



May 10, 2024

John T. Hunt  
Wisconsin Department of Natural Resources  
223 East Steinfest Road  
Antigo, WI 54409-2777

Re: **Construction Documentation Report**  
**Portions of Parcels 06-806-00739-05 and 06-806-00739-00**  
**2929 Halvor Lane**  
**Superior, Wisconsin**  
**BRRTS#: 07-16-583046**  
**BBJ Group Project No. R2413652**

Dear Mr. Hunt:

BBJ Group, LLC (BBJ Group) on behalf of FedEx Ground (FedEx), respectfully submits this Construction Documentation Report (Report) for repair of the berm containing contaminated soils at 2929 Halvor Lane in Superior, Wisconsin (Subject Property).

Please contact Mr. Justin Button-Hutchens at (224) 433-8544 or [jbutton@bbjgroup.com](mailto:jbutton@bbjgroup.com) with any questions regarding this report.

Sincerely,

**BBJ GROUP, LLC**

A handwritten signature in blue ink that reads "Justin Button Hutchens".

Justin Button-Hutchens, P.E.  
License # E-48325  
Senior Engineer

# CONSTRUCTION DOCUMENTATION REPORT

**FedEx Facility  
2929 Halvor Lane  
Superior, Wisconsin  
BRRTS#: 07-16-583046**

Submitted to:

**WISCONSIN DEPARTMENT OF NATURAL RESOURCES**  
Superior, Wisconsin

On Behalf of:

**FedEx Ground**

Prepared by:

**BBJ GROUP, LLC**

May 10, 2024



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**FIGURES**

Figure 1	Site and Vicinity Plan
Figure 2	Engineered Barriers, Dry Stormwater Pond, and Soil Berm Location

**APPENDICES**

Appendix A	WI DNR Notice of Noncompliance
Appendix B	Work Summary Report
Appendix C	Photolog
Appendix D	Updated Maintenance Plan

I, Justin Button-Hutchens, hereby certify that I am a registered professional engineer in the State of Wisconsin, registered in accordance with the requirements of ch. A-E 4, Wis. Adm. Code; that this document has been prepared in accordance with the Rules of Professional Conduct in ch. A-E 8, Wis. Adm. Code; and that, to the best of my knowledge, all information contained in this document is correct and the document was prepared in compliance with all applicable requirements in chs. NR 700 to 726, Wis. Adm. Code.



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Justin Button-Hutchens  
Senior Engineer, E-48325

## 1.0 INTRODUCTION

The Subject Property is formerly part of the former Amoco Oil Terminal facility (Site) identified by the DNR as the Bureau of Remediation and Redevelopment Tracking System (BRRTS) case #02-16-000331. HCI had purchased several acres of the Site property and developed a freight terminal leased by FedEx in 2005. In 2020, HCI purchased additional adjacent property for an expansion of the existing FedEx facility. As part of that development, HCI proposed to manage contaminated surface soils on the Site either by construction of a cover/barrier of asphalt or placement in a berm that would be capped with a cover/barrier. The Subject Property is depicted on Figure 1.

A Materials Management Plan (MMP) was developed and submitted to the Wisconsin Department of Natural Resources (DNR) documenting how the contaminated soils would be managed on-site during and post development of the expansion project. Wisconsin DNR approved the MMP on August 31, 2021. Continuing obligations to maintain the cover/barrier system were part of the approved MMP, which the WDNR can audit at any time.

On August 29, 2023, Mr. John T. Hunt of the Wisconsin DNR performed a continuing obligations review and site inspection and found several locations of the liner were not properly covered and needed to be brought back into compliance. A Notice of Noncompliance was issued on September 27<sup>th</sup>, 2023. A copy of the Notice of Noncompliance can be found in Appendix A.

## 2.0 BERM REPAIR DOCUMENTATION

As noted in the Notice of Noncompliance, the soil cover/barrier currently covering the contaminated soil berm was inadequate and, at the time of the visit, not constructed within the specifications of the approved MMP. Therefore, the Site was not in compliance with Wis. Admin. Code chs. NR 718 and NR 722.

### 2.1 Work Plan Submission

On November 7, 2023, BBJ Group, on behalf of HCI and FedEx, submitted a work plan documenting the next steps for bringing the soil berm into compliance. The next steps included:

- Performing a thorough inspection of the soil berm to determine all of the areas that require placement of topsoil and vegetation. This included confirmation in areas that appear to have adequate coverage. The inspection should ensure that all areas have (a) 8-inches of soil and (b) substantial vegetation coverage. Areas that are inadequate will have soil and vegetation placement to meet the specifications of the MMP.
- Placement of 8-inches of topsoil on the berm to meet the requirement of the approved MMP. An attempt will be made to compact the topsoil so that it is stable. Soil compaction will be performed in 6-inch lifts when able. This response action is to be completed as soon as possible so that the liner will be covered prior to the first frost.
- As part of the MMP, the soil berm is required to have established vegetation. The work was planned for completion in November, and the growing season was nearing an end for

northern Wisconsin. As such, establishing a vegetation cover was unlikely before the end of 2023. As such, placement of seed mats over the exposed soils prior to the first frost would be performed. Seed mats will be secured to the topsoil and will not penetrate the cover. The seeds in the seed mats will remain dormant until spring, and vegetation cover will begin at that time.

- All of the aforementioned work will be performed under the supervision of a Professional Engineer registered in the state of Wisconsin.

## **2.2 Repair Activities of Topsoil on Berm**

FedEx retained the services of Jensen Construction based out of Superior, Wisconsin, to perform maintenance activities for the berm. Jensen Construction and BBJ Group discussed the planned repair activities prior to initiation of work. The repairs were conducted from November 10 through November 17, 2023. During this time, Jensen imported soil, placed soil in locations that had inadequate coverage, hand raked the soil and confirmed proper coverage in conformance with the MMP, placed seed and fertilizer, and secured erosion control mats to prevent loss of soils.

The FedEx facility representative, Brad Renninger, has engaged Superior Landscape Contractors to ensure that the vegetative cover is established and maintained during the spring growing period. Superior Landscape Contractors' services will be continued after the establishment of the vegetative cover, and will include the continued maintenance on an as needed basis with hydroseeding and/or replacement of topsoil.

