



**CERTIFIED MAIL**

March 12, 2019

**KEEP THIS DOCUMENT WITH YOUR PROPERTY RECORDS**

Barrett Landfill  
c/o Jennifer Jeanne Barrett Trust  
449 Harvest Moon Ct.  
Colgate, WI 53017

SUBJECT: Remedial Action Approval with Continuing Obligations  
Barrett Landfill, 21001 W. Coffee Rd., New Berlin, WI 53146  
DNR BRRTS Activity #: 02-68-534609

Dear Ms. Barrett:

This letter serves as the remedial action approval with continuing obligations. Per Wis. Stat. § 292.12 (2), the Wisconsin Department of Natural Resources (Department) is requiring conditions concurrent with these remedial actions to ensure protectiveness of human health, safety, welfare and the environment. While the Department is currently responsible for the Operation and Maintenance (O&M) specified in this letter, per the January 28, 2009 Settlement Agreement, that responsibility will be transferred to any new owner of the property along with any transfer of title. Also, any construction on the property by you or a future owner will require notification to the Department, pre-approval by the Department and the issuance of a Wis. Adm. Code ch. NR 506 exemption from the Department to build on an abandoned landfill prior to the start of the construction.

You, future property owners and occupants of the property must comply with and otherwise not interfere with the continuing obligations as specified in this letter. Please read over this letter closely to ensure that you comply and do not otherwise interfere with the conditions. Provide this letter and any attachments listed at the end of this letter to anyone who purchases, rents or leases this property from you. For property transactions, you may be required to make disclosures under Wis. Admin. § 709.02.

The Department is in the process of conducting remedial actions at your property, including but not limited to O&M of the landfill cap, leachate extraction, gas venting, and groundwater monitoring. The most recent version of the O&M Plan is detailed on the Department's Remediation and Redevelopment database (BRRTS database) at <https://dnr.wi.gov/botw/GetActivityDetail.do?adn=0268534609&siteId=876400&crumb=1&search=b>.

Landfill Setting and History

The Barrett Landfill is a 39-acre property that was once a gravel mining pit and subsequently filled with waste. When the landfill was open, it accepted industrial, demolition and other non-garbage waste, including ash, foundry sand, asbestos, vehicle shredding fluff and tannery hides. Some waste was open burned. During filling, a leachate collection system was installed in a portion of the filled area. The extent of this system is not well documented. It was not constructed over an engineered liner, but likely over less permeable soils. Leachate from the system collects in a sump that has a pump for pumping the leachate to a collection tank. The buried force main from that pump broke several years ago and a temporary pipe at the surface is used for pumping leachate only in warmer months. The temporary pipe must be disconnected and sealed each fall and reconnected each spring.

Existing buildings at the site were demolished and placed in the fill area. A landfill multilayer composite soil cover system was constructed over the site starting in May 1999 and completed in November 2000. Some minor grading and seeding was done in 2001. The final cover system meets the requirements of the Wis. Admin. § NR 504.07 regulations on cover systems for solid waste disposal facilities. The cover consists of a grading layer, a 2-foot clay barrier layer, a 40 mil HDPE membrane, a drainage layer and a 1.5-foot vegetative support and frost protection layer (in the Phase 4 area only this was reduced to 1 foot), and a 0.5-foot topsoil layer. A passive landfill gas vent system was installed to vent gas from beneath the cover.

Site access roads were constructed on the west, south and east perimeters of the site. There are some areas between the roads and the property boundary that were filled with waste but apparently aren't covered with the multilayer cover.

A chain link fence surrounds the entire site with two gates. The fence is placed inside the property line by 12 to 24 inches to avoid conflicts with the neighbors.

On January 28, 2009, Barrett Landfill, Inc. entered into a Settlement Agreement with the Department that resulted in the Department funding remediation and closure efforts at the landfill. You, the Jennifer Jeanne Barrett Trust, are an assign of Tom Barrett or the Barrett Group as defined by the limit of liability provision of the Settlement Agreement. Please be advised this limit of liability provision will not apply to future property owners of the Barrett Landfill.

