

From: [McIlheran, Adam S - DNR](#)
To: mike@dkblaw.com
Cc: [Keaton Crowe](#); [Darcy Gravelle](#); [Prager, Michael A - DNR](#); [Brunette, Margaret M - DNR](#)
Subject: NAR Determination/GLC Letter for Former Garbo Motor Sales, 3077 Douglas Avenue, Racine, WI - BRRTS# 07-52-590713
Date: Tuesday, November 15, 2022 10:59:00 AM
Attachments: [20221115_684_GLC_Ltr_Garbo.pdf](#)

Mr. Garbo,

Attached is your No Action Required concurrence letter. There will be no hard copy mailed unless you request a hard copy. The letter will be available on the DNR BOTW [webpage](#) soon. Any questions, let me know.

As a reminder, the motor oil USTs which were identified as being unregistered should be registered by the owner per state code. Information on registration can be found on the Wisconsin Department of Agriculture, Trade, and Consumer Relations [website here](#).

Regards,

Adam

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Adam McIlheran

Hydrogeologist – Remediation & Redevelopment Program
Wisconsin Department of Natural Resources
Southeast Region, Milwaukee Service Center
1027 West St. Paul Avenue
Milwaukee, WI 53233
Phone: (414) 207-2179
Adam.McIlheran@wisconsin.gov



dnr.wi.gov





November 15, 2022

Richard Garbo
Garbo Family Limited Partnership
3077 Douglas Avenue
Racine, WI 53402
Via Electronic Mail Only to mike@dkblaw.com

Subject: Liability Clarification and "No Action Required" Determination Letter
Former Garbo Motor Sales, 3077 Douglas Avenue, Racine, Wisconsin
Parcel #: 276-00-00-20-230-000, 276-00-00-21-211-010, 276-00-00-21-211-011
BRRTS Activity Name: Former Garbo Motor Sales
BRRTS #: 07-52-590713, 09-52-590712 FID #:252299850

Dear Mr. Garbo:

The Wisconsin Department of Natural Resources (DNR) received a request for a liability clarification and a "No Action Required" determination request from D'arcy Gravelle of SET Engineering LLC (SET) on behalf of Garbo Family Limited Partnership on September 29, 2022 (Request). The Request was submitted with the appropriate review fee for the site location (Property) identified above. The purpose of this letter is to provide Garbo Family Limited Partnership clarification as to environmental liabilities and current environmental conditions at the Property. Wisconsin Statutes (Wis. Stat.) § 292.55(1)(d)1 authorizes the DNR to issue a letter to a person seeking assistance concerning the liability of a person owning or leasing a property for environmental pollution at a property, the type and extent of environmental pollution at a property, the adequacy of an environmental investigation, or any other matter related to a request for assistance. This type of letter contains a DNR determination as to whether response actions are needed under Wisconsin Administrative Code (Wis. Admin. Code) chs. NR 700 to 799 based on the discharge of one or more hazardous substances, or the presence of environmental pollution at the Property. The DNR based this letter on review of environmental reports that were provided in the Request:

- No Action Required Request Form 4400-237 September 29, 2022, SET;
- *No Action Required (NAR) Concurrence Request*, September 29, 2022, SET;
- *Supplemental Phase II Environmental Site Assessment*, August 12, 2022, SET;
- *Phase II Environmental Site Assessment*, May 2, 2022, SET and
- *Phase I Environmental Site Assessment*, March 2, 2022, SET.

PROPERTY USE

The Property consists of a 0.88-acre parcel of land that is currently vacant and previously used as an automobile sales and service facility. It is improved with a one-story, approximately 15,000 square-foot building, with the balance of the Property consisting of an asphalt paved parking lot.

Refer to the attached Figure 2 for a map of the Property.

BACKGROUND AND ENVIRONMENTAL SUMMARY

The Property is bounded by commercial properties to the north across Lombardi Avenue, to the west across Douglas Avenue and to the south. Residential properties are to the east. The Property is located within the City of Racine. Garbo Family Limited Partnership is the current owner of the Property. The reported Property use was residential prior to the mid-twentieth century when the automobile dealership was present and expanded over time to the current layout when operations ceased in 2021. Reported in-use underground storage tanks (USTs) on-site include a 4,000-gallon gasoline UST and two 250-gallon used oil USTs. A 1,000-gallon UST was reported as closed in place in 1999.

