

BRRTS ID No. 02-36-521430

Reviewer: Tauren Beggs

Region: Northeast Review Date: 09/10/2021

Site Name: WI DOT Eggers Industries West Plt

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 1702 13th Street	City Two Rivers	ZIP Code 54241
County Parcel Identification Number (PIN) 053-000-083-011.03	FID Number 436010300	

Original Responsible Person

Noel Versch, Eggers Industries, 1819 East River Street, Two Rivers, WI 54241

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

If Yes: Current Property Owner

Steven Schenian, Bright Horizon Properties, LLC, 500 American Drive, PO Box 249, Francis Creek, WI 54214

Phone Number

(920) 682-5166

Email

sschenian@scheniantrucking.com

Select all continuing obligations applied (at case closure or RAP approval or letter to LGU):

Add to BRRTS	AC in BRRTS	AC	Action Code (AC) Meaning
<input type="checkbox"/>	<input type="checkbox"/>	51	Deed notice
<input type="checkbox"/>	<input type="checkbox"/>	52	Deed restriction for soil
<input type="checkbox"/>	<input type="checkbox"/>	730	Groundwater use restriction
<input type="checkbox"/>	<input type="checkbox"/>	95	Deed instrument conditions met (for audits, use if deed restriction was updated by filing a deed notice)
<input type="checkbox"/>	<input type="checkbox"/>	101	GIS Registry PDF modified - date DNR letter sent
<input type="checkbox"/>	<input type="checkbox"/>	104	Site removed from GIS Registry - date DNR letter sent
<input type="checkbox"/>	<input type="checkbox"/>	696	Continuing obligation required of LGU to maintain liability exemption
<input type="checkbox"/>	<input type="checkbox"/>	605	Green Space Grant awarded (deed restriction)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	56	Continuing Obligation applied (use with codes 220-238)
<input type="checkbox"/>	<input type="checkbox"/>	46	Impacted Right-of-Way
<input type="checkbox"/>	<input type="checkbox"/>	220	Soil at industrial use level
<input type="checkbox"/>	<input checked="" type="checkbox"/>	222	Cover/engineered containment system (pavement, soil cover, etc.)
<input type="checkbox"/>	<input 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 type="checkbox"/>	236	Site closed with groundwater contamination > ES
<input type="checkbox"/>	<input type="checkbox"/>	238	Maintenance and inspection documentation required to be submitted
<input checked="" type="checkbox"/>	<input type="checkbox"/>	185	Closure Compliance Review completed
<input type="checkbox"/>	<input type="checkbox"/>	186	Closure Compliance Review - RP follow up needed
<input type="checkbox"/>	<input type="checkbox"/>	187	Closure Compliance Review follow up completed
<input checked="" 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 01/10/2007
- 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:

Met with Steve Schenian (current owner) and Que El-Amin (Principal with potential buyer Scott Crawford, Inc., a real estate development company, email: Que@scott-crawford.com). Scott Crawford, Inc. is looking to acquire this parcel for a multi-family apartment complex redevelopment utilizing tax credits.

The City of Two Rivers has an easement on this property for utilities. The City of Two Rivers disturbed the very eastern portion of the pavement cap for installation/replacement of utilities in 2014. The cap was replaced with asphalt pavement after the utility installation was completed. No changes were needed to the cap maintenance plan at that time. The City notified DNR for the work that was completed prior to the implementation of the official Post Closure Modification process.

Site Visit:

2. **Contact the site owner for access. Provide a copy of the maintenance plan, if applicable. If the audit is being conducted for a CO which would now require a maintenance plan, provide a template version if no maintenance plan was required at closure, for the property owner's use (voluntary).**
3. **Walk the site (ideally with the owner or responsible party) to review the site conditions against the conditions documented at closure/other to verify or change answers to questions in #1. Discuss use of the maintenance plan or template.**
4. **With the site owner/RP (if possible), answer the following for DNR RR records:**

Did the site owner know about the continuing obligation(s)? Yes No

Have site conditions changed since closure that would affect either a deed restriction or other restrictions or requirements associated with the site?

- No
- Yes – Explain:

*Examples: 1) a building has been razed and investigation and remediation occurred.
2) excavation or residential development has occurred in a restricted area.*

Has a pavement (asphalt or concrete) cover, soil cover or other sort of cover, such as a building, been removed or is it in disrepair? No/NA

- Yes – Should it be replaced or repaired?
- Yes**
- No

If a performance standard was the final remedy, has it been altered?

