



January 22, 2019

Muhammed Javeed
1409 North 8th Street
Manitowoc, WI 54220

Subject: No Action Required Determination for Contamination Associated with a Closed Case
Express Mart, 2626 Memorial Drive, Two Rivers, WI
Parcel #: 053-211-101-000.01
BRRTS #s: 07-36-582671 and 03-36-174861 (closed case)

Dear Mr. Javeed:

Purpose

The purpose of this letter is to respond to a request for “No Action Required” submitted on your behalf by Ms. Lynn Bradley of General Engineering Company (GEC) for the property located at 2626 Memorial Drive, Two Rivers, Wisconsin (the Property). The Property consists of approximately one acre of land located in Manitowoc County, identified by tax parcel number 053-211-101-000.01. Refer to the attached Figure 1 for a site map of the Property.

Request

The “No Action Required” request was received on November 21, 2018, by the Wisconsin Department of Natural Resources (DNR) to issue a liability clarification letter under Wis. Stat. § 292.55. The letter contains a determination as to whether response actions are needed under the Wis. Admin. Code NR 700 rule series based on the discharge of one or more hazardous substances or presence of environmental pollution at the Property. The DNR received the fee for providing assistance, in accordance with Wis. Admin. Code § NR 749.04(1).

For the DNR to make this determination, you have requested a review of the following documents:

- Cover Letter and Technical Assistance, Environmental Liability Clarification, or Post Closure Modification Request (Form 4400-237), completed by GEC, dated November 20, 2018;
- Underground Storage Tank Site Assessment, completed by GEC, dated October 5, 2017.

The DNR examined the documentation listed above and the documentation in the closed Leaking Underground Storage Tank (LUST) case, Citgo Express, BRRTS # 03-36-176681, on the Property. The following is a summary of the case and opinions concerning environmental conditions at the Property.

Background and Summary of Environmental Conditions

The Property was formerly operated as a gas station. A LUST case, Citgo Express, BRRTS # 03-36-176681, was opened in October 1997 due to a petroleum release from the underground storage tank (UST) system. The case was closed on June 26, 2002, with continuing obligations for residual soil and groundwater contamination and the requirement to maintain the building and paved areas as an impervious cover. These requirements are outlined in a deed restriction, recorded with the Manitowoc County Register of Deeds on June 20, 2002.

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More recently in 2017, a Tank System Site Assessment (TSSA) was conducted to remove two unleaded gasoline underground storage tanks (USTs), one 6,000 gallon tank and one 10,000 gallon tank, along with two associated dispensers and piping at the Property. As part of the assessment, 11 total soil samples were collected from the bottom and sidewalls of the excavation and beneath each dispenser island. The piping was double wall with no obvious indication of a release, so no soil samples were required to be collected beneath the piping.

One soil sample, SS-7, collected during the 2017 TSSA had groundwater pathway residual contaminant level (RCL) exceedances and/or direct contact RCL exceedances for petroleum volatile organic compounds (PVOCs), specifically naphthalene, 1,2,4-trimethylbenzene, and 1,3,5-trimethylbenzene. SS-7 was located underneath the west dispenser at a depth of three feet. Soil sample, B1000, collected as part of the closed LUST case investigation is the sample in closest proximity to SS-7. B1000 had elevated PVOC concentrations, including the same contaminants as found in SS-7. Another soil sample, SS-1, was collected from the center bottom of the UST excavation in the 2017 TSSA. SS-1 was a saturated sample, so cannot be compared to soil standards. It is likely the contamination found in this sample is related to residual soil and/or groundwater contamination from the closed LUST case. Therefore, the PVOC contamination found as part of the 2017 TSSA appears to be from residual contamination from the closed LUST case, so is not considered a new release. Refer to the attached Figure 1 and Figure 2 for sample locations from the 2017 TSSA and sample locations from the closed LUST case, respectively.

Liability Determination

Wis. Stat. ch. 292 and Wis. Admin. Code chs. NR 700-754 require those who are responsible for a hazardous substance discharge or environmental pollution to take actions necessary to respond to the contamination. Wis. Stat. § 292.55, authorizes the DNR to issue clarification letters concerning liability for environmental pollution.

The data summarized above indicates the contamination is related to a historic hazardous substance discharge associated with a closed LUST case. Therefore, based on the criteria in Wis. Admin. Code § NR 716.05(2)(a) and Wis. Admin. Code §§ NR 708.09(1) and (2), the DNR has determined that no response actions, including further site investigation activities, are required under Wis. Admin. Code chs. NR 700-754 to respond to these identified discharges or environmental pollution.

As with any environmental assessment, all areas of the Property were not assessed, the numbers of samples collected were limited based on professional judgment and financial considerations, and samples were not analyzed for all parameters. This letter relates and refers only to those conditions described above and to information and data you submitted to the DNR in your request for this letter. The DNR makes no determination concerning the presence or absence of hazardous substances or environmental pollution, other than those identified in the documents and reports listed above, which you submitted to us. In the future, if the DNR becomes aware of new information concerning the contaminants referenced above, or the presence of other contaminants on the Property, the DNR will evaluate that data at that time to determine if any response actions are required. Whenever possible, the DNR requires the person who caused the discharge to take the appropriate response actions.

Contamination remains in soil. If the soil is excavated in the future, the property owner at the time of excavation must determine if contamination remains. If contamination is present, the property owner at the time of excavation will need to determine whether the material is considered solid or hazardous waste and ensure that any storage, treatment or disposal is in compliance with applicable standards and rules. Contaminated soil may be managed in accordance with Wis. Admin. Code ch. NR 718, with prior DNR approval. The property owner must also comply with the other continuing obligations for the closed case: residual groundwater contamination and maintenance of the impervious cap. Refer to the Continuing Obligations packet for the closed Citgo Express case.

