



11/16/2022

Sharlene TeBeest
Wisconsin Department of Transportation
PO Box 7965, Room 5 South S516.12
Madison, WI, 53707-7965
Via Electronic Mail Only to Sharlene.TeBeest@dot.wi.gov

KEEP THIS LEGAL DOCUMENT WITH YOUR PROPERTY RECORDS

SUBJECT: Case Closure with Continuing Obligations
WI DOT Bristol Garage, 8335 200th Ave, Bristol, WI 53104
BRRTS #02-30-563385, FID #230120660

Dear Ms. TeBeest,

The Wisconsin Department of Natural Resources (DNR) is pleased to inform you that the WI DOT Bristol Garage case identified above met the requirements of Wisconsin Administrative (Wis. Admin.) Code chs. NR 700 to 799 for case closure with continuing obligations (COs). COs are legal requirements to address potential exposure to remaining contamination. No further investigation or remediation is required at this time for the reported hazardous substance discharge and/or environmental pollution.

However, you, future property owners and occupants of the property must comply with the COs as explained in this letter, which may include maintaining certain features and notifying the DNR and obtaining approval before taking specific actions. You must provide this letter and all enclosures to anyone who purchases, rents or leases this property from you. Some COs also apply to other properties or rights of way (ROWs) affected by the contamination as identified in the Continuing Obligation Summary section of this letter.

This case closure decision is issued under Wis. Admin. Code chs. NR 700 to 799 and is based on information received by the DNR to date. The DNR reviewed the closure request for compliance with state laws and standards and determined the case closure request met the notification requirements of Wis. Admin. Code ch. NR 725, the response action goals of Wis. Admin. Code § NR 726.05(4), and the case closure criteria of Wis. Admin. Code §§ NR 726.05, 726.09 and 726.11, and Wis. Admin. Code ch. NR 140.

The WI DOT Bristol Garage site was investigated for a discharge of hazardous substances and/or environmental pollution from two leaking underground storage tanks located (removed between 1989 and 1990) on the western portion of the property in an area that is now mostly covered by the right of way and an empty lot owned by WisDOT with the current address being 8335 200th Ave in Bristol, WI. Case closure is granted for the petroleum volatile organic compounds (PVOCs) as documented in the case file. The site investigation and/or remedial action addressed soil and groundwater. The remedial action consisted of the removal of the pipe as well as the excavation of 29 tons of petroleum contaminated soil. Contamination remains in soil at borings GP-2, GP-14 and HS-01 as depicted on Figure B.2.b.

The case closure decision and COs required are based on the current use of the source property at 8335 200th Ave being used for right-of-way purposes, and the affected properties (listed in the table below) for right-of-way or commercial purposes. The source property is currently zoned as a right-of-way and the affected properties are currently zoned right-of-way or commercial. Based on the land use and zoning, the site, including both the source property and the affected properties, meets the non-industrial land use classification under Wis. Admin. Code § NR 720.05(5) for application of residual contaminant levels in soil.

SUMMARY OF CONTINUING OBLIGATIONS

COs are applied at the following locations:

ADDRESS (CITY, WI)	COS APPLIED	DATE OF MAINTENANCE PLAN(S)
8335 200 th Ave. Bristol, WI (Source Property)	- Residual Soil Contamination	<u>-Not applicable</u>
8321 200 th Ave. Bristol, WI	- Residual Soil Contamination	<u>-Not applicable</u>
<u>USH 45/200th Ave Affected ROW</u>	- Residual Soil Contamination	<u>-Not applicable</u>

CLOSURE CONDITIONS

Closure conditions are legally required conditions which include both COs and other requirements for case closure (Wis. Stat. § 292.12(2)). Under Wis. Stat. § 292.12(5), you, any subsequent property owners and occupants of the property must comply with the closure conditions as explained in this letter. The property owner must notify occupants for any condition specified in this letter under Wis. Admin. Code §§ NR 726.15(1)(b) and NR 727.05(2). If an occupant is responsible for maintenance of any closure condition specified in this letter, you and any subsequent property owner must include the condition in the lease agreement under Wis. Admin. Code § NR 727.05(3) and provide the maintenance plan to any occupant that is responsible.

DNR staff may conduct periodic pre-arranged inspections to ensure that the conditions included in this letter are met (Wis. Stat. § 292.11(8)). If these requirements are not followed, the DNR may take enforcement action under Wis. Stat. ch. 292 to ensure compliance with the closure conditions.

