
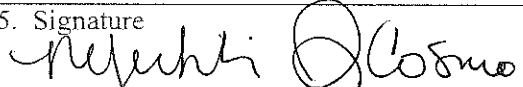




516364

Superfund Checklist for Reporting the Sitewide Ready for Anticipated Use GPRM Measure

Note: Upon issuance of the Guidance for Documenting and Reporting Performance in Achieving Land Revitalization (March 1, 2007), the Sitewide Ready-for-Reuse measure was renamed "Sitewide Ready for Anticipated Use" (SWRAU).

	United States ENVIRONMENTAL PROTECTION AGENCY Washington, DC 20460
SUPERFUND CHECKLIST FOR REPORTING THE SITEWIDE READY FOR ANTICIPATED USE GPRM MEASURE Office of Land and Emergency Management and Federal Facilities Restoration and Reuse Office	
PART A – GENERAL SITE INFORMATION	
1. Site Name Delavan Municipal Well No. 4	2. EPA ID WID980820062
3. Site ID 0505165	4. RPM Bill Ryan
5. Street Address 293 S. Wright St.	
6. City Delavan	7. State Wisconsin
8. Zip Code 53115	
9. Number of Sitewide Ready for Anticipated Use Acres: 77	<input type="checkbox"/> 10. This is a Superfund Alternative site.
11. Sitewide Ready for Anticipated Use Determination Requirements (all must be met for the entire construction complete site)	
<input checked="" type="checkbox"/> All cleanup goals in the Record(s) of Decision or other remedy decision document(s) have been achieved for any media that may affect current and reasonably anticipated future land uses, so that there are no unacceptable risks.	
<input checked="" type="checkbox"/> All institutional or other controls required in the Record(s) of Decision or other remedy decision document(s) have been put in place.	
12. The Human Exposure Under Control determination for site meets one of the following (check appropriate box):	
<input checked="" type="checkbox"/> Current Human Exposure Controlled and Protective Remedy in Place; or	
<input type="checkbox"/> Long-Term Human Health Protection Achieved.	
PART B – SIGNATURE (Branch Chief or above should sign)	
<small>NOTE: The outcome of this Checklist does not have any legally binding effect and does not expressly or implicitly create, expand, or limit any legal rights, obligations, responsibilities, expectations, or benefits of any party. EPA assumes no responsibility for reuse activities and/or any potential harm that might result from reuse activities. EPA retains any and all rights and authorities it has, including but not limited to legal, equitable, or administrative rights. EPA specifically retains any and all rights and authorities it has to conduct, direct, oversee, and/or require environmental response actions in connection with the site, including but not limited to instances when new or additional information has been discovered regarding the contamination or conditions at the site that indicates that the response and/or the conditions at the site are no longer protective of human health or the environment.</small>	
13. Name Nefertiti DiCosmo	14. Title/Organization Acting Chief, Remedial Response Branch #2
15. Signature 	16. Date 7/31/18



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

DATE: JUL 30 2018

SUBJECT: Recommendation to Sign Superfund Checklist for Reporting the Sitewide Ready for Anticipated Use Government Performance Results Act (GPRA) Measure for Delavan Municipal Well No. 4 Superfund Site, Delavan, Wisconsin

FROM: *for* William J. Ryan
Remedial Project Manager

Josh Zaharoff
Assistant Regional Counsel

TO: Nefertiti DiCosmo, Acting Chief
Remedial Response Branch #2

This memorandum recommends that you sign the attached Superfund Checklist for Reporting the Sitewide Ready for Anticipated Use (SWRAU) GPRA Measure for the Delavan Municipal Well No. 4 Superfund Site (Site) located in Delavan, Walworth County, Wisconsin. In accordance with OSWER 9365.0-36, Guidance for Documenting and Reporting the Superfund Sitewide Ready-for-Reuse Performance Measure, we have concluded that the construction complete National Priorities List Site meets the following criteria for the SWRAU determination:

- All cleanup goals in the Record of Decision (ROD) or other decision document have been achieved for any media that may affect current and reasonably anticipated future land uses, so that there are no unacceptable risks.
- All institutional or other controls required in the ROD or identified as part of the response action to help ensure long-term protection have been put in place.

