State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
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Superior, WI 54880

Tony Evers, Governor

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January 31, 2025

Mr. Timothy Doelle
S2663 River Road
Fountain City, WI 54629
Via Email Only to: timm.doelle@gmail.com

Subject: Change of Responsible Party for Arcadia PCE
127 West Main Street, Arcadia, Wisconsin 54612
DNR BRRTS Activity #02-62-259051, FID #662008380

Dear Mr. Doelle:

On January 30, 2025, you notified the Wisconsin Department of Natural Resources (DNR) that you are the current owner of the property where the above identified open environmental contamination case is located. This information is confirmed with Trempealeau County's Geographic Information System (GIS) online database. As the current owner of this property, you meet the definition of "responsible party" and you have certain legal responsibilities, as outlined in Section 292.11(3), Wisconsin Statutes ("Wis. Stats."), also known as the hazardous substances spills law. As the responsible party, you are responsible for the discharge of a hazardous substance or other environmental pollution (hereafter referred to as "contamination") at the above-described site. "Site" refers to the property where the contamination occurred and any other property it has migrated to, as defined in Wisconsin Administrative Code ("Wis. Admin. Code") § NR 700.03 (56).

This letter explains how to initiate the investigation and cleanup of contamination of the site, and how to access further information and assistance from the DNR. The longer contamination is left in the environment, the farther it can spread and the more it may cost to clean up. Quick action may lessen damage to your property and neighboring properties and reduce your costs to investigate and clean up the contamination.

Legal Responsibilities:

Persons meeting the definition of "responsible party" under Wis. Admin. Code § NR 700.03 (51) must follow applicable law to address the discharge of a hazardous substance to the environment or other environmental pollution. Wis. Stat. ch. 292 and Wis. Admin. Code chs. NR 700-799 provide specific requirements for undertaking appropriate response actions to address contamination, including requirements for emergency and interim actions, public information, site investigations, remedy selection, design and operation of remedial action systems, and case closure.

Special Vapor Intrusion Concern with Trichloroethylene:

Contamination that includes trichloroethylene ("TCE"), a chlorinated solvent and common degreaser, is of special concern from a human health perspective due to its potential for acute (short-term) health risks at relatively low concentrations in air. TCE is also a breakdown product of tetrachloroethylene ("PCE," also known as "Perc"), a historically common dry-cleaning chemical. Vapors can travel from contaminated soil or groundwater and along

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preferential pathways, such as within sewer lines, and enter occupied buildings. This is known as vapor intrusion (VI). Screening for VI must be conducted at every contaminated site in Wisconsin, as defined in Wis. Admin. Code § 716.11 (5) (a). **However, when TCE is present, screening for VI should be made a priority and an interim action under Wis. Admin. Code § NR 708.11 may be necessary.** For an overview on VI, see *What is Vapor Intrusion?* (RR-892). For more information, go to dnr.wi.gov and search "vapor." Additional technical guidance on VI is available in *Addressing Vapor Intrusion at Remediation & Redevelopment Sites in Wisconsin,* (RR-800).

General Recommendations for Responsible Parties:

The DNR recommends that you:

1. Hire a Qualified Environmental Consultant

To ensure response actions you plan to undertake comply with Wisconsin law, you should hire an environmental consultant within **30 days,** by March 2, 2025, to meet the regulatory deadlines listed below. A delay in hiring an environmental consultant could result in you missing key submittal deadlines.

Hiring a consulting firm with staff that have the appropriate state of Wisconsin qualifications to supervise and certify the submittals is a critical component and necessary to meet your requirements. Further, an environmental consultant should be knowledgeable of Wisconsin's technical procedures and laws, and be able to answer questions regarding cleanup requirements. Required qualifications for environmental consultants are specified in Wis. Admin. Code ch. NR 712. See *Wis. Admin. Code ch. NR 712 Qualifications and Certifications* (RR-081), for more information.

2. Properly Submit Reports on Time with Required Information Included

Wisconsin law includes timeframes for submitting technical documents and conducting work, as well as specifications for what should be included in those submittals. This letter provides a general overview of the timeframes and first steps to take for site investigation and cleanup. For an overview of timing requirements, please refer to *NR 700 Process and Timeline Overview* (RR-967), *enclosed.*

The DNR developed the publication *Guidance for Electronic Submittals for the Remediation and Redevelopment Program* (RR-690), to assist responsible parties and consultants in properly submitting documents. Wis. Admin. Code § NR 700.11 (3g), and other specific provisions within Wis. Admin. Code ch. NR 700, outline the requirements for submittals, including electronic submittals.

