State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
1027 W. Saint Paul Avenue
Milwaukee WI 53233

Tony Evers, Governor Preston D. Cole, Secretary

Telephone 608-266-2621 Toll Free 1-888-936-7463 TTY Access via relay - 711



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.



Case Closure of WI DOT Bristol Garage BRRTS #: 02-30-563385 November 16, 2022

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	-Not applicable
8321 200 th Ave. Bristol, WI	- Residual Soil Contamination	-Not applicable
USH 45/200 th Ave Affected ROW	- Residual Soil Contamination	-Not applicable

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.

BRRTS #: 02-30-563385 November 16, 2022

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

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Attachments:

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

cc.

Theodore O'Connell - TOConnell@trccompanies.com

Additional Resources:

Case Closure of WI DOT Bristol Garage BRRTS #: 02-30-563385

05/26/2022

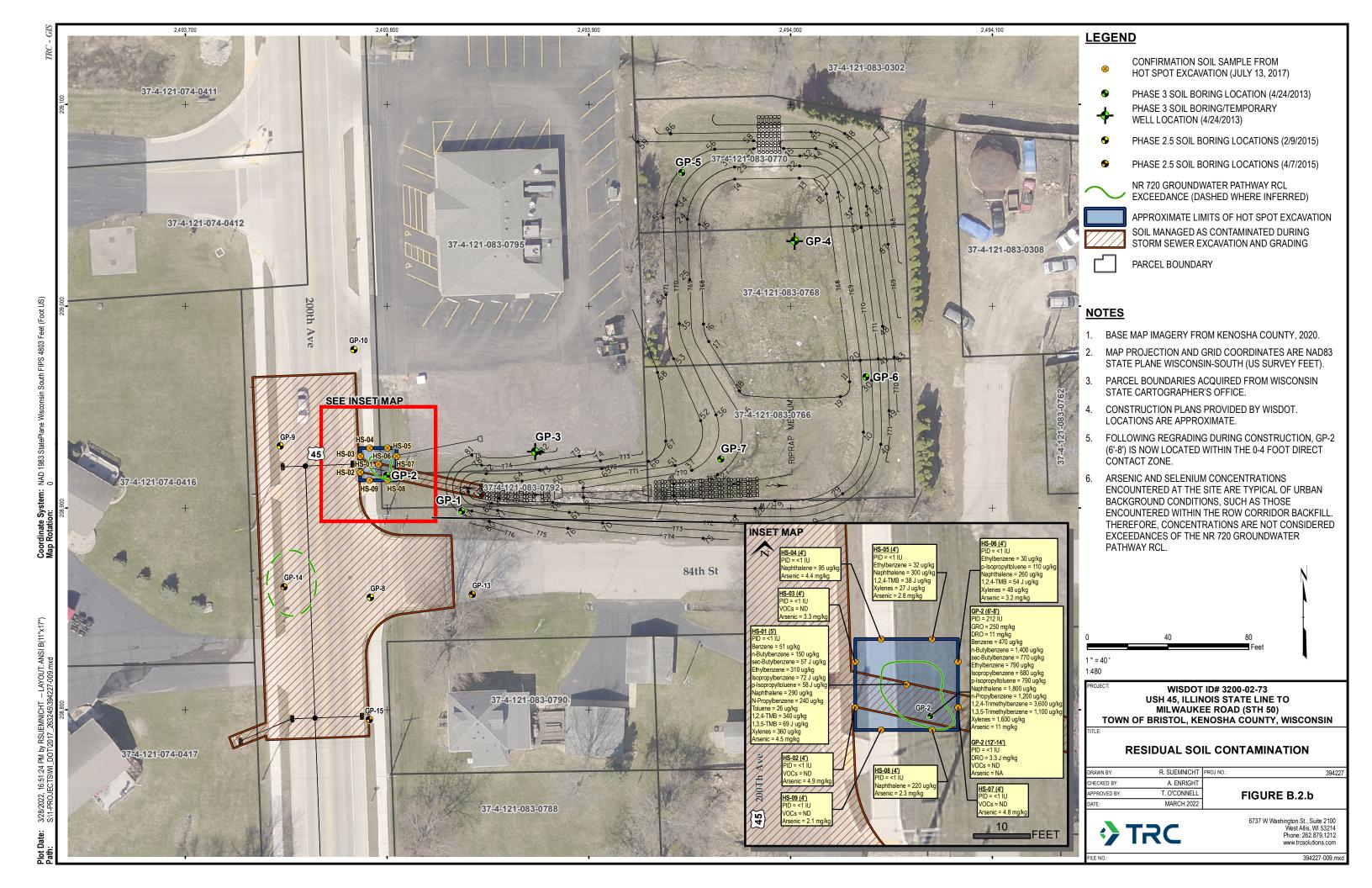
The DNR fact sheets can be obtained by visiting the DNR website at "dnr.wi.gov" and searching DNR publication number.

