State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
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WISCONSIN
DEPT. OF NATURAL RESOURCES

November 20, 2024

Chris Klesmith
City of Stevens Point
1515 Strongs Avenue
Stevens Point, WI 54481

Subject: Off-site Liability Exemption (off-site property with contamination from a source property)
Former Shopko Parcels, 1200 and 0 Main Street, Stevens Point, WI
DNR BRRTS Activity #: 07-50-595493

Dear Mr. Klesmith:

The Wisconsin Department of Natural Resources ("DNR") received a request for an off-site liability exemption determination letter from Lynelle Caine of Stantec Consulting Services Inc. on behalf of The City of Stevens Point (City) and the City of Stevens Point Redevelopment Authority (City RDA) on October 1, 2024 (Request). The Request was submitted with the appropriate review fee under Wisconsin Administrative (Wis. Admin) Code § NR 749.04(1). It is the DNR's understanding, based on the documents submitted, that the request is for two parcels (281240832202950 & 281240832202969) in the City of Stevens Point (the Property). The City owns the Parcel with the address 1200 Main Street and the City RDA owned the parcel with address 0 Main Street until recently when the property was transferred to the City through quit claim deed. The purpose of this letter is to provide The City clarification of environmental liabilities associated with the Property. Wisconsin Statutes (Wis. Stat) § 292.13(2) requires the DNR to issue, upon request, a written determination to a person who owns property where a hazardous substance exists, if the person satisfies the requirements of the off-site exemption described in Wis. Stat. § 292.13(1) and/or (1m).

The DNR based this letter on review of documents that were provided in the Request:

- *Off-Site Liability Exemption and Liability Clarification Application* (Form 4400-201) dated August 20,2024, including a cover letter and attachments.
- Off-Site Liability Exemption for Property Located At 1017 Third Street, November 2018, DNR
- Phase I Environmental Site Assessment, 1200 Main Street, November 2023, Stantec
- Phase II Environmental Site Assessment, Former Shopko Building Parcel, March 2024, Stantec
- Chapter NR716 Site Investigation Report, Former Shopko Parking Lot, August 2024, Stantec
- Figure 6, (Attached to this letter) Estimated Extents of Groundwater Impacts April 4, 2024, Stantec
- Groundwater, Soil, and Vapor Results, December 28, 2015, Sand Creek Consultants Inc.
- Figure 5, (Attached to this letter) Groundwater Sample Locations, December 2015, Sand Creek Consultants Inc.

The application requests a determination from the DNR on whether The City is exempt from Wis. Stat. §§ 292.11(3), (4) and (7)(b) and (c), with respect to the existence of a hazardous substance discharge in the soil and groundwater, that you believe is migrating onto the Property from a source property that you do not possess or control.

PROPERTY USE

The Property consists of two Parcels (281240832202950 & 281240832202969) the first of which is a 2.41-acre parcel that contained a 90,087 Square foot commercial building until July of 2024 when the building was raised. The second of the parcels is a 3.55-acre paved parking lot. Both parcels are proposed to be redeveloped into a mixed-use residential/commercial area.

BACKGROUND AND ENVIRONMENTAL SUMMARY

The Property including parcels 281240832202950 & 281240832202969 was historically made up of numerous small residential and commercial parcels used as grocery and retail stores with filling stations, auto repair facilities, a print shop and a drycleaner being located on or adjacent to the property. The parcels were consolidated in the mid 1980's for the development of Parcel 281240832202950 into an anchor store for the CenterPoint Mall and parcel 281240832202969 into a parking lot for the neighboring mall. Both parcels have undergone site investigations indicating the presence of soil and groundwater contamination on the properties.

Parcel # 281240832202950, 1200 Main Street, Former Shopko BRRTS # 02-50-595099 underwent a Phase I and Phase II including soil, groundwater, and vapor sampling. Soil sampling detected levels of lead, benzo(a)pyrene, chrysene, and tetrachloroethene (PCE) above NR 720 RCLs for groundwater protection with only benzo(a)pyrene detected above direct contact RCLs. Groundwater analysis identified multiple volatile organic compounds (VOCs) including trichloroethene (TCE) and methylene chloride above NR140 PAL and PCE and bromodichloromethane detected above NR140 ES. Sub-Slab vapor sampling detected VOC including TCE and PCE with all detections being below residential VRSL.