3. Consider the Benefits of a Fee-based Technical Review of your Submittals

In-depth DNR review of technical reports and submittals is available for a fee. The Remediation and Redevelopment (RR) Program project managers are available throughout the process to answer general questions and provide general input as the site moves toward case closure. However, if you want a formal, written response from the DNR, a meeting with the DNR or both on a specific submittal, a review fee will be required in accordance with Wis. Admin. Code ch. NR 749. **Obtaining technical assistance from DNR project managers throughout the process is an effective way to prevent problems and delays at the end of the process when case closure is requested.** Forms, a fee schedule and further information on technical assistance is available at dnr.wi.gov by searching "brownfield fees."

Required Steps to Take and Documents to Submit:

The steps listed below serve as a general overview only — all mandatory steps and submittals specified in Wis. Admin. Code, chs. NR 700-799 must be met before the DNR can grant case closure, which is a determination by the DNR that no further cleanup is necessary at a site, as defined in Wis. Admin. Code § NR 700.03 (3m).

Considering the history of this case, some of these required steps and/or documents pertaining to the NR 700 process have already been completed and submitted to the DNR. Most recently, on July 8, 2024, the DNR received a Wis. Admin. Code ch. NR 726 case closure request. On October 15, 2024, the DNR responded to this request with, *Case Closure under Wis. Admin. Code ch. NR 726 Not Recommended* letter (enclosed), which outlines additional investigation that is required at the site. The DNR tracks information on all cleanup sites in a DNR database available at dnr.wi.gov and search "BOTW". The Bureau for Remediation and Redevelopment Tracking System (BRRTS) identification number for this site is listed at the top of this letter. The DNR encourages you to review the information related to your site on this database at any time.

1. **Scoping and Work Plan Submittal – NR 716.07 and 716.09**: The law requires that you appropriately scope your site investigation and submit a work plan within **60 days of this notification,** by April 1, 2025, for completing a site investigation. The work plan must comply with the requirements in Wis. Admin. Code, chs. NR 700-799. For additional assistance, the DNR has extensive guidance on its website at dnr.wi.gov, search "site investigation scoping."

   Per Wis. Admin. Code § NR 716.07 and Wis. Admin. Code § NR 716.09, site investigation scoping and work plans should include an evaluation of the history of the site or facility, including industrial, commercial or other land uses that may have been associated with one or more hazardous substance discharges at the facility. In addition, an evaluation of the history of previous hazardous substance discharges or environmental pollution, the location of the site or facility, and its proximity to other sources of contamination must be included. Site investigation work plans should also include a sampling and analysis strategy to be used during field investigation that considers all information in the evaluation conducted under Wis. Admin. Code § NR 716.07. Emerging contaminants discharged to the environment, including perfluoroalkyl and polyfluoroalkyl substances (PFAS) and 1,4-dioxane, meet the definition of a hazardous substance or environmental pollution under Wis. Stat. § 292.01 and must be considered during site investigation scoping.

   Prior to and during a site investigation, you must evaluate whether any interim actions are needed to contain or stabilize a hazardous substance discharge or environmental pollution, pursuant to Wis. Admin. Code § NR 708.11. If you undertake an interim action (*e.g.*, free product removal), you must submit documentation of the action per Wis. Admin. Code § NR 708.15.

   As you develop the site investigation work plan, you must include an assessment of the vapor intrusion pathway. Wis. Admin. Code § NR 716.11 (5) outlines the requirements for when to evaluate for the presence of vapors in the sub-surface and in indoor air. The results and conclusions from the vapor assessment must be included in the Wis. Admin. Code § NR 716.15 site investigation report whether or not you elected to take vapor samples. *Addressing Vapor Intrusion at Remediation & Redevelopment Sites in Wisconsin* (RR-800), is available to help responsible parties and their consultants comply with these requirements.

