

BRRTS ID No. 02-41-530534

Reviewer: Lee Delcore & Linda Michalets

Review Date: 08/15/2014

Site Name: Country Fair Shopping Center, Historical Dry

Region: SER

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.**

File Review:

1. Review the file and BRRTS, identify the following:

Address 5606 S 108th St		City Hales Corners	State WI	ZIP Code 53130
County Parcel Identification Number (PIN) 6599977004	FID Number 241462320	Current Property Owner Country Fair, LLC		
Original Responsible Person Milan Liquidating Trust, 30200 Telegraph Rd., Ste. 105, Bingham Farms, MI 48025				

Has the property been transferred since the restriction was recorded/condition applied? Yes No

How was site selected for audit? (AC = BRRTS Action Code)

- | | | |
|--|---|---|
| <input type="checkbox"/> Vapor Mitigation AC 226 | <input type="checkbox"/> Green Space Grant AC 605 | <input type="checkbox"/> Age of Remedy |
| <input type="checkbox"/> VPLE with AC 56 | <input checked="" type="checkbox"/> AC 220, 222, 224, 228, or 230 | <input type="checkbox"/> Complaint Received |
| <input type="checkbox"/> Enforcement Follow-up | <input type="checkbox"/> Deed Restriction AC 52 or 696 (LGU) | <input type="checkbox"/> Regional Priority |
| <input type="checkbox"/> Other: _____ | | |

Date of:

- | | |
|---|---|
| <input checked="" type="checkbox"/> Final Closure <u>06/02/2005</u> | <input type="checkbox"/> Remedial Action Plan Approval _____ |
| <input type="checkbox"/> Certificate of Completion _____ | <input type="checkbox"/> General Liability Clarification Letter _____ |
| <input type="checkbox"/> Green Space Grant _____ | <input type="checkbox"/> Local Gov't Unit (LGU) Letter _____ |

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

Add to BRRTS	Action Code (AC) in BRRTS	AC	AC Meaning
		51	Deed notice
		52	Deed restriction for soil
		730	Groundwater use restriction
		95	Deed instrument conditions met (for audits, use if deed restriction was updated by filing a deed notice)
		101	GIS Registry PDF modified - date DNR letter sent
		104	Site removed from GIS Registry - date DNR letter sent
		696	Continuing obligation required of LGU to maintain liability exemption
		605	Green Space Grant awarded (deed restriction)
	<input checked="" type="checkbox"/>	56	Continuing Obligation applied (use with codes 220-238)
		220	Soil at industrial use level
	<input checked="" type="checkbox"/>	222	Cover/engineered containment system (pavement, soil cover, etc.)
		224	Structural impediment (buildings or other structures)
		226	Vapor mitigation/response
		228	Site-specific (identify in comment field)
		230	LGU was directed to take a protective action
	<input checked="" type="checkbox"/>	232	Residual soil contamination > RCLs/SS RCLs (use with AC 222, 224)
		234	Monitoring well needs to be abandoned
		236	Site closed with groundwater contamination > ES

**Remediation & Redevelopment
Continuing Obligation Review**

Form 4400-232 (R 11/13)

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Add to BRRTS	Action Code (AC) in BRRTS	AC	AC Meaning
		238	Maintenance and inspection documentation required to be submitted
X		185	Closure Compliance Review completed
		186	Closure Compliance Review - RP follow up needed
		187	Closure Compliance Review follow up completed
		99	use this code with comments, for actions not listed under AC 186

Describe any site-specific requirements that the site owner and/or responsible party needed to address:

Is the site on the GIS Registry? Yes No - Add it to the GIS Registry*

Were neighboring properties affected? Yes No

If yes, are these properties listed on the GIS Registry and in BRRTS? Yes No - Update the GIS Registry/BRRTS, use form 4400-246*

Was a maintenance plan required at closure? Yes No NA

Is it in the file or PDF or 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? Yes No

If yes, was BRRTS updated? (95) Yes No*

Was the GIS Registry PDF updated? Yes No*

Site Visit:

2. Contact the site owner for access.

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.

