

State of Wisconsin  
 Department of Natural Resources  
 PO Box 7921, Madison WI 53707-7921

**Remediation & Redevelopment  
 Continuing Obligation Review**

Form 4400-232 (R 07/22) Page 1 of 7

**BRRTS ID No. 02-13-321347**

Reviewer: Koepke

Region: SCR Review Date: 09/13/2023

Site Name: McGettigan Property

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 2803, 2805, 2807 University Avenue	City Madison	ZIP Code
County Parcel Identification Number (PIN) 251/0709-212-0604-5	FID Number	

Original Responsible Person  
 MOM Partnership (partnership contact person: Dennis O'Loughlin)

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

If Yes: Current Property Owner  
Findlay Partnership Associates, LLP & Custom Real Estate LLC; property manager Nathan Haines

Phone Number (608) 571-9277	Email nshproperties@yahoo.com
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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 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 checked="" 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 checked="" type="checkbox"/>	224	Structural impediment (buildings or other structures)
<input type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>	234	Monitoring well needs to be abandoned
<input checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	185	Closure Compliance Review completed
<input type="checkbox"/>	<input 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 \_\_\_\_\_ 04/02/2020 \_\_\_\_\_
- 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 66?  Yes  No

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:**

Met property manager who was previously unfamiliar with continuing obligations.

**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:

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:

*(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?  
will be sent in email

**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:



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 an image file (\*.bmp, \*.jpg, \*.gif, \*.png, \*.tif) For best results, insert a photo with horizontal orientation. Crop vertical photos to a horizontal orientation, if needed.}

Date added: 09/18/2023



Title: Asphalt cover behind building, looking west

{Click to add an image file (\*.bmp, \*.jpg, \*.gif, \*.png, \*.tif) For best results, insert a photo with horizontal orientation. Crop vertical photos to a horizontal orientation, if needed.} Date added: 09/18/2023



Title: pick-up #4

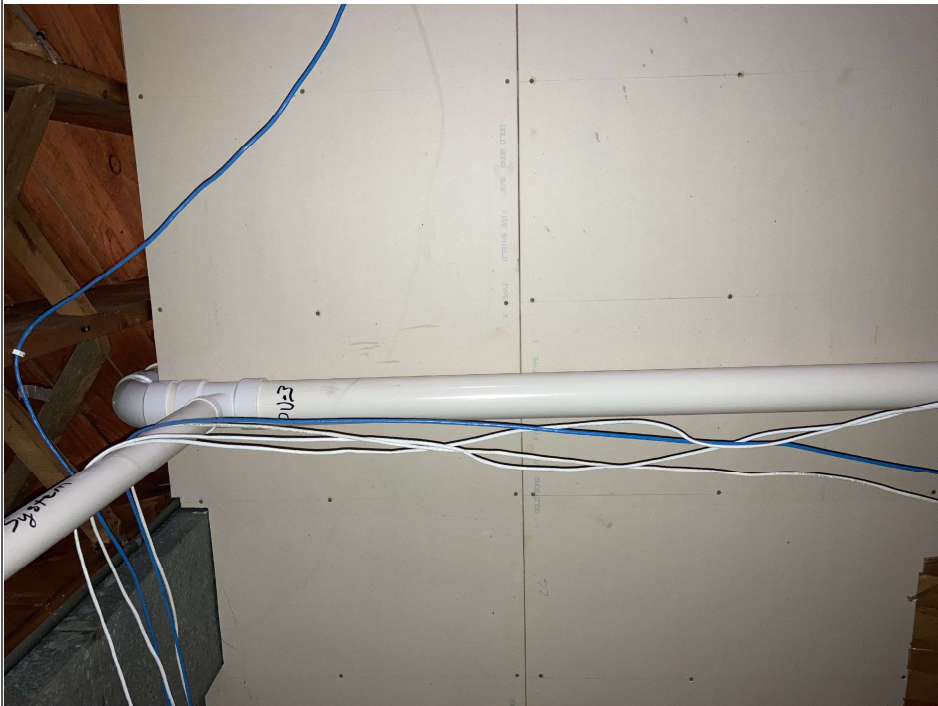
{Click to add an image file (\*.bmp, \*.jpg, \*.gif, \*.png, \*.tif) For best results, insert a photo with horizontal orientation. Crop vertical photos to a horizontal orientation, if needed.} Date added: 09/18/2023



Title: pick-up #2

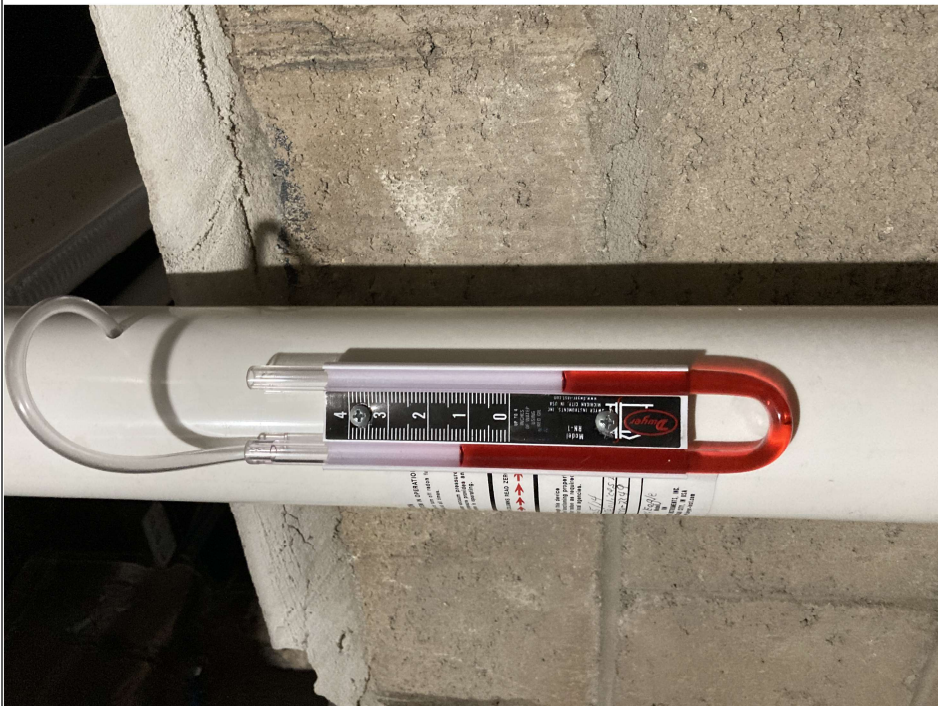


{Click to add an image file (\*.bmp, \*.jpg, \*.gif, \*.png, \*.tif) For best results, insert a photo with horizontal orientation. Crop vertical photos to a horizontal orientation, if needed.} Date added: 09/18/2023



Title: pick-up #3

{Click to add an image file (\*.bmp, \*.jpg, \*.gif, \*.png, \*.tif) For best results, insert a photo with horizontal orientation. Crop vertical photos to a horizontal orientation, if needed.} Date added: 09/18/2023



Title: close-up of manometer on pick-up #1