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R. O. No. 73 - 22 - 23. By DIRECTOR OF PLANNING AND DEVELOPMENT.
October 17, 2022.

Submitting a letter from the State of Wisconsin Department of Natural Resources informing the City of Sheboygan that the Sheboygan Municipal Armory contamination case met the requirements of Wisconsin Administrative Code chs. NR 700 to 799 for case closure with a continuing obligation.

DIRECTOR OF PLANNING AND DEVELOPMENT



October 5, 2022

City of Sheboygan
Chad Pelishek
Director of Planning & Development
828 Center Avenue, Suite 208
Sheboygan WI 53081
Via Electronic Mail Only to chad.pelishek@sheboyganwi.gov

KEEP THIS LEGAL DOCUMENT WITH YOUR PROPERTY RECORDS

SUBJECT: Case Closure with Continuing Obligations
Sheboygan Municipal Armory, 516 Broughton Dr, City of Sheboygan, WI
BRRTS #: 02-60-586609, Parcel #: 59281112980

Dear Mr. Chad Pelishek:

The Wisconsin Department of Natural Resources (DNR) is pleased to inform you that the Sheboygan Municipal Armory contamination case identified above met the requirements of Wisconsin Administrative (Wis. Admin.) Code chs. NR 700 to 799 for case closure with a continuing obligation. Continuing obligations are legal requirements to address potential exposure to remaining contamination. No further investigation or remediation is required at this time for the reported hazardous substance discharge and/or environmental pollution.

However, you, future property owners and occupants of the property must comply with the continuing obligation as explained in this letter, which may include maintaining certain features and notifying the DNR and obtaining approval before taking specific actions. You must provide this letter and all enclosures to anyone who purchases, rents or leases this property from you. You may be required to make a real estate condition report disclosure under Wis. Stat. ch. 709.

This case closure decision is issued under Wis. Admin. Code chs. NR 700 to 799 and is based on information received by the DNR to date. The DNR reviewed the case closure request for compliance with state laws and standards and determined the case closure request met the notification requirements of Wis. Admin. Code ch. NR 725, the response action goals of Wis. Admin. Code § NR 726.05(4), and the case closure criteria of Wis. Admin. Code §§ NR 726.05, 726.09 and 726.11, and Wis. Admin. Code ch. NR 140.

The Sheboygan Municipal Armory site, which is approximately 2.5 acres, was originally developed with a lumber yard and residential properties prior to 1891. In 1941, a 52,000 square-foot two-story concrete building was constructed and operated as an armory and public auditorium until the early 2010s. The armory and public auditorium was demolished in 2020 and the site is currently vacant. In May 2015 a Phase II Environmental Site Assessment was conducted on the site, volatile organic compounds (VOCs), Resource Conservation and Recovery Act (RCRA) metals, and polynuclear aromatic hydrocarbons (PAHs) were analyzed with detections of petroleum VOCs, RCRA metals, and PAHs. Soil and groundwater were further investigated along the southeastern and southern property boundaries from an unknown discharge of hazardous substances and/or environmental pollution. Case closure is granted for the volatile organic compounds (VOCs), RCRA metals, and PAHs, as documented in the case file. No remedial action was taken. Contamination remains in soil in along the southeastern and southern property boundaries.

The case closure decision and the continuing obligation required were based on the current use of the site for commercial purposes. The site is currently zoned residential. Based on the land use and zoning, the site meets the non-industrial land use classification under Wis. Admin. Code § NR 720.05(5) for application of residual contaminant levels in soil.

SUMMARY OF THE CONTINUING OBLIGATION

A continuing obligation was applied at the following location:

ADDRESS (City of Sheboygan, WI)	CONTINUING OBLIGATION APPLIED
516 Broughton Drive (Source Property)	Residual Soil Contamination

CLOSURE CONDITIONS

Closure conditions are legally required conditions which include both continuing obligations and other requirements for case closure (Wis. Stat. § 292.12(2)). Under Wis. Stat. § 292.12(5), you, any subsequent property owners and occupants of the property must comply with the closure conditions as explained in this letter. The property owner must notify occupants for any condition specified in this letter under Wis. Admin. Code §§ NR 726.15(1)(b) and NR 727.05(2). If an occupant is responsible for maintenance of any closure condition specified in this letter, you and any subsequent property owner must include the condition in the lease agreement under Wis. Admin. Code § NR 727.05(3).

DNR staff may conduct periodic pre-arranged inspections to ensure that the conditions included in this are met (Wis. Stat. § 292.11(8)). If these requirements are not followed, the DNR may take enforcement action under Wis. Stat. ch. 292 to ensure compliance with the closure conditions.

