



The Chemours Company
c/o AECOM
500 West Jefferson Street
Suite 1600
Louisville, KY 40202

502-569-2301 t
chemours.com

KEEP THIS DOCUMENT WITH YOUR PROPERTY RECORDS

December 20, 2022

Mr. Paul Bretting
Bretting Development Corporation
3401 Lake Park Rd
Ashland, WI 54806

**RE: Notice of Continuing Obligations and Residual Contamination
Soil Imported from Boyd Creek and Placed in Use Area PAT
Former E. I. du Pont de Nemours and Company Barksdale Works
72315 State Highway 13
Town of Barksdale, Bayfield County, Wisconsin
FID No.: 804009140
EPA ID No.: WIR000133447
BRRTS No. 02-04-00156
Parcel ID: 04-002-2-48-05-23-1 01-000-10000**

Dear Mr. Bretting:

This letter is provided in response to a request from the Wisconsin Department of Natural Resources (WDNR) to inform you, the point of contact for Bretting Development Corporation (BDC, owner of the above referenced site), of the import and placement of approximately 1,635 cubic yards of soil from the Wisconsin Department of Transportation (WisDOT) Boyd Creek bridge replacement project onto the former DuPont Barksdale Works site located at 72315 State Highway 13, Barksdale, Wisconsin (see Figure 1). The soil was imported onto the site at the request of the WDNR and as we discussed with you in our final meeting related to this work on August 23, 2022, this notice serves as formal administrative landowner notification related to the import and application of the WisDOT soil in the Hay Barn area of Use Area PAT.

Typically, notifications of this type are made as part of site closure requests under Wisconsin Administrative Code ch. NR 726 and are intended to address certain potential long-term responsibilities (continuing obligations) for which you may become responsible as part of the case closure request. In this case, there will not be a near-term closure request related to the area where the soil was placed. The intent of this notification is to formally advise you, as we already have in several previous meetings over the past few years, of the condition of the soil and the ongoing conditions and obligations stipulated by WDNR related to placement of the soil on the site. A request for case closure will not be made until at least the time when routine monitoring has shown that the measures taken have resulted in vegetation regrowth and that a uniform perennial vegetative cover or forest have been established in areas where the soil was placed.

BACKGROUND AND SOIL LABORATORY RESULTS

WisDOT concluded that the imported soil contained extensive naturally occurring organic matter and therefore was identified as geotechnically unsuitable for reuse as backfill as part of the 2020 Highway 13 Boyd Creek Bridge replacement project. Additionally, WDNR rules prevented WisDOT from replacing the soil within the area from which it was excavated because nitroaromatic and nitramine organic constituents (NNOCs) associated with former manufacturing on the Barksdale site were present at concentrations above default, WDNR soil to groundwater protection criteria (see Table 1), thus prohibiting placement adjacent to Boyd Creek by Rule. Considering these two factors, WDNR approached Chemours about the possibility of importing the soil onto the site.

Chemours representatives subsequently engaged you prior to May 2020 and it was agreed to use the soil to provide a cover to reduce soil erosion in the vicinity of the Hay Barn. This specific location was selected because vegetative growth in the area has been historically impeded by ongoing bacteriological

conversion of residual elemental sulfur in surface soil to sulfuric acid. The conversion process observed in the area is one that is identical to that which occurs in routine, agricultural applications of elemental sulfur for soil pH manipulation.

As you are aware, the soil was imported between May 26 and July 13, 2020, stored pending approval for application from WDNR, and subsequently spread and seeded this year, based on a discussion with you on August 23 and your subsequent approval. A summary of the August 23, 2022 discussion that was emailed to you following the meeting is attached.

As we have informed you over the course of several conversations over the multi-year project lifespan, the subject soil contains measurable concentrations that the WDNR believes trigger the need for continuing obligations. It is important to note that the detected concentrations of NNOCs in the imported WisDOT soil are nearly identical to existing concentrations of NNOCs detected in surface soil surrounding the Hay Barn during previous characterization work (see Figure 1 and Table 1). As shown in Table 1, these detected concentrations in both existing area soil and in the imported soil are not only comparable, but are below the non-industrial screening criteria, which indicate suitability for use in a residential setting and are the most conservative WDNR screening values. The results are also less than default industrial and site-specific screening criteria, the latter of which is based on the 60-day per year site use frequency you have historically indicated is the maximum number of days individuals recreate on the subject property. Considering these facts, there has been no increased exposure risk from the addition and application of the WisDOT soil in the area.

PLACEMENT AREA STATUS AND CONTINUING OBLIGATIONS

Given that: (1) due to the presence of a municipal water supply downgradient of the site, the groundwater pathway exceedances are not relevant; (2) extensive previous hydrogeological investigations at the site have demonstrated that remediation of groundwater in the fractured bedrock underlying the site is infeasible; and (3) concentrations of detected NNOCs are below appropriate direct contact screening criteria, Chemours will be requesting WDNR concur that no further investigation, remediation, or other clean-up action will be required for the area where the soil has been placed at this time. This no further action (NFA) status means that the concentrations of NNOCs present in the imported soil will remain on this source property after formal site-closure is requested and approved.

As mentioned earlier, WDNR believes the presence of these detected constituents require continuing obligations related to the soil. These obligations will include the following requirements until such time as Use Area and/or site-wide closure is granted by WDNR:

- That the soil will remain where placed within the vicinity of the Hay Barn (see Figure 1). This will be accomplished by minimizing anthropogenic erosive mechanisms in the area and maintaining a sufficient vegetative cover (vegetative density of at least 70%) where the soil was applied.
- That at a minimum, annual inspections be conducted and regrading and/or reseeded be performed as required to help maintain the imported soil remain in place.

As previously communicated to you, Chemours will be the party responsible for fulfilling the above continuing obligations. Furthermore, we agreed that use of the area by BDC representatives will not adversely affect vegetative growth and that BDC will assist Chemours in identifying any areas of erosion that may be observed during your recreational use of the area. Please note that until vegetation is sufficiently established in the area, we will be conducting inspections in accordance with the site's stormwater runoff general permit.

When the case 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 WNDNR. See **Well Construction Requirements**. Typically, this results in casing off a portion of the aquifer during drilling, when needed to protect the water supply.

- If soil is excavated from the areas with residual contamination, the property owner at the time of excavation will be responsible for determining if contamination is present, determining whether the material would be considered solid or hazardous waste, and ensuring 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.

You will also be responsible for the continuing obligations listed above prior to case closure, associated with your use of the area or work directed by you. With the exception of the existing non-potable use of carbon-filtered water obtained from the well at the clubhouse, which is subject to annual analytical sampling and system maintenance, the installation of water wells or use of groundwater beneath the site is prohibited as part of current recreational use restrictions.

Please note in the future when Use Area PAT or broader site-wide closure is requested, the obligations related to this soil may be modified in consultation with WDNR and you, and may supersede this notification. 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 WDNR. Note that future property owners would need to negotiate a new agreement.

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/rr/RR819.pdf>.

MAINTENANCE AND AUDITS OF CONTINUING OBLIGATIONS

An inspection log will need to be filled out periodically as part of the maintenance plan and kept available for inspection by the WDNR. 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 WDNR, to ensure that potential exposure to residual contamination is being addressed. The WDNR provides notification before conducting site visits as part of the audit.

WELL CONSTRUCTION REQUIREMENTS

Subject to the groundwater use restriction described above, if this site is closed by WDNR, 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 <https://dnr.wi.gov/topic/Brownfields/WRRD.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), at the same internet address listed above. DNR approval prior to well construction or reconstruction is required 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. The property owner needs to first obtain approval from a regional water supply specialist in DNR's Drinking Water and Groundwater Program. A well driller can help complete this form. The well construction application, form 3300-254, is on the internet at <https://dnr.wi.gov/files/PDF/forms/3300/3300-254.pdf>.

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 Phil Richard, philip.richard@wisconsin.gov, (715) 661-0125. The final closure letter will contain a description of the continuing obligation, any prohibitions on activities and will include any applicable maintenance plan.

REVIEW AND RESPONSE PERIOD

You have 30 days to comment on the attached form, legal description of your property, and on the proposed request, and related continuing obligations. As such, please review the enclosed parcel description included on the attached Bayfield County Property Listing, and notify me within the next 30 days if the legal description is incorrect.