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)



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4/12/2023

NH Management LLC 5305 88th Street Pleasant Prairie, WI 53158

KEEP THIS LEGAL DOCUMENT WITH YOUR PROPERTY RECORDS

SUBJECT: Continuing Obligations and Property Owner Requirements for 8321 200th Ave.

Parcel Identification Number: 37-4-121-083-0795 Final Case Closure for WI DOT Bristol Garage, 8335 200th Ave., Bristol, Wisconsin 53104

BRRTS #02-30-563385

Dear NH Management LLC:

The purpose of this letter is to notify you that you are responsible for certain continuing obligations applied to your property at 8321 200th Ave., parcel ID number 37-4-121-083-0795 (Property) due to contamination remaining on the Property. The continuing obligations are part of the cleanup and case closure approved by the Wisconsin Department of Natural Resources (DNR) for the WI DOT Bristol Garage site, located at 8335 200th Ave. (Site). The Site is referenced by the location of the source of contamination, i.e., the property where the original hazardous substance discharge or environmental pollution occurred, prior to contamination migrating to the Property. The continuing obligations that apply to the Property are included in this letter and are stated as conditions in the closure approval letter and are consistent with Wisconsin Statute (Wis. Stat.) § 292.12 and Wisconsin Administrative Code (Wis. Admin. Code) chs. NR 700-799. Continuing obligations are intended to limit exposure to remaining environmental contamination at the Property. These continuing obligations will also apply to future owners of the Property, until the conditions no longer exist.

It is common for properties to have continuing obligations as part of case closure approvals when contamination remains in the environment for a specific reason. Information on the continuing obligations associated with this Site, including the case closure approval letter, is available in the DNR's Bureau for Remediation and Redevelopment Tracking System (BRRTS) on the Web (BOTW) at dnr.wi.gov, search "BOTW." Enter 02-30-563385 in the **Activity Number** field and then click **Search**. Scroll down and click on the **CO Packet** link for information about the completion of the environmental work. The Site may also be seen on the map viewer, RR Sites Map can be found online at dnr.wi.gov, search "RRSM."

The DNR reviewed and approved the case closure request regarding the petroleum volatile organic compounds (PVOCs) contamination in soil at this Site, based on information submitted by TRC. As required by state law, you received notification about the requested case closure from the person conducting the cleanup on May 24th, 2021. No further investigation or cleanup is required at this time. However, the case closure decision is conditioned upon long-term compliance with the continuing obligations at the Property.

Continuing Obligations Applicable to the Property

Continuing obligations associated with the Site are described in the attached case closure letter to Sharlene TeBeest, dated 11/16/2022. However, only the following continuing obligations apply to the Property. 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.

Pre-Approval is 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 continuing obligations. 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 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.

