



## WISCONSIN DEPARTMENT OF NATURAL RESOURCES NOTICE OF FINAL GUIDANCE & CERTIFICATION

*Pursuant to ch. 227, Wis. Stats., the Wisconsin Department of Natural Resources has finalized and hereby certifies the following guidance document.*

### DOCUMENT ID

RR-19-5351-C

### DOCUMENT TITLE

Model Letter: Final Closure by Committee with NR 140 Exemption Language and all Continuing Obligations

### PROGRAM/BUREAU

Remediation and Redevelopment

### STATUTORY AUTHORITY OR LEGAL CITATION

Wis. Stats. ch. 292; Wis. Admin. Code ch. NR 700

### DATE SENT TO LEGISLATIVE REFERENCE BUREAU (FOR PUBLIC COMMENTS)

26-Aug-19

### DATE FINALIZED

02-Sept-19

### DNR CERTIFICATION

*I have reviewed this guidance document or proposed guidance document and I certify that it complies with sections 227.10 and 227.11 of the Wisconsin Statutes. I further certify that the guidance document or proposed guidance document contains no standard, requirement, or threshold that is not explicitly required or explicitly permitted by a statute or a rule that has been lawfully promulgated. I further certify that the guidance document or proposed guidance document contains no standard, requirement, or threshold that is more restrictive than a standard, requirement, or threshold contained in the Wisconsin Statutes.*

Signature

September 4, 2019

Date

**DNR - Remediation & Redevelopment  
RR-5351 Final Closure by Committee with NR 140 Exemption Language and all  
Continuing Obligations, September 2015**

- **Items in grey are general directions, and should be removed from the letter.**
- **Do not change or remove language from the template, without team supervisor approval. Include information requested. Site-specific information may be added.**
- **Use section headings. Keep section headings formatted consistent with this template.**
- **Define all acronyms the first time they are used.**
- **For all attachments, identify within the letter the name, figure number and date, as applicable (e.g. Monitoring Well Location Map, fig. 3.4, 5/11/2011). Attachments from the closure letter are identified in the Attachment list on the last page.**
- **Make sure that the options listed in the Continuing Obligations summary section match those in the Closure Conditions section.**
- **When sending this letter to the Current Property Owner, if different than the RP, additional explanation may be provided.**
- **BRRTS Action Codes and sub-options are in pink, for ease of tracking. Do NOT include items in pink in text of letter.**
- **Language in yellow means you need to choose the appropriate option/s or use the language only if applicable.**

---

This document is intended solely as guidance and does not contain any mandatory requirements except where requirements found in statute or administrative rule are referenced. Any regulatory decisions made by the Department of Natural Resources in any matter addressed by this guidance will be made by applying the governing statutes and administrative rules to the relevant facts.

---

Date

RP/Recipient name and address

Current Property Owner Name and Address, if different than RP

**KEEP THIS DOCUMENT WITH YOUR PROPERTY RECORDS**

SUBJECT: Final Case Closure with Continuing Obligations  
[BRRTS site name and address], WI  
DNR BRRTS Activity #: insert BRRTS activity number  
**Optional:** FID #: [FID number]

Dear [RP/recipient name] (and Current Property Owner Name, if different than RP):

The Department of Natural Resources (DNR) considers site name 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. Use the following sentence for residential properties. For residential property transactions, you may be required to make disclosures under s. 709.02, Wis. Stats. Use the following 2 sentences if any continuing obligation applies to an affected property or ROW. 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 Specify DNR Region, write out name and put acronym in parentheses Closure Committee OR Project Manager reviewed the request for closure on [Date site was reviewed for closure]. The DNR Closure Committee OR project manager reviewed this environmental remediation case for compliance with state laws and standards to maintain consistency in the closure of these cases. Use the following sentence as appropriate. A request for remaining actions needed was issued by the DNR on date, and documentation that the conditions in that letter were met was received on date.

Provide a 1-2 sentence description of the use of the property on which the cleanup and closure was based, any planned use which affected the cleanup employed, the general contaminant/s, media affected and remedial actions taken. If no remedial actions were taken, indicate that the continuing obligations are meant to address any potential exposure to the residual contamination. Example: This former drycleaner site had soil, groundwater and indoor air contaminated with chlorinated VOCs. Responses included soil excavation, soil vapor extraction and a vapor mitigation system. The conditions of closure and continuing obligations required were based on the property being used for Select the applicable use commercial, residential, industrial, recreational purposes.

**AC 334** Use the following paragraph if any MWs are being transferred to another site. Be sure to identify on which property they are located, if not the source property, and include in the cover letter to the OSPO.