Parcel # 281240832202969 0 Main Street, Shopko Parking Lot Former BRRTS # 02-50-586653 underwent a Phase I and Phase II and Site Investigation for soil and groundwater. Analysis of shallow soil samples detected RCRA metals, PAHs, and/or VOCs exceeding the NR 720 RCLs for groundwater protection and/or non-industrial direct contact. Benzo(a)pyrene was detected above industrial direct contact RCLs in multiple boreholes. Groundwater exceedances for VOC include total trimethylbenzenes above NR140 ES at one well. PCE and TCE concentrations were detected in multiple wells across the site with PCE exceeding the Chapter NR140 WAC ES in multiple wells as depicted in Figure 6, Estimated Extents of Groundwater Impacts April 4,2024, Stantec.

Upgradient of the Property, approximately half a block north of Center Point Drive is the location of the Dun-Rite Cleaners site BRRTS# 02-50-000577. At the Dun-Rite Cleaners site, located at 1008 Union Street, a release was identified along the south side of the building. In two borings (GP-10 and GP-11), PCE was detected in soil at 3 to 4 feet below grade with concentrations of 7,020 ug/kg and 1,080 ug/kg. Groundwater samples collected from the same borings contained 331 ug/L and 2,570 ug/L of PCE. The site underwent soil groundwater and vapor sampling both on and off site with groundwater samples collected in 2015 defining a PCE plume extending more than 700 feet southeast of the Dun-Rite building. The estimated extent of the plume crossed Center Point Drive and extend across the former Shopko parcels. In 2015, PCE was detected as high as 790 ug/L on the north side of the Former Shopko property and as high as 728 ug/L on the Shopko Parking lot property, as depicted in Figure 5 Groundwater Sample Locations, December 2015 Sand Creek Consultants Inc. A soil vapor extraction system was installed at the site and concentrations of PCE and TCE in groundwater have shown downward trends near the source area.

While the documentation evaluated as part of this request suggests that PCE and TCE contamination from the Dun-Rite Cleaners site appears to have affected groundwater beneath the Former Shopko parcels, the

documentation does not reflect that PCE and TCE found in shallow soil on the Shopko parcels is the result of activities off site and thus soil will not be included as part of the off-site exemption.

DETERMINATIONS

Based on the information provided, the DNR determined that the City conducted an investigation or submitted other information that the DNR determined is adequate to demonstrate it met the following requirements in Wis. Stat. §§ 292.13(1) and (1m) to qualify for the off-site liability exemption:

1. The hazardous substance discharge originated from a source on a property that is not possessed or controlled by the City.
2. the City did not possess or control the hazardous substance on the property on which the discharge originated.
3. the City did not cause the discharge.

Provided that the City does not take possession or control of the property on which the hazardous substance discharge originated, the City will not have environmental liability under Wis. Stat. § 292.11(3), (4) and (7)(b) and (c) for investigation or remediation with respect to the existence of tetrachloroethene (PCE) and trichloroethene (TCE) contamination in the groundwater. As depicted as moving across the majority of both parcels and as detected in on site monitoring wells TW2, TW4, TW5, TW7, TW11, TW12, TW14, indicated on Figure 6, Estimated Extents of Groundwater Impacts April 4,2024.

The environmental liability exemption is subject to the City complying with the following conditions, as specified in Wis. Stat. §§ 292.13(1) and (1m):

1. the City agrees to allow the following parties to enter the Property to take action to respond to the discharge: the DNR and its authorized representatives; any party that possessed or controlled the hazardous substance or caused the discharge; and any consultant or contractor of such a party.
2. the City agrees to avoid any interference with action undertaken to respond to the discharge and to avoid actions that worsen the discharge.
3. the City agrees to any other condition that the DNR determines is reasonable and necessary to ensure that the DNR and any other authorized party can adequately respond to the discharge.
4. With respect to vapor contamination only, the City agrees to take one or more specified actions directed by the DNR, if the DNR determines that the actions are necessary to prevent an imminent threat to human health, safety or welfare or to the environment. This would occur after the DNR made a reasonable attempt to notify the party who caused the hazardous substance discharge about that party's responsibilities to investigate and clean up the discharge.

The City will no longer qualify for the liability exemption if any of the requirements under Wis. Stat. §§ 292.13(1) and (1m) cease to be met.

The environmental liability exemption determination in this letter only applies to the City and may not be transferred or assigned to other parties. The DNR will provide a written determination to future owners of the Property, if such a determination is requested in accordance with the requirements of Wis. Stat. § 292.13, and the applicable fee is submitted under Wis. Admin. Code § NR 749.04(1).

