



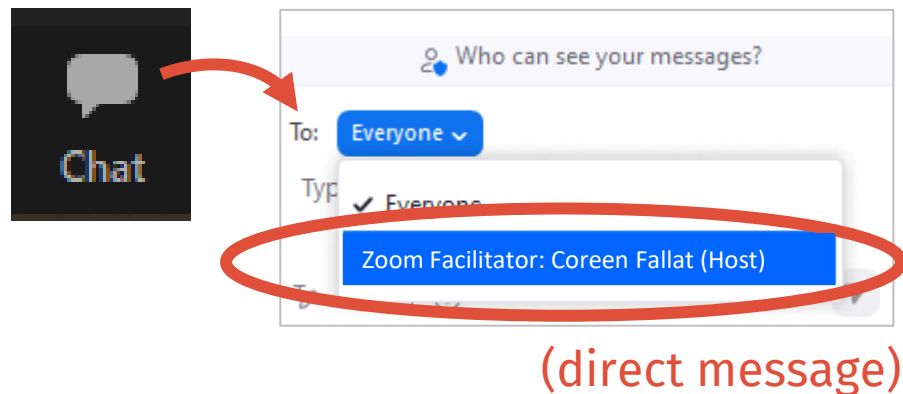
# Back to Basics: Updating Continuing Obligations after Closure and Notifying Affected Parties and the Public

DNR Remediation and Redevelopment Program

# Meeting Logistics

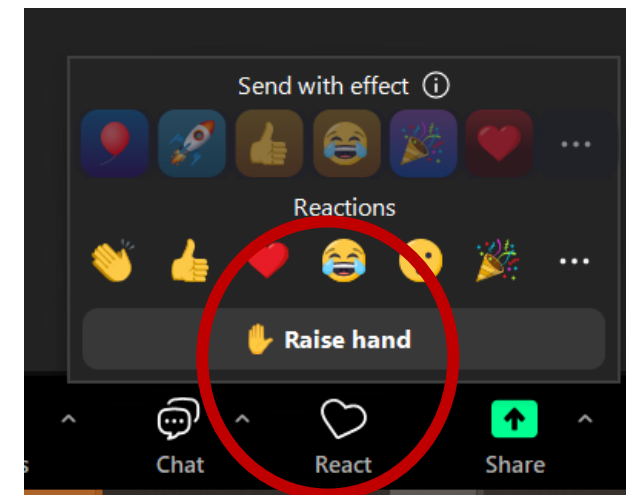
## Written Comments/Questions

- Use **chat** and select Zoom facilitator in the “To” dropdown
- Remarks will be read out loud by facilitator



## Verbal Comments/Questions

- **In-Person:** Raise hand and in-person moderator will help manage
- **By Zoom:** Select React to Raise hand to request a turn to talk (\* 9 on phone)
- Please unmute when your name is called (\*6 on phone)



# Objectives



**Learn** considerations when updating continuing obligations and **know** the process to make modifications



**Understand** the notification requirements and **identify and apply best practices** for cooperative, inclusive public participation




**Know** what online tools to use to view information about contamination and continuing obligations



Menu » Administrative Rules Related » Administrative Code » Department of Natural Resources (NR)  
» Chs. NR 700-799; Environmental Protection – Investigation and Remediation of Environmental Contamination

**Chapter NR 700** (PDF: ) - General Requirements

**Chapter NR 702** (PDF: ) - Contingency Planning For Hazardous Substance Discharge Response By State Agencies

**Chapter NR 704** (PDF: ) - Contingency Planning For Abandoned Container Response


**Chapter NR 706** (PDF: ) - Hazardous Substance Discharge Notification And Source Confirmation Requirements

**Chapter NR 708** (PDF: ) - Immediate And Interim Actions

**Chapter NR 712** (PDF: ) - Personnel Qualifications For Conducting Environmental Response Actions

**Chapter NR 714** (PDF: ) - Public Participation And Notification

**Chapter NR 716** (PDF: ) - Site Investigations

**Chapter NR 718** (PDF: ) - Management Of Contaminated Soil Or Solid Wastes Excavated During Response Actions

**Chapter NR 720** (PDF: ) - Soil Cleanup Standards

**Chapter NR 722** (PDF: ) - Standards For Selecting Remedial Actions

**Chapter NR 724** (PDF: ) - Remedial And Interim Action Design, Implementation, Operation, Maintenance And Monitoring

**Chapter NR 725** (PDF: ) - Notification Requirements For Residual Contamination And Continuing Obligations

# NR 700 Process Overview

Jodie Thistle, PG

RR Program

# WI Regulatory Framework

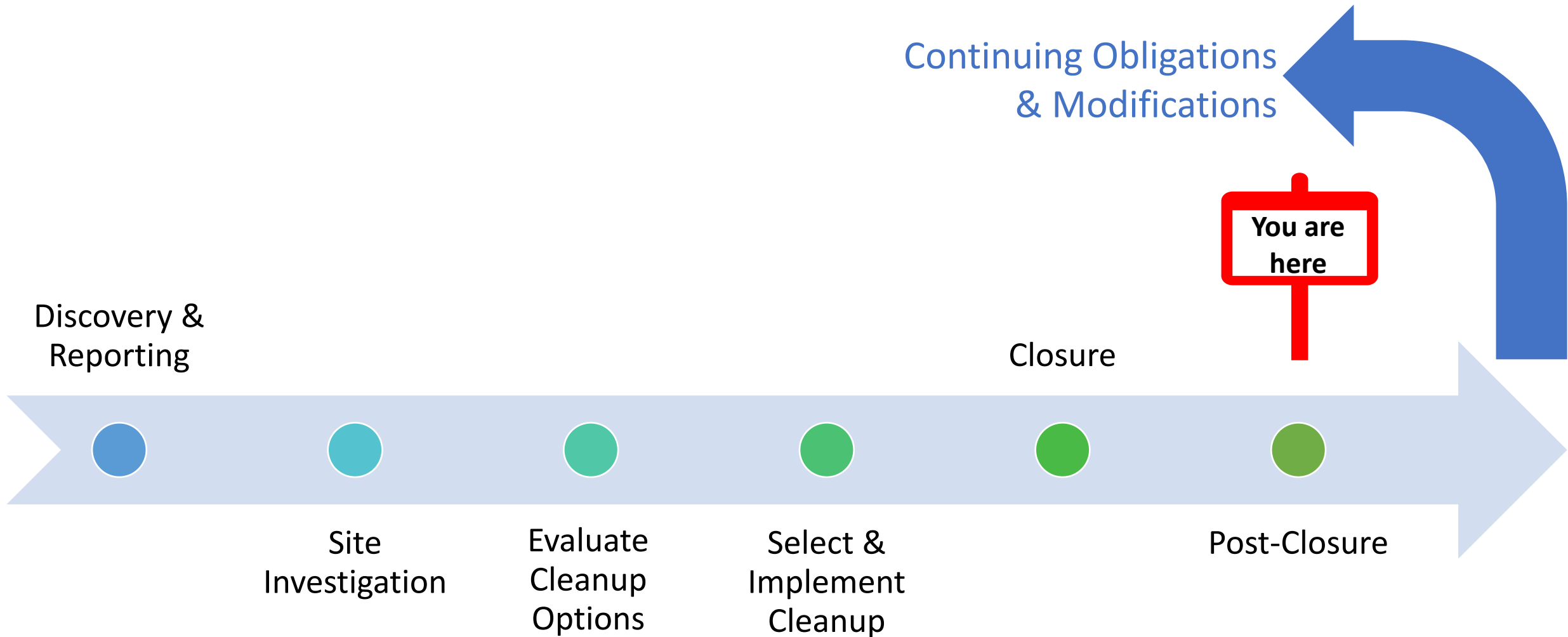
- Self-implementing, *responsible party* follows the steps
- Timelines
- DNR approvals
- Request technical review from DNR

Wisconsin Statutes  
Chapter 292

Wisconsin Administrative Code  
Chapters NR 700-799



# Wis. Admin. Code NR 700 - 799



# Modifying Continuing Obligations

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Kevin McKnight, DNR

# Modifying a Continuing Obligation (CO)

A modification can affect a continuing obligation:

- **Applied in the DNR case closure letter**
- Imposed as part of an interim or remedial action

Focus of Today



A modification may be needed to:

- Notify the DNR of a proposed change (e.g., modifying the extent of a cap, construction of a building on a cap, or change in land use)
- Modify the conditions of a CO
- Remove a CO if it no longer applies

# DNR Review Required for Modification

DNR review is to make sure the site is still **protective of public health, safety, welfare and the environment** when modifications are made after closure



*Photo: Michael G Photography, Mike Gill*

# Resources Available

- RR-982, Guidance on Post-Closure Modifications
- RR-987, Post-Closure Modifications – Changes to Property Conditions after a State-Approved Cleanup

Visit [dnr.wi.gov](http://dnr.wi.gov) and search “RR Publication”

Wisconsin DNR – NR 700 Process



Remediation and Redevelopment

June 2021

## Guidance on Post-Closure Modifications

### Purpose

The purpose of this guidance is to aid in the preparation and review of post-closure modification (PCM) submittals to the Wisconsin Department of Natural Resources (DNR). Information about the types of PCMs, the process, fees and types of responses available from the DNR is provided. This guidance is for use by property owners, responsible parties, environmental consultants and DNR staff. It is based on authority provided under Wisconsin Statutes (Wis. Stat.) § 292.12(6) and Wisconsin Administrative Code (Wis. Admin. Code) ch. NR 727.

### Introduction

PCMs are changes made to a property, site or facility, as defined in Wis. Admin. Code § NR 700.03, with continuing obligations (COs) applied in the DNR case closure letter under Wis. Admin. Code ch. NR 726.

A PCM submittal may be used to notify the DNR of a proposed change to a CO. DNR notification is required at least 45 days before making certain changes to a CO, such as removing or replacing a cover or changing the land use, as described in Wis. Admin. Code § NR 727.07; DNR approval is also required (Wis. Stat. §292.12(6)). Following notification, the DNR determines if further action is required to be protective of human health, safety, welfare or the environment.

In the event that a CO was satisfied or nullified at a property, site or facility, a PCM submittal may be used to request modification to, or removal from, the database, or to request that a deed restriction is updated or extinguished through a deed notice.

Common PCMs are summarized in Table 1. Additional information regarding PCMs is included in DNR publication RR-987, *Post-Closure Modifications – Changes to Property Conditions after a State-Approved Cleanup*. (Go to [dnr.wi.gov](http://dnr.wi.gov), search “RR-987.”)

# Legal Authority

- **Wis. Stat. § 292.12(2) & Wis. Admin. Code § 726.15** – Authority to impose continuing obligations (COs)
- **Wis. Stat. § 292.12(5)** - Owner (and occupant in some cases) must follow the COs, including getting DNR approval for changes to the property.
- **Wis. Stat. § 292.12(6) & Wis. Admin. Code §§ 727.07 & 727.09** – Owner must notify the DNR and get approval for modifications to COs.

