



June 17, 2021

Mr. Richard Rath
RISU, LLC.
303 South Jackson Street
Cuba City WI 53807

KEEP THIS LEGAL DOCUMENT WITH YOUR PROPERTY RECORDS

SUBJECT: Case Closure with Continuing Obligations
Rath Property, 1304 Saint Rose Road, Cuba City, WI 53807
BRRTS #: 03-22-563937

Dear Mr. Rath:

The Wisconsin Department of Natural Resources (DNR) is pleased to inform you that the Rath Property case identified above met the requirements of Wisconsin Administrative (Wis. Admin.) Code chs. NR 725-727 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. You may be required to make a real estate condition report disclosure under Wis. Stat. ch. 709.

This case closure decision is issued under Wis. Admin. Code chs. NR 725-727 and is based on information received by the DNR to date. The DNR reviewed the case 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.

The Rath Property parcel is less than 1 acre in size. Two buildings are present at the property, a house and the former general store. The property currently is vacant. Historically a general store was operated at the site. In addition to general household items, the store sold motor fuels. The petroleum release at the site originated from that fuel storage system. Soil excavation was performed in 2019 and approximately 300 tons of petroleum contaminated soil were removed.

The Rath Property site was investigated for a discharge of hazardous substances from underground storage tanks (USTs) located adjacent to the former general store. Degree and extent of the petroleum contaminated soils was

defined to the area of the former UST beds. A site-wide groundwater investigation was conducted and showed no contamination above the preventive action limits (PALs). Case closure is granted for the lead, polycyclic aromatic hydrocarbons (PAHs), and petroleum organic compounds (PVOCs) contaminants analyzed during the site investigation, as documented in the case file. The site investigation and/or remedial action addressed soil, groundwater, and vapor. The remedial action consisted of the excavation of approximately 300 tons of petroleum contaminated soil. Contamination remains in soil along and under the south side of the building at an approximate depth of 8-10 feet below ground surface and is estimated to be less than 5 cubic yards.

The case closure decision and COs required were based on the site being used for residential purposes. The site is currently zoned residential which meets non-industrial use 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:

<u>Address (City, WI)</u>	<u>COs Applied</u>	<u>Date of Maintenance Plan(s)</u>
Rath Property, 1304 Saint Rose Road, Cuba City, WI 53807	-Residual Soil Contamination -Structural impediment	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 500-599, and § NR 726.15 (2) (b), and Wis. Stat. ch. 289)

Soil contamination remains along the south side of the building at an approximate depth of 8-10 feet below ground surface as indicated on the enclosed map (Fig. B.2.b., Residual Soil contamination, Rath Property, 06/05/2020). 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.

Structural Impediment (Wis. Stat. § 292.12 (2) (b), Wis. Admin. Code §§ NR 726.15 (2) (f), NR 727.07 (2))
The remaining building as shown on the enclosed map (Fig. Fig. B.2.b., Residual Soil contamination, Rath Property, 06/05/2020) made complete site investigation and remediation of the contamination on this property impracticable. Upon removal of the structural impediment, the property owner shall investigate the degree and extent of the petroleum soil contamination obstructed by the structural impediment. If contamination is found at that time, the property owner shall remediate the contamination in accordance with Wis. Admin. Code chs. NR 700–799.

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 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

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.

- Before removing a structural impediment

Send written notifications 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>).

CLOSING

Site and case closure-related information 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.”

Please be aware that 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. Compliance with the maintenance plan is considered when evaluating the reopening criteria.

The DNR appreciates your efforts to restore the environment at this site. If you have any questions regarding this closure decision or anything stated in this letter, please contact DNR Project Manager, Janet DiMaggio at (608) 219-2155, or at janet.dimaggio@wisconsin.gov. If the project manager is not available, contact information can be found at dnr.wi.gov, search "RR contacts."

Sincerely,

A handwritten signature in blue ink, appearing to read "St L Martin".

Steven L. Martin, P.G.
South Central Region Team Supervisor
Remediation & Redevelopment Program

Enclosure:

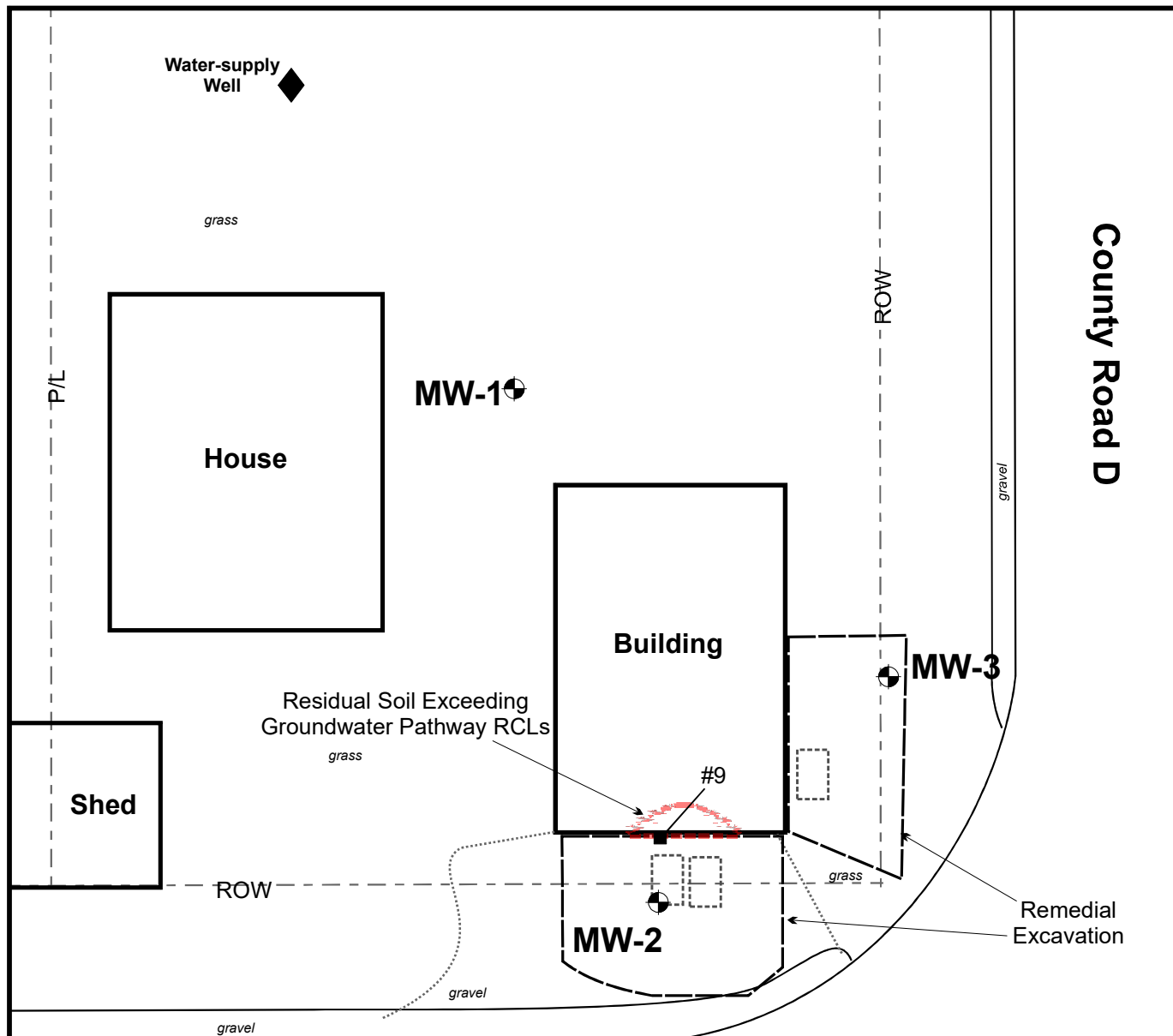
- Fig. B.2.b., Residual Soil contamination, Rath Property, 06/05/2020

cc. Mark Fryman, Seymour Environmental, mfryman@chorus.net

Online Resources:

These DNR fact sheets can be obtained by visiting the DNR website at "dnr.wi.gov" and searching DNR publication number (RR-xxx). For information on general permits, search using "wastewater general permits."

- RR-819 – "Continuing Obligations for Environmental Protection"
- RR-973 – "Environmental Contamination and Your Real Estate"
- RR-987 – "Post-Closure Modifications: Changes to Property Conditions after a State-Approved Cleanup"

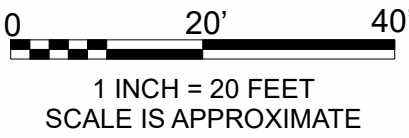


Saint Rose Road



LEGEND

- B-1**
 - - Geoprobe Boring (June 2019)
 - #8** ■ - Excavation Sample (Oct. 2019)
- MW-1**
 - ⊕ - Monitoring Well
 - ◆ - Water Supply Well



FILE/PATH: D:\PROJECTS\RATH\
Basemap-SoilCont_residual.cdr
DATE: 06/05/2020
PREPARED: MDF APPROVED:
SOURCE:
Grant County Public Mapping
Field Measurements

**SEYMOUR
ENVIRONMENTAL
SERVICES, INC.**

**RESIDUAL SOIL CONTAMINATION
RATH PROPERTY
1304 Saint Rose Road
Cuba City, Wisconsin**

ATTACHMENT

B.2.b.