<u>Property Owner Responsibilities</u> (Wis. Stat. § 292.12 & § 709.02, Wis. Admin. Code § NR 727.05)

The Property owner (you and any subsequent Property owner) is responsible for compliance with the continuing obligations in this letter, pursuant to Wis. Stat. § 292.12. You are required to notify anyone who purchases the Property from you of the responsibility to comply with the continuing obligations in this letter, in accordance with Wis. Admin. Code § NR 727.05 (2). For residential property transactions, you are required to make disclosures under Wis. Stat. § 709.02.

If you lease or rent the Property to an occupant who will be responsible for maintaining a continuing obligation, you must include that responsibility in a lease agreement, in accordance with Wis. Admin. Code § NR 727.05 (3).

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

DNR Notification (Wis. Admin. Code §§ NR 727.07, NR 726.15 (2))

The Property owner is required to notify the DNR at least 45 days before taking the following actions. The DNR may require additional investigation and/or cleanup actions if necessary to be protective of human health and the environment.

• Excavating any soil onsite

Please send written notifications and inspection logs to Jonathan McKelvey. Send documents 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 contact 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). More information on submitting electronic documents can be found in the DNR publication "Guidance for Electronic Submittal for the Remediation and Redevelopment Program" (RR-690), which can be found at dnr.wi.gov, search "RR-690."

The DNR fact sheet, RR-819, "Continuing Obligations for Environmental Protection" explains a property owner's responsibility for continuing obligations on their property. This fact sheet should have been sent to you when you

received a notification letter before the case closure request was submitted to the DNR. You may obtain a copy at dnr.wi.gov by searching "RR-819."

Under Wis. Stat. § 292.13 owners of properties affected by contamination from another property are generally exempt from investigating or cleaning up a hazardous substance discharge that migrated onto a property from another property. However, the exemption under Wis. Stat. § 292.13 does not exempt the property owner from the responsibility to maintain a continuing obligation placed on the property in accordance with Wis. Stat. § 292.12. To maintain this exemption, that statute requires the current property owner and any subsequent property owners to meet the conditions in the statute, including:

- Granting reasonable access to the DNR, responsible party, or their contractors;
- Avoiding interference with response actions taken; and
- Avoiding actions that make the contamination worse (e.g., demolishing a structure and causing or worsening the discharges to the environment).

The DNR appreciates your cooperation to restore the environment at this site. If you have any questions regarding this closure decision or anything stated in this letter, please contact the DNR Project Manager, Jonathan McKelvey at 262-399-6686 or Jonathan.mckelvey@wisconsin.gov.

Sincerely,

Timothy G. Alessi, P.G.

