

**From:** Schultz, Josie M - DNR  
**Sent:** Monday, December 21, 2020 8:27 AM  
**To:** 'qefli neziri'  
**Cc:** Matthew Bookter; mike@compasswi.com  
**Subject:** DNR's 4/17/2020 Response to Interim Action Plan for One Hour Martinizing 02-05-217270  
**Attachments:** 20190909\_02\_RP\_Ltr\_New\_Owner.pdf;  
20200417\_99\_Response\_to\_Interim\_Action\_Plan.pdf

Qefli,

Attached to this email, please find the DNR's April 17, 2020 response to the Conceptual Vapor Mitigation Approach (the "interim action plan") that was submitted to the DNR by Paul Killian of GEI on April 15, 2020.

DNR's response to the interim action plan, which you and Mr. Matt Brookter were copied on, stated that the plan did not meet the criteria for a design report per Wis. Admin. Code s. NR 724.09, however the DNR did not wish to delay this necessary work from being performed and provided a notice to proceed, which differs substantially from a written approval of a detailed design plan. DNR also provided comments to GEI in this response to reference Appendix C – Mitigation Design Guidelines of the DNR's Vapor Intrusion guidance document, RR-800, which states to *refer to the ANSI/AARST Standard SGM-SF-2017, Soil Gas Mitigation Standards for Existing Homes for design information*. Furthermore, DNR manages a public website including a section specific for environmental professionals with detailed guidance to assist with understanding rules.

ANSI/AARST standards are national standards, and explicitly state that they also apply to mitigation of chemical vapors and hazardous soil gases. Any chemical vapor mitigation system installed in the United States is expected to adhere to these standards-

Per Wis. Admin. Code s. NR 708.11(3) and NR 708.11(4)(b), DNR does not require responsible parties to prepare and submit all reports and plans required in ch. NR 724 for review and approval prior to proceeding to the next step in design, implementation, or operation of an interim action for vapor mitigation system that is a radon-type SSDS primarily due to existing ANSI/AARST Standards and the need to quickly interrupt the pathway causing exposure to chemical vapors. Based on DNR conversations with Paul Killian and the interim action plan, this was considered to be a radon-type SSDS that was planned to be installed, thus didn't require prior approval from the DNR.

The interim action plan contained few specifics and did not include details that divert from the ANSI/AARST Standards such as stating that blowers would be installed within the basement. Rather, the interim action plan stated that the slab-on grade portion's blower would be mounted to an exterior wall, which is acceptable. The interim action plan also did not mention the proposed pitch of the piping; it is expected that the installer follows ANSI/AARST standards and allow for proper drainage. The interim action plan also did not mention manometers; in DNR's response, it was mentioned to reference Commissioning and Operation, Maintenance and Monitoring (OM&M) sections of RR-800, which states that manometers are required. Furthermore, manometers are also included in the ANSI/AARST standard and a key component of the vapor mitigation system listed in s. NR 724.13(2).

As stated previously, DNR is requiring this system be brought to standards, proper commissioning be performed to achieve the important goal of protecting occupants from unacceptable levels of chemical vapors from vapor intrusion and required documentation be submitted. DNR will be moving forward with referral to environmental enforcement next month unless necessary modifications are implemented, the system properly commissioned and proper documentation submitted verifying the effectiveness of the system.

Sincerely,  
Josie

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**Josie M. Schultz**

Hydrogeologist – Northeast Region Remediation and Redevelopment Team

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**State of Wisconsin**  
DEPARTMENT OF NATURAL RESOURCES  
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September 9, 2019

Qelfi Neziri  
Innovative Properties Group, LLC  
628 N 8<sup>th</sup> Street  
Manitowoc, WI 54220-3920

Subject: New Responsible Party at One Hour Martinizing,  
1233 South Military Avenue, Green Bay, Wisconsin  
DNR BRRTS Activity # 02-05-217270, DNR FID # 405008780

Dear Mr. Neziri:

This letter is being sent to you regarding contamination at the above-mentioned site, and a copy is being sent to your property manager, Jeremiah Bruley. Please provide the Wisconsin Department of Natural Resources (DNR) with who you would like to be the point of contact moving forward.