## **2.3 Updated Maintenance Plan**

Maintenance and inspection of the constructed asphalt/concrete covered areas will be done annually. The concrete and asphalt areas overlying the contaminated soil and as depicted in Figure 2 will also be inspected for deterioration, cracks and other potential problems that can cause additional infiltration into or exposure to underlying soils. The inspections will be performed by the designated representative from FedEx. The inspections will be performed to evaluate damage due to settling, exposure to the weather, wear from traffic, increasing age and other factors. Any area where soils have become or are likely to become exposed will be documented.

Maintenance and inspection of the berm will be conducted semi-annually, with increased rates of inspection depending on weather conditions to ensure that the grass and topsoil are being maintained. The berm overlying the contaminated soil and as depicted in Figure 2 will be inspected for deterioration, cracks and other potential problems that can cause additional infiltration into or exposure to underlying soils. The inspections will be performed by the designated representative from FedEx and their subcontractors, AQUALIS and Superior Landscape Contractors.

An updated maintenance plan is attached in Appendix D.

**FIGURES**



**LEGEND**

- STRUCTURE - MAIN
- SUBJECT PROPERTY
- PARCEL

**NOTES**  
 AERIAL IMAGERY PROVIDED AS SID BY DOUGLAS COUNTY, DATED 2019 AND AVAILABLE AT 3-INCH RESOLUTION.

LOCATIONS ARE APPROXIMATE. SHOULD NOT BE USED FOR SURVEYING PURPOSES.



	PROJECT NO:	R2112496
	CREATED BY:	JBH 08.24.2021
	CHECKED BY:	JBH 08.24.2021
	APPROVED BY:	KLM 08.24.2021

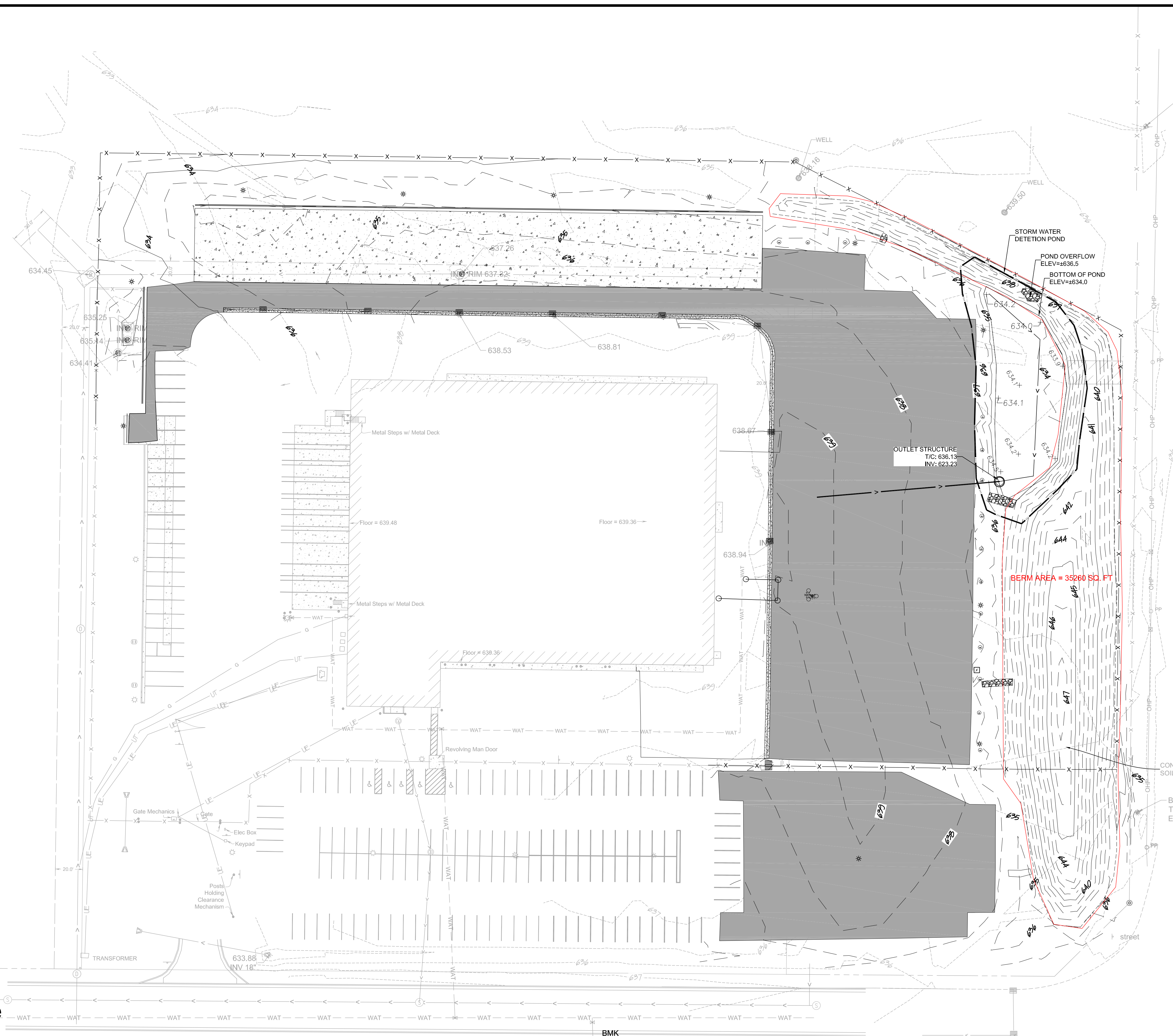
**SITE AND VICINITY PLAN**

FEDEX FACILITY  
 2929 HALVOR LANE  
 SUPERIOR, WISCONSIN

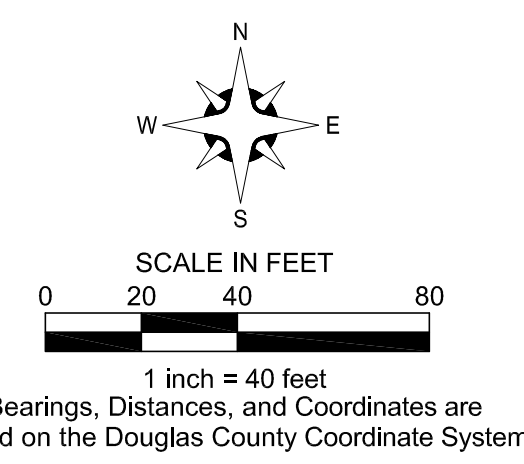
**FIGURE**  
  
1



PLOT DATE: Aug 15, 2022 - 10:19am  
 FILENAME: K:\g-m\UDC\Properties\LL\C18052000\02\_Project-Data\04\_Surveys\Asbuilt\Fed Ex Base.dwg