# Common Continuing Obligations



Most continuing obligations and modification requests are related to caps or future vapor concerns



Final closure letter lists the continuing obligations

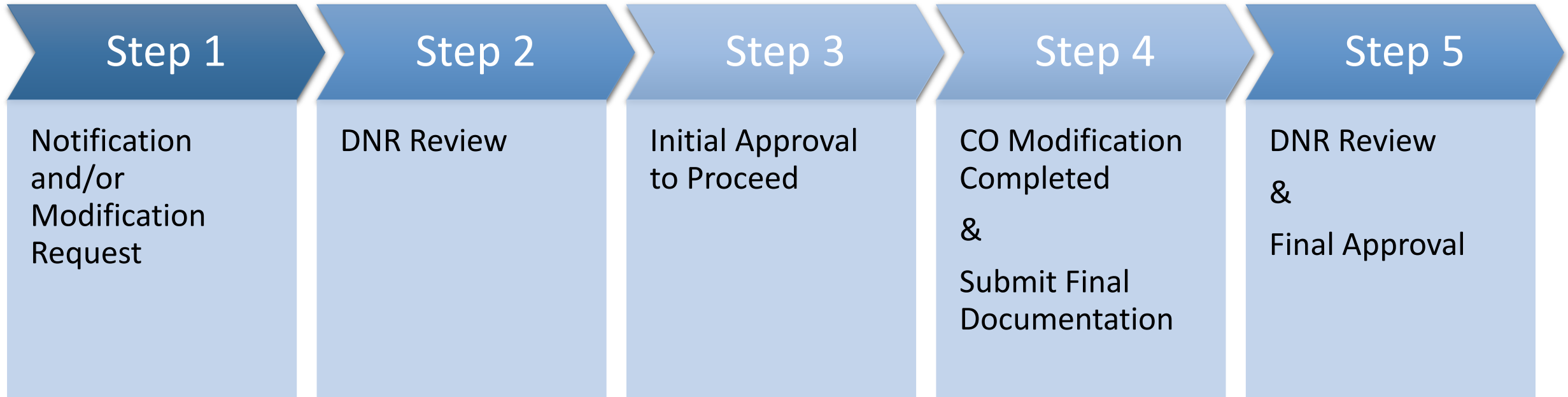


For questions about other types of continuing obligation modifications, review the letter and contact the DNR

# Unsure if a modification is needed?

- Closure process has changed over time and documentation can be unclear
- When a property with a closed site is being redeveloped and no COs were identified during closure, assistance may be requested from the DNR
- A request for a General Liability Clarification (GLC) or Technical Assistance could be submitted
- **Contact the DNR**

# Steps to Modify a CO (after closure)



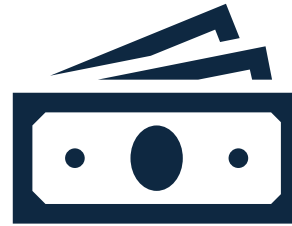
# Step 1: Notification and CO Modification Request



Responsible party or consultant requests to modify a CO

Use RR Submittal Portal

Visit [dnr.wi.gov](http://dnr.wi.gov), search “Submittal Portal”



Pay fee if required

# Notifications: **Cap** – Category 1 Modifications

- Category 1 = cap replacements and utility work
  - New cover must be equally protective
  - Capped area does not change
  - Excavated soil replaced or landfilled (for utility work)
  - No fee is required
- Examples:
  - Repaving a parking lot
  - Sanitary sewer replacement (pictured)

Note: RR-987 provides cap modification categories



Cooper Power Systems, Waukesha (DNR photo)

# Notifications: Cap

## Category 2 – 4 Modifications

- What is Required?
  - Technical Assistance Form (4400-237)
  - Fee
  - Information about the proposed modification:
    - Proposed redevelopment project
    - Project affect on the conditions of closure at the site
    - How the project meets the requirements of the CO
- Example
  - Redevelopment of closed gas station to a commercial building

Note: RR-987 provides cap modification categories

# Other Possible Requests

## 718 Request

- For soil management on or off site
- Not required if landfill disposal is planned

## Historic Fill Exemption

- Required if waste material identified on site
- Information available in RR-683

## Low Hazard Exemption (LHE)

- For waste material moved to a site not covered by the Remediation and Redevelopment program
- Involves the Waste Program

# Vapor Intrusion CO – Future Concern

- Use a desktop vapor screening assessment
- If the vapor assessment identifies a vapor risk, a vapor investigation is required
- Change in land use may require assessment even if not specified in a closure letter

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: Chlorinated compounds remain in groundwater at MW-3, MW-8, MW-9 and MW-10 as shown on the attached map, Figure B.3.b, Groundwater Iso-concentrations dated 3/18/2020, at levels that may be of concern for vapor intrusion in the future, depending on construction and occupancy of a building. Therefore,

Wis. Admin. Code §§ 727.07(5), 727.07(6) and 727.07(7)

# Step 2: DNR Review



DNR Project Manager and  
Peer Review Group



Request for clarification or  
revisions

# Step 3: Initial Approval to Proceed

Written approval provided



Approval includes:

Any additional requested approvals (NR 718,  
Historical Fill Exemption)

Recommendations necessary to ensure the site  
is still protective of public health, safety, welfare  
and the environment

# Step 4: Final Documentation Received

After project completion, consultant submits documentation:

- Construction documentation report
- Soil disposal documentation
- Revised maintenance plans and attachments for cap and/or vapor
- Revised residual soil and/or groundwater figures
- Photos



Note: Interim reports may be necessary especially for sites with VI concerns

*Quartet Apartments  
(BRRTS #02-41-577204). DNR Photo.*

# Step 5: Final Approval of CO Modification

- DNR provides a written approval of changes to the continuing obligations
- BRRTS updated
- Deed restrictions are terminated



*Lake Vista Park, Oak Creek (DNR photo)*

# Voluntary Party Liability Exemption (VPLE) and Modifications after Closure

- Continuing obligations included in:
  - Closure letter
  - Certificate of Completion
- Following the continuing obligations is a condition of keeping the liability exemption
- Use same process to modify a continuing obligation

# Example: Modifying a CO at VPLE site



- Entire site closed with soil cap over contaminated historic waste fill
- 4 modification requests
- In VPLE program so DNR pre-approved imported material to maintain eligibility

Former PH Glatfelter Paper Mill Redevelopment, Neenah WI

# Unexpected issues can arise...

- Notify the DNR project manager as soon as possible to discuss how to proceed
- Examples:
  - Vapor intrusion identified
  - Soil contamination or waste fill identified during construction
    - May be related to previous site release or new case may be created
  - Previously unknown underground storage tanks found



# Unexpected: Vapor Intrusion

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Vapor sampling conducted during redevelopment

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Historical waste fill was the only known environmental issue

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TCE and VC were detected

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A new case opened to investigate the vapor pathway at Bayshore Mall



Redevelopment site at former Bayshore Mall Boston Store into a Target store (BRRTS #02-41-587697). DNR Photo.

# Unexpected: Encountering contamination (new release or residual?)

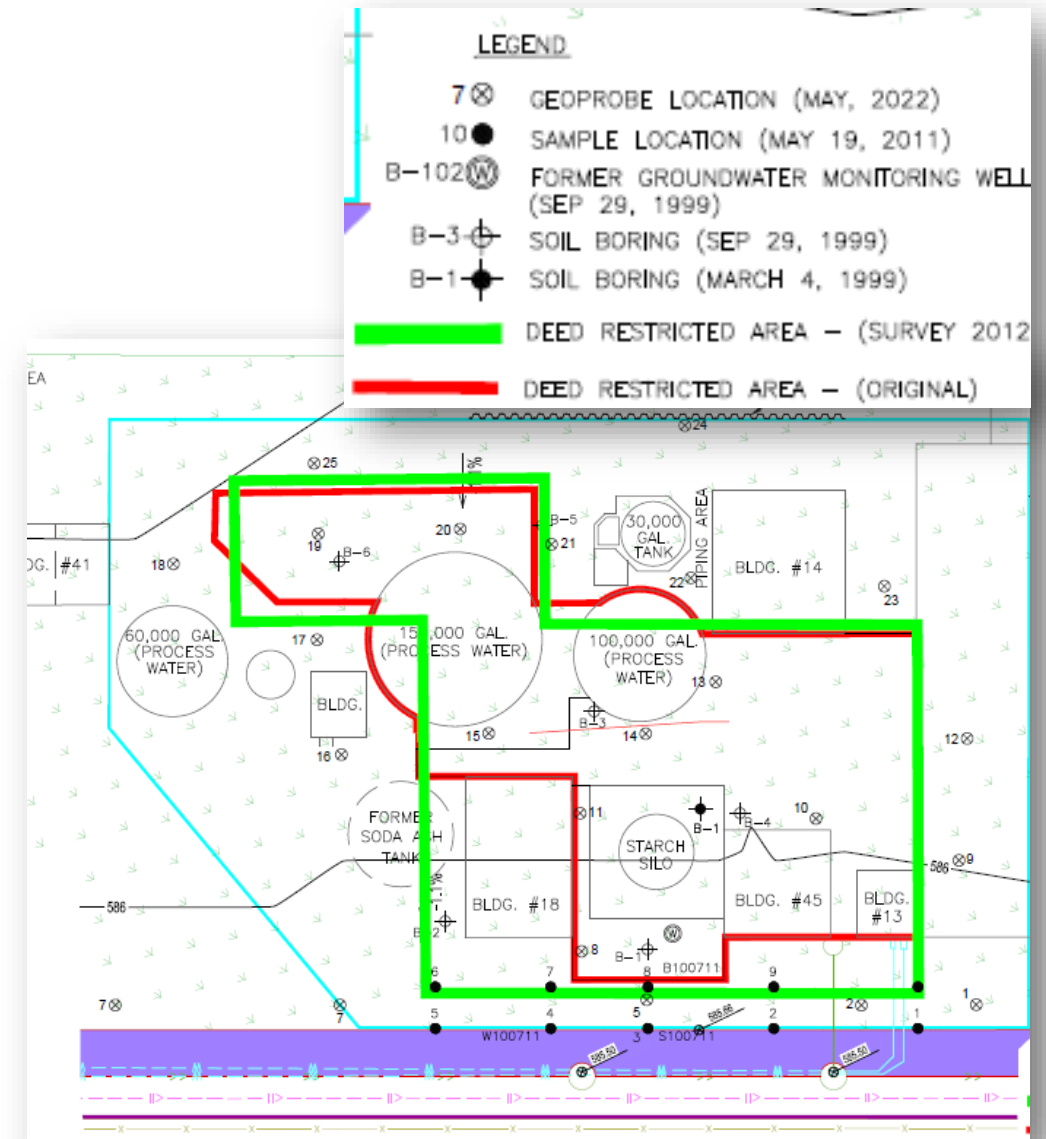
Site closed (2002): Required cap area outlined in red for PCBs

Modification request submitted (2021): disturb the cap for upgrades at facility

Soil screening during construction identified PCB contamination above RCLs outside cap area

Based on site history, DNR determined this contamination was related to the closed case

Solution: Cap area expanded (green line) and the Residual Soil Figure revised



Green Bay Packaging, Green Bay

# Unexpected: Underground Storage Tanks

2,000-gallon diesel underground storage tank encountered

Tank System Site Assessment (TSSA) was conducted to document the removal

Contaminated soil was excavated and landfilled

No Further Action (NFA) request was submitted with fee

NFA was approved (BRRTS #03-41-585630)



# Need Help?

Visit [dnr.wi.gov](http://dnr.wi.gov) and search “RR Program Contacts”

## REMEDICATION & REDEVELOPMENT (RR) PROGRAM STAFF CONTACTS

The DNR's [Remediation and Redevelopment \(RR\) Program](#) oversees the investigation and cleanup of environmental contamination and the redevelopment of contaminated properties. Our staff members provide a comprehensive, streamlined program that consolidates state and federal cleanups into one program (e.g., hazardous waste cleanup; underground storage tank investigation and cleanup; spill response; state-funded cleanups and brownfields).

The following can help you get in touch with the right DNR staff member.

- [DNR Point of Contact Viewer](#) - Search for DNR contacts geographically.
- [DNR Staff Directory](#) - Search by name, subject or county.
- [RR Staff Directory \[pdf\]](#) - RR Program telephone and email list by region and office.
- [Map of RR Program Regions \[pdf\]](#)

**Note:** Click on the RR Program Specialists tab below for contact information regarding paying fees.

Brownfields	+
Supervisors	+
RR Program Specialists	+
Spill Response	+
Vapor Intrusion Contacts	+
Offices and Maps	+

# Understanding Notification and Public Participation Requirements

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Michael Prager, DNR

# Overview



Why are notifications and public participation important?



Where can I find the requirements?



Responsibilities of the DNR



Responsibilities of RPs



Best practices

# Why are notifications and public participation important?

People and businesses near a cleanup site may be impacted by environmental contamination

