

## Notification of Continuing Obligations and Residual Contamination

### The affected property is:

- ☐ the source property (the source of the hazardous substance discharge), but the property is not owned by the person who conducted the cleanup (a deeded property)
- ☐ a deeded property affected by contamination from the source property
- ☒ a right-of-way (ROW)
- ☐ a Department of Transportation (DOT) ROW

**Include this completed page as an attachment with all notifications provided under sections A and B.**

### Contact Information

**Responsible Party:** The person responsible for sending this form, and for conducting the environmental investigation and cleanup is:

Responsible Party Name Jose Ochoa

Contact Person Last Name	First	MI	Phone Number (include area code)	
Martinez	Jose	O	(262) 344-9754	
Address		City	State	ZIP Code
3301 - 60th Street		Kenosha	WI	53144
E-mail shelbya1@hotmail.com				

### Name of Party Receiving Notification:

Business Name, if applicable: City of Kenosha

Title	Last Name	First	MI	Phone Number (include area code)	
Ms.	Salas	Deb		(262) 653-4020	
Address		City	State	ZIP Code	
625 - 52nd Street		Kenosha	WI	53140	

### Site Name and Source Property Information:

Site (Activity) Name Suggar Property

Address		City	State	ZIP Code
3301 - 60th Street		Kenosha	WI	53144
DNR ID # (BRRS#)		(DATCP) ID #		
03-30-004964				

### Contacts for Questions:

If you have any questions regarding the cleanup or about this notification, please contact the Responsible Party identified above, or contact:

**Environmental Consultant:** Midwest Environmental Consulting

Contact Person Last Name	First	MI	Phone Number (include area code)	
Cranley	Sean		(262) 237-4351	
Address		City	State	ZIP Code
N6395 E. Paradise Rd.		Burlington	WI	53105
E-mail mwenvirocon@gmail.com				

### Department Contact:

To review the Department's case file, or for questions on cleanups or closure requirements, contact:

**Department of:** Natural Resources (DNR)      **Office:** Plymouth

Address		City	State	ZIP Code
1155 Pilgrim Parkway		Plymouth	WI	53073
Contact Person Last Name	First	MI	Phone Number (include area code)	
Delcore	Lee		(920) 893-8524	
E-mail (Firstname.Lastname@wisconsin.gov) Lee.Delcore@wisconsin.gov				

**Notification of Continuing Obligations  
and Residual Contamination**

**Section B: ROW Notification: Residual Contamination and/or Continuing Obligations - Non-DOT ROWs**

**KEEP THIS DOCUMENT WITH YOUR PROPERTY RECORDS**

625 - 52nd Street  
Kenosha, WI, 53140

Dear Ms. Salas:

I am providing this notification to inform you of the location and extent of contamination remaining in a right-of-way for which you are responsible, and of certain long-term responsibilities (continuing obligations) for which city of Kenosha may become responsible. I investigated a release of:

Petroleum from an underground storage tank system

on 3301 - 60th Street, Kenosha, WI, 53144 that has shown that contamination

has migrated into the right-of-way for which the City of Kenosha is responsible.

I have responded to the release, and will be requesting that the Department of Natural Resources (DNR) grant case closure. Closure means that the DNR will not be requiring any further investigation or cleanup action to be taken. However, continuing obligations may be imposed as a condition of closure approval.

**You have 30 days to comment on the proposed closure request:**

The DNR will not review my closure request for at least 30 days after the date of this letter. As an affected right-of-way holder, you have a right to contact the DNR to provide any technical information that you may have that indicates that closure should not be granted for this site. If you would like to submit any information to the DNR that is relevant to this closure request, you should mail that information to the DNR contact: 1155 Pilgrim Parkway, Plymouth, WI, 53073, or at Lee.Delcore@wisconsin.gov.

**Residual Contamination:**

***Groundwater Contamination:***

Groundwater contamination originated at the property located at: 3301 - 60th Street, Kenosha, WI, 53144 .

Contaminated groundwater has migrated onto your property at:

60th Street right-of-way and 33rd Avenue right-of-way

The levels of

Benzene, ethylbenzene, naphthalene, 1,2,4-trimethylbenzene and 1,3,5-trimethylbenzene,

contamination in the groundwater on your property are above the state groundwater enforcement standards found in ch. NR 140, Wis. Adm. Code.

***Soil Contamination:***

Soil contamination remains at:

The southbound lane of 33rd Avenue.

The remaining contaminants include :

Xylenes, naphthylene, 1,2,4-trimethylbenzene and 1,3,5-trimethylbenzene and xylene

at levels which exceed the soil standards found in ch. NR 720, Wis. Adm. Code. The following steps have been taken to address any exposure to the remaining soil contamination.

