# **GIS REGISTRY Cover Sheet**

# **Source Property Information**

Source Prop	CLOSURE DATE:	Dec 15, 2009	
BRRTS #:	02-45-552083		
		FID #:	445079580
ACTIVITY NAME:	TIERNEYS CLEANERS	DATCP #:	
PROPERTY ADDRESS:	1107 W. Wisconsin Ave.		
MUNICIPALITY:	Appleton	COMM #:	
Monicii Alti i.			
PARCEL ID #:	315023701		

#### **\*WTM COORDINATES:** WTM COORDINATES REPRESENT: X: **645858** Approximate Center Of Contaminant Source Y: | 423382 C Approximate Source Parcel Center \* Coordinates are in WTM83, NAD83 (1991)

. . .

Please check as appropriate: (BRRTS Action Code)

Contaminate	ea Meala:
Groundwater Contamination > ES (236)	$\overline{\mathbf{X}}$ Soil Contamination > *RCL or **SSRCL (232)
Contamination in ROW	Contamination in ROW
Off-Source Contamination	Off-Source Contamination
( <b>note:</b> for list of off-source properties see "Impacted Off-Source Property")	( <b>note:</b> for list of off-source properties see "Impacted Off-Source Property" )
Land Use C	Controls:
N/A (Not Applicable)	X Cover or Barrier (222)
Soil: maintain industrial zoning (220)	( <b>note:</b> maintenance plan for groundwater or direct contact)
( <b>note:</b> soil contamination concentrations between non-industrial and industrial levels)	Vapor Mitigation (226)
Structural Impediment (224)	Maintain Liability Exemption (230)
Site Specific Condition (228)	( <b>note:</b> local government or economic development corporation)
Monitorin	g Wells:
Are all monitoring wells properly	abandoned per NR 141? (234)

Yes ∩ No ⊖N/A

> \* Residual Contaminant Level \*\*Site Specific Residual Contaminant Level

State of Wisconsin	GIS Registry Checklist				
Department of Natural Resources http://dnr.wi.gov	Form 4400-245 (R 4/08)	Page 1 of 3			

This Adobe Fillable form is intended to provide a list of information that is required for evaluation for case closure. It is to be used in conjunction with Form 4400-202, Case Closure Request. The closure of a case means that the Department has determined that no further response is required at that time based on the information that has been submitted to the Department.

**NOTICE:** Completion of this form is mandatory for applications for case closure pursuant to ch. 292, Wis. Stats. and ch. NR 726, Wis. Adm. Code, including cases closed under ch. NR 746 and ch. NR 726. The Department will not consider, or act upon your application, unless all applicable sections are completed on this form and the closure fee and any other applicable fees, required under ch. NR 749, Wis. Adm. Code, Table 1 are included. It is not the Department's intention to use any personally identifiable information from this form for any purpose other than reviewing closure requests and determining the need for additional response action. The Department may provide this information to requesters as required by Wisconsin's Open Records law [ss. 19.31 - 19.39, Wis. Stats.].

BRRTS #:	02-45-552083	PARCEL ID #	: 315023701			
ACTIVITY NAME:	TIERNEYS CLEAN	JERS	WTM COORDINATES:	X: 645858	Y:	423382

## CLOSURE DOCUMENTS (the Department adds these items to the final GIS packet for posting on the Registry)

#### **Closure Letter**

**Maintenance Plan** (*if activity is closed with a land use limitation or condition (land use control) under s. 292.12, Wis. Stats.*)

### **X** Conditional Closure Letter

Certificate of Completion (COC) for VPLE sites

## SOURCE LEGAL DOCUMENTS

**Deed:** The most recent deed as well as legal descriptions, for the **Source Property** (where the contamination originated). Deeds for other, off-source (off-site) properties are located in the **Notification** section.

**Note:** If a property has been purchased with a land contract and the purchaser has not yet received a deed, a copy of the land contract which includes the legal description shall be submitted instead of the most recent deed. If the property has been inherited, written documentation of the property transfer should be submitted along with the most recent deed.

Certified Survey Map: A copy of the certified survey map or the relevant section of the recorded plat map for those properties where the legal description in the most recent deed refers to a certified survey map or a recorded plat map. (lots on subdivided or platted property (e.g. lot 2 of xyz subdivision)).

Figure #: Title:

Signed Statement: A statement signed by the Responsible Party (RP), which states that he or she believes that the attached legal description accurately describes the correct contaminated property.

#### **MAPS** (meeting the visual aid requirements of s. NR 716.15(2)(h))

Maps must be no larger than 8.5 x 14 inches unless the map is submitted electronically.

**Location Map:** A map outlining all properties within the contaminated site boundaries on a U.S.G.S. topographic map or plat map in sufficient detail to permit easy location of all parcels. If groundwater standards are exceeded, include the location of all potable wells within 1200 feet of the site.

**Note:** Due to security reasons municipal wells are not identified on GIS Packet maps. However, the locations of these municipal wells must be identified on Case Closure Request maps.

## Figure #: 1 Title: Property Location & Local Topography

**Detailed Site Map:** A map that shows all relevant features (buildings, roads, individual property boundaries, contaminant sources, utility lines, monitoring wells and potable wells) within the contaminated area. This map is to show the location of all contaminated public streets, and highway and railroad rights-of-way in relation to the source property and in relation to the boundaries of groundwater contamination exceeding a ch. NR 140 Enforcement Standard (ES), and/or in relation to the boundaries of soil contamination exceeding a Residual Contaminant Level (RCL) or a Site Specific Residual Contaminant Levels (SSRCL) as determined under s. NR 720.09, 720.11 and 720.19.

#### Figure #: 2 Title: Site Layout

Soil Contamination Contour Map: For sites closing with residual soil contamination, <u>this map is to show the location of all</u> <u>contaminated soil and a single contour</u> showing the horizontal extent of each area of contiguous residual soil contamination that exceeds a Residual Contaminant Level (RCL) or a Site Specific Residual Contaminant Level (SSRCL) as determined under s. NR 720.09, 720.11 and 720.19.

