



March 14, 2023

Dan Millis  
Millis Transfer LLC  
PO Box 550  
Black River Falls, WI 54615  
Via Electronic Mail Only to [dan.millis@millistransfer.com](mailto:dan.millis@millistransfer.com)

Subject: Liability Clarification and “No Action Required” Determination Letter  
Millis Transfer, 3001 W. Holy Hill Road, Richfield, Wisconsin 53076  
Parcel #: 035200A  
BRRTS Activity Name: Millis Transfer - Richfield  
BRRTS # 07-67-591386 and 09-67-591725, FID #: 267104090

Dear Mr. Millis:

The Wisconsin Department of Natural Resources (DNR) received a request for a liability clarification and a “No Action Required” determination from Ashley Wagner from Cedar Corporation (Cedar) on behalf of Millis Transfer LLC on January 24, 2023 (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 Millis Transfer LLC 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:

- Liability clarification letter request, completed Form 4400-237, signed January 5, 2023, including a cover letter and attachments. Revised Form 4400-237 submitted to the DNR on March 8, 2023.
- Discharge notification form submitted to the DNR on March 8, 2023;
- *Tank System Service and Closure Assessment Report*, dated June 20, 2022 by Cedar Corporation.

### PROPERTY USE

The Property consists of an approximately 15-acre parcel of land that is currently used for trucking company operations. It is improved with a building, parking lots, a driveway, and vacant land on the south side of the Property.

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

### BACKGROUND AND ENVIRONMENTAL SUMMARY

The Property is located in Richfield in Washington County, Wisconsin. It is bounded by STH 167/Holy Hill Road to the north, residential properties to the south and west, and vacant land and railroad tracks to the east.

A tank system site assessment was conducted in June 2022 to document the removal of one 15,000-gallon diesel underground storage tank and associated piping. Twelve soil samples S-1 through S-12 were collected: four under the piping and eight at the soil-water table interface at 12 feet below ground surface (bgs). Soil samples were not collected at the base of the tank cavity because groundwater was encountered at 13 feet bgs. Native soil was identified as silty sand. All soil samples were laboratory analyzed for petroleum volatile organic compounds (PVOCs) and naphthalene.

Laboratory analytical results identified total trimethylbenzenes at S-1 at three feet bgs and at S-12 at 12 feet bgs at concentrations above the Wis. Admin. Code ch. NR 720 residual contaminant levels (RCLs) for groundwater pathway. For sampling locations, see attached figure.

The DNR requested installation of a groundwater monitoring well to determine whether groundwater was impacted. Cedar installed a one-inch diameter Wis. Admin. Code ch. NR 141 compliant well MW-1 between S-1 and S-12. Groundwater samples were collected on November 2 and December 2, 2022 and were laboratory analyzed for PVOCs and naphthalene. One water sample was collected from the onsite potable well and was laboratory analyzed for PVOCs and naphthalene.

Laboratory analytical results for the potable well were below detection limits for all contaminants except methyl tert-butyl ether, which was at an estimated concentration and below its Wis. Admin. Code ch. NR 140 preventive action limit (PAL). Laboratory analytical results of groundwater at MW-1 identified benzene above its PAL in the first sample. All other contaminants were below detection limits or below their respective PALs. Laboratory analytical results for the second sample were below detection limits or PALs for all contaminants.

## **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 DNR 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 on the west side of the tank cavity from three to twelve feet bgs. The concentrations of total trimethylbenzenes 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 DNR 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](http://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](http://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 414-639-4007, or [alice.egan@wisconsin.gov](mailto:alice.egan@wisconsin.gov).

Sincerely,

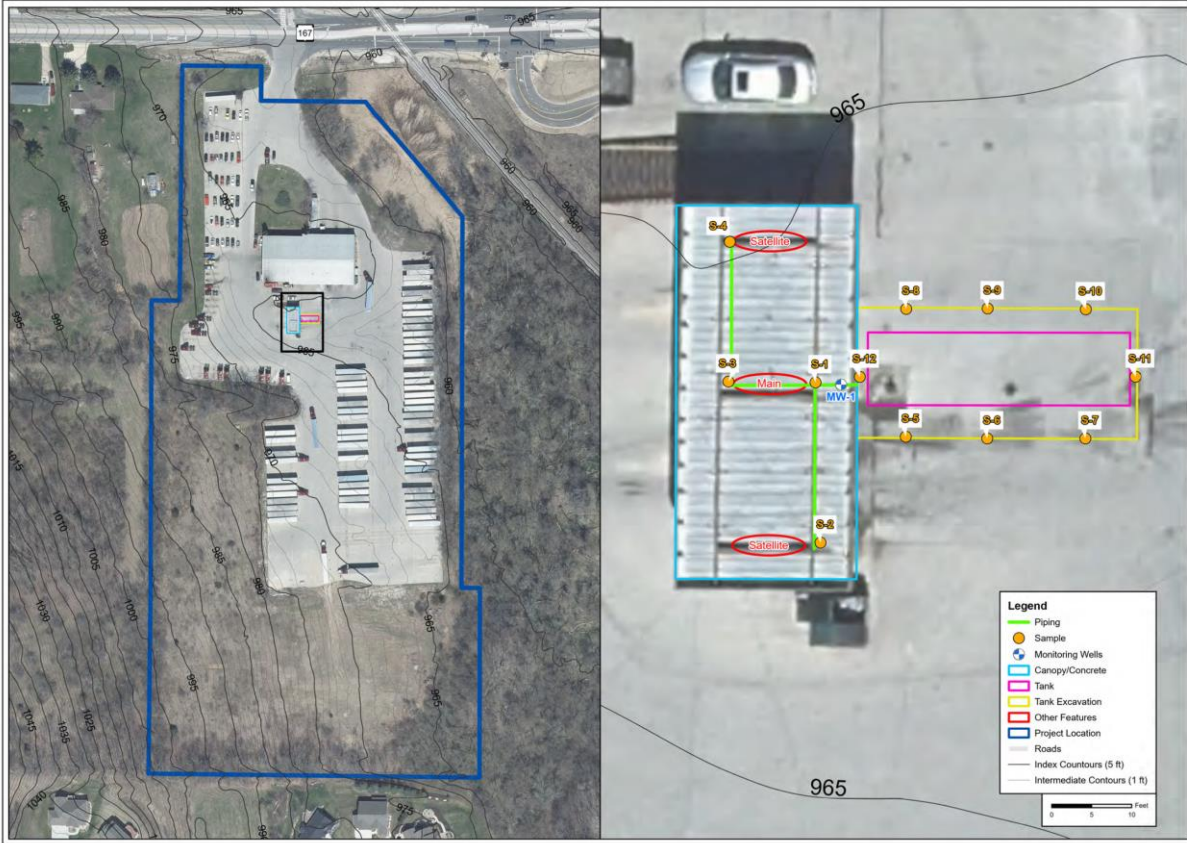


Alice Egan  
Project Manager  
Remediation and Redevelopment Program

Attachment: Figure 2, Detailed Site Map, 12/20/2022, Cedar Corporation

cc:

Ashley Wagner, Cedar Corporation – [ashley.wagner@cedarcorp.com](mailto:ashley.wagner@cedarcorp.com)  
Margaret Brunette, DNR, Remediation and Redevelopment Program – [Margaret.Brunette@wisconsin.gov](mailto:Margaret.Brunette@wisconsin.gov)  
Michael Prager, DNR, Remediation and Redevelopment Program – [Michael.Prager@wisconsin.gov](mailto:Michael.Prager@wisconsin.gov)



NORTH

**Detailed Site Map**  
**Millis Transfer**  
 3001 W HOLY HILL ROAD  
 VILLAGE OF RICHFIELD  
 WASHINGTON COUNTY, WISCONSIN

JOB NO.  
**M6838**

DATE  
**12/20/2022**

FIGURE  
**Fig. 2**