2. **Field Investigation – NR 716.11**: Following submission of the work plan, the site investigation must be started within the timeframe provided under law. The timeframe varies depending on whether you are requesting the DNR's fee-based review of the work plan. If you do not request a fee-based review of the work plan, you must initiate the field investigation within 90 days of submitting the work plan, and you may proceed with the field investigation upon DNR notification to proceed; however, if the DNR has not responded within 30 days from submittal of the work plan, you may then proceed with the field investigation.

If a fee and request for DNR review of the work plan is submitted, the field investigation must begin within 60 days after receiving DNR approval.

3. **Sample Results Notification Requirements – NR 716.14**: You must report sampling results to the DNR, owners, occupants and various other parties within 10 business days after receiving the sampling results, unless a different timeframe is approved by the DNR, in accordance with Wis. Admin. Code § NR 716.14.

4. **Site Investigation Report – NR 716.15**: Within 60 days after completion of the field investigation and receipt of the laboratory data, the law requires you to submit a Site Investigation Report (SIR) to the DNR. As part of the SIR or in the Remedial Actions Options Report (RAOR), if there is soil contamination, the responsible party shall identify the current land use (*i.e*., industrial or non-industrial) and zoning for the site or facility in accordance with Wis. Admin. Code § NR 720.05 (5). Also, as part of the SIR or in the RAOR, you must include any interim action report that may be required under Wis. Admin. Code § NR 708.15.

5. **Remedial Actions Options Report – NR 722**: Within 60 days after submitting the SIR, the law requires you to submit a RAOR. The selected remedy in the RAOR should include an evaluation of green and sustainable remediation criteria, as appropriate, as required by Wis. Admin. Code § NR 722.09 (2m). This may be submitted as part of a broader SIR.

6. **Remedial and Interim Action Design, Implementation, Operation, Maintenance and Monitoring Reports – NR 724**: Unless otherwise directed by the DNR, the responsible party shall submit all plans and reports required by Wis. Admin. Code ch. NR 724.

7. **Notification of Residual Contamination or Continuing Obligations – NR 725**: In situations where notification is required, the responsible party must provide a submittal(s) that confirms that continuing obligations have been identified and affected property owners have been notified by the responsible parties 30 days prior to case closure, as required by Wis. Admin. Code ch. NR 725 and § NR 726.13 (1) (d).

8. **Semi-Annual Reporting – NR 700.11**: Wis. Admin. Code § NR 700.11 (1) (a) requires responsible parties to submit semi-annual site progress reports to the DNR until case closure is granted. The reports summarize the work completed over six months and additional work planned to adequately complete the response action at the site. Consultants may submit these reports on behalf of responsible parties. These reports are due in January and July of each year. Please refer to DNR publication *NR 700 Semi-Annual Site Progress Report* (RR-082), for more information.

Submittals required under Wis. Admin. Code chs. NR 700-799

These documents, as applicable, must be submitted to the DNR prior to the responsible party requesting case closure, unless otherwise directed by the DNR:

- ☐ Ch. NR 708 reports and documentation for any immediate or interim actions.
- ☐ Ch. NR 712 professional certifications and signatures are included with applicable submittals.
- ☐ Ch. NR 716 work plan(s) and site investigation report.
- ☐ Ch. NR 722 remedial action options report (exception is for Dry Cleaners Environmental Response Fund sites), with the selected remedial action identified.
- ☐ Ch. NR 724 design, construction documentation, operation, maintenance and monitoring plans and reports, including vapor mitigation commissioning.
- ☐ Ch. NR 725 submittal(s) that confirms that continuing obligations have been identified and affected property owners have been notified by the responsible parties 30 days prior to requesting case closure.
- ☐ If requesting case closure, the Ch. NR 726 case closure form and documentation substantiating compliance with the NR 700 rule series.
- ☐ Ch. NR 749 fees have been paid, as applicable, including closure and database fees.
- ☐ Ch. NR 700 semi-annual site progress reports starting six months after notification.

Additional Information:

The DNR tracks information on all cleanup sites in a DNR database available at dnr.wi.gov, search "BOTW." The Bureau for Remediation and Redevelopment Tracking System (BRRTS) identification number for this site is listed at the top of this letter. You may view information related to your site on this database at any time.

All correspondence regarding this site should be directed to:

Jane Gray
Remediation and Redevelopment Program
Wisconsin Department of Natural Resources
1701 N. 4th Street
Superior, WI 54880
jane.gray@wisconsin.gov

To speed up processing, your correspondence should reference the BRRTS and Facility Identification (FID) numbers (if assigned) listed at the top of this letter.