Benchmark  
 Top Nut Hydrant  
 ELEV: 638.40



**LEGEND**

	PROPERTY LINE (SEE SEPARATE BOUNDARY SURVEY)
	UTILITY EASEMENT
	RIGHT OF WAY LINE
	CHAINLINK FENCE
	UNDERGROUND GAS
	UNDERGROUND TELEPHONE
	SANITARY SEWER W/ CLEANOUT, MH
	STORM SEWER W/ MH, END SECTION, CS
	UNDERGROUND ELECTRIC W/ L POLE
	UNDERGROUND ELECTRIC W/ POLE
	PARKING STRIPE
	CONTOUR - MAJOR
	CONTOUR - MINOR
	CONCRETE
	CURB AND GUTTER
	BITUMINOUS
	ELECTRIC PLUG
	WATER HYDRANT, VALVE
	SIEM
	MONITORING WELL
	GUARDEPOST

**POND BERM CALCULATIONS**

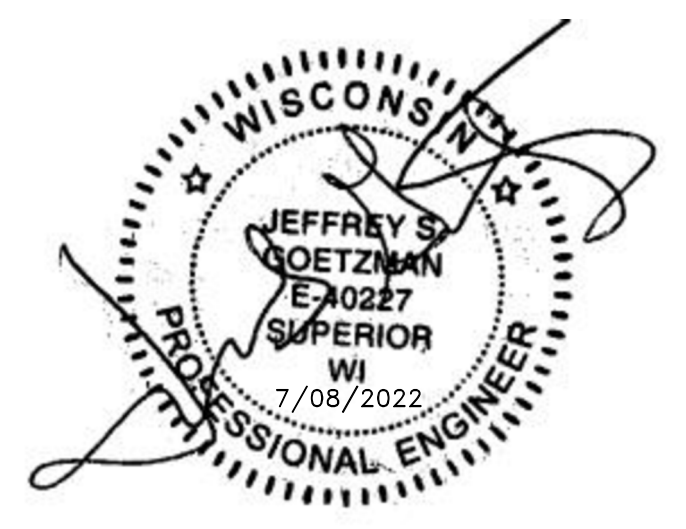
TOTAL GROSS POND BERM VOLUME: 153,900 CUBIC FEET  
 COVER VOLUME: 35,260 x .05 = 17,360 CUBIC FEET  
 NET CONTAMINATED SOILS VOLUME: 153,900 - 17,630 = 136,270 CUBIC FEET

**BERM AREA = 35260 SQ. FT.**

Maryland Avenue

Halvor Lane

BMK  
 N: 307013.930  
 E: 142424.228  
 Bench ELEV: 639.680  
 Nut of Hydrant = 639.59



NO.	DATE	BY	DESCRIPTION OF REVISIONS
1	6/30/22	JK	BERM AS-BUILT
2	7/08/22	JK	CLIENT COMMENTS
3	8/15/22	JK	POND DETAILS

DESIGNED JL  
 DRAWN JK, TM  
 CHECKED AB

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED ENGINEER UNDER THE LAWS OF THE STATE OF WISCONSIN.

SIGNATURE: *[Signature]* DATE: 6/30/2022  
 NAME: JEFF S. GOETZMAN LIC. NO.: 40227



444 Cedar Street, Suite 1500  
 Saint Paul, MN 55101  
 651.292.4400  
 tkda.com

**FedEx PARKING LOT EXPANSION**

**BERM AS-BUILT**

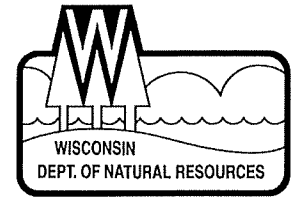
PROJ. NO. 18052.001  
 DRAWING NO. 1 of 1

**APPENDIX A**

**NOTICE OF NONCOMPLIANCE**

**State of Wisconsin**  
DEPARTMENT OF NATURAL RESOURCES  
2501 Golf Course Rd.  
Ashland WI 54806-3505

Tony Evers, Governor  
Adam N. Payne, Secretary  
Telephone 608-266-2621  
Toll Free 1-888-936-7463  
TTY Access via relay - 711



September 27, 2023

MR CORY HART  
HCI LIMITED PARTNERSHIP  
2910 RIVER OAKES DR  
MONROE LA 71201

**CERTIFIED MAIL – RETURN RECEIPT REQUESTED**

**SUBJECT: NOTICE OF NONCOMPLIANCE**

Continuing Obligations Associated with Amoco Oil Terminal - FedEx Facility  
2929 Halvor Lane, Superior, Wisconsin  
WDNR BRRTS #02-16-592853 / FID #816131250  
Douglas County Parcel #06-806-00739-05

Dear Mr. Hart:

This letter is to notify you that the Wisconsin Department of Natural Resources (DNR) believes that the above-named facility is out of compliance with Wisconsin Statutes (Wis. Stat.) chapter 292 and Wisconsin Administrative (Wis. Admin.) Code chs. NR 700 through NR 799. On August 29, 2023, the DNR performed a continuing obligations audit at the facility. This letter details the requirements of continuing obligations attached to the property, the noncompliance issues identified during the audit, and what is required to resolve those issues.

