



September 28, 2020

Mr. Thomas Keenan
Continental Properties Co
W134 N8675 Executive Parkway
Menomonee Falls, WI 53051

Subject: Approval for Additional Site Investigation Change Order
Review of Modified Site Investigation Workplan in Godfrey and Kahn's June 24, 2020 Letter
Decorah Shopping Center Annex, 1011-1025 South Main Street, West Bend WI
BRRTS #: 02-67-151266, FID #: 267161400

Dear Mr. Keenan:

The Department of Natural Resources (DNR) has recently reviewed your updated site investigation workplan (SIWP) which was attached to your attorney, Art Harrington's letter, dated June 24, 2020. The SIWP has been revised from the original SIWP received by the DNR on December 13, 2019.

Recent Background

Your previous consultant, Arcadis, conducted remedial actions involving chemical oxidation of contaminants at the above referenced site from 2007 to 2010, and again in May of 2012. Since that time, groundwater chemistry monitoring has indicated that vapor intrusion is a potential concern at the site. Subsequently, in a letter dated June 27, 2019, the DNR requested Continental provide a workplan to investigate the vapor pathway and conduct other additional work at the site. On September 24, 2020, the DNR met with you, your attorney, Art Harrington, and other representatives of Continental Properties Co. (Continental) to discuss the DNR's concerns and a path forward. Subsequently, your consultant, GZA, submitted a SIWP outlining various tasks to respond to the DNR's letter. Since that time, your attorney submitted a statement document to the DNR on May 4, 2020, and again on June 24, 2020. The second response statement contained an SIWP from GZA that includes the following tasks:

June 24, 2020 Modified SIWP

- Task 1: Investigation of the nature of the sewer leak area with a camera.
- Task 2: Vapor testing of four homes then evaluating the need for more testing or mitigation (note that the DNR considers one vapor point, rather than two in each home to be sufficient).
- Task 3: Reporting to include conclusions and recommendations.

The DNR has reviewed the June 24, 2020 modified SIWP and approves the plan. Cost approved for this additional investigation is \$21,700. The total cost approved to date, not including this approval, is site investigation costs of \$143,749.86 and remedial action costs of \$396,250.14. That totals \$540,000.

Please be aware that you are required to comply with all applicable statutes and administrative rules including the Wis. Admin. Code NR 700 series. This approval does not guarantee the reimbursement of costs under the Dry

Cleaner Environmental Response Program (DERP). Reimbursement is contingent upon availability of funding and a final determination regarding the eligibility of costs at the time of claim review.

Generally, a vapor assessment of residential properties includes multiple sampling events, even if preliminary results are below standards, due to wide temporal and seasonal variability. GZA, as your environmental consultant, should evaluate the sampling results to determine appropriate next steps. The DNR can provide technical assistance at any time during this process. For reference, the DNR suggests RR-800, Addressing Vapor Intrusion at Remediation and Redevelopment Sites in Wisconsin.

The June 24, 2020 Modified SIWP does not address all the comments presented in the DNR's June 27, 2019 letter. These additional work items will be required, but the DNR recognizes the three tasks in the June 24, 2020 Modified SIWP as reasonable progress towards completion of the overall site investigation. The DNR suggests collecting vapor samples from within the sewer while the utility line is being inspected with a camera. If this sampling is added, a revised change order will be needed.

Additionally, for completion of the remedial action site investigation for this site, consider and address the recommendations in the DNR's August 17, 2020 letter, "Reminder to Include Evaluation of Emerging Contaminants in Site Investigation" in future site investigation work plans.

Exemption

The DNR grants an exemption to Wis. Admin. § NR 169.32 for requiring bids prior to this work at the site due to GZA's familiarity with the case and the need to expedite this work due to potential health concerns related to TCE vapor intrusion.

Schedule

Sampling results must be submitted to property owners and the DNR within 10 business days of receipt from the laboratory. The DNR is requesting that you have your consultant submit the report (Task 3) within 60 days of the field investigation completion.

The DNR is willing to attend a meeting with you, your consultant, attorney, and the City of West Bend to discuss access to the sewer or any of the project tasks. The DNR will reach out to City officials following this letter. If the City denies access to this site investigation activity, the DNR will evaluate appropriate next steps. We appreciate your efforts to restore the environment at this site. If you have any questions or concerns regarding this letter, please contact me, the DNR Project Manager, at (262) 416-8643, or by email at johnm.feeney@wisconsin.gov.

Sincerely



John Feeney, PG
Remediation & Redevelopment Program
Wisconsin Department of Natural Resources

cc: Mr. Art Harrington, Godfrey and Kahn; Mr. John Osborn, GZA