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The Bureau for Remediation and Redevelopment Tracking System (BRRTS) identification numbers for this activity is shown at the beginning of this letter. The DNR tracks information on all case determinations such as this letter in a DNR database that is available online at dnr.wi.gov and search: "BOTW." Since there is no action required for this case, the DNR will identify this site activity as a "No Action Required" determination.

If you have any questions, please contact me at 920-662-5178, by writing to the address at the top of this letter or by email to Tauren.Beggs@wisconsin.gov.

Sincerely,



Tauren R. Beggs

Hydrogeologist

Remediation & Redevelopment Program

Attachments:

- Figure 1
- Figure 2

ec: Lynn Bradley, General Engineering Company (lbradley@generalengineering.net)

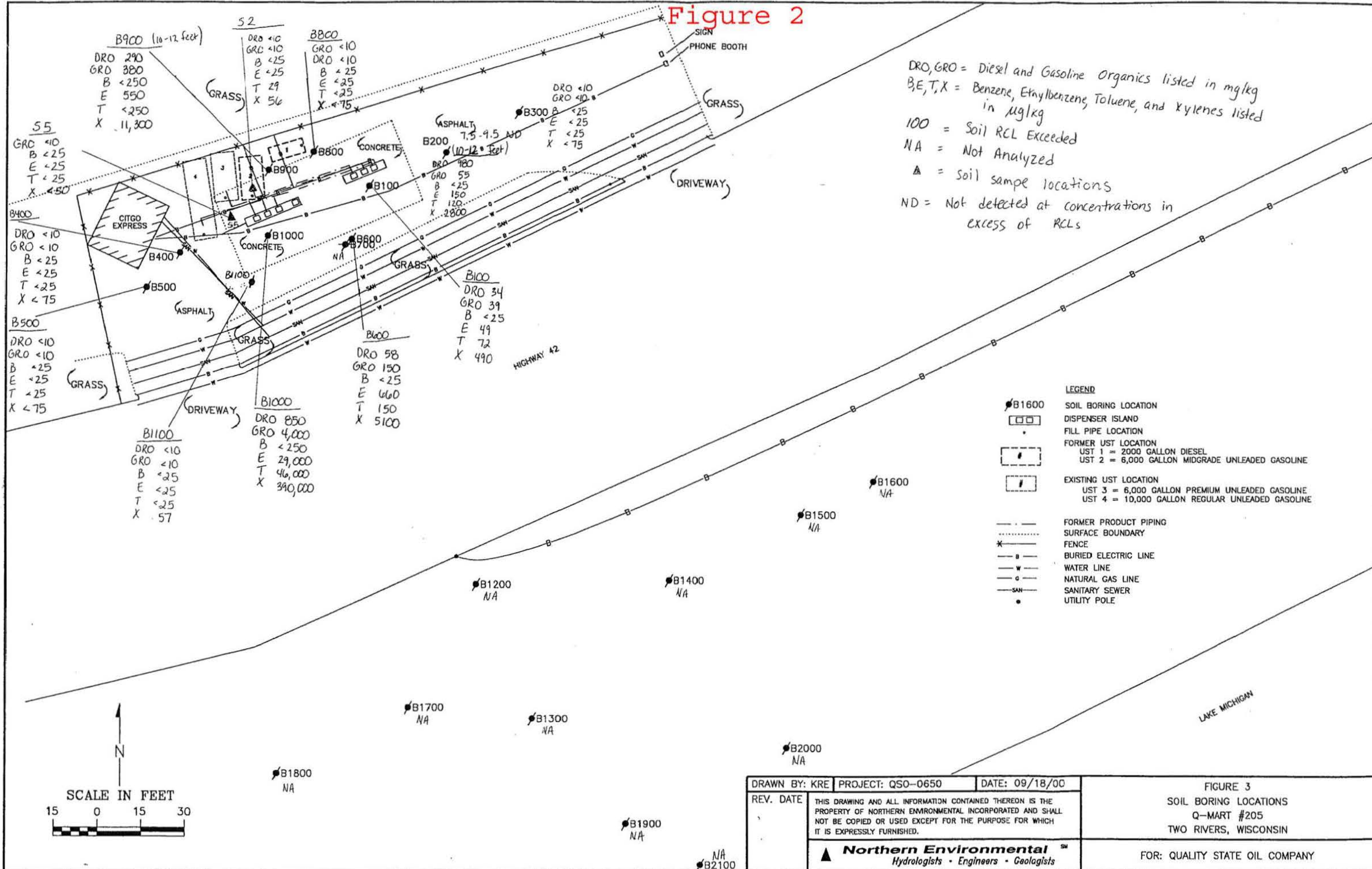
SITE PLAN AND SAMPLE LOCATION

Write a description for your map.

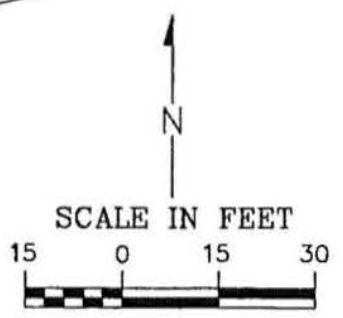
Figure 1



Figure 2



DRO, GRO = Diesel and Gasoline Organics listed in mg/kg
 B, E, T, X = Benzene, Ethylbenzene, Toluene, and Xylenes listed in mg/kg
 100 = Soil RCL Exceeded
 NA = Not Analyzed
 ▲ = Soil sample locations
 ND = Not detected at concentrations in excess of RCLs



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Northern Environmental Hydrologists • Engineers • Geologists		

FIGURE 3 SOIL BORING LOCATIONS Q-MART #205 TWO RIVERS, WISCONSIN
FOR: QUALITY STATE OIL COMPANY