State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
3911 Fish Hatchery Road
Fitchburg WI 53711-5397

Scott Walker, Governor Daniel L. Meyer, Secretary

Telephone 608-266-2621 Toll Free 1-888-936-7463 TTY Access via relay - 711



January 2, 2018

Mr. Peter Harkness 301 W Route 30 Rock Falls IL 61071

KEEP THIS DOCUMENT WITH YOUR PROPERTY RECORDS

SUBJECT:

Final Case Closure with Continuing Obligations

Countryside Motors, 9764 Old Highway K, Lancaster, WI

DNR BRRTS Activity # 03-22-002037

Dear Mr. Harkness:

The Department of Natural Resources (DNR) considers Countryside Motors 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.

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 December 21, 2017. The DNR SCR Closure Committee reviewed this environmental remediation case for compliance with state laws and standards to maintain consistency in the closure of these cases. Well abandonment documentation was received by Email on December 28, 2017.

This site was a former bulk petroleum facility and later a used car lot. Petroleum contamination was found in the soils and groundwater. An excavation of 1,268.28 tons of petroleum contaminated soils was performed. 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.
- Pavement must be maintained over contaminated soil and the DNR must be notified and approve any changes to this barrier.
- Remaining contamination could result in vapor intrusion if future construction activities occur. Future
 construction includes expansion or partial removal of current buildings as well as construction of new
 buildings. Vapor control technologies will be required for occupied buildings, unless the property owner
 assesses the potential for vapor intrusion, and the DNR agrees that vapor control technologies are not
 needed.



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 maintenance plan and maps, can be found as a Portable Document Format (PDF) in BRRTS on the Web.

Prohibited Activities

Certain activities are prohibited at closed sites because maintenance of a barrier is intended to prevent contact with any remaining contamination. When a barrier is required, the condition of closure requires notification of the DNR before making a change, in order to determine if further action is needed to maintain the protectiveness of the remedy employed. The following activities are prohibited on any portion of the property where pavement is required, as shown on the attached map: Location Map (extent of cap map), Attachment D.2, 02/10/14, unless prior written approval has been obtained from the DNR:

- removal of the existing barrier or cover;
- replacement with another barrier or cover;
- excavating or grading of the land surface;
- filling on covered 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 a residential exposure setting, which may include certain uses, such as single or multiple family residences, a school, day care, senior center, hospital, or similar residential exposure settings.

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 and the attached maintenance plan 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

<u>Residual Groundwater Contamination</u> (ch. NR 140, 812, Wis. Adm. Code)

Groundwater contamination greater than enforcement standards is present on this contaminated property, as shown on the attached map: Groundwater Isoconcentration Map, Attachment B.3.b, 07/29/2011. If you intend to construct a new well, or reconstruct an existing well, you'll need prior DNR approval.

Residual Soil Contamination (ch. NR 718, chs. 500 to 536, Wis. Adm. Code or ch. 289, Wis. Stats.) Soil contamination remains below four feet as indicated on the attached map: Residual Soil Contamination, Attachment B.2.b, 02/10/14. 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.

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.

Cover or Barrier (s. 292.12 (2) (a), Wis. Stats., s. NR 726.15, s. NR 727.07 Wis. Adm. Code) The pavement that exists in the location shown on the attached map Location Map (extent of cap map), Attachment D.2, 02/10/14, shall be maintained in compliance with the attached maintenance plan in order to minimize the infiltration of water and prevent additional groundwater contamination that would violate the groundwater quality standards in ch. NR 140, Wis. Adm. Code.

The cover approved for this closure was designed to be protective for a commercial or industrial use setting. Before using the property for residential purposes, you must notify the DNR at least 45 days before taking an action, to determine if additional response actions are warranted.

A request may be made to modify or replace a cover or barrier. Before removing or replacing the cover, you must notify the DNR at least 45 days before taking an action. The replacement or modified cover or barrier must be protective of the revised use of the property, and must be approved in writing by the DNR prior to implementation. A cover or barrier for industrial land uses, or certain types of commercial land uses may not be protective if the use of the property were to change such that a residential exposure would apply. 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 or barrier for multi-family residential housing use may not be appropriate for use at a single family residence.

The attached maintenance plan and inspection log (DNR form 4400-305) are to be kept up-to-date and on-site. Inspections shall be conducted annually, in accordance with the attached maintenance plan. Submit the inspection log to the DNR only upon request.