**BACKGROUND**

The property, located at 2929 Halvor Lane and which HCI Limited Partnership (HCI) now owns, is part of the former Amoco Oil Terminal facility (Site) identified by the DNR as the Bureau of Remediation and Redevelopment Tracking System (BRRTS) case #02-16-000331. The Site consisted of 14 large above ground storage tanks and associated piping used for petroleum storage and distribution, operating for approximately 75 years. A hazardous substance discharge at this Site was reported to the DNR in 1985 by Amoco Oil Company. Atlantic Richfield Company, a BP affiliated company (BP), is the responsible party for investigating and restoring the environment at the Site under Wis. Stat. section 292.11, known as the hazardous substances spill law. The facility identification number (FID) assigned by the DNR is #816131250.

BP has been performing investigative and interim remedial action activities at the Site since 1989. The investigative activities found widespread soil and groundwater contamination, primarily by volatile organic compounds at the Site. The Site infrastructure was demolished in the 1990s and the property was subdivided in the early 2000s.

HCI purchased several acres of the Site property and developed a freight terminal leased by FedEx in 2005. In 2020, HCI purchased additional adjacent property for an expansion of the existing FedEx facility. As part of that development, HCI proposed to manage contaminated surface soils on the Site either by construction of a cover/barrier of asphalt or placement in a berm that would be capped with a cover/barrier.

### CONTINUING OBLIGATIONS

HCI requested to manage the contaminated soil on their property under Wis. Admin. Code § NR 718.12. A Revised Materials Management Plan (MMP) was submitted to the DNR on August 24, 2021, with details of the proposed actions. The DNR considered the proposed MMP activities to be an interim remedial action. A conditional approval of the MMP was issued by the DNR on August 31, 2021; a copy of the letter can be accessed at this link: [Amoco Oil Terminal - FedEx Facility](#), then opening the PDF document linked at 2021-08-31 Materials Management Plan Approval. The following continuing obligations (COs) were included as conditions of the approval:

Residual Soil Contamination (Wis. Admin. Code chs. NR 718, NR 500 to 599, and § NR 726.15(2)(b) and Wis. Stat. ch. 289)

Known soil contamination will remain under the areas of soil cover as indicated on the attached Figure 3, *Engineered Barriers, Dry Stormwater Pond and Soil Berm Location*. If soil in the locations 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.

#### Residual Soil Contamination Management

If contaminated soil that was managed as proposed in the MMP dated May 27, 2021 (and subsequent revised MMPs dated August 10, 2021, and August 24, 2021) is excavated in the future, the property owner at the time of excavation will have the following responsibilities per Wis. Admin. Code § NR 727.05 (1) (d):

- determine if contamination is present;
- determine whether the material is considered solid or hazardous waste; and
- ensure that any storage, treatment or disposal is in compliance with applicable statutes and rules.

Excavated contaminated soil may be managed in accordance with Wis. Admin. Code ch. NR 718 with DNR pre-approval. In addition, all current and future property owners and occupants of the property need to be aware that excavation of the contaminated soil and solid waste may pose a hazard, and special precautions may be necessary to prevent a health threat to humans.

If material that will be managed under this approval includes solid waste other than soil, it may be required to obtain approval from the DNR prior to excavating the waste or constructing any structure over the materials per Wis. Admin. Code § NR 506.085.

The locations where contaminated soil is proposed to be managed at the Amoco Oil Terminal - FedEx Facility is depicted on the attached Figure 2, *Excess Soil Generation Locations*, dated August 24, 2021, by the BBJ Group and Figure 3, *Engineered Barriers, Dry Stormwater Pond and Soil Berm Location*.

Depending on site-specific conditions, construction over contaminated soil or groundwater may also result in vapor migration of contaminants into enclosed structures or migration along underground utility lines. The potential for vapor intrusion and means of mitigation may need to be evaluated when planning any future redevelopment, and measures may need to be taken to ensure the continued protection of public health, safety, welfare and the environment at the site.

The DNR's approval prior to well construction or reconstruction is required where contaminated soil was managed, in accordance with Wis. Admin. Code § NR 812.09 (4) (w). This requirement applies to private drinking water wells and high-capacity wells. To obtain approval, complete and submit DNR Form 3300-254 to the DNR Drinking and Groundwater Program's regional water supply specialist. This form is available at [dnr.wi.gov](http://dnr.wi.gov), and searching for "3300-254."

#### Maintenance of a Cover

Engineered covers are proposed to be installed and maintained over contaminated soil that will be managed at the Amoco Oil Terminal – FedEx Facility as proposed in the MMP approval request dated May 27, 2021 (and subsequent revised MMPs dated August 10, 2021, and August 24, 2021). The inspection and maintenance of the barrier/cover will include the pond liner. A maintenance plan is attached, which describes the inspection and maintenance activities that will apply to the proposed covers.

An updated maintenance plan must be provided to the DNR once the engineered covers have been constructed. The updated maintenance plan must address actual site conditions per Wis. Admin. Code § NR 724.15 (3) (h) and will include the inspection and maintenance of the pond liner.

A map is attached, Figure 3, *Engineered Barriers, Dry Stormwater Pond and Soil Berm Location*, which shows where contaminated soil is proposed to be managed and the extent of the proposed covers. Once constructed, inspections of the engineered covers will be required per Wis. Admin. Code § NR 724.13), and submittal of inspection reports may also be required per Wis. Admin. Code § 727.05 (1) (b) 3. Notification to the DNR is required before changing to a non-industrial use if the cover is approved for industrial land use, per Wis. Admin. Code § NR 727.07 (3) to ensure that the cover will be protective for that use.

The maintenance plan prohibits certain activities in areas where maintenance of a cover or barrier is intended to prevent contact with any remaining soil contamination. The following activities are prohibited on any portion of the property where engineered cover is required, unless prior notification is provided to DNR to determine whether further action may be necessary to protect human health, safety, or welfare of the environment (§ NR 727.07):

- removal of the existing barrier or cover
- replacement with another barrier or cover
- excavating or grading of the land surface
- filling on covered or paved areas
- plowing for agricultural cultivation
- construction or placement of a building or other structure
- changing the use or occupancy of the property to a residential exposure setting, which may include certain uses, such as single or multiple family residences, a school, day care, senior center, hospital or similar residential exposure settings.

