

## Grittner, Paul V - DNR

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**From:** Rick Frieseke <rfrieseke@fecinc.us>  
**Sent:** Monday, July 31, 2017 12:38 PM  
**To:** Grittner, Paul V - DNR  
**Cc:** Ken Wasemiller (ken@pcsgov.com)  
**Subject:** Re: Urgent Care Addition at VA Center, BRRTS # 02-41-563846  
**Attachments:** 170402 notification1.pdf; Charmoli Signature - VA Urgent Care Addition.pdf; Ponfil Signature.pdf

Paul  
As discussed.

Attached is the notification letter sent in June and the signatures from owners and myself on Section 12.

I will drop off additional fees today.

Again appreciate your quick response to finalize the approval.

Rick

On 6/19/2017 2:21 PM, Grittner, Paul V - DNR wrote:

**Subject:** Urgent Care Addition located at the  
Clement J Zablocki VA Medical Center  
5000 W. National Avenue, Milwaukee WI  
BRRTS# 02-41-563846  
FID# 341041470

Rick,

The following items will be required before the DNR can approve the 718.12 exemption request made for the site identified above:

- 1) The attached DNR Publication RR-072, "Recommended Format for Exemption Request Wis. Admin. Code § NR 718.12 or § NR 718.15" outlines the fees required for review and approval of a 718.12 exemption request. This includes a \$700 technical review fee for the generating site *and* the receiving site. It appears that only one of these fees was paid. The other \$700 review fee must be submitted to the DNR. In addition, as residual soil contamination will be present on the R&R excavating site, a \$300 soil database fee will need to be submitted as well.
- 2) To comply with the requirements of Wis. Admin. Code § NR 718.12(2)(d), the responsible party (Clement J. Zablocki VA Medical Center – Jim Beier) must notify all owners of the R&R Excavating site that contaminated soil will be brought onto their property and that this will impose a continuing obligation with certain responsibilities and future liabilities. The responsible party may either:
  - a. Provide notice to the owners of the R&R Excavating Site that a continuing obligation will be imposed on their property, a copy of the exemption request to document the work

that is being proposed, and a completed 'Section 8' of the attached form. Section 8 must indicate that "Residual Soil Contamination" will remain at their facility. These documents must be sent certified mail, return receipt requested, or priority mail with signature confirmation. The DNR will need to provide the owners with 30 days after receipt to review the notification and provide comments. If R&R does not reject accepting the material within 30 days, and all applicable fees have been paid, the DNR would be able to approve this exemption request.

Or

- b. Provide notice to the owners of the R&R Excavating Site that a continuing obligation will be imposed on their property, a copy of the exemption request to document the work that is being proposed, a completed 'Section 8' indicating that "Residual Soil Contamination" will remain at their facility, and a blank 'Section 12' of the form. Section 12 must be completed by **all** owners of the R&R Excavating site and then returned to the DNR. Once the completed 'Section 12' is received by the DNR, and all applicable fees have been paid, this exemption request can be approved.

Similar requirements as those listed above will be required for all future requests to bring contaminated soil to a different site or facility from which the material was generated.

Please contact me at the number or email below if you have any questions regarding these requirements.

**We are committed to service excellence.**

Visit our survey at <http://dnr.wi.gov/customerurvey> to evaluate how I did.

Paul Grittner

Contaminated Material Management Specialist - Remediation and Redevelopment Program

Wisconsin Department of Natural Resources

Phone: (608) 266-0941

[paul.grittner@wisconsin.gov](mailto:paul.grittner@wisconsin.gov)



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Rick Frieseke

Friess Environmental Consulting, Inc.

