



April 21, 2021

DA SWAMP LLC
LINDA VAN GHEEM
W2490 HOFA PARK DRIVE
SEYMOUR WI 54165

Subject: Status Update Requested
Da Swamp Bar, W2490 Hofa Park Drive, Town of Maple Grove, Wisconsin
BRRTS # 03-59-547440

Dear Ms. Van Gheem:

Wisconsin Department of Natural Resources (WDNR) is requesting an update on the status of the above referenced Leaking Underground Storage Tank (LUST) case. On March 4, 2021, WDNR sent you a letter (attached) stating that you must submit a Site Investigation Workplan (SIWP) by April 12, 2021, to address the remaining environmental issues at your site. Your consultant, Joseph Ramcheck, of Endeavor Environmental Services Inc. (Endeavor), has informed WDNR that you were meeting to discuss the remaining environmental work to be completed at your site on April 20, 2021. WDNR is requesting a status update in reference to the attached March 4, 2021, letter sent by WDNR and the April 20, 2021, meeting with your consultant. Based on this information and in accordance with § NR 716.09, a SIWP must be submitted to WDNR by May 26, 2021. The purpose of the SIWP is to address the outstanding issues as identified in the August 21, 2020, "Closure Not Recommended" letter (attached).

The August 21, 2020, "Closure Not Recommended" letter explains the basis for this decision and outlines the steps necessary to obtain closure. In this letter you were given a schedule and instructed to submit a supplemental SIWP within 60 days. On February 3, 2021, a status update request was sent via email to Endeavor to inquire on the status of this requested action. To date, WDNR has not received the requested SIWP or further evidence to suggest a SIWP is no longer needed.

Please know that you are out of compliance with Wisconsin Statute (Wis. Stat.) chapter 292 and Wis. Admin. Code chapters NR 700 through NR 754. Please be aware that WDNR may initiate enforcement action against you for failure to comply with Wis. Stat. chapter 292 or Wis. Admin. Code. Your legal responsibilities are defined both in Wis. Stat. chapter 292 and Wis. Admin. Code chapters NR 700 through 754. **WDNR is requiring a Site Investigation Workplan be submitted by May 26, 2021, to address the contamination at your site.** If no progress is made, WDNR will have no other option than to initiate its enforcement process. This will be the final attempt to secure voluntary compliance.

If you have any questions, please call Andy James at (715) 527-0114 or email at Andrew.James@wisconsin.gov for more information.

Thank you for your cooperation.

Sincerely,

Andy James
Hydrogeologist
Remediation & Redevelopment Program

Attachments:

Status Update Request Letter dated March 4, 2021
Closure Not Recommended Letter dated August 21, 2020

cc: Joseph Ramcheck, Endeavor Environmental Services Inc, (jramcheck@endeavorenv.com)



March 4, 2021

DA SWAMP LLC
LINDA VAN GHEEM
W2490 HOFA PARK DRIVE
SEYMOUR WI 54165

Subject: Status Update Request
Da Swamp Bar, W2490 Hofa Park Drive, Town of Maple Grove, Wisconsin
BRRTS # 03-59-547440

Dear Ms. Van Gheem:

The purpose of this letter is to request an update on the status of the above referenced Leaking Underground Storage Tank (LUST) case. On June 29, 2020, your consultant, Endeavor Environmental Services Inc. (Endeavor), submitted your site for closure consideration. On June 30, 2020, Wisconsin Department of Natural Resources (DNR) reviewed your closure request. On August 21, 2020, DNR sent a "Closure Not Recommended" letter outlining the steps necessary to obtain closure and the reason your closure request was denied. In this letter you were given a schedule which instructed you to submit a supplemental Site Investigation (SI) Workplan within 60 days of the letter. On February 3, 2021, a status update request was sent via email to Endeavor to check on the status of the requested action. To date, DNR has not received the SI workplan or an adequate response to the requested site status update.

Please know that you are out of compliance with Wisconsin Statute (Wis. Stat.) chapter 292 and Wis. Admin. Code chapters NR 700 through NR 754. Please be aware that DNR may initiate enforcement action against you for failure to comply with Wis. Stat. chapter 292 or Wis. Admin. Code. Your legal responsibilities are defined both in Wis. Stat. chapter 292 and Wis. Admin. Code chapters NR 700 through 754. **DNR is requesting by April 12, 2021, you provide an update as to the status of your site or submit the requested supplemental SI workplan.** If no progress is made, DNR will have no other option than to initiate our enforcement process.

If you have any questions, please call Andy James at (715) 527-0114 or email at Andrew.James@wisconsin.gov for more information.

