

## Gray, Jane K - DNR

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**From:** Weber, Tyler <tyweber@milwaukee.gov>  
**Sent:** Thursday, October 3, 2024 4:54 PM  
**To:** Arroyo-Vega, Jezamil; Shane LaFave; Gray, Jane K - DNR  
**Cc:** Que El-Amin; Pratap Singh; Angy Singh; Robert Fedorchak; Nobile, Trevor W - DNR; Mylotta, Pamela A - DNR; Westrich, Christine; Schmidt, Lindor; Stamper II, Russell; Ellzey, Dameon; Kloczko, Nathan F - DHS; Golec, Jason  
**Subject:** RE: CWC East Building Commissioning Results and Request  
**Attachments:** Order for Evacuation 2748 N 32nd 3.25.2023.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

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Good Afternoon Shane,

Thank you for the demonstrated progress on mitigating the human health hazard present at 2748 N 32nd St (BRRTS #02-41-263675). The Milwaukee Health Department concurs with the DNR reviews of your request, and we also support their ongoing adherence to applicable state laws and administrative code.

Our public health obligations require upholding the Order for Closure and Evacuation of 2748 N 32nd St, Milwaukee, WI 53210, issued on 3/25/2023 and attached as reference. This order remains in effect and has not been withdrawn.

The lifting of the health order shall be considered upon successful commissioning of the vapor mitigation system at this property and corresponding continuing obligations that may be imposed by our state partners.

**Tyler Weber, MPH**  
**Deputy Commissioner of Environmental Health**  
**Pronouns: He • Him • His**  
**City of Milwaukee Health Department | Frank P. Zeidler Municipal Building**  
**841 N. Broadway, 3rd Floor | Milwaukee, WI 53202**  
[Tyler.weber@milwaukee.gov](mailto:Tyler.weber@milwaukee.gov) | [www.milwaukee.gov/health](http://www.milwaukee.gov/health) | [Facebook](#) | [Twitter](#) | [Instagram](#)



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**From:** Arroyo-Vega, Jezamil <javega@milwaukee.gov>  
**Sent:** Thursday, October 3, 2024 9:39 AM  
**To:** Shane LaFave <Shane@roerscompanies.com>; Gray, Jane K - DNR <jane.gray@wisconsin.gov>  
**Cc:** Que El-Amin <que@scott-crawford.com>; Pratap Singh <psingh@ksinghengineering.com>; Angy Singh

<angy.singh@ksinghengineering.com>; Robert Fedorchak <rfedorchak@patrioteng.com>; Nobile, Trevor W - DNR <Trevor.Nobile@wisconsin.gov>; Mylotta, Pamela A - DNR <Pamela.Mylotta@wisconsin.gov>; Weber, Tyler <tyweber@milwaukee.gov>; Westrich, Christine <chwest@milwaukee.gov>; Schmidt, Lindor <LESCHMI@milwaukee.gov>; Stamper II, Russell <Russell.StamperII@milwaukee.gov>; Ellzey, Dameon <Dameon.Ellzey@milwaukee.gov>; Kloczko, Nathan F - DHS <nathan.kloczko@dhs.wisconsin.gov>; Golec, Jason <JGOLEC@milwaukee.gov>

**Subject:** RE: CWC East Building Commissioning Results and Request

Greetings:

Hope this message find you well.

As shared in other communications with CWC Team , until DNR Commissioning and MHD Order are resolved, DNS' Commissioner's Office cannot entertain occupancy for East Block.

DNS will still conduct inspections on the remaining unresolved construction trades permits items as needed.

Best regards,

JAV

**Jezamil Arroyo-Vega**

Commissioner Neighborhood Services- Chief Building Inspection

841 N. Broadway, 1<sup>st</sup> Floor Room 104, Milwaukee, WI 53202

**P:** (414) 286-6344



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**From:** Shane LaFave <[Shane@roerscompanies.com](mailto:Shane@roerscompanies.com)>

**Sent:** Wednesday, October 2, 2024 2:31 PM

**To:** Gray, Jane K - DNR <[jane.gray@wisconsin.gov](mailto:jane.gray@wisconsin.gov)>

**Cc:** Que El-Amin <[que@scott-crawford.com](mailto:que@scott-crawford.com)>; Pratap Singh <[psingh@ksinghengineering.com](mailto:psingh@ksinghengineering.com)>; Angy Singh <[angy.singh@ksinghengineering.com](mailto:angy.singh@ksinghengineering.com)>; Robert Fedorchak <[rfedorchak@patrioteng.com](mailto:rfedorchak@patrioteng.com)>; Nobile, Trevor W - DNR <[Trevor.Nobile@wisconsin.gov](mailto:Trevor.Nobile@wisconsin.gov)>; Mylotta, Pamela A - DNR <[Pamela.Mylotta@wisconsin.gov](mailto:Pamela.Mylotta@wisconsin.gov)>; Weber, Tyler <[tyweber@milwaukee.gov](mailto:tyweber@milwaukee.gov)>; Westrich, Christine <[chwest@milwaukee.gov](mailto:chwest@milwaukee.gov)>; Schmidt, Lindor <[LESCHMI@milwaukee.gov](mailto:LESCHMI@milwaukee.gov)>; Stamper II, Russell <[Russell.StamperII@milwaukee.gov](mailto:Russell.StamperII@milwaukee.gov)>; Ellzey, Dameon <[Dameon.Ellzey@milwaukee.gov](mailto:Dameon.Ellzey@milwaukee.gov)>; Kloczko, Nathan F - DHS <[nathan.kloczko@dhs.wisconsin.gov](mailto:nathan.kloczko@dhs.wisconsin.gov)>; Arroyo-Vega, Jezamil <[javega@milwaukee.gov](mailto:javega@milwaukee.gov)>; Golec, Jason <[JGOLEC@milwaukee.gov](mailto:JGOLEC@milwaukee.gov)>

**Subject:** RE: CWC East Building Commissioning Results and Request

Understood, thank you Jane.

**Shane LaFave**

Executive Vice President

**m:** 763.300.1861

[Shane@roerscompanies.com](mailto:Shane@roerscompanies.com)



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**From:** Gray, Jane K - DNR <[jane.gray@wisconsin.gov](mailto:jane.gray@wisconsin.gov)>

**Sent:** Wednesday, October 2, 2024 2:26 PM

**To:** Shane LaFave <[Shane@roerscompanies.com](mailto:Shane@roerscompanies.com)>

**Cc:** Que El-Amin <[que@scott-crawford.com](mailto:que@scott-crawford.com)>; Pratap Singh <[psingh@ksinghengineering.com](mailto:psingh@ksinghengineering.com)>; Angy Singh <[angy.singh@ksinghengineering.com](mailto:angy.singh@ksinghengineering.com)>; Robert Fedorchak <[rfedorchak@patrioteng.com](mailto:rfedorchak@patrioteng.com)>; Nobile, Trevor W - DNR <[Trevor.Nobile@wisconsin.gov](mailto:Trevor.Nobile@wisconsin.gov)>; Mylotta, Pamela A - DNR <[Pamela.Mylotta@wisconsin.gov](mailto:Pamela.Mylotta@wisconsin.gov)>; Tyler Weber <[Tyler.weber@milwaukee.gov](mailto:Tyler.weber@milwaukee.gov)>; Westrich, Christine <[chwest@milwaukee.gov](mailto:chwest@milwaukee.gov)>; Schmidt, Lindor <[LESCHMI@milwaukee.gov](mailto:LESCHMI@milwaukee.gov)>; Stamper II, Russell <[russell.stamperii@milwaukee.gov](mailto:russell.stamperii@milwaukee.gov)>; Ellzey, Dameon <[dameon.ellzey@milwaukee.gov](mailto:dameon.ellzey@milwaukee.gov)>; Kloczko, Nathan F - DHS <[nathan.kloczko@dhs.wisconsin.gov](mailto:nathan.kloczko@dhs.wisconsin.gov)>; Arroyo-Vega, Jezamil <[javega@milwaukee.gov](mailto:javega@milwaukee.gov)>; Golec, Jason <[JGOLEC@milwaukee.gov](mailto:JGOLEC@milwaukee.gov)>

**Subject:** RE: CWC East Building Commissioning Results and Request

Hi Shane – Thank you for your email. The DNR will provide CWC with a response after we have considered your email below.

Best, Jane

**We are committed to service excellence.**

Visit our survey at <http://dnr.wi.gov/customersurvey> to evaluate how I did.

Jane Gray

she/her/hers

Phone: (414) 435-8021

[jane.pfeiffer@wisconsin.gov](mailto:jane.pfeiffer@wisconsin.gov)

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**From:** Shane LaFave <[Shane@roerscompanies.com](mailto:Shane@roerscompanies.com)>

**Sent:** Monday, September 30, 2024 4:19 PM

**To:** Gray, Jane K - DNR <[jane.gray@wisconsin.gov](mailto:jane.gray@wisconsin.gov)>

**Cc:** Que El-Amin <[que@scott-crawford.com](mailto:que@scott-crawford.com)>; Pratap Singh <[psingh@ksinghengineering.com](mailto:psingh@ksinghengineering.com)>; Angy Singh <[angy.singh@ksinghengineering.com](mailto:angy.singh@ksinghengineering.com)>; Robert Fedorchak <[rfedorchak@patrioteng.com](mailto:rfedorchak@patrioteng.com)>; Nobile, Trevor W - DNR <[Trevor.Nobile@wisconsin.gov](mailto:Trevor.Nobile@wisconsin.gov)>; Mylotta, Pamela A - DNR <[Pamela.Mylotta@wisconsin.gov](mailto:Pamela.Mylotta@wisconsin.gov)>; Tyler Weber <[Tyler.weber@milwaukee.gov](mailto:Tyler.weber@milwaukee.gov)>; Westrich, Christine <[chwest@milwaukee.gov](mailto:chwest@milwaukee.gov)>; Schmidt, Lindor <[LESCHMI@milwaukee.gov](mailto:LESCHMI@milwaukee.gov)>; Stamper II, Russell <[russell.stamperii@milwaukee.gov](mailto:russell.stamperii@milwaukee.gov)>; Ellzey, Dameon <[dameon.ellzey@milwaukee.gov](mailto:dameon.ellzey@milwaukee.gov)>; Kloczko, Nathan F - DHS <[nathan.kloczko@dhs.wisconsin.gov](mailto:nathan.kloczko@dhs.wisconsin.gov)>; Arroyo-Vega, Jezamil <[javega@milwaukee.gov](mailto:javega@milwaukee.gov)>; Golec, Jason <[JGOLEC@milwaukee.gov](mailto:JGOLEC@milwaukee.gov)>

**Subject:** RE: CWC East Building Commissioning Results and Request

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Jane,

Thank you for the quick response. I understand the DNR is requesting to receive a comprehensive commissioning event report, and we plan to submit that once the 3B data is collected. We are in the process of some additional HVAC work in the 3B area, and some parts took longer than expected, so that is why we don't have that data yet. However, the 3B testing area consists only of rooms 1054 – Fitness Room, 1055 – Women's Lockers, 1053 – Men's Lockers, 1049 - Storage, and North Mechanical Room, all of which are not areas people habitate. The very vast majority of the building was covered in the 3A memo provided, plus the previous testing results from earlier this year that cover the whole building. Our belief is that this data is enough to demonstrate the VMS is working effectively and warrants the reoccupation of at least the vast majority of the building.

Thanks,

## Shane LaFave

Executive Vice President

m: 763.300.1861

[Shane@roerscompanies.com](mailto:Shane@roerscompanies.com)



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**From:** Gray, Jane K - DNR <[jane.gray@wisconsin.gov](mailto:jane.gray@wisconsin.gov)>

**Sent:** Monday, September 30, 2024 3:50 PM

**To:** Shane LaFave <[Shane@roerscompanies.com](mailto:Shane@roerscompanies.com)>

**Cc:** Que El-Amin <[que@scott-crawford.com](mailto:que@scott-crawford.com)>; Pratap Singh <[psingh@ksinghengineering.com](mailto:psingh@ksinghengineering.com)>; Angy Singh <[angy.singh@ksinghengineering.com](mailto:angy.singh@ksinghengineering.com)>; Robert Fedorchak <[rfedorchak@patrioteng.com](mailto:rfedorchak@patrioteng.com)>; Nobile, Trevor W - DNR <[Trevor.Nobile@wisconsin.gov](mailto:Trevor.Nobile@wisconsin.gov)>; Mylotta, Pamela A - DNR <[Pamela.Mylotta@wisconsin.gov](mailto:Pamela.Mylotta@wisconsin.gov)>; Tyler Weber <[Tyler.weber@milwaukee.gov](mailto:Tyler.weber@milwaukee.gov)>; Westrich, Christine <[chwest@milwaukee.gov](mailto:chwest@milwaukee.gov)>; Schmidt, Lindor <[LESCHMI@milwaukee.gov](mailto:LESCHMI@milwaukee.gov)>; Stamper II, Russell <[russell.stamperii@milwaukee.gov](mailto:russell.stamperii@milwaukee.gov)>; Ellzey, Dameon <[dameon.ellzey@milwaukee.gov](mailto:dameon.ellzey@milwaukee.gov)>; Kloczko, Nathan F - DHS <[nathan.kloczko@dhs.wisconsin.gov](mailto:nathan.kloczko@dhs.wisconsin.gov)>; Arroyo-Vega, Jezamil <[javega@milwaukee.gov](mailto:javega@milwaukee.gov)>; Golec, Jason <[JGOLEC@milwaukee.gov](mailto:JGOLEC@milwaukee.gov)>

**Subject:** RE: CWC East Building Commissioning Results and Request

Hi Shane – Thank you for your email and for submitting the data for the 3A commissioning event for CWC East Block (02-41-263675). Based on the information presented by K. Singh & Associates, Inc. (K. Singh) in the attached email correspondence, the DNR understands that the most recent commissioning event at CWC East Block occurred in two phases (i.e., 3A and 3B) to accommodate HVAC system upgrades in select areas of the site building. As the DNR informed CWC and K. Singh in the attached email correspondence, the DNR must consider all of the data collected by CWC (and which has not yet been submitted to the DNR) from the 3A and 3B commissioning events during our review of, and prior to our response to, the most recent commissioning event. Given this, the DNR must receive a comprehensive commissioning event report which includes the 3A and 3B data with corresponding discussion before we can comment on next steps that may be required for the commissioning of the vapor mitigation system. The DNR recommends that the requested report be submitted with a technical assistance fee for formal DNR review and written response. As a reminder, attached is the DNR's, *Technical Assistance Response – VMS Commissioning Review*, which provides a review of CWC's *Second Round of Commissioning* report that was received by the DNR on 04/09/24.

Please do not hesitate to reach out should you have any questions regarding the information presented in this email. The DNR looks forward to continuing to work with you on this site. Thank for your continued actions to restore the environment at this site.

Thank you, Jane

**We are committed to service excellence.**

Visit our survey at <http://dnr.wi.gov/customersurvey> to evaluate how I did.

Jane Gray

she/her/hers

Phone: (414) 435-8021

[jane.pfeiffer@wisconsin.gov](mailto:jane.pfeiffer@wisconsin.gov)

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**From:** Shane LaFave <[Shane@roerscompanies.com](mailto:Shane@roerscompanies.com)>

**Sent:** Monday, September 30, 2024 9:13 AM

**To:** Gray, Jane K - DNR <[jane.gray@wisconsin.gov](mailto:jane.gray@wisconsin.gov)>; Nobile, Trevor W - DNR <[Trevor.Nobile@wisconsin.gov](mailto:Trevor.Nobile@wisconsin.gov)>; Mylotta, Pamela A - DNR <[Pamela.Mylotta@wisconsin.gov](mailto:Pamela.Mylotta@wisconsin.gov)>; Tyler Weber <[Tyler.weber@milwaukee.gov](mailto:Tyler.weber@milwaukee.gov)>; Westrich, Christine <[chwest@milwaukee.gov](mailto:chwest@milwaukee.gov)>; Hill-Paulus, Danika <[danika.hill@milwaukee.gov](mailto:danika.hill@milwaukee.gov)>; Schmidt, Lindor <[LESCHMI@milwaukee.gov](mailto:LESCHMI@milwaukee.gov)>

**Cc:** Que El-Amin <[que@scott-crawford.com](mailto:que@scott-crawford.com)>; Pratap Singh <[psingh@ksinghengineering.com](mailto:psingh@ksinghengineering.com)>; Angy Singh <[angy.singh@ksinghengineering.com](mailto:angy.singh@ksinghengineering.com)>; Robert Fedorchak <[rfedorchak@patrioteng.com](mailto:rfedorchak@patrioteng.com)>; Stamper II, Russell <[russell.stamperii@milwaukee.gov](mailto:russell.stamperii@milwaukee.gov)>; Ellzey, Dameon <[dameon.ellzey@milwaukee.gov](mailto:dameon.ellzey@milwaukee.gov)>; Shane LaFave <[Shane@roerscompanies.com](mailto:Shane@roerscompanies.com)>

**Subject:** CWC East Building Commissioning Results and Request

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To all involved project parties at the Wisconsin DNR and the City of Milwaukee,

The attached memo put together by KSingh Engineering contains the results of Round 3A of Commissioning of the vapor mitigation system for East Block at the Community Within the Corridor. I am happy to report that all testing came back at acceptable levels. In addition to the commissioning activities, four backup generators have been installed as well as telemetry. The generators and telemetry are fully functional/operational.

