

**BRRTS ID No. 02-16-000144**

Reviewer: G. Neitzel

Region: NOR

Review Date: 05/04/2022

Site Name: Clothes Basket/Jack's Place

**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 1917 Tower Avenue	City Superior	ZIP Code 54880
County Parcel Identification Number (PIN) 07-807-00793-00	FID Number 816012780	

Original Responsible Person

Karen Geegan

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

If Yes: Current Property Owner

Phone Number

Email

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 checked="" 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 type="checkbox"/>	56	Continuing Obligation applied (use with codes 220-238)
<input type="checkbox"/>	<input type="checkbox"/>	46	Impacted Right-of-Way
<input type="checkbox"/>	<input type="checkbox"/>	220	Soil at industrial use level
<input type="checkbox"/>	<input 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 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 type="checkbox"/>	<input type="checkbox"/>	234	Monitoring well needs to be abandoned
<input type="checkbox"/>	<input checked="" 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 checked="" 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 09/13/2007
- 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 56?

- Yes
- No – *Update BRRTS, use form 4400-246\**

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:

**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: Clothes Basket building was deemed structural impediment at time of closure in 2007 and recorded as such in a deed restriction dated June 2, 2006; building has since been razed. DNR is unaware of any investigative or remedial actions being completed after removal of structural impediment.

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: Structural impediment was removed

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: Structural impediment removed; potential of direct contact pathway exists & sampling needed to document existing conditions, per June 2, 2006 deed restriction

*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:

RP should hire a consultant to perform sampling to determine if a new threat exists after building removal; degree and extent of potential contamination needs to be defined, and if necessary, remediated

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:

Investigation needed in area of former structural impediment

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:  
Structural impediment removed; post-closure modifications made without notification or approval of DNR and no sampling documentation submitted.

*(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?

**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:  
RP should hire consultant to conduct investigation to determine if soil contamination exists in footprint of former building and whether it poses threat to human health or environment; submittal of sampling documentation and post-closure modification request & fee.



**Notes:**

Spoke with Karen Geegan (RP) on May 4, 2022 regarding removal of structural impediment. Ms. Geegan stated that she thought the City may have completed sampling and I informed her that the DNR would need documentation and that I would be following up.

**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/Edit Image File (\*.bmp;\*.jpg;\*.gif;\*.png;\*.tif)}

Date added: 05/11/2022



Title: Location of former Clothes Basket building (structural impediment) that is now gravel parking area; view to the southeast toward Tower Ave. and Jack's Bar beer garden.

{Click to Add/Edit Image File (\*.bmp;\*.jpg;\*.gif;\*.png;\*.tif)}

Date added: 05/11/2022



Title: Location of former Clothes Basket building (structural impediment) that is now gravel parking area; view to the southwest toward alley and Jack's Bar beer garden; adjacent residence in foreground on right.



{Click to Add/Edit Image File (\*.bmp;\*.jpg;\*.gif;\*.png;\*.tif)}

Date added: 05/11/2022



Title: Location of former Clothes Basket building (structural impediment) that is now gravel parking area; view to the north along Tower Ave and sidewalk.