### Continuing Obligations

The continuing obligations for this site are summarized below. For additional details on the required maintenance, please refer to the most recent version of the O&M Plan or Request for Proposal (RFP) issued by the Department available on the BRRTS database. The continuing obligations listed in this letter will be updated after any revisions to the O&M Plan.

Further details on actions required are found in the section Conditions.

- Monitoring wells must continue to be maintained and monitored. Annual inspections are required and the wells must be properly filled and sealed when monitoring is no longer required.
- O&M shall continue to include maintenance of the fence, access gates, access roads, storm water management system, and gas venting system; maintenance of the leachate head wells and gas probes; annual leachate extraction system commissioning and decommissioning; and leachate collection.
- Due to concerns regarding maintenance of the cap and the potential for intrusion and buildup of methane and other landfill-related gasses into structures, the Department must be notified and approve any changes to this barrier or construction on the landfill property.

The DNR fact sheet "Continuing Obligations for Environmental Protection," RR-819, helps to explain a property owner's responsibility for continuing obligations on their property. The fact sheet may be obtained at <http://dnr.wi.gov/files/PDF/pubs/rr/RR819.pdf>.

### Listing on Database

This site will be included on the Bureau for Remediation and Redevelopment Tracking System (BRRTS on the Web) at <http://dnr.wi.gov/topic/Brownfields/wrrd.html>, to provide public notice of residual waste

and of any continuing obligations. The site can also be viewed on the Remediation and Redevelopment Sites Map (RRSM), a map view, at the same web address.

DNR approval prior to well construction or reconstruction is required, in accordance with Wis. Admin. § NR 812.09 (4) (w). This requirement applies to private drinking water wells and high capacity wells. To obtain approval, complete and submit Form 3300-254 to the DNR Drinking and Groundwater program's regional water supply specialist. This form can be obtained on-line at <http://dnr.wi.gov/topic/wells/documents/3300254.pdf>.

All site information is also on file at the Southeast Regional Office, at 2300 N Martin Luther King Jr. Drive., Milwaukee, WI 53212. This letter and other recent document can be found as a Portable Document Format (PDF) in BRRTS on the Web.

### Conditions

Compliance with the requirements of this letter is a responsibility to which you and any subsequent property owners must adhere. Department staff will conduct periodic prearranged inspections to ensure that the conditions included in this letter are met. If these requirements are not followed, the Department may take enforcement action under Wis. Stat. § 292.11 to ensure compliance with the specified requirements, limitations or other conditions related to the property.

Please send written notifications in accordance with the following requirements to:

Department of Natural Resources  
Attn: Remediation and Redevelopment Program Environmental Program Associate  
2300 N. Martin Luther King Jr. Drive  
Milwaukee, WI 53212

### Continued Monitoring Required

The Department is requiring continued monitoring of the following monitoring wells located around the perimeter of the landfill:

B-96-13A	B-96-17A	W-23
B-94-14A	B-96-18A	W-23A
B-94-14R	B-96-18B	W-24
B-15	B-94-19A	B-94-25
B-15A	B-21	B-94-25A
B-96-17	B-21A	

The following private wells, located slightly outside the landfill property, will also need to be sampled:

3540 S. Canary Rd. (GEMS ID 246)	20770 W. Coffee Rd. (GEMS ID 236)
3600 S. Canary Rd. (GEMS ID 245)	20745 W. Coffee Rd. (GEMS ID 237)
3620 S. Canary Rd. (GEMS ID 244)	3690 S. Racine Ave. (GEMS ID 238)
3630 S. Canary Rd. (GEMS ID 243)	3720 S. Racine Ave. (GEMS ID 951)
3640 S. Canary Rd. (GEMS ID 242)	3730 S. Racine Ave. (GEMS ID 239)
3540 S. Woodland Ct. (GEMS ID 240)	3770 S. Racine Ave. (GEMS ID 952)
3551 S. Woodland Ct. (GEMS ID 953)	3770 Swartz Ave. (Little Grove School, GEMS ID 950)
3561 S. Woodland Ct. (GEMS ID 241)	