SOIL

Continuing Obligations to Address Soil Contamination

Residual Soil Contamination (Wis. Admin. Code chs. NR 718, NR 500 to 599, and § NR 726.15(2)(b), and Wis. Stat. ch. 289)

Soil contamination remains at borings GP-2, GP-14 and HS-01 as indicated on the enclosed map (Figure B.2.b., Residual Soil Contamination, March 2022). If soil in the location(s) shown on the map is excavated in the future, the property owner or right of way holder at the time of excavation must sample and analyze the excavated soil. If sampling confirms that contamination is present, the property owner or right of way holder at the time of excavation will need to determine if the material is considered solid waste and ensure that any storage, treatment or disposal complies with applicable standards and rules. Contaminated soil may be managed under Wis. Admin. Code ch. NR 718 with prior DNR approval.

In addition, all current and future property owners, occupants and right of way holders need to be aware that excavation of the contaminated soil may pose an inhalation and direct contact hazard; special precautions may be needed to prevent a threat to human health.

OTHER CLOSURE REQUIREMENTS

Pre-Approval Required for Well Construction (Wis. Admin. Code § NR 812.09(4)(w))

DNR approval is required before well construction or reconstruction for all sites identified as having residual contamination and/or COs. This requirement applies to private drinking water wells and high-capacity wells. To obtain approval, the property owner is required to complete and submit Form 3300-254, Continuing Obligations/Residual Contamination Well Approval Application, to the DNR Drinking Water and Groundwater program's regional water supply specialist. A well driller can help complete this form. The form can be obtained online at dnr.wi.gov, search "3300-254." Additional casing may be necessary to help prevent contamination of the well.

DNR NOTIFICATION REQUIREMENTS

The DNR may require additional investigation and/or cleanup actions, if necessary, to be protective of human health and the environment. The case may be reopened under Wis. Admin. Code § NR 727.13 if additional information indicates that contamination on or from the site poses a threat, or for a lack of compliance with a CO or closure requirement.

CLOSING

Site, case-related information and DNR contacts can be found online in the Bureau for Remediation and Redevelopment Tracking System (BRRTS) on the Web (BOTW); go to dnr.wi.gov and search "BOTW." Use the BRRTS ID # found at the top of this letter. The site can also be found on the map view, Remediation and Redevelopment Sites Map (RRSM) by searching "RRSM."

Send written notifications and inspection logs and monitoring well filling and sealing forms to the DNR using the RR Program Submittal Portal at dnr.wi.gov, search "RR submittal portal" (<https://dnr.wi.gov/topic/Brownfields/Submittal.html>). Questions on using this portal can be directed to the Project Manager below or to the environmental program associate (EPA) for the regional DNR office. Visit dnr.wi.gov, search "RR contacts" and select the EPA tab (<https://dnr.wi.gov/topic/Brownfields/Contact.html>). The DNR appreciates your efforts to restore the environment at this site. If you have any questions regarding this letter, please contact the DNR Project Manager, Jon McKelvey at (262) 399-6686, or at jonathan.mckelvey@wisconsin.gov.

Sincerely,



Timothy G. Alessi, P.G.
Southeast Region Team Supervisor
Remediation & Redevelopment Program

Attachments:
Figure B.2.b., Residual Soil Contamination, March 2022

cc.
Theodore O'Connell – TOConnell@trccompanies.com

Additional Resources:

BRRTS #: 02-30-563385

05/26/2022

The DNR fact sheets can be obtained by visiting the DNR website at "dnr.wi.gov" and searching DNR publication number.