<u>Vapor Mitigation or Evaluation</u> (s. 292.12 (2), Wis. Stats., s. NR 726.15, s. NR 727.07, Wis. Adm. Code) Vapor intrusion is the movement of vapors coming from volatile chemicals in the soil or groundwater, into buildings where people may breathe air contaminated by the vapors. Vapor mitigation systems are used to interrupt the pathway, thereby reducing or preventing vapors from moving into the building.

Future Concern: Petroleum contamination remains in soil and/or groundwater at depths greater than four feet, as shown on the attached map: Residual Soil Contamination, Attachment B.2.b, 02/10/14, at levels that may be of concern for vapor intrusion in the future, depending on construction and occupancy of a building. At the time of closure, a garage exists along the northern property boundary. Therefore, before a building is constructed and/or an existing building is modified, the property owner must notify the DNR at least 45 days before the change. Vapor control technologies are required for construction of occupied buildings unless the property owner assesses the vapor pathway and DNR agrees that vapor control technologies are not needed.

Other Closure Information

Sites with Contaminant Concentrations that Meet Soil Standards

Some contamination remains in the soil at depths greater than four feet. If this soil is excavated in the future, the property owner or right-of-way holder at the time of excavation must determine if contamination remains. If 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.

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.

Sincerely,

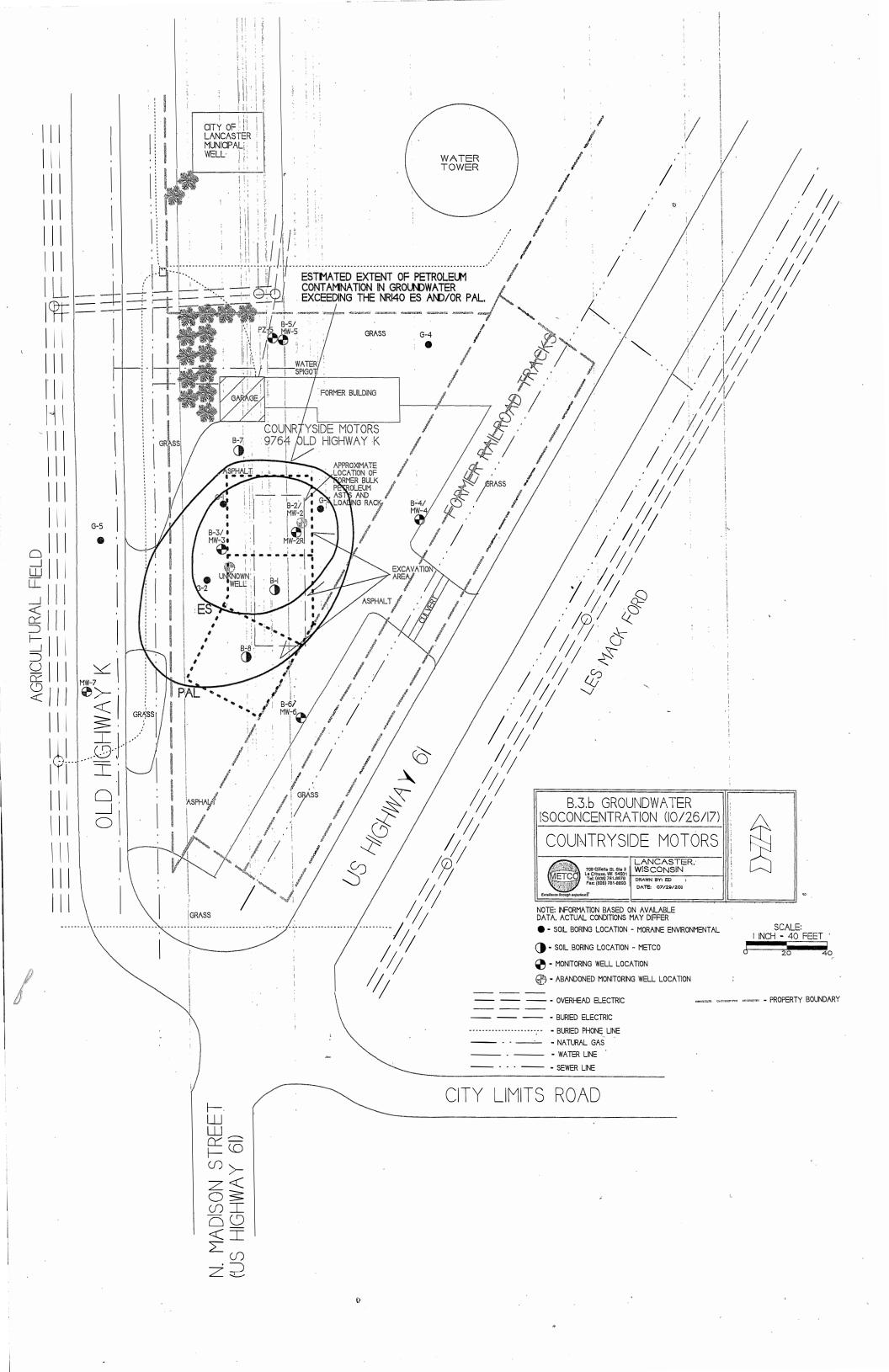
Steven L. Martin, P.G.

