

From: Benjamin Brand <bbrand@kellybrandlaw.com>
Sent: Thursday, December 1, 2022 3:31 PM
To: Schultz, Josie M - DNR; Pelczar, Jennifer S - DNR; Chronert, Roxanne N - DNR
Cc: Yahoo Mail; Catherine Drayna
Subject: Environmental Remediation at 1233 S. Military Ave. Green Bay, Wisconsin (REVISED)
Attachments: S-Signed 12.1.22 Revised Letter to DNR.pdf; OHM_Ambient Work Plan_11302022-.pdf; Order Confirmation.pdf; Receipt.pdf

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Dear Ms. Chronert, Ms. Pelczar, and Ms. Schultz:

At the request of our client, I am sending you a REVISED commitment letter signed by Dr. Neziri on behalf of Innovative Properties Group, LLC, which shall supersede and replace in all respects the letter that was previously sent to you on November 30, 2022. Please disregard the prior version. Thank you. Should you have any questions, please advise.

Best,

Benjamin D. Brand
bbrand@kellybrandlaw.com
(920) 230-2100 ext. 223

KELLY & BRAND
ATTORNEYS AT LAW, LLC

Kelly & Brand, Attorneys at Law, LLC
303 Pearl Avenue, Suite A
P.O. Box 384
Oshkosh, WI 54903-0384



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November 30, 2022



Kelly & Brand, Attorneys at Law, LLC
303 Pearl Avenue, Suite A
P.O. Box 384
Oshkosh, WI 54903-0384

Attention: Ms. Catherine A. Drayna
Telephone: (920) 230-2100
E-mail: cdrayna@kellybrandlaw.com

RE: **Ambient Air Sampling Work Plan**
Martinizing Dry Cleaners and Laundry Services
1233 Military Avenue
Green Bay, Wisconsin
BRRTS #02-05-217270
Terracon Project No. 58217038

Dear Ms. Drayna:

Per your November 22, 2022 electronic mail and subsequent conversations, Terracon Consultants, Inc. (Terracon) prepared this *Ambient Air Sampling Work Plan* (Work Plan) for the Martinizing Dry Cleaners and Laundry Services property located at 1233 Military Avenue, Green Bay, Wisconsin ("site"). This Work Plan is presented to address the Wisconsin Department of Natural Resources (WDNR) request regarding preparation of a brief Work Plan for indoor ambient air sampling subsequent to the installation of temporary air filtration units and/or activated carbon filters for the heating, ventilation, and air conditioning (HVAC) system at the site. It is understood that Innovative Properties Group LLC is installing the temporary air filtration units and/or activated HVAC carbon filters. A brief project background and proposed scope of services are provided in the following sections.

1.0 PROJECT BACKGROUND AND SITE INFORMATION

The site is located at 1233 Military Avenue in the City of Green Bay, Brown County, Wisconsin. The following information was presented in the GEI Consultants (GEI) June 30, 2020, *Documentation Report-Sub-Slab Vapor Mitigation System and Groundwater Sampling*. "There are five tenant spaces in the retail building. The largest tenant space located on the north end of the building is occupied by Jim's Music and consists of a retail sales area and a lesson area on the ground floor, and equipment storage and repair in the north basement (the south basement is unoccupied). The tenant space adjacent (south) to the lesson area is the One-Hour Martinizing dry cleaners. South of the dry cleaners is an unoccupied space, formerly Williams Tae Kwan Do.



Ambient Air Sampling Work Plan

Martinizing Dry Cleaners ■ Green Bay, Wisconsin

November 30, 2022 ■ Terracon Project No. 58217038

The final tenant space at the south end of the building is occupied by Edward Jones". A site diagram, prepared in November 2021, is attached (Exhibit 1).

The most current tenant space information you provided follows:

- One Hour Martinizing (1233 South Military Avenue)
- Wakanda African Shop (1239 South Military Avenue). Currently in the build-out stage.
- Jim's Music & Teaching Center (1219 South Military Avenue)
- Jim's Music lesson space (1231 South Military Avenue)
- East Spa (1235 South Military Avenue). Beginning in January/February 2023 a tenant will be occupying the space.

