




RECEIVED  
MAR 16 2015  
BY: 

February 11, 2015

Ms. Gena Larson  
Wisconsin Department of Natural Resources  
P.O. Box 7921  
Madison, WI 53707-7921

**Re: Site Investigation Work Plan  
Former Vogue Cleaners  
2578 North Wauwatosa Ave., Wauwatosa, Wisconsin  
BRRTS # 02-41-562047  
EnviroForensics Project# 6349**



Dear Ms. Larson:

Environmental Forensic Investigations, Inc. (EnviroForensics) is pleased to present this Site Investigation Work Plan for the Former Vogue Cleaners facility located at 2578 North Wauwatosa Avenue, Wauwatosa (Site). The Wisconsin Department of Natural Resources (WDNR) sent a responsible party letter to the former Vogue Cleaners dated May 22, 2014, which requires an investigation of the nature and extent, and degree of petroleum and chlorinated solvent contamination at the Site. A work plan for the Site Investigation was developed to address this requirement in a timely manner at the request of the WDNR and the City of Wauwatosa, which are working in concert to ensure that the environmental concerns are addressed at the Site.

## BACKGROUND

The Site has operated as a dry cleaning facility for more than 40 years. A Phase II Environmental Site Assessment (ESA) was performed by Symbion on behalf of the City of Wauwatosa Community Development Department in early 2014. Investigation results indicated spills occurred in the basement and potentially in the parking lot between the Site building and the storage building during past business operations. A 250-gallon fuel oil above-ground storage tank (AST) is located near the northwest corner of the basement.

WESTON Solutions, Inc. was tasked with conducting additional ESA activities, which included advancing ten (10) soil borings to facilitate the collection of soil, groundwater, and soil gas samples during April 2014. All previous on-Site boring locations are shown on Figure 1.

In June and July of 2014, Tetra Tech, Inc., of Chicago, Illinois conducted a vapor intrusion (VI) assessment in the area of the Site for the United States Environmental Protection Agency

*Document: 6350-0063*  
Environmental Forensic Investigations, Inc.  
N16 W23390 Stone Ridge Drive, Suite G, Waukesha, Wisconsin 53188  
Phone: 414-982-3988 • Fax: 262-510-0460

(USEPA) (*Final Trip Report*, dated September 30, 2014). They collected three (3) paired sub-slab and indoor air samples, two (2) outdoor air samples, and three (3) soil/soil gas samples from borings on Site. They conducted the VI assessments at the following residences: 7515 W. Clark Street, 7525 W. Clark Street, and 2562 N. Wauwatosa Avenue. The results of the initial VI assessment indicated that chlorinated solvent compounds associated with the Site are not present in either the indoor air, outdoor air or in the vapor beneath the basement slabs. However, to completely “rule out” the neighboring properties for the VI exposure pathway, additional sampling is required.

The investigations identified chlorinated solvent and petroleum constituents in the soil and groundwater at the Site. The primary area of chlorinated solvent soil and groundwater impacts was observed between the Site building and the storage building located to the southeast of the Site building. Petroleum impacts were observed in the boring/well near the AST. Site geology consists of silty clay with groundwater elevations reported between 2 and 12 feet below ground surface (bgs). Groundwater flow direction was determined to be toward the south; however, this is not consistent with the topography of the area, and is based on groundwater elevation data from temporary wells.

## **PROPOSED WORK PLAN**

EnviroForensics prepared this Work Plan to serve as the procedures document for the project and budgetary guide for the activities described below. In order to define the nature, extent, and degree of impacts to the Site from petroleum and chlorinated dry cleaning solvents and to further determine the VI risk to neighboring properties, EnviroForensics recommends the following general work plan:

- Advance nine (9) direct-push soil borings to assess soil impacts;
- Advance three (3) deep borings and convert each to a permanent piezometer to determine the vertical extent of contamination;
- Install six (6) permanent monitoring wells determine groundwater flow direction and seasonal variations of groundwater concentrations;
- Advance two (2) direct-push borings near sanitary sewer line for the purpose of collecting soil gas samples; and
- Conduct a VI assessment at five (5) neighboring properties during the likely worst case scenario to determine if the vapor intrusion is a pathway of concern.

The proposed locations of each of the sampling points are shown on **Figure 1**. These were determined from a review of environmental reports for this Site conducted by other consultants previously. The following sections describe in detail the tasks associated with the proposed work plan.

## **Off-Site Access and Health & Safety Plan**

Right-of-way permits will be drafted and sent to the City of Wauwatosa for the borings/wells that are proposed in the city property. Access agreements will be sent to each of the five (5) off-site properties proposed for VI sampling. A Site Health and Safety Plan will be developed to protect workers involved with the investigation.

## **Investigation Activities**

EnviroForensics proposes to advance nine (9) direct-push borings to 15 feet bgs and three (3) deeper, nested borings to 30 feet bgs. Six (6) of the borings will be converted to monitoring wells and will be screened at a depth of approximately 5 to 15 feet bgs. The deeper borings will be converted to piezometers, which will be screened from approximately 25 to 30 feet bgs. Sample collection methodologies are discussed below. Currently, volatile organic compounds (VOC) and polycyclic aromatic hydrocarbons (PAHs) are constituents of concern for the Site. However, PAHs have only been identified in one soil sample near the former heating oil tank. It is requested the WDNR discontinue PAHs as an investigative contaminants of concern (COC) as part of this Work Plan submittal.