- No
- Yes – Explain:

Was the DNR notified? Yes No

Have local zoning changes occurred since closure?

- No/NA
- Yes – Does it appear to impact the effectiveness of the restriction?
 - No
 - Yes – Describe:

Is soil sampling needed to determine if the final remedy has been modified such that a direct contact threat exists?

- No
- Yes – Describe:

For example, an asphalt cover has been removed or is in disrepair, or a new contaminated site is present upgradient, etc.

Has additional monitoring or remediation been done since the site was closed?

- No
- Yes – Describe:

Does a new threat to public health or the environment exist (e.g. new sources or exposure routes)?

- No
- Yes – Does sampling need to be performed?
 - No
 - Yes** – Describe what should be done to address the problem, and by whom:

Is the vapor mitigation system or sub-slab depressurization system (SSDS) operating as designed? (pressure gradient being maintained)

- Yes
- NA
- No** – Describe any follow up needed:

Have any of the exposure assumptions used for closure changed at this site?

- NA
- No
- Yes – Describe any follow up needed:

Has the land use at this site changed such that a vapor intrusion pathway may now exist?

- No
- Yes – Describe any follow up needed:

Has the land use changed such that there are either health or safety issues?

- No
- Yes – Describe any follow up needed:

Notes:

It was mentioned a Phase I and Phase II ESA was recently completed for the property as due diligence for a property transaction with Scott Crawford, Inc. I indicated the results are required to be reported to the DNR and the property owner would have all the environmental liability under the spill law, unless a viable causer could be identified. Que indicated the property was historically owned by Mirro Aluminum. If the property acquisition occurred, then the new owner would be liable. Also went through the post-closure modification process with them so they understood that any changes to the cap would require prior DNR approval before moving forward.

COMPLIANCE AND FOLLOW-UP SUMMARY:

5. Identify compliance and any follow up needed.

Is the site in compliance with the continuing obligations/closure approval document?

- Yes
- No – Describe what's not in compliance and the reasons for noncompliance:

(May depend on extent of non-compliance, non-maintenance of remedy or changed ownership or conditions. If case is out of compliance, it should be prioritized by the region, for new casework or enforcement, as needed.)

Has the maintenance agreement required at closure been followed?

- Yes
- NA
- No – Describe:

Was the property owner reminded to complete and document the (yearly) inspections?

- Yes
- NA
- No – Why not?

Was a maintenance plan or template provided to the property owner at the site visit?

- Yes
- NA
- No – If no, why not?

6. Are additional actions by the RP property owner warranted at the site? *The intent is to return the site to compliance with continuing obligation. If a significant land use change has occurred, and/or further remedial action is needed, determine if the site meets the NR 726 reopening criteria.***

- No
- Yes – Summarize the actions needed to return the site to compliance and identify who is responsible:

Notes:

The property owner was not aware of the continuing obligations. I went through the closure letter and cap maintenance plan with him and filled out an inspection log for the cap (attached). The asphalt pavement was in fair condition and didn't need any repair or maintenance.

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: 09/14/2021



Title: Google aerial that shows the entire parking lot and the area where the asphalt was replaced.

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

Date added: 09/14/2021



Title: Asphalt cap area to be maintained in area where PAHs were documented in soil, looking southeast.

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

Date added: 09/14/2021



Title: Required asphalt pavement cap (right side of photo), easement area where asphalt was replaced after utility work in 2014 (left side of photo), looking west.

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

Date added: 09/14/2021



Title: Portion of the required asphalt pavement cap on the east side of the property that was replaced by the City of Two Rivers after utility work in 2014, looking southeast.

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 WI DOT Eggers Industries West Plt	BRRTS No. 02-36-521430
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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?
09/10/2021	Tauren Beggs and Steve Schenian	<input type="checkbox"/> monitoring well <input checked="" type="checkbox"/> cover/barrier for soil <input type="checkbox"/> sediment cap <input type="checkbox"/> other:	Asphalt pavement in fair condition.	Not applicable at this time.	<input type="radio"/> Y <input type="radio"/> N	<input checked="" 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: 09/14/2021



Title: Google aerial of entire parking lot.

{Click to Add/Edit Image}

Date added: 09/14/2021



Title: Main area of asphalt cap to be maintained, looking southeast.

{Click to Add/Edit Image}

Date added: 09/14/2021



Title: Utility work asphalt replaced (left side), Asphalt cap (right side).

{Click to Add/Edit Image}

Date added: 09/14/2021



Title: East portion of asphalt cap replaced by City of Two Rivers in 2014.