Locations of groundwater monitoring and private wells are shown in the attached **Site Layout Map, Figure 1, dated January 4, 2019.**

Monitoring and private wells must be sampled/monitored for the following parameters:

Parameter	Groundwater Monitoring Well*	Private Potable Well (unfiltered)
Field Conductivity (25°C)	x	x
Field pH	x	x
Field Temperature	x	x
Field Turbidity	x	x
Arsenic	x (dissolved)	x
Chloride	x	x
Lead	x	x
Chromium, Total	x	x
Manganese	x (dissolved)	x
Magnesium, Total	x	x
Nitrate Plus Nitrite	x	x
Water Elevation (MSL)	x	
Total Kjeldahl Nitrogen	x	
Nickel	x	
Sulfates	x	

\*field filter as necessary per the Department Groundwater Sampling Field Manual and Department Groundwater Sampling Desk Reference (low flow sampling method)

A Groundwater Monitoring Report including sampling results must be submitted to the Department within 60 days of receipt of the results. Per Wis. Admin. § 716.14(1), private water supply sampling results must be submitted to the Department and well owner and occupant within 10 business days of receipt of results. An annual inspection of the well is required to verify the integrity of the monitoring well construction, including the well labels, lock and seal, starting one year after the date of this letter.

The **attached** maintenance plan and inspection log (DNR form 4400-305) or an alternative format approved by the Department shall be submitted with the sampling results report.

You or any future property owner may be held liable for any problems associated with the monitoring wells if they create a conduit for contaminants to enter groundwater. Once monitoring ends, the owner of the property on which the wells are located is required to notify the Department, to properly fill and seal the wells per Wis. Admin. § NR 141 and to submit the required documentation to the Department.

Operation and Maintenance of the Landfill Components

O&M of the landfill components must continue per the most recent version of the O&M Plan. A summary of the required O&M is provided below, but additional details are available in the most recent version of the O&M Plan:

- The landfill cover shall be inspected and mowed annually and repairs shall be made to deficient components of the cap.
- The fenceline shall be inspected every two years and large trees that could compromise the fence and brush shall be removed.

- The fence, access gates, and access roads shall be inspected annually and repaired as needed.
- The Stormwater Management System shall be inspected annually and repaired as needed.
- The Landfill Gas Venting System shall be inspected annually and repaired as needed.
- Each of the existing Landfill Gas Probes at the landfill shall be monitored for Barometric Pressure, Temperature, % CO<sub>2</sub>, % LEL as CH<sub>4</sub>, and % O<sub>2</sub> every two years and a Gas Probe Monitoring Report shall be submitted to the Department within 60 days of receipt of laboratory data.
- Gas probes and leachate head wells shall be inspected annually and repaired as needed.
- An Annual Inspection Report shall be submitted to the Department documenting the results of the above-referenced inspections.
- Leachate shall be extracted from the leachate collection system to the extent practicable (typically over 10,000 gallons per week while the system is commissioned) and repaired as needed. Actual amounts will depend upon precipitation and the amount of water in the leachate lift station.
- The Leachate Extraction System shall be commissioned in May and decommissioned in October (or before the first freeze) of each year.

### Construction Prohibited

Landfill waste and leachate have the potential to result in contamination to soil or water if the landfill cap is not properly maintained. Furthermore, landfill-related gasses such as methane could build up to dangerous levels within any structures constructed over or near the landfill.

Therefore, before any modifications or intrusions into the cap are made, a new building is constructed, or any other modifications to property are made, the property owner must notify the Department at least 45 days before initiating the changes, and evaluate whether the landfill conditions are protective for the proposed use. Any changes will require the issuance of a Wis. Admin. § NR 506 exemption from the Department to build on an abandoned landfill prior to the start of any construction. Please refer to the Development at Historic Fill Site or Licensed Landfill guidance for further information at <http://dnr.wi.gov> and search "historic landfill development.

