

Notice: Use this form to request a **written response (on agency letterhead)** from the Department of Natural Resources (DNR) regarding technical assistance, a post-closure change to a site, a specialized agreement or liability clarification for Property with known or suspected environmental contamination. A fee will be required as is authorized by s. 292.55, Wis. Stats., and NR 749, Wis. Adm. Code., unless noted in the instructions below. 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.].

Definitions

"Property" refers to the subject Property that is perceived to have been or has been impacted by the discharge of hazardous substances.

"Liability Clarification" refers to a written determination by the Department provided in response to a request made on this form. The response clarifies whether a person is or may become liable for the environmental contamination of a Property, as provided in s. 292.55, Wis. Stats.

"Technical Assistance" refers to the Department's assistance or comments on the planning and implementation of an environmental investigation or environmental cleanup on a Property in response to a request made on this form as provided in s. 292.55, Wis. Stats.

"Post-closure modification" refers to changes to Property boundaries and/or continuing obligations for Properties or sites that received closure letters for which continuing obligations have been applied or where contamination remains. Many, but not all, of these sites are included on the GIS Registry layer of RR Sites Map to provide public notice of residual contamination and continuing obligations.

Select the Correct Form

This form should be used to request the following from the DNR:

- Technical Assistance
- Liability Clarification
- Post-Closure Modifications
- Specialized Agreements (tax cancellation, negotiated agreements, etc.)

Do not use this form if one of the following applies:

- Request for an **off-site liability exemption or clarification** for Property that has been or is perceived to be contaminated by one or more hazardous substances that originated on another Property containing the source of the contamination. Use DNR's Off-Site Liability Exemption and Liability Clarification Application Form 4400-201.
- Submittal of an Environmental Assessment for the **Lender Liability Exemption**, s 292.21, Wis. Stats., **if no response or review by DNR is requested**. Use the Lender Liability Exemption Environmental Assessment Tracking Form 4400-196.
- Request for an **exemption to develop on a historic fill site** or licensed landfill. Use DNR's Form 4400-226 or 4400-226A.
- **Request for closure** for Property where the investigation and cleanup actions are completed. Use DNR's Case Closure - GIS Registry Form 4400-202.

All forms, publications and additional information are available on the internet at: dnr.wi.gov/topic/Brownfields/Pubs.html.

Instructions

1. Complete sections 1, 2, 6 and 7 for all requests. Be sure to provide adequate and complete information.
2. Select the type of assistance requested: Section 3 for technical assistance or post-closure modifications, Section 4 for a written determination or clarification of environmental liabilities; or Section 5 for a specialized agreement.
3. Include the fee payment that is listed in Section 3, 4, or 5, unless you are a "Voluntary Party" enrolled in the Voluntary Party Liability Exemption Program **and** the questions in Section 2 direct otherwise. Information on to whom and where to send the fee is found in Section 8 of this form.
4. Send the completed request, supporting materials and the fee to the appropriate DNR regional office where the Property is located. See the map on the last page of this form. A paper copy of the signed form and all reports and supporting materials shall be sent with an electronic copy of the form and supporting materials on a compact disk. For electronic document submittal requirements see: <http://dnr.wi.gov/files/PDF/pubs/rr/RR690.pdf>

The time required for DNR's determination varies depending on the complexity of the site, and the clarity and completeness of the request and supporting documentation.

Technical Assistance, Environmental Liability Clarification or Post-Closure Modification Request

Form 4400-237 (R 12/18)

Page 2 of 6

Section 1. Contact and Recipient Information

Requester Information

This is the person requesting technical assistance or a post-closure modification review, that his or her liability be clarified or a specialized agreement and is identified as the requester in Section 7. DNR will address its response letter to this person.

| | | | |
|---|---------------------------|------------------------------------|---|
| Last Name Bieno | First David | MI | Organization/ Business Name Portage Cleaners, Inc. |
| Mailing Address 104 E. Wisconsin St. | | | City Portage |
| | | | State WI |
| | | | ZIP Code 53901 |
| Phone # (include area code) (608) 617-6973 | Fax # (include area code) | Email dbieno@portagecleaner.net | |

The requester listed above: (select all that apply)