Natural attenuation has been demonstrated and will bring the soil contamination into compliance with groundwater protection residual contaminant levels.

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 you or any other person plan to conduct utility or building construction for which dewatering will be necessary, you or that person must contact the DNR's Water Quality 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>.

**Continuing Obligations on the Right-of-Way (ROW) :** As part of the response actions, I am proposing that the following continuing obligations be used at the affected ROW. If my closure request is approved, you will be responsible for the following continuing obligations:

## Notification of Continuing Obligations and Residual Contamination

### ***Residual Soil Contamination:***

If soil is excavated from the areas with residual contamination, the right-of-way holder at the time of excavation will be responsible for the following:

- determine if contamination is present,
- determine whether the material would be considered solid or hazardous waste,
- ensure that any storage, treatment or disposal is in compliance with applicable statutes and rules. Contaminated soil may be managed in-place, in accordance with s. NR 718, Wis. Adm. Code, with prior Department approval.

The right-of-way holder needs 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 from ingestion, inhalation or dermal contact.

Depending on site-specific conditions, construction over contaminated soils or groundwater 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.

### **Well Construction Requirements:**

If this site is closed, all properties within the site boundaries where contamination remains, or where a continuing obligation is applied, will be listed on the Bureau for Remediation and Redevelopment Tracking System (BRRTS) on the Web, at <https://dnr.wi.gov/topic/Brownfields/WRRD.html>. Inclusion on this database provides public notice of remaining contamination and of any continuing obligations. Documents can be viewed on this database, and include final closure letters, site maps and any applicable maintenance plans. The location of the site may also be viewed on the Remediation and Redevelopment Sites Map (RR Sites Map), at the same internet address listed above.

DNR approval prior to well construction or reconstruction is required in accordance with s. NR 812.09 (4) (w), Wis. Adm. Code. This requirement applies to private drinking water wells and high capacity wells. Special well construction standards may be necessary to protect the well from the remaining contamination. The property owner needs to first obtain approval from a regional water supply specialist in DNR's Drinking Water and Groundwater Program. A well driller can help complete this form. The well construction application, form 3300-254, is on the internet at <https://dnr.wi.gov/files/PDF/forms/3300/3300-254.pdf>

If you have any questions regarding this notification, I can be reached at: (262) 237-4351  
[mwenvirocon@gmail.com](mailto:mwenvirocon@gmail.com)

Signature of responsible party/environmental consultant for the responsible party

