



NOTE TO FILE

ACCESS DENIED FOR VAPOR INTRUSION INVESTIGATION

1017 East Green Bay Street, Shawano, WI

Access was requested for the property listed below to determine if contamination from BRRTS case Martins One Hour Drycleaners, BRRTS # 02-59-231063, was affecting the property. Access was needed to complete a vapor intrusion (VI) investigation. Because reasonable access was denied, the vapor intrusion investigation could not be completed.

DATE: April 6, 2021

PROPERTY ADDRESS: 1017 East Green Bay Street, Shawano, WI

PROPERTY OWNER: Steven Kearns

PROPERTY OWNER MAILING ADDRESS: Steven Kearns
3757 Kearns Crossing
West Bend WI 53095
Stevek9395@gmail.com

Steven Kearns
240 Hunter Crossing South
Slinger WI 53086

ACCESS REQUEST ATTEMPTS: November 18, 2020 – The responsible party’s consultant, Ayres Associates, (Ayres), sent a first request for access for VI sampling to Steven Kearns.

December 9, 2020 – Ayres sent a second request for access for VI sampling to Steven Kearns.

February 5, 2021 – DHS sent VI letter outlining risks associated with contamination that is present to Steven Kearns.

February 8, 2021 – DNR sent a third and final request for access to Steven Kearns, it was sent via Certified Mail to both addresses above, it was not successfully delivered.

March 12, 2021 – Phone number for Steven Kearns was found via law enforcement. DNR discussed sampling access with Steven Kearns via phone. Third and final request for access re-sent via email.

WHY WAS ACCESS REQUESTED: The following environmental conditions were the reasons why access was requested:

- Groundwater is known or suspected to have VOCs that may create a vapor intrusion risk. In particular, Cis-1,2-Dichloroethene has a concentration of 288 µg/L, Tetrachloroethene (PCE) has a

concentration of 38 $\mu\text{g/L}$, and Vinyl Chloride has a concentration of 15.9 $\mu\text{g/L}$.

- Property is within 100 feet of CVOC impacted soil. In particular, PCE has a combined concentration of 650 mg/kg.

November 18, 2020
Steven Kearns
3757 Kearns Crossing
West Bend, WI 53095
BRRTS # 02-59-231063

SUBJECT: First Request for Access for Sampling for Vapor Intrusion

Dear Steven Kearns,

As part of the ongoing investigation of environmental contamination at the Martins One Hour Drycleaner, we are requesting permission to test your business at 1017 E Green Bay St, Shawano, WI for vapor intrusion. Vapor intrusion is the movement of vapors from chemicals in the soil or groundwater into the indoor air. It is very similar to the way that radon gas can move into a home or office. This testing is part of an ongoing investigation and cleanup of chlorinated volatile organic compounds being conducted at the direction of Mrs. Arlene Martin by Ayres Associates.

Not only will the results tell us if vapors are present in your business, but they will also help us get a better idea as to whether vapors are a concern to the entire neighborhood.

Over two months, we have worked with the Wisconsin Department of Natural Resources (DNR) and the Department of Health Services (DHS) to develop a plan to investigate the degree and extent of contamination from the Martins One Hour Drycleaner site.

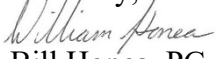
Ayres Associates needs to collect an air sample from the soil beneath your foundation and from within your business to determine whether vapors from chemicals used at Martins One Hour Drycleaner may be present in your business and, if so, at what levels. This is part of the DNR-required investigation at the Martins One Hour Drycleaner site, and these air sampling tests will be paid for by Mrs. Martin.

In order to complete the site investigation, we will need to receive your signed access agreement by December 1, 2020. Please send the signed agreement back in the self-addressed envelope provided with this letter. You can also send a scanned PDF copy to Bill Honea at HoneaW@AyresAssociates.com. Lastly, please do not modify the access agreement in any way, as it may void the agreement.

Please give this request your prompt consideration. By taking action now to address potential chemical vapor intrusion in your business, you may avoid possible health and property liability issues in the future. Please also provide your phone number to Bill Honea (HoneaW@AyresAssociates.com) so he can contact you to schedule sampling.

If you have questions or concerns about the wording of the agreement or any other aspect of this request or the testing, please call Bill Honea at (920) 498-1200.