- Is currently the owner
- Is currently renting or leasing the Property
- Is a lender with a mortgagee interest in the Property
- Other. Explain the status of the Property with respect to the applicant:
- Is considering selling the Property
- Is considering acquiring the Property

Contact Information (to be contacted with questions about this request)

Select if same as requester

| | | | |
|---|---------------------------|--|---|
| Contact Last Name Hoverman | First Rob | MI | Organization/ Business Name EnviroForensics, LLC |
| Mailing Address N16 W23390 Stone Ridge Dr. Suite G | | | City Waukesha |
| | | | State WI |
| | | | ZIP Code 53188 |
| Phone # (include area code) (262) 510-0612 | Fax # (include area code) | Email rhoverman@enviroforensics.com | |

Environmental Consultant (if applicable)

| | | | |
|---|---------------------------|--|---|
| Contact Last Name Hoverman | First Rob | MI | Organization/ Business Name EnviroForensics, LLC |
| Mailing Address N16 W23390 Stone Ridge Dr. Suite G | | | City Waukesha |
| | | | State WI |
| | | | ZIP Code 53188 |
| Phone # (include area code) (262) 510-0612 | Fax # (include area code) | Email rhoverman@enviroforensics.com | |

Attorney (if applicable)

| | | | |
|-----------------------------|---------------------------|-------|-----------------------------|
| Contact Last Name | First | MI | Organization/ Business Name |
| Mailing Address | | | City |
| | | | State |
| | | | ZIP Code |
| Phone # (include area code) | Fax # (include area code) | Email | |

Property Owner (if different from requester)

| | | | |
|-----------------------------|---------------------------|-------|-----------------------------|
| Contact Last Name | First | MI | Organization/ Business Name |
| Mailing Address | | | City |
| | | | State |
| | | | ZIP Code |
| Phone # (include area code) | Fax # (include area code) | Email | |

Technical Assistance, Environmental Liability Clarification or Post-Closure Modification Request

Form 4400-237 (R 12/18)

Page 3 of 6

Section 2. Property Information

| | | | | |
|---|--|--|--------------------|---------------------------------|
| Property Name Portage Cleaners Inc. | | FID No. (if known) 111043790 | | |
| BRRTS No. (if known) 02-11-512824 | Parcel Identification Number 11271-1248 | | | |
| Street Address 104 E. Wisconsin St | | City Portage | State WI | ZIP Code 53901 |
| County Columbia | Municipality where the Property is located <input checked="" type="radio"/> City <input type="radio"/> Town <input type="radio"/> Village of Portage | Property is composed of: <input type="radio"/> Single tax parcel <input type="radio"/> Multiple tax parcels | | Property Size Acres 0 |

1. Is a response needed by a specific date? (e.g., Property closing date) Note: Most requests are completed within 60 days. Please plan accordingly.

No Yes

Date requested by: 5/1/2020

Reason: Waste determination required by landfill for scheduled work.

2. Is the "Requester" enrolled as a Voluntary Party in the Voluntary Party Liability Exemption (VPLE) program?

No. **Include the fee that is required for your request in Section 3, 4 or 5.**

Yes. **Do not include a separate fee.** This request will be billed separately through the VPLE Program.

Fill out the information in Section 3, 4 or 5 which corresponds with the type of request:

Section 3. Technical Assistance or Post-Closure Modifications;

Section 4. Liability Clarification; or Section 5. Specialized Agreement.

Section 3. Request for Technical Assistance or Post-Closure Modification

Select the type of technical assistance requested: [Numbers in brackets are for WI DNR Use]

- No Further Action Letter (NFA) (Immediate Actions) - NR 708.09, [183] - **Include a fee of \$350.** Use for a written response to an immediate action after a discharge of a hazardous substance occurs. Generally, these are for a one-time spill event.
- Review of Site Investigation Work Plan - NR 716.09, [135] - **Include a fee of \$700.**
- Review of Site Investigation Report - NR 716.15, [137] - **Include a fee of \$1050.**
- Approval of a Site-Specific Soil Cleanup Standard - NR 720.10 or 12, [67] - **Include a fee of \$1050.**
- Review of a Remedial Action Options Report - NR 722.13, [143] - **Include a fee of \$1050.**
- Review of a Remedial Action Design Report - NR 724.09, [148] - **Include a fee of \$1050.**
- Review of a Remedial Action Documentation Report - NR 724.15, [152] - **Include a fee of \$350**
- Review of a Long-term Monitoring Plan - NR 724.17, [25] - **Include a fee of \$425.**
- Review of an Operation and Maintenance Plan - NR 724.13, [192] - **Include a fee of \$425.**