Terracon submitted a *Sub-Slab Depressurization System (SSDS) Modifications and Supplemental Site Investigation Report*, dated November 8, 2021 to the WDNR. The report documented modifications/repairs to the existing sub-slab depressurization system (SSDS), and supplemental site investigation (SSI) performed at that site from June 2021 through August 2021. The SSI consisted of the construction of two NR 141, Wisconsin Administrative Code (WAC) compliant groundwater monitoring wells, collection of two basement ambient air samples, sampling of the groundwater monitoring well network, and compilation of historic data to evaluate soil, groundwater, and vapor quality relative to the documented chlorinated volatile organic compound (CVOC) release. Terracon is not aware of additional investigation work performed at the site since the report submittal.

Terracon understands the WDNR has requested additional investigation, and that a WDNR enforcement conference occurred. Your November 22, 2022, electronic mail contained the following information from the enforcement conference:

"WDNR Enforcement Conference Summary:

On or before November 30, 2022 - Immediately deploy temporary air filtration units or another option that immediately decreases vapor concentrations to acceptable levels.

- a. Submit a brief workplan for indoor air vapor sampling to show temporary filtration is effective. If using the air treatment units, they should run for at least 24+ hours before obtaining the indoor air samples.
- b. Provide documentation of the initial indoor air sampling results to the department showing the temporary air units are effectively reducing vapor concentrations on or before November 30, 2022.
- c. Two to three rounds of indoor air sampling are needed, with at least one round performed during the heating season (i.e. winter) to ensure the sample results in the tenants' units are lower than the vapor action level of 180 ug/m³ for chlorinated volatile organic compounds (CVOCs).
- d. As noted in the enforcement conference, temporary air units are not to be used for long-term use. The VMS modifications may be iterative until it is shown to be effective."

Ambient Air Sampling Work Plan

Martinizing Dry Cleaners ■ Green Bay, Wisconsin

November 30, 2022 ■ Terracon Project No. 58217038

“On or before December 31, 2022 - Submit a workplan to address the violations above, including:

- a. Modifying the VMS to make it effective and provide the analytical data to the department.
- b. Provide updated VMS construction documentation report and OM&M plan, including long term monitoring, within 60 days of VMS being effective.
- c. Move forward with the site investigation (SI) per the ch. NR 700, Wis. Adm. Code series to complete the investigation, to include: defining the degree and extent of soil and groundwater contamination (e.g. installation additional soil borings and/or wells and piezometers), groundwater monitoring, utility and preferential pathway investigation, vapor intrusion at other on-Site buildings and off-site properties, and scoping of emerging contaminants (please reference the letter sent to you on August 17, 2020).
- d. If the above vapor sampling shows the VMS is not effective, then additional modifications are needed, and temporary air units need to remain running.
- e. Conduct remediation at the site to remove the source of vapors. “

2.0 SCOPE OF SERVICES

Terracon proposes the following scope of services to address the WDNR’s indoor ambient air sampling request. Terracon understands that temporary air filtration units and/or activated HVAC carbon filters will be installed by others and be operational.

2.1 Health and Safety Plan

Terracon is committed to the safety of all its employees. As such, and in accordance with our Incident and Injury Free® safety goals, Terracon will review and (if needed) update the existing safety plan to be used by our personnel during field services. Prior to commencement of on-site activities, Terracon will hold a brief health and safety meeting to review health and safety needs for this specific project. At this time, we anticipate performing fieldwork in a United States Environmental Protection Agency (USEPA) Level D work uniform consisting of hard hats, safety glasses, protective gloves, and steel-toed boots. It may become necessary to upgrade this level of protection, at additional cost, during sampling activities in the event that we encounter petroleum or chemical constituents in soils or groundwater that present an increased risk for personal exposure. In addition, Terracon retains the right to stop work without penalty at any time Terracon believes it is in the best interests of Terracon’s employees or subcontractors to do so in order to reduce the risk of exposure to the coronavirus. Innovative Properties agrees it will respond quickly to all requests for information made by Terracon related to Terracon’s pre-task planning and risk assessment processes. Innovative Properties acknowledges its responsibility for notifying Terracon of any circumstances that present a risk of exposure to the coronavirus or individuals who have tested positive for COVID-19 or are self-quarantining due to exhibiting symptoms associated with the coronavirus.

Ambient Air Sampling Work Plan

Martinizing Dry Cleaners ■ Green Bay, Wisconsin

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2.2 Ambient Air Sampling

After a minimum of 24 hours after the start of air treatment unit operation, the first round of ambient air samples will be collected from the tenant spaces listed below using laboratory-prepared 6-liter Summa canisters with a flow regulator calibrated for 8-hour sample collection. A second round of indoor ambient air samples will be collected from the tenant spaces in January/February 2023.