Community may have questions and concerns

Compliance with notification and public participation requirements

# Where do I find the code requirements?

Wis. Stat. §§ 292.12(3) & 292.57

- Public database

Wis. Admin. Code ch. NR 714

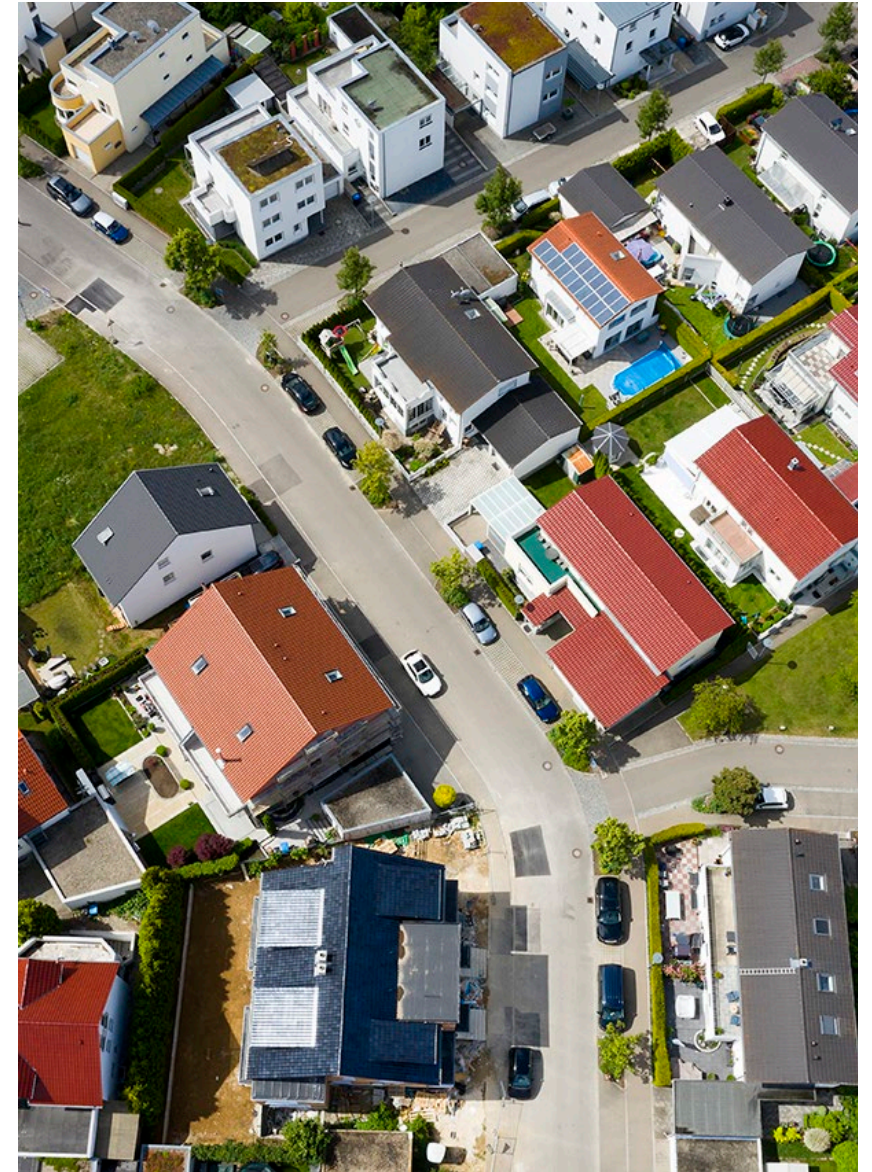
- State-lead cleanups
- Sharing information with affected parties and the community

Wis. Admin. Code § NR 716.14

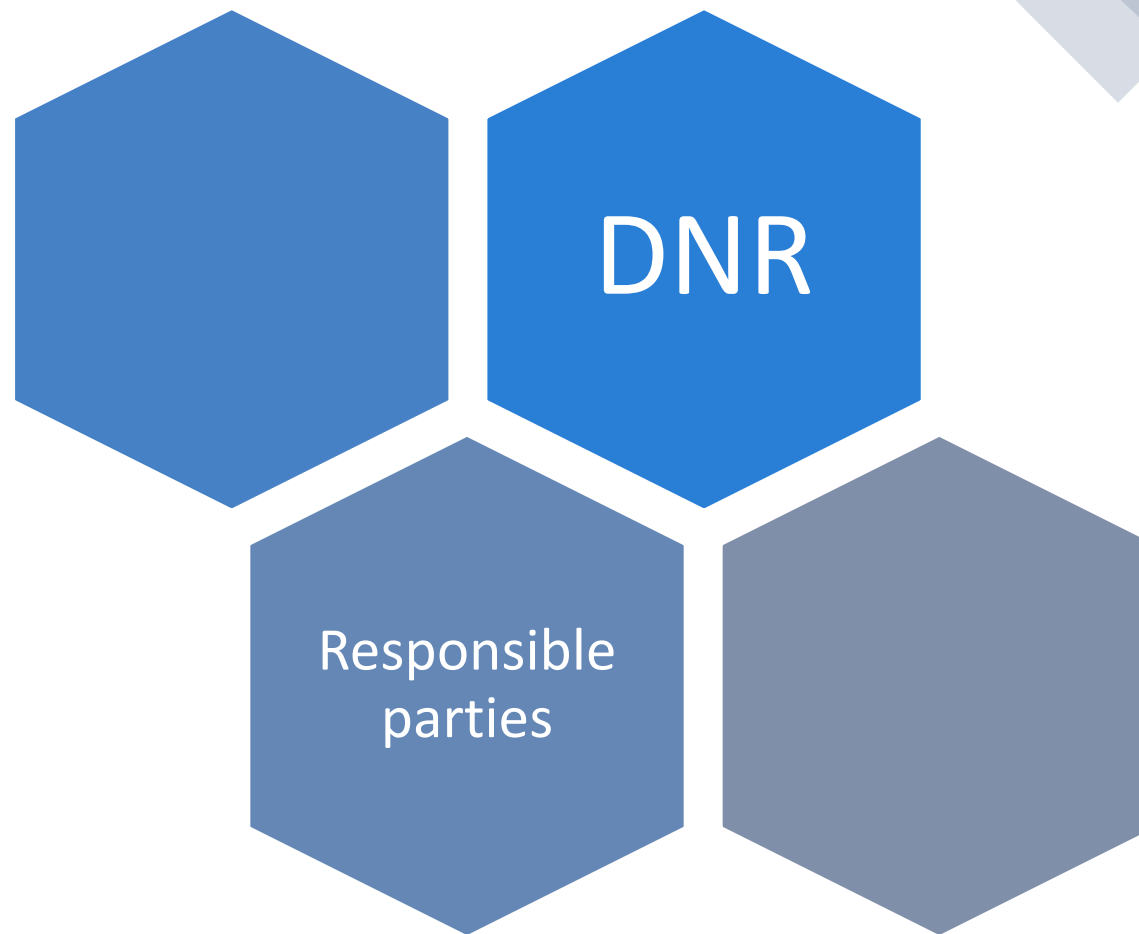
- Results of environmental sampling

Wis. Stat. § 292.12 and Wis. Admin. Code ch. NR 725

- Residual contamination
- Continuing obligations



Who is  
responsible?



# DNR Responsibilities



- Maintain a public database
- Public records
- Notify the public of state-lead cleanups
- Maintain a list of interested parties and share site updates
- And more...

**REMEDIATION AND REDEVELOPMENT DATABASE - BRRTS**

The Wisconsin Department of Natural Resources (DNR) maintains a searchable database of information on activities related to property assessments and investigations, contamination, cleanup or redevelopment activities. This data is accessible through the Bureau for Remediation and Redevelopment Tracking System (BRRTS).

NOTE: To get the best search results, please review the "User Search Tips" on the [Help](#) page.

**SEARCH CRITERIA**

BRRTS Activity Number  Facility ID  PECCA Number  Activity or Location Name

Activity Type  Activity Status  Municipality  Address

County  DNR Region  Jurisdiction  DNR Project Manager  Consultant Company

Reported Substance  Financial  Start Date Range From  Start Date Range To  End Date Range From  End Date Range To

**ADDITIONAL SEARCH CHARACTERISTICS**

Continuing Obligations  Sediment Contamination  Affected Another Property  Dry Cleaner

Historical Waste Fill  On RR Sites Map  Vapor Levels Exceeded  Vapor Levels Exceeded Off-Site

Superfund NPL  PECCA Eligible  WI DOT Site  Great Lakes Areas Of Concern

Visit [dnr.wi.gov](http://dnr.wi.gov), search "BRRTS" to find site records.

# RP Responsibilities

- Sample results
- Residual contamination
- Continuing obligations
- Public participation and notification requirements



# Notification of Sample Results (§ NR 716.14)

## Timing:

- Within 10 days of receiving analytical results

## Notify:

- DNR
- Property owners
- Occupants (tenants)

Save... Print... Clear Data

State of Wisconsin  
Department of Natural Resources  
PO Box 7921, Madison WI 53707-7921  
dnr.wi.gov

### Site Investigation Sample Results Notification

Form 4400-249 (R 03/14)

Page 1 of 2

**Notice:** This form may be used to comply with the requirements of s. NR 716.14 (2), Wis. Adm. Code; however, use of this form is not required. An alternate format may be used. The rule requires that notification be provided to 1) property owners when someone else is conducting the sampling, 2) to occupants of property belonging to the responsible person, and 3) to owners and occupants of property that does not belong to the responsible person but has been affected by contamination arising on his or her property. Notification is required within 10 business days of receiving the sample results. Personal information collected will be used for program administration and may be provided to requesters to the extent required by Wisconsin's Open Records law [ss. 19.31-19.39, Wis. Stats.].

**NOTE:** Under s. NR 716.14, Wis. Adm. Code, the responsible party must also submit sample results and other required information to the DNR. We recommend that copies of the sample results notifications be included with that submittal, along with all attachments. Using the same format used for data presentation for a closure request may be helpful to all parties. See s. NR 716.14, Wis. Adm. Code for the full list of information to be submitted to the DNR.

#### Notification of Property Owners and Occupants:

This notification form has been provided to you in order to provide the results of environmental sampling that has been conducted on property that you own or occupy. Samples were collected in accordance with the methods identified in the site investigation work plan, in accordance with s. NR. 716.09 and 716.13, Wis. Adm. Code. This sampling was conducted as a result of contamination originating at the following location.

#### Site Information

Site Name		DNR ID # (BRRTS #)	
Address		City	State ZIP Code
		WI	

#### Responsible Party

Form 4400-249

# Notification for Residual Contamination and Continuing Obligations

Use form 4400-286



Before closure request is submitted, RP shall notify owner and occupant of any affected property.

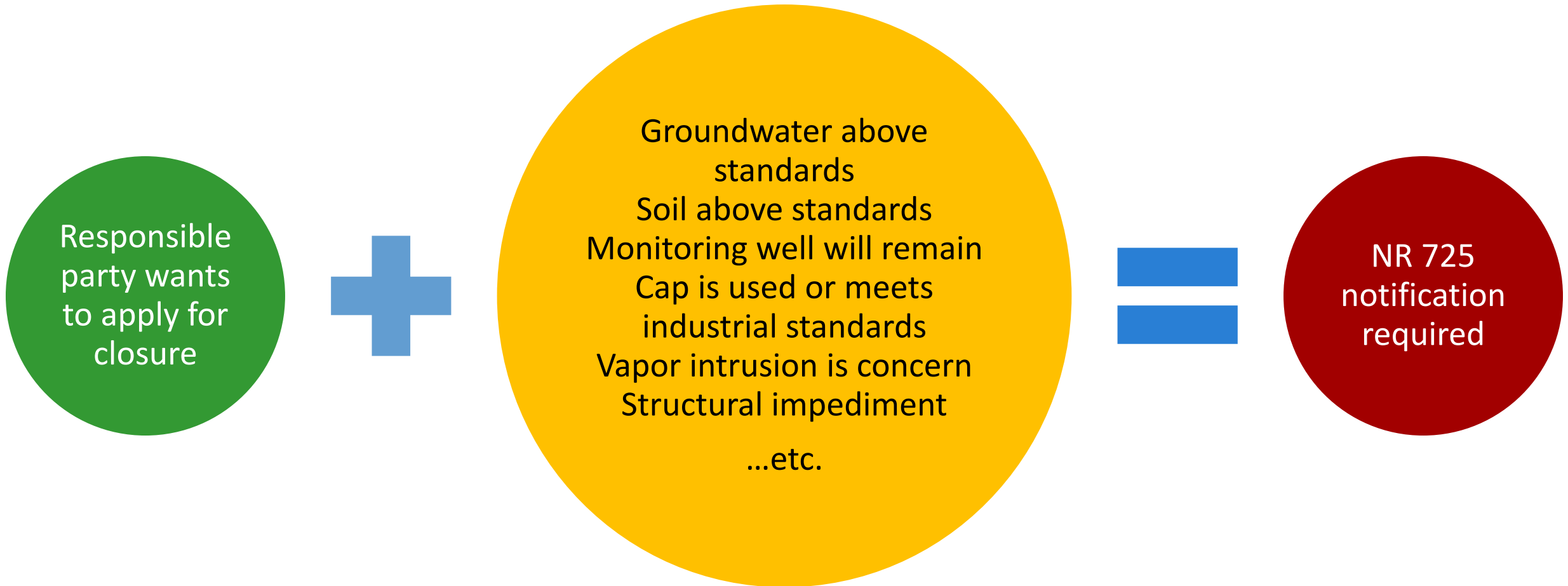
Residual contamination remains after remedial action

Usually when a continuing obligation applies to property



Allows affected parties to raise concerns about the continuing obligation or closure

# Common Situations



# Signs (§ NR 714.07(4))

Signs are required:

- When excavated contaminated soil is stored at the property
- Where direct contact threats are a concern
- At building entrances where:
  - contamination may pose or poses a threat to public health, safety or welfare
  - response actions will be taken
- Other locations that DNR believes pose unacceptable human exposure to contaminants

**WARNING**  
Possible Chemical Exposure Hazard

This property is currently being investigated and cleaned up in accordance with Wisconsin laws. For information about the site, please contact the person listed below.

Contact Name \_\_\_\_\_

Contact Address \_\_\_\_\_  
\_\_\_\_\_

Phone Number \_\_\_\_\_

Site Name \_\_\_\_\_

Site Address \_\_\_\_\_

DNR BRRTS # \_\_\_\_\_

List media affected (e.g., soil, ground/surface water, sediment, other) and the type(s) of contaminant(s).