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? Yes No

If 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? Yes No/NA

Should it be replaced or repaired? Yes No

If a performance standard was the final remedy, has it been altered? Yes No

If yes, explain:

If yes, was the DNR notified? Yes No

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Have local zoning changes occurred since closure? Yes No/NA

If yes, does it appear to impact the effectiveness of the restriction? Yes No

If yes, describe:

Is soil sampling needed to determine if the final remedy has been modified such that a direct contact threat exists? Yes No

If 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? Yes No

If yes, describe:

Does a new threat to public health or the environment exist (e.g. new sources or exposure routes)? Yes No

If yes, does sampling need to be performed? Yes No

If 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 No NA

If no, describe any follow up needed.

Have any of the exposure assumptions used for closure changed at this site? Yes No NA

If yes, describe any follow up needed.

Has the land use at this site changed such that a vapor intrusion pathway may now exist? Yes No

If yes, describe any follow up needed.

COMPLIANCE AND FOLLOW-UP:

5. Identify compliance and any follow up needed.

Is the site in compliance with the continuing obligations/closure approval document? Yes No

If no, describe what's not in compliance and the reasons for noncompliance:

No evidence was provided that semi-annual inspections were being conducted. Site brought back into compliance during the inspection by filling out Inspection & Maintenance Log 4400-305 during the inspection. The completed form has been added to the file. Notified the manager of this continuing requirement, and the owner in a follow-up letter.

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.

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Has the maintenance agreement required at closure been followed? Yes No NA

If no, describe:

The Continuing Obligations Inspection and Maintenance Log has not been completed semi-annually, as was required in the Deed Restriction and Cap Maintenance and Vapor Barrier Maintenance Plan recorded at the Milwaukee County register of Deeds on April 20, 2005.

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 further remedial action is needed, determine if the site meets the NR 726 reopening criteria.* Yes No

If yes, describe any actions needed to return the site to compliance and identify who is responsible:

Add AC 186, use AC 99 for actions not listed under AC 186.

7. ***Does the site require follow up by DNR?** Yes No

- contact or enforcement to return site to compliance with continuing obligation
- updating the GIS Registry (adding or modifying a packet)
- reopen site (add ACs 186 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:
BRRTS#_COAUDIT_Year.pdf (example: 0365001149_COAUDIT_2008.pdf).**

10. **Update applicable BRRTS action codes on the Table on page 1. Send a copy of the audit to your Regional EPA for updating ACs and uploading the PDF into BRRTS.**

11. ***Add a PDF copy of this audit to the case file. Send a copy electronically (PDF) to Central Office.**

Interior, Exterior, and Basement Pictures from August 15, 2014 Continuing Obligation Audit of Country Fair Shopping Center, Historic Drycleaners at 5606 S 108th Street, Hales Corners, WI – BRRTS # 02-41-530534



Interior – Historic pipe and crack patching along eastern wall



Interior – Facing N along E wall



Interior - Fine crack in concrete floor



Interior - Facing S along W wall

Interior, Exterior, and Basement Pictures from August 15, 2014 Continuing Obligation Audit of Country Fair Shopping Center, Historic Drycleaners at 5606 S 108th Street, Hales Corners, WI – BRRS # 02-41-530534



Exterior – Alley facing NW toward Tandy Leather door



Exterior – Tandy Leather front entrance facing SW

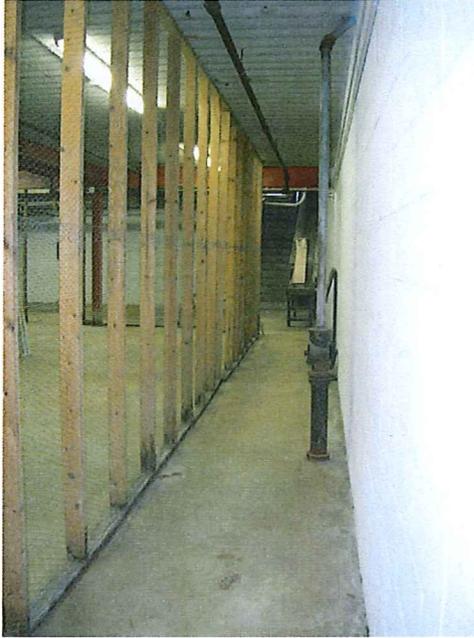


Exterior - Tandy back entrance and basement entrance to the right



Exterior – Alley facing NW (closer view)