- One Hour Martinizing (1233 South Military Avenue)
- Wakanda African Shop (1239 South Military Avenue)
- Jim's Music & Teaching Center (1219 South Military Avenue)
- Jim's Music lesson space (1231 South Military Avenue)
- East Spa (1235 South Military Avenue)

The sample locations will be determined in the field based on observations in each tenant space.

The ambient air samples will be submitted under chain-of-custody protocol to Pace, a Wisconsin certified laboratory, for analysis of tetrachloroethene (PCE), trichloroethene (TCE), trans-dichloroethene (DCE), cis-DCE, and vinyl chloride (VC) using USEPA Method TO-15.

2.3 SSDS Performance Monitoring

In conjunction with the ambient air sampling, Terracon personnel will collect manometer readings and other SSDS operational data to confirm the systems are operational. Pressure field extension testing using the existing sub-slab vapor monitoring points will also be completed. Terracon will utilize the inspection log as presented in the WDNR's *Maintenance Plans for Vapor Mitigation Systems/Vapor Intrusion Response Actions/Vapor Barriers* (RR-981). A Sub-Slab Vapor Mitigation System Diagram is attached as Figure 2.

2.4 Preparation of Ambient Air Sampling Report

Terracon will prepare an *Ambient Air Sampling Report*, that will include the following:

- Photodocumentation of the indoor ambient air sampling locations;
- OM&M Inspection Log (Form 4400-305) for each SSDS;
- Documentation of field activities;
- Analytical laboratory results;
- Data tables with relevant standards;
- Ambient air sampling location map; and
- Recommendations for additional work.

Ambient Air Sampling Work Plan

Martinizing Dry Cleaners ■ Green Bay, Wisconsin

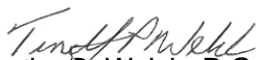
November 30, 2022 ■ Terracon Project No. 58217038

2.5 Schedule


The first round of indoor ambient air sampling will be performed in December 2022, at least 24 hours after air filtration systems are operational. The second round of ambient air sampling will be performed approximately 1 month after the first round, in January/February 2023. The *Ambient Air Sampling Report* can be completed within 3 weeks after receipt of the second round of ambient air analytical results.

If you have any questions or comments regarding this Work Plan or require additional information, please contact us at (414) 423-0255.

Sincerely,



Timothy P. Welch, P.G.
Senior Project Manager



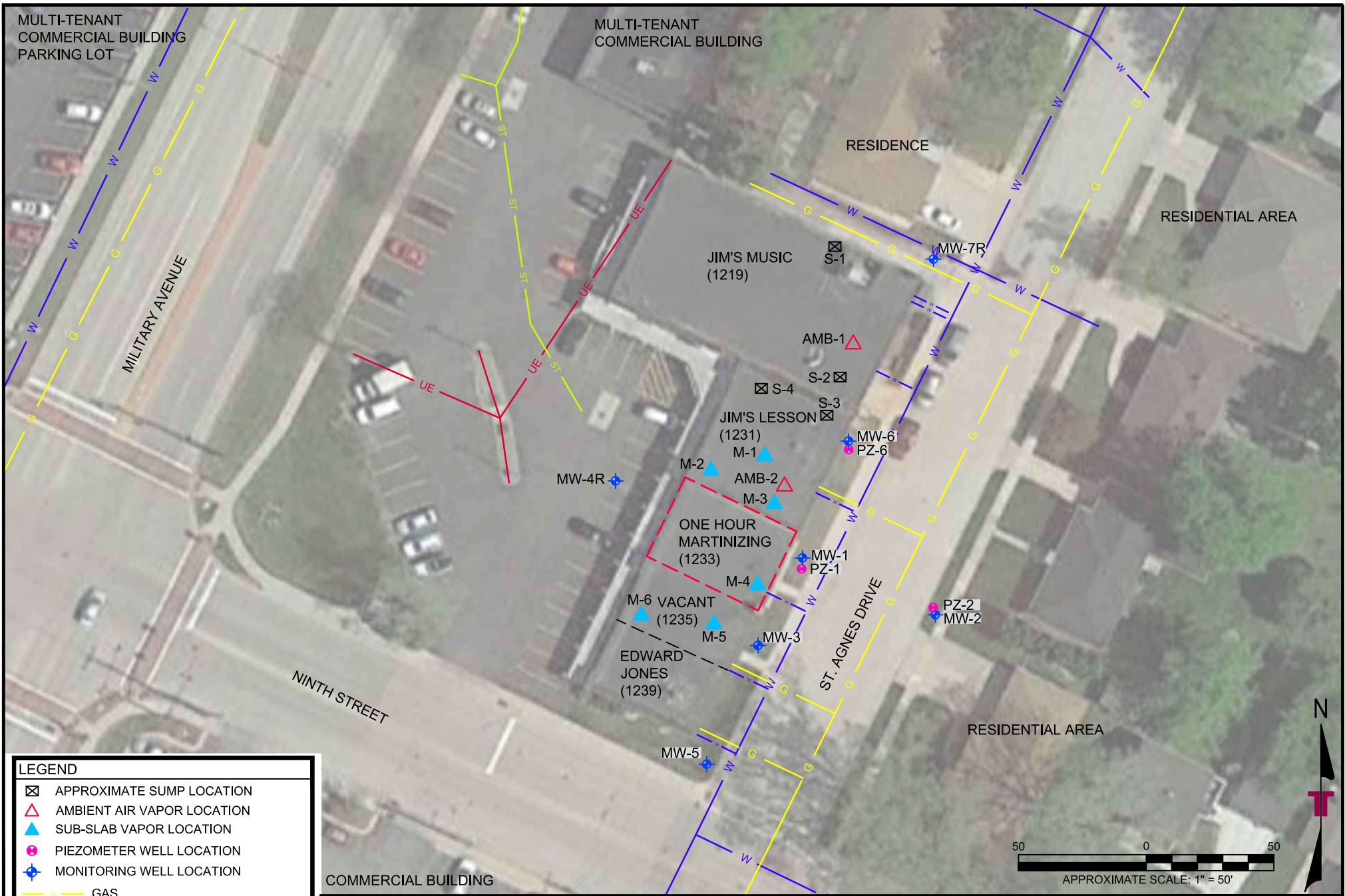
Edmund A. Buc, P.E., CHMM
Department Manager