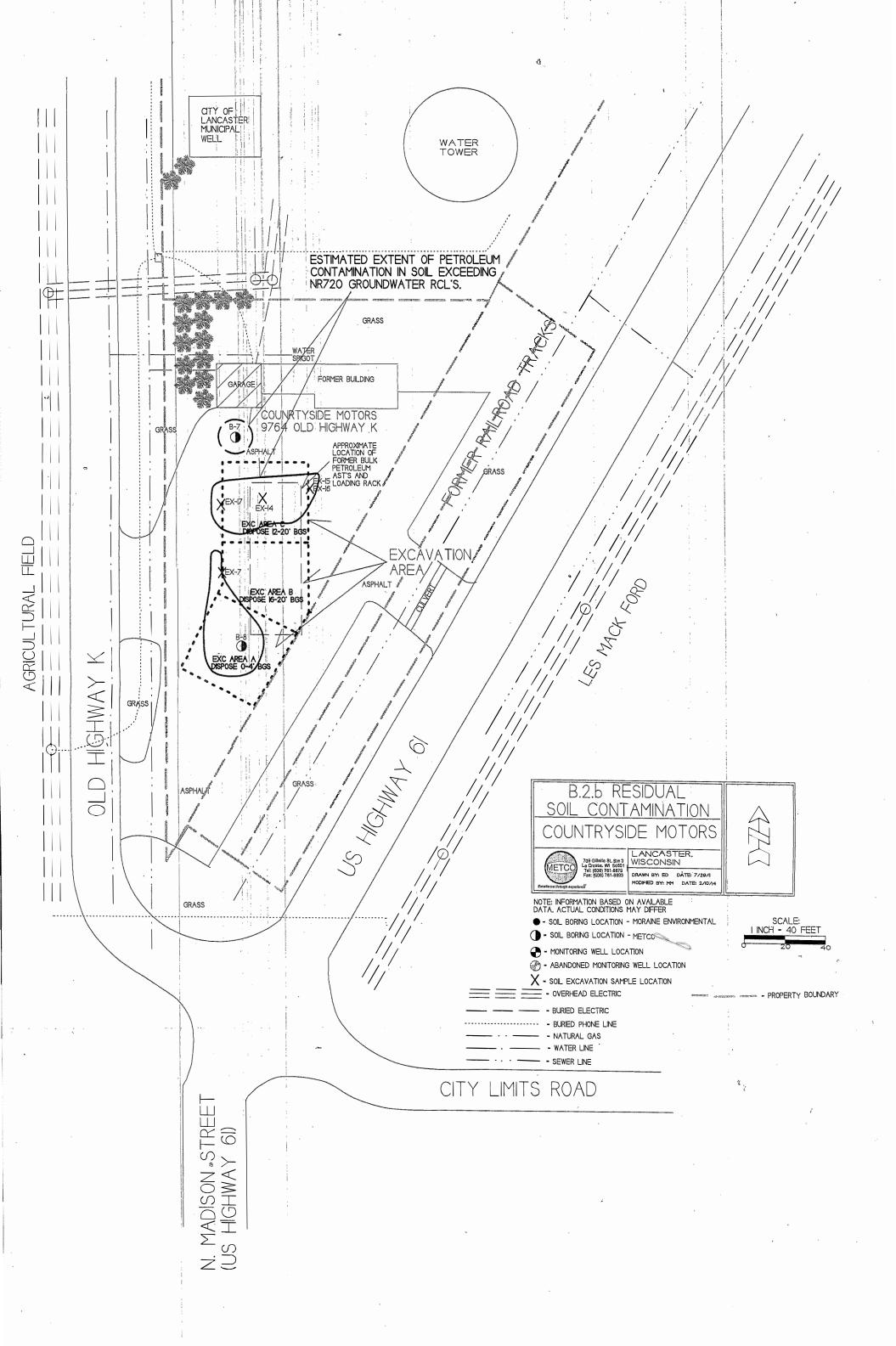
South Central Region Team Supervisor Remediation & Redevelopment Program