Note that the WDNR will not review a 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 WDNR to provide any technical information that you may have that indicates that this should not be granted for this site. If you would like to submit any information that is relevant to a closure or NFA request, or if you want to waive the 30 day comment period, you should mail that information to the WDNR contact: 875 S 4th Ave, Park Falls, WI, 54552, or at philip.richard@wisconsin.gov.

If you have any questions or comments, please feel free to contact me or Cary Pooler with AECOM. I can be reached by telephone at (812) 406-7117 or by email at Bradley.S.Nave@chemours.com. Cary Pooler can be reached by telephone at (502) 252-5878 or by email at Cary.Pooler@aecom.com.

Sincerely,



Bradley S. Nave
Chemours Corporate Remediation Group

Attachments: Contact Information
Parcel Description (Bayfield County Property Listing)
Figure 1: Project Location Map
Figure 2: Soil Sample Location Map
Figure 3: Soil Grading Plan
Table 1: Soil Analytical Results – NNOCs
Monitoring and Maintenance Plan
Photolog
Email: Summary of August 23, 2022 Discussion Regarding Grading
WDNR Factsheet RR-819: Continuing Obligations for Environmental Protection Responsibilities of Wisconsin Property Owners

cc: Philip Richard, WDNR
Cary Pooler, AECOM
Eric Schmidt, AECOM

Attachment 1

Contact Information

Notification of Continuing Obligations and Residual Contamination

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 The Chemours Company, FC, LLC

Contact Person Last Name Nave	First Bradley	MI S	Phone Number (include area code) (812) 406-7117
Address c/o AECOM, 500 W Jefferson St, Suite 1600		City Louisville	State KY
		ZIP Code 40202	
E-mail <u>Bradley.S.Nave@Chemours.com</u>			

Name of Party Receiving Notification:

Business Name, if applicable: Bretting Development Corporation

Title	Last Name Bretting	First Paul	MI R	Phone Number (include area code) (715) 682-5231
Address 3401 Lake Park Rd		City Ashland	State WI	ZIP Code 54806

Site Name and Source Property Information:

Site (Activity) Name DuPont Barksdale Explosives Plant

Address 72315 STH 13	City Barksdale	State WI	ZIP Code 54806
DNR ID # (BRRTS#) 02-04-000156	(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:

Contact Person Last Name Pooler	First Cary	MI E	Phone Number (include area code) (502) 252-5878
Address AECOM, 500 W Jefferson St, Suite 1600		City Louisville	State KY
		ZIP Code 40202	
E-mail <u>cary.pooler@aecom.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) **Office:** Park Falls

Address 875 S 4th Ave	City Park Falls	State WI	ZIP Code 54552
Contact Person Last Name Richard	First Phil	MI E	Phone Number (include area code) (715) 661-0125
E-mail (Firstname.Lastname@wisconsin.gov) <u>philip.richard@wisconsin.gov</u>			

Attachment 2

Parcel Description (Bayfield County Property Listing)

Real Estate Bayfield County Property Listing

Today's Date: 11/29/2022

Property Status: **Current**

Created On: 3/15/2006 1:14:41 PM

Description Updated: 6/3/2008

Tax ID: 299
PIN: 04-002-2-48-05-23-1 01-000-10000
Legacy PIN: 002102801000
Map ID:
Municipality: (002) TOWN OF BARKSDALE
STR: S23 T48N R05W
Description: ENTIRE SECTION 187
Recorded Acres: 640.000
Calculated Acres: 639.256
Lottery Claims: 0
First Dollar: Yes
Zoning: (F-1) Forestry-1
ESN: 103

Tax Districts Updated: 3/15/2006

1	STATE
04	COUNTY
002	TOWN OF BARKSDALE
046027	SCHL-WASHBURN
001700	TECHNICAL COLLEGE

Recorded Documents Updated: 3/15/2006

CONVERSION
Date Recorded: 434-376

Ownership Updated: 3/15/2006

BRETTING DEVELOPMENT CORP ASHLAND WI

Billing Address:
BRETTING DEVELOPMENT CORP
3401 LAKE PARK RD
ASHLAND WI 54806

Mailing Address:
BRETTING DEVELOPMENT CORP
3401 LAKE PARK RD
ASHLAND WI 54806

Site Address * indicates Private Road

N/A

Property Assessment Updated: 6/24/2021

2022 Assessment Detail

Code	Acres	Land	Imp.
G1-RESIDENTIAL	1.000	2,500	6,900
G6-PRODUCTIVE FOREST	639.000	479,300	0

2-Year Comparison

	2021	2022	Change
Land:	481,800	481,800	0.0%
Improved:	6,900	6,900	0.0%
Total:	488,700	488,700	0.0%

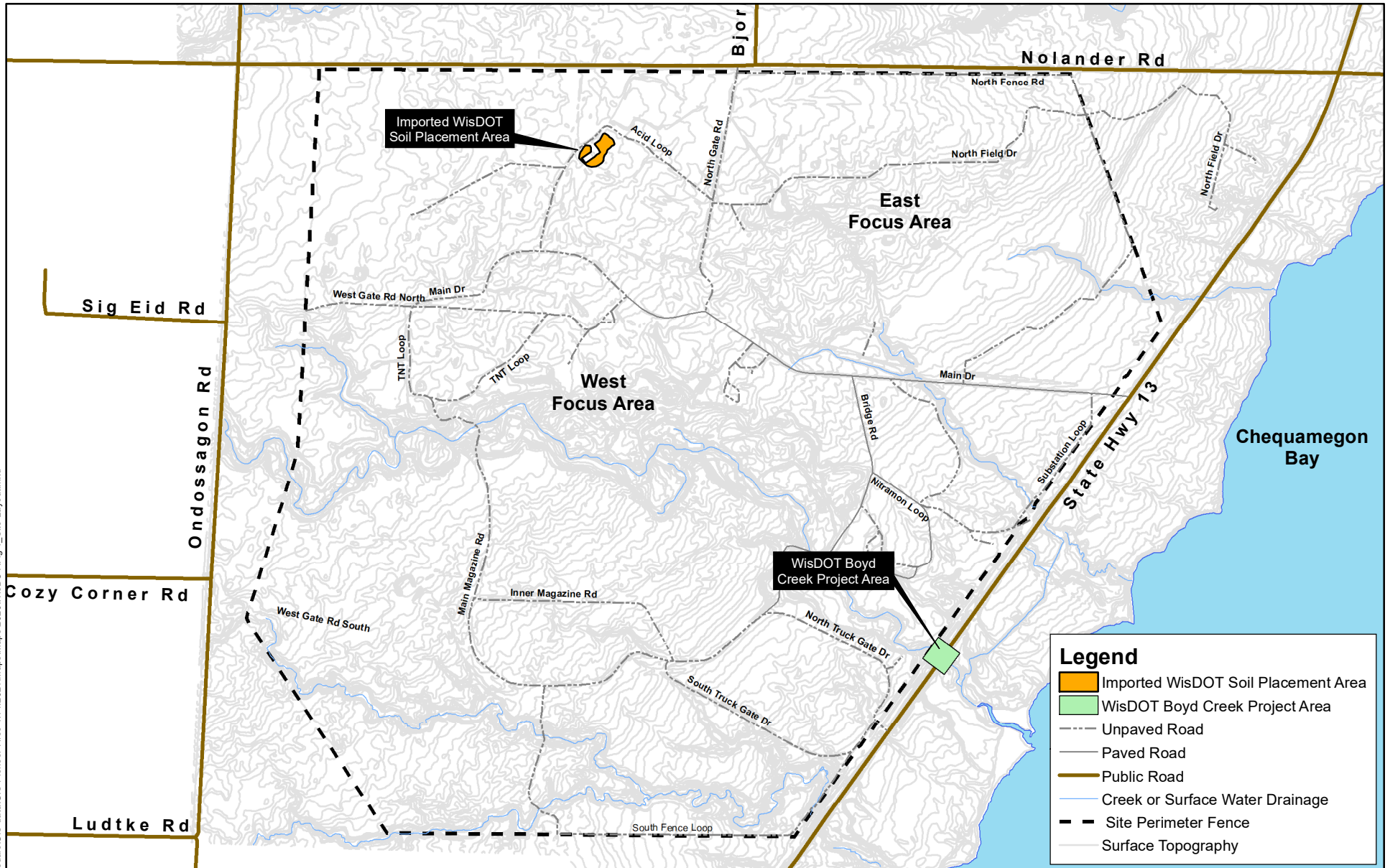
Property History

N/A

Attachment 3

Figure 1: Project Location Map

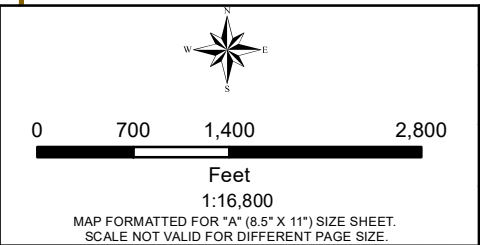
C:\Users\deamond.nielsen\Desktop\Barksdale\GIS data\GIS Pioneer Files 1.14.2021\Maps\Maps 2020\WisDOT\Fig 1_Site Layout.mxd



