

State of Wisconsin
Department of Natural Resources
PO Box 7921, Madison WI 53707-7921

**Remediation & Redevelopment
Continuing Obligation Review**

Form 4400-232 (R 07/22) Page 1 of 8

BRRTS ID No. 02-16-592853 _____

Reviewer: JOHN T HUNT

Region: NOR

Review Date: 08/29/2023

Site Name: Amoco Oil Terminal - FedEx Facility

See RR5242 for instructions <http://intranet.dnr.state.wi.us/int/aw/rr/guidance/RR5242.pdf> . Steps with an * denote DNR follow up; ** denote RP/property owner follow up. If auditing a VPLE site, use the applicable LUST or ERP BRRTS number. Use the NOTES area in each section to add information not otherwise addressed.

File Review:

1. Review BRRTS, and the file if needed, to identify the File Review information:

Site Address	City	ZIP Code
2929 Havlor Lane	Superior	54880
County Parcel Identification Number (PIN)	FID Number	
06-806-00739-06	816131250	

Original Responsible Person
ATLANTIC RICHFIELD CO (A BP AFFILIATED CO)

Has the property been transferred since the continuing obligation was recorded/applied? No Yes

If Yes: Current Property Owner
HCI LIMITED PARTNERSHIP (CORY HART)

Phone Number	Email
(318) 323-0209	CHART@HCILP.COM

Select all continuing obligations applied (at case closure or RAP approval or letter to LGU):

Add to BRRTS	AC in BRRTS	AC	Action Code (AC) Meaning
<input type="checkbox"/>	<input type="checkbox"/>	51	Deed notice
<input type="checkbox"/>	<input type="checkbox"/>	52	Deed restriction for soil
<input type="checkbox"/>	<input type="checkbox"/>	730	Groundwater use restriction
<input type="checkbox"/>	<input type="checkbox"/>	95	Deed instrument conditions met (for audits, use if deed restriction was updated by filing a deed notice)
<input type="checkbox"/>	<input type="checkbox"/>	101	GIS Registry PDF modified - date DNR letter sent
<input type="checkbox"/>	<input type="checkbox"/>	104	Site removed from GIS Registry - date DNR letter sent
<input type="checkbox"/>	<input type="checkbox"/>	696	Continuing obligation required of LGU to maintain liability exemption
<input type="checkbox"/>	<input type="checkbox"/>	605	Green Space Grant awarded (deed restriction)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	56	Continuing Obligation applied (use with codes 220-238)
<input type="checkbox"/>	<input type="checkbox"/>	46	Impacted Right-of-Way
<input type="checkbox"/>	<input type="checkbox"/>	220	Soil at industrial use level
<input type="checkbox"/>	<input checked="" type="checkbox"/>	222	Cover/engineered containment system (pavement, soil cover, etc.)
<input type="checkbox"/>	<input type="checkbox"/>	224	Structural impediment (buildings or other structures)
<input type="checkbox"/>	<input type="checkbox"/>	226	Vapor mitigation/response
<input type="checkbox"/>	<input checked="" type="checkbox"/>	228	Site-specific (identify in comment field)
<input type="checkbox"/>	<input type="checkbox"/>	230	LGU was directed to take a protective action
<input type="checkbox"/>	<input checked="" type="checkbox"/>	232	Residual soil contamination > RCLs/SS RCLs (use with AC 220, 222, 224)
<input type="checkbox"/>	<input type="checkbox"/>	234	Monitoring well needs to be abandoned
<input type="checkbox"/>	<input type="checkbox"/>	236	Site closed with groundwater contamination > ES
<input type="checkbox"/>	<input type="checkbox"/>	238	Maintenance and inspection documentation required to be submitted
<input checked="" type="checkbox"/>	<input type="checkbox"/>	185	Closure Compliance Review completed
<input checked="" type="checkbox"/>	<input type="checkbox"/>	186	Closure Compliance Review - RP follow up needed
<input type="checkbox"/>	<input type="checkbox"/>	187	Closure Compliance Review follow up completed
<input type="checkbox"/>	<input type="checkbox"/>	99	Use this code with comments, for actions not listed under AC 186 (i.e. submittal of inspection reports)