RESPONSIBILITIES FOR CONTINUING OBLIGATIONS

After the contamination at the source property is remediated, the DNR's approval of the cleanup may include continuing obligations at the source property as well as the Property to address any residual contamination after

an approved environmental cleanup is complete. This approval may include requirements to maintain engineering controls, such as a cap or soil cover, to reduce the impact of the contamination. You may also be required to notify the DNR prior to constructing a water supply well on the Property. If the party responsible for investigating and cleaning up the hazardous substance discharge requests case closure approval and residual contamination requires continuing obligations to be maintained on the Property after closure, the party conducting the cleanup is required to notify you at least 30 days before the DNR reviews the request for case closure.

CLOSING

This letter, source and Property 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 and search "BOTW." Use the BRRTS ID # found at the top of this letter for information regarding this off-site exemption request and use the BRRTS# in the background and environmental summary section for information about the investigation and remediation of the property that is the source of the contamination. The Property can also be found on the map view, Remediation and Redevelopment Sites Map (RRSM) by searching "RRSM."

If you have any questions please contact me at (715) 279-3742 or by email at Peter.raymond@wisconsin.gov.

Sincerely,

Pete Raymond
Project Manager, West Central Region
Remediation and Redevelopment Program

Attachments:
Figure 6, Estimated Extents of Groundwater Impacts April 4,2024, Stantec
Figure 5, Groundwater Sample Locations, December 2015, Sand Creek Consultants Inc.

cc:
Michael Prager, DNR, Remediation and Redevelopment Program – Michael.Prager@wisconsin.gov
Matt Thompson, DNR, Remediation and Redevelopment Program – Matt.Thompson@wisconsin.gov
Lynelle Caine, Stantec Consulting Services Inc. – Lynelle.Caine@Stantec.com

LEGEND

- APPROXIMATE PROPERTY LINE
- ESTIMATED EXTENT OF CVOCs IN GROUNDWATER EXCEEDING WDNR ENFORCEMENT STANDARD (ES)
- ESTIMATED EXTENT OF CVOCs IN GROUNDWATER EXCEEDING WDNR PREVENTATIVE ACTION LIMIT (PAL)
- ESTIMATED EXTENT OF BROMODICHLOROMETHANE IN GROUNDWATER EXCEEDING WDNR PREVENTATIVE ACTION LIMIT (PAL) AND ENFORCEMENT STANDARD (ES)
- ESTIMATED EXTENT OF PVOCs AND RCRA METALS IN GROUNDWATER EXCEEDING WDNR PREVENTATIVE ACTION LIMIT (PAL) AND ENFORCEMENT STANDARD (ES)
- TW1 TEMPORARY MONITORING WELL LOCATION

Stantec
1165 Scheuring Road, Green Bay, Wisconsin 54115
Phone: 920-592-8400 Fax: 920-592-8444

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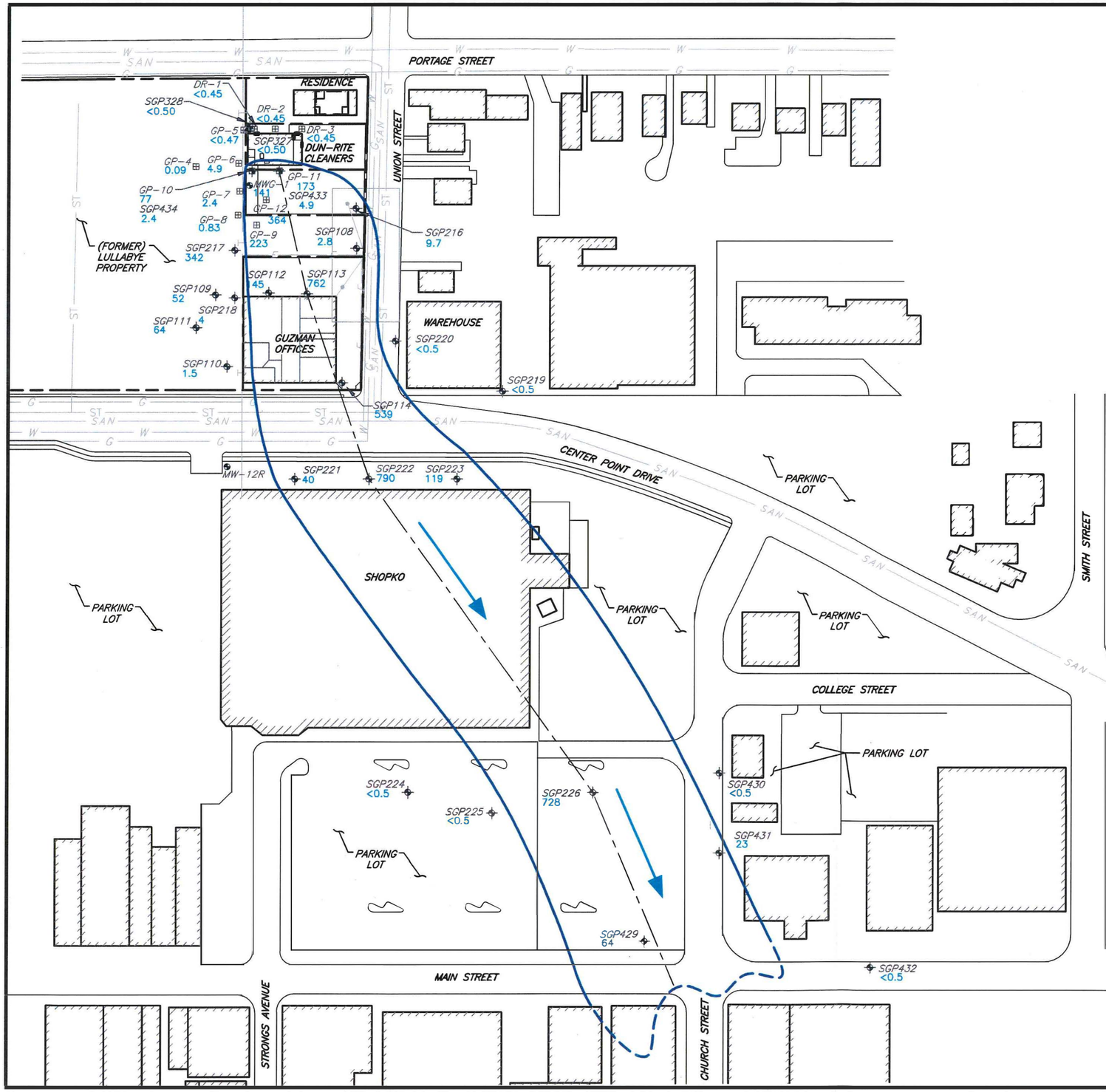
ESTIMATED EXTENT OF GROUNDWATER IMPACTS