Figure #: 2 Title: Site Layout

State of Wisconsin Department of Natural Resources http://dnr.wi.gov	GIS Registry ChecklistForm 4400-245(R 4/08)Page 2 of 3
BRRTS #: 02-45-552083	ACTIVITY NAME: TIERNEYS CLEANERS

MAPS (continued)

Geologic Cross-Section Map: A map showing the source location and vertical extent of residual soil contamination exceeding a Residual Contaminant Level (RCL) or a Site Specific Residual Contaminant Level (SSRCL). If groundwater contamination exceeds a ch. NR 140 Enforcement Standard (ES) when closure is requested, show the source location and vertical extent, water table and piezometric elevations, and locations and elevations of geologic units, bedrock and confining units, if any.

Figure #: NA Title:

Figure #: Title:

Groundwater Isoconcentration Map: For sites closing with residual groundwater contamination, this map shows the horizontal extent of all groundwater contamination exceeding a ch. NR140 Preventive Action Limit (PAL) and an Enforcement Standard (ES). Indicate the direction and date of groundwater flow, based on the most recent sampling data. *Note: This is intended to show the total area of contaminated groundwater.* 

Figure #: NA Title:

**Groundwater Flow Direction Map:** A map that represents groundwater movement at the site. If the flow direction varies by more then 20° over the history of the site, submit 2 groundwater flow maps showing the maximum variation in flow direction.

Figure #:	Title:

Figure #: Title:

## TABLES (meeting the requirements of s. NR 716.15(2)(h)(3))

Tables must be no larger than 8.5 x 14 inches unless the table is submitted electronically. Tables <u>must not</u> contain shading and/or cross-hatching. The use of **BOLD** or *ITALICS* is acceptable.

Soil Analytical Table: A table showing <u>remaining</u> soil contamination with analytical results and collection dates.
 Note: This is one table of results for the contaminants of concern. Contaminants of concern are those that were found during the site investigation, that remain after remediation. It may be necessary to create a new table to meet this requirement.

 Table #:
 1
 Title:
 Soil Sample Field Screening and Laboratory Analytical Results

Groundwater Analytical Table: Table(s) that show the most recent analytical results and collection dates, for all monitoring wells and any potable wells for which samples have been collected.

Table #:NATitle:

Water Level Elevations: Table(s) that show the previous four (at minimum) water level elevation measurements/dates from all monitoring wells. If present, free product is to be noted on the table.

Table #: NA Title:

# **IMPROPERLY ABANDONED MONITORING WELLS**

For each monitoring well <u>not</u> properly abandoned according to requirements of s. NR 141.25 include the following documents. **Note:** If the site is being listed on the GIS Registry for only an improperly abandoned monitoring well you will only need to submit the documents in this section for the GIS Registry Packet.

X	Not	App	licable
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Site Location Map: A map showing all surveyed monitoring wells with specific identification of the monitoring wells which have not been properly abandoned.

**Note:** If the applicable monitoring wells are distinctly identified on the Detailed Site Map this Site Location Map is not needed.

Figure #: Title:

Well Construction Report: Form 4440-113A for the applicable monitoring wells.

**Deed:** The most recent deed as well as legal descriptions for each property where a monitoring well was not properly abandoned.

**Notification Letter:** Copy of the notification letter to the affected property owner(s).

Page 3 of 3

BRRTS #: 02-45-552083 ACTIVITY NAME: TIERNEYS CLEANERS

# **NOTIFICATIONS**

#### Source Property

- **Letter To Current Source Property Owner:** If the source property is owned by someone other than the person who is applying for case closure, include a copy of the letter notifying the current owner of the source property that case closure has been requested.
- **Return Receipt/Signature Confirmation:** Written proof of date on which confirmation was received for notifying current source property owner.

#### **Off-Source Property**

Group the following information per individual property and label each group according to alphabetic listing on the "Impacted Off-Source Property" attachment.

Letter To "Off-Source" Property Owners: Copies of all letters sent by the Responsible Party (RP) to owners of properties with groundwater exceeding an Enforcement Standard (ES), and to owners of properties that will be affected by a land use control under s. 292.12, Wis. Stats.

**Note:** Letters sent to off-source properties regarding residual contamination must contain standard provisions in Appendix A of ch. NR 726.

#### Number of "Off-Source" Letters:

- **Return Receipt/Signature Confirmation:** Written proof of date on which confirmation was received for notifying any off-source property owner.
- Deed of "Off-Source" Property: The most recent deed(s) as well as legal descriptions, for all affected deeded off-source property(ies). This does not apply to right-of-ways.

Note: If a property has been purchased with a land contract and the purchaser has not yet received a deed, a copy of the land contract which includes the legal description shall be submitted instead of the most recent deed. If the property has been inherited, written documentation of the property transfer should be submitted along with the most recent deed.

Letter To "Governmental Unit/Right-Of-Way" Owners: Copies of all letters sent by the Responsible Party (RP) to a city, village, municipality, state agency or any other entity responsible for maintenance of a public street, highway, or railroad right-of-way, within or partially within the contaminated area, for contamination exceeding a groundwater Enforcement Standard (ES) and/or soil exceeding a Residual Contaminant Level (RCL) or a Site Specific Residual Contaminant Level (SSRCL).

#### Number of "Governmental Unit/Right-Of-Way Owner" Letters:



# State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor Matthew J. Frank, Secretary Ronald W. Kazmierczak, Regional Director Oshkosh Service Center 625 East County Road Y, STE. 700 Oshkosh, WI 54901-9731 TELEPHONE 920-424-3050 FAX 920-424-4404

December 15, 2009

BARBARA TIERNEY TIERNEY'S CLEANERS 1109 W WISCONSIN AVE APPLETON WI 54914

# SUBJECT: Final Case Closure with Continuing Obligations Tierney's Cleaners, 1109 W. Wisconsin Ave., Appleton, Wisconsin WDNR BRRTS Activity # 02-45-552083

Dear Ms. Tierney:

On October 15, 2009, the Regional Closure Committee ("the Committee") reviewed the above referenced case for closure. The Committee reviews environmental remediation cases for compliance with state laws and standards to maintain consistency in the closure of these cases. On October 20, 2009, you were notified that the Closure Committee had granted conditional closure to this case.

On December 2, 2009, the Department received information or documentation indicating that you have complied with the requirements for final closure. Specifically, the Department received the attached *Building 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. The Department considers this case closed and no further investigation or remediation is required at this time; however, you and current and future property owners must comply with certain continuing obligations as explained in this letter.