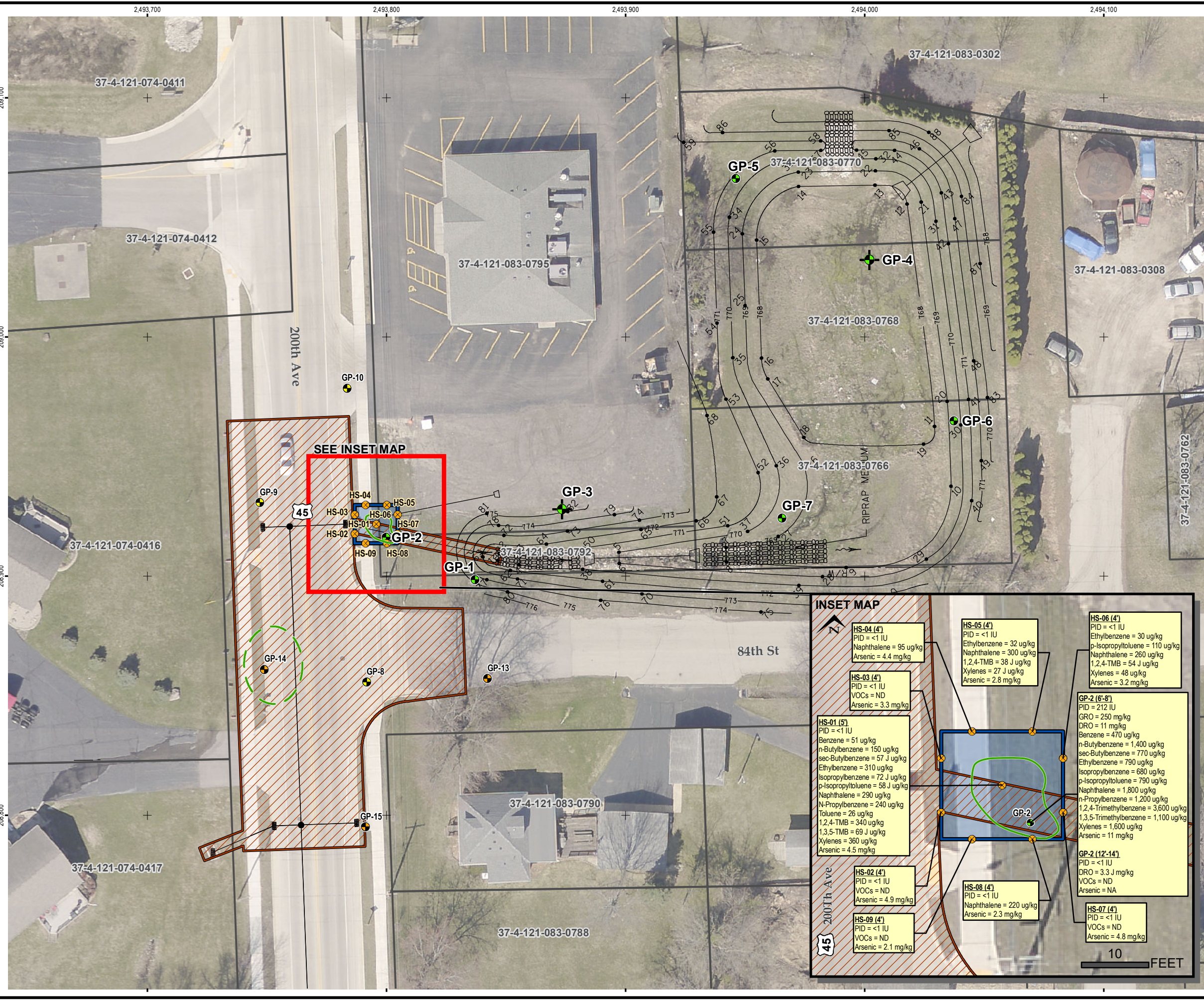
Guidance for Electronic Submittals for the Remediation and Redevelopment Program (RR-690)

Continuing Obligations for Environmental Protection (RR-819)

Environmental Contamination and your Real Estate ((RR-973)

Post-Closure modifications: Changes to Property Conditions after a State-Approved Cleanup (RR-987)

TRC - GIS
 Coordinate System: NAD 1983 StatePlane Wisconsin South FIPS 4803 Feet (Foot US)
 Map Rotation: 0
 Plot Date: 3/28/2022 16:51:24 PM by RSUEMNICHT -- LAYOUT: ANS(B)(11"x17")
 Path: S11-PROJECTS\WI_DOT\2017_263245\394227-009.mxd



LEGEND

- CONFIRMATION SOIL SAMPLE FROM HOT SPOT EXCAVATION (JULY 13, 2017)
- PHASE 3 SOIL BORING LOCATION (4/24/2013)
- PHASE 3 SOIL BORING/TEMPORARY WELL LOCATION (4/24/2013)
- PHASE 2.5 SOIL BORING LOCATIONS (2/9/2015)
- PHASE 2.5 SOIL BORING LOCATIONS (4/7/2015)
- NR 720 GROUNDWATER PATHWAY RCL EXCEEDANCE (DASHED WHERE INFERRED)
- APPROXIMATE LIMITS OF HOT SPOT EXCAVATION
- SOIL MANAGED AS CONTAMINATED DURING STORM SEWER EXCAVATION AND GRADING
- PARCEL BOUNDARY