According to submitted documents, a Phase I ESA (Environmental Site Assessment) was performed by SET in March 2022 to evaluate subsurface conditions associated with historical property use. The Phase I identified the USTs and site operations as possible areas of environmental concern. Phase II ESA work was performed in March and July 2022 to identify any environmental concerns associated with the USTs or past operations. The Phase II work completed included six soil borings with one converted to a one-inch diameter temporary monitoring well and two Wisconsin Administrative Code NR 141-compliant two-inch diameter monitoring wells installed near the two UST areas on-site. The soil borings were completed to a maximum depth of 16 feet below ground surface (bgs). Subsurface materials reported in the soil borings were identified as fill, sand, and sandy clay of varying thickness underlain by silty clay. Groundwater was reported at approximately 8-10 feet bgs in the monitoring wells.

Two soil samples were collected from each soil boring and submitted for laboratory analyses of volatile organic compounds (VOCs) and polycyclic aromatic hydrocarbons (PAHs). One groundwater sample was collected from the temporary well and two rounds collected from the NR 141-compliant monitoring wells. Samples were submitted for analysis of VOCs and PAHs. One sub-slab vapor sample was collected from beneath the floor of the garage area of the building and submitted for analysis of VOCs.

Numerous PAHs were detected in seven of the twelve soil samples, some at concentrations below the limit of quantitation and all below applicable Residual Contaminant Levels (RCLs) for the depth collected. Laboratory analytical results of soil identified total trimethylbenzenes (TMBs) and tetra-chloroethylene in one sample at concentrations above respective groundwater RCLs, with other petroleum VOCs present below groundwater RCLs. However, the sample was a saturated soil sample. Chloroform was detected in three other soil samples above the groundwater RCL but below the limit of quantitation for that compound. Benzene and TMBs were detected above their respective Enforcement Standards in the groundwater sample collected from the temporary well. However, two rounds of confirmation sampling from the NR 141-compliant monitoring wells did not detect any VOCs above respective ESs. Numerous VOCs were detected in the vapor sample collected on-site, but none were above respective small commercial Vapor Risk Screening Levels. The analytical sampling of soil, groundwater, and vapor onsite indicates the impacts from the reported discharge are limited and insignificant. The areas of the Property investigated are shown on the attached Figure 2.

DETERMINATIONS

Wis. Stat. ch. 292 and Wis. Admin. Code chs. NR 700 to 799 require those who are responsible for a hazardous substance discharge or environmental pollution to take actions necessary to restore the environment to the extent practicable and minimize the harmful effects from the discharge to the air,

lands or waters of the state. Wis. Stat. § 292.55 authorizes the department to issue clarification letters concerning liability for environmental pollution.

The data summarized above indicates that one or more hazardous substance discharges or environmental pollution has been discovered on the Property. However, based on the information provided at this time and 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 to 799 to respond to the identified discharges or environmental pollution.

Soil Management

As described above, low-level contamination is present in the soil near the closed-in-place 1,000-gallon UST. The concentrations of VOCs and PAHs detected in the soil do not require further action at this time, but this soil may require management as a solid waste if it is excavated in the future. The property owner at the time of excavation must determine whether the material is considered solid or hazardous waste and ensure that any storage, grading, excavation or disposal is in compliance with applicable regulations. Soil that meets the criteria to be considered "exempt soil" may be managed without department approval. See *Exempt Soil Management: A Self-Implementing Option for Soil Excavated During a Response Action under Wis. Admin. Code chs. NR 700 through NR 750 Applicability (RR-103)* for more information (visit dnr.wi.gov, search "RR-103"). Contaminated soil may be managed in accordance with Wis. Admin. Code ch. NR 718 with prior DNR approval.

As with any environmental assessment, some areas of the Property were not assessed, the number of samples collected were limited based on professional judgment and financial considerations, and environmental 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 on the Property other than those identified in the documents and reports listed above, which you submitted to the DNR. In the future, if the DNR becomes aware of new information concerning the contaminants referenced above or the presence of any other contaminants on the Property, the DNR will evaluate that data at that time to determine if any response actions are required.

CLOSING

This letter, site and 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."

If you have any questions regarding this letter, please contact me at (414) 207-2179 or by email to adam.mcilheran@wisconsin.gov.