# **GIS Registry**

This site will be listed on the Remediation and Redevelopment Program's GIS Registry. The specific reasons are summarized below:

- Residual soil contamination exists that must be properly managed should it be excavated or removed
- Pavement, an engineered cover or a soil barrier must be maintained over contaminated soil and the state must approve any changes to this barrier

This 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 <a href="http://dnr.wi.gov/org/aw/rr/gis/index.htm">http://dnr.wi.gov/org/aw/rr/gis/index.htm</a>. If the property is listed on the GIS Registry because of remaining contamination and you intend to construct or reconstruct a well, you will need prior Department approval in accordance with s. NR 812.09(4)(w), Wis. Adm.



#### Final Closure for Tierney's Cleaners WDNR BRRTS #02-45-552083

Code. To obtain approval, Form 3300-254 needs to be completed and submitted to the DNR Drinking and Groundwater program's regional water supply specialist. This form can be obtained on-line <u>http://dnr.wi.gov/org/water/dwg/3300254.pdf</u> or at the web address listed above for the GIS Registry.

# **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 the current property owner 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 site conditions indicates that contamination on or from the site 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. The Department intends to conduct inspections in the future to ensure that the conditions included in this letter are met, including compliance with referenced maintenance plans.

# Cover or Barrier

Pursuant to s. 292.12(2)(a), Wis. Stats., the pavement or other impervious cap that currently exists in the location shown on the attached map shall be maintained in compliance with the **attached Building Barrier Maintenance Plan** in order to minimize the infiltration of water and prevent groundwater contamination that would violate the groundwater quality standards in ch. NR 140, Wis. Adm. Code. If soil in the specific locations described above is excavated in the future, 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 at the time of excavation 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 statutes 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 during excavation activities to prevent a health threat to humans.

The attached maintenance plan and inspection log are to be kept up-to-date and on-site. Please submit the inspection log to the Department only upon request.

## **Prohibited Activities**

The following activities are prohibited on any portion of the property where a barrier is required as shown on the attached map, 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.

#### Final Closure for Tierney's Cleaners WDNR BRRTS #02-45-552083

# Residual Groundwater Contamination

Groundwater impacted by tetrachloroethene (PCE) is present at former temporary wells, TW-1 and TW-9, above the limit of detection but below the limit of quantitation. For more detailed information regarding the locations where groundwater samples have been collected (i.e., monitoring well locations) and the associated contaminant concentrations, refer to the Department site file.

# Vapor Migration

In addition, depending on site-specific conditions, 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 changed conditions requiring prior notification includes, but is not limited to:

• Disturbance, construction on, change or removal in whole or part of pavement, an engineered cover or a soil barrier that must be maintained over contaminated soil

Please send written notifications in accordance with the above requirements to the address in the letterhead, to the attention of Jennifer Borski. The WDNR Site Name of TIERNEYS CLEANERS and WDNR BRRTS #02-45-552083 should be included with any written request.

## **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 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 restore the environment at this site. If you have any questions regarding this closure decision or anything outlined in this letter, please contact **Jennifer Borski in Oshkosh** at **(920) 424-7887.** 

Sincerely,

Bruce G. Urben, Team Supervisor NER Remediation & Redevelopment Program

Attachments:

Building Barrier Maintenance Plan Site Layout, Figure 2 (Approximate extent of soil containing PCE)

cc: John & Nancy Abraham, PO Box 358, Butte des Morts, WI 54927

Electronic Copy: Chris Hatfield, Bonestroo, chris.hatfield@bonestroo.com

## **BUILDING BARRIER MAINTENANCE PLAN**

November 30, 2009

1109 West Wisconsin Avenue Parcel ID #31-5-0237-01 Appleton, Wisconsin

WDNR BRRTS #02-45-552083

#### INTRODUCTION

This document is a Maintenance Plan for existing pavement and building cover at the above-referenced property (the Property) according to the requirements of section NR 724, 13(2), Wisconsin Administrative Code. The maintenance activities relate to a building occupying the Property. Contaminated soil remaining at the Property is affected by volatile organic compounds (VOCs). The Property building will be maintained according to the Maintenance Plan.

## **COVER AND BARRIER PURPOSE**

The concrete floor of the building over the contaminated soil serves as a barrier to prevent direct human contact with residual soil contamination that might otherwise pose a threat to human health. Based on the current and future use of the Property, the barrier should function as intended unless disturbed.

#### **ANNUAL INSPECTION**

The existing concrete floor of the Property building will be inspected once a year for deterioration, cracks, and other potential problems that can cause exposure to underlying soils. The inspections will be performed to evaluate damage due to settling, increasing age, and other factors. Any area where soils have become or are likely to become exposed will be documented. A log of the inspections and any repairs will be maintained by the property owner and is included as Exhibit A, Cap Inspection Log. The log will include recommendations for necessary repair or any areas where underlying soils are exposed. Once repairs are completed, they will be documented in the inspection log. A copy of the inspection log will be kept at the Property and available for Wisconsin Department of Natural Resources (WDNR) review, if requested.

#### MAINTENANCE ACTIVITIES

If problems are noted during the annual inspections or at any other time during the year, repairs to the concrete floor will be scheduled as soon as practical. In the event that necessary maintenance activities expose the underlying soil, the owner must inform maintenance workers of the direct-exposure hazard and provide them with appropriate personal protection equipment (PPE). The owner must also sample any soil that is excavated from the site before disposal to ascertain if contamination remains. The soil must be treated, stored, and disposed of by the owner according to applicable local, state, and federal law.

In the event the building overlying the soil is removed or replaced, the replacement barrier must be equally impervious. The property owner, in order to maintain the integrity of the building, will maintain a copy of this Maintenance Plan on site and make it available to all interested parties (i.e., on-site employees, contractors, future property owners, etc.) for viewing.

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### AMENDMENT OR WITHDRAWAL OF MAINTENANCE PLAN

This Maintenance Plan can be amended or withdrawn by the property owner or its successors with the written approval of the WDNR.

