State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
2984 Shawano Avenue
Green Bay WI 54313-6727

Scott Walker, Governor
Cathy Stepp, Secretary
Telephone 608-266-2621
Toll Free 1-888-936-7463
TTY Access via relay - 711

October 15, 2015

Gregory Keil
City of Menasha
140 Main St
Menasha, WI 54952-3190

KEEP THIS DOCUMENT WITH YOUR PROPERTY RECORDS

SUBJECT: Final Case Closure with Continuing Obligations
Barth Property (Former), 87 Racine Street, Menasha, WI
DNR BRRTS Activity #03-71-001607

Dear Mr. Keil:

The Department of Natural Resources (DNR) considers the Barth Property closed, with continuing obligations. No further investigation or remediation is required at this time. However, you, future property owners, and occupants of the property must comply with the continuing obligations as explained in the conditions of closure in this letter. Please read over this letter closely to ensure that you comply with all conditions and other on-going requirements. Provide this letter and any attachments listed at the end of this letter to anyone who purchases, rents or leases this property from you. Certain continuing obligations also apply to affected property owners or rights-of-way holders. These are identified within each continuing obligation.

This final closure decision is based on the correspondence and data provided, and is issued under chs. NR 726 and 727, Wis. Adm. Code. The Northeast Region (NER) Closure Committee reviewed the request for closure on October 6, 2014. The Closure Committee reviews environmental remediation cases for compliance with state laws and standards to maintain consistency in the closure of these cases. A conditional closure letter was issued by the DNR on October 6, 2014, and documentation that the conditions in that letter were met was received on March 26, 2015.

This site was a former gas station. Most of the accessible contaminated soil has been excavated. Groundwater contamination is present in the bedrock, but subsequent groundwater sampling has demonstrated that the contamination is stable or decreasing. All the buildings on the site have been removed and the site is ready to be redeveloped. The conditions of closure and continuing obligations required were based on the property being used for commercial purposes.

Continuing Obligations

The continuing obligations for this site are summarized below. Further details on actions required are found in the section Closure Conditions.

- Groundwater contamination is present at or above ch. NR 140, Wis. Adm. Code enforcement standards.
- Residual soil contamination exists that must be properly managed should it be excavated or removed.

- Remaining soil contamination could result in vapor intrusion if future construction activities occur. Future construction includes expansion or partial removal of current buildings as well as construction of new buildings. Vapor control technologies will be required for occupied buildings, unless the property owner assesses the potential for vapor intrusion, and the DNR agrees that vapor control technologies are not needed.

The DNR fact sheet, "Continuing Obligations for Environmental Protection", RR-819, helps to explain a property owner's responsibility for continuing obligations on their property. The fact sheet may be obtained at http://dnr.wi.gov/files/PDF/pubs/rr/RR819.pdf.

GIS Registry

This site will be included on the Bureau for Remediation and Redevelopment Tracking System (BRRTS on the Web) at http://dnr.wi.gov/topic/Brownfields/clean.html, to provide public notice of residual contamination and of any continuing obligations. The site can also be viewed on the Remediation and Redevelopment Sites Map (RRSM), a map view, under the Geographic Information System (GIS) Registry layer, at the same web address.

DNR approval prior to well construction or reconstruction is required for all sites shown on the GIS Registry, in accordance with s. NR 812.09 (4) (w), Wis. Adm. Code. This requirement applies to private drinking water wells and high capacity wells. To obtain approval, complete and submit Form 3300-254 to the DNR Drinking and Groundwater program's regional water supply specialist. This form can be obtained on-line at http://dnr.wi.gov/topic/wells/documents/3300254.pdf.

All site information is also on file at the NER Regional DNR office, at 2984 Shawano Avenue, Green Bay WI. This letter and information that was submitted with your closure request application including all maps can be found as a Portable Document Format (PDF) in BRRTS on the Web.

Closure Conditions

Compliance with the requirements of this letter is a responsibility to which you and any subsequent property owners must adhere. DNR staff will conduct periodic prearranged inspections to ensure that the conditions included in this letter are met. If these requirements are not followed, the DNR may take enforcement action under s. 292.11, Wis. Stats. to ensure compliance with the specified requirements, limitations or other conditions related to the property.