Submittals required under the NR 700 rule series should be sent to the DNR using the RR Program Submittal Portal at dnr.wi.gov, search "RR submittal portal" (https://dnr.wi.gov/topic/Brownfields/Submittal.html). Questions on using this portal can be directed to the contact below or to the environmental program associate (EPA) for the regional DNR office. Visit dnr.wi.gov, search "RR contacts" and select the EPA tab (https://dnr.wi.gov/topic/Brownfields/Contact.html).

Please visit the DNR's Remediation and Redevelopment Program web page at dnr.wi.gov, search "Brownfields" for information on selecting a consultant, seeking financial assistance, and understanding the investigation and cleanup process. Information regarding review fees, liability clarification letters, post-cleanup liability and more is also available.

If you have questions, please contact me at (414) 435-8021 or by email at jane.gray@wisconsin.gov for more information.

Thank you for your cooperation.

Sincerely,

Jane K. Gray
Hydrogeologist Program Coordinator
Remediation & Redevelopment Program
West Central Region

Enclosures:

Case Closure under Wis. Admin. Code ch. NR 726 Not Recommended, dated October 15, 2024

RR-967, *NR 700 Process and Timeline Overview*
RR967.pdf (widen.net)

RR-502, *Selecting a Consultant*
RR502.pdf (widen.net)

RR-024, *Environmental Services Contractor List*
WDNR EM/RR BOTW (wi.gov)

RR-674, *Environmental Contamination Basics*
RR674.pdf (widen.net)

RR-081, *Wis. Admin. Code ch. NR 712 Qualifications and Certifications*
RR081.pdf (widen.net)

Form 4400-237, *Technical Assistance and Environmental Liability Clarification Request*
https://dnr.wi.gov/files/PDF/forms/4400/4400-237.pdf

RR-892, *What is Vapor Intrusion?*
RR892.pdf (widen.net)

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DEPARTMENT OF NATURAL RESOURCES
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Tony Evers, Governor

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WISCONSIN
DEPT. OF NATURAL RESOURCES

October 15, 2024

Mr. Kevin Manley
Former State Bank of Arcadia c/o Reinhart
N16 W23250 Stone Ridge Drive, Suite One
Waukesha, WI 53188

Subject: Case Closure under Wis. Admin. Code ch. NR 726 Not Recommended
Arcadia PCE, 127 West Main Street, Arcadia, Wisconsin
DNR BRRTS Activity # 02-62-259051
FID #: 662008380

Dear Mr. Manley,

On October 3, 2024, the Wisconsin Department of Natural Resources (DNR) reviewed the closure request for the case identified above. As you are aware, the DNR reviews environmental remediation cases for compliance with applicable laws, including Wis. Stat. ch. 292 and Wis. Admin. Code chs. NR 700 – 754 and whether any further threat to public health, safety or welfare or the environment exists at the site or facility, per Wis. Admin. Code § NR 726.13 (2) (b). As discussed with your consultant on October 7, 2024, case closure is not recommended because additional legal requirements must be met. The purpose of this letter is to inform you of the remaining requirements for obtaining closure. We request that within 60 days of this letter, you provide us with the information requested or your written response regarding the necessary work and a schedule for completion of this work.

Additional Requirements Needed for Case Closure Under Wis. Admin. Code ch. NR 726
As noted above, additional work is necessary to meet the requirements for case closure because additional vapor investigation and possible remediation is necessary at the site.

Need to Complete Additional Vapor Investigation
Additional site investigation, per Wis. Admin. Code § NR 716.11 (5), is needed to assess on- and off-site vapor intrusion risk due to the residual contamination. If vapors are identified greater than their applicable vapor risk screening level, document all source control actions taken under Wis. Admin. Code § NR 726.05 (8)(b)(1). The DNR requests the following additional information and vapor assessment:

- Indicate whether any utilities (e.g., sanitary sewer) enter the site from W Main Street. Evaluate whether these could be acting as preferential pathways and perform vapor investigation, as may be necessary.

- 127/129 W Main Street (site building):
  - Collect sub-slab vapor samples from the partial slab area that is present within the crawl space, as shown in Attachment D.3. of the closure request.
  - Collect a sump water and headspace sample from any sumps that may be present within the basement of the building.
  - Discuss the potential source of the contaminants that were previously identified in indoor air greater than their applicable vapor action levels (VALs) (i.e., bromodichloromethane, chloroform, and 1,2-dichloroethane). Indicate whether this contamination could be from an indoor air source.