**Project Managers: make sure these wells are included in the applicable site sampling plan or other approval. Documentation is needed from the 'new' RP that they are willing to take on responsibility for monitoring/abandonment. An access agreement template, RR 970, is available on the Web, for property owners.**

Monitoring wells list well ID #s are being transferred for continued monitoring as part of the insert name and BRRTS# of the applicable site. Do NOT fill and seal these wells at this time. Well filling and sealing will be required of list applicable site name for closure, upon conclusion of the cleanup of that site. These wells are identified on the attached map insert map name, figure number, date.

**Make sure the continuing obligations selected match those in the Closure Conditions section.**

#### Continuing Obligations

The continuing obligations for this site are summarized below. Further details on actions required are found in the section Closure Conditions. List all of the reasons the site is being included on the database, and delete the rest.

- Option 1- Groundwater contamination is present at or above ch. NR 140, Wis. Adm. Code enforcement standards.
- Option 2, also use with 4, 5, 6, 7E- Residual soil contamination exists that must be properly managed should it be excavated or removed.
- Option 3A- One or more monitoring wells were not located and must be properly filled and sealed if found.

- Option 3B- One or more monitoring wells were approved to be kept for further monitoring or insert other reason. Annual inspections are required and the wells must be properly filled and sealed when monitoring or insert other reason has been completed.
- Option 3C- One or more monitoring wells are required to be kept for further monitoring. Annual inspections are required and the wells must be properly filled and sealed when monitoring is no longer required.
- Option 4- Pavement An engineered cover OR A soil cover must be maintained over contaminated soil and the DNR must be notified and approve any changes to this barrier.
- Option 5- **Do NOT use for VPLE sites.** If a structural impediment that obstructed a complete site investigation and/or cleanup is removed or modified, additional environmental work must be completed.
- Option 6- Industrial soil standards were applied for closure, and industrial zoning is required. Before the land use may be changed from industrial to non-industrial, additional environmental work must be completed.
- Option 7A- A insert 'vapor mitigation system' or the name of another vapor response must be operated and maintained, and inspections must be documented.
- Option 7B- **Discuss this option with your Land Recycling rep., to determine if a complete site investigation was done (all exposure pathways assessed), and whether this option is appropriate for a VPLE site.** insert compounds of concern are still in use at the site. If changes in property use or land use to a different commercial or to a residential exposure setting are planned, an assessment must be made of whether the closure will be protective of the proposed use.
- Option 7C - use in conjunction with option 7A- A dewatering system must be operated and maintained due to the specific hydrogeologic conditions at the site, in order for the vapor mitigation system to work, and inspections must be documented.
- Option 7D- Site-specific vapor exposure assumptions were used, based on commercial or industrial use. Current land or property use must be maintained to be protective. If changes to the current property use or land use are planned, an assessment must be made of whether the closure will be protective of the proposed use.
- Option 7E- Remaining 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.
- Option 8 - describe any site-specific condition-

**Include the following paragraph with all letters.** 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](http://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](http://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](http://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](http://dnr.wi.gov) and search "3300-254".

All site information is also on file at the Region Regional DNR office, at insert address from letterhead. 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.

**Include 'Prohibited Activities' ONLY with Option 4 (cap/cover) and/or Option 7 (VMS) situations.**

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 insert the applicable barrier: pavement, a building foundation, a soil cover, an engineered cover or other barrier, a vapor mitigation system or barrier is required, as shown on the **attached map** insert name, figure number and date, 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;
- Use this bullet if the use of the property is commercial or industrial (non-residential). If a cover is applied to a residential site, specify the use in the 3rd paragraph of this letter and in Option 4, and do NOT use this bullet **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, or similar residential exposure settings.**
  - Use this bullet only if the use of the property is a residential-type setting OTHER THAN single-family residential. **changing the use or occupancy of the property to single-family residential use.**
  - Use this bullet only if the building has a VMS **changing the construction of a building that has a vapor mitigation system in place.**

**For each continuing obligation used, identify which property owner or ROW holder is responsible for the continuing obligation, if other than the source property owner. Use "the property owner of (insert address)" or (insert ROW holder) when necessary. Use an additional format for complex sites, such as a table, if necessary.**

**Make sure the Closure Conditions selected match those in the Continuing Obligation section. IF IT'S NOT IN THE CLOSURE CONDITION SECTION, IT MAY NOT BE ENFORCEABLE.**