### Other Information

The owner or operator of the historic fill site or licensed landfill still must abide by any conditions required by the DNR's Waste and Materials Management program and/or the NR 500 rule series as long as any waste materials remain in place. As part of your responsibilities for the long-term care, you are required to comply with the approved plan of operation, or an approved closure plan under Wis. Admin. § NR 514.08, and to conduct any monitoring and maintenance deemed necessary by the Department, and as specified in this letter.

### General Wastewater Permits for Construction Related Dewatering Activities

The DNR's Water Quality Program regulates point source discharges of contaminated water, including discharges to surface waters, storm sewers, pits, or to the ground surface. This includes leachate and discharges from construction related dewatering activities, including utility and building construction.

If you or any other person plan to conduct such activities, you or that person must contact that program, and if necessary, apply for the necessary discharge permit. Additional information regarding discharge permits is available at <http://dnr.wi.gov/topic/wastewater/GeneralPermits.html>. If residual soil or groundwater contamination is likely to affect water collected in a pit/trench that requires dewatering, a general permit for Discharge of Contaminated Groundwater from Remedial Action Operations may be needed. If water collecting in a pit/trench that requires dewatering is expected to be free of pollutants

other than suspended solids and oil and grease, a general permit for Pit/Trench Dewatering may be needed.

In Closing

The Department appreciates your cooperation. If you have any questions regarding this decision or anything outlined in this letter, please contact Project Manager Jason Lowery at (608) 267-7570 or [jason.lowery@wisconsin.gov](mailto:jason.lowery@wisconsin.gov).

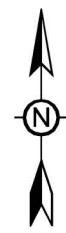
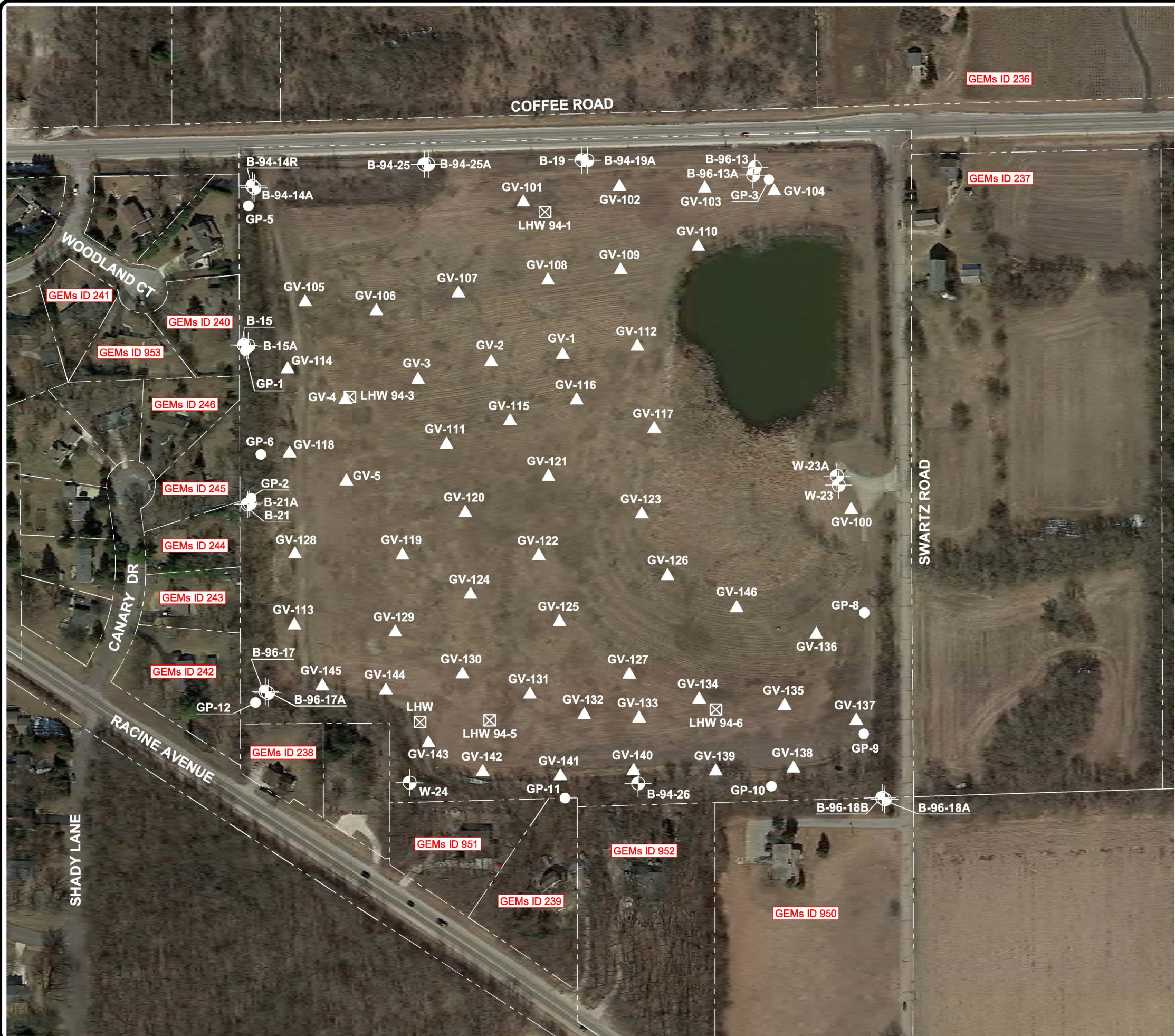
Sincerely,