Please send written notifications in accordance with the following requirements to:

Department of Natural Resources
Attn: Remediation and Redevelopment Program Environmental Program Associate
2984 Shawano Avenue
Green Bay WI 54313-6727

Residual Groundwater Contamination (ch. NR 140, 812, Wis. Adm. Code)

Groundwater contamination greater than enforcement standards is present both on this contaminated property and off this contaminated property, as shown on the attached map, Extent of Groundwater Above Enforcement Standards, Figure B.3.b, December 6, 2012. If you intend to construct a new well, or reconstruct an existing well, you'll need prior DNR approval. Affected property owners and right-of-way holders were notified of the presence of groundwater contamination. This continuing obligation also applies to the owners of 505 First Street, 84 Racine Street, and the ROW holders for Racine Street and First Street.

Residual Soil Contamination (ch. NR 718, chs. 500 to 536, Wis. Adm. Code or ch. 289, Wis. Stats.)
Soil contamination remains along the Racine Street Right-of-Way and at a depth of 16 to 20 feet across the rest of the property, as indicated on the attached map, Pre/Post Remaining Soil Contamination, Figure B.2.c, edited September 2014. If soil in the specific locations described above 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 to determine if contamination remains. If sampling confirms that contamination is present, the property owner or right-of-way holder at the time of excavation will need to determine whether the material is considered solid or hazardous waste and ensure that any storage, treatment or disposal is in compliance with applicable standards and rules. Contaminated soil may be managed in accordance with ch. NR 718, Wis. Adm. Code, with prior DNR approval. This continuing obligation applies to the source property, 505 First Street, and the ROW holders for Racine Street and First Street.

In addition, all current and future owners and occupants of the property and right-of-way holders need to be aware that excavation of the contaminated soil may pose an inhalation or other direct contact hazard and as a result special precautions may need to be taken to prevent a direct contact health threat to humans.

Vapor Mitigation or Evaluation (s. 292.12 (2), Wis. Stats., s. NR 726.15, s. NR 727.07, Wis. Adm. Code)
Vapor intrusion is the movement of vapors coming from volatile chemicals in the soil or groundwater, into buildings where people may breathe air contaminated by the vapors. Vapor mitigation systems are used to interrupt the pathway, thereby reducing or preventing vapors from moving into the building.

Future Concern: Petroleum VOC's remain in both soil and groundwater at a depth of 16-20 feet below the ground surface across most of the site, as shown on the attached map, Pre/Post Soil Contamination, Figure B.2.c, edited September 2014, at levels that may be of concern for vapor intrusion in the future, depending on construction and occupancy of a building. At the time of site closure, there are no buildings on the site. Therefore, before a building is constructed, the property owner must notify the DNR at least 45 days before the change. Vapor control technologies are required for construction of occupied buildings unless the property owner assesses the vapor pathway and DNR agrees that vapor control technologies are not needed. This continuing obligation only applies to the source property.

Other Closure Information

PECFA Reimbursement

Section 101.143, Wis. Stats., requires that Petroleum Environmental Cleanup Fund Award (PECFA) claimants seeking reimbursement of interest costs, for sites with petroleum contamination, submit a final reimbursement claim within 120 days after they receive a closure letter on their site. For claims not received within 120 days of the date of this letter, interest costs after 60 days of the date of this letter will not be eligible for PECFA reimbursement. If there is equipment purchased with PECFA funds remaining at the site, contact the DNR Project Manager to determine the method for salvaging the equipment.

In Closing

Please be aware that the case may be reopened pursuant to s. NR 727.13, Wis. Adm. Code, for any of the following situations:

- if additional information regarding site conditions indicates that contamination on or from the site poses a threat to public health, safety, or welfare or to the environment,

- if the property owner does not comply with the conditions of closure, with any deed restrictions applied to the property, or with a certificate of completion issued under s. 292.15, Wis. Stats., or
- a property owner fails to maintain or comply with a continuing obligation (imposed under this closure approval letter).

The DNR appreciates your efforts to restore the environment at this site. If you have any questions regarding this closure decision or anything outlined in this letter, please contact Tom Verstegen at (920)424-0025, or at thomas.verstegen@wisconsin.gov.

Sincerely,

Roxanne N. Chronert
Team Supervisor, Northeast Region
Remediation and Redevelopment Program

Attachments:

- Extent of Groundwater Above Enforcement Standards, Figure B.3.b, December 6, 2012
- Pre/Post Remaining Soil Contamination, Figure B.2.c, edited September 2014

cc: Greg Konicek – Konicek Environmental (e-copy: gkonicek@msn.com)
Mr. William Ball, 505 First St, Menasha, WI 54952