### **CONTACT INFORMATION**

Site Owner:

John Abraham, Jr. P.O. Box 358 Butte Des Morts, Wisconsin 54927

Consultant:

Mr. Christopher C. Hatfield Bonestroo, Inc. 12075 Corporate Parkway, Suite 200 Mequon, Wisconsin 53092 262-643-9171

WDNR:

Jennifer Borski Remediation and Redevelopment Program Wisconsin Department of Natural Resources 625 East County Road Y, STE. 700 Oshkosh, WI 54901-9731 (920) 424-7887

# EXHIBIT A CAP INSPECTION LOG

Inspection Date	Inspector	Inspector Condition Recommendations		Have Recommendations from Previous Inspections been Implemented?		
			· · ·			



# State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor Matthew J. Frank, Secretary Ronald W. Kazmierczak, Regional Director Oshkosh Service Center 625 East County Road Y, STE. 700 Oshkosh, WI 54901-9731 TELEPHONE 920-424-3050 FAX 920-424-4404

October 20, 2009

BARBARA TIERNEY TIERNEY'S CLEANERS 1109 W WISCONSIN AVE APPLETON WI 54914

Subject:

Conditional Closure Decision, With Requirements to Achieve Final Closure Tierney's Cleaners, 1109 W. Wisconsin Ave., Appleton, Wisconsin WDNR BRRTS Activity # 02-45-552083

Dear Ms. Tierney:

On October 15, 2009, the Regional Closure Committee ("the Committee") reviewed your request for closure of the case described above. The Committee reviews environmental remediation cases for compliance with state rules and statutes to maintain consistency in the closure of these cases. After careful review of the closure request, the Committee has determined that the chlorinated solvent contamination on the site from the dry cleaner operation appears to have been investigated and remediated to the extent practicable under site conditions. Your case has been remediated to Department standards in accordance with s. NR 726.05, Wis. Adm. Code and will be closed if the following conditions are satisfied:

# **CAP MAINTENANCE PLAN**

Tetrachloroethene ("PCE") remains in soil at this site at concentrations above the groundwater pathway residual contaminant level (RCL). The investigation reveals that groundwater is not impacted with contamination above standards under the current conditions that include the impermeable cover (building) over the soil contamination. It should be noted that PCE was detected in groundwater at 1.22 parts per billion, below the limit of quantitation, at both temporary monitoring wells, TW1 and TW9.

As a result of site-specific conditions, a cap maintenance plan is necessary to assure that the impermeable cover is maintained over the remaining soil contamination for groundwater protection. Please submit a cap maintenance plan to the Department for review and consideration. The plan will be included on the GIS Registry, described below. Guidance for developing a cap maintenance plan can be found in Appendix 2 of the document, *Guidance on Case Closure and the Requirements for Managing Continuing Obligations*, RR-606, July 2009.

# PURGE WATER, WASTE AND/OR SOIL PILE REMOVAL

Any remaining purge water, waste and/or soil piles generated as part of site investigation or remediation activities must be removed from the site and disposed of or treated in accordance with Department of Natural Resources' rules. Once that work is completed, please send



appropriate documentation regarding the treatment or disposal of the remaining purge water, waste and/or soil piles.

When the above conditions have been satisfied, please submit the appropriate documentation (for example, well abandonment forms, disposal receipts, copies of correspondence, etc.) to verify that applicable conditions have been met, and your case will be closed. In accordance with ch. NR 726.05(10), Wis. Adm. Code, the conditions for closure shall be satisfied within 120 days from the date of this letter.

After final closure is granted, your site will be listed on the DNR Remediation and Redevelopment GIS Registry. Information that was submitted with your closure request application will be included on the GIS Registry. To review the site on the GIS Registry web page after final closure is issued, visit the RR Sites Map page at: http://dnr.wi.gov/org/aw/rr/gis/index.htm.

Please be aware that the case may be reopened pursuant to s. NR 726.09, Wis. Adm. Code, if additional information regarding site conditions indicates that contamination on or from the site poses a threat to public health, safety, or welfare or to the environment.

We appreciate your efforts to restore the environment at this site. If you have any questions regarding this letter, please contact me in Oshkosh at (920) 424-7887.