Sincerely,


Bill Honea, PG
Project Manager
Ayres Associates

ACCESS PERMISSION AGREEMENT

I, _____ hereby give permission to the Ayres Associates
(Print Name)

and its employees, duly authorized representatives, agents and contractors, to enter upon and have access at reasonable times to the home/business located at

(ADDRESS) _____

and that is owned by _____
(Print Name)

The property is located in the 1017 E Green Bay St, Parcel # 403001730 , Shawano, Wisconsin. The access permission is for the following purposes: that the Ayres Associates may screen the home/business for vapor migration from volatile organic compounds located in soil and groundwater, associated with the Martins One Hour Drycleaner site located near your property. This permission allows the Ayres Associates or its authorized representative to:

- (1) *Install and maintain sub-slab vapor probe(s) into the foundation of the home or business.*
- (2) *Collect at least three (3) separate vapor samples from the sub-slab probe(s) at different times of the year.*
- (3) *Collect, if necessary, a 24 hour indoor air sample on each level of the home or business.*
- (4) *Abandon the vapor probe(s) when no longer needed.*

The permission that is granted shall remain in effect until November 30, 2021, when the vapor screening work is expected to be complete. If an extension is necessary to complete the work, Ayres Associates will inform you in writing.

The property owner agrees not to damage or interfere with the use of any sub-slab probe installed as permitted herein.

IN WITNESS WHEREOF:

Signature of Property Owner

Date

Print Name

Email Address

Mailing Address

Area Code and Telephone Number

TENANT(S) / LESSEE(S) by UNIT NUMBER, ETC.

Name of Tenant(s)/Lessee(s)

Tenant(s) phone number

Tenant(s) email address

Mail or fax correspondence regarding this site to:

Ayres Associates
 3376 Packerland Drive
 Ashwaubenon, WI 54115
 920.336.5310
 HoneaW@AyresAssociates.com

Why Test for Vapor Intrusion?



Vapor intrusion is likely an unfamiliar term to you, and hearing that your property should be tested for possible chemical vapor intrusion may cause you some concern. That is understandable, and this information sheet is designed to answer basic questions many people have. Please refer to DNR PUB-RR-892, “What is Vapor Intrusion?” for a summary discussion of the term “vapor intrusion.”

Most cases of vapor intrusion will pose no immediate threat to your health and safety. However, when other neighborhood properties are contaminated, it is wise to get your home or building tested to determine if there is any cause for concern. If potentially harmful chemical vapors are detected inside your home or building, the Department of Natural Resources (DNR), working in collaboration with other health and environmental professionals, will help you come up with a solution to protect you and your family.

Please consider the following factors when deciding whether to allow access for sampling:

Peace of mind

If there’s a chance that chemical vapor or soil gas is seeping into your home or business, testing can determine whether it really is and to what extent. If testing reveals a problem, then steps can be taken to resolve it, making the indoor air you breathe safer for you and your family. Like radon gas, vapors from nearby soil or groundwater contamination can be diverted from beneath your home or office building and safely expelled into the outdoors, thus improving air quality inside your home or building.

The goal of sampling a residence or business is to eliminate as many of the unknowns as possible and safely address any concerns.

Who pays for testing?

You didn’t cause this problem, so you don’t have to pay for testing just as long as you allow reasonable and timely access to have testing done. The cost of sampling at potentially impacted residences or workplaces, like yours, is covered by the responsible party (the person or business legally obligated to investigate and clean up the contamination). In some cases, it’s paid for directly by DNR, the Department of Health Services (DHS), or some other agency. Vapor sampling will be performed by a professional, and samples will be sent to a specialized lab for analysis.

Trained professionals and experts oversee the process

Multiple state and local agencies often work together to determine if vapor intrusion is a potential health risk in an area. The DNR, DHS, local health officials, the responsible party and environmental consultants are working together to ensure that quality samples are taken and that all results are given extensive review. It is important to gather the information in order to adequately understand if or where there may be a risk of vapor intrusion in your neighborhood.