ADJACENT PARKING LOT
0 MAIN STREET
STEVENS POINT, WISCONSIN

DATE: 04/04/24	DRAWN BY: JRB	PROJECT MANAGER: LPC	PROJECT NUMBER: 193707942	FIGURE 6



LEGEND

- PROPERTY BOUNDARY
- EDGE OF PAVEMENT
- W — WATER LINE
- G — GAS LINE
- SAN — SANITARY SEWER
- ST — STORM SEWER
- T — UNDERGROUND TELEPHONE
- E — ELECTRIC (PRIVATE)
- CATCH BASIN
- STORM SEWER MANHOLE
- BUILDING
- MONITORING WELL
- 10 — GROUNDWATER PCE CONCENTRATION (µg/l)
- 1-INCH DIAMTER MONITORING WELL
- GEOPROBE GROUNDWATER SAMPLE LOCATION

SAMPLE DATES

03/30/2010	DR-1, DR-2, DR-3 (AECOM)
10/02/2013	GP-4, GP-5 (AECOM)
12/13/2013	GP-6, GP-7 (AECOM)
09/19/2014	SGP108 THRU SGP114
09/23/2014	GP-8
03/03/2015	SGP216 THRU SGP226
04/07/2015	SGP327, SGP328
10/09/2015	SGP429 THRU SGP434
11/09/2015	GP9, GP10, GP11, GP12, MWG-1

(AECOM) DATA GENERATED DURING INVESTIGATIONS CONDUCTED BY AECOM

- APPROXIMATE CENTERLINE OF DISSOLVED PCE PLUME
- ESTIMATED EXTENT OF PCE PLUME ABOVE 5 µg/l (DASHED WHERE UNCERTAIN)
- INFERRED GROUNDWATER FLOW DIRECTION

NOTE:

EXISTING CONDITIONS AND EXISTING MONITORING WELL LOCATIONS TAKEN FROM SITE PLAN BY AECOM DATED SEPTEMBER 2013, JANUARY 2014 AND DIGITIZED PORTAGE COUNTY GIS 2010 AIR PHOTO AND GOOGLE EARTH IMAGE DATED SEPTEMBER 2013.

SAND CREEK CONSULTANTS, Inc.

Environmental and Geological Scientists and Engineers

N

GROUNDWATER SAMPLE LOCATIONS

0 60 120

SCALE IN FEET

DUN-RITE CLEANERS
1008 UNION STREET
STEVENS POINT
WISCONSIN

DATE:	DECEMBER 2015
SCALE:	1"=120'
DRAWN BY:	KAP
APPROVED :	PDA

FIGURE 5