Attachments - Exhibit 1- Site Diagram

Figure 2-Sub-Slab Vapor Mitigation System Diagram (GEI)

Copy to: Mr. Qefli Neziri-Innovative Properties Group LLC

EAB/TPW:tpw: \\58217038\Project Documents\Work Plan-Nov 2022\OHM Ambient air Sampling Work Plan _11302022-.docx



LEGEND	
	APPROXIMATE SUMP LOCATION
	AMBIENT AIR VAPOR LOCATION
	SUB-SLAB VAPOR LOCATION
	PIEZOMETER WELL LOCATION
	MONITORING WELL LOCATION
	GAS
	WATER
	STORM SEWER
	APPROXIMATE SITE BOUNDARY

IMAGE SOURCE: GOOGLE EARTH PRO
 DIAGRAM IS FOR GENERAL LOCATION ONLY, AND IS NOT INTENDED FOR CONSTRUCTION PURPOSES

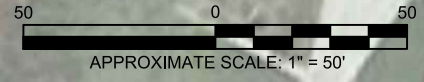
COMMERCIAL BUILDING

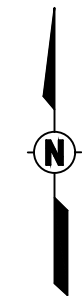
Project Mngr:	TPW	Project No.	58217038
Drawn By:	JLM (41)	Scale:	AS SHOWN
Checked By:	TPW	File No.	58217038C1
Approved By:	TPW	Date:	11/2021

Terracon
 Consulting Engineers and Scientists
 9856 SOUTH 57th STREET FRANKLIN, WI 53132
 PH. (414) 423-0255 FAX. (414) 423-0566