Other Technical Assistance - s. 292.55, Wis. Stats. [97] (For request to build on an abandoned landfill use Form 4400-226)

- Schedule a Technical Assistance Meeting - **Include a fee of \$700.**
- Hazardous Waste Determination - **Include a fee of \$700.**
- Other Technical Assistance - **Include a fee of \$700.** Explain your request in an attachment.

Post-Closure Modifications - NR 727, [181]

- Post-Closure Modifications: Modification to Property boundaries and/or continuing obligations of a closed site or Property; sites may be on the GIS Registry. This also includes removal of a site or Property from the GIS Registry. **Include a fee of \$1050, and:**
 - Include a fee of \$300 for sites with residual soil contamination; and
 - Include a fee of \$350 for sites with residual groundwater contamination, monitoring wells or for vapor intrusion continuing obligations.

Attach a description of the changes you are proposing, and documentation as to why the changes are needed (if the change to a Property, site or continuing obligation will result in revised maps, maintenance plans or photographs, those documents may be submitted later in the approval process, on a case-by-case basis).

Technical Assistance, Environmental Liability Clarification or Post-Closure Modification Request

Form 4400-237 (R 12/18)

Page 4 of 6

Skip Sections 4 and 5 if the technical assistance you are requesting is listed above and complete Sections 6 and 7 of this form.

Clarification of local governmental unit (LGU) liability exemption at sites with: (select all that apply)

- hazardous substances spills - s. 292.11(9)(e), Wis. Stats. [649];
- Perceived environmental contamination - [649];
- hazardous waste - s. 292.24 (2), Wis. Stats. [649]; and/or
- solid waste - s. 292.23 (2), Wis. Stats. [649].

❖ Include a fee of \$700, a summary of the environmental liability clarification being requested, and the following:

- (1) clear supporting documentation showing the acquisition method used, and the steps followed under the appropriate state statute(s).
- (2) current and proposed ownership status of the Property;
- (3) date and means by which the Property was acquired by the LGU, where applicable;
- (4) a map and the ¼, ¼ section location of the Property;
- (5) summary of current uses of the Property;
- (6) intended or potential use(s) of the Property;
- (7) descriptions of other investigations that have taken place on the Property; and
- (8) (for solid waste clarifications) a summary of the license history of the facility.

Clarify the liability associated with a "closed" Property - s. 292.55, Wis. Stats. [682]

❖ Include a fee of \$700.

- Include a copy of any closure documents if a state agency other than DNR approved the closure.

Use this space or attach additional sheets to provide necessary information, explanations or specific questions to be answered by the DNR.

Section 5. Request for a Specialized Agreement

Select the type of agreement needed. Include the appropriate draft agreements and supporting materials. Complete Sections 6 and 7 of this form. More information and model draft agreements are available at: dnr.wi.gov/topic/Brownfields/Igu.html#tabx4.

Tax cancellation agreement - s. 75.105(2)(d), Wis. Stats. [654]

❖ Include a fee of \$700, and the information listed below:

- (1) Phase I and II Environmental Site Assessment Reports,
- (2) a copy of the Property deed with the correct legal description.

Agreement for assignment of tax foreclosure judgement - s. 75.106, Wis. Stats. [666]

❖ Include a fee of \$700, and the information listed below:

- (1) Phase I and II Environmental Site Assessment Reports,
- (2) a copy of the Property deed with the correct legal description.

Negotiated agreement - Enforceable contract for non-emergency remediation - s. 292.11(7)(d) and (e), Wis. Stats. [630]

❖ Include a fee of \$1400, and the information listed below:

- (1) a draft schedule for remediation; and,
- (2) the name, mailing address, phone and email for each party to the agreement.