Legend

- Imported WisDOT Soil Placement Area
- WisDOT Boyd Creek Project Area
- Unpaved Road
- Paved Road
- Public Road
- Creek or Surface Water Drainage
- Site Perimeter Fence
- Surface Topography

Notes:
Aerial Image Date: 10/18/22



FILE NUMBER:	
DESIGNED BY:	ES
DRAWN BY:	DN
DATA QUALITY CHECK BY:	ES

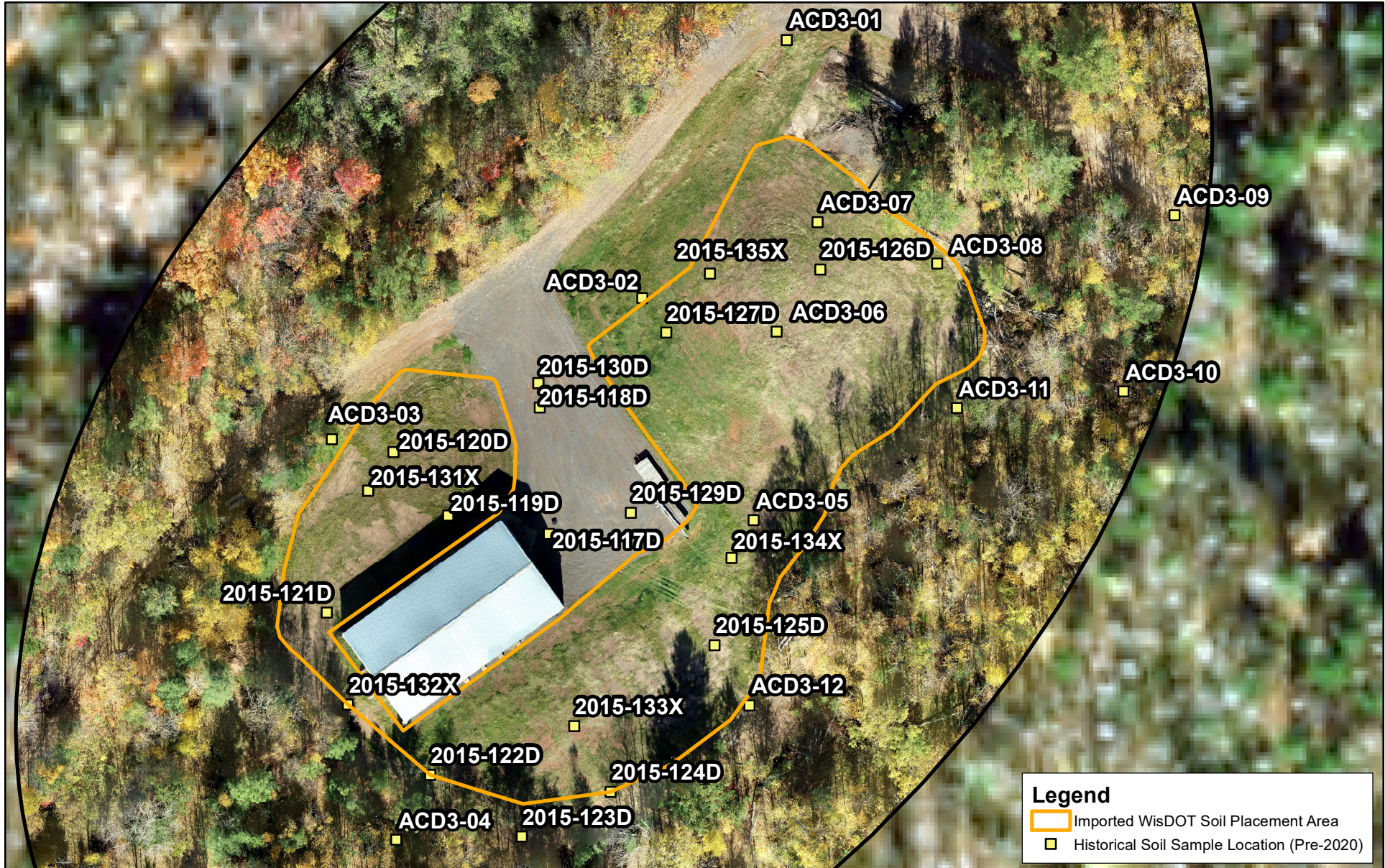
AECOM
 AECOM
 500 West Jefferson Street
 Suite 1600
 Louisville, Kentucky 40202

Project Location Map
 Former DuPont Barksdale Works
 Barksdale, Wisconsin 54806

PROJECT NUMBER:	60660855
DATE:	Nov. 2022
FIGURE NUMBER:	1

Attachment 4

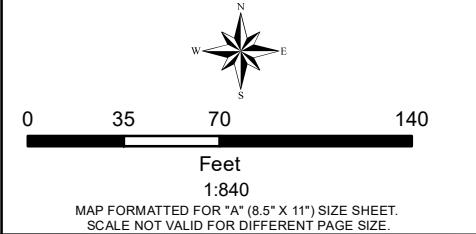
Figure 2: Soil Sample Location Map



Legend

- Imported WisDOT Soil Placement Area
- Historical Soil Sample Location (Pre-2020)

Notes:
 Outlined Area-Aerial Image Date
 10/18/22
 2018 Aerial Basemap Provided by
 Baryfield County



FILE NUMBER:	
DESIGNED BY:	ES
DRAWN BY:	DN
DATA QUALITY CHECK BY:	ES

AECOM

AECOM
 500 West Jefferson Street
 Suite 1600
 Louisville, Kentucky 40202

Soil Sample Location Map

Former DuPont Barksdale Works
 Barksdale, Wisconsin 54806

PROJECT NUMBER:	60660855
DATE:	Nov. 2022
FIGURE NUMBER:	2

Attachment 5

Figure 3: Soil Grading Plan

Attachment 6

Table 1: Soil Analytical Results – NNOCs

Table 1
Use Area PAT Soil Analytical Results - NNOCs
 Notice of Continuing Obligations and Residual Contamination
 Former DuPont Barksdale Works
 Town of Barksdale, Bayfield County, Wisconsin