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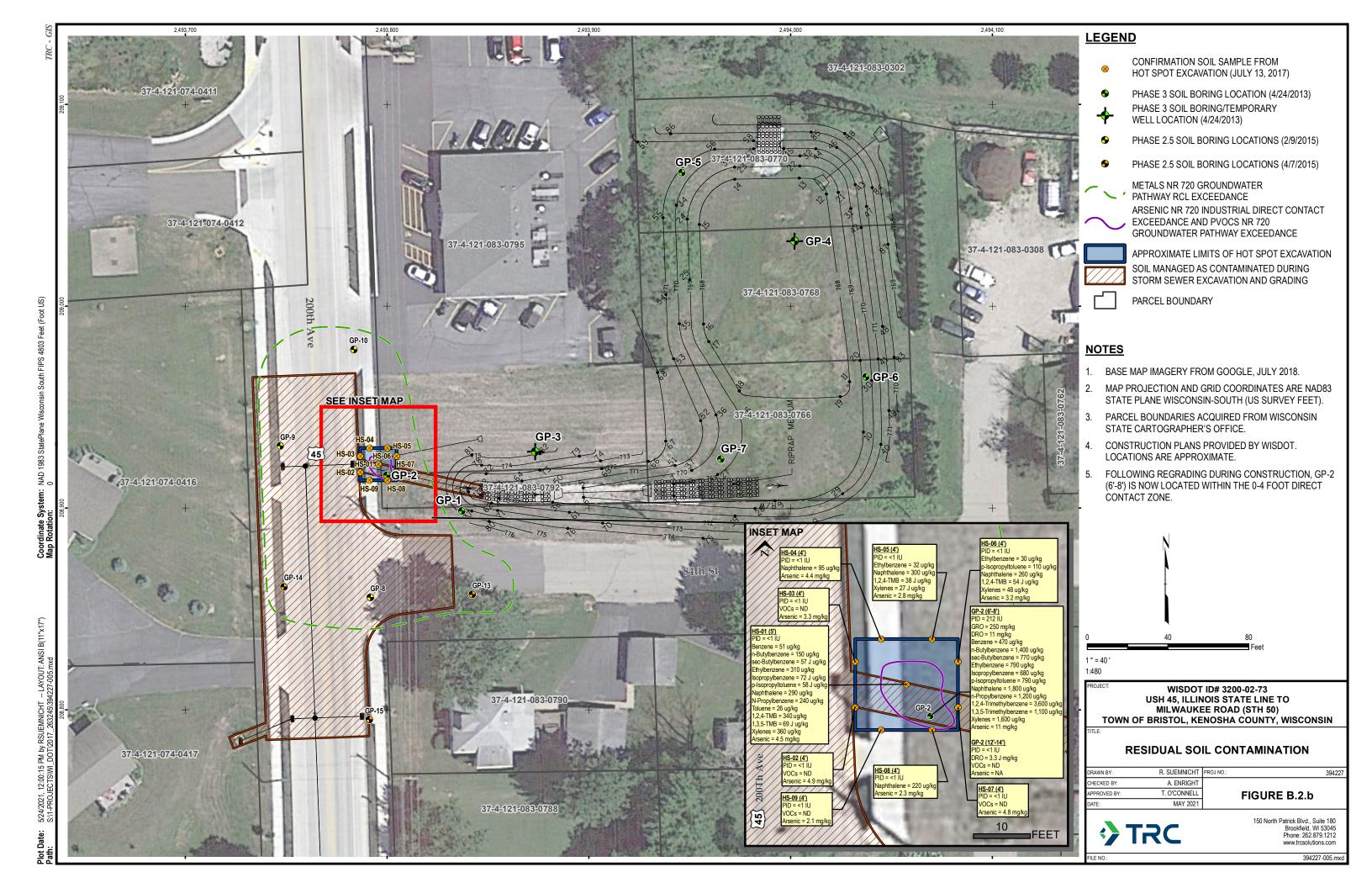
Southeast Region Team Supervisor Remediation & Redevelopment Program

Attach. Figure B.2.b Residual Soil Contamination, May 2021

Send cc: electronically:

cc: Sharlene TeBeest, WisDOT: sharlene.tebeest@dot.wi.gov

Alia Enright, TRC: aenright@trccompanies.com



Data Tables

Tables that follow are for reference only and were not included in the Department's closure documentation sent to affected parties