Technical Assistance, Environmental Liability Clarification or Post-Closure Modification Request

Form 4400-237 (R 12/18)

Page 5 of 6

Section 6. Other Information Submitted

Identify all materials that are included with this request.

Send both a paper copy of the signed form and all reports and supporting materials, and an electronic copy of the form and all reports, including Environmental Site Assessment Reports, and supporting materials on a compact disk.

Include one copy of any document from any state agency files that you want the Department to review as part of this request. The person submitting this request is responsible for contacting other state agencies to obtain appropriate reports or information.

- Phase I Environmental Site Assessment Report - Date: _____
- Phase II Environmental Site Assessment Report - Date: _____
- Legal Description of Property (required for all liability requests and specialized agreements)
- Map of the Property (required for all liability requests and specialized agreements)

Analytical results of the following sampled media: Select all that apply and include date of collection.

Groundwater Soil Sediment Other medium - Describe: _____

Date of Collection: _____

- A copy of the closure letter and submittal materials
- Draft tax cancellation agreement
- Draft agreement for assignment of tax foreclosure judgment
- Other report(s) or information - Describe: _____

For Property with newly identified discharges of hazardous substances only: Has a notification of a discharge of a hazardous substance been sent to the DNR as required by s. NR 706.05(1)(b), Wis. Adm. Code?

- Yes - Date (if known): _____
- No

Note: The Notification for Hazardous Substance Discharge (non-emergency) form is available at:
dnr.wi.gov/files/PDF/forms/4400/4400-225.pdf.

Section 7. Certification by the Person who completed this form

- I am the person submitting this request (requester)
- I prepared this request for: Dave Bieno

Requester Name

I certify that I am familiar with the information submitted on this request, and that the information on and included with this request is true, accurate and complete to the best of my knowledge. I also certify I have the legal authority and the applicant's permission to make this request.

Signature

Wisconsin Regional Manager

Title

4.26.2020

Date Signed

(262) 510-0612

Telephone Number (include area code)

Technical Assistance, Environmental Liability Clarification or Post-Closure Modification Request

Form 4400-237 (R 12/18)

Page 6 of 6

Section 8. DNR Contacts and Addresses for Request Submittals

Send or deliver one paper copy and one electronic copy on a compact disk of the completed request, supporting materials, and fee to the region where the property is located to the address below. Contact a [DNR regional brownfields specialist](#) with any questions about this form or a specific situation involving a contaminated property. For electronic document submittal requirements see: <http://dnr.wi.gov/files/PDF/pubs/rr/RR690.pdf>.

DNR NORTHERN REGION

Attn: RR Program Assistant
Department of Natural Resources
223 E Steinfest Rd Antigo, WI 54409

DNR NORTHEAST REGION

Attn: RR Program Assistant
Department of Natural Resources
2984 Shawano Avenue
Green Bay WI 54313