Location ID		ACD3-01	ACD3-02	ACD3-03	ACD3-04	ACD3-05	ACD3-06	ACD3-07	ACD3-08	ACD3-09	ACD3-10	ACD3-11	ACD3-12	2015-117D	2015-118D	2015-119D	2015-120D				
Field Sample ID		9400331	9400540	9400749	9400958	9401167	9401376	9401585	9401794	9402003	9402212	9402421	9402630	SITG-151007-117D-0-0.5	SITG-151006-118D-0-0.5	SITG-151006-119D-0-0.5	SITG-151006-120D-0-0.5				
Date Sampled		08/27/2001	08/27/2001	08/27/2001	08/27/2001	08/27/2001	08/27/2001	08/27/2001	08/27/2001	08/27/2001	08/27/2001	08/27/2001	08/27/2001	10/07/2015	10/06/2015	10/06/2015	10/06/2015				
Start Depth - End Depth		0 - 2	0 - 2	0 - 2	0 - 2	0 - 2	0 - 2	0 - 2	0 - 2	0 - 2	0 - 2	0 - 2	0 - 2	0 - 0.5	0 - 0.5	0 - 0.5	0 - 0.5				
Parameter Name	Units	Groundwater Pathway RCL	Direct Contact RCLs				Report Result	Report Result	Report Result	Report Result	Report Result	Report Result	Report Result	Report Result	Report Result	Report Result	Report Result	Report Result	Report Result	Report Result	
			Industrial	Non-Industrial	Recreational	Report Result															Report Result
2,4,6-trinitrotoluene	mg/kg		96	21	124	<0.018	<0.016	<0.014	<0.017	<0.015	0.065	0.031	0.033	0.029	0.05	0.054	0.03	0.43	<0.2	<0.2	0.2
2-amino-4,6-dinitrotoluene	mg/kg		114	7.7	45	<0.038	<0.034	<0.031	<0.036	<0.033	<0.037	<0.035	<0.031	<0.032	<0.031	<0.033	<0.034	<0.21	<0.2	<0.2	<0.2
4-amino-2,6-dinitrotoluene	mg/kg		113	7.7	45	<0.025	<0.022	<0.02	<0.023	<0.021	0.025	<0.023	<0.02	<0.021	0.023	0.025	<0.022	<0.21	<0.2	<0.2	<0.2
1,3,5-trinitrobenzene	mg/kg		32,400	2,250	13,100	<0.016	<0.015	<0.013	<0.015	<0.014	<0.016	<0.015	<0.013	<0.014	<0.013	<0.014	<0.014	<0.21	<0.2	<0.2	<0.2
1,3-dinitrobenzene	mg/kg		82	6.3	37	<0.03	<0.027	<0.024	<0.028	<0.026	<0.029	<0.028	<0.025	<0.025	<0.025	<0.026	<0.026	<0.21	<0.2	<0.2	<0.2
2-nitrotoluene	mg/kg		15	3.2	18	<0.026	<0.023	<0.021	<0.025	<0.022	<0.025	<0.024	<0.021	<0.022	<0.021	<0.023	<0.023	<0.21	<0.2	<0.2	<0.2
3-nitrobenzene	mg/kg		82	6.3	37	<0.033	<0.029	<0.027	<0.031	<0.028	<0.031	<0.03	<0.027	<0.028	<0.027	<0.029	<0.029	<0.21	<0.2	<0.2	<0.2
4-nitrobenzene	mg/kg		144	34	198	<0.1	<0.091	<0.083	<0.097	<0.088	<0.098	<0.094	<0.084	<0.087	<0.084	<0.089	<0.09	<0.21	<0.2	<0.2	<0.2
nitrobenzene	mg/kg		32	7.4	43	<0.016	<0.015	<0.013	<0.015	<0.014	<0.016	<0.015	<0.013	<0.014	<0.013	<0.014	<0.014	<0.21	<0.2	<0.2	<0.2
HMX	mg/kg		57,000	3,860	22,500	<0.021	<0.018	<0.017	<0.019	<0.018	<0.02	<0.019	<0.017	<0.017	<0.017	<0.018	<0.018	--	--	--	--
PETN	mg/kg		534	126	736	<0.1	<0.091	<0.083	<0.097	<0.088	<0.098	<0.094	<0.084	<0.087	<0.084	<0.089	<0.09	--	--	--	--
RDX	mg/kg		38	8.3	49	<0.027	<0.024	<0.022	<0.026	<0.023	<0.026	<0.025	<0.022	<0.023	<0.022	<0.024	<0.024	--	--	--	--
Tetryl	mg/kg		2,330	156	911	<0.03	<0.027	<0.024	<0.028	<0.026	<0.029	<0.028	<0.025	<0.025	<0.025	<0.026	<0.026	--	--	--	--
nitroglycerin	mg/kg		82	6.3	37	0.21	<0.073	<0.066	<0.077	<0.07	<0.078	<0.075	<0.067	<0.069	<0.067	<0.071	<0.072	--	--	--	--
2,4-dinitrotoluene	mg/kg	0.0001	5.1	1.2	7.0	<0.047	0.042	<0.038	<0.044	<0.04	<0.044	0.12	<0.038	<0.039	0.18	<0.04	<0.041	<0.21	<0.2	<0.2	<0.2
2,6-dinitrotoluene	mg/kg	0.0001	5.1	1.2	7.0	<0.016	0.018	<0.013	<0.015	<0.014	<0.016	<0.015	<0.013	<0.014	0.064	<0.014	<0.014	<0.21	<0.2	<0.2	<0.2
2,3-dinitrotoluene	mg/kg		5.1	1.2	7.0	--	--	--	--	--	--	--	--	--	--	--	--	<0.21	<0.2	<0.2	<0.2
2,5-dinitrotoluene	mg/kg		5.1	1.2	7.0	--	--	--	--	--	--	--	--	--	--	--	--	<0.21	<0.2	<0.2	<0.2
3,4-dinitrotoluene	mg/kg		5.1	1.2	7.0	--	--	--	--	--	--	--	--	--	--	--	--	<0.21	<0.2	<0.2	<0.2
3,5-dinitrotoluene	mg/kg		5.1	1.2	7.0	--	--	--	--	--	--	--	--	--	--	--	--	<0.21	<0.2	<0.2	<0.2
2,4,6-trinitro-3-xylene	mg/kg		96	21	124	--	--	--	--	--	--	--	--	--	--	--	--	<0.21	<0.2	<0.2	<0.2
1,2-dimethyl-3,4-dinitrobenzene	mg/kg		247	19	111	--	--	--	--	--	--	--	--	--	--	--	--	<0.21	<0.2	<0.2	<0.2
1,2-dimethyl-3,5-dinitrobenzene	mg/kg		247	19	111	--	--	--	--	--	--	--	--	--	--	--	--	<0.21	<0.2	<0.2	<0.2
1,2-dimethyl-3,6-dinitrobenzene	mg/kg		247	19	111	--	--	--	--	--	--	--	--	--	--	--	--	<0.21	<0.2	<0.2	<0.2
1,2-dimethyl-4,5-dinitrobenzene	mg/kg		247	19	111	--	--	--	--	--	--	--	--	--	--	--	--	<0.21	<0.2	<0.2	<0.2
1,3-dimethyl-2,4-dinitrobenzene	mg/kg		247	19	111	--	--	--	--	--	--	--	--	--	--	--	--	<0.21	<0.2	<0.2	<0.2
1,3-dimethyl-2,5-dinitrobenzene	mg/kg		247	19	111	--	--	--	--	--	--	--	--	--	--	--	--	<0.21	<0.2	<0.2	<0.2
1,4-dimethyl-2,3-dinitrobenzene	mg/kg		247	19	111	--	--	--	--	--	--	--	--	--	--	--	--	<0.21	<0.2	<0.2	<0.2
1,4-dimethyl-2,5-dinitrobenzene	mg/kg		247	19	111	--	--	--	--	--	--	--	--	--	--	--	--	<0.21	<0.2	<0.2	<0.2
1,4-dimethyl-2,6-dinitrobenzene	mg/kg		247	19	111	--	--	--	--	--	--	--	--	--	--	--	--	<0.21	<0.2	<0.2	<0.2
1,5-dimethyl-2,3-dinitrobenzene	mg/kg		247	19	111	--	--	--	--	--	--	--	--	--	--	--	--	<0.21	<0.2	<0.2	<0.2
1,5-dimethyl-2,4-dinitrobenzene	mg/kg		247	19	111	--	--	--	--	--	--	--	--	--	--	--	--	<0.21	<0.2	<0.2	<0.2

Notes:

- ¹: Maximum concentration of on-site samples included on this table
 - ²: Maximum concentration of WisDOT soil/sediment samples per results submitted to WDNR on 7/16/18 by WisDOT
- 2001 results are from QES-DEN using lab method 8321
 2015 results are from ECCS using lab method 8270
 mg/kg: milligrams per kilogram
 RCL: Residual Contaminant Level
 ND: Not detected