Table A.3

Residual Soil Contamination Table WI DOT Bristol Garage

Bristol, Kenosha County, WI

BRRTS #02-30-563385, WisDOT #0656-50-30

	SOIL SAMPLE ID, DEPTH (feet bgs), SOIL TYPE, SATURATION, SAMPLE DATE													
	SOIL RCL NR 720 ⁽⁴⁾				GP-2	GP-8		GP-9		GP-10		GP-13	GP-14	HS-01
					6'- 8'	2'-4'	8'-10'	4'-6'	8'-10'	2'-4'	8'-10'	4'-6'	2'-4'	5'
		NON- INDUSTRIAL	DIRECT	BACKGROUND THRESHOLD VALUE ⁽⁵⁾	SILTY CLAY UNSAT.	FILL: SAND & GRAVEL UNSAT.	SILTY CLAY UNSAT.	FILL: SAND & GRAVEL UNSAT.	SANDY CLAY UNSAT. ary 9, 2015	FILL: SANDY GRAVEL UNSAT.	CLAY UNSAT.	CLAYEY SILT UNSAT. April 7, 2	CLAYEY SILT UNSAT.	SILTY CLAY UNSAT. July 13, 2017
	GROUNDWATER	DIRECT												
ANALYTES ⁽¹⁾	PATHWAY ⁽²⁾	CONTACT ⁽³⁾						Februa						
PID Readings	-	-	-	-	212	462.8	22.1	<1	<1	<1	<1	<1	<1	<1
GRO (mg/kg)	-	-	-	-	250	330	4.6	<1.7	<1.7	<1.7	<1.7	<3.3	<2.9	
DRO (mg/kg)	-	-	-	-	11	3.8J	<3.4	<3.4	<3.3	<3.5	<3.4	2.2 J	30	
VOCs (μg/kg)														
Benzene	5.1	1,600	7,070	-	470	<26	<25	<24	<24	<25	<24	<24	<21	51
n-Butylbenzene	-	108,000	108,000	-	1,400									150 *
sec-Butylbenzene	-	145,000	145,000	-	770		-		-					57 J
Ethylbenzene	1,570	8,020	35,400	-	790	<27	<26	<25	<25	<26	<26	<25	<22	310
Isopropylbenzene	-	268,000	268,000	-	680		1		1					72 J
p-Isopropytoluene	-	162,000	162,000	-	790		1		1					58 J
Methyl-tert-butyl-ether	27	63,800	282,000	-	<30	<17	<16	<16	<16	<17	<16	<16	<14	<29
Naphthalene	658.2	5,520	24,100	-	1,800	<170	<160	<160	<160	<170	<160	<160	<140	290
n-Propylbenzene	-	264,000	264,000	-	1,200									240
Toluene	1,107.2	818,000	818,000	-	<8.1	<24	<23	<23	<22	<24	<23	<23	<19	26 *
1,2,4-Trimethylbenzene	1,378.7 ⁽⁶⁾	219,000	219,000	-	3,600	32 J	<21	<20	<20	<21	<20	<20	<17	340
1,3,5-Trimethylbenzene	1,378.7 ⁽⁶⁾	182,000	182,000	_	1,100	<22	<21	<20	<20	<21	<20	<20	<17	69 J
Xylenes	3.960	260.000	260.000	_	1.600	<43	<41	<40	<39	<42	<41	<40	<34	360
Metals (mg/kg)	-,	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	, , , , , , , , , , , , , , , , , , , ,		,					ı				
Arsenic	0.584	0.677	3	8	11 ⁽⁸⁾	6.4	6.7	7.2	6.3	5.1	6.3	6.8 F1	3.9	4.5
Barium	164.8	15,300	100,000	364	54	82	36	41	29	48	43	110 F1 V	51	
Cadmium	0.752	71.1	985	1	0.19 J	<0.061	<0.066	<0.059	<0.065	<0.060	<0.060	<0.077 F1	0.56	
Chromium	360,000	100,000	100,000	44	21	24	16	16	14	14	19	23 V	12	
_ead	27	400	800	52	10 B	18	9.0	9.2	8.3	19	8.1	18 F1	110	
Selenium	0.52	391	5,840	_		1.7	1.2	1.1	1.0 J	1.2	1.0	0.80 J F1	<0.55	
Silver	0.8491	391	5,840	_		<0.12	<0.13	<0.12	<0.13	<0.12	<0.12	<0.16 F1	<0.13	
Mercury	0.208	3.13	3.13	_	0.018	<0.007	0.016 J	0.020	0.018	0.051	0.041	0.055	0.034	
TCLP Metals (mg/l)	0.200	00	00	1	0.0.0	0.001	3.0.00	0.020	0.0.0	0.001	0.0	0.000	0.00.	
TCLP Lead	-	_	-	_									0.037 J	
HAZARD INDEX (CUMUL	ATIVE)(7)	1		1									3.00. 0	
NON-INDUSTRIAL	-A1176	1.0	-	-	0.3971	0.0047	0.0042	0.0042	0.0038	0.0065	0.0053	0.0058	0.0023	NC
NDUSTRIAL		-	1.0	-	0.0453	0.0004	0.0005	0.0005	0.0005	0.0011	0.0009	0.0011	0.1381	NC
CANCER RISK (CUMULA	ATIVE) ⁽⁷⁾	•			-					•				
NON-INDUSTRIAL		1.00E-05	-	-	1.90E-05			0.00E+00			0.00E+00	0.00E+00	0.00E+00	NC
NDUSTRIAL		-	1.00E-05	-	4.80E-06	0.00E+00	0.00E+00	0.00E+00	0.00E+00	0.00E+00	0.00E+00	0.00E+00	0.00E+00	NC