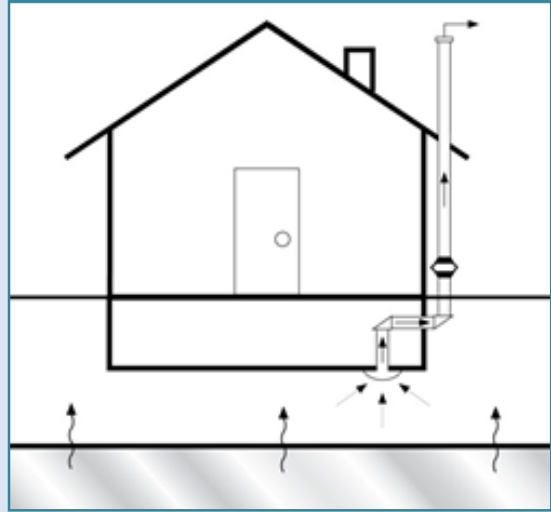


A simple, cost effective solution exists

If vapor intrusion is a problem in a house or building, it can generally be solved by installing a vapor mitigation system. These sub-slab depressurizing systems are similar to those used to eliminate radon gas underneath homes, and have been used for years in a safe and effective manner. If the source of the vapor is tied to a responsible party, they will often pay to have a system installed at your home. The annual upkeep and operation of a typical system is generally less than \$100 per year, mostly for electricity. These annual costs are typically the responsibility of the homeowner.

How will I know if the vapors have been eliminated?

After a vapor mitigation system is installed, follow-up testing of indoor air typically takes place three to six months later. The systems are usually considered permanent fixtures of the building. In cases where the source of the vapor is completely eliminated, the systems should no longer be needed.



If potentially harmful chemical vapor intrusion is detected in a home or business, the most common solution is to install a sub-slab depressurization system. This system captures and redirects soil vapors from below the building foundation before they enter the indoor air. Vapors are vented outside of the building where they disperse into the air and are rendered harmless.

Sub-slab depressurization systems also prevent radon from entering homes, which is an added health benefit in radon-prone areas.

Where can I find more information?

Health and vapor-related information can be found at the Wisconsin Department of Health Services (DHS) website at dhs.wisconsin.gov, search “Vapor.” For other health-related questions, please contact your local health department: www.dhs.wisconsin.gov/localhealth.

For more DNR information, please visit the DNR’s Remediation and Redevelopment (RR) Program’s Vapor Intrusion page at dnr.wi.gov/topic/Brownfields/Vapor.html.

Additional information can be obtained through the DNR field office in your region. To find the correct office, visit the RR Program Staff Contacts page at dnr.wi.gov/topic/Brownfields/Contact.html or call the RR Program at (608) 266-2111.

What to Expect During Vapor Intrusion Sampling



The sampling procedure for vapor intrusion is performed by health and environmental professionals. It involves drilling one or more small holes into the basement or lowest level of your building, collecting a vapor sample from those holes - also called ports - and then sending the sample to a specialized lab for analysis. This is called sub-slab sampling. Sampling professionals try to minimize any inconveniences to you by informing you up front on what to expect and working with your schedule on the days of sampling.

Vapor sampling provides information about the extent of potential contamination in your neighborhood.

Should I be on site for the sampling?

It's up to you. Sampling professionals will need to be let in to install the testing equipment and collect the samples. The arrangements you make are completely dependent on your availability and comfort level with others on your property.

How many times will sampling professionals enter my property, and how is sampling done?

In general, you should plan on two or three visits over two or three days. While the actual sampling procedure and schedule may vary, the following provides a typical approach:

Day 1: The first day includes locating suitable locations for port installation, then drilling and installing the ports. This usually takes about an hour or two.

Day 2: The second day involves attaching the collection canister to the port to begin collecting the samples. A 24-hour indoor air sampling kit may also be set up. This visit will also take an hour or two.

Day 3: The third day is a shorter visit to gather all of the sampling equipment and seal off the ports. Sometimes the port site is left in place in case samples may need to be collected in the future.

Why not take indoor air samples instead of sub-slab samples?

Indoor air quality often changes from day to day, creating misleading assumptions about long-term indoor air quality. Indoor air quality may be affected by vapors given off by household or commercial products including paints, glues, fuels, cleaners, cigarette smoke, aerosol sprays, new carpeting or furniture. Also, any outdoor air that enters the inside of your house may also contain vapors which can alter test results. By itself, indoor air testing will not necessarily confirm that the vapors in the indoor air are entering a building from underground sources. However, indoor air samples are usually collected at the same time as the sub-slab samples for comparison purposes.



What if there is a crawl space instead of a basement?

If there is a crawl space or a basement with a dirt floor, it is not possible to install a port. In these cases, a sample of air is collected from the crawl space or basement over a 24 hour period. Sometimes a port can be installed in the side wall of the foundation.

Who pays for testing, and when will I get the results?

In many cases, the responsible party (the person or business legally obligated to investigate and clean up the environmental contamination) pays for the testing. The responsible party may also pay for the installation of a mitigation system if it is necessary. Sometimes, other parties such as DNR or the Dept. of Health may pay for testing. As long as the property owner provides reasonable and timely access for testing, rarely would they be responsible for the cost.

The laboratory results are usually available in two to four weeks and will be shared with you through a state or local health agency, the Wisconsin DNR, the responsible party or a hired consultant. An explanation of the findings and additional steps to be taken, if any, will also be provided.



A sub-slab vapor sampling system is usually in place for a day or two during the sampling process. The metal canisters (foreground) collect the vapor sample from the port (smaller canister in back of photo). The same canisters can be used to collect indoor air samples.

Where can I find more information?

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This document contains information about certain state statutes and administrative rules but does not necessarily include all of the details found in the statutes and rules. Readers should consult the actual language of the statutes and rules to answer specific questions. The Wisconsin Department of Natural Resources provides equal opportunity in its employment, programs, services, and functions under an Affirmative Action Plan. If you have any questions, please write to Equal Opportunity Office, Department of Interior, Washington, D.C. 20240. This publication is available in alternative format upon request. Please call 608-267-3543 for more information.

December 9, 2020

Steven Kearns
3757 Kearns Crossing
West Bend, WI 53095
BRRTS # 02-59-231063

SUBJECT: Second Notice: Access to Conduct Chemical Vapor Sampling Necessary by
December 31st, 2020

Dear Steven Kearns,

The purpose of this letter is to remind you that the Ayres Associates is conducting sampling for chemical vapor intrusion in your neighborhood needs to sample your property at 1017 E Green Bay St, Shawano, WI for vapor intrusion.

On November 18th, 2020, we mailed a written notice that we need to collect an air sample from the soil beneath your building and possibly from within your basement to determine whether harmful vapors from chemicals used at Martins One Hour Drycleaner may be present on your property or impacting your building. This needs to be done as part of a state-required environmental investigation.

In order to proceed, we need your signed access agreement by December 31, 2020. Please send the signed agreement back in the self-addressed envelope provided with this letter. You can also send a PDF copy to Bill Honea at HoneaW@AyresAssociates.com.

Please do not modify the access agreement in any manner since it may void the agreement. If you have questions or concerns about the wording of the agreement or the testing, please call Bill Honea at (920) 498-1200.

Once the signed access agreement is returned, Ayres Associates will send you the information about the sampling date and time.

Thank you very much for your cooperation.

Sincerely,



Bill Honea, PG
Project Manager
Ayres Associates

Ayres Associates, Bill Honea, (920) 498-1200
Wisconsin Department of Natural Resources, Gwen Saliars, (920) 510-4343

ACCESS PERMISSION AGREEMENT

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(Print Name)

and its employees, duly authorized representatives, agents and contractors, to enter upon and have access at reasonable times to the home/business located at

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The property owner agrees not to damage or interfere with the use of any sub-slab probe installed as permitted herein.

IN WITNESS WHEREOF:

Signature of Property Owner

Date

Print Name

Email Address

Mailing Address

Area Code and Telephone Number

TENANT(S) / LESSEE(S) by UNIT NUMBER, ETC.

Name of Tenant(s)/Lessee(s)

Tenant(s) phone number

Tenant(s) email address

Mail or fax correspondence regarding this site to:

Ayres Associates
 3376 Packerland Drive
 Ashwaubenon, WI 54115
 920.336.5310
 HoneaW@AyresAssociates.com

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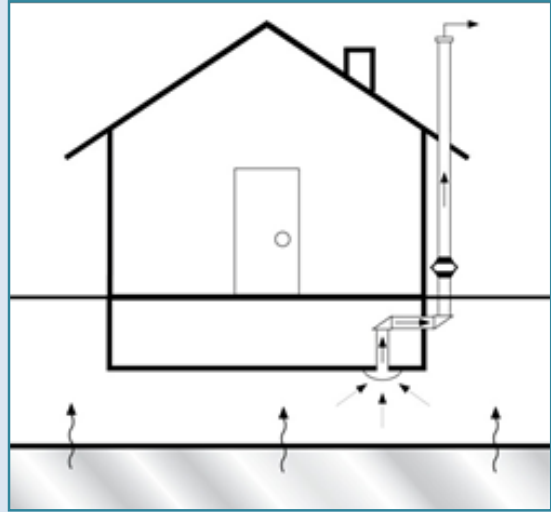


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