- 125 W Main Street (off-site building): Tetrachloroethene (PCE) has been identified within the building's crawl space above its small-commercial VAL in two of the three indoor air sampling events. Mitigation or interruption of the vapor intrusion pathway at this building is required and should be completed as soon as feasible, per Wis. Admin. Code §§ NR 708.11(1), NR.726.05(8)(b)(2). Prior to mitigation, additional investigation is necessary to identify vapor migration pathway(s) into the building and design an effective vapor mitigation plan, as outlined below.
    - If there is a partial slab present within the crawl space, collect sub-slab vapor samples.
    - Collect a sump water and headspace sample from any sumps that may be present within the basement of the building.

  The DNR understands that your environmental consultant has recently attempted to gain access to this off-site building and has been unsuccessful. The DNR and our partners at Wisconsin Department of Health Services (DHS) can work with you to request access to this off-site building.

- 131 W Main Street (off-site building):
    - Collect a sump water and headspace sample from any sumps that may be present in the building.
    - Considering the elevated levels of trichloroethene (TCE) identified at SSG-1 in the most recent sampling event, collect another sub-slab sample from this building to confirm there are no sub-slab vapor impacts. The DNR recommends that this be collected in a heating season month.
    - Collect an indoor air sample from the site building concurrent with the sub-slab sample. The DNR recommends that passive indoor air sampler(s) be used.

Evaluate the results of the additional vapor investigation to determine what additional assessment and/or action may be necessary. Per Wis. Admin Code §§ NR 714.07, NR 716.14, notify off-site property owners of the future sampling results. The DNR encourages you to work with the off-sites property owners to ensure that employees at these commercial buildings are notified of these results.

Dry Cleaner Environmental Response Program (DERP) (Wis. Stat. § 292.69 and Wis. Admin. Code ch. NR 169)

DNR sent a letter regarding the status of the Dry Cleaner Environmental Response Fund (DERF) to all eligible applicants, agents and their environmental consultants on October 27, 2020. The letter reminded recipients that DNR's authority to implement DERF is limited by statute, and DNR does not have authority to make statutory changes. The DNR will have no statutory authority to make payments when the funding source is exhausted, regardless of eligibility or whether a claim was received prior to the June 30, 2032, sunset date. Thus, it is impossible to guarantee that previously submitted claims or future submitted claims will be reimbursed. However, if responsible parties want costs to be eligible for potential reimbursement, applicants, agents and their environmental consultants must follow all requirements under DERP, including bidding, submitting work plans, costs and change orders for approval prior to incurring costs, etc.

The October 27, 2020 letters are available on the Bureau for Remediation and Redevelopment Tracking System (BRRTS) on the Web (BOTW); go to dnr.wi.gov and search "BOTW." Information on bidding, change orders, reimbursement, pending reimbursement requests, payments by site, program revenue, projected revenue decline and more can be found at https://dnr.wisconsin.gov/aid/DERF.html.

Schedule

Within 60 days of the date of this letter, respond in writing with a schedule of your plans to meet these requirements. Until requirements are met, your site will remain "open" and you are required to submit semi-annual progress reports, per Wis. Admin. Code § NR 700.11. You are also responsible for any operation and maintenance activities required under Wis. Admin. Code § NR 724.13. Once the additional work has been completed, documentation should be submitted to the DNR to demonstrate that the applicable requirements have been met, per the timelines above.

Conclusion

If you have any questions regarding the information in this letter or would like to schedule a meeting to discuss this case, please contact the DNR project manager, Jane Gray at (414) 435-8021 or jane.gray@wisconsin.gov. For more information on the closure reconsideration process, please see DNR publication, RR-102, "Wis. Admin. Code ch. NR 726 Case Closure Reconsideration Process" by visiting dnr.wi.gov, search: RR-102, for more information.

The DNR appreciates your efforts to restore the environment at this site.

Sincerely,

Matt Thompson
Team Supervisor, West Central Region
Remediation & Redevelopment Program
(715) 492-2304
MatthewA.Thompson@wisconsin.gov

cc: Matt Michalski, REI Engineering Inc., via email