Closure Conditions

Compliance with the requirements of this letter is a responsibility to which **choose one: you OR the current property owner**, 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 add "and inspection reports", if required in accordance with the following requirements to:

Department of Natural Resources  
Attn: Remediation and Redevelopment Program Environmental Program Associate or Project  
Manager by name  
street address of DNR office  
city, WI, zip code

**AC 236 OPTION 1, for residual groundwater contamination greater than the ES. Attach a site map showing the type, location and extent of groundwater contamination.**

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 insert name, figure number and date. If you intend to construct a new well, or reconstruct an existing well, you'll need prior DNR approval. add the following sentence, if there is an affected property or ROW: Affected property owners and right-of-way holders were notified of the presence of groundwater contamination. Identify other property owner/s responsible for this CO as well. This continuing obligation also applies to the owners of address of affected property. , and/or the ROW holders for ROW 'address'.

**AC 232 OPTION 2, for residual soil contamination. Use when Options 4, 5, 6 or option 7E are used. It should also be used for all situations where proper handling and/or disposal of residual contaminated soil is required.**

**Attach a site map showing the type, location and extent of soil contamination.**

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

Soil contamination remains Specify location(s) of remaining soil contamination as indicated on the attached map insert name, figure number and date. 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. Identify other property owner/s responsible for this CO as well. This continuing obligation also applies to the owners of address of affected property. , and/or the ROW holders for ROW 'address'.

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.

**Use the following paragraph if volatile compounds are present. Do NOT use this paragraph if using option 7E.**

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.

**OPTION 3, where monitoring wells are missing, or continued monitoring was approved or required.**



**AC 234-choose the applicable option; A, B or C.**  
**AC 238 if submittal of inspection reports is required.**  
**Attach a site map showing the location(s) of all applicable wells.**

**Option 3A, MW was not able to be located**

Monitoring Wells that could not be Properly Filled and Sealed (ch. NR 141, Wis. Adm. Code)  
Monitoring well(s) list well ID #s located on list the specific property(ies) or location(s) shown on the **attached map** insert name, figure number and date, could not be properly filled and sealed because they were missing due to being paved over, covered or removed during site development activities. Your consultant made a reasonable effort to locate the wells and to determine whether it was (they were) properly filled and sealed but was unsuccessful. You may be held liable for any problems associated with the monitoring wells if they create a conduit for contaminants to enter groundwater. If any of the groundwater monitoring wells are found, the then current owner of the property on which the well is located is required to notify the DNR, to properly fill and seal the wells and to submit the required documentation to the DNR. Identify other property owner/s responsible for this CO as well. This continuing obligation also applies to the owners of address of affected property. , and/or the ROW holders for ROW 'address'.

**Option 3B, continued use of MW requested/approved**

Continued Monitoring Approved

Your request for continued monitoring of wells list well ID#s, located on list the specific property(ies) or location(s) shown on the **attached map** insert name, figure number and date, is approved. Sampling results must be submitted to the DNR within 10 days of receipt of the results. An annual inspection of the well is required to verify the integrity of the monitoring well construction, including the well labels, lock and seal, starting one year after the date of this letter. The **attached** maintenance plan and inspection log (DNR form 4400-305) shall be maintained on site, and the inspection log shall select an option: be made available to the DNR upon request. OR be submitted with the sampling results report. Identify other property owner/s responsible for this CO as well. This continuing obligation also applies to the owners of address of affected property. , and/or the ROW holders for ROW 'address'.

You may be held liable for any problems associated with the monitoring wells if they create a conduit for contaminants to enter groundwater. Once monitoring of these wells ends, the owner of the property on which the wells are located is required to notify the DNR, to properly fill and seal the wells and to submit the required documentation to the DNR.

**Options 3C, continued monitoring required**

Continued Monitoring Required

The DNR is requiring continued monitoring of wells list well ID #s, as a condition of closure. The wells are located on List the specific property(ies) or location(s), as shown on the **attached map** insert name, figure number and date. These wells shall be sampled list sampling frequency and the types of compounds to be analyzed. Sampling results must be submitted to the DNR within 10 business days of receipt of the results. An annual inspection of the well is required to verify the integrity of the monitoring well construction, including the well labels, lock and seal, starting one year after the date of this letter. The **attached** maintenance plan and inspection log (DNR form 4400-305) shall be maintained on site, and the inspection log shall select an option: be made available to the DNR upon request. OR be submitted with the sampling results report. Identify other property owner/s responsible for this CO as well. This continuing obligation also applies to the owners of address of affected property. , and/or the ROW holders for ROW 'address'.