Table 1

Use Area PAT Soil Analytical Results - NNOCs

Notice of Continuing Obligations and Residual Contamination

Former DuPont Barksdale Works

Town of Barksdale, Bayfield County, Wisconsin

Location ID			2015-121D	2015-122D	2015-123D	2015-124D	2015-125D	2015-126D	2015-127D	2015-129D	2015-130D	2015-130D	2015-131X			
Field Sample ID			SITG-151006-121D-0-0.5	SITG-151006-122D-0-0.5	SITG-151006-123D-0-0.5	SITG-151007-124D-0-0.5	SITG-151007-125D-0-0.5	SITG-151007-126D-0-0.5	SITG-151007-127D-0-0.5	SITG-151007-129D-0-0.5	SITG-151007-130D-0-0.5	SITG-151007-130D-0-0.5-D	SITG-151007-131X-0-1			
Date Sampled			10/06/2015	10/06/2015	10/06/2015	10/07/2015	10/07/2015	10/07/2015	10/07/2015	10/07/2015	10/07/2015	10/07/2015	10/07/2015			
Start Depth - End Depth			0 - 0.5	0 - 0.5	0 - 0.5	0 - 0.5	0 - 0.5	0 - 0.5	0 - 0.5	0 - 0.5	0 - 0.5	0 - 0.5	0 - 1			
Parameter Name	Units	Groundwater Pathway RCL	Direct Contact RCLs			Report Result	Report Result	Report Result	Report Result	Report Result	Report Result	Report Result	Report Result	Report Result		
			Industrial	Non-Industrial	Recreational											
2,4,6-trinitrotoluene	mg/kg		96	21	124	0.2	0.36	0.28	<0.2	0.44	<0.21	<0.21	0.23	0.31	<0.2	0.23
2-amino-4,6-dinitrotoluene	mg/kg		114	7.7	45	<0.2	<0.2	<0.2	<0.2	<0.21	<0.21	<0.21	<0.21	<0.21	<0.2	<0.21
4-amino-2,6-dinitrotoluene	mg/kg		113	7.7	45	<0.2	<0.2	<0.2	<0.2	<0.21	<0.21	<0.21	<0.21	<0.21	<0.2	<0.21
1,3,5-trinitrobenzene	mg/kg		32,400	2,250	13,100	<0.2	<0.2	<0.2	<0.2	<0.21	<0.21	<0.21	<0.21	<0.21	<0.2	<0.21
1,3-dinitrobenzene	mg/kg		82	6.3	37	<0.2	<0.2	<0.2	<0.2	<0.21	<0.21	<0.21	<0.21	<0.21	<0.2	<0.21
2-nitrotoluene	mg/kg		15	3.2	18	<0.2	<0.2	<0.2	<0.2	<0.21	<0.21	<0.21	<0.21	<0.21	<0.2	<0.21
3-nitrobenzene	mg/kg		82	6.3	37	<0.2	<0.2	<0.2	<0.2	<0.21	<0.21	<0.21	<0.21	<0.21	<0.2	<0.21
4-nitrobenzene	mg/kg		144	34	198	<0.2	<0.2	<0.2	<0.2	<0.21	<0.21	<0.21	<0.21	<0.21	<0.2	<0.21
nitrobenzene	mg/kg		32	7.4	43	<0.2	<0.2	<0.2	<0.2	<0.21	<0.21	<0.21	<0.21	<0.21	<0.2	<0.21
HMX	mg/kg		57,000	3,860	22,500	--	--	--	--	--	--	--	--	--	--	--
PETN	mg/kg		534	126	736	--	--	--	--	--	--	--	--	--	--	--
RDX	mg/kg		38	8.3	49	--	--	--	--	--	--	--	--	--	--	--
Tetryl	mg/kg		2,330	156	911	--	--	--	--	--	--	--	--	--	--	--
nitroglycerin	mg/kg		82	6.3	37	--	--	--	--	--	--	--	--	--	--	--
2,4-dinitrotoluene	mg/kg	0.0001	5.1	1.2	7.0	<0.2	<0.2	0.65	<0.2	<0.21	<0.21	<0.21	<0.21	<0.21	<0.2	<0.21
2,6-dinitrotoluene	mg/kg	0.0001	5.1	1.2	7.0	<0.2	<0.2	<0.2	<0.2	<0.21	<0.21	<0.21	<0.21	<0.21	<0.2	<0.21
2,3-dinitrotoluene	mg/kg		5.1	1.2	7.0	<0.2	<0.2	<0.2	<0.2	<0.21	<0.21	<0.21	<0.21	<0.21	<0.2	<0.21
2,5-dinitrotoluene	mg/kg		5.1	1.2	7.0	<0.2	<0.2	<0.2	<0.2	<0.21	<0.21	<0.21	<0.21	<0.21	<0.2	<0.21
3,4-dinitrotoluene	mg/kg		5.1	1.2	7.0	<0.2	<0.2	<0.2	<0.2	<0.21	<0.21	<0.21	<0.21	<0.21	<0.2	<0.21
3,5-dinitrotoluene	mg/kg		5.1	1.2	7.0	<0.2	<0.2	<0.2	<0.2	<0.21	<0.21	<0.21	<0.21	<0.21	<0.2	<0.21
2,4,6-trinitro-3-xylene	mg/kg		96	21	124	<0.2	<0.2	<0.2	<0.2	<0.21	<0.21	<0.21	<0.21	<0.21	<0.2	<0.21
1,2-dimethyl-3,4-dinitrobenzene	mg/kg		247	19	111	<0.2	<0.2	<0.2	<0.2	<0.21	<0.21	<0.21	<0.21	<0.21	<0.2	<0.21
1,2-dimethyl-3,5-dinitrobenzene	mg/kg		247	19	111	<0.2	<0.2	<0.2	<0.2	<0.21	<0.21	<0.21	<0.21	<0.21	<0.2	<0.21
1,2-dimethyl-3,6-dinitrobenzene	mg/kg		247	19	111	<0.2	<0.2	<0.2	<0.2	<0.21	<0.21	<0.21	<0.21	<0.21	<0.2	<0.21
1,2-dimethyl-4,5-dinitrobenzene	mg/kg		247	19	111	<0.2	<0.2	<0.2	<0.2	<0.21	<0.21	<0.21	<0.21	<0.21	<0.2	<0.21
1,3-dimethyl-2,4-dinitrobenzene	mg/kg		247	19	111	<0.2	<0.2	<0.2	<0.2	<0.21	<0.21	<0.21	<0.21	<0.21	<0.2	<0.21
1,3-dimethyl-2,5-dinitrobenzene	mg/kg		247	19	111	<0.2	<0.2	<0.2	<0.2	<0.21	<0.21	<0.21	<0.21	<0.21	<0.2	<0.21
1,4-dimethyl-2,3-dinitrobenzene	mg/kg		247	19	111	<0.2	<0.2	<0.2	<0.2	<0.21	<0.21	<0.21	<0.21	<0.21	<0.2	<0.21
1,4-dimethyl-2,5-dinitrobenzene	mg/kg		247	19	111	<0.2	<0.2	<0.2	<0.2	<0.21	<0.21	<0.21	<0.21	<0.21	<0.2	<0.21
1,4-dimethyl-2,6-dinitrobenzene	mg/kg		247	19	111	<0.2	<0.2	<0.2	<0.2	<0.21	<0.21	<0.21	<0.21	<0.21	<0.2	<0.21
1,5-dimethyl-2,3-dinitrobenzene	mg/kg		247	19	111	<0.2	<0.2	<0.2	<0.2	<0.21	<0.21	<0.21	<0.21	<0.21	<0.2	<0.21
1,5-dimethyl-2,4-dinitrobenzene	mg/kg		247	19	111	<0.2	<0.2	<0.2	<0.2	<0.21	<0.21	<0.21	<0.21	<0.21	<0.2	<0.21

Notes:

¹: Maximum concentration of on-site samples included on this table

²: Maximum concentration of WisDOT soil/sediment samples per results submitted to WDNR on 7/16/18 by WisDOT