**Background:**

On March 31, 1999, the Wisconsin Department of Natural Resources (DNR) was notified that chlorinated solvent contamination had been detected at the site described above. Between 1999 and 2007, the soil and groundwater contamination were being addressed by P.F. Fink, Inc. under the Drycleaner Environmental Response Program (DERP). Peter Fink, the sole owner and shareholder of P.F. Fink, Inc. died in 2007 leaving no person to act on behalf of the corporation. On August 15, 2008 a letter of responsibility was issued to Synergy Investors, LLC, the property owner at that time.

The purpose of this letter is to inform you of the historical release and your liability as the owner of this property. The DNR has been working with Mr. Mike Nass of Synergy Investors, LLC since 2008 to investigate and cleanup this chlorinated solvent contamination. However, the investigation and cleanup actions have not been proceeding in a reasonable amount of time or in full accordance with the NR 700 Rule Series. The most recent update regarding the site investigation at the property was June 2015 sampling results provided by Jeff Maletzke at AECOM, on behalf of Synergy Investors, LLC, in July of 2019.

Based on the information available to the DNR regarding ownership of this property, we believe Innovative Properties Group, LLC is the land owner in possession and control of the discharge and therefore also responsible for investigating and restoring the environment at the above-described site. "Site" refers to the property where the contamination occurred and any other property it has migrated to, as defined in Wisconsin Administrative Code ("Wis. Admin. Code") § NR 700.03(56). The remainder of this letter describes the legal responsibilities of a person who is responsible under Section 292.11, Wis. Stats., and explains what needs to be done to investigate and clean up the contamination.

The longer contamination is left in the environment, the farther it can spread and the more it may cost to clean up. Quick action may lessen damage to your property and neighboring properties and reduce your costs in investigating and cleaning up the contamination.

### **Legal Responsibilities:**

Persons meeting the definition of “responsible party” under § NR 700.03(51) must follow applicable law to address the discharge of a hazardous substance to the environment or other environmental pollution. Wisconsin Statutes (“Wis. Stats.”) ch. 292 and Wis. Admin. Code chs. NR 700 through NR 754 provide specific requirements for undertaking appropriate response actions to address contamination, including requirements for emergency and interim actions, public information, site investigations, remedy selection, design and operation of remedial action systems, and case closure.

### **General Recommendations for Responsible Parties:**

The department recommends that you:

#### *1. Hire a Qualified Environmental Consultant*

To ensure response actions you plan to undertake comply with Wisconsin law, you should hire an environmental consultant within **30 days**, by October 9, 2019 to meet the regulatory deadlines listed below. A delay in hiring an environmental consultant could result in you missing key submittal deadlines.

Hiring a consulting firm with staff that have the appropriate State of Wisconsin qualifications to supervise and certify the submittals is a critical component and necessary to meet your requirements. Further, an environmental consultant should be knowledgeable of Wisconsin’s technical procedures and laws, and be able to answer questions regarding cleanup requirements. Required qualifications for environmental consultants are specified in Wis. Admin. Code ch. NR 712. Program guidance is available, see *Wis. Admin. Code ch. NR 712 Qualifications and Certifications, RR-081*.

#### *2. Properly Submit Reports on Time with Required Information Included*

Wisconsin law includes timeframes for submitting technical documents and conducting work, as well as specifications for what should be included in those submittals. This letter provides a general overview of the timeframes and first steps to take for site investigation and cleanup. For an overview of timing requirements, please refer to *NR 700 Process and Timeline Overview, RR-967, enclosed*.

The department developed the publication *Guidance for Electronic Submittals for the Remediation and Redevelopment Program, RR-690*, to assist responsible parties and consultants in properly submitting documents. Wis. Admin. Code § NR 700.11(3g), and other specific provisions within Wis. Admin. Code ch. NR 700, outline the requirements for submittals, including electronic submittals. Consultants and representatives of responsible parties are required to submit one paper copy and one electronic copy of submittals, including case closure documents. The electronic version must be an exact duplicate of the paper version. Failure to submit both a paper copy and electronic copy delays acceptance of your submittals.