You may be held liable for any problems associated with the monitoring wells if they create a conduit for contaminants to enter groundwater. Once monitoring ends, the owner of the property on which the wells

are located is required to notify the DNR, to properly fill and seal the wells and to submit the required documentation to the DNR.

**AC 222 OPTION 4, where a soil cover, pavement, an engineered cover or another type of barrier, such as a building foundation or vapor barrier was the remedial action taken. Choose the applicable option; A, B, C or D.**

**AC 238 if submittal of inspection reports is required.**

Identify the pathway/s. The frequency for submittal of inspection reports may be more often than annually, based on site-specifics.

**NOTE: For all option 4 choices: attach the referenced maintenance plan, and site map showing the type, locations and extent of residual soil contamination subject to this condition, as well as the location and extent of the cover, pavement or barrier.**

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

**Option 4A: impervious barrier required for the groundwater pathway and/or direct contact**

choose the applicable cover: The pavement, building or other impervious cover that exists in the location shown on the attached map insert name, figure number and date 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 Select the applicable pathway or pathways. 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.

**Option 4B: engineered cap required for groundwater pathway and direct contact**

The insert description of the required engineered cover that exists in the specific location shown on the attached map insert name, figure number and date 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 Select the applicable pathway or pathways. 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.

**Option 4C, barrier to prevent direct contact only**

The choose the applicable cover: pavement, building foundation, and/or soil cover that exists in the location shown on the attached map insert name, figure number and date shall be maintained in compliance with the attached maintenance plan in order to prevent direct contact with residual soil contamination that might otherwise pose a threat to human health.

**Option 4D, barrier installed to prevent vapor intrusion, part of the sub-floor**

The vapor barrier that exists in the location shown on the attached map insert name, figure number and date, as part of the sub-floor, shall be maintained in compliance with the attached maintenance plan in order to prevent or limit vapor intrusion into the building.

**Use with options 4A and 4C.** Use the following language if a building used as a barrier to direct contact is ALSO acting as a structural impediment In this case, the building is also considered a structural impediment, and additional investigation and response requirements apply as described in the section titled Structural Impediments.

**Use the following paragraph for commercial or industrial use covers.**

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.



**Use the following paragraphs for all covers.**

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 OR insert other location**. Inspections shall be conducted **annually OR insert other frequency**, in accordance with the attached maintenance plan. Submit the inspection log **select one of the following options: to the DNR only upon request. OR to the DNR annually, starting one year after the date of this letter.**

Identify other property owner/s responsible for this CO as well. This continuing obligation also applies to the **owners of address of affected property. , and/or the ROW holders for ROW 'address'.**

**AC 224 OPTION 5, where a structural impediment makes a complete investigation or cleanup of soil contamination impracticable.**

**Attach a site map showing the location of any structure described under this condition. Do NOT use this condition for VPLE sites. Discuss the closure letter with your Land Recycling representative.**

Structural Impediments (s. 292.12 (2) (b), Wis. Stats., s. NR 726.15, s. NR 727.07, Wis. Adm. Code)  
The remaining insert description of the impediment/s as shown on the **attached map** insert name, figure number and date, made complete investigation and/or remediation of the soil contamination on this property impracticable. If the structural impediment is to be removed, the property owner shall notify the DNR at least 45 days before removal and conduct an investigation of the degree and extent of **type of contaminant** contamination below the structural impediment. If contamination is found at that time, the contamination shall be properly remediated in accordance with applicable statutes and rules. **Identify other property owner/s responsible for this CO as well. This continuing obligation also applies to the owners of address of affected property. , and/or the ROW holders for ROW 'address'.**

**AC 220 OPTION 6, use only where an NR 720 industrial residual contaminant level has been applied to soil remediation, where the land use classification for the site is industrial, in accordance with s. NR 720.10 and 720.12.**

**This condition is for use when soils meet the industrial soil standards. Attach a site map showing the type and locations of contaminated soil subject to this condition.**

**Note to PM: These will generally be for RCLs developed using EPA's RSL web calculator.**

Industrial Soil Standards (s. NR 726.15, s. NR 727.07, Wis. Adm. Code)

Soil contamination remains at **identify location/s of residual soil contamination**, as shown on the **attached map** insert name, figure number and date. Samples contained **insert names of contaminants for which site-specific industrial soil standards were developed in concentrations that met the site-specific industrial soil standards developed for this site.**

This property may not be used or developed for a residential, commercial, agricultural or other non-industrial use, unless prior written approval has been obtained from the DNR. The property owner shall notify the DNR at least 45 days before changing the use. An investigation and remedial action to meet applicable soil cleanup standards may be required at that time. **Identify other property owner/s responsible**

for this CO as well. This continuing obligation also applies to the owners of address of affected property, and/or the ROW holders for ROW 'address'.