SITE DIAGRAM
 MARTINIZING DRY CLEANERS AND LAUNDRY SERVICES
 1233 SOUTH MILITARY AVENUE
 GREEN BAY, WISCONSIN

EXHIBIT
 1

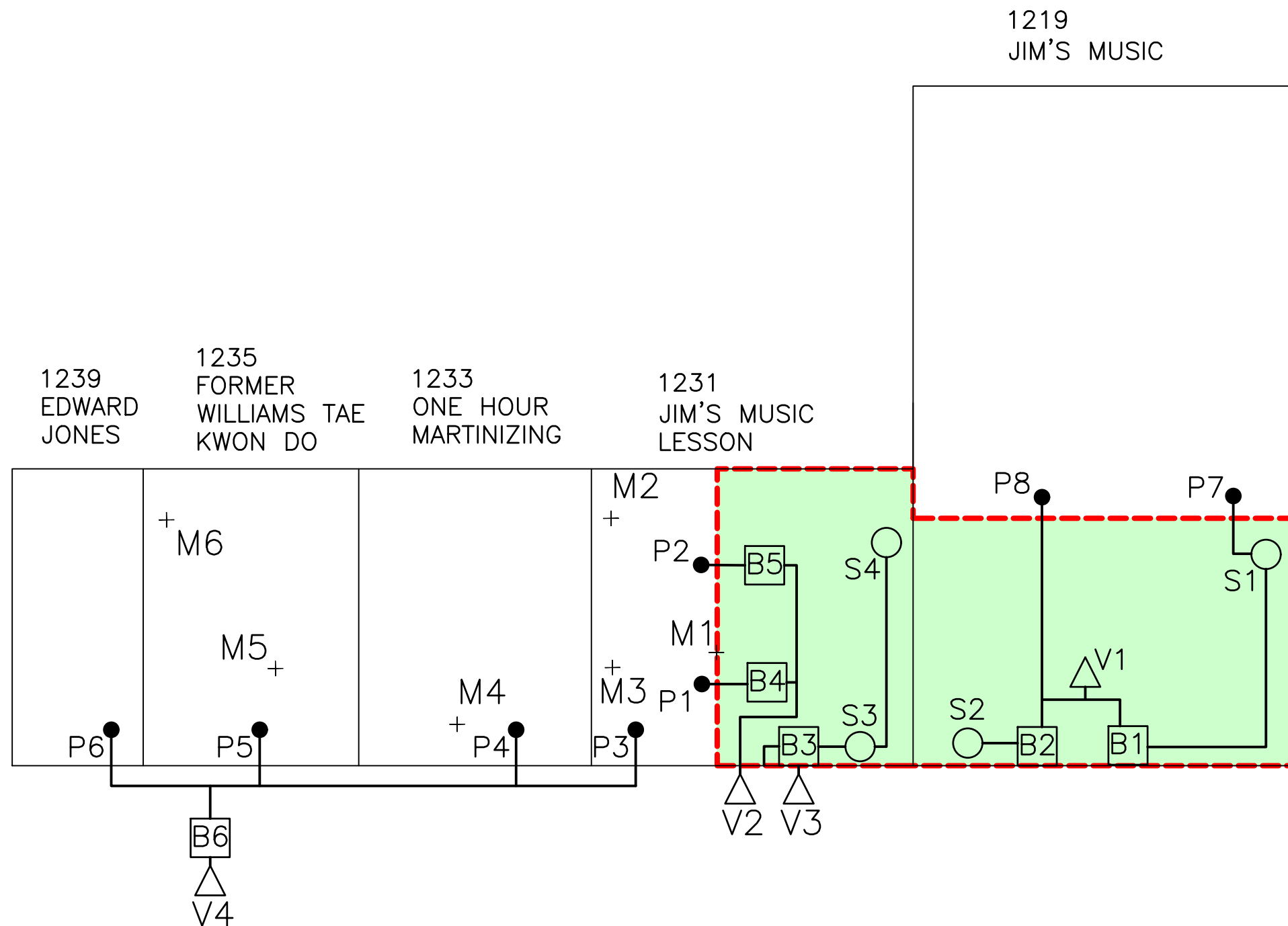




NOT TO SCALE

LEGEND

- S1 ○ SUBGRADE SUMP
- B1 □ VACUUM BLOWER
- V1 △ DISCHARGE VENT
- P1 ● VAPOR EXTRACTION POINT
- M1+ SUB-SLAB VACUUM MONITORING PIN
- BASEMENT AREA



SUB-SLAB VAPOR MITIGATION SYSTEM

INNOVATIVE PROPERTIES
GREEN BAY, WI



Project: 2002226

SUB-SLAB VAPOR MITIGATION SYSTEM DIAGRAM

JUNE 2020

FIG-2

Whenever clean air is critical, Austin is the air purifier of choice!

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ORDER NUMBER:	DATE:	TOTAL:	PAYMENT METHOD:
51541	November 29, 2022	\$3,540.00	PayPal Express Checkout

Cart Total is : 3420.00Total Amount: 3420

Order details

Product	Total
Healthmate Plus - Black x 4	
Color: Black	\$3,420.00
Subtotal:	\$3,420.00
Shipping:	\$120.00 via Flat Rate FedEx Ground
Payment method:	PayPal Express Checkout
Total:	\$3,540.00

By completing the form above, you are authorizing Austin Air to contact you related to your order and/or the completion of your order at the phone number and email address you provide.

Thanks for shopping with us

Hi Collin,

We have finished processing your order.