2001 results are from QES-DEN using lab method 8321

2015 results are from ECCS using lab method 8270

mg/kg: milligrams per kilogram

RCL: Residual Contaminant Level

ND: Not detected

Table 1

Use Area PAT Soil Analytical Results - NNOCs

Notice of Continuing Obligations and Residual Contamination

Former DuPont Barksdale Works

Town of Barksdale, Bayfield County, Wisconsin

Parameter Name	Units	Groundwater Pathway RCL	Location ID			2015-131X	2015-132X	2015-133X	2015-134X	2015-135X	Maximum Soil Concentration From Use Area PAT ¹	Maximum Soil Concentration From Samples Collected as Part of WisDOT Boyd Creek Project ²
			Field Sample ID	2015-131X	2015-132X	2015-133X	2015-134X	2015-135X				
			Date Sampled	10/07/2015	10/07/2015	10/07/2015	10/07/2015	10/07/2015				
			Start Depth - End Depth	0 - 1	0 - 1	0 - 1	0 - 1	0 - 1				
			Direct Contact RCLs			Report Result	Report Result	Report Result	Report Result	Report Result		
			Industrial	Non-Industrial	Recreational							
2,4,6-trinitrotoluene	mg/kg		96	21	124	0.32	<0.2	0.33	0.35	0.25	0.44	0.48
2-amino-4,6-dinitrotoluene	mg/kg		114	7.7	45	<0.21	<0.2	<0.22	<0.21	<0.21	ND	0.41
4-amino-2,6-dinitrotoluene	mg/kg		113	7.7	45	<0.21	<0.2	<0.22	<0.21	<0.21	0.025	0.41
1,3,5-trinitrobenzene	mg/kg		32,400	2,250	13,100	<0.21	<0.2	<0.22	<0.21	<0.21	ND	ND
1,3-dinitrobenzene	mg/kg		82	6.3	37	<0.21	<0.2	<0.22	<0.21	<0.21	ND	ND
2-nitrotoluene	mg/kg		15	3.2	18	<0.21	<0.2	<0.22	<0.21	<0.21	ND	0.078
3-nitrobenzene	mg/kg		82	6.3	37	<0.21	<0.2	<0.22	<0.21	<0.21	ND	ND
4-nitrobenzene	mg/kg		144	34	198	<0.21	<0.2	<0.22	<0.21	<0.21	ND	ND
nitrobenzene	mg/kg		32	7.4	43	<0.21	<0.2	<0.22	<0.21	<0.21	ND	ND
HMX	mg/kg		57,000	3,860	22,500	--	--	--	--	--	ND	ND
PETN	mg/kg		534	126	736	--	--	--	--	--	ND	ND
RDX	mg/kg		38	8.3	49	--	--	--	--	--	ND	ND
Tetryl	mg/kg		2,330	156	911	--	--	--	--	--	ND	ND
nitroglycerin	mg/kg		82	6.3	37	--	--	--	--	--	0.21	0.031
2,4-dinitrotoluene	mg/kg	0.0001	5.1	1.2	7.0	<0.21	<0.2	<0.22	<0.21	<0.21	0.65	0.055
2,6-dinitrotoluene	mg/kg	0.0001	5.1	1.2	7.0	<0.21	<0.2	<0.22	<0.21	<0.21	0.064	ND
2,3-dinitrotoluene	mg/kg		5.1	1.2	7.0	<0.21	<0.2	<0.22	<0.21	<0.21	ND	ND
2,5-dinitrotoluene	mg/kg		5.1	1.2	7.0	<0.21	<0.2	<0.22	<0.21	<0.21	ND	ND
3,4-dinitrotoluene	mg/kg		5.1	1.2	7.0	<0.21	<0.2	<0.22	<0.21	<0.21	ND	ND
3,5-dinitrotoluene	mg/kg		5.1	1.2	7.0	<0.21	<0.2	<0.22	<0.21	<0.21	ND	ND
2,4,6-trinitro-3-xylene	mg/kg		96	21	124	<0.21	<0.2	<0.22	<0.21	<0.21	ND	ND
1,2-dimethyl-3,4-dinitrobenzene	mg/kg		247	19	111	<0.21	<0.2	<0.22	<0.21	<0.21	ND	ND
1,2-dimethyl-3,5-dinitrobenzene	mg/kg		247	19	111	<0.21	<0.2	<0.22	<0.21	<0.21	ND	ND
1,2-dimethyl-3,6-dinitrobenzene	mg/kg		247	19	111	<0.21	<0.2	<0.22	<0.21	<0.21	ND	ND
1,2-dimethyl-4,5-dinitrobenzene	mg/kg		247	19	111	<0.21	<0.2	<0.22	<0.21	<0.21	ND	ND
1,3-dimethyl-2,4-dinitrobenzene	mg/kg		247	19	111	<0.21	<0.2	<0.22	<0.21	<0.21	ND	ND
1,3-dimethyl-2,5-dinitrobenzene	mg/kg		247	19	111	<0.21	<0.2	<0.22	<0.21	<0.21	ND	ND
1,4-dimethyl-2,3-dinitrobenzene	mg/kg		247	19	111	<0.21	<0.2	<0.22	<0.21	<0.21	ND	ND
1,4-dimethyl-2,5-dinitrobenzene	mg/kg		247	19	111	<0.21	<0.2	<0.22	<0.21	<0.21	ND	ND
1,4-dimethyl-2,6-dinitrobenzene	mg/kg		247	19	111	<0.21	<0.2	<0.22	<0.21	<0.21	ND	ND
1,5-dimethyl-2,3-dinitrobenzene	mg/kg		247	19	111	<0.21	<0.2	<0.22	<0.21	<0.21	ND	ND
1,5-dimethyl-2,4-dinitrobenzene	mg/kg		247	19	111	<0.21	<0.2	<0.22	<0.21	<0.21	ND	ND

Notes:

¹: Maximum concentration of on-site samples included on this table

²: Maximum concentration of WisDOT soil/sediment samples per results submitted to WDNR on 7/16/18 by WisDOT

2001 results are from QES-DEN using lab method 8321

2015 results are from ECCS using lab method 8270

mg/kg: milligrams per kilogram

RCL: Residual Contaminant Level

ND: Not detected

Attachment 7

Monitoring and Maintenance Plan



The Chemours Company
c/o AECOM
500 West Jefferson Street
Suite 1600
Louisville, KY 40202

502-569-2301 t
chemours.com

December 20, 2022

Mr. Paul Bretting
Bretting Development Corporation
3401 Lake Park Rd
Ashland, WI 54806

**RE: Monitoring and Maintenance Plan
Soil Imported from Boyd Creek and Placed in Use Area PAT
Former E. I. du Pont de Nemours and Company Barksdale Works
72315 State Highway 13
Town of Barksdale, Bayfield County, Wisconsin
FID No.: 804009140
EPA ID No.: WIR000133447
BRRTS No. 02-04-00156
Parcel ID: 04-002-2-48-05-23-1 01-000-10000**

Dear Mr. Bretting:

The Chemours Company FC, LLC (Chemours) is pleased to provide this monitoring and maintenance plan for the area where soil imported onto the Former DuPont Barksdale Works site from the Wisconsin Department of Transportation (WisDOT) Boyd Creek Bridge replacement project was placed. Project background has been provided in the Soil Grading Plan dated March 5, 2021 and Interim Action and Soil Management Plan dated September 18, 2020.

MONITORING AND MAINTENANCE PLAN

The ground surface in the area outlined on Figure 1 will be inspected once a year in the spring after snow/ice melt for evidence of vegetation loss, soil disturbance, and erosion. Note that the building and driveway shown on Figure 1 is excluded from this Monitoring and Maintenance Plan and will not be inspected. Areas requiring repair will be documented. The inspections will be performed by a representative of Chemours until case closure. At the time of case closure, the requirement for annual inspections and the party responsible for inspections will be re-evaluated.

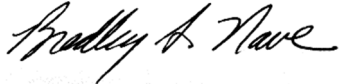
A log of the inspections will be maintained on WDNR Form 4400-305, Continuing Obligations Inspection and Maintenance Log. The log will include recommendations for repair (e.g. vegetation restoration), if applicable. Once repairs are completed, they will be documented in the inspection log. A copy of this maintenance plan and inspection log will be kept at the site. If problems are noted during the annual inspections or at any time during the year, repairs will be scheduled as soon as practical. Recommended repairs will be communicated to the site landowner, Bretting Development Corporation (BDC). BDC will be responsible for repairs due to their activity.

If removal, replacement, or other changes to a cover are considered, the WDNR shall be contacted at least 45 days before taking such an action to determine whether further action may be necessary. If soil is excavated from the area for disposal, soil samples must be collected and the soil must be treated, stored, and disposed of in accordance with applicable local, state, and federal law. Installation of water wells in the area or use of groundwater from beneath the area is prohibited.

This Plan can be amended or withdrawn with written approval of the WDNR.

If you have any questions or comments, please feel free to contact me or Cary Pooler with AECOM. I can be reached by telephone at (812) 406-7117 or by email at Bradley.S.Nave@chemours.com. Cary Pooler can be reached by telephone at (502) 252-5878 or by email at Cary.Pooler@aecom.com.