Stephen M. Ales, P.G.  
Acting Bureau Director  
Remediation and Redevelopment Program  
Wisconsin Department of Natural Resources  
101 S. Webster St., Madison, WI 53707  
[Stephen.Ales@wisconsin.gov](mailto:Stephen.Ales@wisconsin.gov)

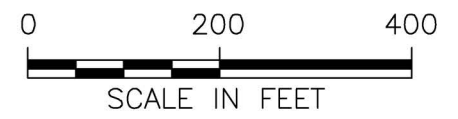
Attachments: Figure 1: Site Layout Map  
DNR form 4400-305

S:\CAD\BARRETT LANDFILL\NOVEMBER 2018\SITE LAYOUT WITH AERIAL\_11-T-18.DWG



LEGEND

- GP-8 ● GAS PROBE
- W-23 ⊕ MONITORING WELL
- B-21 ⊕ PIEZOMETER
- GV-100 ▲ GAS VENT
- LHW 94-1 ⊠ LEACHATE HEAD WELL



TITLE:		<b>SITE LAYOUT</b>	
LOCATION:		<b>Barrett Landfill Project New Berlin, Wisconsin</b>	
	APPROVED	AW	FIGURE <b>1</b>
	DRAFTED	CP	
	PROJECT#	117-7413003	
	DATE	1-4-19	

**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 Open 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 _____	BRRTS No. _____
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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?
		<input type="checkbox"/> monitoring well <input type="checkbox"/> cover/barrier <input type="checkbox"/> vapor mitigation system <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 <input type="checkbox"/> vapor mitigation system <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 <input type="checkbox"/> vapor mitigation system <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 <input type="checkbox"/> vapor mitigation system <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 <input type="checkbox"/> vapor mitigation system <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 <input type="checkbox"/> vapor mitigation system <input type="checkbox"/> other:			<input type="radio"/> Y <input type="radio"/> N	<input type="radio"/> Y <input type="radio"/> N



BRRTS No.

Activity (Site) Name

# Continuing Obligations Inspection and Maintenance Log

Form 4400-305 (2/14)

Page 2 of 2

{Click to Add/Edit Image}

Date added:

Title:

{Click to Add/Edit Image}

Date added:

Title: