State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
1027 W Saint Paul Ave.
Milwaukee, WI 53233

Tony Evers, Governor

Telephone 608-266-2621
Toll Free 1-888-936-7463
TTY Access via relay - 711

May 6, 2024

Sal-Maria LLC
John J Germanotta
1733 N Farwell Ave.
Milwaukee, WI 53202
Sent Via Electronic Mail to john@zgkc-law.com

SUBJECT: **Status Update Request for MSF Corp**
5025 S. Packard Ave., Cudahy, WI
BRRTS# 02-41-242945, FID# 241197880

Dear Mr. Germanotta:

The Wisconsin Department of Natural Resources (DNR) is reviewing open environmental contamination sites that have been inactive for several years. We are sending letters to those property owners to determine the status of these cases and request additional work, if necessary.

In our review of the above referenced property, contamination was reported to the DNR on January 11, 2000, following a Phase II site assessment completed in 1999. The owner of the property at the time, Mr. Norman Schuminsky of MSF Corporation was notified by the DNR (via Mr. Thomas McElligot with Quarles & Brady LLP) of his responsibility to investigate and, as needed, clean up the contamination. Mr. Schuminsky failed to fulfill his legal responsibilities.

On June 7, 2012, the DNR sent you and Sal-Maria LLC the enclosed letter identifying you as responsible for investigating and restoring the environment under Section 292.11, Wisconsin Statutes, known as the hazardous substances spills law. Your legal responsibilities are defined in statute and in administrative code. Wis. Stat. § 292.11(3), states "A person who possesses or controls a hazardous substance which is discharged or who causes the discharge of a hazardous substance shall take the actions necessary to restore the environment to the extent practicable and minimize the harmful effects from the discharge to the air, lands, or waters of the state. "Wisconsin Administrative Code (Wis. Admin. Code) chapters NR 700 to NR 799 establish requirements for emergency and interim actions, public information, site investigations, design and operation of remedial action systems, and case closure. This environmental contamination case remains open and requires action.

Site investigation activities to date have included soil, groundwater, and vapor sampling. Chlorinated volatile organic compounds (CVOCs) have been identified in soil, groundwater, and vapor greater than their regulatory standards. CVOCs have been detected in sub-slab vapors and indoor air in the site building at concentrations exceeding their respective vapor risk screening levels (VRSLs) and vapor action levels (VALs).

Vapor Screening Assessment Needed
Perform a vapor intrusion screening assessment to determine whether vapor sampling is warranted at the site and/or off-site properties. Site specific information such as contaminant type, concentrations, preferential pathways, and distances from receptors should be considered in the screening assessment. Guidance regarding the performance of vapor intrusion screening assessments can be found in the DNR document *Addressing Vapor Intrusion at Remediation and Redevelopment Sites in Wisconsin* (RR-800).

Vapor – VRSL Exceedance, Mitigation Necessary
Wis. Admin. Code ch. NR 708.11(1)(b) states that the DNR may require the use of a vapor mitigation system, or other engineering control, when vapor concentrations beneath a slab, foundation, or building exceed a vapor risk screening level (VRSL). Vapor mitigation is necessary at the site building due to the presence of CVOCs in sub-slab vapors at concentrations exceeding the applicable VRSLs. Install a vapor mitigation system (VMS) as soon as possible and conduct VMS commissioning activities such as indoor air sampling and pressure field extension testing to demonstrate that the VMS is effectively mitigating the vapor intrusion pathway. An interim action report containing the VMS as-built construction documentation, results of VMS commissioning activities, VMS maintenance plan, VMS inspection log, and all other information required by Wis. Admin. Code § NR 724.15 should be submitted within 60 days after the completion of installation and commissioning activities. Guidance regarding vapor intrusion mitigation and VMS commissioning can be found in the DNR document Addressing Vapor Intrusion at Remediation and Redevelopment Sites in Wisconsin (RR-800).

Vapor – VRSL Exceedance, Remedial Action Necessary
Due to the presence of CVOCs in sub-slab vapors at concentrations exceeding the applicable vapor risk screening level, remedial action(s) to reduce the mass and concentration of volatile compounds to the extent practicable must be completed prior to case closure per Wis. Admin. Code § NR 726.05(8)(b)1.

Special Vapor Intrusion Concern with Trichloroethene:
CVOCs detected at the site include trichloroethene (TCE), which is a chlorinated solvent and common degreaser. TCE is of special concern from a human health perspective due to its potential for acute (short-term) health risks at relatively low concentrations in air. Vapors can travel from contaminated soil or groundwater and along preferential pathways, such as within sewer lines, and enter occupied buildings. This is known as vapor intrusion (VI). Because TCE is a contaminant of concern at the site, assessment of the vapor intrusion pathway and the actions requested below should be prioritized and completed as soon as possible. For additional information regarding the potential health risks associated with TCE, see the attached Department of Health Services fact sheet "TCE in the Air." For an overview on VI, see "What is Vapor Intrusion?" (RR-892). For more information, go to dnr.wi.gov and search "vapor." Additional technical guidance on VI is available in "Addressing Vapor Intrusion at Remediation & Redevelopment Sites in Wisconsin" (RR-800).

Database
The DNR tracks information on all cleanup sites in a publicly accessible database available at https://apps.dnr.wi.gov/botw/. The Bureau for Remediation and Redevelopment Tracking System (BRRTS) identification number for this site is listed at the top of this letter. The DNR encourages you to view information related to your site on this database at any time.

Next Steps
In consideration of administrative code requirements, the DNR is requesting the implementation of the following schedule:

1. The DNR requests that within 30 days, by **June 5, 2024**, you inform the DNR in writing of your intentions to return this case to compliance by hiring a qualified environmental consultant and submitting a status update.

2. Within 60 days, by **July 5, 2024**, submit a written work plan that details how the vapor intrusion pathway will be investigated and mitigated at the site and determine whether vapor sampling is warranted at off-site properties.

3. Per Wis. Admin. Code § NR 716.14, all sampling results are required to be submitted to the DNR within 10 days of receiving laboratory data.

While the DNR is prioritizing vapor assessment, additional site investigation is also needed to delineate soil and groundwater contamination. Once the degree and extent of contamination is defined in all environmental media, submit a comprehensive site investigation report, including a discussion of migration pathways and receptors. The DNR encourages you to submit this report with a fee for DNR review and written response to efficiently move towards case closure. Technical assistance can be requested from the DNR at any time.

The DNR may initiate enforcement action if you fail to comply. This may include filing a deed affidavit on the property, per Wis. Admin. Code § NR 728.11(2), to provide notice to the public, and any prospective purchaser, of the existing contamination and the environmental liability associated with the property.

If you have questions, please do not hesitate to contact me at 608-400-9934 or mackenzie.reynolds@wisconsin.gov . Thank you for your cooperation.

Sincerely,

Mackenzie Reynolds

Mackenzie Reynolds
Hydrogeologist- Remediation & Redevelopment Program
Southeast Region

cc: Ron Anderson, METCO – rona@metcofs.com
Salvatore Purpora, S & P Equipment – spquipme@gmail.com

Enclosures: June 7, 2012, Responsible Party Letter from DNR
TCE in the Air – Wisconsin Department of Health Services
p02480.pdf (SECURED) (wisconsin.gov)
What is Vapor Intrusion? – DNR
RR892.pdf (widen.net)