Specifically, our review of the relevant documents forms the basis for our conclusion that these criteria have been met as discussed below:

Cleanup Goals

All cleanup goals for the Site have been achieved for media that may affect current and reasonably anticipated future land uses. The primary remedial action goals for the site are: 1) for contaminated groundwater to comply with Ch NR 140, Wis. Adm. Code, for all contaminants of concern (COCs); and 2) to remediate unsaturated soil in accordance with Ch NR 720, Wis. Adm. Code.

Cleanup goals for soil and groundwater allow for and were based on:

- unlimited use unrestricted exposure – groundwater
- residential use
- commercial use
- industrial use - soil
- recreational use
- containment
- other (explain)

The portion of the aquifer that is contaminated is generally located on property occupied by Pentair Flow Technologies, formerly Sta-Rite Industries, Inc. (Pentair). Certain groundwater areas under the Pentair property currently exceed applicable groundwater cleanup standards and require institutional controls (ICs) to restrict groundwater use until the groundwater cleanup standards are achieved. Soils in certain areas of the Pentair property have been cleaned up to levels that are protective of industrial uses but are not protective of non-industrial uses, and require ICs to prevent non-industrial uses in these specific areas.

Record of Decision and Construction Completion

The Wisconsin Department of Natural Resources (WDNR) issued a ROD on September 28, 2000, with United States Environmental Protection Agency (EPA) concurrence. The ROD selected No Further Action but required the continued operation and maintenance of existing soil vapor and groundwater extraction and treatment systems and groundwater monitoring. The Site achieved Construction Completion on September 28, 2000 when EPA issued the Preliminary Site Closeout Report, which documented the completion of construction activities.

The ROD did not require that ICs be implemented at the Site, and ICs were subsequently determined to be necessary. WDNR issued an Explanation of Significant Differences (ESD) on June 21, 2018, with EPA concurrence. The ESD documented the final decision to add ICs and a long-term stewardship (LTS) plan as components of the selected remedy. It also revised and clarified the groundwater remedial action objective (RAO) and cleanup standards for the Site. The 2000 ROD specified compliance with groundwater preventive action limits (PALs) for all COCs as the groundwater RAO. The 2018 ESD revised the groundwater RAO for the selected remedy to be general compliance with NR 140 instead of with PALs.

Five-Year Review

The Site requires Five-Year Reviews (FYRs).

The Third FYR Report was completed on August 17, 2015. The protectiveness statement from the 2015 FYR is:

The remedy at the Delavan Municipal Well No. 4 Site is currently protective of human health and the environment because no groundwater exceeding PALs is migrating beyond the Pentair property boundary, and volatile organic compounds (VOCs) are no longer present in Delavan Municipal Well No. 4. In addition, VOCs in the soil have been remediated to levels that are protective for industrial use. However, in order for the remedy to be protective in the long-term, the following actions need to be taken to ensure protectiveness: groundwater data needs to be reviewed to determine whether a vapor intrusion (VI) investigation is needed; a decision

document is needed to record a final decision to add ICs as a component of the selected remedy; ICs need to be implemented; and an IC Implementation and Assurance Plan (ICIAP) needs to be developed to ensure that effective ICs are implemented, monitored, maintained, and enforced. Long-term protectiveness requires groundwater monitoring until performance standards are achieved as well as compliance with effective ICs.

Since the protectiveness statement was made in the 2015 FYR, the recommendations of the FYR have been completed as follows:

- Upon review of groundwater data from 2012-2014, WDNR and EPA required increased monitoring at one Site well to determine if further VI investigation was required at the Site. Pentair performed quarterly sampling for an additional year and, upon further review of groundwater data from 2014-2018, EPA concluded in a February 22, 2018 memo that no further VI investigation is needed at this time.
- The June 21, 2018 ESD documents the final decision to add ICs as a component of the selected remedy.
- On February 16, 2018, Pentair's contractor, Tetra Tech, submitted a draft Institutional Control Implementation and Assurance Plan (ICIAP) on behalf of Pentair that confirmed that all ICs are in place and provided for LTS of remedy components. WDNR and EPA approved the final ICIAP on June 7, 2018.

Institutional Controls

The Site's ICs in the form of informational and governmental controls are required by the 2018 ESD to restrict property use, maintain the integrity of the remedy, and assure the long-term protectiveness for areas which do not allow for Unlimited Use and Unrestricted Exposure. A summary of the implemented ICs for the Site is listed in the Table and they are further discussed below.