DNR SOUTH CENTRAL REGION

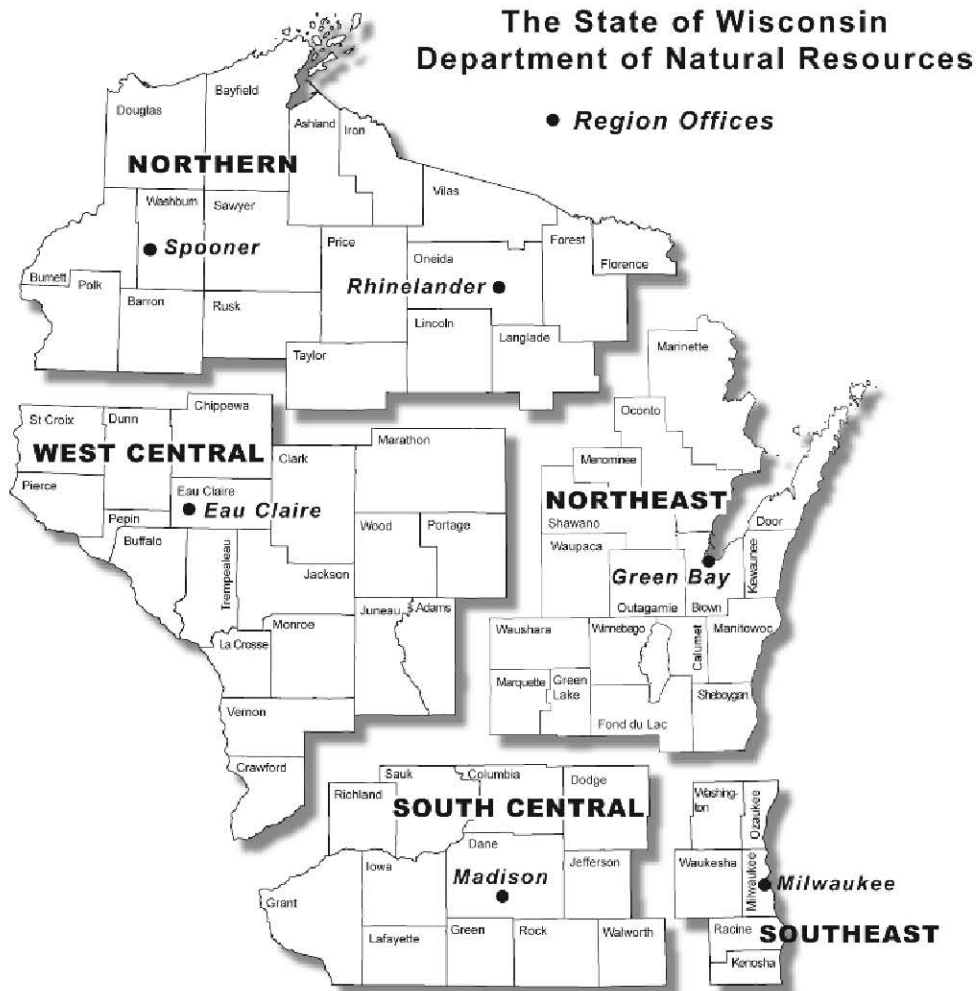
Attn: RR Program Assistant
Department of Natural Resources
3911 Fish Hatchery Road
Fitchburg WI 53711

DNR SOUTHEAST REGION

Attn: RR Program Assistant
Department of Natural Resources
2300 North Martin Luther King Drive
Milwaukee WI 53212

DNR WEST CENTRAL REGION

Attn: RR Program Assistant
Department of Natural Resources
1300 Clairemont Ave.
Eau Claire WI 54702



Note: These are the Remediation and Redevelopment Program's designated regions. Other DNR program regional boundaries may be different.

| DNR Use Only | | | |
|---|---------------------|---------------------------------------|--|
| Date Received | Date Assigned | BRRTS Activity Code | BRRTS No. (if used) |
| DNR Reviewer | | Comments | |
| Fee Enclosed? <input type="radio"/> Yes <input type="radio"/> No | Fee Amount \$ | Date Additional Information Requested | Date Requested for DNR Response Letter |
| Date Approved | Final Determination | | |



October 21, 2019

Lawrence Lester
Wisconsin Department of Natural Resources
3911 Fish Hatchery Rd
Fitchburg, WI 53711-5367

**Re: Hazardous Waste Exemption Request for Soil Disposal
Portage Cleaners
104 East Wisconsin Street
Portage, Wisconsin 53110
BRRTS# 02-11-512824**

Dear Mr. Lester:

EnviroForensics, LLC (EnviroForensics) is providing this Hazardous Waste Exemption Request on behalf of the Portage Cleaners located at 104 East Washington Street in Portage, Wisconsin. EnviroForensics is requesting Wisconsin Department of Natural Resources (WDNR) approval to dispose soil impacted with tetrachloroethene (PCE) and trichloroethene (TCE) that will be generated during remedial activities in a Subtitle D landfill. The source of the impacts is related to the historic dry cleaning operations; therefore, the soil may contain a listed waste per NR 600.

The WDNR's health based direct contact Residual Contaminant Levels (RCLs) for PCE and TCE in soil are 153 mg/kg and 8.8 mg/kg, respectively. As outlined in the attached **Table 1**, the concentrations of PCE and TCE detected within the area proposed for excavation are below the referenced RCLs. The attached **Figure 1** depicts the location of the borings relative to the excavation. Therefore, EnviroForensics requests a Hazardous Waste exemption, permitting the disposal of soil from the Site impacted by PCE and TCE from the Site within a Subtitle D landfill.