**OPTION 7, where vapor mitigation, restrictions on use or evaluation of vapor intrusion is required to protect against exposure or potential exposure to vapors. Site-specific details may be added to any VM option. Multiple options may be required.**

**AC 226, choose the applicable options; A-E.**

**AC 238 if submittal of inspection reports is required.** The frequency of submittal of inspection reports may be more often than annual, based on site-specifics.

**Attach any applicable maps and maintenance plans. Attach a map showing the extent of residual soil and/or groundwater contamination and the location of affected building/s. Include either a cover or structural impediment condition of closure where a building with subslab contamination remains.**

**VPLE sites: Discuss the closure letter with your Land Recycling representative for options where additional response actions may be required in the future. Sites needing additional investigation are not eligible for a COC.**

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.

**Option 7A, where a vapor mitigation system is required, due to sub-slab concentrations exceeding vapor risk screening levels. Do NOT use for voluntary, passive systems.**

**Exceeds vapor risk levels-mitigation required**

**Submittal of inspection reports is highly recommended for these systems, due to the increased risk of exposure from ineffective systems.**

Vapor Mitigation System: Soil vapor beneath the building contains ID general contaminant type; such as chlorinated VOCs or petroleum at levels that would pose a long-term risk to human health, if allowed to migrate into an occupied building on the property. The vapor mitigation system, installed on date, must be operated, maintained and inspected in accordance with the attached maintenance plan. System components must be repaired or replaced immediately upon discovery of a malfunction. Annual OR select other frequency inspections and any system repairs must be documented in the inspection log (DNR form 4400-305). The inspection log shall be kept up-to-date and on-site. Inspections shall be conducted annually OR insert other frequency, in accordance with the attached maintenance plan. Submit the inspection log select submittal option: to the DNR annually, starting one year after the date of this letter. OR select other frequency OR to the DNR only upon request.

If a decision is made to no longer use the vapor mitigation system, or to make a change to the vapor mitigation system, the property owner must notify the DNR at least 45 days before shutting the vapor mitigation system and/or the dewatering system off, or before making any other change to the system, and evaluate whether conditions are protective of public health and safety. Additional response actions may be necessary. Identify other property owner/s responsible for this CO as well. This continuing obligation also applies to the owners of address of affected property, and/or the ROW holders for ROW 'address'.

**Add the following sentence IF the floor, building, pavement or other barrier is needed to prevent or limit vapor intrusion.** The integrity of the select the appropriate barrier: floor, building, pavement, impervious cover that exists on the property, shown on the attached map insert name, figure number and date, must be maintained in compliance with the attached maintenance plan. This will help ensure proper functioning

of the vapor mitigation system, limiting vapor intrusion to indoor air spaces.

**Use the following 2 sentences if the RP is not the property owner. See the Note on the SS Team page regarding an example notification of occupants.** A copy of the maintenance plan must be provided to the property owner. The property owner must notify occupants, and provide the maintenance plan to any occupant that is responsible for continued operation of the vapor mitigation system.

**Option 7B, where compounds of concern are still being used. Use is restricted to commercial/industrial.**

**compounds of concern-property use industrial/commercial**

**Note to PM:** This condition is typically used at operating facilities with sub-slab samples indicating that VRSLs are exceeded. Often used with option A, especially when removal of residual contamination from below the source building was not possible.

**For VPLE sites: discuss this option with your Land Recycling rep., to determine if a complete site investigation was done (all exposure pathways assessed), and whether this option is appropriate.**

**If a VMS is required, also use option 7A.**

Compounds of Concern Still in Use: The current use of the property is identify use, such as operating dry cleaner, which uses identify contaminant/compounds used. The operation introduces these compounds into the indoor air space. Case closure is possible based on site-specific conditions, including describe site-specific conditions, such as continued use as a dry cleaner and application of commercial vapor risk screening levels (sub-slab) Property use is restricted to non-residential settings (i.e. commercial or industrial uses).

Soil vapor beneath the building is at levels that would pose a long-term risk to human health, if allowed to migrate into an occupied building where residential exposures would apply, such as single or multiple family residences, a school, day care, senior center, hospital or other similar residential exposure settings.

Therefore, if changes in property use or occupancy to other commercial or a residential exposure setting are planned, the property owner must notify the DNR at least 45 days before a changing the use or occupancy, and evaluate whether the closure is protective for the proposed use. Additional response actions may be necessary. Identify other property owner/s responsible for this CO as well. This continuing obligation also applies to the owners of address of affected property, and/or the ROW holders for ROW 'address'.

**Option 7C, where operation of a dewatering system and vapor mitigation system were required due to site-specific hydrogeologic conditions.**

**hydrogeologic concerns-mitigation required**

**Note to PM:** Discuss the need for WW discharge or permitting requirements with appropriate staff, and refer to any WW approvals as needed.

**Use Option A and the following language:**

Dewatering System: As of date, a name and describe the system controlling water or contamination from entering the building system is required to be operated and maintained to control groundwater/vapor/other from entering the building. Describe the hydrogeologic basis for the system, the reason for, location of, and need for the type of mitigation system involved.

*Example: This pump system is needed to lower the water table to provide for air space between the foundation and groundwater.*

**Option 7D, (commercial/industrial) - where site-specific (commercial or industrial) vapor exposure assumptions were used, and land or property use is restricted to non-**

**residential.**

**site-specific exposure-property use industrial/commercial**

Commercial/Industrial Use: Select the appropriate media: **Soil vapor/soil/groundwater** beneath the **name of building** building contains vapors at levels that would pose a long-term risk to human health, if allowed to migrate into an occupied building. Case closure is based on the following site-specific exposure assumptions: **List the site-specific exposure assumptions on which closure is based.** Therefore, use of this property is restricted to the following uses: **insert appropriate uses, such as industrial, or specific commercial uses.** If changes in property or land use are planned, the property owner must notify the DNR at least 45 days before changing the use, and evaluate whether the closure is protective for the proposed use. Additional response actions may be necessary. Identify other property owner/s responsible for this CO as well. **This continuing obligation also applies to the owners of address of affected property. , and/or the ROW holders for ROW 'address'.**

**Option 7E, where residual contamination poses a vapor intrusion risk for new buildings or with a change in the construction of or expansion of existing buildings.**

**Note to PM: Consider geology, presence of non-aerobically degradable VOCs, and depth to WT.**

**future redevelopment-notification required**

Future Concern: **Identify general type of contaminants, such as "chlorinated VOCs"** remain in specify affected medium/media **soil and/or groundwater** at identify the location, as shown on the **attached map** insert name, figure number and date, at levels that may be of concern for vapor intrusion in the future, depending on construction and occupancy of a building. **Identify the situation regarding buildings and occupancy at the time of closure** Therefore, before a building is constructed and/or an existing building is modified, 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 the DNR agrees that vapor control technologies are not needed. **Identify other property owner/s responsible for this CO as well.** **This continuing obligation also applies to the owners of address of affected property. , and/or the ROW holders for ROW 'address'.**

**AC 228 with comment OPTION 8, Site-Specific Condition: Define the site-specific circumstances and conditions. Be specific. Attach any applicable site maps and/or maintenance plans. This CO option has been used for such actions as methane monitoring or venting, or fencing at a LGU site. If notification of the DNR is part of the condition, include language re. the need to notify DNR at least 45 days beforehand.**

Site-Specific Condition (s. NR 726.05 (9), NR 726.15 (2) (m), s. NR 727.07 (7), Wis. Adm. Code)

The property owner must notify the DNR at least 45 days before making a change to this condition, to determine whether additional actions may be necessary.

Identify other property owner/s responsible for this CO as well. **This continuing obligation also applies to the owners of address of affected property. , and/or the ROW holders for ROW 'address'.**

Other Closure Information

**AC 400 Use for transferring a landfill back to the Waste and Materials Management Program**

Transfer of Landfill Site Back to Jurisdiction of the DNR's Waste and Materials Management Program  
With the issuance of this letter, the jurisdiction for this site or facility is hereby returned to the DNR's Waste and Materials Management program. The owner or operator of the historic fill site or licensed landfill still must abide by any conditions required by the DNR's Waste and Materials Management program and/or the NR 500 rule series as long as any waste materials remain in place. As part of your responsibilities for the long-term care, you are required to comply with the approved plan of operation, or an approved closure plan under s. NR 514.08, Wis. Adm. Code, and to conduct any monitoring and

maintenance deemed necessary by the DNR, and as specified in this letter. **Reference earlier cover maintenance and residual soil paragraphs, in accordance with applicable rules and statutes. Also reference any continued monitoring requirements from a plan of operation/modification in this final closure approval letter.**

Any future redevelopment of this property must take into account consideration of the presence of waste materials and will require the issuance of an exemption from the DNR to build on an abandoned landfill prior to the start of any construction. Please refer to the Development at Historic Fill Site or Licensed Landfill guidance for further information at [dnr.wi.gov](http://dnr.wi.gov) and search “historic landfill development”.

**Use for sites with an approved exemption for development at a historic fill site, sites with AC 402 or 404, or an approval for a licensed landfill, tracked by WMM in FIST. WMM staff can help with determining whether a site is listed in FIST - the tracking system used for exemption approvals at licensed landfills.**

Sites with an Exemption for Development at a Historic Fill Site or Licensed Landfill

Information presented in the site investigation report indicates that subsurface materials consist of historic fill material. An approval for development at a Historic Fill Site or Licensed Landfill was approved by the DNR on date of approval, for the construction of provide description of development. Any redevelopment of this property will require compliance with the approved exemption. Any changes from the approval date exemption will require prior DNR approval in writing. Please refer to the Development at Historic Fill Site or Licensed Landfill guidance for further information at [dnr.wi.gov](http://dnr.wi.gov) and search “historic landfill development”.

**Use for sites without an approved exemption for development at a historic fill site.**

Sites with Historic Fill

Information presented in the site investigation report indicates that subsurface materials consist of historic fill material. As such, the property owner must comply with any conditions required by solid waste rules in ch. NR 500 Wis. Adm. Code rule series as long as any waste materials remain in place. Any future redevelopment of this property must take into account consideration of the presence of waste materials and will require the issuance of an exemption from the DNR to build on an abandoned landfill prior to the start of any construction. Please refer to the Development at Historic Fill Site or Licensed Landfill guidance for further information at [dnr.wi.gov](http://dnr.wi.gov) and search “historic landfill development”.

**Use for sites where remaining soil contamination meets soil RCLs. The site does not go on the database for soil in this case.**

Sites with Contaminant Concentrations that Meet Soil Standards

Some contamination remains in the soil describe the location of the remaining soil contamination. If this soil is excavated in the future, the property owner or right-of-way holder at the time of excavation must determine if contamination remains. If 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.

**Use where shallow groundwater contamination is present in concentrations of concern should dewatering activities occur in the future**

General Wastewater Permits for 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](http://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.

**AC 48 Use only the following NR 140 exemption option that is appropriate.**

Chapter NR 140, Wis. Adm. Code Exemption

**Option A: granting a PAL exemption (AC 48) for a substance of public health concern, other than nitrate, when the BG concentration of that substance is below the PAL (NR 140.28(2)(b))**

Recent groundwater monitoring data at this site indicates that for Health substance (e.g. benzene) at Monitoring point/s with the exceedance (e.g. MW4) and Health substance (e.g. vinyl chloride) at Monitoring point/s with the exceedance (e.g. MW4), contaminant levels exceed the NR 140 preventive action limit (PAL) but are below the enforcement standard (ES). The DNR may grant an exemption to a PAL for a substance of public health concern, other than nitrate, pursuant to s. NR 140.28 (2) (b), Wis. Adm. Code, if all of the following criteria are met:

1. The measured or anticipated increase in the concentration of the substance will be minimized to the extent technically and economically feasible.
2. Compliance with the PAL is either not technically or economically feasible.
3. The enforcement standard for the substance will not be attained or exceeded at the point of standards application. [Note: at this site the point of standards application is all points where groundwater is monitored.]
4. Any existing or projected increase in the concentration of the substance above the background concentration does not present a threat to public health or welfare.

Based on the information you provided, the DNR believes that these criteria have been or will be met. Provide the reason why the exemption criteria have been met (e.g. because of the response actions that have been taken). Therefore, pursuant to s. NR 140.28, Wis. Adm. Code, an exemption to the PAL is granted for Health substance (e.g. benzene) at Monitoring point/s with the exceedance, e.g. MW4 and health substance, e.g. vinyl chloride at Monitoring point/s with the exceedance, e.g. MW5. Please keep this letter, because it serves as your exemption.

**OPTION B: Granting an exemption for a substance of public welfare concern or nitrate (NR 140.28(2)(a), (3)(a) and (4)(a))**

Recent groundwater monitoring data at this site indicates exceedances of the ch. NR 140, Wis. Adm. Code, select one: preventive action limit OR enforcement standard for Welfare substance, e.g. sulfate at Monitoring point/s with the exceedance, e.g. MW3. The DNR may grant an exemption for a substance of public welfare concern, or nitrate, pursuant to ss. NR 140.28 (2) (a), (3) (a) and (4) (a), Wis. Adm. Code, if actions have been taken to achieve the lowest possible concentration for that substance which is technically and economically feasible and the existing or anticipated increase in the concentration of that substance does not present a threat to public health or welfare.

