



## State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor  
Matthew J. Frank, Secretary  
Lloyd L. Eagan, Regional Director

South Central Region Headquarters  
3911 Fish Hatchery Road  
Fitchburg, Wisconsin 53711-5397  
Telephone 608-275-3266  
FAX 608-275-3338  
TTY Access via relay - 711

January 22, 2010

file ref: 02-28-549758

Dan and Mary Dykstra  
Dykstra Properties, LLC  
N3020 Savage Road  
Waupun, WI 53963

Subject: Final Case Closure with Continuing Obligations  
**Highway 26 Coin Laundry & Dry Cleaning Site, Watertown, Wisconsin**  
WDNR BRRTS Activity # 02-28-549758

Dear Mr. and Mrs. Dykstra:

On November 17, 2009, the WDNR South Central Region Closure Committee reviewed the above-referenced case for closure. This committee reviews environmental remediation cases for compliance with state laws and standards to maintain consistency in the closure of these cases. On November 20, 2009, you were notified that the Closure Committee had granted conditional closure to this case.

On January 13, 2009, the Department received documentation indicating that you have complied with the requirements for final closure. The final requirements for case closure were abandonment of the monitoring wells, disposal of the investigation-derived waste, and preparation of an infiltration barrier maintenance plan.

Based on the correspondence and data provided, it appears that your case meets the closure requirements in ch. NR 726, Wisconsin Administrative Code. Your site also appears to meet the liability exemption provisions in s. 292.15 Wisconsin Statutes. A Certificate of Completion will be sent to you as a separate letter.

The Department considers this case closed and no further investigation or remediation is required at this time. However, you and future property owners must comply with the continuing obligations explained in this letter.

### GIS Registry

This site will be listed on the Remediation and Redevelopment Program's GIS Registry because:

- Residual soil contamination exists that must be properly managed should it be excavated or removed.
- The on-site building and the sidewalk must be maintained so that they continue to prevent infiltration of water through contaminated soil.

This closure letter and information that was submitted with your closure request application will be included on the GIS Registry. To review the sites on the GIS Registry web page, visit the RR Sites Map page at <http://dnr.wi.gov/org/aw/rr/gis/index.htm>.

### Closure Conditions

Please be aware that, pursuant to s. 292.12 Wisconsin Statutes, compliance with the requirements of this letter is a responsibility to which you and any subsequent property owners must adhere. You must pass on the information about these continuing obligations to the next property owner or owners. If these requirements are not followed or if additional information regarding the known contamination indicates the dry cleaning product-contaminated soil poses a threat to public health, safety, welfare, or the environment, the Department may take enforcement action under s. 292.11 Wisconsin Statutes to ensure compliance with the specified requirements, limitations or other conditions related to the property, or this case may be reopened pursuant to s. NR 726.09, Wis. Adm. Code.

#### Cover or Barrier

Pursuant to s. 292.12(2)(a), Wis. Stats., the current building and adjacent sidewalk act as an impervious barrier and both shall be maintained in compliance with Terracon's Building Barrier Maintenance Plan, which was submitted to the Department of Natural Resources on January 13, 2010, and will be included in the GIS registry package for the case and as an attachment to the Certificate of Completion for the site.

#### Residual Soil Contamination

Residual soil contamination remains beneath the building and adjacent sidewalk as indicated in Terracon's Building Barrier Maintenance Plan. If soil beneath the current building or adjacent sidewalk is excavated, then pursuant to ch. NR 718 or, if applicable, ch. 289, Stats., and chs. 500 to 536, the property owner at the time of excavation must sample and analyze the excavated soil to determine if residual contamination remains. If sampling confirms that contamination is present, the property owner will need to determine whether the material is considered solid or hazardous waste and ensure that any storage, treatment or disposal is in compliance with applicable standards and rules. In addition, all current and future owners and occupants of the property need to be aware that excavation of the contaminated soil may pose an inhalation or other direct contact hazard and as a result special precautions may need to be taken to prevent a human health threat.

#### Prohibited Activities

The following activities are prohibited on any portion of the property at and/or near the current building and adjacent sidewalk, unless prior written approval has been obtained from the Wisconsin Department of Natural Resources: 1) removal of the existing barrier; 2) replacement with another barrier; 3) excavating or grading of the land surface; 4) filling on capped or paved areas; 5) plowing for agricultural cultivation; 6) construction or placement of a building or other structure.

#### Vapor Migration

Construction over contaminated materials may result in vapor migration of contaminants into enclosed structures or migration along newly placed underground utility lines. The potential for vapor inhalation and means of mitigation should be evaluated when planning any future redevelopment, and measures should be taken to ensure the continued protection of public health, safety, welfare and the environment at the site.

#### Post-Closure Notification Requirements

In accordance with ss. 292.12 and 292.13, Wis. Stats., you must notify the Department before making changes that affect or relate to the conditions of closure in this letter. For this case, an example of a changed condition requiring prior notification is disturbance or deterioration of the current building and adjacent sidewalk, which act as a barrier to infiltration.

Please send written notifications in accordance with the above requirements to the WDNR Fitchburg Office, to the attention of Wendy Weihemuller.

#### Reimbursement Eligibility for Operating Dry Cleaners

You should know that in order to remain eligible for future reimbursement of cleanup costs from the Dry Cleaner Environmental Response Fund (DERF), within 90 days of the date of this letter, the owner or operator of the dry cleaning facility must implement enhanced pollution prevention measures found in Section 292.65(5)(a)2, Wis. Statutes, and NR 169.11(2), Wis. Adm. Code. Currently, in accordance with Section 292.65(8)(f), Wis. Stats., the maximum amount of money that DERF can reimburse to any facility is \$500,000. The enhanced pollution prevention measures that must be implemented to remain eligible for DERF include:

- all wastes must be managed in accordance with federal and state hazardous waste rules;
- dry cleaning product or wastewater may not be discharged into any sanitary sewers, septic tanks, or any waters of the State;
- a containment structure must entirely surround and be capable of containing any spill or release of a dry cleaning product from a dry cleaning machine or other equipment;

- the floor within any containment structure must be sealed and be impervious to dry cleaning product;
- perchloroethene must be delivered to the dry cleaning facility by means of a closed, direct coupled delivery system.

In order to retain DERF eligibility, you will need to verify that you have implemented these pollution prevention measures. You may wish to keep documentation in your files, such as invoices and photographs, of any enhanced pollution prevention measures you implement, in order to provide future verification.

The Department appreciates your efforts to protect the environment at this site. If you have any questions regarding this closure decision or anything outlined in this letter, please contact Jeff Ackerman at (608) 275-3323.

Sincerely,

Harlan Kuehling, Interim Team Supervisor  
South Central Remediation & Redevelopment Program

cc: Scott Hodgson, Terracon  
Jeff Ackerman, DNR