### *Soil Investigation Sampling*

Direct-push soil samples will be collected in 4-ft long by 1.5-inch diameter vinyl acetate plastic sample sleeves, sampled and logged. Field screening at each 2-ft interval will be conducted using a photoionization detector (PID) meter, the results of which will be recorded. Soil lithology will be continuously described in accordance with the Unified Soil Classification System (USCS) and recorded on boring logs. Up to two (2) soil samples will be collected from each boring location for laboratory analysis.

Soil samples for laboratory analysis will be collected in laboratory supplied sample jars for analysis of VOCs by USEPA SW-846 Test Method 8260 and PAHs by USEPA SW-846 Test Method 8270. Nitrile gloves will be changed between each sample interval and new plastic sleeves will be inserted into the sample probe. Any reusable sampling equipment that comes in contact with soil samples will be decontaminated with an Alconox detergent solution and triple rinsed with clean water between sampling intervals.

Per standard data quality assurance and quality control (QA/QC) protocol, one (1) duplicate sample per 20 or fewer samples (20%) will be analyzed for VOCs via US EPA SW-846 Test Method 8260 and PAHs by USEPA SW-846 Test Method 8270. These soil samples will be labeled, logged on a chain-of-custody form and placed into a cooler containing ice pending delivery to the fixed-based, state certified laboratory. Soil cuttings generated during sampling activities will be placed into Department of Transportation (DOT) 17H-rated drums, or equivalent for subsequent characterization and management.

### Direct-Push Groundwater Sampling

Grab groundwater samples will be collected from the three (3) boring locations where monitoring wells are not intended to be installed via a temporary well to further define the horizontal distribution of dissolved phase contaminants. Groundwater samples will be collected from a 1-inch diameter, 10-foot polyvinyl chloride (PVC) temporary screen using disposable tubing connected to a check valve and/or peristaltic pump.

The grab groundwater samples will be transferred into laboratory supplied containers. The groundwater samples will be labeled, logged on a chain-of-custody form in the field and placed into a cooler containing ice pending delivery to the laboratory. The samples will be analyzed for VOCs using USEPA SW-846 Test Method 8260B and PAHs by USEPA SW-846 Test Method 8270. The temporary wells will be properly abandoned following sampling.

### Well Installation and Development

The boreholes will be over-drilled using a 4.25-inch hollow-stem auger (HSA) to install the wells. Well construction will consist of approximately 10 feet of 2-inch inside diameter (ID) PVC riser and 10 feet of 2-inch ID, 0.010-inch slotted, PVC well screen. The piezometer will consist of approximately 25 feet of 2-inch ID PVC riser and 5 feet of 2-inch ID, 0.010-inch slotted, PVC well screen. The monitoring wells will be constructed such that the water table intersects the well screens. Sand pack materials will be placed from the bottom of the screen up to one foot above the well screen. A bentonite seal will extend from 1 foot bgs to the top of the sand pack. Expandable locking caps and locks will be placed on each well. Flush-mount well boxes will be set in 2-ft by 2-ft concrete pads.

The newly installed monitoring wells will be developed by removing three (3) to five (5) well volumes of water with a submersible pump, or until the water becomes clear of significant sediment. The development equipment will be decontaminated between each monitoring well. The purge water generated by the well development process and later sampling will be placed in DOT 17H-rated 55 gallon drums, or equivalent, for subsequent characterization and management.

### Well Sampling

EnviroForensics personnel will remobilize to the Site and conduct groundwater sampling on the six (6) newly installed monitoring wells and three (3) piezometers a minimum of 24 hours after well development activities have been completed.

Well caps will be removed at least 15 minutes prior to collecting water level measurements to allow groundwater in the monitoring well to equilibrate with the atmospheric pressure. The depth to water in each well will be measured using an electronic sounding device and recorded on sampling forms prior to sample collection activities. Groundwater purging and sample collection will be conducted using standard low-flow methods. Field parameters including pH, specific conductivity, temperature, oxidation reduction potential (ORP), dissolved oxygen (DO),

and turbidity will be measured to determine when purging is complete and to evaluate geochemical parameters. One (1) groundwater sample will then be collected from each well. Purge water will be stored on-Site in sealed and labeled DOT 17H-rated drums, or equivalent, for subsequent characterization and management.

### Monitoring Well Surveying

Upon completion of the installation of the new monitoring wells, a licensed surveyor will record the elevation and location of each monitoring well by standard surveying methods. A vertical elevation survey will be conducted to establish the elevation of each monitoring relative to above mean sea level (amsl). The horizontal and vertical grid coordinates of each monitoring well and soil boring location will be recorded to within 0.5 foot and 0.01 foot, respectively. Horizontal coordinates will be referenced to the State Plane Coordinate System.