Attachments:

- Groundwater Isoconcentration Map, Attachment B.3.b, 07/29/2011
- Residual Soil Contamination, Attachment B.2.b, 02/10/14
- Cap Maintenance Plan, Attachment D.1, November 7, 2017
- Location Map (extent of cap map), Attachment D.2, 02/10/14
- Continuing Obligations Inspection and Maintenance Log, DNR Form 4400-305

cc: Jason Powell, METCO, 700 Gillette St., Ste #3, La Crosse, WI 54603





D.1 Description of Maintenance Action(s)

CAP MAINTENANCE PLAN

November 7, 2017

Property Located at: 9764 Old Highway K Lancaster, WI 53813

WDNR BRRTS# 03-22-002037

TAX KEY# 044-00787-0000

Introduction

This document is the Maintenance Plan for an asphalt cap at the above-referenced property in accordance with the requirements of s. NR 724.13(2), Wisconsin Administrative Code. The maintenance activities relate to the existing cap occupying the area over the contaminated groundwater plume or soil on-site.

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

- The case file in the DNR South Central regional office
- BRRTS on the Web (DNR's internet based data base of contaminated sites): http://dnr.wi.gov/botw/SetUpBasicSearchForm.do
- GIS Registry PDF file for further information on the nature and extent of contamination and
- The DNR project manager for Grant County.

Description of Contamination

Soil contaminated by Petroleum Volatile Organic Compounds (PVOCs) is located at a depth of 8-20.5 feet below ground surface (bgs) in the area of the former AST system and loading rack. Groundwater contaminated by PVOCs is located at a depth of 26-32 feet bgs in the area of the former AST system and loading rack. The extent of the soil and groundwater contamination is shown on Attachment D.2.

Description of the Cap to be maintained

The Cap covers four small areas of soil and groundwater contamination, which consists of asphalt (approximately 6 inches thick), as shown on Attachment D.2.

Cover Barrier Purpose

The asphalt cap over the contaminated soil and groundwater serves as a partial infiltration barrier to minimize future soil-to-groundwater contamination migration that would violate the groundwater standards in ch. NR 140, Wisconsin Administrative Code. Based on the current and future use of the property, the barrier should function as intended unless disturbed.

Annual Inspection

The asphalt cap overlying the contaminated soil and groundwater and as depicted in Attachment D.2 will be inspected once a year, normally in the spring after all snow and ice is gone, for deterioration, cracks and other potential problems that can cause exposure to underlying soils or additional infiltration through asphalt or concrete. The inspections will be performed by the property owner or their designated representative. The inspections will be performed to evaluate damage due to settling, exposure to the weather, wear from traffic, increasing 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 as Form 4400-305 Continuing Obligations 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 inspection log will be kept at the address of the property owner and available for submittal or inspection by Wisconsin Department of Natural Resources ("WDNR") representatives upon their request.

Note: The WDNR may, in some instances, require in the case closure letter that the inspection log be submitted at least annually after every inspection. If the case closure letter requires that, then a copy of the inspection log must be submitted to the WDNR at least annually after every inspection.

Maintenance Activities

If problems are noted during the annual inspections 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 asphalt cap overlying the contaminated soil and groundwater plume is removed or replaced, the replacement barrier 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 WDNR or its successor.

The property owner, in order to maintain the integrity of the asphalt cap, will maintain a copy of this Maintenance Plan on-site and make it available to all interested parties (i.e. on-site employees, contractors, future property owners, etc.) for viewing.

Prohibition of Activities and Notification of DNR Prior to Actions Affecting a Cover or Cap

The following activities are prohibited on any portion of the property where the asphalt cap is required as shown on the attached map, unless prior written approval has been obtained from the Wisconsin Department of Natural Resources: 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; or 6) construction or placement of a building or other structure.

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 WDNR.

Contact Information

November 2017

Current Site Owner and Operator:

Pete Harkness 301 W. Route 30 Rock Falls, IL 61071

Signature:

(DNR may request signature of affected property owners, on a case-by-case basis)

Consultant!