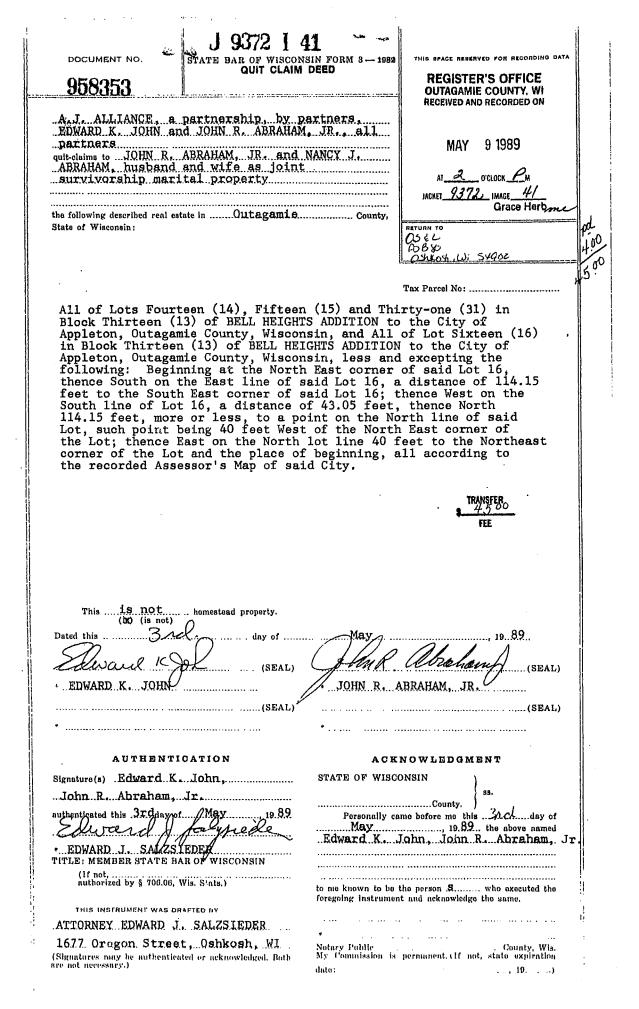
Sincerely,

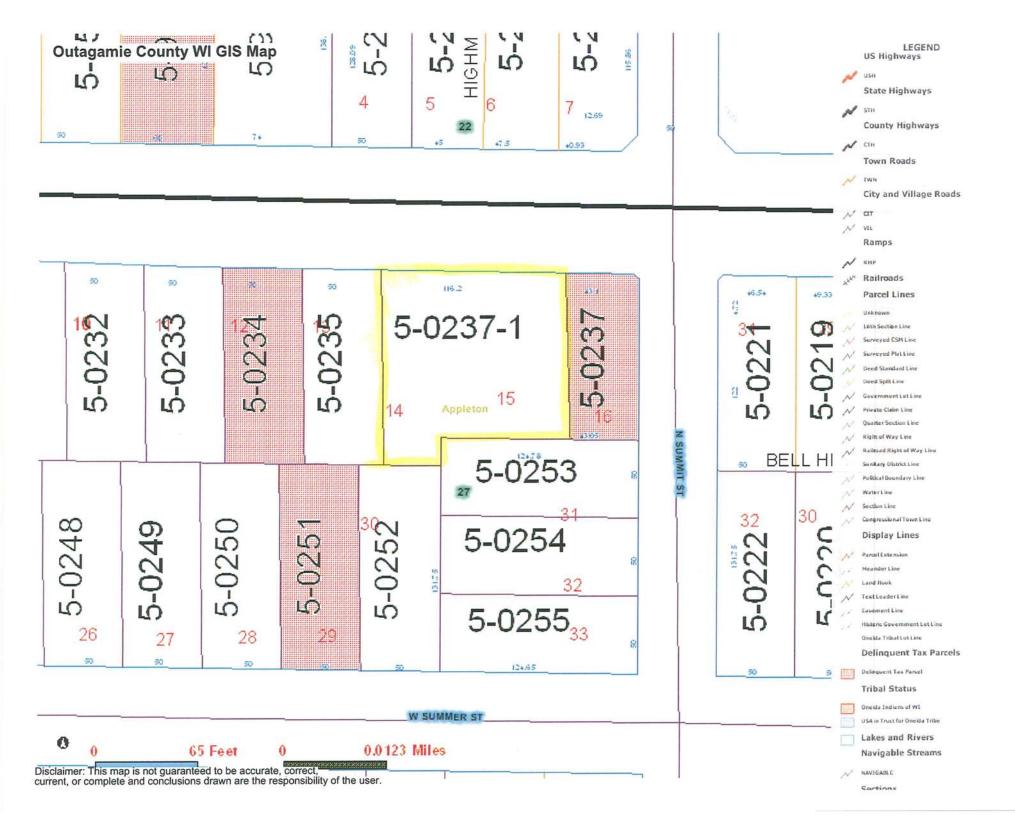
Jennifèr Borski Hydrogeologist Remediation & Redevelopment Program

cc: John & Nancy Abraham, PO Box 358, Butte des Morts, WI 54927 (Sent via Certified Mail – Return Receipt Requested)

Electronic copy:

C. Hatfield, Bonestroo





August 28, 2009

Mr. Chris Hatfield Northern Environmental Technologies, Incorporated 12075 North Corporate Parkway, Suite 210 Mequon, Wisconsin 53092

RE: Signed Statement; 1107-1109 West Wisconsin Avenue, Appleton, Wisconsin

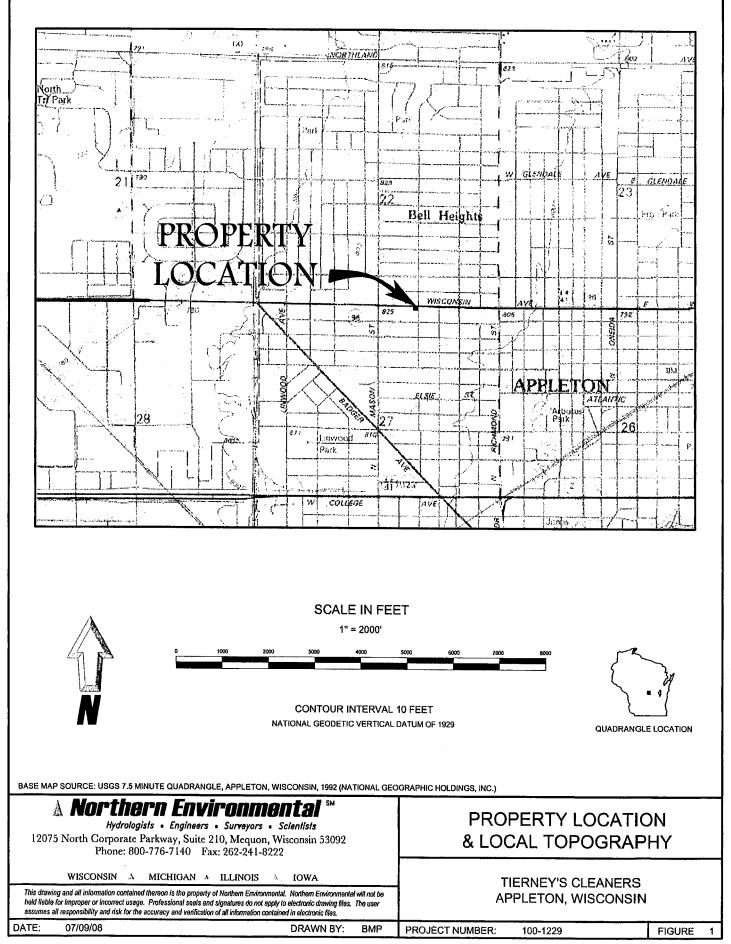
Dear Mr. Hatfield:

The parcel ID number for the above-referenced site from the Outagamie County Register of Deeds is 31-5-0237-01. The most-recent deed is enclosed. I, Barbara Tierney, am providing a signed statement that the legal descriptions and attachments to this statement are, to the best of my knowledge, complete and accurate.