#### **CURRENT CONDITIONS**

On August 29, 2023, Mr. John T. Hunt of the DNR performed a continuing obligations review and site inspection. Prior to the on-site inspection you were contacted regarding the continuing obligations review. The on-site FedEx contact, Mr. Brad Renninger, accompanied Mr. Hunt during the inspection. A DNR *Remediation and Redevelopment Continuing Obligation Review* form completed after the inspection is attached to this letter.

The following observations were made during the August 29, 2023, inspection:

- The on-site inspection noted that the construction, in general, appear as described in the *Revised Construction Completion Report* (considered to be a Remedial Action Documentation Report (RADR)) dated September 13, 2022, submitted to DNR by BBJ.

- The asphalt and concrete paved areas and the stormwater pond appeared to be constructed properly as per the *Revised Construction Completion Report*.
- The cover/barrier overlying the contaminated soil berm was lacking vegetation and the topsoil was very thin and of poor quality. Numerous exposures of the liner material were observed. Photos of the berm are included in the attached Continuing Obligation Review form.

#### NOTICE OF NON-COMPLIANCE

The approval for the MMP was granted by meeting the requirements of Wis. Admin. Code ch. NR 718. The authority to set site-specific continuing obligations with the soil cover/barrier are derived from Wis. Admin. Code ch. NR 722. Notification for removal of a soil cover/barrier is required by Wis. Admin. Code NR 727.07(1).

The soil cover/barrier currently covering the contaminated soil berm is inadequate and was not constructed within the specifications of the approved MMP, therefore the Site is not in compliance with Wis. Admin. Code chs. NR 718 and NR 722.

#### ACTIONS NEEDED

To achieve compliance with Wis. Admin. Code NR 700 – 799, the soil cover/barrier covering the contaminated soil berm is required to meet the specifications approved in the August 31, 2021, MMP. Eight (8) inches of topsoil is required. Once topsoil has been placed, vegetation on the cover must be established.

Within the next 30 days, by October 27, 2023, please submit a plan prepared under the direction of a Professional Engineer to address the actions needed. It should be noted the above required work must be performed under the direction of a Professional Engineer registered in the State of Wisconsin.

If you have any questions or comments regarding this issue, please feel free contact DNR Project Manager John T. Hunt at (715) 392-3126 or at [Johnt.Hunt@Wisconsin.gov](mailto:Johnt.Hunt@Wisconsin.gov). You can also contact me at (715) 208-4004 or at [Christopher.Saari@Wisconsin.gov](mailto:Christopher.Saari@Wisconsin.gov).

Sincerely,



Christopher A. Saari  
Northern Region Team Supervisor  
Remediation and Redevelopment Program

Attachments:

- *Remediation and Redevelopment Continuing Obligation Review* (DNR Form 4400-232), August 29, 2023

cc: John Hunt – DNR Peshtigo

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. 02-16-5928

Reviewer: JOHN T HUNT

Region: NOR Review Date: 09/26/2023

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

(318) 323-0209

Email

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 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 type="checkbox"/>	<input type="checkbox"/>	185	Closure Compliance Review completed
<input 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 wes. 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:

**APPENDIX B**  
**WORK SUMMARY REPORT**



814 21<sup>st</sup> Avenue East | Superior, WI 54880  
715.398.6626 | jrjensen.com

November 22, 2023

Mr. Brad Renninger  
Sr. Manager  
FedEx Ground  
2929 Halvor Lane  
Superior, WI 54880

**Re: Berm Maintenance – November 2023**

**Work Summary: November 10<sup>th</sup> – 17<sup>th</sup>**

- **Friday 11/10**
  - Mobilize skid steer and sweeper broom
  - Setup cones and danger tape to establish soil laydown area
- **Monday 11/13**
  - Mobilize loader
  - Import and stage soil
  - Delivery of seed, fertilizer and erosion mat
- **Tuesday 11/14**
  - Import and stage soil
  - Placement of soil on berm via conveyor truck
  - Hand rake out soil on berm
- **Wednesday 11/15**
  - Placement of soil on berm via conveyor truck
  - Hand rake out soil on berm
- **Thursday 11/16**
  - Hand rake out soil on berm
  - Broadcast seed & fertilizer
  - Lay and secure erosion mat
- **Friday 11/17**
  - Hand rake out soil on berm
  - Broadcast seed & fertilizer
  - Lay and secure erosion mat
  - Sweep marking lots
  - Cleanup and demobilize equipment