Sincerely,



Bradley S. Nave
Chemours Corporate Remediation Group

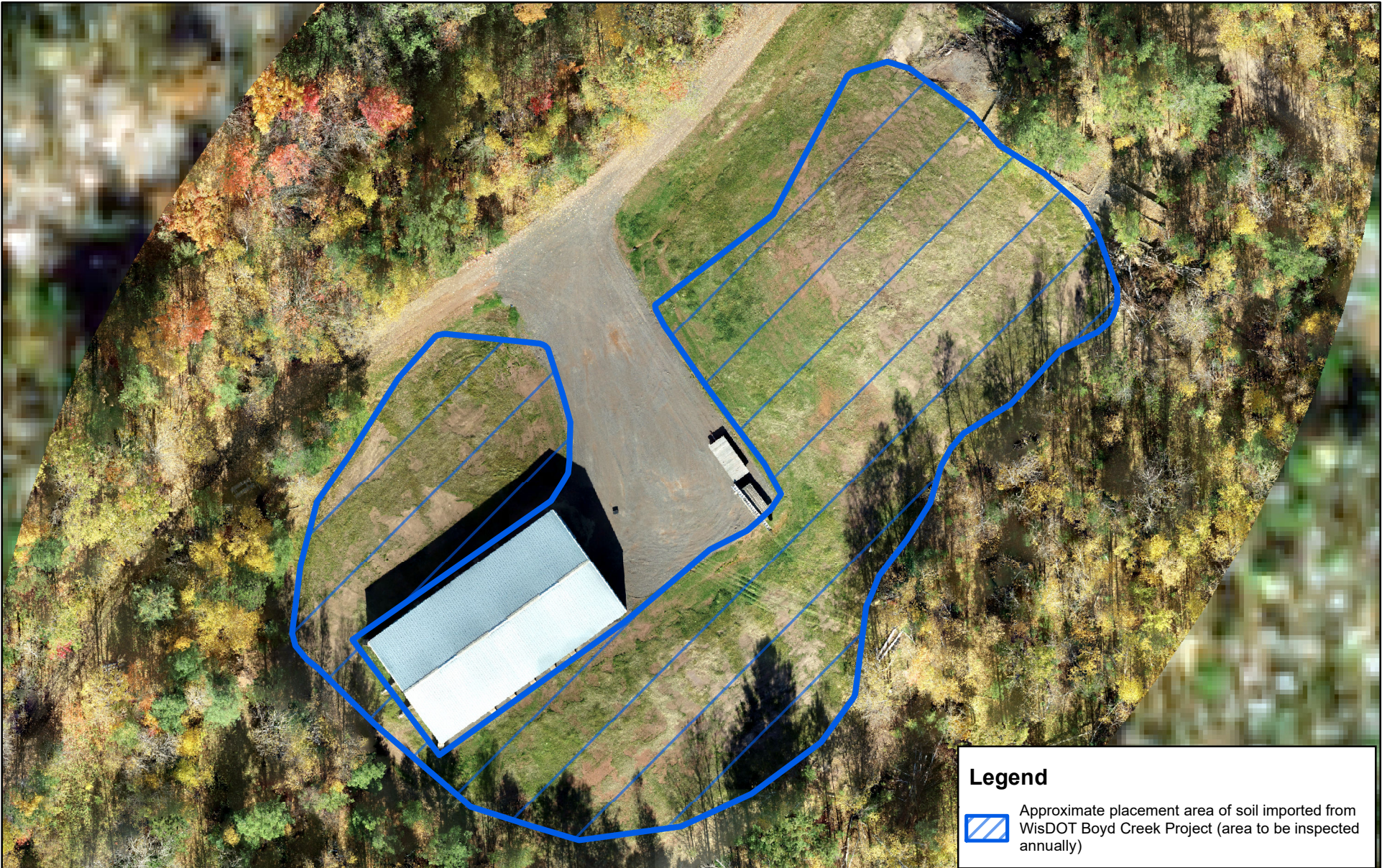
Attachments: Figure 1: Project Location Map
WDNR Form 4400-305
Photo Log

cc: Philip Richard, WDNR
Cary Pooler, AECOM
Eric Schmidt, AECOM


Monitoring and Maintenance Plan Attachment 1

Figure 1: Project Location Map

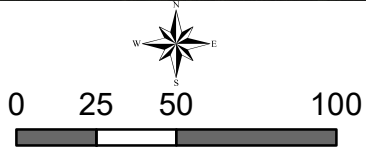
C:\Users\desmond.nielsen\Desktop\Barksdale\GIS data\GIS Pioneer Files_1.14.2021\Maps\Maps 2020\WisDOT\Fig 1_Site Layout.mxd



Legend

 Approximate placement area of soil imported from WisDOT Boyd Creek Project (area to be inspected annually)

Notes:
Aerial Image Date: 10/18/22



MAP FORMATTED FOR "A" (8.5" X 11") SIZE SHEET.
SCALE NOT VALID FOR DIFFERENT PAGE SIZE.

FILE NUMBER:
DESIGNED BY: ES
DRAWN BY: DN
DATA QUALITY CHECK BY: ES

AECOM
AECOM
500 West Jefferson Street
Suite 1600
Louisville, Kentucky 40202

Project Location Map

Former DuPont Barksdale Works
Barksdale, Wisconsin 54806

PROJECT NUMBER:
60660855
DATE:
Nov. 2022
FIGURE NUMBER:
1

Monitoring and Maintenance Plan Attachment 2

WDNR Form 4400-305

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 Public 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 DuPont Barksdale Explosives Plant	BRRTS No. 02-04-000156
--	----------------------------------

Inspections are required to be conducted (see closure approval letter):

annually
 semi-annually
 other – specify _____

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 maintenance	Previous recommendations implemented?	Photographs taken and attached?
		<input type="checkbox"/> monitoring well <input checked="" type="checkbox"/> cover/barrier for soil <input type="checkbox"/> sediment cap <input type="checkbox"/> other:			<input type="radio"/> Y <input type="radio"/> N	<input type="radio"/> Y <input type="radio"/> N
		<input type="checkbox"/> monitoring well <input type="checkbox"/> cover/barrier for soil <input type="checkbox"/> sediment cap <input type="checkbox"/> other:			<input type="radio"/> Y <input type="radio"/> N	<input type="radio"/> Y <input type="radio"/> N
		<input type="checkbox"/> monitoring well <input type="checkbox"/> cover/barrier for soil <input type="checkbox"/> sediment cap <input type="checkbox"/> other:			<input type="radio"/> Y <input type="radio"/> N	<input type="radio"/> Y <input type="radio"/> N
		<input type="checkbox"/> monitoring well <input type="checkbox"/> cover/barrier for soil <input type="checkbox"/> sediment cap <input type="checkbox"/> other:			<input type="radio"/> Y <input type="radio"/> N	<input type="radio"/> Y <input type="radio"/> N
		<input type="checkbox"/> monitoring well <input type="checkbox"/> cover/barrier for soil <input type="checkbox"/> sediment cap <input type="checkbox"/> other:			<input type="radio"/> Y <input type="radio"/> N	<input type="radio"/> Y <input type="radio"/> N
		<input type="checkbox"/> monitoring well <input type="checkbox"/> cover/barrier for soil <input type="checkbox"/> sediment cap <input type="checkbox"/> other:			<input type="radio"/> Y <input type="radio"/> N	<input type="radio"/> Y <input type="radio"/> N

{Click to Add/Edit Image}

Date added:

Title:

{Click to Add/Edit Image}

Date added:

Title:

Monitoring and Maintenance Plan Attachment 3

Photo Log

SITE PHOTOGRAPHS

Former Barksdale Works

Title: Photo 1

Date: 11/2/22

Direction: Southwest

Description: General area where soil imported from the WisDOT Boyd Creek project was placed.



Title: Photo 2

Date: 11/2/22

Direction: Northwest

Description: General area where soil imported from the WisDOT Boyd Creek project was placed.



SITE PHOTOGRAPHS

Former Barksdale Works

SITE PHOTOGRAPHS

Former Barksdale Works

Title: Photo 3

Date: 11/2/22

Direction: Southwest

Description: General area where soil imported from the WisDOT Boyd Creek project was placed.



Title: Photo 4

Date: 11/2/22

Direction: Northeast

Description: General area where soil imported from the WisDOT Boyd Creek project was placed.



SITE PHOTOGRAPHS

Former Barksdale Works

Attachment 8

Photo Log

SITE PHOTOGRAPHS

Former Barksdale Works

Title: Photo 1

Date: 5/18/2020

Direction: Northeast

Description: Hay Barn area prior to importing WisDOT soil.