### **Vapor Migration and Intrusion Assessment**

Although the results of the initial VI assessment indicated that chlorinated solvent compounds associated with the Site are not present in either the indoor air, outdoor air or in the vapor beneath the basement slabs, current WDNR VI guidance suggests that at least two (2) rounds of paired sampling is needed, and one of those sampling rounds needs to be conducted during winter months. The WDNR VI guidance also suggests that all habitable buildings within 100 feet of the source be evaluated for VI. The properties to the north, west and south of the Site have yet to be evaluated. To address these data gaps, EnviroForensics recommends soil gas sampling along the sanitary sewer line on Site and additional off-Site VI sampling.

### Soil Gas Sampling

The location and depth of the sanitary sewer on Site will be identified and two (2) direct-push borings will be advanced near that utility line. Soil gas samples will be collected from each location to determine whether the utility is acting as a migration pathway or source of contaminant release. Utility lines will also be located on the neighboring properties to determine if any of those could be acting as potential vapor migration pathways.

The soil gas points will consist of a disposable moisture filter coupled to Teflon®-lined polyethylene tubing extending to the surface. A sand pack will be placed around each screen in the open borehole approximately 6-inches above the screened interval. The remaining annular space interval between screens and the interval from the uppermost sand pack to surface grade will be filled with hydrated bentonite chips. The soil gas sampling points will be installed to the depths that will coincide with the depth of the sanitary sewer line.

Prior to sample collection, the integrity of the sampling points will be tested by leak detection using helium as a tracer gas, and tubing connections will be pressure tested as recommended in WDNR Publication RR-800. Each soil gas sampling point will be purged of 3 times the volume of air in the sand pack surrounding the screen with a peristaltic pump.

The soil gas samples will be collected in 1-liter laboratory batch-certified vacuum canisters with laboratory-supplied flow controllers that restrict the flow rate to approximately 200 milliliters per minute (mL/min). Initial and final pressure readings in each sample canister will be recorded on Soil Gas Field Sampling Forms along with all other required information. Soil gas vapor samples will be submitted under appropriate chain-of-custody protocol to a state-certified laboratory for analysis of VOCs according to USEPA Method TO-15.

### Vapor Intrusion Assessment

Paired sub-slab and indoor air sampling will be conducted at five (5) neighboring properties adjacent to the Site. These property addresses are: 2560, 2562, 2571 and 2600 N. Wauwatosa Avenue and 7525 W. Clark Street. Access agreements will be prepared for each property and sent to the property owners.

Indoor air samples will be collected at each building in the basement at the location of the sub-slab point and one on the first floor. The vapor sample will be collected in a 1-Liter vacuum canister over a 24-hour period of time. A thorough background evaluation will be conducted to determine if there are any chemicals or household products that could be detected in the sample. An outdoor background air sample will also be collected during the same time period as a control sample.

Sub-slab sampling ports will be installed at each sub-slab sampling location using a stainless steel Vapor Pin™. The sub-slab sampling points will be installed by drilling a counter-sunk hole through the concrete slab using an electric hammer drill. The ports will be capped during installation until sampling is initiated.

Testing the integrity of the sample ports and sampling train was conducted by vacuum testing and leak testing using a water dam technique. The leak testing information and results will be recorded in the Sub-Slab Vapor Field Sampling forms. Quality control testing will be performed in accordance with WDNR Publication RR-800 and following the methods presented in the *Standard Practice for Active Soil Gas Sampling in the Vadose Zone for Vapor Intrusion Evaluation*, ASTM Standard D7663-11.

The sub-slab vapor samples will be collected in batch-certified 1-Liter vacuum canisters fitted with a regulator to restrict the flow rate to less than 200 mL/min. The vacuum canisters will be connected to each vapor point using compression fittings and Teflon®-lined polyethylene tubing. The tubing will be purged of all ambient air using a hand pump prior to initiating sub-slab sampling. Initial and final pressure readings will be recorded on Sub-Slab Vapor Field Sampling Forms along with all other required information. The sub-slab vapor samples will be submitted to a state-certified laboratory for analysis of VOCs according to USEPA Method TO-15.

## Reporting

Once the investigation results are available, EnviroForensics will complete a Site Investigation Report, which will describe the work performed and summarize the findings of the work completed to date. The report will also include information on delineation of the horizontal and vertical extents of groundwater impacts, and a summary of all analytical testing results and field measurements. Appropriate tables, maps, figures, and attachments will be provided to aid data presentations and interpretation and the findings of the investigation. If additional site investigation data will be required to delineate the nature and extent of impacts and/or assess the VI pathway, a Further Site Investigation Work Plan will be provided.

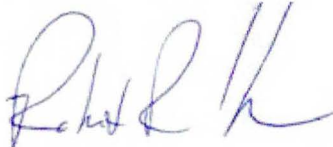
## SCHEDULE

EnviroForensics will commence field work within two (2) weeks of receiving executed access agreements and right-of-way permits from the City of Wauwatosa. It is anticipated that the initial phase of the subsurface investigation field activities will take three (3) days to complete. The well development and sampling will take an additional three (3) days to complete. Data analysis will commence following receipt of laboratory results, and reporting will be completed within six (6) weeks of receiving the laboratory results.

If you have any questions, please feel free to contact either of me at 866-888-7911.