**\*Ongoing watering, spot seeding and fertilizer recommended spring/summer 2024\***

Respectfully,

Matt Johnson  
General Manager



**APPENDIX C**

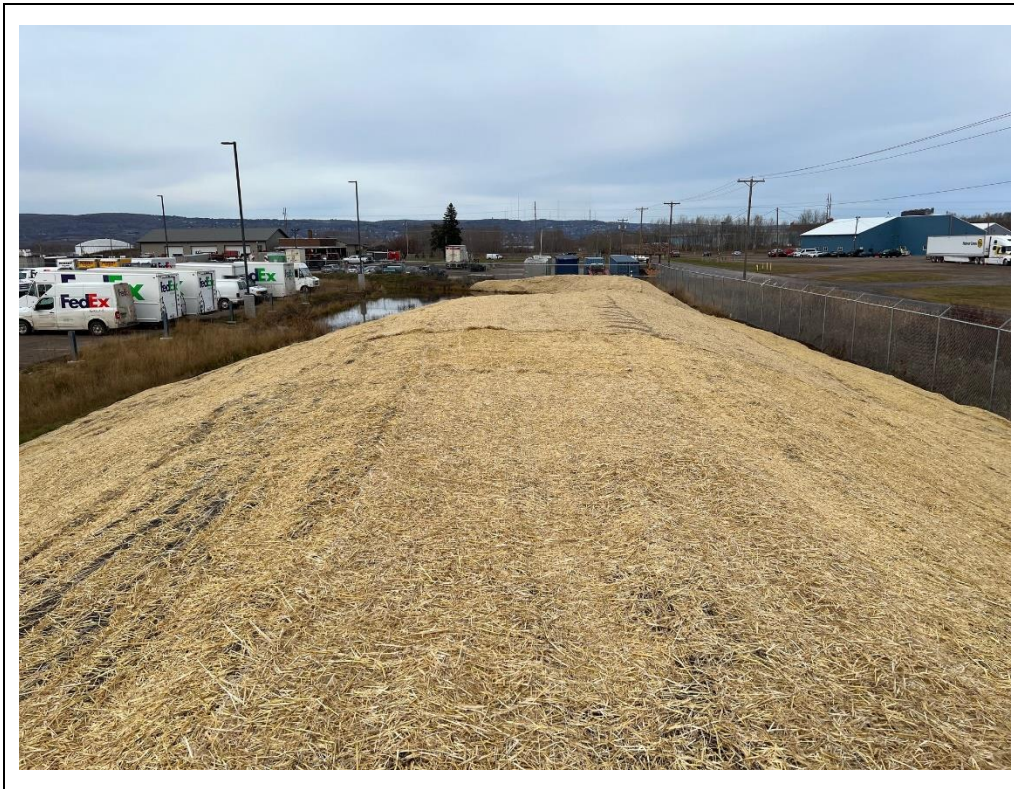
**PHOTOLOG**



Photograph 1 - Soil Berm with seed mats



Photograph 2 - Soil Berm with seed mats



Photograph 3 - Soil Berm with seed mats



Photograph 4 - Soil Berm with seed mats



Photograph 5 - Soil Berm with seed mats



Photograph 6 - Soil Berm with seed mats



Photograph 7 - Soil Berm with seed mats



Photograph 8 - Dispersion of seed for grass coverage on berm.



Photograph 9 - Soil cover on the berm



Photograph 10 - Showing Depth of Soil Coverage.

**APPENDIX D**

**UPDATED MAINTENANCE PLAN**

**COVER or BARRIER MAINTENANCE PLAN**  
*(to be included in Form 4400-202, as Attachment D)*

May 10, 2024

Property Located at: 2929 Halvor Lane

DNR BRRTS/Activity #: 07-16-583046

Parcel Number: 06-806-00739-06

#### Introduction

This document is the Maintenance Plan for an engineered soil berm and asphalt cover that will be installed at the above-referenced property in accordance with the requirements of s. NR 724.13 (2), Wis. Adm. Code. The maintenance activities relate to the future installation of the soil berm and asphalt cover which addresses or occupies the area over the contaminated soil.

#### **D.1. Descriptions:**

##### Description of Contamination

Based on the results of the soil investigation, the lone exceedance of the DC RCL for benzene and the several exceedances of select VOCs, PAHs and metals of the GW RCL document existing contamination at the Subject Property caused by the historical Former Terminal at the Subject Property. Soil contaminated by benzene and select petroleum related contaminants (i.e. PAHs) are located at a depth of approximately 1-4 feet on the eastern portion of the property. Groundwater contaminated by VOCs, PAHs, and metals associated with the historical Former Terminal is located at a depth of approximately 10 feet below ground surface. The extent of the soil and groundwater contamination is shown in Antea Groups Monitoring Well Abandonment Work Plan dated March 12, 2021.

##### Description of the [Cover/Barrier] to be Maintained

The asphalt pavement consists of approximately 12 inches of crushed aggregate base WisDOT 3/4 -inch base and 5-inches of asphalt surface and binder material for paved surfaces. The concrete barrier consists of approximately 12-inch aggregate base with 8-inches of concrete pavement. The soil berm consists of a 30 MIL PVC geomembrane liner covering excess soils in a soil berm topped by a minimum of eight inches of clean topsoil seeded with a type 10 or 70 seed for vegetation. The vegetation will be mowed on a regular basis by the property owner. The dry pond consists of a 30-MIL PVC geomembrane liner to protect from infiltration of groundwater and contact with soils. The barriers are located as shown on the Figure 1.

##### Cover/Building/Slab/Barrier Purpose

The asphalt pavement, concrete pavement, and soil berm with a 30 MIL PVC geomembrane liner covering the contaminated soils serve as a barrier to prevent direct human contact with residual soil contamination that might otherwise pose a threat to human health. The cover/barriers also act as a partial infiltration barrier to minimize future soil-to-groundwater contamination migration that would violate the groundwater standards in ch. NR 140, Wisconsin Administrative Code. Based on the current use of the property, commercial use, the barrier should function as intended unless disturbed.



## Annual Inspection

The berm overlying the contaminated soil and as depicted in Figure 1 will be inspected once a year, normally in the spring after all snow and ice is gone, for deterioration, cracks and other potential problems that can cause additional infiltration into or exposure to underlying soils. The inspections will be performed by the property owner or their designated representative. The inspections will be performed to evaluate damage due to settling, exposure to the weather, wear from traffic, increasing age and other factors. Any area where soils have become or are likely to become exposed will be documented.

The stormwater pond as depicted in the attached figure will be inspected once per year, normally in the spring after all snow and ice is gone, for deterioration, cracks and other potential problems that can cause additional infiltration into or exposure to underlying soils. The inspections will be performed by the property owner or their designated representative. The inspections will be performed to evaluate damage due to settling, increasing age, and other factors. Any area where soils have become or are likely to become exposed will be documented.

The concrete and asphalt areas overlying the contaminated soil and as depicted in Figure 1 will be inspected once a year, normally in the spring after all snow and ice is gone, for deterioration, cracks and other potential problems that can cause additional infiltration into or exposure to underlying soils. The inspections will be performed by the property owner or their designated representative. The inspections will be performed to evaluate damage due to settling, exposure to the weather, wear from traffic, increasing age and other factors. Any area where soils have become or are likely to become exposed will be documented.

A log of the inspections and any repairs will be maintained by the property owner and is included as D.4, Form 4400-305, Continuing Obligations Inspection and Maintenance Log. The log will include recommendations for necessary repair of any areas where underlying soils are exposed and where infiltration from the surface will not be effectively minimized. Once repairs are completed, they will be documented in the inspection log. A copy of the maintenance plan and inspection log will be kept at the site; or, if there is no acceptable place (for example, no building is present) to keep it at the site, at the address of the property owner and available for submittal or inspection by Wisconsin Department of Natural Resources (DNR) representatives upon their request.