Date Signed

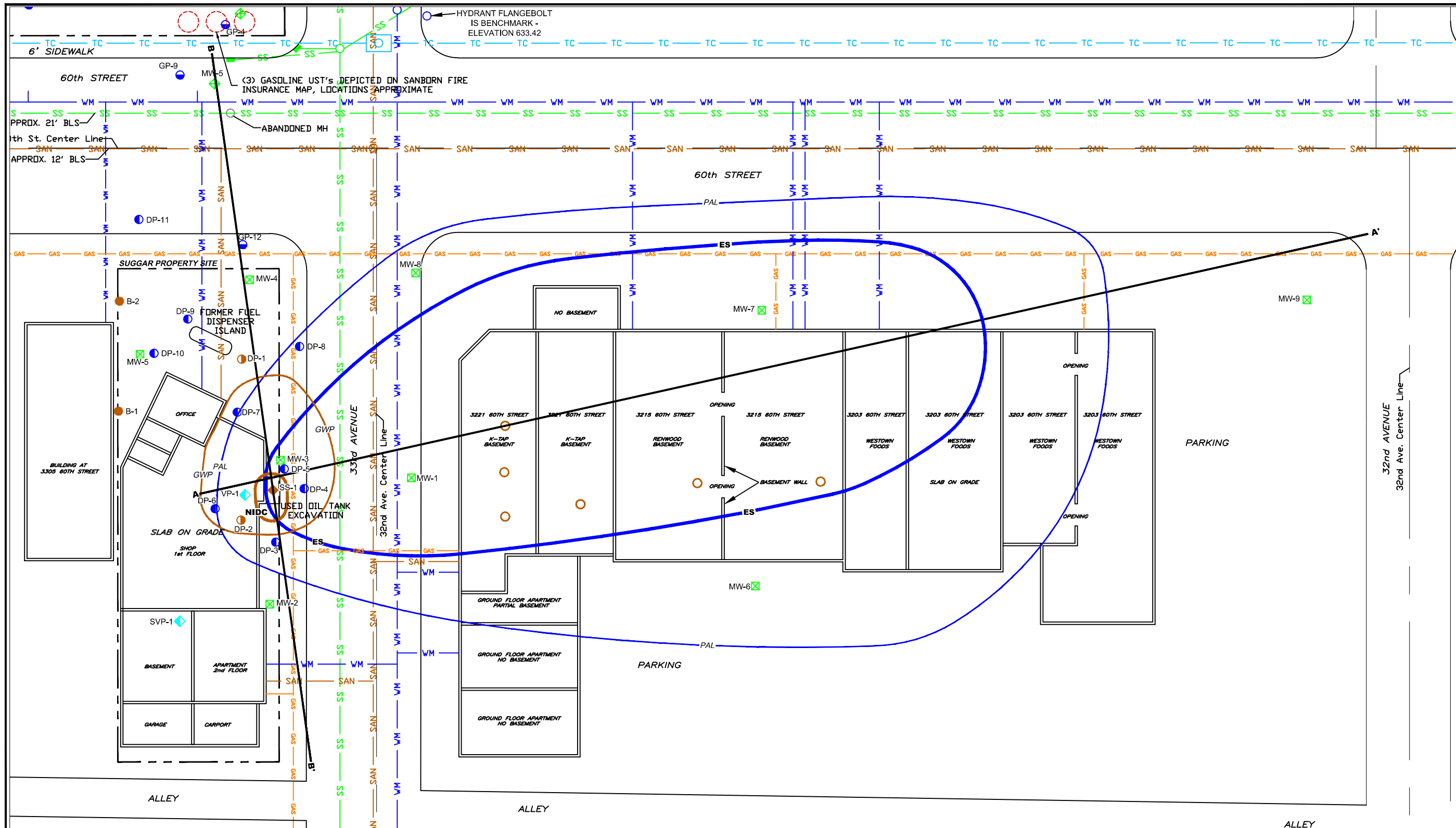
5/4/2020

### **Attachments**















**Contact Information**

**Legal Description for each Parcel:**





**FIGURE B.1.b.1**  
**DETAILED SITE MAP**  
**SUGGAR PROPERTY**  
3301 60TH STREET  
KENOSHA, WISCONSIN



**LEGEND**

- |  |  |   |
|--|--|---|
|  - SUGGAR GROUNDWATER MONITORING WELL LOCATION                      |  - SUGGAR SUB-SLAB VAPOR SAMPLING LOCATION        |  GAS - GAS            |
|  - MUELLERS GROUNDWATER MONITORING WELL LOCATION                    |  - TANK CLOSURE SOIL SAMPLE LOCATION              |  ELEC - ELECTRICAL    |
|  - SUGGAR DIRECT-PUSH SOIL BORING LOCATION                          |  - 3305 60th STREET PHASE II SOIL BORING LOCATION |  WM - WATER           |
|  - SUGGAR DIRECT-PUSH SOIL BORING / GROUNDWATER SAMPLING LOCATION   |  - FLOOR DRAIN                                    |  SAN - SANITARY SEWER |
|  - MUELLERS DIRECT-PUSH SOIL BORING / GROUNDWATER SAMPLING LOCATION |  |  SS - STORM SEWER     |
|  |  |  TC - TELECOM         |

- NS - NO SAMPLE  
NE - NO EXCEEDANCE  
ND - NO DETECTS  
NIDC - ONE OR MORE CONTAMINANTS EXCEED NON-INDUSTRIAL DIRECT CONTACT RESIDUAL CONTAMINATION LEVELS  
GWP - ONE OR MORE CONTAMINANTS EXCEED GROUNDWATER PROTECTION RESIDUAL CONTAMINATION LEVELS  
ES - ONE OR MORE GROUNDWATER CONTAMINANTS EXCEED ENFORCEMENT STANDARDS  
PAL - ONE OR MORE GROUNDWATER CONTAMINANTS EXCEED PREVENTIVE ACTION LIMITS

-  NIDC - INFERRED EXTENT OF SOIL CONTAMINATION EXCEEDING NON-INDUSTRIAL DIRECT CONTACT RESIDUAL CONTAMINATION LEVELS  
 GWP - INFERRED EXTENT OF SOIL CONTAMINATION EXCEEDING GROUNDWATER PROTECTION RESIDUAL CONTAMINATION LEVELS  
 ES - INFERRED EXTENT OF GROUNDWATER CONTAMINATION EXCEEDING ENFORCEMENT STANDARDS  
 PAL - INFERRED EXTENT OF GROUNDWATER CONTAMINATION EXCEEDING PREVENTIVE ACTION LIMITS



Approved By: <b>S. Cranley</b>	Figure <b>B.1.b.1</b>
Date Approved: <b>5/1/2020</b>	
Date Drawn: <b>5/1/2020</b>	
Drawn by: <b>R. Schwartz</b>	