How was site selected for audit? (AC = BRRTS Action Code)

- Vapor Mitigation AC 226
- VPLE with AC 56
- Enforcement Follow-up
- Other: _____
- Green Space Grant AC 605
- AC 220, 222, 224, 228, or 230
- Deed Restriction AC 52 or 696 (LGU)
- Age of Remedy
- Complaint Received
- Regional Priority

Date of:

- Final Closure _____
- Certificate of Completion _____
- Green Space Grant _____
- Remedial Action Plan Approval 08/31/2021
- General Liability Clarification Letter _____
- Local Gov't Unit (LGU) Letter _____

Describe any site-specific requirements (AC 228) that the site owner and/or responsible party needed to address:
COs applied to FedEx property per August 31, 2021 approval to manage contaminated soil on-site letter.

Is the site on BRRTS as having residual contamination and continuing obligations?

- Yes No – *Add to BRRTS using applicable action codes (56, etc.)**

Were neighboring properties affected? Yes No

If yes, are these properties listed in BRRTS with AC 66? Yes No

Was a maintenance plan required at closure? NA No Yes – It is: in the file PDF missing

If no maintenance plan was required, offer the property owner the template model with inspection log, and note in the follow up section of the audit that one was provided on the audit date

Was/were the appropriate restriction(s) recorded with the Register of Deeds? Yes No NA

Has a restriction been amended, or been nullified by DNR? No

Yes: Was BRRTS updated? (95) Yes No*

Was the CO PDF updated? Yes No*

Notes:

The HCI Limited Partnership property, leased to FedEx, is part of the original Amoco Oil Terminal Site 02-16-000331, with BP North America as the RP. An August 31, 2021 Approval to Manage Contaminated Soil On-Site letter applied the continuing obligations to the HCI property.

Site Visit:

2. **Contact the site owner for access. Provide a copy of the maintenance plan, if applicable. If the audit is being conducted for a CO which would now require a maintenance plan, provide a template version if no maintenance plan was required at closure, for the property owner's use (voluntary).**
3. **Walk the site (ideally with the owner or responsible party) to review the site conditions against the conditions documented at closure/other to verify or change answers to questions in #1. Discuss use of the maintenance plan or template.**
4. **With the site owner/RP (if possible), answer the following for DNR RR records:**

Did the site owner know about the continuing obligation(s)? Yes No

Have site conditions changed since closure that would affect either a deed restriction or other restrictions or requirements associated with the site?

- No
- Yes – Explain:

Examples: 1) a building has been razed and investigation and remediation occurred.
2) excavation or residential development has occurred in a restricted area.

Has a pavement (asphalt or concrete) cover, soil cover or other sort of cover, such as a building, been removed or is it in disrepair? No/NA

Yes – Should it be replaced or repaired? Yes** No

If a performance standard was the final remedy, has it been altered?

No

Yes – Explain:

Was the DNR notified? Yes No

Have local zoning changes occurred since closure?

No/NA

Yes – Does it appear to impact the effectiveness of the restriction?

No

Yes – Describe:

Is soil sampling needed to determine if the final remedy has been modified such that a direct contact threat exists?

No

Yes – Describe:

For example, an asphalt cover has been removed or is in disrepair, or a new contaminated site is present upgradient, etc.

Has additional monitoring or remediation been done since the site was closed?

No

Yes – Describe:

Does a new threat to public health or the environment exist (e.g. new sources or exposure routes)?

No

Yes – Does sampling need to be performed?

No

Yes** – Describe what should be done to address the problem, and by whom:

Is the vapor mitigation system or sub-slab depressurization system (SSDS) operating as designed? (pressure gradient being maintained)

Yes

NA

No** – Describe any follow up needed:

Have any of the exposure assumptions used for closure changed at this site?

NA

No

Yes – Describe any follow up needed:

Has the land use at this site changed such that a vapor intrusion pathway may now exist?

No

Yes – Describe any follow up needed:

Has the land use changed such that there are either health or safety issues?

- No
- Yes – Describe any follow up needed:

Notes:

COMPLIANCE AND FOLLOW-UP SUMMARY:

5. Identify compliance and any follow up needed.

Is the site in compliance with the continuing obligations/closure approval document?