A copy of the inspection log must be submitted electronically to the DNR after every inspection, at least annually.

## Maintenance Activities

If problems are noted during the annual inspections or at any other time during the year, repairs will be scheduled as soon as practical. Repairs can include patching and filling or larger resurfacing or construction operations. In the event that necessary maintenance activities expose the underlying soil, the owner must inform maintenance workers of the direct contact exposure hazard and provide them with appropriate personal protection equipment (PPE). The owner must also sample any soil that is excavated from the site prior to disposal to ascertain if contamination remains. The soil must be treated, stored and disposed of by the owner in accordance with applicable local, state and federal law.

In the event the asphalt, concrete, or berm overlying the contaminated soils are removed or replaced, the replacement barrier must be equally impervious. Any replacement barrier will be subject to the same maintenance and inspection guidelines as outlined in this Maintenance Plan unless indicated otherwise by the DNR or its successor.

The property owner and tenant will be sure to mow the vegetation on the soil berm on a regular basis. The property owner, in order to maintain the integrity of the grass covered berm, will maintain a copy of this Maintenance Plan at the site; or, if there is no acceptable place to keep it at the site (for example, no building is present), at the address of the property owner and make it available to all interested parties (i.e. on-site employees, contractors, future property owners, etc.) for viewing.

#### Prohibition of Activities and Notification of DNR Prior to Actions Affecting a Cover/Barrier

The following activities are prohibited on any portion of the property where [pavement, a building foundation, soil cover, engineered cap or other barrier] is required as shown on the attached map, unless prior written approval has been obtained from the Wisconsin Department of Natural Resources: 1) removal of the existing barrier; 2) replacement with another barrier; 3) excavating or grading of the land surface; 4) filling on capped or paved areas; 5) plowing for agricultural cultivation; 6) construction or placement of a building or other structure; 7) the use or occupancy of the property to a residential exposure setting, which may include certain uses, such as single or multiple family residences, a school, day care, senior center, hospital, or similar residential exposure settings.

If removal, replacement or other changes to a cover, or a building which is acting as a cover, are considered, the property owner will contact DNR at least 45 days before taking such an action, to determine whether further action may be necessary to protect human health, safety, or welfare or the environment, in accordance with s. NR 727.07, Wis. Adm. Code.

#### Amendment or Withdrawal of Maintenance Plan

This Maintenance Plan can be amended or withdrawn by the property owner and its successors with the written approval of DNR.

#### Contact Information

*(Form 4400-202, Attachment D, Part 1.) Contact Information, including the name, address and phone number of the individual or facility who will be conducting the maintenance.)*

May 2024

Site Owner and Operator: FedEx  
Brad Renninger  
2929 Halvor Lane  
brad.renninger@fedex.com  
715-399-4038

Property Owner: Cory Hart  
HCI Limited Partnership 3121  
Mercedes Drive Monroe, LA  
71291  
chart@hcilp.com  
318-323-0209

Consultant: Justin Button-Hutchens, P.E.  
BBJ Group, LLC  
140 S Dearborn St, Suite  
1520 Chicago, IL 60603  
312-219-7787

DNR:

John Hunt  
223 E Steinfest Road  
Antigo, WI 54409  
715-701-9383

**D.2 Location Map(s)**

*Include a location map which shows:*

- (1) the feature that requires maintenance;*
- (2) the location of the feature(s) that require(s) maintenance: on and off the source property;*
- (3) the extent of the structure or feature(s) to be maintained, in relation to other structures or features on the site;*
- (4) the extent and type of residual contamination; and*
- (5) all property boundaries.*