What is Contaminated? \_\_\_\_\_

What is the Contaminant? \_\_\_\_\_


Sign posted on (mm/dd/yy) \_\_\_\_\_

If soil pile present, expected date of removal (mm/dd/yy) \_\_\_\_\_

If you are interested in general information about environment cleanups, want to review the file for this site or want to be on a distribution list for information about this site (per s. NR 714.05(5), Wis. Adm. Code), please contact:

**The Remediation and Redevelopment Program  
at your local Dept. of Natural Resources office**

This sign is issued and posted as a requirement of s. NR 714.07(4), Wis. Adm. Code

A circular sign with a black border. Inside the circle, the words "AUTHORIZED" and "PERSONNEL ONLY" are written in a circular path. In the center of the circle is a black silhouette of a hand with fingers spread.

# Starkweather Creek - Madison



# NR 714: Public Notification and Participation



Get stakeholder  
feedback on  
decisions



Inform the public



Explain the process  
and regulations



Build trust and buy  
in

# Evaluation (§ NR 714.07)

*Responsible parties are required to **evaluate the need and level of public participation and notification.** (§ NR 714.07(1))*



## Factors to consider:

- Public concerns
- Need gather information from the public
- Other factors

# Public Notification and Participation (§ NR 714.07)

*Responsible parties shall **conduct all necessary public participation and notification activities**, unless otherwise directed by the DNR. (§ NR 714.07(1))*

## Type of activities - NR 714.07(3)

- Written notice to affected neighbors, leaflets, letters, postcard, etc.
- Public meetings
- Information sheet
- Maintain informational webpage
- Contact local media
- Notice in local newspaper
- Combination of several methods

# Best Practices

Be proactive and start early

Consider the audience when messaging (avoid jargon, use plain terms)

Conduct inclusive outreach

Work together with partners including municipalities, DNR, responsible party, health department, other stakeholders

Public meetings need planning and thought - consider presenters, format, facilitation and other logistics carefully

# Fact Sheet

## Milwaukee Estuary Area of Concern Cleanup and Dredging

### THE MILWAUKEE ESTUARY AOC

#### WHAT IS AN AOC?

In 1987, 43 Areas of Concern (AOCs) were initially identified in the U.S. and Canada as places where legacy pollution from industrial, agricultural, and urban sources severely interfered with public use of water resources for activities like swimming and fishing. All AOCs include Great Lakes tributaries with significant pollution and habitat problems. Once the pollution issues are addressed, an AOC can be "delisted."

#### LONG-TERM BENEFITS

-  Cleaner water in our rivers and Great Lakes' harbors
-  Significantly fewer environmental contaminants in our water
-  Thriving, healthy, and diverse habitats
-  Improved recreational opportunities
-  More clean beach days
-  Healthier fish and wildlife
-  Healthier communities

The Milwaukee Estuary is one of five AOCs in Wisconsin. The Milwaukee Estuary AOC includes the meeting of three major tributaries to Lake Michigan—the Milwaukee, Menomonee, and Kinnickinnic Rivers — plus segments of a few local creeks and the near shore areas of Lake Michigan. The Milwaukee River watershed encompasses seven counties, 880 square miles, and is home to 1.3 million people. Eleven categories of impact from historic pollution have been found in the Milwaukee AOC, including but not limited to:

toxic chemicals in sediments, fish tumors, bird and animal deformities, restrictions on fish and wildlife consumption, loss of fish and wildlife habitat, beach closings, and eutrophication (excess nutrients). To learn more, visit:

<https://dnr.wi.gov/topic/GreatLakes/milwaukee.html>

#### THE BIG GOALS

- Address adverse impacts of pollution
- Improve overall water quality
- Delist Milwaukee as an AOC

#### HOW WE GET THERE

- Collaborating among many government agencies and local partners
- Leveraging millions of dollars in Great Lakes Restoration Initiative funding for improvements across the Milwaukee Estuary AOC

Together, as a community, we have a historic opportunity to support the cleanup of pollution in our waterways, healthier fish and wildlife, and improved recreational opportunities in the Milwaukee region. Many important projects are happening in the AOC, and this is a critical time for community input and feedback. This work in Milwaukee will improve the health of our waterways and community for future generations.

To learn more and stay involved, visit: <http://www.milwaukeeestuaryaoc.com>



# Website

## PFAS in Town of Campbell & French Island

The screenshot shows a web browser window displaying the URL <https://dnr.wisconsin.gov/topic/PFAS/Campbell.html>. The page features a blue header with navigation links such as 'EGLE - Sustainability', 'Log Out', 'Messages', and several 'RR Resources' links. Below the header, a breadcrumb trail reads '» TOPIC » PFAS'. The main heading is 'PFAS CONTAMINATION IN THE TOWN OF CAMPBELL AND FRENCH ISLAND'. The introductory text states: 'PFAS contamination has been detected on French Island in the Town of Campbell in municipal wells, private drinking water and groundwater. In addition to the information on this website, the [city of La Crosse has a website dedicated to providing information to the public.](#)' Below this text are four blue buttons with white text: 'SUBSCRIBE' (to updates about PFAS contamination in the Town of Campbell and French Island), 'SUBMIT' (a question, comment or concern about PFAS in the Town of Campbell and French Island), 'FIND' (a certified lab that can test drinking water for PFAS), and 'SEARCH' (a database for sites with reported PFAS contamination). At the bottom of the main content area, there are three dark blue expandable sections: 'Public Meetings', 'Drinking Water Sampling', and 'Alternative Drinking Water', each with a white plus sign on the right. On the right side of the page, there is a sidebar with a blue header 'PFAS' and a list of links: 'News', 'Consumption Advisories', 'Public Input and Meetings', and 'PFAS Action Plan'. Below this is a 'Related Links' section with a light green header and a list of links: 'Water Quality Initiatives', 'PFAS Contamination in Dane County', 'PFAS Contamination in the Marinette and Peshigo Area', 'PFAS Contamination in the Town of Campbell and French Island', 'PFAS Contamination in the Town of Stella', and 'Environmental and Health Impacts'. The browser's taskbar is visible at the bottom of the screenshot.

# Presentation and Press Release:

## Newton Gravel Pit in Manitowoc

### Former Town of Newton Gravel Pit

### Groundwater & Potable Well Investigation Updates

2014 Open House Presentation Provided to You by the:

- City of Manitowoc & AECOM
- Wisconsin Department of Natural Resources
- Manitowoc County Health Department
- Wisconsin Department of Health Services

Saturday, December 6, 2014



#### NEWS RELEASE

Wisconsin Department of Natural Resources  
Office of communications – northeast Wisconsin  
3369 W. Brewster St., Appleton, WI 54914  
Phone: 715-781-1683  
dnr.wi.gov www.wisconsin.gov

**DATE:** Thursday, Dec. 5, 2013

**CONTACTS:** Roxanne Chronert, DNR remediation and redevelopment, 920-662-5120  
Ed Culhane, DNR communications, 715-781-1683

**SUBJECT:** **Groundwater and health experts to meet with  
Town of Newton residents about tainted wells**

**MANITOWOC** – Town of Newton residents and others interested in updated information on contaminated private wells near Hecker Road, between Viebahn and Silver Creek roads, are invited to attend an open house at 10 a.m. Saturday.

The open house – at the Newton Town Hall, 6524 Carstens Lake Road – will be staffed by officials from the city of Manitowoc and the city's environmental consultant. Also available will be staffs from local and state health departments and Department of Natural Resources in the areas of drinking water and soil and groundwater clean-up

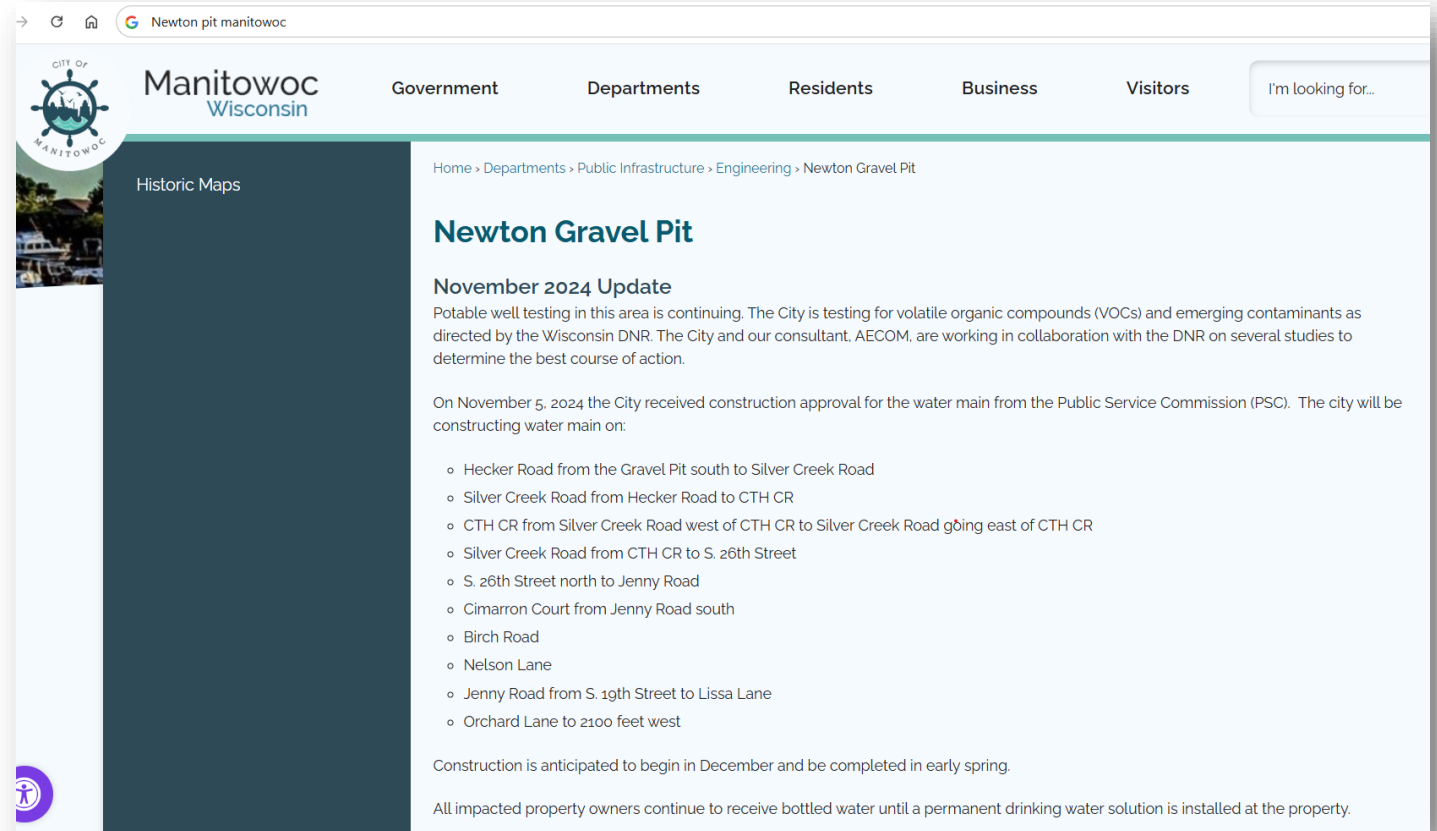
The city owns a gravel pit at 3130 Hecker Road. In the 1960s and 1970s the site accepted dumping of liquid hazardous wastes including petroleum products and chlorinated solvents. The DNR learned of this history in the 1990s and required the city to investigate the contamination and define its extent using soil borings and groundwater monitoring wells.

Recent testing by the city found that some private wells are contaminated with chemicals thought to come from the gravel pit site. The area in question lies along Hecker Road between Viebahn and Silver Creek roads. Residents in homes with affected wells have been provided with clean water supplies by the city of Manitowoc while decisions about long-term solutions are made.

In addition to providing updates on the groundwater investigation, DNR staff is interested in hearing from anyone with knowledge of any historical dumping activities in the area.

# Website

## Newton Gravel Pit in Manitowoc



# Signs

## Patros Steel Supply



# Public Participation and Notice



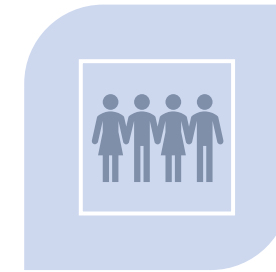
Be proactive, early, thoughtful actions can limit confusion and opposition



Coordinate with the DNR and other stakeholders



Can be smart to go beyond minimum requirements



Stakeholder involvement can lead to better outcomes

# Using Online Tools

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Hayley Schnae, DNR  
Geoffrey House, DNR

# Using BRRTS to Find Activities with Continuing Obligations

## Help Page

- User Search Tips
- BRRTS Glossary
- Supplemental Datasets

## Search Criteria

- Fine tune results by applying filters
- To find activities with Continuing Obligations, check the box

**REMEDIATION AND REDEVELOPMENT DATABASE - BRRTS**

The Wisconsin Department of Natural Resources (DNR) maintains a searchable database of information on activities related to property assessments and investigations, contamination, cleanup or redevelopment activities. This data is accessible through the Bureau for Remediation and Redevelopment Tracking System (BRRTS).