With these latest results, combined with the commissioning results earlier this year, along with the testing done in addition to the formal commissioning testing (submitted in late April), CWC is hereby requesting permission to immediately start reoccupying the East Block. We believe that the totality of all of these results successfully demonstrates that the VMS is working as intended and that the indoor air quality at CWC-EB is protective of public health and the environment. At a minimum, we request permission to reoccupy all but rooms/units 1043, 1044, 1045, 1048, 1049, 1050, 1051, 1052, 1053, 1054, and 1055 as we understand the WDNR would like to see one more round of commissioning testing in those rooms/units. Although previous test results came back at acceptable levels in those areas, we would keep them unoccupied/locked until another round of testing was completed.

We appreciate the continued partnership and the great progress that has been made in the last 18 months. Please let us know if any additional information is needed in order to respond to this request.

Sincerely,

**Shane LaFave**

Executive Vice President

INVESTOR

m: 763.300.1861

[Shane@roerscompanies.com](mailto:Shane@roerscompanies.com)



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## ORDER FOR CLOSURE AND EVACUATION OF 2748 N 32<sup>nd</sup> St, Milwaukee, WI 53210

TO: Residents and occupants of 2748 N 32nd St, Milwaukee, WI 53210

As the Public Health Officer for Milwaukee, Wisconsin, I have been informed by the Wisconsin Department of Natural Resources, the Wisconsin Department of Health Services and Milwaukee Health Department staff regarding exceptionally high Trichloroethylene (TCE) vapor intrusion levels—measured at  $400 \mu\text{g}/\text{m}^3$  when the Vapor Action Level (VAL) is  $2.1 \mu\text{g}/\text{m}^3$ —in the Community Within the Corridor East Block development.

According to published guidance, DHS has concurred with DNR's position that immediate action is justified when TCE is present at the VAL ( $2.1 \mu\text{g}/\text{m}^3$ ) when women of child bearing age (ages 15 – 44) are present and when TCE is present at 3x the VAL ( $6.3 \mu\text{g}/\text{m}^3$ ) for the general public.

According to the same published guidance depending upon how far above the VAL the concentration is, more urgent actions may be needed, and the local health officer should be consulted for potential abatement orders, placarding, and temporary relocation of occupants per Section 254 Wis. Admin. Code. Here, the measured concentration is almost 200 times above the VAL.

Upon this guidance and upon information and belief that these conditions exist at 2748 N 32nd St, Milwaukee, WI 53210, which present an imminent and substantial danger to the public health I find that the closing and evacuation of the premises located at 2748 N 32nd St, Milwaukee, WI 53210, is necessary to preserve the public health of the community and its citizens.

Wisconsin Statutes Chapter 254 and Milwaukee City Charter ch. 17 provide authority to the Public Health Officer of the City of Milwaukee to act in the public health. Therefore, as authorized by the Statutes and Charter noted above including but not limited to Wis. Admin. Code Chapters DHS and NR:





I declare as follows:

- That an acute health risk exists.
- That “immediate action” is necessary, as defined by Wis. Admin. Code NR § 700.03(28), because levels of TCE are 3x VAL or greater for the general public; and levels of TCE are above the VAL for women aged 15-44.
- That the specific action of limiting public access to the site or facility is warranted. Wis. Admin. Code NR § 708.05(4)(a).

I am ordering as follows:

- That 2748 N 32nd St, Milwaukee, WI 53210 shall be evacuated of all occupants and residents by 6:00 PM on March 25<sup>th</sup>, 2023.
- That 2748 N 32nd St, Milwaukee, WI 53210 shall be placarded as closed to the public due to public health risk.

This Order is effective as of this date, March 25, 2023, and is to stay in effect until I withdraw this Order or unless otherwise directed by a court of competent jurisdiction. A violation of this Order will result in a request to the courts for appropriate orders to protect the public health and may result in possible civil and criminal violations of the Wisconsin Statutes and Wisconsin Administrative Code.

A handwritten signature in black ink, appearing to read 'Tyler Weber', written over a horizontal line.

TYLER WEBER, or his designee  
Commissioner of Health  
City of Milwaukee  
Date: March 25<sup>th</sup>, 2023