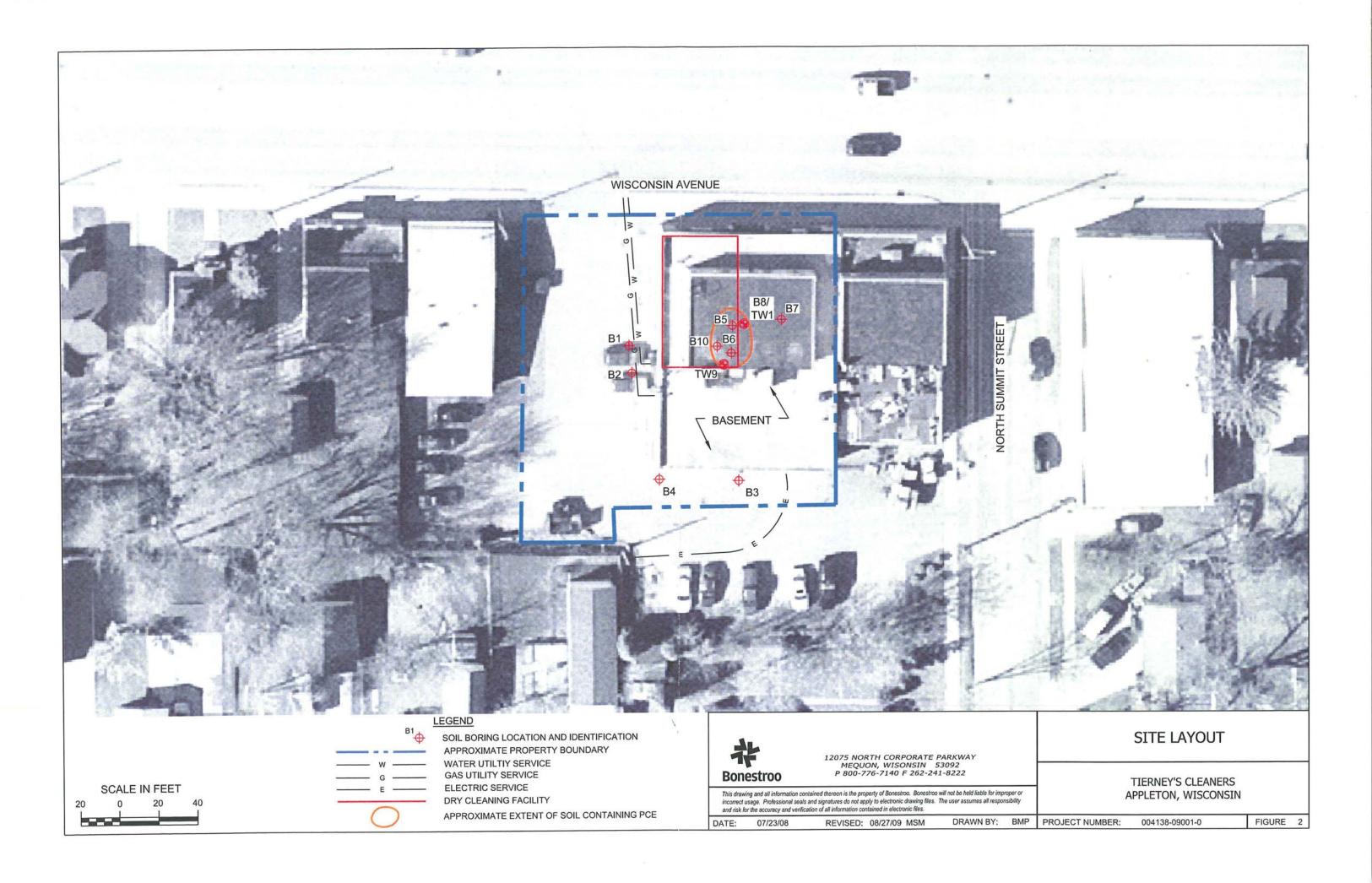
Sincerely,

Barbara Tierney's Cleaners

Enclosures



C:\Documents and Settings\bpayne\My Documents\Drawing2.dwg, 7/9/2008 9:14:56 AM, MEQ ChCopier.pc3