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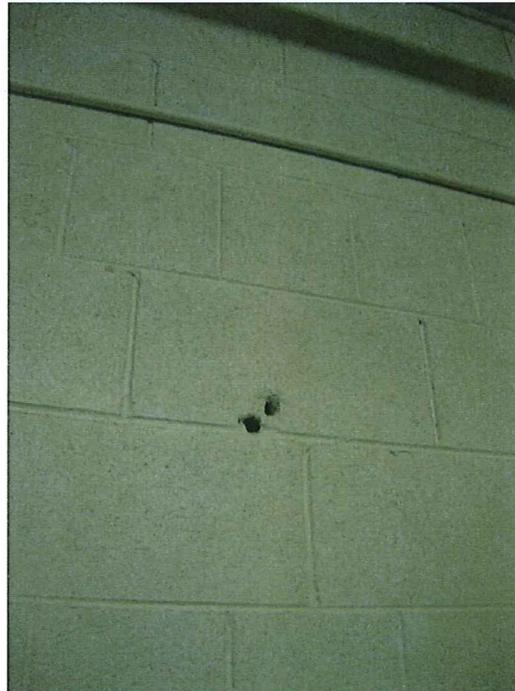
Adjacent Basement - W wall next to Tandy Leather facing S



Adjacent Basement - Gap in W wall



Adjacent Basement - Step-Crack in W wall



Adjacent Basement - Holes in W wall

State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
2300 N. Dr. Martin Luther King, Jr. Drive
Milwaukee, WI 53212-3128

Scott Walker, Governor
Cathy Stepp, Secretary
Telephone 608-266-2621
Toll Free 1-888-936-7463
TTY Access via relay - 711



August 29, 2014

Country Fair, LLC
Attn: Robert F. Nielsen
380 Linden St.
Reno, NV 89502

SUBJECT: Site Visit for Continuing Obligation Audit
5606 S. 108th St., Hales Corners, WI 53130
FID #241462320 BRRTS #02-41-530534

Dear Mr. Nielsen:

On August 15, 2014, Wisconsin Department of Natural Resources (DNR) representatives Lee Delcore and Linda Michalets met with Gil Blinkewitz, from Siegel-Gallagher, who does maintenance on the property identified above. The purpose of the meeting was to inspect the continuing obligations that have been implemented on your property. Mr. Blinkewitz was provided with a copy of the DNR's new Continuing Obligations Inspection and Maintenance Log (Form 4400-305).

This site was a former dry cleaning facility. The site was investigated concurrently with the former Express Cleaners at 5620 S. 108th St. (BRRTS #02-41-420848). Soil at the site was impacted with volatile organic compounds (VOCs) from dry cleaning solvents at concentrations greater than residual contaminant levels for soil. No active remedial actions were required or conducted for this activity. The activity was granted closure on June 2, 2005, with continuing obligations.

As a condition of closure, a Cap Maintenance and Vapor Barrier Maintenance Plan (copy enclosed) was developed and approved to 1) minimize the infiltration of water into soil and prevent groundwater contamination; 2) prevent human contact with residual soil contamination; and 3) prevent VOC vapors from entering the building. For the 5606 property, the Plan requires semi-annual inspection and documentation of the building foundation and parking areas conditions and repairs.

During the DNR visit, it was determined that the concrete floor and parking areas were generally in good condition. Several small holes in the western wall of the adjoining basement were identified. The maintenance record indicates that those holes will be sealed. The site is in general compliance with applicable site closure criteria with the exception of records management. Mr. Blinkewitz was given a copy of the DNR's new Continuing Obligations Inspection and Maintenance Log (Form 4400-305) to complete semi-annually. The new form was completed and submitted to the DNR during our visit (copy and photos enclosed for your records). In the future, it is recommended that any maintenance or repair activities be recorded on Form 4400-305 as they are completed.

A copy of the Remediation & Redevelopment Continuing Obligation Review form, documenting the audit of your site, is enclosed for your records. Thank you for your continued efforts to protect Wisconsin's environment. If you have any questions, please contact me by phone at (920) 893-8524 or e-mail at Lee.Delcore@wisconsin.gov.

Sincerely,

Lee R. Delcore
Hydrogeologist
Remediation & Redevelopment

Enclosures: April 20, 2005 Deed Restriction & Cap Maintenance and Vapor Barrier Maintenance Plan
June 2, 2005 Case Closure with NR 140 Exemption
August 15, 2014 DNR Form 4400-305
August 15, 2014 Remediation & Redevelopment Continuing Obligation Review Form 4400-232

cc: Mr. Gil Blinkewitz, Siegel-Gallagher
Ms. Linda Michalets, DNR