For sites in Wisconsin, placement of a site on the State's web-accessible DNR database, known as the Bureau for Remediation and Redevelopment Tracking System (BRRTS), in conjunction with DNR's issuance of a "continuing obligations (COs) letter" and approval of an IC plan, serve as ICs at a site. WDNR placed the Delavan Municipal Well No. 4 Site on the BRRTS, issued the continuing obligations letter on October 25, 2017, and approved the final ICIAP with EPA's concurrence on June 7, 2018. The COs will apply after a property is sold or transferred, and each new owner is responsible for complying with the requirements. Therefore, COs ensure the long-term protection of public health and the environment in accordance with state laws and comply with the 2018 ESD's IC requirements. The ICs imposed on the Site are listed below:

1. Wis. Admin. Code § NR 812.09(4)(w) restricts construction of new water supply wells on the Site without prior approval of the DNR. This requirement also applies to private drinking water wells and high capacity wells. See Wis. Admin. Code § NR 812.09(4)(a).
2. Wisconsin Industrial Soil Standards Wis. Admin. Code §§ NR 726.15 and NR 727.07 apply to the Site. The Site property may not be used or developed for a residential, commercial, agricultural or other non-industrial use, unless prior written approval has been obtained from the DNR. Pentair or future property owners shall notify the DNR at least 45 days before changing the use. An investigation and remedial action to meet applicable soil cleanup standards may be required at that time.
3. Local zoning designation of industrial per the City of Delavan Zoning Code Subchapter 23-2: Land Use Regulations and Subchapter 24-9: Administration and Enforcement.

4. The PRP shall inspect all site monitoring wells annually and repair as needed to maintain the integrity of the wells, as required by the WDNR and Sta-Rite Industries (PRP) September 28, 1990 Contract, paragraphs II.E. and IV.C.2, and per the Final ICIAP, as approved on June 7, 2018 by WDNR and EPA.

ICs Summary Table

Media, engineered controls, and areas that do not support UU/UE based on current conditions	ICs Needed	ICs Called for in the Decision Documents	Impacted Parcel(s)	IC Objective	Title of IC Instrument Implemented and Date
Groundwater on Pentair Property that exceeds groundwater cleanup standards	Yes	Yes	Pentair Property	Prohibit groundwater use until cleanup standards are met	<ul style="list-style-type: none"> - WDNR Continuing Obligation, March 2018 - WDNR BRRTS Web database per s. 292.12, Wisconsin statues - Well drilling restrictions, Wis. Adm. Code § 812.09(4)(w)
Soils remediated at Pentair property	Yes	Yes	Pentair Property	Prevent residential exposure risk	<ul style="list-style-type: none"> - WDNR Continuing Obligation, March 2018 - WDNR BRRTS Web database per s. 292.12, Wisconsin statues - Wisconsin Industrial Soil Standards Wis. Admin. Code §§ NR 726.15 and NR 727.07 - Local zoning designation City of Delavan Zoning Code Subchapter 23-2: Land Use Regulations and Subchapter 24-9: Administration and Enforcement
Other remedy components such as transmission lines, treatment plant, and monitoring wells	Yes	Yes	Pentair Property	Prohibit interference with remedy components	<ul style="list-style-type: none"> - Delavan Site property wholly owned by Pentair Flow Technologies LLC - 9/28/1990 WDNR and PRP Contract requirements

ICs have been reviewed and evaluated using the checklist in footnote 1, and all required ICs are in place and effective. EPA and WDNR have sufficient documentation of Pentair's current ownership of the property via tax records, past and current industrial presence on the Site, and future anticipated industrial use supported by the city zoning and Wisconsin Administrative Code restrictions. EPA believes the ICs will continue to be effective in the long term; however, we may consider pursuing requesting a Title Commitment from the PRP to confirm that the Site has no other existing property rights that may interfere with the site remedy or cause undue exposure (e.g. utility easements, etc.) in the long term. The Site IC Relationship Matrix and maps showing the areas in which the ICs apply are attached, including maps of the site location, area land use, and city zoning.

Human Exposure Environmental Indicator

We have also reviewed the current Human Exposure Environmental Indicator and have determined that the Site is "Current Human Exposure is Controlled and Protective Remedy in Place" and is consistent with this Site-Wide Ready for Anticipated Use determination.