NOTE: To get the best search results, please review the "User Search Tips" on the [Help](#) page.

**SEARCH CRITERIA**

BRRTS Activity Number  Facility ID  PECFA Number  Activity or Location Name

Activity Type  Activity Status  Municipality  Address

County  DNR Region  Jurisdiction  DNR Project Manager  Consultant Company

Reported Substance  Financial  Start Date Range From  Start Date Range To  End Date Range From  End Date Range To

**ADDITIONAL SEARCH CHARACTERISTICS**

Continuing Obligations  Sediment Contamination  Affected Another Property  Dry Cleaner

Historical Waste Fill  On RR Sites Map  Vapor Levels Exceeded  Vapor Levels Exceeded Off-Site

Superfund NPL  PECFA Eligible  WI DOT Site  Great Lakes Areas Of Concern

Visit [dnr.wi.gov](http://dnr.wi.gov), search "BRRTS"

# Activity Details – Finding Information on COs

- **CO Banner**
  - Activities with COs display the banner at the top of the Activity Details page
  - Applies to both open and closed sites
- **CO Packets**
  - Action Code 56 in the Actions and Documents section
  - Find more information on the COs applied to an activity

**ACTIVITY DETAILS**

**LICENSED LANDFILL OR HISTORICAL WASTE SITE**

A DNR licensed landfill operated or unlicensed historical waste was placed at the property. Building, excavation and other construction activities may require DNR approval. DNR approval is required prior to constructing or reconstructing a water supply well.


**\*\*\* CONTINUING OBLIGATIONS APPLY \*\*\***

Contamination associated with this cleanup site remains on one or more properties. Continuing obligations are legal requirements or restrictions, which may include engineering controls and institutional controls, that are assigned to a property to protect human health and the environment from the contamination. DNR approval may be required prior to constructing or reconstructing a water supply well. Changes to property use and construction activities may require prior DNR approval. Additional information is in the documents associated with the activity.

- **Maintain Cap Over Contaminated Area**
- **Residual Soil Contamination**
- **Monitoring Well Needs Abandonment**
  - Monitoring Well Could Not Be Located
- **Residual GW Contamination**
- **Vapor Intrusion Response**
  - **(E) Future Redevelopment of Property – Vapor Control Technology Required for Construction** - DNR requires notification prior to new building construction or building modifications. Potential for vapor intrusion exists due to residual contamination. Vapor control technologies are required to be installed or modified and verified protective unless a vapor evaluation is accepted by DNR.

**02-71-269596 JELD-WEN REC C-15 (PCP UST)**

Activity Type	Status	Jurisdiction	DNR Region	County
ERP	CLOSED	DNR RR	NORTHEAST	WINNEBAGO
Location Name	LOCATION DETAILS		Address	Municipality
JELD-WEN (CENTRAL)			356 W 6TH AVE	OSHKOSH CITY OF
PLSS Description	Latitude (WGS84)	Longitude (WGS84)		GOOGLE MAPS
SE 1/4 of the SE 1/4 of Sec 23, T18N, R16E	44.0126663	-88.5440889		RR SITES MAP
Acres	Facility ID	PECSA Number	EPA ID	Start Date
14		NONE		2001-03-21
				End Date
				2012-12-14

	Continuing Obligations	2012-12-14	56	Continuing Obligation(s) Applied
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# Location Details – All Activities at a Location

**02-71-269596 JELD-WEN REC C-15 (PCP UST)**

Activity Type: ERP | Status: CLOSED | Jurisdiction: DNR RR | DNR Region: NORTHEAST | County: WINNEBAGO

Location Name: JELD-WEN (CENTRAL) | Address: 356 W 6TH AVE | Municipality: OSHKOSH CITY OF

PLSS Description: SE 1/4 of the SE 1/4 of Sec 23, T18N, R16E | Latitude (WGS84): 44.0126663 | Longitude (WGS84): -88.5440889 | [GOOGLE MAPS](#) | [RR SITES MAP](#)

Acres: 14 | Facility ID: | PECFA Num: NONE | EPA ID: | Start Date: 2001-03-21 | End Date: 2012-12-14

**REMEDIATION AND REDEVELOPMENT DATABASE - BRRTS**

The Wisconsin Department of Natural Resources (DNR) maintains a searchable database of information on activities related to property assessments and investigations, contamination, cleanup or redevelopment activities.

**LOCATION DETAILS**

**JELD-WEN (CENTRAL)**

Address: 356 W 6TH AVE | Municipality: OSHKOSH CITY OF | State: WI | Zip Code: 54901

County: WINNEBAGO | Region: NORTHEAST | FID: NONE | EPA ID: NONE

**RR Activities at this Location**

Click BRRTS Activity Name to View Activity Details

BRRTS Activity Number ▲	Activity Name	Type	Status	CO(s) Apply	Start Date	End Date
02-71-269596	<a href="#">JELD-WEN REC C-15 (PCP UST)</a>	ERP	CLOSED	YES	2001-03-21	2012-12-14
02-71-548928	<a href="#">JELD-WEN REC W4 (BURN BARREL)</a>	ERP	CLOSED	YES	2003-02-19	2012-12-14
02-71-548979	<a href="#">JELD-WEN REC C2 (WEST OF BUILDING 14)</a>	ERP	CLOSED	YES	2003-02-19	2012-12-14
02-71-549204	<a href="#">JELD-WEN REC C5 (BUILDING 14 HYDRAULIC LIFT)</a>	ERP	CLOSED	YES	2003-02-19	2012-12-14
02-71-549208	<a href="#">JELD-WEN REC C6 (NE SIDE OF BUILDING 16)</a>	ERP	CLOSED	YES	2003-02-19	2012-12-14
02-71-549220	<a href="#">JELD-WEN REC C17 (NORTH OF BUILDING 19)</a>	ERP	CLOSED	YES	2003-02-19	2012-12-14
02-71-549221	<a href="#">JELD-WEN REC C18 (FORMER RAILROAD)</a>	ERP	CLOSED	YES	2003-02-19	2012-12-14
03-71-000254	<a href="#">MORGAN PRODUCTS-REC C1 (FRMR PETROLEUM USTS)</a>	LUST	CLOSED	YES	1989-12-01	2012-12-14

# RR Sites Map

Visit [dnr.wi.gov](http://dnr.wi.gov), search "RRSM"

The screenshot shows the RR Sites Map web application interface. At the top left, there is a logo for the Wisconsin Department of Natural Resources and the title "RR Sites Map". Below the logo, there are tabs for "Welcome" and "Layers". The main content area on the left contains a welcome message and instructions. The main map area on the right shows a map of Wisconsin with various locations marked. The map includes labels for cities like Spooner, Eau Claire, Wausau, Stevens Point, Green Bay, Oshkosh, La Crosse, Madison, and Milwaukee. There are also labels for neighboring states, Minnesota and Michigan. The map interface includes a toolbar with icons for Identify, Buffer Identify, Query, Measure, Markup, Save/Share, Print, Find Locations, Bookmarks, Help and Links, and Download Data. There are also buttons for "Show Legend", "Air Photos/Basemap", and "Show Coordinates".

**RR Sites Map**  
Wisconsin Department of Natural Resources

Welcome Layers

## Welcome to the RR Sites Map!

This mapping application provides information about contaminated properties and other activities related to the investigation and cleanup of contaminated soil or groundwater in Wisconsin. Visit the [RR Sites Map webpage](#) for a map overview, layer descriptions and user tips.

The status of cleanup actions for activities in the RR Sites Map is tracked via the Bureau for Remediation and Redevelopment Tracking System (BRRTS). The RR Sites Map data is linked to the BRRTS database through [BRRTS on the web \(BOTW\)](#), the publicly accessible version of the database.

To find activity-specific information on BOTW using the RR Sites Map:

1. Navigate to the activity on the map using a mouse or arrow keys or by swiping on a mobile device.
2. Click or tap on an activity to select it.
3. An activity summary will appear in this left-side panel.
4. Click on "View activity details on BRRTS Database" for additional activity information.

Close welcome message

Identify Buffer Identify Query Measure Markup Save/Share Print Find Locations Bookmarks Help and Links Download Data

Show Legend

Air Photos/Basemap

Minnesota Michigan

Spooner Rhinelander Wausau Stevens Point Green Bay Eau Claire Oshkosh La Crosse Madison Milwaukee

94 39 94

Show Coordinates

# Case Study

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Andy Delforge, REI



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ENGINEERING, SURVEYING**

# Post Closure Modification

Former John's One Stop & Northwoods Laundry



**REI**

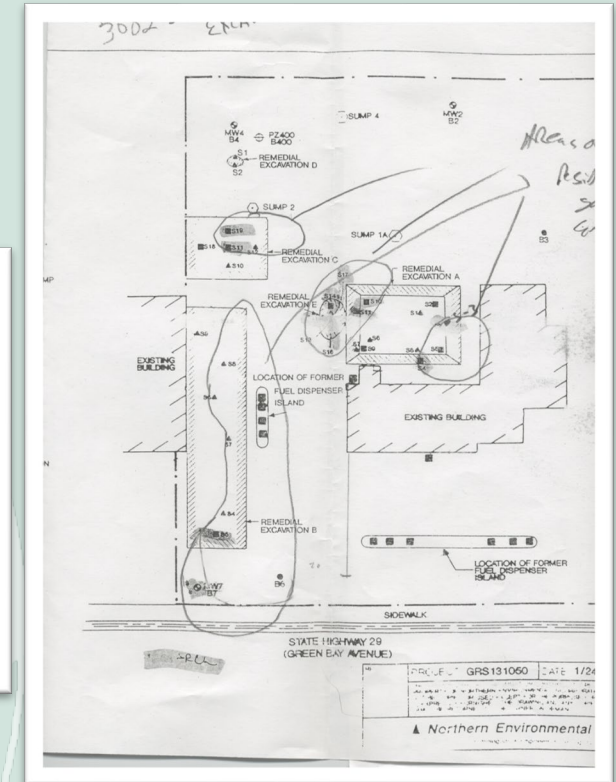
**CIVIL & ENVIRONMENTAL  
ENGINEERING, SURVEYING**

# Case 1: John's One Stop - Shawano



# Case 1: History

- Former gas station: LUST investigation started in 1993
- 1996-1997: Groundwater pump and treat system used on site
  - Groundwater sampling done until 2006
- 2006: Closure with CO – maintain existing pavement cap, GIS registry on residual contamination
- 2016: TSSA conducted – removal of all USTs and associated components; granted No Further Action



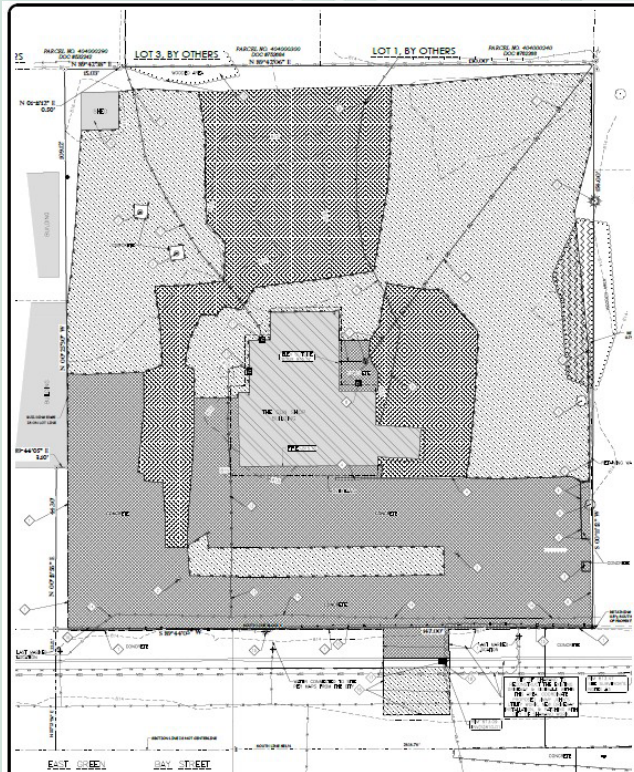


**REI**

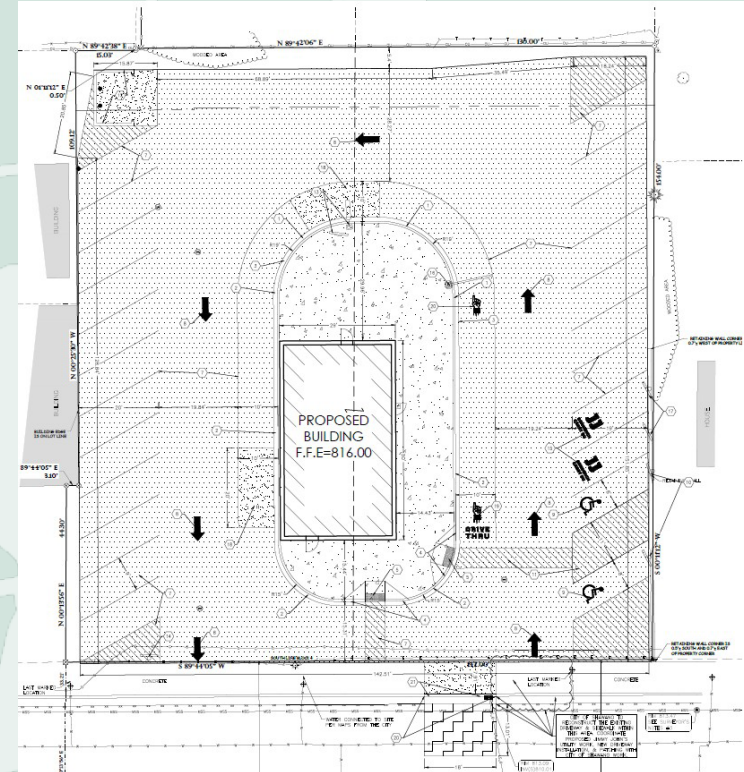
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REI retained to complete post closure modification prior to redevelopment for Jimmy John's restaurant