#### *3. Consider the Benefits of a Fee-based Technical Review of your Submittals*

In-depth department review of technical reports and submittals is available for a fee. The Remediation and Redevelopment (RR) Program project managers are available throughout the process to answer general questions and provide general input as the site moves toward closure. However, if you want a formal written response from the department, a meeting or both on a specific submittal, a review fee will be required in accordance with Wis. Admin. Code ch. NR 749. **Obtaining technical assistance from department project managers throughout the process is an effective way to prevent problems and delays at the end of the process when case closure is requested.** Forms, a fee schedule, and further information on technical assistance is available at [dnr.wi.gov](http://dnr.wi.gov) and searching “brownfield fees”.

### **Required Steps to Take and Documents to Submit:**

The steps listed below serve as a general overview only — all mandatory steps and submittals specified in state law must be met before the department can grant “case closure”, which is a determination by the department that no further cleanup is necessary at a site, as defined in Wis. Admin. Code § NR 700.03(3m).

1. **Immediate Actions – NR 708.09:** The law requires you to take any immediate actions needed to halt and minimize harmful effects, unless you are otherwise directed by department staff, and to submit documentation describing immediate actions and outcomes within 45 days after the initial hazardous substance discharge notification is given to the department. A final immediate action report should be submitted in accordance with Wis. Admin. Code NR 708.09.
2. **Scoping and Work Plan Submittal – NR 716.07 and 716.09:** The law requires that you appropriately scope out your site investigation and submit a work plan within 60 days of this notification, by **November 8, 2019**, for completing a site investigation. The work plan must comply with the requirements in Wis. Admin. Code, chs. NR 700 through NR 754. For additional assistance, the department has extensive guidance on its web page at [dnr.wi.gov](http://dnr.wi.gov) and search “brownfield publications”.

Prior to and during a site investigation, you must evaluate whether any interim actions are needed to contain or stabilize a hazardous substance discharge or environmental pollution, pursuant to Wis. Admin. Code § NR 708.11. If you undertake an interim action (e.g., free product removal), you must submit documentation of the action per Wis. Admin. Code § NR 708.15.

As you develop the site investigation work plan, you must include an assessment of the vapor intrusion pathway. Wis. Admin. Code § NR 716.11(5) outlines the requirements for when to evaluate for the presence of vapors in the sub-surface and in indoor air. The results and conclusions from the vapor assessment must be included in the Wis. Admin. Code § NR 716.15 site investigation report whether or not you elected to take vapor samples. *Addressing Vapor Intrusion at Remediation & Redevelopment Sites in Wisconsin, RR-800*, is available to help responsible parties and their consultants comply with these requirements.

3. **Field Investigation – NR 716.11:** Following submission of the work plan, the site investigation must be started within the timeframe provided under law. The timeframe varies depending on whether you are requesting the department’s fee-based review of the work plan. If you do not request a fee-based review of the work plan, you must initiate the field investigation within 90 days of submitting the work plan, and you may proceed with the field investigation upon department notification to

proceed; however, if the department has not responded within 30 days, from submittal of the work plan, you may then proceed with the field investigation. If a fee and request for department review of the work plan is submitted, the field investigation must begin within 60 days after receiving department approval.