Sincerely,

**Environmental Forensic Investigations, Inc.**

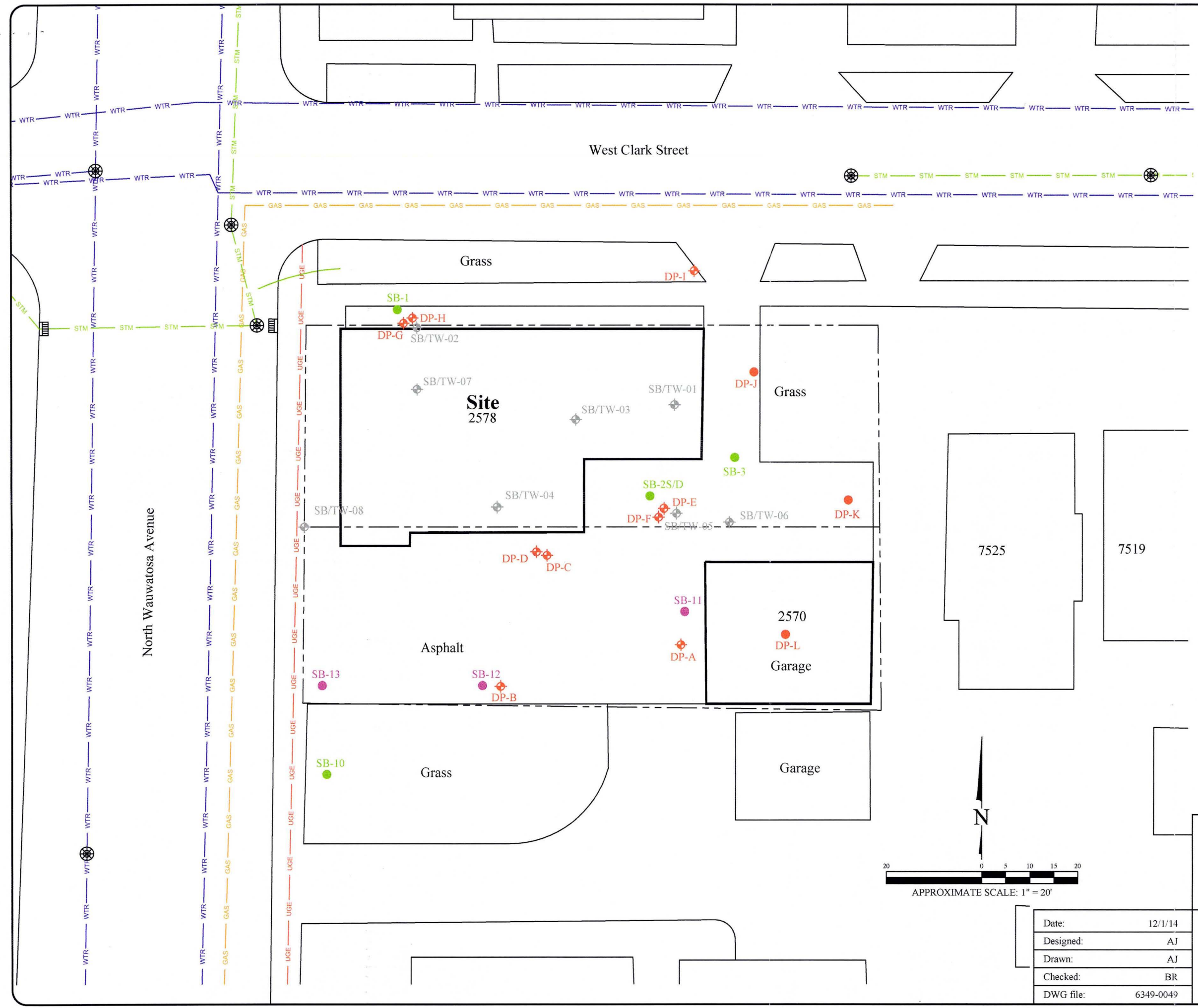
A handwritten signature in blue ink, appearing to read "Rob Hoverman".

Rob Hoverman, PG  
Senior Project Manager

Attachments –

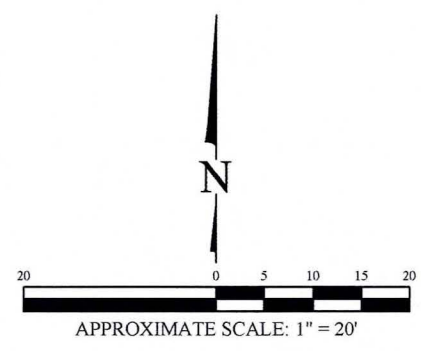
Figure 1 – Site Plan for Proposed Sample Locations

CC: Ted Warpinski – Freibert, Finerty and St. John, S.C.