Borehole	Sample	Date	Sample Depth	PID Response	Description	De	tected Volatile Orga	nic Compounds (m)	crograms per kilogra	————— m)
Number	Number	Sampled	(feet)	(iul)		sec-Butyl- benzene	Isopropyl- benzene	n-Propyl- benzene	Tetrachloro- ethene	Total Xylenes
	Section	NR 720.09, W	isconsin Administrativ	ve Code Residual O	Contaminant Level	NE	NE	NE	NE	4100
	s	ection NR 746	.06 Wisconsin Admin	istrative Code Tab	le I Values	NE	NE	NE	NE	42,000
	5	ection NR 746	.06 Wisconsin Admin	istrative Code Tab	le 2 Values	NE	NE	NE	NE	 NE
B1	S101 S102	06/19/08 06/19/08	0-2 2-4	0	Asphalt, sand, then clay, silt fill Topsoil, roots, dark black silty clay	•	-	-	-	-
	S102	06/19/08	4-6	0	Silly clay, moist	-	-		-	
	S104	06/19/08	6-8	0	Silty clay, moist	-	-	-	-	
	S105	06/19/08	6-10	0	Silty clay, wet	-	-	-	-	-
	S106	06/19/08	10-12	1	Silty clay, moist	<25	<30	<29	<18	<48
B2	S201	06/19/08	0-2	0	Asphalt, sand, then clay, gravel fill	-	-	_		_
	S202	06/19/08	2-4	1	Topsoil, roots, silty clay, moist	-	-	-	-	-
	S203	06/19/08	4-6	1	Silty sand, then clay	-	-	-	-	
	S204 S205	06/19/08 06/19/08	6-8 6-10	0	Silty clay Silty clay	-	-	-	· ·	-
	S205	06/19/08	10-12	0	Silty clay, moist	-	-			•
	S207	06/19/08	12-14	0	Silty clay, moist	-		_		
	S208	06/19/08	14-16	0	Silty clay, moist	-	-	-	-	-
	S209	06/19/08	16-18	2	Silty clay, moist	<25	<30	<29	<18	<48
	S210 S211	06/19/08 06/19/08	18-20 20-22	1	Silty clay, moist Silty clay, wet	-	-	-	-	
	S212	06/19/08	22-24	ō	Silty clay, moist	-		-	-	-
<b>B</b> 3	S301 S302	06/19/08 06/19/08	0-2 2-4	3	Asphalt, gravel, sand Topsoil, dark silty sand	-	-	-	-	-
	S303	06/19/08	4-6	3	Silty clay, wet	-	_	-	-	-
	S304	06/19/08	6-8	2	Silty clay, moist	-	-	-	-	-
	S305	06/19/08	6-10	43	Silty clay, moist	110	30.4 "J"	57 "J"	<18	<48
	S306 S307	06/19/08 06/19/08	10-12 12-14	3 6	Silty clay, moist Silty clay, wet	-	-	-	-	-
	S308	06/19/08	14-16	3	Silty clay, wet	-		-		-
B4	S401 S402	06/19/08 06/19/08	0-2 2-4	2	Asphalt, then silty sand Silty sand then black topsoil	-	-	-	-	-
	S402 S403	06/19/08	4-6	3	Silty clay, moist	-		-		-
	S404	06/19/08	6-8	3	Silty clay, moist	-	-	-	-	-
	S405	06/19/08	6-10	4	Silty clay, then silty sand, wet	<25	<30	<29	<18	<48
	S406 S407	06/19/08 06/19/08	10-12 12-14	2 2	Silty clay, moist Silty clay, hard, moist	-		-	-	-
	S408	06/19/08	14-16	2	Silty clay, hard, moist	-		-	-	-
Dr	9501	0.000								
B5	S501 S502	06/19/08 06/19/08	1-2 2-3	1	Silty sand, loose dry fill Silty sand, loose dry fill	<25	<30	- <29	256	<48
					·		· · · · · ·			
B6	S601 S602	06/19/08 06/19/08	1-2 2-3	1	Silty sand, loose dry fill Silty sand, loose dry fill	- <25	- <30	- <29	- 33 "J"	-
	3002	00/19/08	2-3	-		~25		<29	33 "1"	<48
B7	S701	11/20/08	0-2	0	3 inches sand fill then silty clay	-		-		-
	S702	11/20/08	2-4	0	Silty clay	-	-	-	-	-
	\$703 \$704	11/20/08 11/20/08	4-6 6-8	0	10 inches silty sand then silty clay Silty clay	-	-	-	-	-
	\$704 \$705	11/20/08	6-8	0	Silty clay	- <25	<30	<29	- <18	- 42 "J"
	S706	11/20/08	10-12	0 ·	Silty clay	-	-	-	-	-
	S707 S708	11/20/08 11/20/08	12-14 14-16	0	Silty clay Silty clay	-	-	-	-	-
	<u> </u>									
<b>B</b> 8	S801	11/20/08	0-2	0	3 inches sand fill then silty clay	-	-	-	-	-
	S802 S803	11/20/08 11/20/08	2-4 4-6	0	Silty clay Silty clay	-	-	-	-	-
	S803 S804	11/20/08	4-6 6-8	0	Silty clay Silty clay	-				
	S805	11/20/08	6-10	ŏ	Silty clay	<25	<30	<29	<18	<48
	S806	11/20/08	10-12	0	Silty clay	-	-	-		-
	S807 S808	11/20/08 11/20/08	12-14 14-16	0	Silty clay Silty clay		-	-	-	-
B9	No Samples C	Collected								
	•		• • • • • • • • • • • • • • • • • • • •			•				

# Table 1 Soil Sample Field Screening and Laboratory Analytical Results, Tierney's Cleaners, Appleton, Wisconsin

Borehole	ole Sample Date Sample Depth PID Response Description				2 compounds (interograms per knogram)					
Number	Number	Sampled	(feet)	(lui)		sec-Butyl- benzene	Isopropyl- benzene	n-Propyl- benzene	Tetrachloro- ethene	Total Xylenes
Section NR 720.09, Wisconsin Administrative Code Residual Contaminant Level					NE	NE	NE	NE	4100	
	Section NR 746.06 Wisconsin Administrative Code Table 1 Values						NE	NE	NE	42,000
	Section NR 746.06 Wisconsin Administrative Code Table 2 Values					NE	NE	NE	NE	NE
B10	S10-1 S10-2 S10-3 S10-4	08/10/09 08/10/09 08/10/09 08/10/09	0-1 1-2 2-3 3-4	0 0 0 0	Sand Silty clay Silty clay Silty clay	<25 - - -	<30 - - -	<29 - - -	90 - - -	<48 - - -

Note:

PID = photoionization detector

iui = instrument units as isobutylene

<x = compound not detected to a detection limit of x

- = not laboratory analyzed

J = analyte detected between the limit of detection and the limit of quantitation

NE = not established by Wisconsin Administrative Code (Wis. Adm. Code)



August 28, 2009

John Abraham, Jr. P.O. Box 358 Butte Des Morts, Wisconsin 54927

RE: GIS Registry Closure Requirements

Dear Mr. Abraham:

Solvent-contaminated soil that originated from Tierney's Cleaners (WDNR BRRTS #02-45-552083) is present on your property at 1109 West Wisconsin Avenue, Appleton, Wisconsin (the Property). The levels of solvent contamination in soil at the Site are above the U.S. Environmental Protection Agency Soil Screening Levels for Protection of Groundwater. The enclosed figure illustrates the extent of solvent concentrations above regulatory limits in soil. Our environmental consultant has advised us that the released solvents have been investigated and remediation is not necessary. Based on that information, we believe that allowing natural attenuation to complete the cleanup at this site will meet the requirements for case closure that are found in NR 726, Wis. Adm. Code, and we will be requesting that the Wisconsin Department of Natural Resources (WDNR) accept natural attenuation as the final remedy and grant case closure. Closure means that the WDNR will not require any further investigation or cleanup action to be taken, other than the reliance on natural attenuation.

The WDNR will not review our closure request for at least 30 days after the date of this letter. As an affected property owner, you have a right to contact the WDNR to provide any technical information that you may have that indicates that closure should not be granted to this site. If you would like to submit information to the WDNR that is relevant to this closure request, you should mail that information to:

Ms. Jennifer Borski Wisconsin Department of Natural Resources 625 East County Road Y, Suite 700 Oshkosh, Wisconsin 54901

If this case is closed, all properties within the site boundaries where soil contamination exceeds the United States Environmental Protection Agency Soil Screening Levels for Protection of Groundwater will be listed on the WDNR's geographic information system (GIS) Registry of Closed Remediation Sites. The information on the GIS Registry includes maps showing the location of properties in Wisconsin where groundwater contamination above NR 140, Wis. Adm. Code ES was found at the time that the case was closed. This GIS Registry will be available to the general public on the WDNR's Internet web site.