6637 North sidney Place

Milwaukee, WI 53209

414 228-9815 work ph

414 228-9816 work fax

414 731-9875 cell

NOTIFICATION OF RESIDUAL CONTAMINATION AND/OR CONTINUING OBLIGATIONS

KEEP THIS DOCUMENT WITH YOUR PROPERTY RECORDS



Charmoli Holdings, LLC  
Mr. Dick and Maxine Charmoli  
320 Douglas Lane  
Cedarburg, WI 53012

Ponfil Trust  
Ms. Jean Ponfil  
224 Aspen Drive  
Grafton, WI 53024

Dear Mr. Charmoli & Ms. Ponfil:

On behalf of Ms. Casey Schimek of the Clement J. Zablocki VA Medical Center, the responsible party (RP) for the above referenced site, **Friess Environmental Consulting, Inc (FEC)** provides this letter to inform you of certain long term responsibilities (continuing obligations) for which you may become responsible. The RP has requested that the Wisconsin Department of Natural Resources (DNR) approve a NR 718.12 soil management request to dispose of contaminated material at your property. However, continuing obligations may be imposed as a condition of approval.

Under s. 292.12, Wis. Stats., current and future owners and occupants of your property are responsible for complying with continuing obligations imposed as part of the soil management approval. The responsibility for maintaining all necessary continuing obligations for your property will fall on to you or any subsequent property owners, unless another person has a legally enforceable responsibility to comply with the requirements of the final approval letter.

Soils impacted with polycyclic aromatic hydrocarbons (PAHs) and lead at levels which exceed the soil standards found in ch. NR 720, Wis. Adm. Code, are proposed to be transported and disposed of on your property. As part of the soil management approval, we are proposing that the following continuing obligations be used at your property to address future exposure to the residual contamination. If the soil management request is approved, you will be responsible for the following continuing obligations.

To construct a new well or to reconstruct an existing well, the property owner at the time of construction or reconstruction will need to obtain prior approval from the DNR (see below). Typically, this results in casing off a portion of the aquifer during drilling, when needed, to protect the water supply.

If soil is excavated from the area with residual soil contamination, the property owner 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 ch. 718, Wis. Adm. Code, with prior DNR approval. In addition, all current and future property owners and occupants of the property and right-of-way holders need 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 treat to humans.

Depending on the site-specific conditions, construction over contaminated soil or groundwater may result in vapor migration of contaminants into enclosed structures or migration along underground utility lines. The potential for vapor inhalation and means of migration 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.

If compliance with a maintenance plan is required as part fo a continuing obligation, an inspection log will need to be filled out periodically, and kept available for inspection by the DNR. Submittal of the inspection log may also be required. You will also need to notify and future owners and occupants of this property of the need to maintain the continuing obligations and to document that maintenance on the inspection log. Periodic audits of these continuing obligations may be conducted by the DNR, to ensure that potential exposure to residual contamination is being addressed. The DNR provides notification before conducting site visits as part of the audit.

If the soil management request is approved, 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 the web site <http://dnr.wi.gov/topic/Brownfields/clean.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), on the "GIS Registry" layer, at the same internet address listed above.

DNR approval prior to well construction or reconstruction is required for all sites included in the GIS registry, 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. Well drillers need to first obtain approval from a regional water supply specialist in the DNR's Drinking Water and Groundwater Program. The well construction application, form 3300-254, is on the internet at <http://dnr.wi.gov/topic/wells/documents/3300254.pdf>.

If the DNR grants approval, you will receive a letter which defines the specific continuing obligations on your property. The final approval letter will contain a description of the continuing obligation, any prohibitions on activities, and will include any applicable maintenance plan.

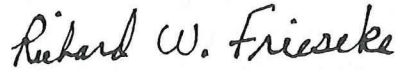
If you need more information, you may contact us at (414) 228-9815 or you may contact the DNR project manager Paul Grittner at [paul.grittner@wisconsin.gov](mailto:paul.grittner@wisconsin.gov) or (608) 266-0941. Attached is the signature page of the soil disposal exemption request. Please sign and date the form and return to FEC.

Respectfully,

***Friess Environmental Consulting, Inc.***




Trenton J. Ott  
Project Manager



Richard W. Frieseke, P.E.  
President

170402 notification

**Note:** The following certification must be attached to confirm the Wis. Admin. Code § NR 718 exemption request was prepared by or under the supervision of a professional engineer under Wis. Admin. Code § NR 712.07.