This hazardous waste exemption request is being submitted as a supplement to the Site Investigation Update and Interim Remedial Action Plan dated June 5, 2018 in which a technical review fee was included.



If you have any questions or comments regarding this request, please call the Rob Hoverman, at 262-510-0612 or email at rhoverman@enviroforensics.com.

Sincerely,
EnviroForensics, LLC

A handwritten signature in blue ink, appearing to read "Robert R. Hoverman".

Robert R. Hoverman, PG
Senior Project Manager

Enclosures

TABLE 3
SOIL ANALYTICAL RESULTS
 Portage Cleaners
 104 E. Wisconsin St., Portage, WI 53901

| Consultant | Boring Identification | Sample Depth (feet bgs) | Sample Date | Tetrachloroethene | Trichloroethene |
|---|-----------------------|-------------------------|--------------|-------------------|-----------------|
| | | | | VOCs (µg/kg) | |
| Residual Contaminant Level - Industrial | | | | 145,000 | 8,410 |
| Residual Contaminant Level - Non Industrial | | | | 33,000 | 1,300 |
| Residual Contaminant Level - Soil to Groundwater | | | | 4.5 | 3.6 |
| MSA Professional Services | GP1D | 4-8 | 10/28/2003 | 1,600 | <9.4 |
| | GP7 | 4-8 | 10/28/2003 | 2,400 | <23 |
| | GP9 | 6-8 | 10/28/2003 | 2,200 | <19 |
| | MW-3 | 6-8 | 6/23/2005 | 1,800 | <18 |
| EnviroForensics | B-13 | 2-4 | 2/4/2019 | 9,100 | <410 |
| | | 4-5 | | 137 | <41 |
| | B-15 | 2-4 | 2/4/2019 | 8,000 | <410 |
| | B-16 | 2-4 | 2/4/2019 | 960 | <41 |
| | | 4-5 | 2/4/2019 | 610 | <41 |
| | B-17 | 0-2 | 2/4/2019 | 2,190 | <41 |
| | | 4-5 | | 48 J | <41 |
| | B-20 | 2-4 | 2/4/2019 | 6,400 | <41 |
| 4-5 | | 2/4/2019 | 49 J | <41 | |
| B-21 | 2-4 | 2/4/2019 | 2,980 | <41 | |

Notes:

Updated with WDNR's March 2017 Remediation Redevelopment Program RCL spreadsheet

All concentrations reported in units of micrograms per kilogram (µg/kg)