4. **Sample Results Notification Requirements – NR 716.14**: You must report sampling results to the department, owners, occupants, and various other parties within 10 business days after receiving the sampling results, unless a different timeframe is approved by the department, in accordance with Wis. Admin. Code § NR 716.14.
5. **Site Investigation Report – NR 716.15**: Within 60 days after completion of the field investigation and receipt of the laboratory data, the law requires you to submit a Site Investigation Report (SIR) to the department. As part of the SIR or in the Remedial Actions Options Report (RAOR), if there is soil contamination, the responsible party shall identify the current land use (*i.e.*, industrial or non-industrial) and zoning for the site or facility in accordance with Wis. Admin. Code § NR 720.05(5). Also, as part of the SIR or in the RAOR, you must include any interim action report that may be required under Wis. Admin. Code § NR 708.15.
6. **Remedial Actions Options Report – NR 722**: Within 60 days after submitting the SIR, the law requires you to submit a RAOR. The selected remedy in the RAOR should include an evaluation of green and sustainable remediation criteria, as appropriate, as required by Wis. Admin. Code § NR 722.09(2m). This may be submitted as part of a broader SIR.
7. **Remedial and Interim Action Design, Implementation, Operation, Maintenance and Monitoring Reports – NR 724**: Unless otherwise directed by the department, the responsible party shall submit all plans and reports required in Wis. Admin. Code ch. NR 724.
8. **Notification of Residual Contamination or Continuing Obligations – NR 725**: In situations where notification is required, the responsible party must provide submittal(s) that confirms that continuing obligations have been identified and affected property owners have been notified by the responsible parties 30 days prior to case closure, as required by Wis. Admin. Code ch. NR 725.
9. **Semi-annual Reporting -- NR 700.11**: Wis. Admin. Code § NR 700.11(1)(a) requires responsible parties to submit semi-annual site progress reports to the department until final case closure is granted. The reports summarize the work completed over six months and additional work planned to adequately complete the response action at the site. Consultants may submit these reports on behalf of responsible parties. These reports are due in January and July of each year. Please refer to department publication *NR 700 Semi-Annual Site Progress Report, RR-082*, for more information.

**Submittals required under Wis. Admin. Code chs. NR 700 - 726**

These documents, as applicable, must be submitted to the department prior to the responsible party requesting case closure, unless otherwise directed by the department:

- Ch. NR 708 reports and documentation for any immediate or interim actions.
- Ch. NR 712 professional certifications and signatures are included with applicable submittals.
- Ch. NR 716 work plan(s) and site investigation report.
- Ch. NR 722 remedial action options report (exception is for Dry Cleaners Environmental Response Fund sites), with the selected remedial action identified.
- Ch. NR 724 design, construction documentation, operation, maintenance and monitoring plans and reports, including vapor mitigation commissioning.
- Ch. NR 725 submittal(s) that confirms that continuing obligations have been identified and affected property owners have been notified by the responsible parties 30 days prior to case closure.
- If requesting case closure, the Ch. NR 726 case closure form and documentation substantiating compliance with the NR 700 rule series.
- Ch. NR 749 fees have been paid, as applicable, including closure and database fees.
- Ch. NR 700 semi-annual site progress reports starting six months after notification.

**Additional Information:**

The department tracks information on all cleanup sites in a department database available at [dnr.wi.gov](http://dnr.wi.gov) and search "BOTW". The Bureau for Remediation and Redevelopment Tracking System (BRRTS) identification number for this site is listed at the top of this letter. You may view information related to your site on this database at any time.

All correspondence regarding this site should be directed to:

Josie Schultz  
Remediation and Redevelopment Program  
Wisconsin Department of Natural Resources  
2984 Shawano Avenue  
Green Bay, WI 54313  
[Josie.Schultz@wisconsin.gov](mailto:Josie.Schultz@wisconsin.gov)

As previously noted, you are required to submit one paper copy and one electronic copy of plans and reports. To speed up processing, your correspondence should reference the BRRTS and Facility Identification (FID) numbers (if assigned) listed at the top of this letter.

Please visit the department's Remediation and Redevelopment Program website at [dnr.wi.gov](http://dnr.wi.gov) and search "Brownfields", for information on selecting a consultant, seeking financial assistance, and understanding the investigation and cleanup process. Information regarding review fees, liability clarification letters, post-cleanup liability and more is also available.

Innovative Properties Group, LLC  
Mr. Qelfi Neziri  
Responsible Party Letter  
BRRTS #: 02-05-217270  
September 9, 2019

Page 6 of 6

Information on Dry Cleaner Environmental Response Fund (DERF) and Vapor Intrusion are enclosed.