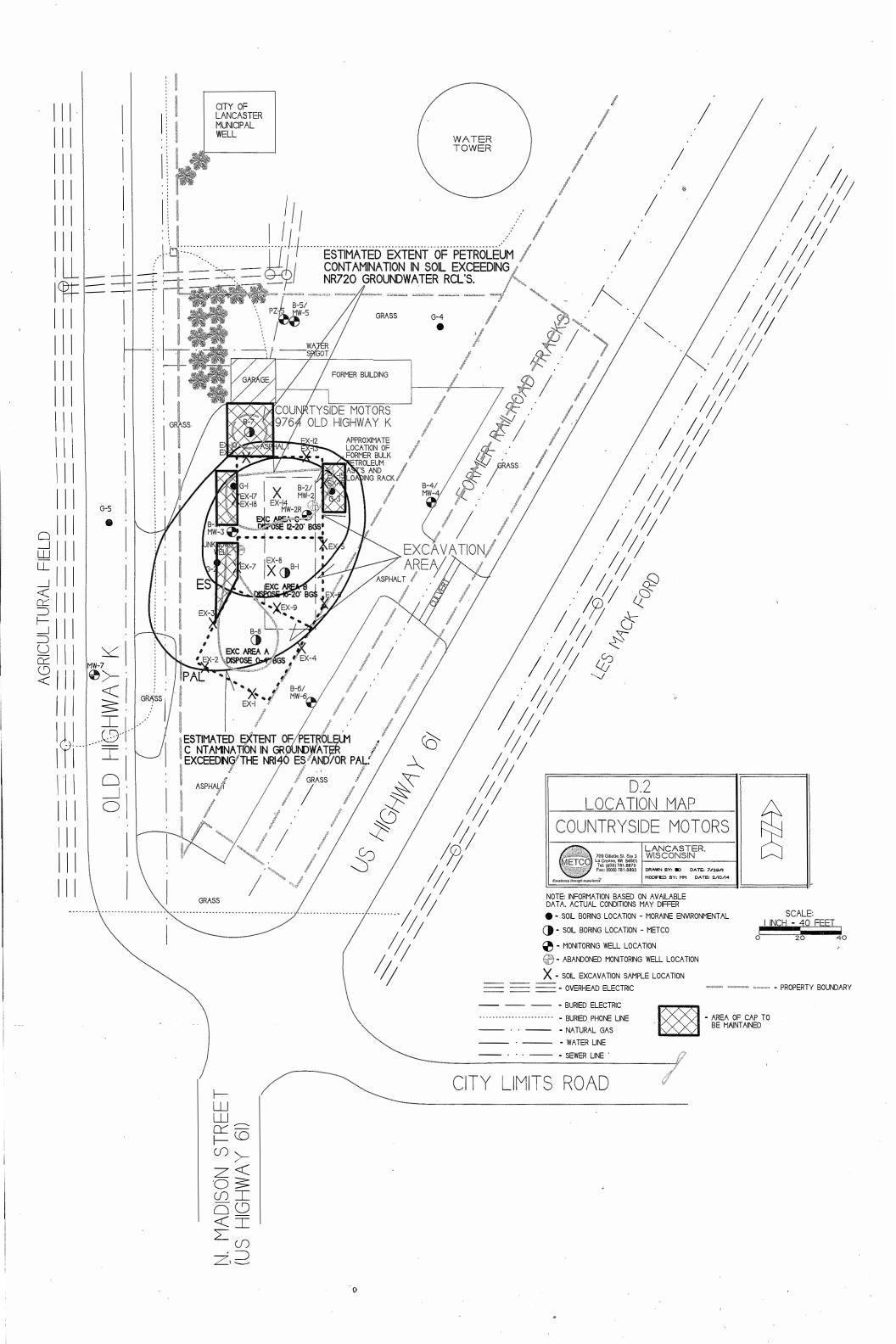
METCO Ron Anderson 709 Gillette Street, Suite 3

La Crosse, WI 54603

(608) 781-8879

WDNR:

Janet DiMaggio 3911 Fish Hatchery Rd Fitchburg, WI 53711 (608) 275-3295





Title: Photo #1: Area of cap to be maintained (looking north)



Title: Photo #2: Area of cap to be maintained (looking northeast)



Title: Photo #3: Area of cap to be maintained (looking east)



Title: Photo #4: Area of cap to be maintained (looking south)

State of Wisconsin Department of Natural Resources dnr.wi.gov

Continuing Obligations Inspection and Maintenance Log

Form 4400-305 (2/14)

Page 1 of 2

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.

				When submittal of this form is required, submit the form electronically to the DNR project manager. An electronic version of this filled out form, or a scanned version may be sent to the following email address (see closure approval letter):									
							Inspection Date	Inspector Name	Item	Describe the condition of the item that is being inspected	Recommendations for repair or maintena	Previous recommendations implemented?	Photographs taken and attached?
									monitoring well cover/barrier vapor mitigation system other:			OY ON	OY ON
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