Based on the information you provided, the DNR believes that the criteria for an exemption have been or will be met. Provide the reason why the exemption criteria have been met (e.g. because of the response actions that have been taken). Therefore, pursuant to s. NR 140.28, Wis. Adm. Code, an exemption to the preventive action limit OR enforcement standard is granted for identify the welfare substance, e.g. sulfate at identify monitoring point/s with the exceedance. Please keep this letter, because it serves as your exemption.



**If the background concentration is above the enforcement standard add:** Pursuant to s. NR 140.28 (4) (c), Wis. Adm. Code, if the background concentration of a contaminant is above the enforcement standard, the DNR shall take action under s. NR 140.26 if it determines that an increase in the concentration of Welfare substance (e.g. iron) causes an increased threat to public health or welfare or it determines that the incremental increase in the concentration of Welfare substance (e.g. iron), by itself, exceeds the preventive action limit.

**OPTION C: Granting an exemption for a substance of public health concern, other than nitrate, when the background concentration is between the PAL and ES (NR 140.28(3)(b)) or above the ES (NR 140.28(4)(b) and (c)).**

**DELETE this instruction after the WDNR staff person contacts Bill Phelps, DG/5 (608) 267-7619 or William.Phelps@Wisconsin.gov) for Option C exemption language tailored to meet site-specific conditions.**

### **USE THE FOLLOWING FOR A PECFA SITE**

#### 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.

Per Wisconsin Act 55 (2015 State budget), a claim for PECFA reimbursement must be submitted within 180 days of incurring costs (i.e., completing a task). If your final PECFA claim is not submitted within 180 days of incurring the costs, the costs will not be eligible for PECFA reimbursement.

### **USE THE FOLLOWING FOR A DERF SITE**

#### Operating Dry Cleaners

In order to remain eligible for future reimbursement of cleanup costs from the Dry Cleaner Environmental Response Fund (DERF), the owner or operator of the dry cleaning facility must implement enhanced pollution prevention measures within 90 days of the date of this letter. These measures are found in Section 292.65 (5) (a) 2, Wis. Stats., and NR 169.11 (2), Wis. Adm. Code. In accordance with Section 292.65 (8) (f), Wis. Stats., the maximum amount of money that DERF can reimburse to any facility is \$500,000. The enhanced pollution prevention measures include:

- all wastes must be managed in accordance with federal and state hazardous waste rules;
- dry cleaning product or wastewater may not be discharged into any sanitary sewers, septic tanks, or any waters of the State;
- a containment structure must entirely surround and be capable of containing any spill or release of a dry cleaning product from a dry cleaning machine or other equipment;
- the floor within any containment structure must be sealed and be impervious to dry cleaning product;
- perchloroethene must be delivered to the dry cleaning facility by means of a closed, direct coupled delivery system.

In order to retain eligibility, you will need to verify that you have implemented these pollution prevention measures. Additional documentation, such as invoices and photographs of any enhanced pollution prevention measures you implement, can be used to provide verification.

#### 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 **Staff name** at **Staff phone number**, or at **firstname.lastname@wisconsin.gov**.

Sincerely,

**Team Supervisor's name**  
**Region** **Team Supervisor**  
**Remediation & Redevelopment Program**

**Attach, as necessary, the items listed in the body of the letter and any other information needed. Reference the figure, map or table name, number and date. The attachment references below are just from the closure form - use the title, figure number and date from the RP's/consultant's report.**

Attachments:

- remaining groundwater contamination map, Attachment B.3.b, date
- remaining soil contamination map, Attachment B.2.b/B.2.c, date
- missing monitoring well location map, Attachment B.3.d, date
- extent of cap map, Attachment B.2.b with extent of cap, or D.1, date
- structural impediments location map, Attachment D.1, date
- map of soils meeting industrial standards, Attachment B.2.b, date
- maintenance plan, Attachment D, date
- inspection log, DNR Form 4400-305
- vapor mitigation maintenance plan, with photos of system and checkpoints, Attachment D, date
- **plan of operation OR approved landfill closure plan OR exemption to build**, date

cc: **Consultant name, address**

**Include Bill as a CC if NR 140 exemption language is used:**  
**Bill Phelps, DG/5**

**NOTE to PM: cover letters are needed for affected property owners and ROW holders, see RR 5433. DOT ROWs get an email.**