If you have questions, please call Josie Schultz at 920-662-5424 for more information.

Thank you for your cooperation.

Sincerely,



Denise D. Danelski  
Environmental Program Associate - Remediation & Redevelopment Program  
Northeast Region

Enclosures:

1. *NR 700 Process and Timeline Overview, RR-967*
2. Environmental Contamination Basics, RR-674
3. Selecting a Consultant, RR-502
4. Environmental Services Contractor List, RR-024
5. Frequently Asked Questions: Dry Cleaner Environmental Response Fund (DERF) Program, RR-784
6. Wisconsin DNR vapor intrusion quick facts, RR-892
7. Dry Cleaner Environmental Response Fund (DERF) – Frequently Asked Questions, RR-784
8. Dry Cleaner Environmental Response Fund (DERF) Program Highlights, RR-882

cc: Jeremiah Bruley, Property Manager, [jbruley@live.com](mailto:jbruley@live.com)



**From:** Schultz, Josie M - DNR  
**Sent:** Friday, April 17, 2020 9:25 AM  
**To:** 'Killian, Paul'  
**Cc:** qefnez@yahoo.com; Matthew Bookter  
**Subject:** RE: Innovative Properties - Emergency Action Vapor Mitigation System

Good Morning Paul,

Per our phone conversation yesterday afternoon, the DNR has reviewed GEI's *Proposal for a Vapor Mitigation System and Groundwater Sampling*, and has the following comments:

- Proper commissioning is required immediately after installation of the system (Section 9 of [RR-800](#)), along with drafting of a long-term operation, maintenance and monitoring plan (Section 10 of RR-800).
  - Appendix C of RR-800 outlines mitigation design guidelines
  - Appendix D of RR-800 outlines commissioning guidelines
  - Indoor air sampling is required as part of commissioning to verify VMS is reducing vapor concentrations. This is to be 8-hour indoor air samples in same locations as the March vapor sampling event.
- Proper documentation, along with certification, is to be submitted to the DNR
- Consider sampling for natural attenuation parameters in monitoring wells
- QA/QC samples should be taken as required under Wis. Admin. Code ch. NR 716.13

The submitted report does not meet the criteria for a design report in Wis. Admin. Code s. NR 724.09, however the DNR does not wish to delay this necessary work from being performed and is providing a notice to proceed. We have also scheduled the air filtration unit present in Jim's Music to be picked up either today, or early next week.

If you have any questions or concerns, please feel to reach out to me.

Thank you,  
Josie

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**Josie M. Schultz**

Hydrogeologist – Northeast Region Remediation and Redevelopment Team

Wisconsin Department of Natural Resources

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[Josie.Schultz@Wisconsin.gov](mailto:Josie.Schultz@Wisconsin.gov)



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**From:** Killian, Paul <[pkillian@geiconsultants.com](mailto:pkillian@geiconsultants.com)>  
**Sent:** Wednesday, April 15, 2020 5:35 PM  
**To:** Schultz, Josie M - DNR <[josie.schultz@wisconsin.gov](mailto:josie.schultz@wisconsin.gov)>  
**Cc:** [gefnez@yahoo.com](mailto:gefnez@yahoo.com); Matthew Bookter <[mbookter@bankfirstwi.bank](mailto:mbookter@bankfirstwi.bank)>  
**Subject:** Innovative Properties - Emergency Action Vapor Mitigation System

Josie

Attached is a copy of our proposed approach for implementing emergency response vapor mitigation at the Innovative Properties site on Military Avenue, Green Bay. Also attached as a supporting document is a memo summarizing site observations and recommended response action based on our site visit earlier this month.

We are prepared to initiate site work beginning Monday April 20, 2020.

Please review and contact us if the proposed approach is inconsistent with WDNR expectations.

Thank you

**GEI50**

PAUL J. KILLIAN, P.E.  
Vice President/Senior Project Manager  
920.455.8200 cell: 920.737.5468 fax: 920.455.8225  
3159 Voyager Drive, Green Bay, WI 54311