**Demo Plan**



**Proposed Site Plan**

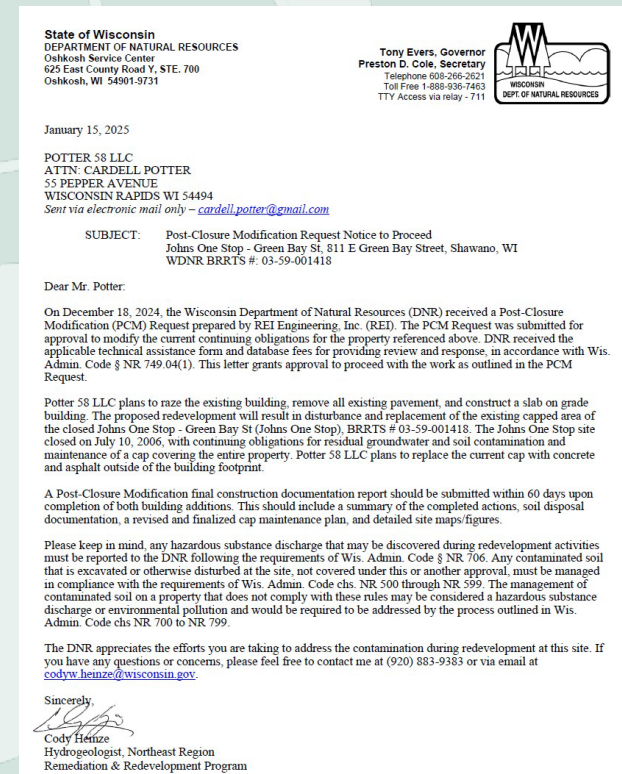
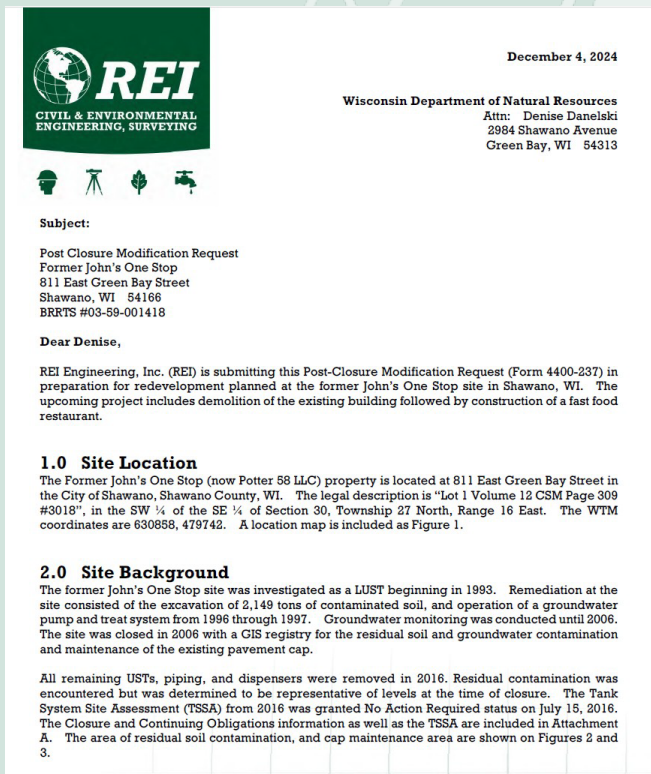




# Submitted Post Closure Modification Request and Soil and Groundwater Management Plan with fee

Submitted 12/4/24

Notice to Proceed 1/15/25





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**Demolition of existing building and excavation for new buildings footings began in April 2025**



**REI on site to screen soil for disposal. Several old building foundations encountered. 141.98 tons of contaminated soil transported to Waste Management Ridgeview Landfill**





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## Soil samples collected from below building footprint to rule out vapor intrusion pathway

## All four (4) samples non-detect or very low-level for PVOC+N

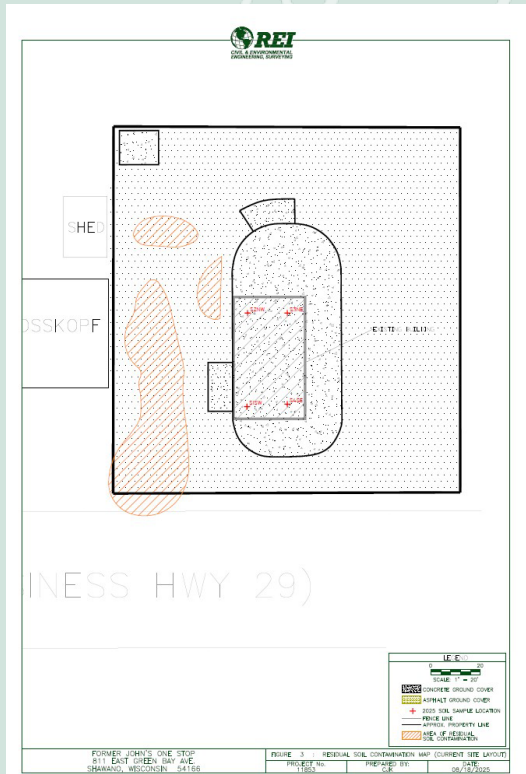


Table 1  
Confirmation Soil Analytical Results  
Shawano Jimmy John's (Former John's One Stop)  
811 East Green Bay Street  
Shawano, WI 54185  
BRRTS# 03-59-001418



	Collected By-->	REI Engineering, Inc.						
		4/15/25	4/15/25	4/15/25	4/15/25			
	Date-->	4/15/25	4/15/25	4/15/25	4/15/25			
	Sample-->	S1SW	S2NW	S3NE	S4SE			
	Sample Depth (Feet)-->	1.5	1.5	1.5	1.5			
	PID (ppm)-->	5.3	0.4	0	1.6			
	Percent Moisture (%)-->	7.1	3.1	4.0	11.4			
	Saturated (S) vs Unsaturated (U)-->	U	U	U	U			
PVOC's (mg/kg)	CAS Number	Non-Industrial Not-to-Exceed DC RCL	Industrial Not-to-Exceed DC RCL	Groundwater Pathway Protection RCL				
Benzene	71-43-2	1.6	7.07	0.005	<0.0137	<0.015	<0.0138	<0.015
Ethylbenzene	100-41-4	8.02	35.4	1.6	0.0137 <sup>1</sup>	<0.015	<0.0138	<0.015
Methyl-tert-butyl ether (MTBE)	1634-04-4	63.8	282	0.027	<0.017	<0.0185	<0.0171	<0.0185
Naphthalene	91-20-3	2.4	10.2	0.66	0.0367 <sup>1</sup>	<0.0265	<0.0244	<0.0265 <sup>4</sup>
Toluene	108-88-3	818	818	1.1	0.0986	<0.0159	<0.0146	<0.0159
1,2,4-Trimethylbenzene (TMB)	96-63-6	219	219	1.4	0.0668	<0.0188	<0.0173	<0.0187
1,3,5-Trimethylbenzene (TMB)	108-67-8	182	182		0.0258 <sup>1</sup>	<0.0203	<0.0187	<0.0202
m&p-Xylene	1330-20-7	260	260	4	0.12	<0.0266	<0.0245	<0.0265
o-Xylene					0.0565 <sup>1</sup>	<0.0189	<0.0174	<0.0189

Notes:  
 NR 720 Standards Obtained From WDNR RR Program's Soil RCL Spreadsheet  
 This site is assessed as **Non-Industrial**  
 RCL = Residual Contaminant Level  
 DC = Direct Contact  
 mg/kg = Parts Per Million (ppm)  
 < = Concentration Below Laboratory Detection Limit  
 - = Not Sampled/Collected  
 - - = No Standard/Not Applicable  
<sup>1</sup> = Estimated concentration at or above the Limit of Detection (LOD) and below the Limit of Quantitation (LOQ)

<i>Italic</i>	= Exceeds NR720 Groundwater Pathway Protection
<b>Bold</b>	= Exceeds NR720 Non-Industrial Not-To-Exceed DC RCL
<u>Underlined</u>	= Exceeds NR720 Industrial Not-To-Exceed DC RCL

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**Construction complete in July 2025**






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## Submitted Post Closure Modification Construction Documentation Report and updated Cover Maintenance Plan August 22, 2025

  
CIVIL & ENVIRONMENTAL  
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August 22, 2025

WISCONSIN DEPARTMENT OF NATURAL RESOURCES  
Attn: Cody Heinze  
2984 Shawano Avenue  
Green Bay, WI 54313

**SUBJECT:**  
POST CLOSURE MODIFICATION  
Construction Documentation  
Jimmy John's (Former John's One Stop)  
811 East Green Bay Street  
Shawano, WI 54166  
WDNR BRRTS #03-59-001418

DEAR MR. HEINZE:

This letter and enclosed information will summarize the environmental construction oversight during development of the Shawano Jimmy John's facility. The Post Closure Modification request was submitted to the WDNR on December 4, 2024 and approved on January 15, 2025. The site location is identified on **Figure 1**.

**BACKGROUND**

The former John's One Stop site was investigated as a LUST case beginning in 1993. Remediation at the site consisted of the excavation of 2,149 tons of contaminated soil, and operation of a groundwater pump and treat system from 1996 through 1997. Groundwater monitoring was conducted until 2006. The site was closed in 2006 with a GIS registry for the residual soil and groundwater contamination and maintenance of the existing pavement cap. The former site layout and area of residual soil contamination is shown on **Figure 2**.

All remaining USTs, piping, and dispensers were removed in 2016. Residual contamination was encountered but was determined to be representative of levels at the time of closure. The Tank System Site Assessment (TSSA) from 2016 was granted No Action Required status on July 15, 2016.

The site was purchased for redevelopment in 2024. REI Engineering, Inc. (REI) was retained to complete a Post Closure Modification request and Soil Management Plan. The Post Closure Modification request was submitted on December 4, 2024. The Soil Management Plan was submitted on December 10, 2024.

D.1 - COVER MAINTENANCE PLAN  
SHAWANO JIMMY JOHN'S (FORMER JOHN'S ONE STOP)

August 13, 2025

Property Located at:  
811 East Green Bay Street  
Shawano, WI 54166

BRRTS #03-59-001418  
FID 459088190

Lot 1 CSM 3018, City of Shawano  
Parcel Number 281-40400-0250

Introduction

This document is the Maintenance Plan for a cap 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 existing asphalt and concrete pavement which occupies the area over the contaminated soil and groundwater.

More site-specific information about this property/site may be found in:

- The case file in the DNR Northeast office
- At <http://dnr.wi.gov/topic/Brownfields/wrrd.html>, which includes:
  - BRRTS on the Web (DNR's internet based data base of contaminated sites) for the link to a PDF for site-specific information at the time of closure and on continuing obligations;
  - RR Sites Map for a map view of the site, and
- The DNR project manager for Shawano County.

D.1. Descriptions:

**Description of Contamination**

Soil contaminated with unleaded gasoline is located at a depth of 3-7 feet below land surface [bis] at on the western edge of the property. Groundwater contaminated by unleaded gasoline is located at a depth of seven feet bis. The extent of the soil and groundwater contamination is shown on **Figure D.2**.

**Description of the Cap to be Maintained**

The Cap consists of two (2) inches of asphalt pavement, or four (4) inches of concrete covering the entire parcel outside of the building footprint as shown on **Figure D.2**.

