

January 13, 2023
File No. 25220211.01

Mr. Jeff Ackerman
Wisconsin Department of Natural Resources
3911 Fish Hatchery Road
Fitchburg, WI 53711-5367

Subject: Variance Request for Case Closure Notification Requirements
Highway Cleaners (Former)
1509 Elm Street, Boscobel, Wisconsin
BRRTS #02-22-543001

Dear Mr. Ackerman:

On behalf of Mound City Bank, SCS Engineers (SCS) is requesting that the Wisconsin Department of Natural Resources (WDNR) approve variances to Wisconsin Administrative Code, Chapter NR 725 and Chapter NR 726 notification requirements related to residual groundwater contamination for the above-noted Highway Cleaners case.

BACKGROUND

SCS submitted a Remedial Action Documentation Report (RADR) to the WDNR on November 7, 2022. The report documents the construction and operation of a soil vapor extraction (SVE) system and summarizes historic groundwater monitoring results. The WDNR responded to the RADR in a letter dated December 28, 2022, requesting that a Dry Cleaner Environmental Response Fund (DERF) change order be submitted to maintain eligibility for reimbursement associated with the continued operation of the SVE system. The letter indicated that costs for a regulatory case closure request may be included in the change order.

The case closure process requires notification be sent to affected property owners to notify them of the contamination on their properties and the related continuing obligations. The notification must include a copy of the property deed and certified survey map or plat map for each property, and notification must be made using the WDNR's form (DNR 4400-286). For residual groundwater contamination associated with this case, there will be approximately 17 notifications for private property and street right-of-way owners.

VARIANCE REQUEST

Given the burden and cost of obtaining numerous property records for the groundwater notifications, we request that the WDNR approve a variance to the NR 726.11(4) (a) and (b) property record requirements. Similarly, we request that the WDNR approve a variance to the NR725.07(1) notification form requirement, so that the owners could be notified with a simple letter, to be pre-approved by WDNR, which provides the following information:

- The case status, with link to WDNR's database, and the anticipated closure;
- The existence of a groundwater plume beneath their property;



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- The current prohibition on water supply wells in the City of Boscobel;
- Responsible party and WDNR contact information; and
- The need to keep the letter with the property records.

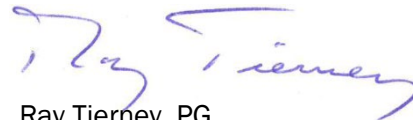
We believe the above-noted requested modifications to the notification process would still meet the spirit of the regulatory intent of informing affected property owners of the contamination and related continuing obligations.

Please contact Robert Langdon at 608-212-3995 or rlangdon@scsengineers.com if you have any questions concerning this letter.

Sincerely,



Robert Langdon
Senior Project Manager
SCS Engineers



Ray Tierney, PG
Vice President
SCS Engineers

REL/AJR/RT

cc: Jeff Miesen, Mound City Bank

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