Once the WDNR makes a decision on my closure request, it will be documented in a letter. If the WDNR grants closure, you may obtain a copy of this letter by requesting a copy from me, by writing to the agency address given above, or by accessing the WDNR GIS Registry of Closed Remediation Sites on the internet at http://gomapout.dnr.state.wi.us/org/at/et/geo/gwur/index.htm. A copy of the closure letter is included as part of the site file on the GIS Registry of Closed Remediation Sites.

If you need more information you may contact Mr. Chris Hatfield (Bonestroo) at (262) 241-3133.



Sincerely,

Barbara Tierney Barbara Tierney

Title

Chris Hatfield, Bonestroo c: Jennifer Borski, WDNR



# State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor Matthew J. Frank, Secretary Ronald W. Kazmierczak, Regional Director Oshkosh Service Center 625 East County Road Y, STE. 700 Oshkosh, WI 54901-9731 TELEPHONE 920-424-3050 FAX 920-424-4404

December 15, 2009

John Abraham, Jr. PO Box 358 Butte des Morts, WI 54927



SUBJECT: Continuing Obligations and Property Owner Requirements for 1109 W. Wisconsin Ave., Appleton, WI Parcel Identification Number: 315023701 Final Case Closure for WDNR Site Name: Tierney's Cleaners, WDNR BRRTS Activity #: 02-45-552083

Dear Mr. Abraham:

The purpose of this letter is to notify you that certain continuing obligations apply to the property at 1109 West Wisconsin Avenue in Appleton, Wisconsin, (referred to in this letter as the "Property") due to contamination remaining on the Property. The continuing obligations are part of the cleanup and case closure approved for the above referenced case, located at the Property. The continuing obligations that apply to the Property are stated as conditions in the attached closure approval letter, and are consistent with s. 292.12, Wis. Stats., and ch. NR 700, Wis. Adm. Code, rule series. They are meant to limit exposure to any remaining environmental contamination at the Property. These continuing obligations will also apply to future owners of the Property, until the conditions no longer exist at the Property.

It is common for properties with approved cleanups to have continuing obligations as part of cleanup/closure approvals. Information on continuing obligations on properties is shown on the Internet at <u>http://dnr.wi.gov/org/aw/rr/gis/index.htm</u>. How to find further information about the closure and residual contamination for this site can be located at <u>http://dnr.wi.gov/org/aw/rr/clean.htm</u>.

The Department reviewed and approved the case closure request regarding the tetrachloroethene ("PCE") in soil and groundwater at this site, based on the information submitted by Bonestroo (formerly Northern Environmental). As required by state law, you received notification about the requested closure from the person conducting the cleanup. No further investigation or cleanup is required at this time. However, the closure decision is conditioned on the long-term compliance with certain continuing obligations, as described below.

# Continuing Obligations Applicable to Your Property

A number of continuing obligations are described in the attached case closure letter to Ms. Barbara Tierney, dated December 15, 2009. The following continuing obligations apply to your Property.



SOURCE

PROPERTY

- Residual soil contamination exists that must be properly managed should it be excavated or removed;
- Pavement, an engineered cover or a soil barrier must be maintained over contaminated soil and the state must approve any changes to this barrier;
- Prohibited activities include 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;
- The attached maintenance plan and inspection log are to be kept up-to-date and on-site;
- "Vapor migration is the movement of vapors originating from volatile chemicals in the soil or groundwater, into buildings or other areas where people may become exposed by breathing air contaminated by the vapors." 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.

## Property Owner Responsibilities

The owner (you and any subsequent Property owner) of this Property is responsible for compliance with these continuing obligations, pursuant to s. 292.12, Wis. Stats. You are strongly encouraged to pass on the information about these continuing obligations to anyone who purchases this Property from you (i.e. pass on this letter). For residential property transactions, you are required to make disclosures under Wis. Stats. s. 709.02. You may have additional obligations to notify buyers of the condition of the Property and the continuing obligations set out in this letter and the closure letter.

Please be aware that failure to comply with the continuing obligations may result in enforcement action by the Department. The Department intends to conduct inspections in the future to ensure that the conditions included in this letter, including compliance with referenced maintenance plans, are met.

These responsibilities are the Property owner's. A Property owner may enter into a legally binding agreement (such as a contract) with someone else (the person responsible for the cleanup) to take responsibility for compliance with the continuing obligations. If the person with whom any Property owner has an agreement fails to adequately comply with the appropriate continuing obligations, the Department has the authority to require the Property owner to complete the necessary work.

A legal agreement between you and another party to carry out any of the continuing obligations listed in this letter does not automatically transfer to a new owner of the Property. If a subsequent Property owner cannot negotiate a new agreement, the responsibility for compliance with the applicable continuing obligations resides with that Property owner.

When maintenance of a continuing obligation is required, the Property owner is responsible for inspections, repairs, or replacements as needed. Such actions should be documented by the Property owner and the records kept accessible for the Department to review for as long as the Department directs.

You and any subsequent Property owners are responsible for notifying the Department, and obtaining approval, before making any changes to the Property that would affect the obligations

#### Continuing Obligations and Property Owner Requirements for 1109 W. Wisconsin Ave., Appleton, WI WDNR BRRTS #02-45-552083

applied to the Property. Send all written notifications in accordance with the above requirements to the address in this letterhead to the attention of Jennifer Borski.

SOURCE PROPERTY

The Department appreciates your efforts. If you have any questions regarding this closure decision or anything outlined in this letter, please contact Jennifer Borski in Oshkosh at (920) 424-7887.

Sincerely,

Bruce G. Urben NER Remediation & Redevelopment Team Supervisor

Attach.

Enclosure: RR 819 – Continuing Obligations Fact Sheet

cc: Barbara Tierney, 1109 W. Wisconsin Ave., Appleton, WI 54914 Chris Hatfield, Bonestroo, <u>chris.hatfield@bonestroo.com</u>

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> <li>Article Addressed to:</li> </ul>	A. Signature A. Signature A. Signature A. Signature A. Signature A. Agent Addresse D. Received by (Printed Name) O Date of Deliver UUU09 D. Is delivery address different from item 1? Yes If YES, enter delivery address below: No
POBox 358 Butte des Morts, WI 54927	3. Service Type         Image: Service Type </th
2. Article Number (Transfer from service label) 7008 015	0 000 3404 3290
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