[Order #51541] (November 29, 2022)

Product	Quantity	Price
Healthmate Plus - Black <ul style="list-style-type: none">• Color: Black	4	\$3,420.00
Subtotal:		\$3,420.00
Shipping:		\$120.00 via Flat Rate FedEx Ground
Payment method:		PayPal Express Checkout
Total:		\$3,540.00
Billing address	Shipping address	
<i>Collin Goodletson</i> <i>Innovative Properties Group LLC</i> 1674 Eisenhower Road De Pere, WI 54115 9202177105 collingoodletson@kw.com	<i>Collin Goodletson</i> <i>Innovative Properties Group LLC</i> 1674 Eisenhower Road De Pere, WI 54115	

Thanks for shopping with us.

December 1, 2022

Ms. Roxanne Chronert,
Northeast Region Remediation and Redevelopment Team Supervisor
Wisconsin Department of Natural Resources
1984 Shawano Avenue
Green Bay, WI 54313
Roxanne.chronert@wisconsin.gov

Ms. Jennifer Pelczar,
Environmental Enforcement Specialist
Wisconsin Department of Natural Resources
1984 Shawano Avenue
Green Bay, WI 54313
Jennifer.pelczar@wisconsin.gov

Ms. Josie Schultz,
Senior Hydrogeologist
Wisconsin Department of Natural Resources
1984 Shawano Avenue
Green Bay, WI 54313
Josie.schultz@wisconsin.gov

Re: Environmental Remediation of 1233 S. Military Avenue, Green Bay, Brown
County, Wisconsin

Dear Ms. Chronert, Ms. Pelczar, and Ms. Schultz:

Following our conference regarding the above property on November 1, 2022, I write on behalf of Innovative Properties Group, LLC (“IPG”), with its written commitment to return to and remain in compliance with the Wisconsin Department of Natural Resources’ requirements for all alleged violations discussed at said conference. At your direction, IPG undertook immediate action to obtain temporary air treatment units and place them in use to immediately decrease vapor concentrations.

At our conference, you requested a brief workplan for the immediate deployment of temporary air treatment units and the sampling of their efficacy. Please find said workplan below.

Goal of Immediate Actions: Pursuant to NR 708.05(1) and Wis. Stat. § 292.11(3) the goal of the immediate action is, to the extent practicable, to minimize the harmful effects of the contamination. It is my hope that the installation of temporary air filtration units may make progress towards achieving this goal.

Temporary Air Filtration Units: Four (4) temporary air filtration units were ordered for the currently occupied tenant spaces. These temporary air filtration units are Austin Air Systems

December 1, 2022

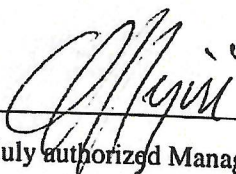
brand and "Healthmate Plus" model. As soon as these temporary air filtration units are received, they will be placed as follows: one (1) unit in Jim's Music & Teaching Center (1219 Military Ave.), one (1) unit in East Spa (1235 Military Ave.), one (1) unit in Wakanda African Shop (1239 Military Ave.), and one (1) unit in One Hour Martinizing (1233 Military Ave.). These temporary air filtration units will be placed in the above locations because only four tenant spaces are occupied at present. Should any additional tenant spaces become occupied at any point before a long-term solution is implemented, or other settlement is reached, one (1) of the same or similar temporary air filtration units will be immediately installed for each additional occupied tenant space.

Although Innovative Properties Group, LLC took this immediate action to install an HVAC air filter, a number of delays outside of its control have impeded its implementation. To date, no indoor air sampling has been completed. It has been exceedingly difficult to find a contractor who could install the HVAC air filters. Because of these delays, the above temporary air filtration units were purchased. Tim Welch at Terracon has agreed to perform the indoor ambient air samples required to determine the efficacy of these temporary air filtration units as soon as possible given Terracon's other business commitments and logistical constraints. Please see the enclosed workplan and proposal from Terracon with a proposed air sampling schedule.

I trust the foregoing is sufficient compliance with the plan of action we reached at our conference and that no other deadlines are at risk of not being met. Should you have any questions, please contact my attorney, Benjamin D. Brand at (920) 230 - 2100 or bbrand@kellybrandlaw.com. Thank you.

Sincerely,

Innovative Properties Group, LLC



Qefli Neziri, its duly authorized Managing Member

Cc: Atty. Benjamin D. Brand via email (bbrand@kellybrandlaw.com)
Atty. Catherine A. Drayna via email (cdrayna@kellybrandlaw.com)