### Legend

- Site Property boundary
- GAS Underground gas utility line
- WTR Underground water utility line
- STM Underground storm utility line
- UGE Underground electrical utility line
- Soil boring and temporary monitoring well locations (by Symbiont)
- Proposed soil boring
- Manhole
- Catch Basin
- Proposed soil boring/well location
- Weston boring
- Tetra Tech boring



**SITE PLAN**  
**FORMER VOGUE CLEANERS**  
 2578 North Wauwatosa Avenue,  
 Wauwatosa, Wisconsin

	Figure
	1
<small>ENVIRONMENTAL FORENSIC INVESTIGATIONS, INC.          602 N. Capitol Ave., Ste. 210 • Indianapolis, IN 46204          EnviroForensics.com</small>	Project
	6349

Date:	12/1/14
Designed:	AJ
Drawn:	AJ
Checked:	BR
DWG file:	6349-0049



**Notice:** Use this form to request a **written response (on agency letterhead)** from the Department of Natural Resources (DNR) regarding technical assistance or liability clarification for property with known or suspected environmental contamination. A fee may be required as is authorized by s. 292.55, Wis. Stats., and NR 749, Wis. Adm. Code. Personal information collected will be used for administrative purposes and may be provided to requesters to the extent required by Wisconsin's Open Records law [ss. 19.31 - 19.39, Wis. Stats.].

### Definitions

**"Property"** refers to the subject property that is perceived to have been or has been impacted by the discharge of hazardous substances.

**"Liability Clarification"** refers to a written determination by the Department provided in response to a request made on this form. The response clarifies whether a person is or may become liable for the environmental contamination of a property, as provided in s. 292.55, Wis. Stats.

**"Technical Assistance"** refers to the Department's assistance or comments on the planning and implementation of an environmental investigation or environmental cleanup on a property in response to a request made on this form as provided in s. 292.55, Wis. Stats.

### Select the Correct Form

Do not use this form if one of the following applies:

- Request for an **off-site liability exemption or clarification** for property that has been or is perceived to be contaminated by one or more hazardous substances that originated on another property containing the source of the contamination. Use DNR's Off-Site Liability Exemption and Liability Clarification Application Form 4400-201.
- Submittal of an Environmental Assessment for the **Lender Liability Exemption**, s. 292.21, Wis. Stats., **if no response or review by DNR is requested**. Use the Lender Liability Exemption Environmental Assessment Tracking Form 4400-196.
- Request for an **exemption to develop on a historic fill site** or licensed landfill. Use DNR's Form 4400-226 or 4400-226A.
- **Request for closure** for property where the investigation and cleanup actions are completed. Use DNR's Case Summary and Closeout Request Form 4400-202.

All forms, publications and additional information are available on the internet at: [dnr.wi.gov/topic/Brownfields/Pubs.html](http://dnr.wi.gov/topic/Brownfields/Pubs.html).

### Instructions

1. Complete Sections 1, 2, 6 and 7 for all requests. Be sure to provide adequate and complete information.
2. Select the type of assistance requested: Section 3 for technical assistance; Section 4 for a written determination or clarification of environmental liabilities; or Section 5 for a specialized agreement.
3. Include the fee payment that is listed in Section 3, 4, or 5, unless the property is in the Voluntary Party Liability Exemption Program and the questions in Section 2 direct otherwise.
4. Send the completed request and supporting materials to the appropriate DNR regional office where the property is located. See the map on the last page. Contact the DNR project manager or call the phone numbers listed with any questions.

The time required for DNR's determination varies depending on the complexity of the site, and the clarity and completeness of the request and supporting documentation.

# Technical Assistance and Environmental Liability Clarification Request

Form 4400-237 (R 10/13)

Page 2 of 8

## Section 1. Recipient of the Technical Assistance, Liability Clarification or Agreement from the Department

This is the person who is requesting that his or her liability be clarified or who is seeking technical assistance or a specialized agreement and is identified as the applicant in Section 7. DNR will address its response letter to this person.

Last Name Collison	First Ron	MI	Organization/ Business Name Former Vogue Cleaners
Mailing Address 2140 N 93RD ST			City Wauwatosa
			State WI
			ZIP Code 53226
Phone # (include area code)	Fax # (include area code)	Email	

The applicant listed above: (select all that apply)

- Is currently the owner
- Is currently considering selling the property
- Is renting or leasing the property
- Is currently considering acquiring the property
- Has mortgagee interest in the property
- Other. Explain the status of the property with respect to the applicant:

## Contact Information (to be contacted with questions about this request)

Contact Last Name Hoverman	First Rob	MI	Organization/ Business Name EnviroForensics
Mailing Address N16W23390 Stone Ridge Dr			City Waukesha
			State WI
			ZIP Code 53188
Phone # (include area code) (262) 510-0612	Fax # (include area code)	Email rhoverman@enviroforensics.com	

## Environmental Consultant (if applicable)

Contact Last Name	First	MI	Organization/ Business Name
Mailing Address			City
			State
			ZIP Code
Phone # (include area code)	Fax # (include area code)	Email	

## Attorney (if applicable)

Contact Last Name Warpinski	First Ted	MI	Organization/ Business Name Freibert Finerty & St John.
Mailing Address 330 E Kilbourn Ave # 1250			City Milwaukee
			State WI
			ZIP Code 53202
Phone # (include area code) (414) 271-0130	Fax # (include area code)	Email taw@ffsj.com	

## Property Owner (if different from applicant)

Contact Last Name	First	MI	Organization/ Business Name
Mailing Address			City
			State
			ZIP Code
Phone # (include area code)	Fax # (include area code)	Email	

# Technical Assistance and Environmental Liability Clarification Request

Form 4400-237 (R 10/13)

Page 3 of 8

## Section 2. Property Information

BRRTS ID No. (if known) 02-41-562047	FID No. (if known) 241920690	Property Name Former Vogue Cleaners	Tax Parcel #
Street Address 2578 N WAUWATOSA AVE		City Wauwatosa	State WI
Municipality where the property is located Milwaukee		Property is composed of: <input checked="" type="radio"/> Single tax parcel <input type="radio"/> Multiple tax parcels	ZIP Code 53213
County Milwaukee		Property Size Acres 1	

1. Is a response needed by a specific date? (e.g., property closing date) Note: Most requests are completed within 60 days. Please plan accordingly.