Title: Photo 2

Date: 5/18/2020

Direction: South

Description: Hay Barn area prior to importing WisDOT soil.



SITE PHOTOGRAPHS

Former Barksdale Works

SITE PHOTOGRAPHS

Former Barksdale Works

Title: Photo 3

Date: Spring 2020

Direction: NA

Description: Hay Barn area prior to importing WisDOT soil. Aerial image provided by Bayfield County.



Title: Photo 4

Date: 9/1/2022

Direction: NA

Description: Hay Barn area after grading WisDOT imported soil.



SITE PHOTOGRAPHS

Former Barksdale Works

SITE PHOTOGRAPHS

Former Barksdale Works

Title: Photo 5

Date: 9/2/2022

Direction: Northwest

Description: Hay Barn area after grading WisDOT imported soil.



Title: Photo 6

Date: 9/2/2022

Direction: Southwest

Description: Hay Barn area after grading WisDOT imported soil



SITE PHOTOGRAPHS

Former Barksdale Works

Attachment 9

**Email: Summary of August 23, 2022
Discussion Regarding Grading**

Schmidt, Eric

From: Paul Bretting <paulbretting@bretting.com>
Sent: Saturday, August 27, 2022 8:17 AM
To: Pooler, Cary
Cc: Nave, Bradley S; Schmidt, Eric
Subject: [EXTERNAL] RE: Hay Barn Grading Work and WisDOT Soil

Good summary and thanks
I will share accordingly.

From: Pooler, Cary <cary.pooler@aecom.com>
Sent: Thursday, August 25, 2022 10:13 AM
To: Paul Bretting <paulbretting@bretting.com>
Cc: Nave, Bradley S <bradley.s.nave@chemours.com>; Schmidt, Eric <Eric.Schmidt@aecom.com>
Subject: Hay Barn Grading Work and WisDOT Soil

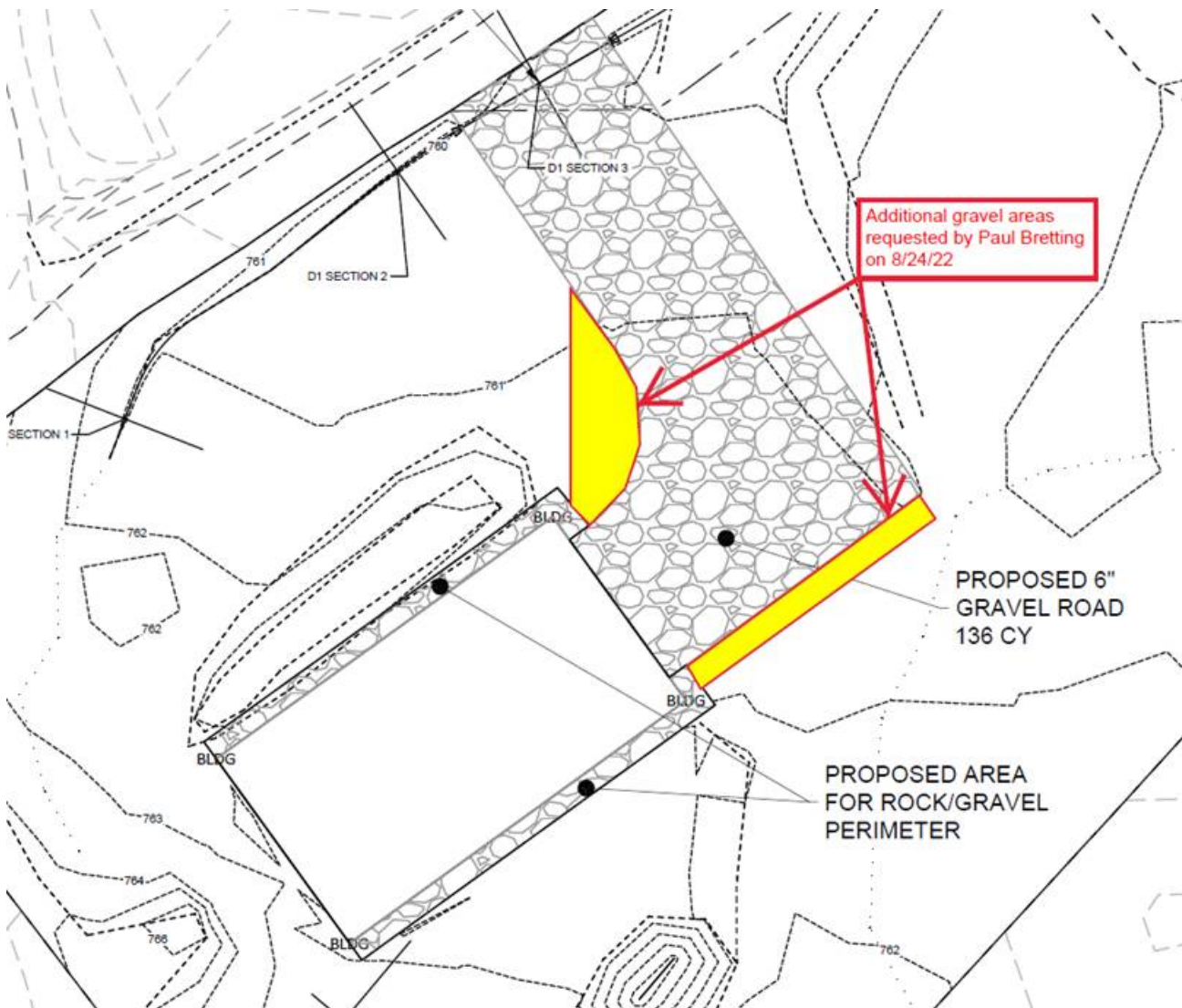
CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Paul:

Thank you for taking the time to meet with Eric Schmidt and me this past Tuesday regarding final details of the longstanding plan to regrade the Hay Barn area and use the imported WisDOT soil (imported onto the site in 2020) as a means to reduce the potential for erosion in the area. To summarize, the following key points were discussed:

1. Consistent with our previous conversations, the concentrations of detected constituents in the WisDOT soil are generally similar to preexisting concentrations detected in soil in the area around the Hay Barn where the WisDOT soil will be placed (see attached table).
2. The concentrations in the WisDOT soil are below the calculated recreational residual contaminant levels (RCLs; see attached table).
3. While the detected constituent concentrations in the WisDOT soil even meet default, non-industrial direct contact RCLs, which are the most stringent in Wisconsin, WDNR is requiring continued maintenance obligations in the area.
4. WDNR is requiring that a default owner notification letter and form, which we reviewed in detail, be provided as part of the WisDOT soil placement work. This letter will be sent to you in the near-term. We noted in our discussion that Chemours would be listed as the responsible party for ongoing obligations in the WDNR letter and form.
5. We agreed to continue with placement/spreading of the WisDOT soil across the area ahead of the notification letter.
6. We discussed that until complete establishment of vegetation and full site closure that we anticipate the continuing obligations will consist of annual inspection and repair of any erosion or rutting of the WisDOT soil placed in the area. The goal of this inspection and repair work is to keep the imported soil where placed. Considering this fact, you requested that we expand the gravel that will be placed in the area to reduce potential rutting and include markers for identification of the gravel limits in front of the overhead door.

I also understand you and Eric were able to meet yesterday to discuss the extent of the expanded gravel area mentioned in Item 6, above. These areas of expansion are identified in the image below.



As has been the case regarding other areas on the site, we would appreciate that you continue to proactively communicate with recreational users regarding the importance of not disturbing (rutting, etc.) soil in the area while vegetation is being established, and then in the future letting us know if any erosion is noted. Also, as you know, rock will be placed in the barn interior and the elevation raised, which may create clearance issues. Please be sure to communicate this elevation change and the importance of verifying clearance to all Hay Barn users.

If you have any questions, please feel free to contact either Brad Nave at (812) 406-7117 or me.

Thanks,

Cary

C.E. "Cary" Pooler, III, P.G.
 Associate Vice President/Client Account Manager
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[C.G. Bretting Manufacturing Co., Inc.](#)

Attachment 10

**WDNR Factsheet RR-819: Continuing
Obligations for Environmental Protection
Responsibilities of Wisconsin Property
Owners**



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. Stats., 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.

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.

It is common for properties with approved cleanups to have continuing obligations because the DNR generally does not require removal of all contamination.

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

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. *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.

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.

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