Samples analyzed using EPA SW-846 Method 8260

Bolded values are above detection limits

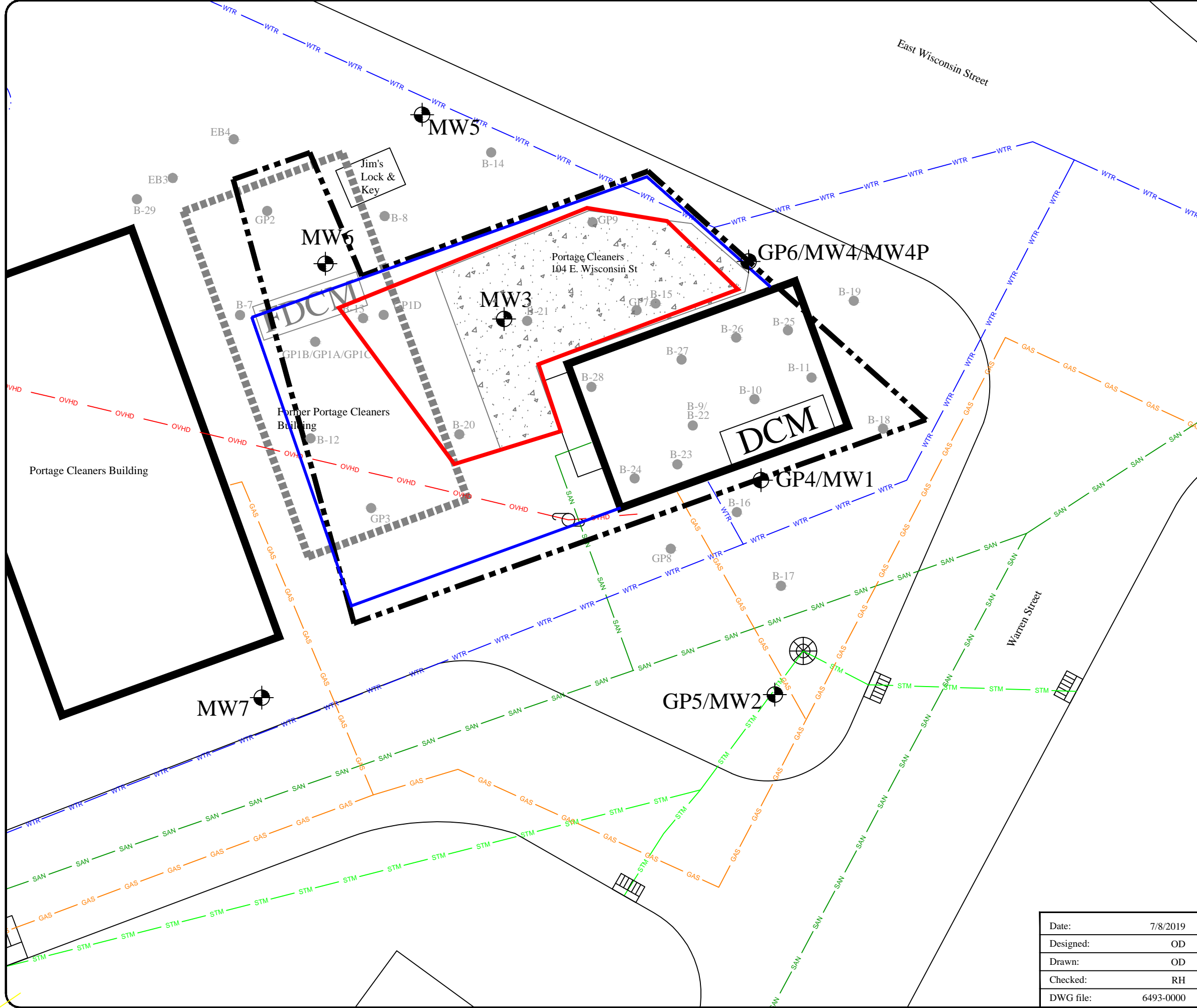
Bolded and Shaded blue values exceed the WDNR generic Soil to Groundwater Residual Contaminant Levels

Bolded and Shaded green values exceed the WDNR generic Non-Industrial Residual Contaminant Levels

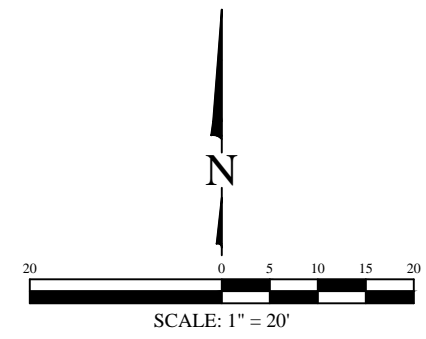
Bolded and Shaded orange values exceed the WDNR generic Industrial Residual Contaminant Levels

Gray Shaded value indicates soil collected below water table

VOCs = Volatile Organic Compounds



- ### Legend
- GAS — Underground gas utility line
 - STM — Underground storm utility line
 - OVHD — Over head electrical utility line
 - Utility Pole
 - Catch Basin
 - Manhole
 - DCM Dry cleaning machine location
 - FDCM Former dry cleaning machine location
 - MW1 Monitoring well
 - B1 Soil boring
 - Proposed exterior excavation area - for current work scope
 - Safety fencing
 - Approximate extents of asphalt to be replaced within proposed excavation area



EXCAVATION PLAN

Portage Cleaners
104 East Wisconsin Street
Portage, Wisconsin

| | | |
|-----------|-----------|--|
| Date: | 7/8/2019 | <p style="font-size: small;">825 North Capitol Avenue • Indianapolis, IN 46204 EnviroForensics.com</p> |
| Designed: | OD | |
| Drawn: | OD | |
| Checked: | RH | |
| DWG file: | 6493-0000 | |
| | | Figure |
| | | 1 |
| | | Project |
| | | 6493 |