No     Yes

Reason: \_\_\_\_\_

2. Is this property currently enrolled in or undergoing cleanup actions under the Voluntary Party Liability Exemption (VPLE) program?

**No. Include fee that is required for your request in Section 3, 4 or 5.**

Yes. If yes, is the recipient listed above also the voluntary party who is currently reenrolled in the VPLE program at that

No. **Include fee that is listed for your request in Section 3, 4 or 5.**

Yes. **Do not include a separate fee.** This request will be billed separately through the VPLE Program.

**Fill out the information in Section 3, 4 or 5 which corresponds with the type of request: Section 3. Technical Assistance; Section 4. Liability Clarification; or Section 5. Specialized Agreement.**

## Section 3. Property Information

Select the type of technical assistance requested: **[Numbers in brackets are for WI DNR Use]**

- No Further Action Letter (NFA) (Immediate Actions) [183] - NR 708.09 - **Include a fee of \$350.** Use for a written response to an immediate action after a discharge or discovery of hazardous substance. Generally, these are one-time spill event.
- Review of Site Investigation Work Plan [135] - NR 716.09 - **Include a fee of \$700.**
- Review of Site Investigation Report [137] - NR 716.15 - **Include a fee of \$1050.**
- Approval of a Site Specific Soil Cleanup Standard [67] - NR 720.19 Reports - **Include a fee of \$1050.**
- Review of a Remedial Action Options Report [143] - NR 722.13 - **Include a fee of \$1050.**
- Review of a Remedial Action Design Report [148] - NR 724.09 - **Include a fee of \$1050.**
- Review of a Remedial Action Documentation Report [152] - NR 724.15 - **Include a fee of \$350**
- Review of a Long-term Monitoring Plan [25] - NR 724.17 - **Include a fee of \$425.**
- Review of an Operation and Maintenance Plan [192] - NR 724.13 - **Include a fee of \$425.**

Other Technical Assistance [97] - s. 292.55, Wis. Stats. (For request to build on an abandoned landfill use Form 4400-226)

- Schedule a Technical Assistance Meeting - **Include a fee of \$700.**
- Hazardous Waste Determination - **Include a fee of \$700.**
- Other Technical Assistance - **Include a fee of \$700.** Explain your request below or in an attachment.

Skip Sections 4 and 5 if the technical assistance you are requesting is listed above. Complete Sections 6 and 7 of this form.

**Section 4. Request for Liability Clarification**

Select the type of liability clarification requested. Use the available space given or attach information, explanations, or specific questions that you need answered in DNR's reply. Complete Sections 6 and 7 of this form. **[Numbers in brackets are for DNR Use]**

"Lender" liability exemption clarification [686] - s. 292.21, Wis. Stats.

❖ **Include a fee of \$700.**

Provide the following documentation:

- (1) ownership status; of the property;
- (2) an environmental assessment, in accordance with s. 292.21, Wis. Stats.;
- (3) the date the environmental assessment was conducted by the lender;
- (4) the date of property acquisition;
- (5) documentation showing how the property was acquired;
- (6) a copy of the property deed with the correct legal description; and,
- (7) the Lender Liability Exemption Environmental Assessment Tracking Form (Form 4400-196).
- (8) If no sampling was done, please provide reasoning as to why it was **not** conducted. Include this either in the accompanying environmental assessment or as an attachment to this form, and cite language in s. 292.21(1)(c)2.,h.-i., Wis. Stats.:

h. The collection and analysis of representative samples of soil or other materials in the ground that are suspected of being contaminated based on observations made during a visual inspection of the real property or based on aerial photographs, or other information available to the lender, including stained or discolored soil or other materials in the ground and including soil or materials in the ground in areas with dead or distressed vegetation. The collection and analysis shall identify contaminants in the soil or other materials in the ground and shall quantify concentrations.

i. The collection and analysis of representative samples of unknown wastes or potentially hazardous substances found on the real property and the determination of concentrations of hazardous waste and hazardous substances found in tanks, drums or other containers or in piles or lagoons on the real property.

"Representative" liability exemption clarification (e.g. trustees, receivers, etc.) [686] - s.292.21, Wis. Stats.

❖ **Include a fee of \$700.**

Provide the following documentation:

- (1) ownership status of the property;
- (2) the date of property acquisition by the representative;
- (3) the means by which the property was acquired;
- (4) documentation that the representative has no beneficial interest in any entity that owns, possesses, or controls the property;
- (5) documentation that the representative has not caused any discharge of a hazardous substance on the property; and
- (6) a copy of the property deed with the correct legal description.