**Cover/Building/Slab/Barrier Purpose**

The Cap over the contaminated soil and groundwater serve as a barrier to prevent direct human contact with residual soil contamination that might otherwise pose a threat to human health. The cap also acts as an 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



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## Closure Letter Addendum – Revised Conditions of Closure – September 12, 2025

State of Wisconsin  
DEPARTMENT OF NATURAL RESOURCES  
2684 Shawano Avenue  
Green Bay WI 54313-6727

Tony Evers, Governor  
Karen Hyun, Ph.D., Secretary  
Telephone 920-256-2021  
Toll Free 1-888-936-7463  
TTY Access via relay - 711



September 12, 2025

POTTER S8 LLC  
ATTN: CARDELL POTTER  
55 PEPPER AVENUE  
WISCONSIN RAPIDS WI 54494

Sent via electronic mail only – [cardell.potter@gmail.com](mailto:cardell.potter@gmail.com)

### KEEP THIS DOCUMENT WITH YOUR PROPERTY RECORDS

**SUBJECT:** Addendum to the July 10, 2006, Closure Letter  
Johns One Stop - Green Bay St, 811 E Green Bay Street, Shawano, WI  
DNR BRRTS Activity #: 03-59-001418 FID#: 459088190

Dear Mr. Potter:

On July 10, 2006, the Department of Natural Resources (DNR) issued a case closure letter with continuing obligations (COs) for the site identified above. The continuing obligations address potential exposure to petroleum volatile organic compounds (PVOCs) that remain in soil and groundwater. Changes to the requirements of the case closure letter are identified in this addendum, in the Revised Conditions of Closure section, and are issued under Wis. Stat. § 292.12 and Wis. Admin. Code chs. NR 725, 726 and 727, NR 140, and NR 141. Other continuing obligations included in the case closure letter remain in effect. This addendum is the approval of the Post-Closure Modification (PCM) request submitted to the DNR on December 18, 2024, following completion and documentation of actions taken.

Case closure approval was provided by the DNR in July 2006, with COs for residual soil and groundwater contamination, and maintenance of an impervious cap over the entire property. On December 18, 2024, the DNR received a PCM request to replace the current cap during redevelopment of the property including a new parking lot and building. On January 15, 2025, the DNR issued a Notice to Proceed with the proposed cap replacement. On August 22, 2025, the DNR received the PCM Construction Documentation for the redevelopment which detailed excavation and disposal of 141.98 tons of PVOC-contaminated soil and replacement of the existing cap with a new building, asphalt, and concrete pavement. Included in the construction documentation was a request to modify the size of the surface cover and capped area required to be maintained as part of case closure.

### Revised Conditions of Closure

Based on the recent actions, the continuing obligation to maintain the existing cover, issued as part of the July 10, 2006, closure letter, has been modified as outlined below:

On February 3, 2025, the deed notice recorded on May 24, 2006, was terminated per Wis. Admin. Code ch. NR 727 by a subsequent deed notice (# 787833). All information related to the case file can now be obtained via DNR's public database referred to as BRRTS on the Web (BOTW).

**Cover for Soil** (Wis. Stat. § 292.12(2)(a), Wis. Admin. Code §§ NR 724.13(1) and (2), NR 726.16(2)(4) and/or (e), NR 727.07(1)) The cap has been reduced in size and consists of new paved asphalt, concrete, and building foundation, as shown on the enclosed map (Figure D 2, Location Map, September 2, 2025), and shall be maintained in compliance with the enclosed August 13, 2025, Cover Maintenance Plan. The August 13, 2025, Cover Maintenance Plan replaces

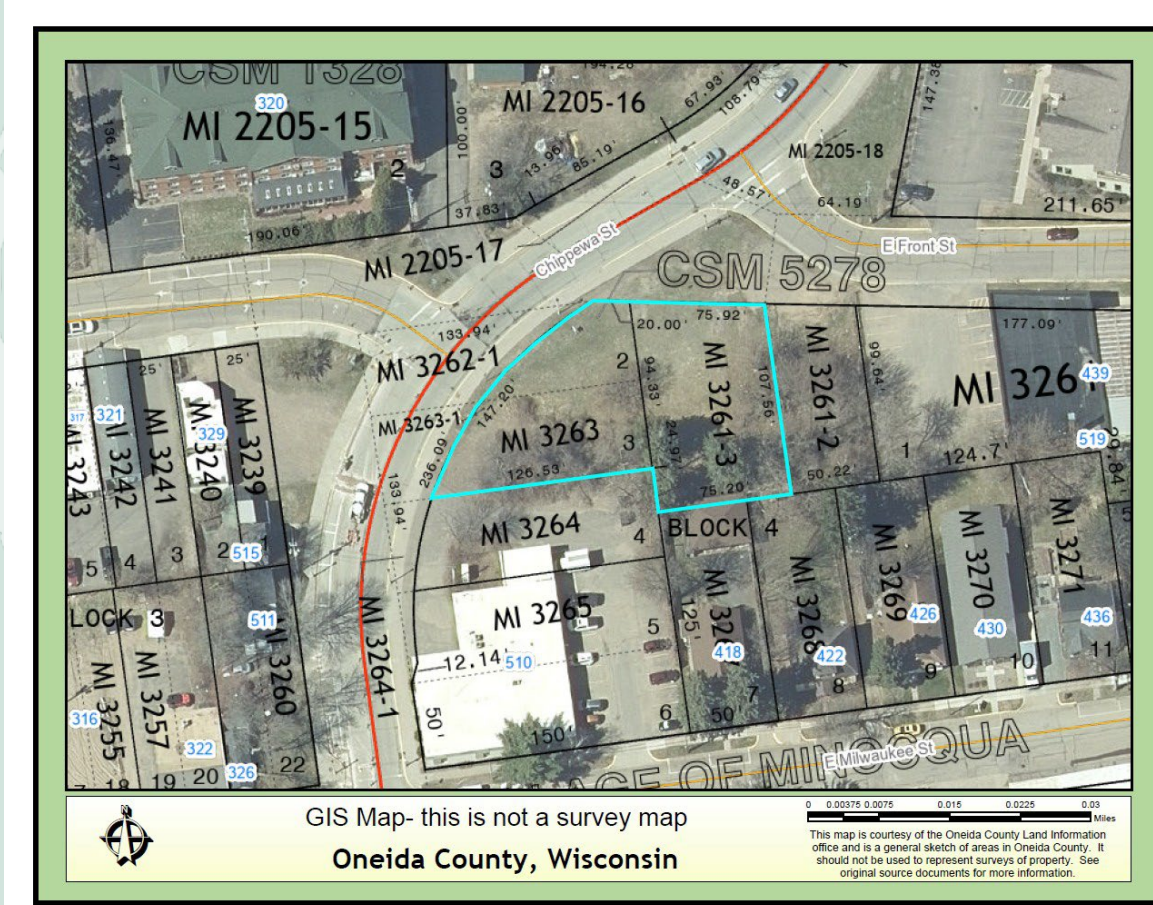




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## Case 2 – Northwoods Laundry





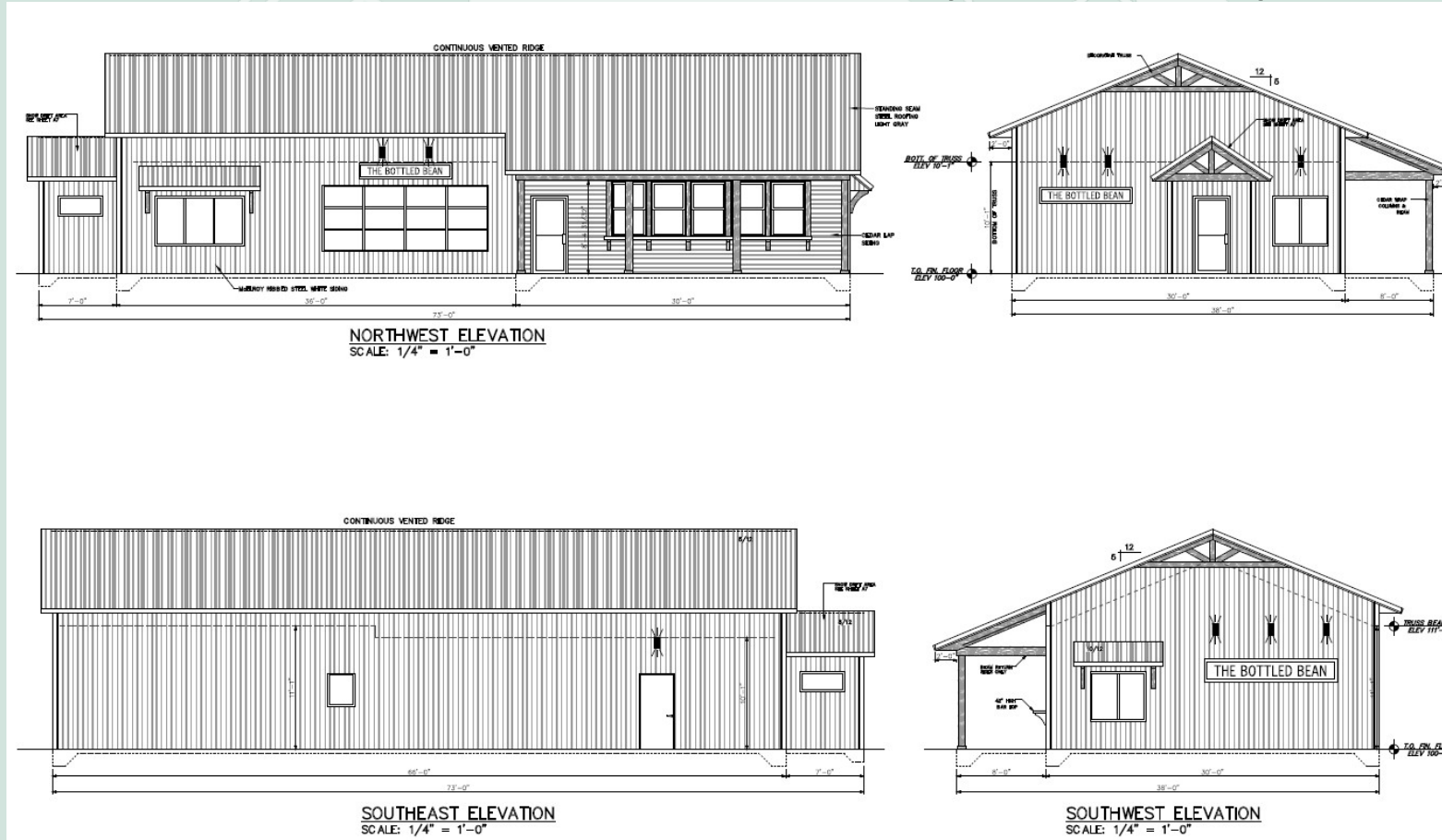
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## Case 2: History

- Northwoods Laundry was a dry cleaner until 1992 – contamination found during a DOT Phase II in the Hwy 51 right of way in 1993
- 1996: Continued investigation and limited excavation resulted in Groundwater Use Restriction for residual soil and groundwater CVOC contamination
  - 1998: Contaminated groundwater in adjacent LUST sites led to case reopening
- 2017: GW sampling and vapor assessment conclude that 9 properties need vapor intrusion investigations
- 2020: Site closed with GIS registry for residual Tetrachloroethylene (PCE) contamination in soil and groundwater

# REI retained in 2022 to complete post closure modification for redevelopment (coffee shop/brew pub)







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- Completed Vapor Intrusion Screening Assessment – Vapor pathway could not be ruled out
- Recommended installation of vapor barrier and vapor mitigation system during construction followed by sub-slab vapor sampling after construction




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## Post Closure Modification Request With Fees Submitted August 25, 2022

## Notice to Proceed September 29, 2022



August 25, 2022

WDNR  
Attn: Carrie Stoltz  
107 Suttiff Avenue  
Rhinelander, WI 54501



**Subject:**  
Post-Closure Modification Request  
Former Northwoods Laundry  
Former 405 Front Street (518 Chippewa Street)  
Minocqua, WI 54948  
Closed BRRTS #02-44-000517  
FID #744076960

**Dear Ms. Stoltz:**

On behalf of Bottled Bean LLC, REI Engineering, Inc. (REI) is submitting this Post-Closure Modification Request (Form 4400-237) in preparation for redevelopment at the above referenced site in accordance with Wisconsin Administrative Code (WAC) chapter NR 727.07. Planned site work includes earthwork during construction of new building, parking lot, utility installation, and potentially other items.

**LOCATION**  
The proposed redevelopment is located in the Southeast Quarter (SE ¼) of the Northwest Quarter (NW ¼) of Section Fourteen (14), Township Thirty-Nine North (39N), Range Six East (6E), Oneida County, Wisconsin. The subject property was formerly identified as 405 Front Street. The subject property is currently listed with the street address of 518 Chippewa Street, Minocqua, WI and will be readdressed. The subject property contains 0.39 acres of land and is bound by the right-of-way of USH 51/Chippewa Street to the north and west, vacant commercial lot to the east and commercial lot to the south. A site location map is included as in the attached Figure 1.

**BACKGROUND**  
The following site history was documented in the Final Case Closure with Continuing Obligations document on the WDNR website (BRRTS 02-44-000517). The site of the former Northwoods Laundry was originally developed in the early 1900s as a hotel and tavern. The most recent building occupying the subject property was built in the 1960s. The building originally housed Foltz Realty and a liquor store. Northwoods Laundry and Dry Cleaning took over the portion of the building used as liquor store in the 1970s. The dry-cleaning operation at the business ceased in 1992.

In 1993, a Phase II investigation detected tetrachloroethene (PCE) within the soil in the proposed USH 51 ROW at the subject property (Phase II Environmental Site Assessment -

Former Northwoods Laundry site (BRRTS # 02-44-000517) Notice to Proceed


Stoltz, Carrie R - DNR <Carrie.Stoltz@wisconsin.gov>  
To: Tyler Knoeck; Brian Bailey

CAUTION: External Email.

Good morning, Tyler and Brian. On August 29, 2022, the DNR received your submittal with fees for post closure modifications to the Northwoods Laundry site (BRRTS # 02-44-000518), located at 405 Front Street(518 Chippewa Street) in the town of Minocqua, Oneida County. We have reviewed your plans and this email serves as the notice to proceed. If you have any questions or concerns, please feel free to contact me.

**We are committed to service excellence.**  
Visit our survey at <http://dnr.wi.gov/customersurvey> to evaluate how I did.

Carrie Stoltz  
Hydrogeologist-Remediation and Redevelopment, EM Division  
Wisconsin Department of Natural Resources  
107 Suttiff Avenue, Rhinelander, WI 54501  
Cell Phone: (715) 360-1966  
Fax: (715)365-8952  
[Carrie.Stoltz@Wisconsin.gov](mailto:Carrie.Stoltz@Wisconsin.gov)





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**Construction began in October 2022. REI on site to field screen soil during excavation for utilities and footings. No elevated field screenings detected.**





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## Vapor Mat around the perimeter and through the center of the foundation





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**Riser, blower above ceiling**



**Manometer on riser**





# Construction complete September 2023





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**Sub-Slab Vapor sampling conducted in September 2023 and January 2024. Results below Residential, Small Commercial and Large Commercial Vapor Risk Screening Levels**





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## Submitted Post Closure Modification Construction Documentation Report February 9, 2024

## Addendum to Final Case Closure with Continuing Obligations March 14, 2024



February 9, 2024

WDNR  
Attn: Carrie Stoltz  
107 Sutliff Avenue  
Rhinelander, WI 54501

**Subject:**

Construction Documentation  
Post Closure Modification  
Bottled Bean, LLC (Former Northwoods Laundry)  
Former 405 Front Street (518 Chippewa Street)  
Minocqua, WI 54548  
Closed BRRTS #02-44-000517  
FID #744076960

**Dear Ms. Stoltz:**

This letter and enclosed information will summarize the environmental construction oversight during development of the Bottled Bean LLC facility, installation of the sub-slab depressurization system, as well as follow up sub-slab vapor sampling. The Post Closure Modification Request was submitted on August 25, 2022 and approved by the WDNR on September 29, 2022. The site location is shown on Figure 1.

**BACKGROUND**

The Subject Property was utilized as a dry cleaner from the 1970s through 1992. Chlorinated Volatile Organic Compounds (CVOCs) were detected at the site in 1993. The site was investigated in 1996 and following removal of the source area, the site was closed. Additional CVOC contamination detected at adjacent Leaking Underground Storage Tank (LUST) sites in 1999 prompted additional investigation. Additional investigation was conducted from 2017 through 2020 and the site was closed with Continuing Obligations for residual soil and groundwater contamination. The extent of soil and groundwater contamination on the GIS registry for the Subject Property is shown on Figure 2.

The site was purchased for redevelopment in 2022. REI Engineering, Inc. (REI) performed a Phase I Environmental Site Assessment, which determined that the residual contamination was considered a Controlled Recognized Environmental Condition (CREC). Analysis of the Vapor Screening Criteria determined that the vapor intrusion pathway could not be ruled out. Therefore REI recommended installation of a passive vapor mitigation system during construction.

In addition, REI determined that oversight by an environmental professional would be required during excavation to screen for the presence of contaminated soil. Sub-slab vapor sampling would be required following construction to determine if the vapor mitigation

State of Wisconsin  
DEPARTMENT OF NATURAL RESOURCES  
2501 Golf Course Road  
Ashland, WI 54806

Tony Evers, Governor  
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TTY Access via relay - 711



March 14, 2024

BOTTLED BEAN LLC  
ATTN: TYLER KNOBECK  
7412 GOLFWAY CT  
MINOCQUA WI 54548  
*(sent via email only to tylerknobs@gmail.com)*

**KEEP THIS DOCUMENT WITH YOUR PROPERTY RECORDS**

**SUBJECT:** Addendum to the Final Case Closure with Continuing Obligations Letter  
Northwoods Laundry, 405 Front Street, Minocqua, Wisconsin  
DNR BRRTS Activity #02-44-000517 / FID #744076960

Dear Mr. Knobeck:

On August 18, 2020, the Department of Natural Resources (DNR) issued a case closure letter with continuing obligations for the Northwoods Laundry site identified above (Site). The continuing obligations address potential exposure to chlorinated volatile organic compounds (VOCs) that remain in soil and groundwater. The requirements of the case closure letter are identified in the DNR's letter of August 18, 2020, and were issued under Wisconsin Statutes (Wis. Stat.) § 292.12 and Wisconsin Administrative (Wis. Admin.) Code chapters NR 725, 726, and 727, and NR 140 and 141. The continuing obligations included in the case closure letter remain in effect. This addendum is the approval of the post-closure modification (PCM) request submitted to the DNR on August 25, 2022, following completion and documentation of the actions taken.

On August 25, 2022, the DNR received a PCM request for the Site, including applicable Wis. Admin. Code ch. NR 749 review fees, submitted on your behalf by REI Engineering, Inc. (REI). The PCM request was submitted as DNR notification that a new building was proposed to be constructed over perchloroethylene-impacted soil and groundwater, in accordance with Wis. Admin. Code § NR 727.07(6). Additionally, no soil sampling was proposed in the PCM request as part of the planned development activities.

Due to DNR concerns regarding the potential for vapor intrusion related to the proposed development, a meeting was held between DNR personnel and REI in early September 2022. Following the meeting, in an email dated September 9, 2022, REI submitted the following additional information and clarification for the PCM.

- Vapor Intrusion – To address DNR vapor intrusion concerns, a vapor mitigation system (VMS) would be installed concurrently with construction of the building. To determine if the VMS needs to be activated, two sub-slab sample ports would be installed in the concrete building slab, and post-construction sub-slab sampling would be completed.
- Soil Management – Minimal soil removal would be necessary during proposed development activities.

# Best Practices for Modifying Continuing Obligations

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Chris Saari, DNR

# Continuing Obligations are Legal Obligations

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Legal obligations applied to the property and conveyed with the property if it is sold

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Established through the case closure letter – not deed restrictions (changed June 2006)

**KEEP THIS LEGAL DOCUMENT WITH YOUR PROPERTY RECORDS**

**SUBJECT:** Case Closure with Continuing Obligations

**Above:** Language in case closure letters issued by the DNR

# Two Most Common Scenarios



The client/owner is aware of the COs

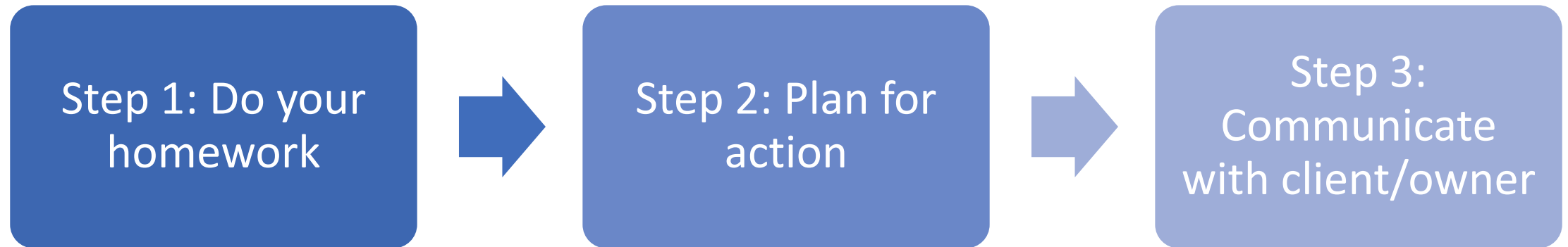
Plans to complete the work and keep the site in compliance



The client/owner does not know about the COs

May not understand what the DNR is asking of them or why

# Continuing Obligations Known and Modifications are Planned



# Step 1: Do your homework

- **Research on RRSM and BRRTS** – is there more than one BRRTS site on the property?
- **Read the closure letter and any associated documents**
  - What prohibitions are in place?
  - What does the letter say about prior notification to the DNR?
- Do you need to track down a **deed restriction**?
- Is there a **maintenance plan** with requirements for/prohibitions against future actions?

# Step 2: Review planned actions and COs; Make a plan to address them

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Will you remove a structural impediment that hindered investigation and/or remedial actions?

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Are there VI concerns that were not addressed in the original closure?

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Will the redevelopment result in new VI issues?

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Will the footprint of a cap/cover decrease in size or effectiveness?

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Will the proposed actions require characterization for hazardous waste?

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Will the project require an Historic Fill Exemption approval?

# Step 3 - Discuss your findings with the RP/owner to aid understanding

## Contact DNR with questions

- Visit [dnr.wi.gov](http://dnr.wi.gov), search “RR contacts”

## Submit a Technical Assistance request for complex redevelopment scenarios

- Form 4400-237
- Visit [dnr.wi.gov](http://dnr.wi.gov), search “RR Publication”

# “That’s News to Me!”

- DNR can help the current owner understand the existing COs
- DNR can work with them to return to compliance with the COs
  - After-the-fact CO Modification review and approval, which may include
    - Review fees
    - Additional sampling (media- dependent per the COs)
    - Replacement of a cap/cover
    - Additional remedial action
  - Enforcement actions may be needed in some cases



# Example: Gas Station

Previous case closure included COs

Station is sold (once/twice/thrice?)

Current owner performs required UST system upgrades without considering effect on existing COs

DNR learns of modifications through TSSA report



# Finalizing the Approval

- In all cases, the DNR will require submittal of new information to document current conditions
- In most cases, the DNR approval will be in the form of a **closure letter addendum**, describing the changes to and/or removal of existing COs
- In some situations where there is a “like to like” replacement of a cover, a streamlined process, without a fee requirement, applies

# Other Things to Note: New COs

- New COs can only be established through the modification process if the current owner voluntarily accepts them
- Most common need for new CO is for **CO for Future Vapor Risk** (may not have been an option at time of original closure letter)
- Other need for new COs may occur if an applicable CO is “missed” during the initial closure review process

# Other Things to Note: Deed Restrictions

- During review of CO modification – an affidavit is recorded to terminate or update COs (as appropriate) in cases that were closed with a deed restriction.
- The affidavit directs interested parties to the:
  - **Closure letter addendum** for any remaining COs and
  - BRRTS for additional documentation
- Refer to RR-045 for more information (Visit [dnr.wi.gov](http://dnr.wi.gov), search “RR Publication”)

Share your  
Thoughts

Back to Basics Feedback and  
Future Needs



# Resources Available

Back to Basics Feedback and Future Needs



<https://dnr.wisconsin.gov/topic/Brownfields/TrainingLibrary.html>

## RR PROGRAM PRESENTATIONS & TRAINING LIBRARY

The Remediation and Redevelopment Program is committed to providing timely, quality trainings and presentations to our customers and colleagues. Recordings of previous presentations, webinars and teleconferences are available below. **Chrome and Edge are the recommended browsers for watching DNR webinar videos.**

A list of upcoming presentations and trainings is available on the [RR Program presentations & trainings](#) webpage. If there is a topic you would like addressed in a future webinar, please contact [Jodie Thistle](#).

Issues and Trends +

Back to Basics +

Consultants' Day +

Local Government Days +

Brownfields Fundamentals +



# Moderated Panel Discussion

Bill Nelson,  
Godfrey & Kahn

Share your  
Thoughts

Back to Basics Feedback and  
Future Needs



# CONNECT WITH US

**Jodie Thistle, PG**

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Policy  
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"WILD WISCONSIN:  
OFF THE RECORD"