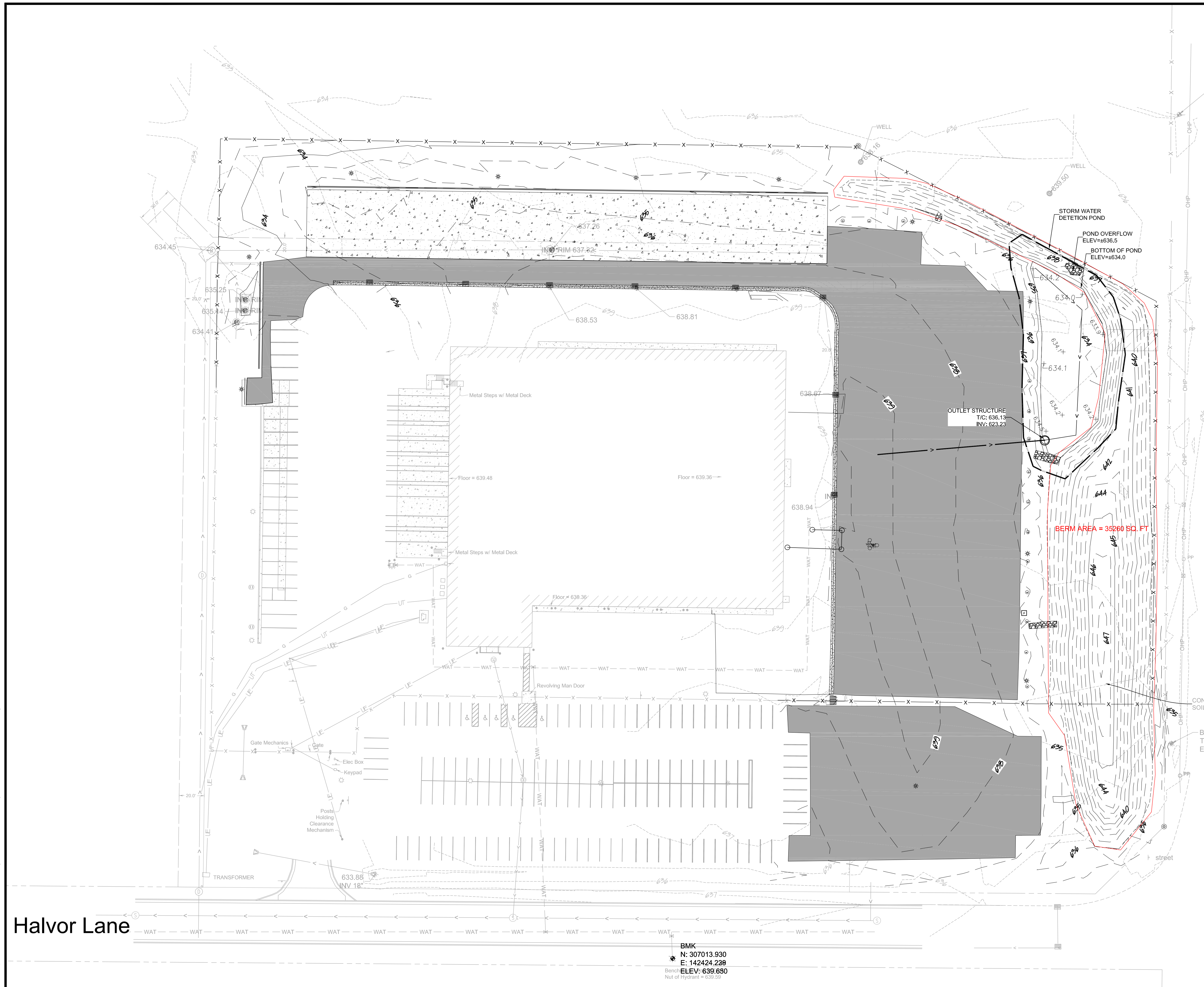
**D.3 Photographs of Cover/Barrier**

The berm has not been installed yet, and will be completed September 2021. Photographs will be submitted with the first Inspection and Maintenance Log at that time.

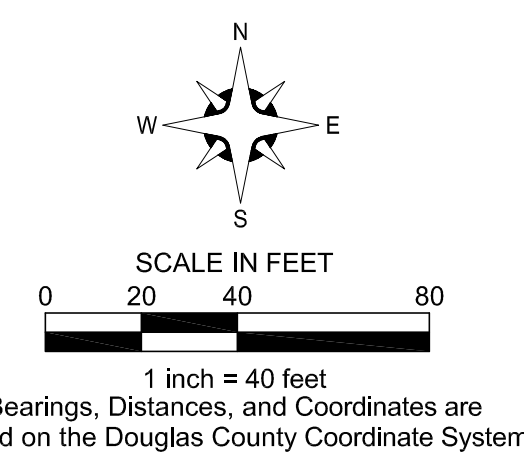
**D.4 Continuing Obligations Inspection and Maintenance Log**

Use DNR Fillable Form [Form 4400-305](#)

PLOT DATE: Aug 15, 2022 - 10:19am  
 FILENAME: K:\g-m\UDC\Properties\LL\18052000\02\_Project-Data\04\_Surveys\Asbuilt\Fed Ex Base.dwg



Benchmark  
 Top Nut Hydrant  
 ELEV: 638.40



**LEGEND**

	PROPERTY LINE (SEE SEPARATE BOUNDARY SURVEY)
	UTILITY EASEMENT
	RIGHT OF WAY LINE
	CHAINLINK FENCE
	UNDERGROUND GAS
	UNDERGROUND TELEPHONE
	SANITARY SEWER W/ CLEANOUT, MH
	STORM SEWER W/ MH, END SECTION, CS
	UNDERGROUND ELECTRIC W/ L POLE
	UNDERGROUND ELECTRIC W/ POLE
	PARKING STRIPE
	CONTOUR - MAJOR
	CONTOUR - MINOR
	CONCRETE
	CURB AND GUTTER
	BITUMINOUS
	ELECTRIC PLUG
	WATER HYDRANT, VALVE
	SIGN
	MONITORING WELL
	GUARDBOOST

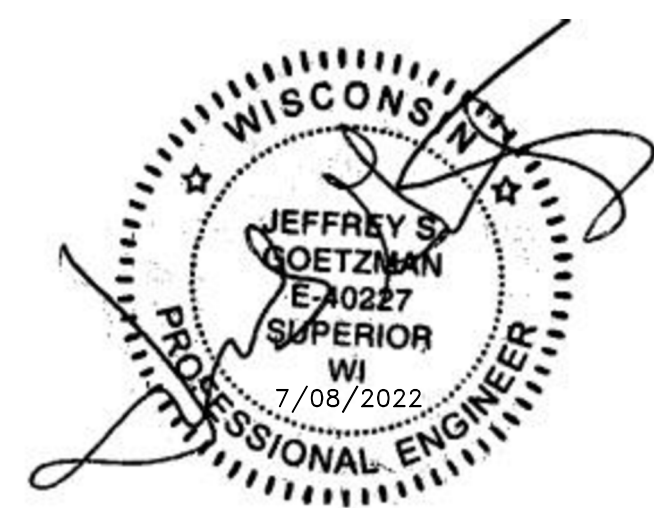
**POND BERM CALCULATIONS**

TOTAL GROSS POND BERM VOLUME: 153,900 CUBIC FEET  
 COVER VOLUME: 35,260 x .05 = 17,630 CUBIC FEET  
 NET CONTAMINATED SOILS VOLUME: 153,900 - 17,630 = 136,270 CUBIC FEET

Maryland Avenue

Halvor Lane

BMK  
 N: 307013.930  
 E: 142424.228  
 Bench ELEV: 639.680  
 Nut of Hydrant = 639.59



NO.	DATE	BY	DESCRIPTION OF REVISIONS
1	6/30/22	JK	BERM AS-BUILT
2	7/08/22	JK	CLIENT COMMENTS
3	8/15/22	JK	POND DETAILS

DESIGNED JL  
 DRAWN JK, TM  
 CHECKED AB  
 I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED ENGINEER UNDER THE LAWS OF THE STATE OF WISCONSIN.  
 SIGNATURE: *[Signature]* DATE: 6/30/2022  
 NAME: JEFF S. GOETZMAN LIC. NO.: 40227



444 Cedar Street, Suite 1500  
 Saint Paul, MN 55101  
 651.292.4400  
 tkda.com

**FedEx PARKING LOT EXPANSION**

**BERM AS-BUILT**

PROJ. NO. 18052.001  
 DRAWING NO. 1 of 1