SOIL

Continuing Obligations to Address Soil Contamination

Residual Soil Contamination (Wis. Admin. Code chs. NR 718, NR 500 to 599, and § NR 726.15(2)(b) and Wis. Stat. ch. 289)

Soil contamination remains above individual residual contaminant levels (RCLs) along the southeastern and southern property boundaries, as indicated on the enclosed map (Figure B.2.b., Residual Soil Contamination, September 28, 2022). If contaminated soil is excavated from the locations depicted on the enclosed figure in the future, the property owner or right of way holder at the time of excavation must sample and analyze the excavated soil. If sampling confirms that contamination is present, the property owner or right of way holder at the time of excavation will need to determine if the material is considered solid waste and ensure that any storage, treatment or disposal complies with applicable standards and rules. Contaminated soil may be managed under Wis. Admin. Code ch. NR 718 with prior DNR approval.

Soil samples collected within the direct contact zone at the site did not have concentrations of PAHs exceeding the 1×10^{-5} cumulative cancer risk or the hazard index of 1 for non-cancer compounds. Therefore, a cover is not required to be maintained over the contaminated soil to prevent direct contact with contaminated soil. In addition, all current and future property owners, occupants and right of way holders need to be aware that excavation of the contaminated soil may pose an inhalation hazard; special precautions may be needed to prevent a threat to human health.

See the Other Closure Requirements section for more details.

OTHER CLOSURE REQUIREMENTS

Pre-Approval Required for Well Construction (Wis. Admin. Code § NR 812.09(4)(w))

DNR approval is required before well construction or reconstruction for all sites identified as having residual contamination and/or continuing obligations. This requirement applies to private drinking water wells and high-capacity wells. To obtain approval, the property owner is required to complete and submit Form 3300-254, Continuing Obligations/Residual Contamination Well Approval Application, to the DNR Drinking and Groundwater program's regional water supply specialist. A well driller can help complete this form. The form can be obtained online at dnr.wi.gov, search "3300-254." Additional casing may be necessary to help prevent contamination of the well.

General Wastewater Permits for Construction-related Dewatering Activities (Wis. Admin. Code ch. NR 200)

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 work and building construction.

If the property owner or any other person plans to conduct such activities, that person must contact the Water Quality Program and, if necessary, apply for the required discharge permit. 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, oil and grease, a general permit for pit/trench *Dewatering Operations* may be needed. Additional information can be obtained by visiting the DNR website at "dnr.wi.gov," search "wastewater general permits."

SUBMITTALS AND CONTACT INFORMATION

Site, case-related information and DNR contacts can be found online in the Bureau for Remediation and Redevelopment Tracking System (BRRTS) on the Web (BOTW); go to dnr.wi.gov and search "BOTW." Use the BRRTS # found at the top of this letter. The site can also be found on the map view, Remediation and Redevelopment Sites Map (RRSM) by searching "RRSM."

Send written notifications to the DNR using the RR Program Submittal Portal at dnr.wi.gov, search "RR submittal portal" (<https://dnr.wi.gov/topic/Brownfields/Submittal.html>). Questions on using this portal can be directed to me or to the environmental program associate (EPA) for the regional DNR office. Visit dnr.wi.gov, search "RR contacts" and select the EPA tab (<https://dnr.wi.gov/topic/Brownfields/Contact.html>).

October 5, 2022
Chad Pelishek, City of Sheboygan
Case Closure with Continuing Obligations
Sheboygan Municipal Armory, BRRTS #: 02-60-586609

CLOSING

The DNR may require additional investigation and/or cleanup actions, if necessary, to be protective of human health and the environment. The case may be reopened under Wis. Admin. Code § NR 727.13 if additional information indicates that contamination on or from the site poses a threat, or for a lack of compliance with a C continuing obligation or closure requirement.

The DNR appreciates your efforts to restore the environment at this site. If you have any questions regarding this letter, please contact me at 920-362-3981 or Roxanne.Chronert@Wisconsin.gov.

Sincerely,



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

Attachment:

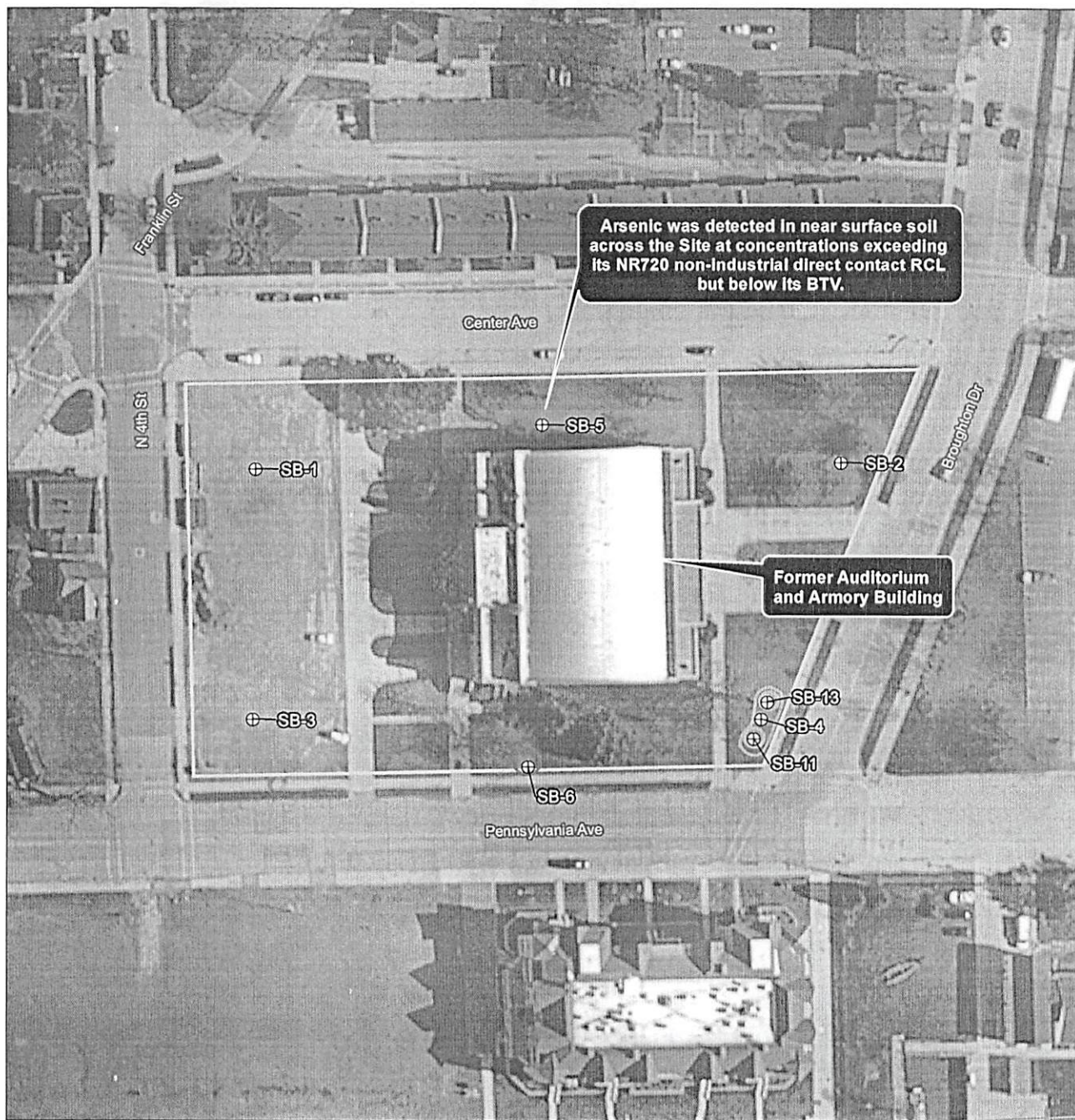
Figure B.2.b., Residual Soil Contamination, dated September 28, 2022

cc. Stu Gross, Stantec Consulting Services, Inc. (Stu.Gross@Stantec.com)
John Budzinski, DNR (John.Budzinski@wisconsin.gov)

Additional Resources:

The DNR fact sheets listed below can be obtained by visiting the DNR website at "dnr.wi.gov," search the DNR publication number.

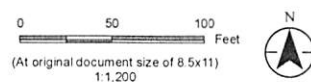
- *Guidance for Electronic Submittals for the Remediation and Redevelopment Program (RR-690)*
- *Continuing Obligations for Environmental Protection (RR-819)*
- *Environmental Contamination and Your Real Estate (RR-973)*
- *Post-Closure Modifications: Changes to Property Conditions after a State-Approved Cleanup (RR-987)*



Notes
1. Coordinate System: NAD 1983 StatePlane Wisconsin South FIPS 4803 Feet
2. Data Sources: Stantec, SCO, WisDOT, WDNR
3. Orthophotography: ESRI Clarity

Legend

- Approximate Project Boundary
- Soil Boring Location
- General extent of residual benzene soil contamination exceeding the NR720 groundwater pathway RCL
- General extent of residual benzo(a)pyrene soil contamination exceeding the NR720 non-industrial direct contact RCL
- General extent of residual chrysene soil contamination exceeding the NR720 groundwater pathway RCL



Stantec

Project Location: T15N, R23E, S23
C. of Sheboygan, Sheboygan Co., WI
Client/Project: City of Sheboygan
Sheboygan Armory
Case Closure Request
Figure No: B.2.b.
Title: Residual Soil Contamination
Prepared by DBB on 2022-08-26
TR by AS on 2022-08-26
IR by SG on 2022-08-26
193708786

RCL = Residual Contaminant Level
BTV = Background Threshold Value