Clarification of local governmental unit (LGU) liability exemption at sites with: (select all that apply)

hazardous substances spills - s. 292.11(9)(e), Wis. Stats. [649];

hazardous waste - s.292.24 (2), Wis. Stats. [649]; and/or

solid waste - s. 292.23 (2), Wis. Stats. [649].

❖ **Include a fee of \$700, a summary of the environmental liability clarification being requested, and the following:**

- (1) current and proposed ownership status of the property;
- (2) date and means by which the property was acquired by the LGU, where applicable;
- (3) a map and the ¼, ¼ section location of the property;
- (4) summary of current uses of the property;
- (5) intended or potential use(s) of the property;
- (6) descriptions of other investigations that have taken place on the property; and
- (7) (for solid waste clarifications) a summary of the license history of the facility.

**Section 4. Request for Liability Clarification (cont.)**

Lease liability clarification [646] - s. 292.55, Wis. Stats.

❖ **Include a fee of \$700 for a single property, or \$1400 for multiple properties and the information listed below:**

- (1) a copy of the proposed lease;
- (2) the name of the current owner of the property and the person who will lease the property;
- (3) a description of the lease holder's association with any persons who have possession, control, or caused a discharge of a hazardous substance on the property;
- (4) map(s) showing the property location and any suspected or known sources of contamination detected on the property;
- (5) a description of the intended use of the property by the lease holder, with reference to the maps to indicate which areas will be used. Explain how the use will not interfere with any future investigation or cleanup at the property; and
- (6) all reports or investigations (e.g. Phase I and Phase II Environmental Assessments and/or Site Investigation Reports conducted under s. NR 716, Wis. Adm. Code) that identify areas of the property where a discharge has occurred.

General or other environmental liability clarification [682] - s. 292.55, Wis. Stats. - Explain your request below.

❖ **Include a fee of \$700 and an adequate summary of relevant environmental work to date.**

No Action Required (NAR) [682] - s. NR 716.05

❖ **Include a fee of \$700.**

Use where an environmental discharge has or has not occurred, and applicant wants DNR determination that no further assessment or clean-up work is required. Usually this is requested after a Phase I and Phase II environmental assessment has been conducted; the assessment reports should be submitted with this form. This is not a closure letter.

Clarify the liability associated with a "closed" property - s. 292.55, Wis. Stats.

❖ **Include a fee of \$700.**

- Include a copy of any closure documents if a state agency other than DNR approved the closure.

---

Use this space or attach additional sheets to provide necessary information, explanations or specific questions to be answered by the DNR.

Section 5. Request for a Specialized Agreement

Select the type of agreement needed. Include the appropriate draft agreements and supporting materials. Complete Sections 6 and 7 of this form. More information and model draft agreements are available at: dnr.wi.gov/topic/Brownfields/lgu.html#tabx4.

[ ] Tax cancellation agreement [654] - s. 75.105(2)(d), Wis. Stats.

❖ Include a fee of \$700, and the information listed below:

- (1) Phase I and II Environmental Site Assessment Reports,
(2) a copy of the property deed with the correct legal description; and,
(3) a draft 75.105 agreement based on the DNR's model (dnr.wi.gov/topic/brownfields/documents/mod75-105agrmt.pdf).

[ ] Agreement for assignment of tax foreclosure judgement - s.75.106, Wis. Stats. [666]

❖ Include a fee of \$700, and the information listed below:

- (1) Phase I and II Environmental Site Assessment Reports,
(2) a copy of the property deed with the correct legal description; and,
(3) a draft 75.105 agreement based on the DNR's model (dnr.wi.gov/topic/brownfields/documents/mod75-106agrmt.pdf).

[ ] Negotiated agreement - Enforceable contract for non-emergency remediation - s. 292.11(7)(d) and (e), Wis. Stats. [630]

❖ Include a fee of \$1400, and the information listed below:

- (1) a draft schedule for remediation; and,
(2) the name, mailing address, phone and email for each party to the agreement.

Section 6. Other Information Submitted

Identify all materials that are included with this request.

Include one copy of any document from any state agency files that you want the Department to review as part of this request. The applicant is responsible for contacting other state agencies to obtain appropriate reports or information.

[ ] Phase I Environmental Site Assessment Report - Date: \_\_\_\_\_

[ ] Phase II Environmental Site Assessment Report - Date: \_\_\_\_\_

[ ] Legal Description of Property (required for all liability requests and specialized agreements)

[ ] Map of the property (required for all liability requests and specialized agreements)

Analytical results of the following sampled media: Select all that apply and include date of collection.

[ ] Groundwater [ ] Soil [ ] Sediment [ ] Other medium - Describe: \_\_\_\_\_

Date of Collection: \_\_\_\_\_

[ ] A copy of the closure letter and submittal materials

[ ] Draft tax cancellation agreement

[ ] Draft agreement for assignment of tax foreclosure judgment

[X] Other report(s) or information - Describe: Work Plan

For property with newly identified discharges of hazardous substances only: Has a notification of a discharge of a hazardous substance been sent to the DNR as required by s. NR 706.05(1)(b), Wis. Adm. Code?

