption does not require a state approval letter. Nonetheless, they may request a property-specific liability exemption letter from the DNR if they have enough information to show that the source of the contamination is not on their property. This letter may be helpful in real estate transactions. The fee for this letter is \$700 under Chapter NR 749, Wis. Adm. Code. For more information about this option, please see the RR Program's Liability web page at dnr.wi.gov/topic/Brownfields/Liability.html.

Legal Obligations of Off-Site Property Owners

- Allow access so the person cleaning up the contamination may work on the off-site property (unless the off-site owner completes the cleanup independently)
- Comply with any required continuing obligations on the off-site property

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Required Notifications to Off-Site Property Owners

1. The person responsible for cleaning up contamination must notify affected property owners of any proposed continuing obligations on their off-site property **before** asking the DNR to approve the cleanup. This is required by law and allows the off-site owners to provide the DNR with any technical information that may be relevant to the cleanup approval.

When circumstances are appropriate, an off-site neighbor and the person responsible for the cleanup may enter into a “legally enforceable agreement” (i.e. a contract). Under this type of private agreement, the person responsible for the contamination may also take responsibility for maintaining a continuing obligation on an off-site property. This agreement would not automatically transfer to future owners of the off-site property. The state is not a party to the agreement and cannot enforce it.

2. If a cleanup proposal that includes off-site continuing obligations is approved, the DNR will send a letter to the off-site owners detailing the continuing obligations that are required for their property. Property owners should inform anyone interested in buying their property about maintaining these continuing obligations. For residential property, this would be part of the real estate disclosure obligation.

More Information

For more information, please visit the RR Program’s Continuing Obligations website at dnr.wi.gov/topic/Brownfields/Residual.html.

This document is intended solely as guidance and does not contain any mandatory requirements except where requirements found in statute or administrative rule are referenced. Any regulatory decisions made by the Department of Natural Resources in any matter addressed by this guidance will be made by applying the governing statutes and administrative rules to the relevant facts.



The Wisconsin Department of Natural Resources provides equal opportunity in its employment, programs, services, and functions under an Affirmative Action Plan. If you have any questions, please write to Chief, Public Civil Rights, Office of Civil Rights, U.S. Department of the Interior, 1849 C. Street, NW, Washington, D.C. 20240.

This publication is available in alternative format (large print, Braille, etc.) upon request. Please call for more information. Note: If you need technical assistance or more information, call the Accessibility Coordinator at 608-267-7490 / TTY Access via relay - 711

The site map illustrates the property at 2482 W Vliet St, bounded by North 25th Street to the west and West Vliet Street to the north. The property includes a former Gasline USTs area, a fuel oil AST, and a basement. Key features and data points include:

- Streets and Adjacent Properties:**
 - North 25th Street:** Runs vertically along the western boundary. Adjacent to the Tavern (former) at 2500 W Vliet St and a Commercial Building at 2501 W Vliet St.
 - West Vliet Street:** Runs horizontally along the northern boundary. Adjacent to a Residence at 2482 W Vliet St, a Vacant Lot at 2474 W Vliet St, and a Residence at 2470 W Vliet St.
 - Alley:** Located at the southern boundary of the property.
- Property Features and Data Points:**
 - Approximate Area of Former Gasline USTs:** Indicated by a dashed line and labeled with EX-1 through EX-25.
 - Fuel Oil AST:** Located within the property, with a fill pipe and a fuel oil AST.
 - Basement:** Located within the property, with a slab on-grade and a basement.
 - Gravel:** Located within the property, with a gravel area.
 - Auto Repair on Vliet:** Located at the southern boundary of the property.
 - Environmental Data Points:**
 - Monitoring Wells (MW):** MW-1, MW-2, MW-3, MW-4, MW-5, MW-6, MW-7, MW-8, MW-9, MW-10, MW-11, MW-12, MW-13, MW-14, MW-15, MW-16, MW-17, MW-18, MW-19, MW-20, MW-21, MW-22, MW-23, MW-24, MW-25, MW-26, MW-27, MW-28, MW-29, MW-30, MW-31, MW-32, MW-33, MW-34, MW-35, MW-36, MW-37, MW-38, MW-39, MW-40, MW-41, MW-42, MW-43, MW-44, MW-45, MW-46, MW-47, MW-48, MW-49, MW-50, MW-51, MW-52, MW-53, MW-54, MW-55, MW-56, MW-57, MW-58, MW-59, MW-60, MW-61, MW-62, MW-63, MW-64, MW-65, MW-66, MW-67, MW-68, MW-69, MW-70, MW-71, MW-72, MW-73, MW-74, MW-75, MW-76, MW-77, MW-78, MW-79, MW-80, MW-81, MW-82, MW-83, MW-84, MW-85, MW-86, MW-87, MW-88, MW-89, MW-90, MW-91, MW-92, MW-93, MW-94, MW-95, MW-96, MW-97, MW-98, MW-99, MW-100.
 - Groundwater Sampling Points (G):** G-1 through G-14.
 - Exposure Points (EX):** EX-1 through EX-25.
 - Other Points:** B1, B2, B3, B4, B5, B6, B7, B8, B9, B10, B11, B12, B13, B14, B15, B16, B17, B18, B19, B20, B21, B22, B23, B24, B25, B26, B27, B28, B29, B30, B31, B32, B33, B34, B35, B36, B37, B38, B39, B40, B41, B42, B43, B44, B45, B46, B47, B48, B49, B50, B51, B52, B53, B54, B55, B56, B57, B58, B59, B60, B61, B62, B63, B64, B65, B66, B67, B68, B69, B70, B71, B72, B73, B74, B75, B76, B77, B78, B79, B80, B81, B82, B83, B84, B85, B86, B87, B88, B89, B90, B91, B92, B93, B94, B95, B96, B97, B98, B99, B100.
- Environmental Contamination:**
 - ESTIMATED EXTENT OF PETROLEUM CONTAMINATION IN UNSATURATED SOIL EXCEEDING NR720 GROUNDWATER RCL'S (PVOC AND NAPHTHALENE):** Indicated by a shaded area in the northern portion of the property.
 - ESTIMATED EXTENT OF PETROLEUM CONTAMINATION IN UNSATURATED SOIL EXCEEDING NR720 GROUNDWATER RCL'S (LEAD AND PAH):** Indicated by a shaded area in the central portion of the property.
 - ESTIMATED EXTENT OF PETROLEUM CONTAMINATION IN UNSATURATED SOIL EXCEEDING NR720 GROUNDWATER RCL'S (PVOC AND NAPHTHALENE):** Indicated by a shaded area in the southern portion of the property.
 - ESTIMATED EXTENT OF PETROLEUM CONTAMINATION IN UNSATURATED SOIL EXCEEDING NR720 GROUNDWATER RCL'S (LEAD ONLY):** Indicated by a shaded area in the eastern portion of the property.

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SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY																	
<ul style="list-style-type: none">■ Complete items 1, 2, and 3.■ Print your name and address on the reverse so that we can return the card to you.■ Attach this card to the back of the mailpiece, or on the front if space permits.		<p>A. Signature X </p> <p><input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) _____ C. Date of Delivery <u>5/18/20</u></p> <p>delivery address different from item 1? <input type="checkbox"/> Yes (ES, enter delivery address below: <input type="checkbox"/> No</p>																	
<p>Matt Reim City of Milwaukee Redevelopment Authority 309 N. Broadway Street Milwaukee, WI 53202</p>																			
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PS Form 3811, July 2015 PSN 7530-02-000-9053		Domestic Return Receipt																	