lotes:

- 1. PID = Photoionization Detector
- 2. GRO = Gasoline Range Organics analyzed using the Wisconsin Modified Method
- 3. DRO = Diesel Range Organics analyzed using Wisconsin Modified Method
- 4. VOCs = Volatile Organic Compounds analyzed using EPA Method 8260B
- 5. mg/kg = milligrams per kilogram (ppm)
- 6. µg/kg = micrograms per kilogram (ppb)
- 7. Total metals analyzed using EPA Method 6010B, except for mercury which was analyzed using EPA Method 7471A
- 8. TCLP Metals = Toxicity Characteristic Leaching Procedure for Metals analyzed using EPA Method 6010B
- 9. = Standard not established.
- 10. --= not analyze
- 11. Samples were collected by TRC and analyzed by Test America (WDNR Cert. #998020430)
- 12. * = LCS or LCSD is outside acceptance limits.
- 13. J = Estimated concentration above the adjusted method detection limit and below the adjusted reporting limit
- 14. V = Serial Dilution exceeds the control limits
- 15. B = Compound was found in the blank and sample
- 16. F1 = Matrix spike and/or matrix spike dilution recovery exceeds the control limits.
- 17. ^ = ICV, CCV, ICB, CCB, ISA, ISB, CRI, CRA, DLCK or MRL standard: Instrument related QC is outside acceptance limits.
- 18. Results in BOLD indicate a detection that exceeds both an NR 720 direct contact RCL and the background threshold value within the direct contact zone.
- 19. Results in Italic's indicate a detection that exceeds both the Groundwater Pathway NR 720 RCL and the background threshold value.
- 20. NC = Cumulative hazard index/cancer risk not calculated because individual RCL exceedance already indicates risk, or a sample with higher concentrations resulted in cumulative hazard index/cancer risk less than standards.

Footnotes:

- (1) Only analytes that were detected in at least one sample are shown in the table.
- (2) Value is the generic RCL for the groundwater pathway.
- (3) Value is the generic RCL for exposure by direct contact.
- (4) Calculated from http://epa-prgs.ornl.gov/cgi-bin/chemicals/csl_search using default exposure assumptions listed in NR 720.12(3)
- (5) Background threshold value (BTV) was taken from the Wisconsin DNR's NR 720 RCL spreadsheet (December 2018 Update).
- $^{(6)}\;$ GW Pathway RCL is for combined 1,2,4- and 1,3,5- Trimethylbenzene
- (7) Calculated using WDNR RCL Spreadsheet Calculator (January 2015 Update).
- (8) Sample depth following reconstruction placed this sample interval within the 0-4 foot direct contact zone.

Created by: J. Leasia 4/27/2015 Checked by: C. Zingsheim 4/29/2015 Updated by: A. Enright 6/19/2020 Updates checked by: A. Sobbe 6/22/2020