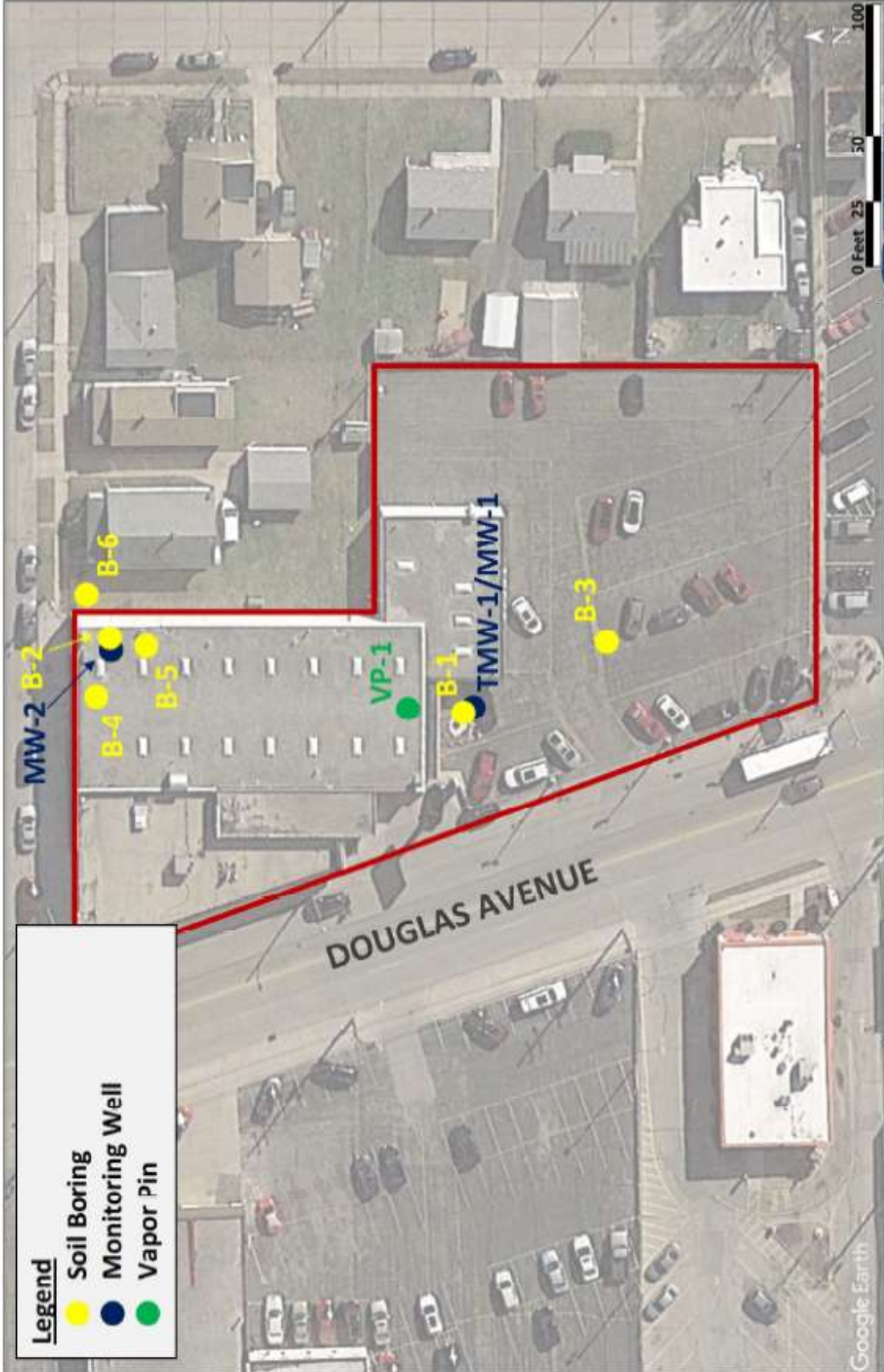
Sincerely,

A handwritten signature in black ink, reading "Adam S. McIlheran". The signature is fluid and cursive, with the first name "Adam" and last name "McIlheran" clearly legible.

Adam S. McIlheran
Hydrogeologist
Remediation & Redevelopment Program

Attachment: Figure 2, Site Detail Map, June 2022, SET


cc: D'Arcy Gravelle – SET Engineering LLC – dgravelle@setenv.com
Margaret Brunette, DNR, Remediation and Redevelopment Program –
Margaret.Brunette@wisconsin.gov
Michael Prager, DNR, Remediation and Redevelopment Program –
Michael.Prager@wisconsin.gov
SER file



Legend

- Soil Boring
- Monitoring Well
- Vapor Pin

FIGURE 2
BORING AND MONITORING WELL LOCATIONS
3077, 3063 AND 3051 DOUGLAS AVENUE
RACINE, WISCONSIN

	Source:	Google Earth
	Project No:	E220 - 0281 - WO-0002
	Date:	2022