



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor
Matthew J. Frank, Secretary
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March 27, 2008

Rueben Schwartz Estate
c/o Steve Daney – Guardian
N5628 Leopolis Rd.
Leopolis, WI 54948

SUBJECT: Final Case Closure
Former Schwartz Sales and Service, N5693 Leopolis Rd., Town of Herman, Shawano County,
WI
WDNR BRRTS Activity #: 02-59-000311

Dear Mr. Daney:

On March 12, 2008, the Department's Northeast Region Closure Committee reviewed your request for closure of the case described above. The Committee reviews environmental remediation cases for compliance with state rules and statutes to maintain consistency in the closure of these cases.

Based on the correspondence and data provided, it appears that your case meets the requirements of ch. NR 726, Wisconsin Administrative Code. The Department considers this case closed and no further investigation or remediation is required at this time.

Please be aware that this case may be reopened pursuant to s. NR 726.09, Wisconsin Administrative Code, if additional information regarding site conditions indicates that contamination on or from the site poses a threat to public health, safety or welfare, or the environment.

Remaining Residual Soil Contamination

Residual soil contamination remains at SB-1 and SB-2 as indicated in the information submitted to the Department of Natural Resources. If soil in the specific locations described above is excavated in the future, then pursuant to ch. NR 718 or, if applicable, ch. 289, Stats., and chs. 500 to 536, the property owner at the time of excavation must sample and analyze the excavated soil to determine if residual contamination remains. If sampling confirms that contamination is present the property owner at the time of excavation will need to determine whether the material would be considered solid or hazardous waste and ensure that any storage, treatment or disposal is in compliance with applicable standards and rules.

Deed Affidavit

On July 25, 2000, the Department of Natural Resources filed an affidavit on the property deed under s. NR 728.11(2), Wisconsin Administrative Code (WAC), indicating that petroleum contamination was present on the property and that removal or treatment of the contamination is required under s 292.11, Wisconsin Statutes. Because you have addressed the petroleum contamination on the property, the Department intends to file a second affidavit on the property deed as identified under s. NR 728.11(3)

WAC that will supersede the affidavit previously filed. I have enclosed a draft copy of the affidavit we intend to file. Please review this document for accuracy of property description and other information and contact me with any corrections. I will file the affidavit after I hear back from you or after 30 days. This letter will be attached the deed affidavit.

The Department 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 me at 715-526-4230.

Sincerely,



Tom Sturm
Hydrogeologist
Bureau for Remediation & Redevelopment

cc: Nicole LaPlant – Robert e. Lee and Associates, 4664 Golden Pond Park Court, Oneida, WI
54155