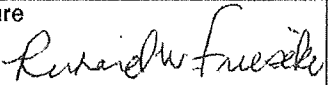
Professional Engineer Information			
Last Name Frieseke		First Name Richard W.	
Mailing Address 6637 North Sidney Place		City Milwaukee	State WI
		ZIP Code 53209	
Phone No. (include area code) (414) 228-9815		Email rfrieseke@fecinc.us	
<p><b>"I hereby certify that I am a registered professional engineer in the State of Wisconsin, registered in accordance with the requirements of ch. A-E 4, Wis. Adm. Code; that this document has been prepared in accordance with the Rules of Professional Conduct in ch. A-E 8, Wis. Adm. Code; and that, to the best of my knowledge, all information contained in this document is correct and the document was prepared in compliance with all applicable requirements in chs. NR 700 to 726, Wis. Adm. Code.</b></p> <p><b>It is my professional opinion that the proposed soil management activity will not cause environmental pollution nor cause any other significant risk to public health, safety or welfare."</b></p>			
Signature 	Date 6/30/17	Wisconsin Registration Number 29077-006	

### Section 12 - Signatures

*Each receiving site or facility property owner's signature must be included as part of this request. Attach additional copies of the signature page, if needed. If one of the owners of the receiving site or facility is acting on behalf of other owners, a power of attorney form or statement must be signed and attached to this agreement clearly granting the agent the authority to accept the contaminated soils on behalf of all other owners of the receiving site or facility whose signatures are not included on this agreement.*

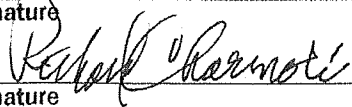
Owner(s) of Property Where Material is Placed		
Print Name	Signature	Date
Print Name	Signature	Date
Print Name	Signature	Date
Print Name	Signature	Date

**Note:** The following certification must be attached to confirm the Wis. Admin. Code § NR 718 exemption request was prepared by or under the supervision of a professional engineer under Wis. Admin. Code § NR 712.07.

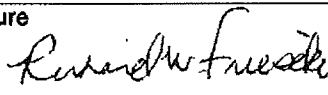
Professional Engineer Information			
Last Name Frieseke		First Name Richard W.	
Mailing Address 6637 North Sidney Place		City Milwaukee	State WI
		ZIP Code 53209	
Phone No. (include area code) (414) 228-9815		Email rfrieseke@fecinc.us	
<p>"I hereby certify that I am a registered professional engineer in the State of Wisconsin, registered in accordance with the requirements of ch. A-E 4, Wis. Adm. Code; that this document has been prepared in accordance with the Rules of Professional Conduct in ch. A-E 8, Wis. Adm. Code; and that, to the best of my knowledge, all information contained in this document is correct and the document was prepared in compliance with all applicable requirements in chs. NR 700 to 726, Wis. Adm. Code.</p> <p>It is my professional opinion that the proposed soil management activity will not cause environmental pollution nor cause any other significant risk to public health, safety or welfare."</p>			
Signature 	Date 6/30/17	Wisconsin Registration Number 29877-006	

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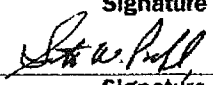
Owner(s) of Property Where Material is Placed		
Print Name RICHARD CHARMOLI	Signature 	Date 7.10.2017
Print Name	Signature	Date
Print Name	Signature	Date
Print Name	Signature	Date

**Note:** The following certification must be attached to confirm the Wis. Admin. Code § NR 718 exemption request was prepared by or under the supervision of a professional engineer under Wis. Admin. Code § NR 712.07.

Professional Engineer Information			
Last Name Frieseke		First Name Richard W.	
Mailing Address 6637 North Sidney Place		City Milwaukee	State WI
		ZIP Code 53209	
Phone No. (include area code) (414) 228-9815		Email rfrieseke@fecinc.us	
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Owner(s) of Property Where Material is Placed		
Print Name Scott W. Powell	Signature 	Date 7/12/17
Print Name	Signature (Per Prot. # 170402)	Date
Print Name	Signature	Date
Print Name	Signature	Date