- Yes
- No – Describe what's not in compliance and the reasons for noncompliance:
Topsoil cover over bermed area is not in compliance with the materials management plan (MMP) approved by DNR in an Aug. 31, 2021 letter. Topsoil was specified in the MMP to be 8 inches in depth and vegetated. The inspection found thin poor quality topsoil with numerous exposures of cap liner material and little to no vegetation on the cap.

(May depend on extent of non-compliance, non-maintenance of remedy or changed ownership or conditions. If case is out of compliance, it should be prioritized by the region, for new casework or enforcement, as needed.)

Has the maintenance agreement required at closure been followed?

- Yes
- NA
- No – Describe:

Was the property owner reminded to complete and document the (yearly) inspections?

- Yes
- NA
- No – Why not?

Was a maintenance plan or template provided to the property owner at the site visit?

- Yes
- NA
- No – If no, why not?
Owner has copy.

6. Are additional actions by the RP property owner warranted at the site? *The intent is to return the site to compliance with continuing obligation. If a significant land use change has occurred, and/or further remedial action is needed, determine if the site meets the NR 726 reopening criteria.***

- No
- Yes – Summarize the actions needed to return the site to compliance and identify who is responsible:
Add higher quality topsoil to the berm and establish vegetation as required in the MMP approval. The approved MMP specified 8 inches of topsoil covering the berm cap liner.

Notes:

Add AC 186 for RP/property owner follow-up required. Use AC 99 if a reminder was provided to the property owner to complete and document inspections.

7. * Does the site require follow up by DNR?

No

Yes: contact or enforcement to return site to compliance with continuing obligation

updating BRRTS for the CO PDF (adding or modifying a packet)

reopen site (add ACs 186, 12 and 13)

other: _____

8. * Attach photographs of the site, documenting site conditions. Label the photos with the site name/BRRTS Activity number/date/view. If a follow-up letter is sent, include a copy with the audit. (audit/photos/follow-up letter)

9. * Save a copy of the audit using the following naming convention:

YYYYMMDD_185_CO_Audit.pdf. For follow-up documentation use YYYYMMDD_186_Follow_Up_Needed.pdf.

10. Update applicable BRRTS action codes on the Table on page 1. Use the regional tracking sheet, and have your Regional EPA update the ACs and upload the audit PDF into BRRTS.

11. Notify Central Office when the audit has been completed and loaded into BRRTS.

{Click to add an image file (*.bmp, *.jpg, *.gif, *.png, *.tif) For best results, insert a photo with horizontal orientation. Crop vertical photos to a horizontal orientation, if needed.}

Date added: 08/29/2023



Title: South end of berm, viewing northwest, note little to no vegetation and numerous exposures of cap liner material.

{Click to add an image file (*.bmp, *.jpg, *.gif, *.png, *.tif) For best results, insert a photo with horizontal orientation. Crop vertical photos to a horizontal orientation, if needed.}

Date added: 08/29/2023



Title: Exposures of cap/liner material at southwest end of berm, viewing north.

{Click to add an image file (*.bmp, *.jpg, *.gif, *.png, *.tif) For best results, insert a photo with horizontal orientation. Crop vertical photos to a horizontal orientation, if needed.}

Date added: 09/01/2023



Title: Berm viewing south, storm water detention pond on right. Note scarce vegetation.

{Click to add an image file (*.bmp, *.jpg, *.gif, *.png, *.tif) For best results, insert a photo with horizontal orientation. Crop vertical photos to a horizontal orientation, if needed.} Date added: 09/01/2023



Title: South half of storm water pond viewing southwest. Note outflow structure in center at end of pond.

{Click to add an image file (*.bmp, *.jpg, *.gif, *.png, *.tif) For best results, insert a photo with horizontal orientation. Crop vertical photos to a horizontal orientation, if needed.} Date added: 09/01/2023



Title: North end of storm water pond viewing west. Note asphalt parking lot in background which also serves as cap/cover.

{Click to add an image file (*.bmp, *.jpg, *.gif, *.png, *.tif) For best results, insert a photo with horizontal orientation. Crop vertical photos to a horizontal orientation, if needed.}

Date added: 09/01/2023



Title: