

State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
2300 N. Dr. Martin Luther King, Jr. Drive
Milwaukee WI 53212-3128

Tony Evers, Governor
Preston D. Cole, Secretary
Telephone 608-266-2621
Toll Free 1-888-936-7463
TTY Access via relay - 711



March 18, 2019

Mr. Craig Landre
Lanore LLC
13015 Cardinal Crest Drive
Brookfield, WI 53005

KEEP THIS DOCUMENT WITH YOUR PROPERTY RECORDS

SUBJECT: Final Case Closure with Continuing Obligations
Former Ivarson/QMS, Inc.
9530 North 107th Street, Milwaukee, WI 53226
DNR BRRTs #: 02-41-275896, FID #: 241794190

Dear Mr. Landre:

The Department of Natural Resources (DNR) considers Former Ivarson/QMS Inc. 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.

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 DNR reviewed this environmental remediation case for compliance with state laws and standards to maintain consistency in the closure of these cases.

A Phase I Environmental Site Assessment (ESA) was conducted by Environmental Associates, Inc., in August 2000, and Recognized Environmental Conditions (RECs) were identified. Soil borings were installed in phases by Graef Anhalt & Schloemer & Associates to evaluate the nature, degree and extent of the contamination. Soil samples were collected from the borings and groundwater samples were collected from two catch basins on site (ECB - east catch basin and WCB - west catch basin) and from three monitoring wells. Soil samples indicated contamination above regulatory levels for the following compounds: naphthalene, diesel range organic compounds and trimethylbenzenes. The groundwater samples did not show impacts above regulatory levels. The site received conditional closure status on October 3, 2001 pending the recording of a deed restriction and maintaining a surface barrier (cap) over the remaining soil contamination. However, the deed registration was not recorded or submitted to the DNR prior to DNR implementing the GIS registry/DNR database. Final case documentation for the barrier maintenance and DNR database listing was submitted to DNR in February 2019. 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.

- Residual soil contamination exists that must be properly managed should it be excavated or removed.
- Asphalt and building slab must be maintained over contaminated soil and the DNR must be notified and approve any changes to this barrier.

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 online at dnr.wi.gov and search “RR-819”.

DNR Database

This site will be included on the Bureau for Remediation and Redevelopment Tracking System (BRRTS) on the Web (BOTW) online at dnr.wi.gov and search “BOTW”, 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, at dnr.wi.gov and search “RRSM”.

The DNR’s approval prior to well construction or reconstruction is required 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 dnr.wi.gov and search “3300-254”.

All site information is also on file at the Southeast Regional DNR office, at 2300 N. Dr. Martin Luther King Jr. Drive, Milwaukee WI 53212. This letter and information that was submitted with your closure request application, including any maintenance plan and maps, can be found as a Portable Document Format (PDF) in BOTW.

Prohibited Activities

Certain activities are prohibited at closed sites because maintenance of a barrier is intended to prevent contact with any remaining contamination. When a barrier is required, the condition of closure requires notification of the DNR before making a change, in order to determine if further action is needed to maintain the protectiveness of the remedy employed. The following activities are prohibited on any portion of the property where pavement, a building foundation, is required, as shown on the **attached** Extent of Cap Map, Exhibit A, Figure D.1. dated 01/18/2019 unless prior written approval has been obtained from the DNR:

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

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 and the attached maintenance plan 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
2300 N. Dr. Martin King Jr. Drive
Milwaukee, WI 53212

Residual Soil Contamination (ch. NR 718, chs. 500 to 536, Wis. Adm. Code or ch. 289, Wis. Stats.)

Soil contamination remains at the locations of GP-1, GP-2, GP-6, GP-9 and ECB-1 as indicated on the **attached map**, Residual Soil Contamination Diagram, Figure B.2.b, dated 1/18/2019. 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.

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.

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

Cover or Barrier (s. 292.12 (2) (a), Wis. Stats., s. NR 726.15, s. NR 727.07 Wis. Adm. Code)

The asphalt and building slab that exist in the locations shown on the **attached** Extent of Cap Map, Exhibit A, Figure D.1, dated 01/18/2019 shall be maintained in compliance with the **attached maintenance plan** in order to minimize the infiltration of water and prevent additional groundwater contamination that would violate the groundwater quality standards in ch. NR 140, Wis. Adm. Code, and to prevent direct contact with residual soil contamination that might otherwise pose a threat to human health.

The cover approved for this closure was designed to be protective for a commercial or industrial use setting. Before using the property for residential purposes, you must notify the DNR at least 45 days before taking an action, to determine if additional response actions are warranted.

A request may be made to modify or replace a cover or barrier. Before removing or replacing the cover, you must notify the DNR at least 45 days before taking an action. The replacement or modified cover or barrier must be protective of the revised use of the property and must be approved in writing by the DNR prior to implementation. A cover or barrier for industrial land uses, or certain types of commercial land uses may not be protective if the

use of the property were to change such that a residential exposure would apply. This may include, but is not limited to, single or multiple family residences, a school, day care, senior center, hospital or similar settings. In addition, a cover or barrier for multi-family residential housing use may not be appropriate for use at a single-family residence.

The **attached maintenance plan and inspection log (DNR form 4400-305)** are to be kept up-to-date and on-site. Inspections shall be conducted annually, in accordance with the attached maintenance plan. Submit the inspection log to the DNR only upon request.

General Wastewater Permits and Construction Related Dewatering Activities

The DNR's Water Quality Program regulates point source discharges of contaminated water, including discharges to surface waters, storm sewers, pits, or to the ground surface. This includes discharges from construction related dewatering activities, including utility and building construction.

If you or any other person plan to conduct such activities, you or that person must contact that program, and if necessary, apply for the necessary discharge permit. Additional information regarding discharge permits is available at dnr.wi.gov and search "wastewater permits". If residual soil or groundwater contamination is likely to affect water collected in a pit/trench that requires dewatering, a general permit for Discharge of Contaminated Groundwater from Remedial Action Operations may be needed. If water collecting in a pit/trench that requires dewatering is expected to be free of pollutants other than suspended solids and oil and grease, a general permit for Pit/Trench Dewatering may be needed.

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 Binyoti F. Amungwafor at 414-263-8607 or at Binyoti.Amungwafor@wi.gov.

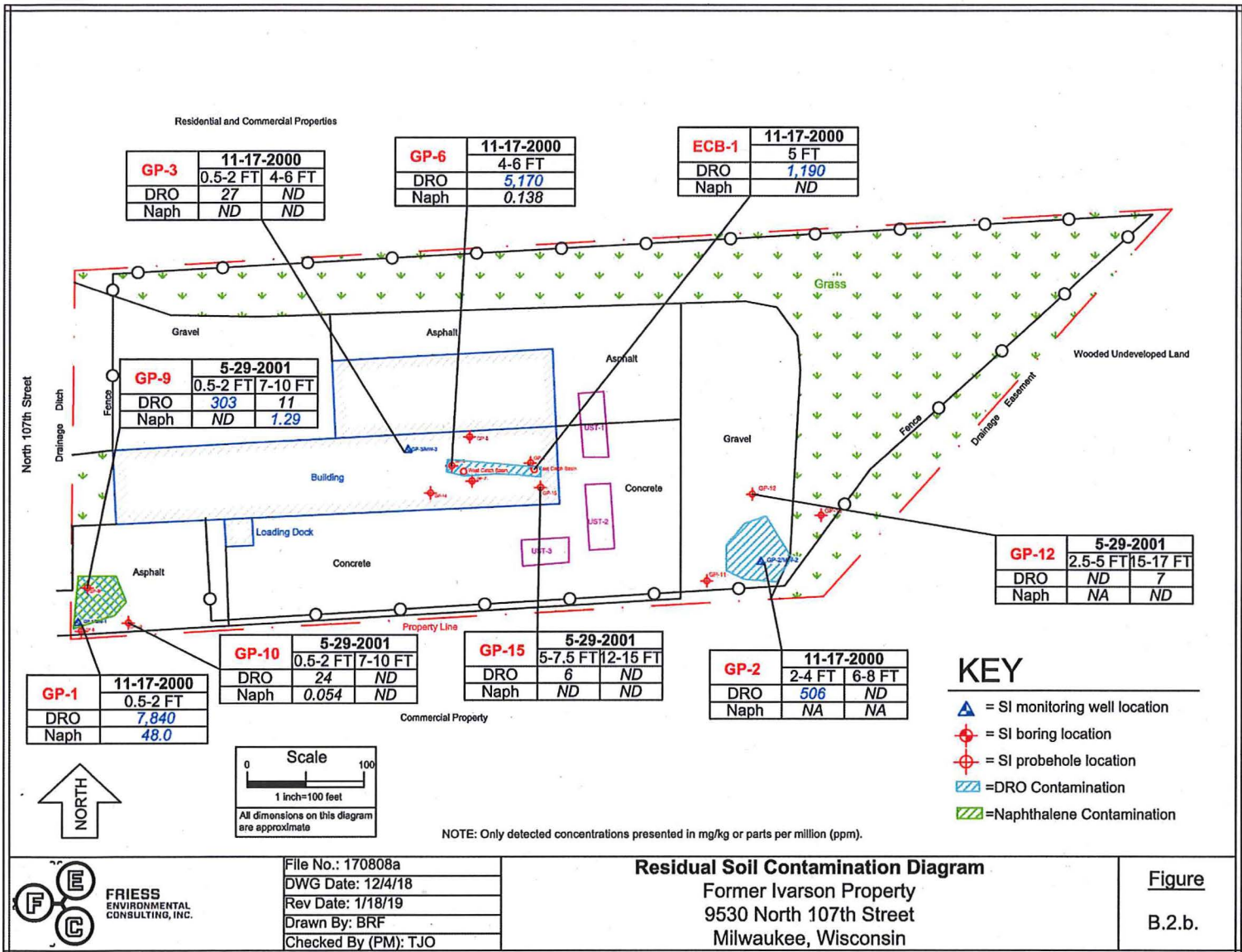
Sincerely,

Pamela A. Mylotta
Regional Team Supervisor
Remediation & Redevelopment Program

Attachments:

- Residual Soil Contamination Diagram, Figure B.2.b. dated 1/18/2019.
- Extent of Cap Map, Exhibit A, Figure D.1. dated 01/18/2019
- Maintenance Plan dated September 11, 2017, and Inspection log, DNR Form 4400-305

cc: Mr. Trenton J. Ott, FRIESS Environmental Consulting, Inc.



CAP MAINTENANCE PLAN

September 11, 2017

Property Located at:

9530 North 107th Street
Milwaukee, Wisconsin 53226

BRRTS No. 02-41-275896, FID No. 241794190

Described as follows:

Parcel 1 of Certified Survey Map No. 1932 & Part of Parcel 1 Certified Survey Map No. 2172
See attached deed and survey

Parcel ID No. 003-0001-100-4

Introduction:

This document is the Maintenance Plan for a cap at the above referenced property (the "Property") in accordance with the requirements of s. NR 724.13(2), Wisconsin Administrative Code. The maintenance activities relate to the existing cap within specific areas of the Property. More site-specific information about the Property may be found in:

- The case file in the Wisconsin Department of Natural Resources (DNR) southeast regional office
- BRRTS on the Web (DNR's internet based data base of contaminated sites): <http://botw.dnr.state.wi.us/botw/SetUpBasicSearchForm.do>
- GIS Registry PDF file for further information on the nature and extent of contamination: <http://dnrmaps.wisconsin.gov/imf/imf.jsp?site=brts2> and
- The DNR project manager (contact information found on the last page).

Description of Residual Impacts:

The subject property is located at 9530 North 107th Street in Milwaukee, Wisconsin. The subject property consists of an approximate 2.32-acre parcel. The Property is zoned industrial and the zoning is consistent with the current and planned future use. The property is occupied by a one-story commercial building constructed without a basement and is used as office and warehousing space. The property is enclosed with a gated, cyclone fence and is surfaced primarily with gravel, asphalt, and concrete.

Site investigations were conducted and conditional closure was obtained for the property in 2001. Soil sampling indicates concentrations of diesel range organics (DRO), naphthalene, and combined 1,2,4- and 1,3,5-trimethylbenzenes above their NR 720 residual contaminant levels (RCLs) for the protection of groundwater and/or direct contact were detected in the shallow soils near GP-1 and GP-6. The area of residual soil impacts near GP-1 is currently capped with an asphalt parking lot and the area of residual impacts near GP-6 is currently capped with the concrete slab of the building. Based on the soil sampling results, the residual soil impacts will be addressed through maintaining the existing cap as an engineered barrier. The Property owner, in order to maintain the integrity of the Cap, will maintain a copy of this Maintenance Plan on-site and make it available to all interested parties (i.e. on-site employees, contractors, future Property owners, etc.) for viewing.

CAP MAINTENANCE PLAN

Description of the Cap to be maintained:

The asphalt parking lot and building slab (the "Cap") over the residual soil impacts in the locations shown on the attached Extent of Cap Map (Exhibit A - Figure D.1.) serve as a barrier to prevent direct human contact with residual soil impacts and limit precipitation infiltration that might otherwise pose a threat to human health. The cap consists of approximately 3-inches of asphalt or concrete and associated gravel base course over the remaining impacts. Based on the current and future use of the Property, the Cap should function as intended unless disturbed.

Cap Inspection:

The Cap overlying residual soil impacts as depicted on the attached Extent of Cap Map (Exhibit A - Figure D.1.) will be inspected once a year. The inspections will be performed by the Property owner or their designated representative. The inspections will be performed to evaluate damage due to settling, exposure to the weather, wear from traffic, increasing age, and other factors. Any area where underlying soils have become or are likely to become exposed will be documented. A log of the inspections and any repairs will be maintained by the Property owner and is included (Continuing Obligations Inspection and Maintenance Log - DNR Form 4400-305). The inspection log will include recommendations for necessary repair of any areas of the Cap where underlying soils are exposed. Once repairs are completed, they will be documented in the inspection log. A copy of the inspection log will be kept by the property owner and available for submittal to or inspection by DNR representatives upon their request.

Cap Maintenance Activities:

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

In the event the Cap overlying the residual soil impacts is removed or replaced, the replacement barrier must be equivalent for the purpose of minimizing direct contact with the underlying soils and limiting precipitation infiltration. Any replacement barrier will be subject to the same maintenance and inspection guidelines as outlined in this Cap Maintenance Plan unless indicated otherwise by the DNR or its successor.

Prohibition of Activities and Notification of DNR Prior to Actions Affecting the Cap:

The following activities are prohibited on any portion of the Property where the Cap is required, unless prior written approval has been obtained from the DNR: (1) removal of the existing cap; (2) replacement of the cap with another barrier; (3) excavating or grading of the land surface; (4) filling on the capped surface; (5) plowing for agricultural cultivation; and (6) construction or placement of a building or other structure within the capped area.

Amendment or Withdrawal of Maintenance Plan:


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

Contact Information (as of August 2017):

Site Owner and Operator:

Lanore LLC
Craig Landre
13015 Cardinal Crest Drive
Brookfield, WI 53005
(414) 899-4150

Signature:



Mr. Craig Landre

Consultant:

Friess Environmental Consulting, Inc.
Attr: Trent Ott
6637 North Sidney Place
Milwaukee, WI 53209
(414) 228-9815

Signature:



DNR:

Mr. Binyoti Amungwafor
Hydrogeologist
Wisconsin Department of Natural Resources
2300 North Martin Luther King Jr. Drive
Milwaukee, WI 53212
(414) 263-8541

Directions: In accordance with s. NR 727.05 (1) (b) 3., Wis. Adm. Code, use of this form for documenting the inspections and maintenance of certain continuing obligations is required. Personal information collected will be used for administrative purposes and may be provided to requesters to the extent required by Wisconsin's Open Records law [ss. 19.31-19.39, Wis. Stats.]. When using this form, identify the condition that is being inspected. See the closure approval letter for this site for requirements regarding the submittal of this form to the Department of Natural Resources. A copy of this inspection log is required to be maintained either on the property, or at a location specified in the closure approval letter. Do NOT delete previous inspection results. This form was developed to provide a continuous history of site inspection results. The Department of Natural Resources project manager is identified in the closure letter. The project manager may also be identified from the database, BRRTS on the Web, at <http://dnr.wi.gov/botw/SetUpBasicSearchForm.do>, by searching for the site using the BRRTS ID number, and then looking in the "Who" section.

Activity (Site) Name: **Ivarson/QMS, Inc. - 9530 N. 107th Street** BRRTS No. **02-41-275896**

Inspections are required to be conducted (see closure approval letter):
 annually
 semi-annually
 other – specify _____

When submittal of this form is required, submit the form electronically to the DNR project manager. An electronic version of this filled out form, or a scanned version may be sent to the following email address (see closure approval letter):
binyoti.amungwafor@wisconsin.gov

Inspection Date	Inspector Name	Item	Describe the condition of the item that is being inspected	Recommendations for repair or maintenance	Previous recommendations implemented?	Photographs taken and attached?
08/30/2017	Trenton Ott FEC, Inc.	<input type="checkbox"/> monitoring well <input checked="" type="checkbox"/> cover/barrier <input type="checkbox"/> vapor mitigation system <input type="checkbox"/> other:	Asphalt and concrete in good condition.	None at this time.	<input type="radio"/> Y <input checked="" type="radio"/> N	<input checked="" type="radio"/> Y <input type="radio"/> N
		<input type="checkbox"/> monitoring well <input type="checkbox"/> cover/barrier <input type="checkbox"/> vapor mitigation system <input type="checkbox"/> other:			<input type="radio"/> Y <input type="radio"/> N	<input type="radio"/> Y <input type="radio"/> N
		<input type="checkbox"/> monitoring well <input type="checkbox"/> cover/barrier <input type="checkbox"/> vapor mitigation system <input type="checkbox"/> other:			<input type="radio"/> Y <input type="radio"/> N	<input type="radio"/> Y <input type="radio"/> N
		<input type="checkbox"/> monitoring well <input type="checkbox"/> cover/barrier <input type="checkbox"/> vapor mitigation system <input type="checkbox"/> other:			<input type="radio"/> Y <input type="radio"/> N	<input type="radio"/> Y <input type="radio"/> N
		<input type="checkbox"/> monitoring well <input type="checkbox"/> cover/barrier <input type="checkbox"/> vapor mitigation system <input type="checkbox"/> other:			<input type="radio"/> Y <input type="radio"/> N	<input type="radio"/> Y <input type="radio"/> N
		<input type="checkbox"/> monitoring well <input type="checkbox"/> cover/barrier <input type="checkbox"/> vapor mitigation system <input type="checkbox"/> other:			<input type="radio"/> Y <input type="radio"/> N	<input type="radio"/> Y <input type="radio"/> N