



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. 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.

Property Owner Responsibilities (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,



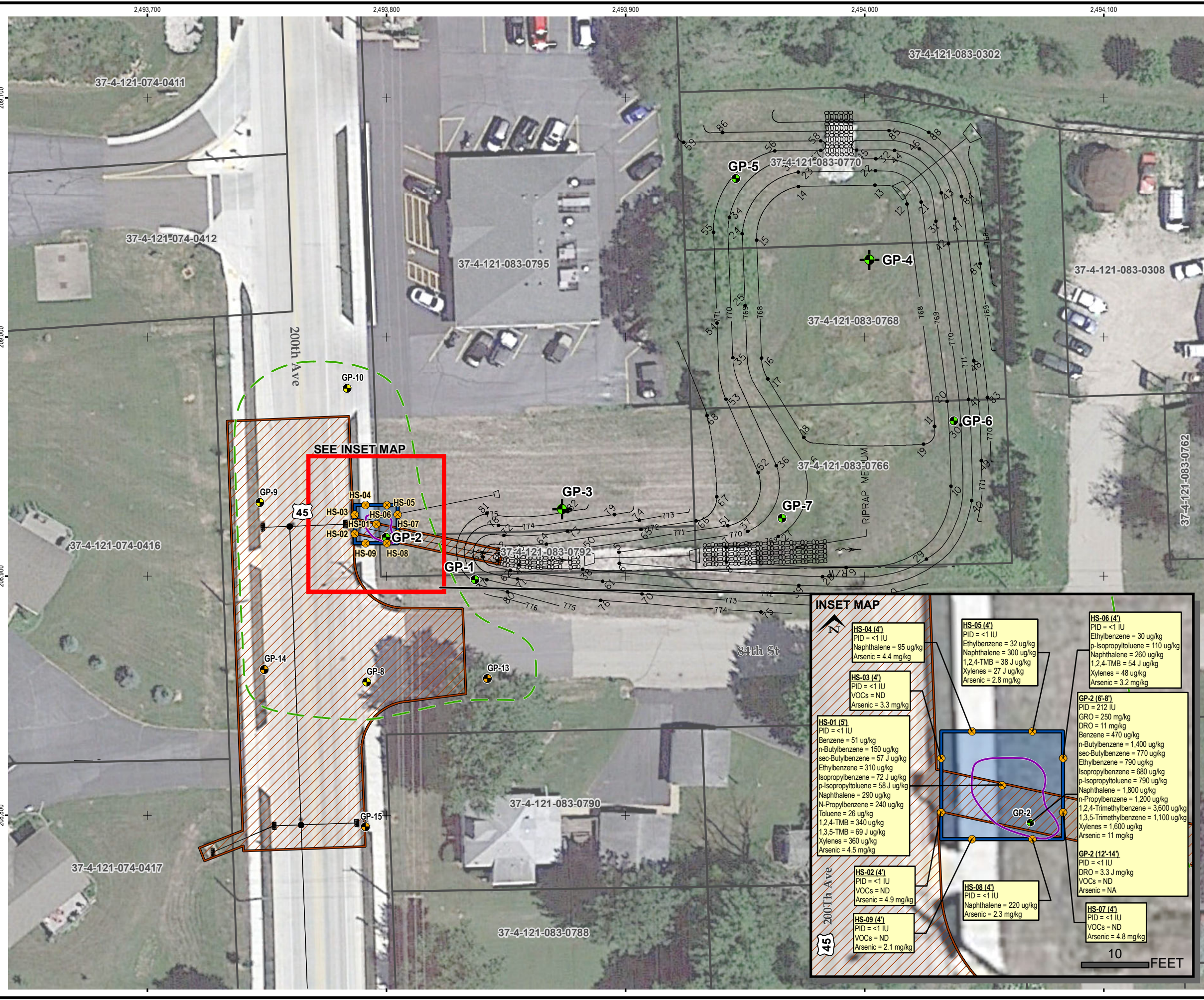
Timothy G. Alessi, P.G.
Southeast Region Team Supervisor
Remediation & Redevelopment Program

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

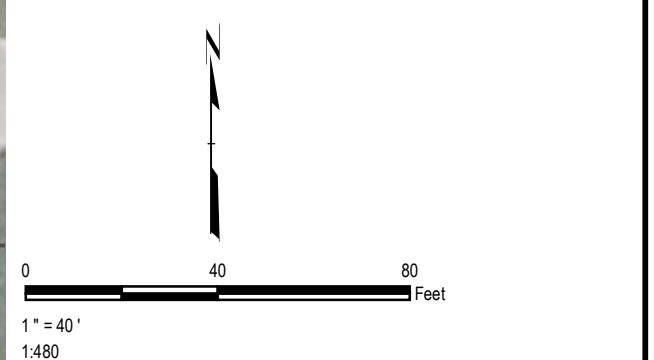
TRC - GIS
 Coordinate System: NAD 1983 StatePlane Wisconsin South FIPS 4803 Feet (Foot US)
 Map Rotation:
 Plot Date: 5/24/2021, 12:00:15 PM by RSUEMNI
 Path: S:\PROJECTS\WI_DOT\2017_263245\394227-005.mxd



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)
- METALS NR 720 GROUNDWATER PATHWAY RCL EXCEEDANCE
- ARSENIC NR 720 INDUSTRIAL DIRECT CONTACT EXCEEDANCE AND PVOCS NR 720 GROUNDWATER PATHWAY EXCEEDANCE
- APPROXIMATE LIMITS OF HOT SPOT EXCAVATION
- SOIL MANAGED AS CONTAMINATED DURING STORM SEWER EXCAVATION AND GRADING
- PARCEL BOUNDARY

- ### NOTES
1. BASE MAP IMAGERY FROM GOOGLE, JULY 2018.
 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.



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 p-Isopropyltoluene = 110 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	

10 FEET

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. SUEMNI	PROJ NO.: 394227
CHECKED BY: A. ENRIGHT	
APPROVED BY: T. O'CONNELL	
DATE: MAY 2021	

FIGURE B.2.b

150 North Patrick Blvd., Suite 180
 Brookfield, WI 53045
 Phone: 262.879.1212
 www.trcsolutions.com

FILE NO.: 394227-005.mxd