Thank you for your cooperation.

Sincerely,

Andy James
Hydrogeologist
Remediation & Redevelopment Program

cc: Joseph Ramcheck, Endeavor Environmental Services Inc, (jramcheck@endeavorenv.com)



August 21, 2020

DA SWAMP LLC
LINDA VAN GHEEM
W2490 HOFA PARK DRIVE
SEYMOUR WI 54165

Subject: Case Closure under Wis. Admin. Code ch. NR 726 Not Recommended
Da Swamp Bar, W2490 Hofa Park Drive, Town of Maple Grove, Wisconsin
DNR BRRTS Activity # 03-59-547440
PECFA # 54165-9503-90A

Dear Ms. Van Gheem:

On June 30, 2020, the Wisconsin Department of Natural Resources (DNR) reviewed the closure request for the case identified above. As you are aware, the DNR reviews environmental remediation cases for compliance with applicable laws, including Wis. Stat. ch. 292 and Wis. Admin. Code chs. NR 700 – 754 and whether any further threat to public health, safety or welfare or the environment exists at the site or facility, per Wis. Admin. Code § NR 726.13 (2) (b). As discussed with your consultant Joe Ramcheck of Endeavor Environmental Services, Inc. on June 30, 2020, case closure is not recommended because additional legal requirements must be met. The purpose of this letter is to inform you of the remaining requirements for obtaining closure. We request that within 60 days of this letter, you provide us with the information requested or your written response regarding the necessary work and a schedule for completion of this work.

Additional Requirements Needed for Case Closure Under Wis. Admin. Code ch. NR 726

As noted above, additional work is necessary to meet the requirements for case closure due to increasing contaminant trends in groundwater and an incomplete vapor investigation.

Need to Define the Degree and Extent of Contamination

Per Wis. Admin. Code § NR 716.11 additional site investigation is needed to define the degree and extent of contamination.

Need to Complete a Vapor Investigation

Additional site investigation, per Wis. Admin. Code § NR 716.11 (5), is needed to determine whether vapor intrusion is a completed pathway at this site, or if there is a risk of future vapor exposure due to residual contamination. If vapor intrusion is an issue at this site, document all source control actions taken under Wis. Admin. Code § NR 726.05 (8). Sub-slab vapor samples must be taken. If the vapor pin is inundated with groundwater, attempt a soil gas sample from the south wall adjacent to the highest concentration of contamination. In addition, obtain information as to the construction of the building including the drain tile depth and location, sub-slab soil conditions and basement wall construction.

August 21, 2020
Da Swamp LLC
Ms. Linda Van Gheem
Da Swamp Bar – BRRTS # 03-59-547440

Need to Conduct Additional Groundwater Monitoring

Additional groundwater monitoring is needed to establish compliance with the closure criteria of Wis. Admin. Code § NR 726.05 (6). If monitored natural attenuation is to be used as a remedial action, additional sampling is needed to demonstrate that contaminant trends in downgradient wells MW-10 and MW-21, are stable or decreasing. Based on the results, additional wells may be necessary to comply with the requirements of Wis. Admin. Code §§ NR 726.05 (6) (a) 6., (b), (c) and (d).

Schedule

Within 60 days of the date of this letter, respond in writing with a schedule of your plans to meet these requirements. Please submit a supplemental SI workplan within 60 days (NR 716.09 (1)), beginning of additional work within 90 days of approval of workplan (NR 716.11 (2g)), supplemental SIR within 60 days of completion of work (NR 716.15 (1)).

Until requirements are met, your site will remain “open” and you are required to submit semi-annual progress reports, per Wis. Admin. Code § NR 700.11. You are also responsible for any operation and maintenance activities required under Wis. Admin. Code § NR 724.13. Once the additional work has been completed, documentation should be submitted to the DNR to demonstrate that the applicable requirements have been met, per the timelines above.

Conclusion

If you have any questions regarding the information in this letter or would like to schedule a meeting to discuss this case, please contact the DNR project manager, Andy James at (715) 527-0114 or at Andrew.James@wisconsin.gov. For more information on the closure reconsideration process, please see DNR publication, RR-102, “Wis. Admin. Code ch. NR 726 Case Closure Reconsideration Process” by visiting dnr.wi.gov, search: RR-102, for more information.

The DNR appreciates your efforts to restore the environment at this site.

Sincerely,



Roxanne N. Chronert
Team Supervisor, Northeast Region
Remediation & Redevelopment Program
(920) 362-3981
Roxanne.Chronert@wisconsin.gov

cc: Joe Ramcheck, Endeavor Environmental Services, Inc, (jramcheck@endeavorenv.com)