[ ] Yes - Date (if known): \_\_\_\_\_

[ ] No

Note: The Fax Notification for Hazardous Substance Discharge (non-emergency) form is available at: dnr.wi.gov/files/PDF/forms/4400/4400-225.pdf.

**Technical Assistance and Environmental  
Liability Clarification Request**

Form 4400-237 (R 10/13)

Page 7 of 8

**Section 7. Certification by the Person who completed this form**

I am the applicant

I prepared this request for: Ron Collison  
Applicant Name

I certify that I am familiar with the information submitted on this request, and that the information on and included with this request is true, accurate and complete to the best of my knowledge. I also certify I have the legal authority and the applicant's permission to make this request.

  
Signature

3/11/15  
Date Signed

Vice President - Dir of Personnel & Quality Assurance  
Title

414-982-3988  
Telephone Number (include area code)

# Technical Assistance and Environmental Liability Clarification Request

Form 4400-237 (R 10/13)

Page 8 of 8

## Section 8. DNR Contacts and Addresses for Request Submittals

Send or deliver the completed request, supporting materials, and fee to the region where the property is located. Contact the individual listed with any questions about this form or a specific situation involving contaminated property.

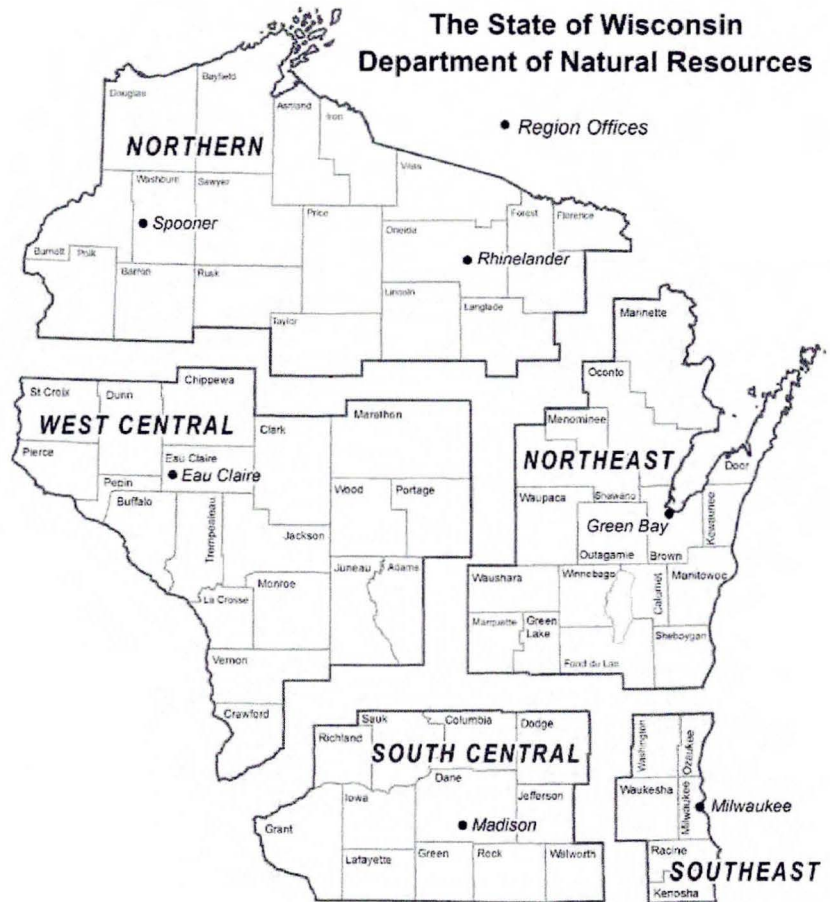
**DNR NORTHERN REGION**  
 Attn: RR Program Assistant  
 Department of Natural Resources  
 223 E Steinfest Rd Antigo, WI 54409  
 Carrie Stoltz (715) 365-8942

**DNR NORTHEAST REGION**  
 Attn: RR Program Assistant  
 Department of Natural Resources  
 2984 Shawano Avenue  
 Green Bay WI 54313  
 Annette Weissbach (920) 662-5165

**DNR SOUTHEAST CENTRAL REGION**  
 Attn: RR Program Assistant  
 Department of Natural Resources  
 3911 Fish Hatchery Road  
 Fitchburg WI 53711  
 Janet DiMaggio (608) 275-3295

**DNR SOUTHEAST REGION**  
 Attn: RR Program Assistant  
 Department of Natural Resources  
 2300 North Martin Luther King Drive  
 Milwaukee WI 53212  
 Margaret Brunette (414) 263-8557

**DNR WEST CENTRAL REGION**  
 Attn: RR Program Assistant  
 Department of Natural Resources  
 1300 Clairemont Ave.  
 Eau Claire WI 54702  
 Loren Brumberg (715) 839-3770



Note: These are the Remediation & Redevelopment Program's designated regions. Other DNR program regional boundaries may be different.

DNR Use Only			
Date Received	Date Assigned	BRRTS Activity Code	BRRTS FID No. (if used)
DNR Reviewer		Comments	
Fee Enclosed? <input type="radio"/> Yes <input type="radio"/> No	Fee Amount \$	Date Additional Information Requested	Date Requested for DNR Response Letter
Date Approved	Final Determination		