Based on our conclusions and review of the above documents, we recommend you sign the attached Superfund Checklist for Reporting the SWRAU GPRA Measure.

Region 5 may, in the future, modify the Site-Wide Ready for Anticipated Use Determination based on changed site conditions.

Cleanup Goals	Groundwater – Meet ch NR 140, Wis. Adm. Code, for all COCs Soils – Remediate unsaturated soil in accordance with ch NR 720, Wis. Adm. Code
Construction Complete Date	September 28, 2000
Five-Year Review Date	August 17, 2015
Human Exposure Environmental Indicator	Current Human Exposure is Controlled and Protective Remedy in Place
NPL Deletion Date	N/A
Existing Land Use for Entire Site /Status of Use	Soil – industrial use only Groundwater – no consumptive use in current plume area
Last Inspection Date	July 12, 2017
Anticipated Future Land Use	Soil – industrial use only Groundwater – no consumptive use anticipated
Media, Remedy Components, & Areas that do not support UU/UE Based on Current Conditions	Soil, groundwater
Acres Associated with Institutional Control	77
Total Property Acres	77
Title of Institutional Control Instrument	Informational controls – WDNR CO Letter, WDNR BRRTS listing Governmental controls – Wisconsin statutes for new well construction, wastewater discharge, and listing the site on the state database, city zoning restrictions

IC Implementation Date	WDNR issuance of CO letter October 25, 2017
Documents Reviewed for SWRAU Determination	2000 ROD 2000 PCOR 2015 FYR 2016 Annual Report 2017 Annual Report 2018 Pentair Final ICIAP February 22, 2018 EPA VI memo 2018 ESD
ICTS Booklet	Attached

Attachments:

ICTS Booklet

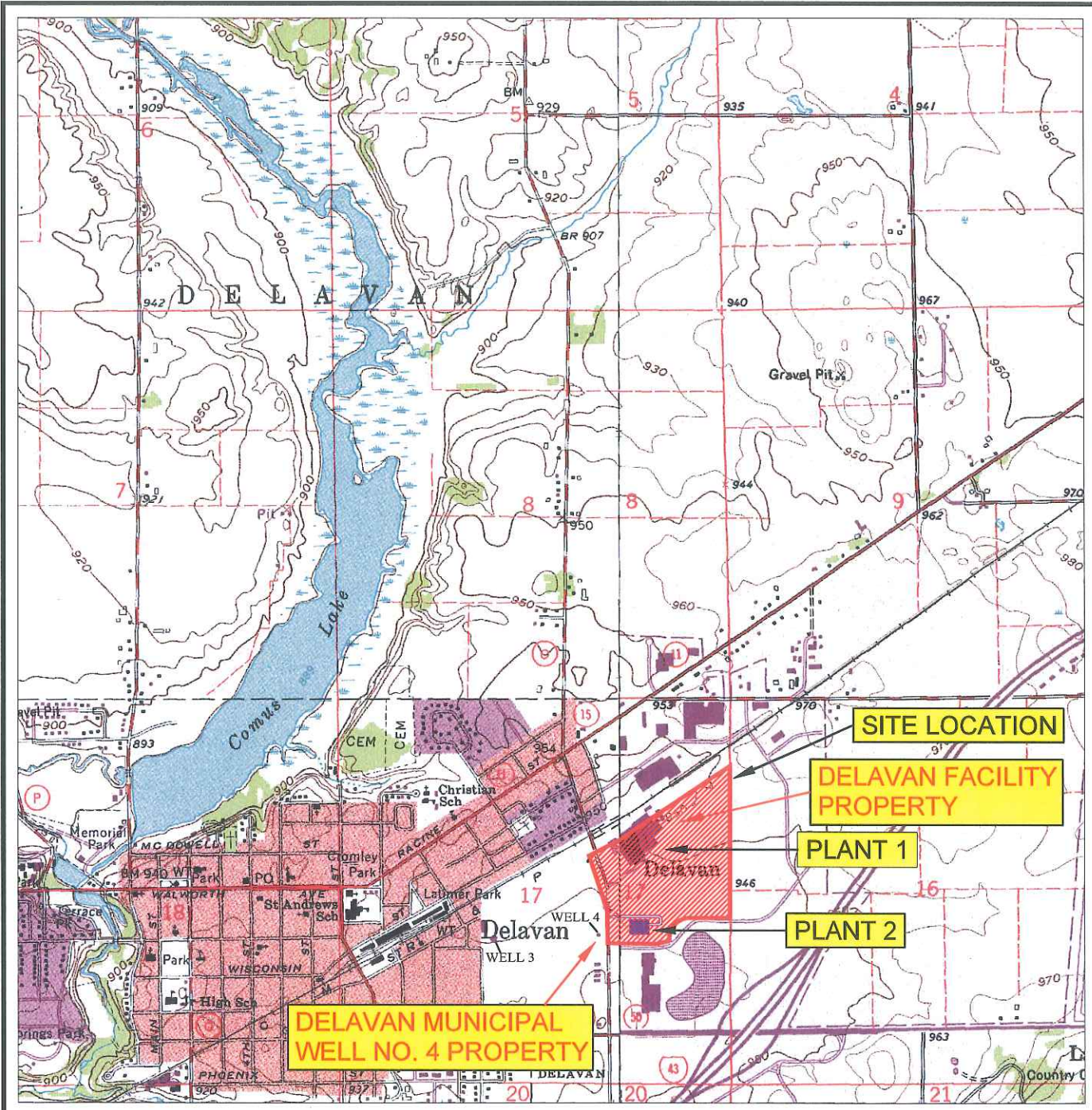
IC Relationship Matrix

IC Maps: Site Location, Area Land Use, City Zoning Map

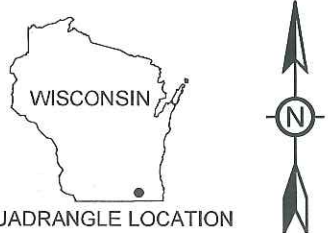
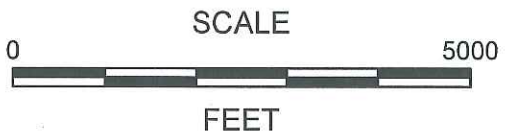
For ICs to be considered “in place and effective”, the following must be met (check all that apply):

- the ICs cover all physical areas that do not support unlimited use/unrestricted exposure (UU/UE) and the ICs’ physical description of the non-UU/UE areas are accurate based on current conditions for the entire site (e.g., groundwater ordinance covers the entire plume area; legal description of cap in restrictive covenant has been mapped or undergone other verification);
- all needed land use restrictions/objectives are stated in/covered by the IC;
- ¹ title work shows recording and that no other existing property rights will interfere with the site remedy or cause undue exposure (for restrictive covenants and other proprietary controls only),
- there is current compliance with the land use restriction determined by a recent inspection; and
- future compliance with the restrictions is expected because: a) there is a legal basis for enforcing the use restriction against current and future owners; and/or b) ORC and Superfund Branch Chiefs concur that the totality of the circumstances supports the expectation of future compliance with restrictions. (Examples: UECA covenant, state solid waste deed notice in conjunction with state solid waste regulation prohibiting interference with landfill component, best available IC has been implemented such as fish consumption advisory).

¹ See IC section above regarding documentation of Site property ownership.



National Geodetic Vertical Datum of 1929
Contour Interval 10 Feet



STA-RITE INDUSTRIES, INC. DELAVAN, WISCONSIN		DATE: 12/13/17
SITE LOCATION MAP		DESIGNED: HJW
		CHECKED: MAM
		APPROVED: MAM
		DRAWN: HJW
		PROJ.: 117-7469002
		Figure 1

Base map from U.S.G.S. 7.5' DELAVAN AND ELKHORN, WISCONSIN topographic quadrangle map.




STA-RITE INDUSTRIES, INC. DELAVAN, WISCONSIN	DATE: 12/13/17 DESIGNED: HJW
AREA LAND USE	CHECKED: MAM
	APPROVED: MAM
	DRAWN: HJW
	PROJ.: 117-7469002
 TETRA TECH	
Figure 2	

WALWORTH COUNTY, WISCONSIN

0 180 360 720 1,080 1,440 1,800
Feet

1 inch = 750 feet

Author:
Map Produced on: 12/11/2017
Wisconsin State Plane Coordinate System, South Zone
Horizontal Datum: NAD27
Walworth County Information Technology Department
Land Information Division
1850 County Trunk NN
Elkhorn, Wisconsin 53121-1051


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