- ### NOTES
1. BASE MAP IMAGERY FROM KENOSHA COUNTY, 2020.
 2. MAP PROJECTION AND GRID COORDINATES ARE NAD83 STATE PLANE WISCONSIN-SOUTH (US SURVEY FEET).
 3. PARCEL BOUNDARIES ACQUIRED FROM WISCONSIN STATE CARTOGRAPHER'S OFFICE.
 4. CONSTRUCTION PLANS PROVIDED BY WISDOT. LOCATIONS ARE APPROXIMATE.
 5. FOLLOWING REGRADING DURING CONSTRUCTION, GP-2 (6'-8") IS NOW LOCATED WITHIN THE 0-4 FOOT DIRECT CONTACT ZONE.
 6. ARSENIC AND SELENIUM CONCENTRATIONS ENCOUNTERED AT THE SITE ARE TYPICAL OF URBAN BACKGROUND CONDITIONS, SUCH AS THOSE ENCOUNTERED WITHIN THE ROW CORRIDOR BACKFILL. THEREFORE, CONCENTRATIONS ARE NOT CONSIDERED EXCEEDANCES OF THE NR 720 GROUNDWATER PATHWAY RCL.

INSET MAP

HS-04 (4') PID = <1 IU Naphthalene = 95 ug/kg Arsenic = 4.4 mg/kg	HS-05 (4') PID = <1 IU Ethylbenzene = 32 ug/kg Naphthalene = 300 ug/kg 1,2,4-TMB = 38 J ug/kg Xylenes = 27 J ug/kg Arsenic = 2.8 mg/kg	HS-06 (4') PID = <1 IU Ethylbenzene = 30 ug/kg p-Isopropyltoluene = 110 ug/kg Naphthalene = 260 ug/kg 1,2,4-TMB = 54 J ug/kg Xylenes = 48 ug/kg Arsenic = 3.2 mg/kg
HS-03 (4') PID = <1 IU VOCs = ND Arsenic = 3.3 mg/kg	GP-2 (6'-8') PID = 212 IU GRO = 250 mg/kg DRO = 11 mg/kg Benzene = 470 ug/kg n-Butylbenzene = 1,400 ug/kg sec-Butylbenzene = 770 ug/kg Ethylbenzene = 790 ug/kg Isopropylbenzene = 680 ug/kg p-Isopropyltoluene = 790 ug/kg Naphthalene = 1,800 ug/kg n-Propylbenzene = 1,200 ug/kg 1,2,4-Trimethylbenzene = 3,600 ug/kg 1,3,5-Trimethylbenzene = 1,100 ug/kg Xylenes = 1,600 ug/kg Arsenic = 11 mg/kg	GP-2 (12'-14') PID = <1 IU DRO = 3.3 J mg/kg VOCs = ND Arsenic = NA
HS-01 (5') PID = <1 IU Benzene = 51 ug/kg n-Butylbenzene = 150 ug/kg sec-Butylbenzene = 57 J ug/kg Ethylbenzene = 310 ug/kg Isopropylbenzene = 72 J ug/kg p-Isopropyltoluene = 58 J ug/kg Naphthalene = 290 ug/kg N-Propylbenzene = 240 ug/kg Toluene = 26 ug/kg 1,2,4-TMB = 340 ug/kg 1,3,5-TMB = 69 J ug/kg Xylenes = 360 ug/kg Arsenic = 4.5 mg/kg	HS-08 (4') PID = <1 IU Naphthalene = 220 ug/kg Arsenic = 2.3 mg/kg	HS-07 (4') PID = <1 IU VOCs = ND Arsenic = 4.8 mg/kg
HS-02 (4') PID = <1 IU VOCs = ND Arsenic = 4.9 mg/kg	HS-09 (4') PID = <1 IU VOCs = ND Arsenic = 2.1 mg/kg	

0 40 80 Feet
 1" = 40'
 1:480

PROJECT: **WISDOT ID# 3200-02-73
 USH 45, ILLINOIS STATE LINE TO
 MILWAUKEE ROAD (STH 50)
 TOWN OF BRISTOL, KENOSHA COUNTY, WISCONSIN**

TITLE: **RESIDUAL SOIL CONTAMINATION**

DRAWN BY: R. SUEMNICHT	PROJ NO.: 394227
CHECKED BY: A. ENRIGHT	
APPROVED BY: T. O'CONNELL	FIGURE B.2.b
DATE: MARCH 2022	

6737 W Washington St., Suite 2100
 West Allis, WI 53214
 Phone: 262.879.1212
 www.trcsolutions.com

FILE NO.: 394227-009.mxd