



June 4, 2019

ROBERT KORTH
N2982 STEEPLE DRIVE
APPLETON WI 54913-7831

Subject: Case Closure under Wis. Admin. Code ch. NR 726 Not Recommended
Korth Property, 1629 West Washington Street, City of Appleton, Wisconsin
DNR BRRTS Activity # 03-45-002078
FID #: 445198270

Dear Mr. Korth:

On May 16, 2019, the Wisconsin Department of Natural Resources (DNR) reviewed the closure request for the case identified above. As you are aware, the DNR reviews environmental remediation cases for compliance with applicable laws, including Wis. Stat. ch. 292 and Wis. Admin. Code chs. NR 700 – 754 and whether any further threat to public health, safety or welfare or the environment exists at the site or facility, per Wis. Admin. Code § NR 726.13 (2) (b). As discussed with your consultant, Ron Anderson with METCO on May 22, 2019, case closure is not recommended because additional legal requirements must be met. The purpose of this letter is to inform you of the remaining requirements for obtaining closure. We request that within 60 days of this letter, you provide us with the information requested or your written response regarding the necessary work and a schedule for completion of this work.

Additional Requirements Needed for Case Closure Under Wis. Admin. Code ch. NR 726

As noted above, additional work is necessary to meet the requirements for case closure because additional site investigation is needed to define the degree and extent of contamination and to demonstrate a stable or receding plume.

Need to Define the Degree and Extent of Contamination

Additional soil, groundwater, and/or vapor sampling is needed to define the degree and extent of contamination per Wis. Admin. Code § NR 716.11.

Collect at minimum three additional soil samples and analyze for Petroleum Volatile Organic Compounds (PVOCs) and naphthalene (N). Two soil samples should be collected from beneath the foot print of the building between each set of the former gasoline aboveground storage tanks to assess the potential source. A third sample should be collected from the off-site property at 1713 West Washington Street, City of Appleton, Wisconsin, from the area that has an inferred direct contact RCL exceedance.

The initial September 20, 2017, groundwater sampling was analyzed for Volatile Organic Compounds (VOCs) and monitoring well MW-4 had a detection of vinyl chloride above the enforcement standard. Since the initial sampling event in September 2017, no additional sampling for Chlorinated Volatile

Organic Compounds (CVOCs) has been completed. At a minimum, one additional round for VOCs from MW-4 should be completed to confirm if CVOc contamination is present in groundwater. If CVOc contamination is confirmed, additional sampling may be needed to establish contaminant trends as well as define degree and extent.

Need to Conduct Additional Groundwater Monitoring

Additional groundwater monitoring is needed to establish compliance with the closure criteria of Wis. Admin. Code § NR 726.05 (6). If monitored natural attenuation is to be used as a remedial action, additional sampling is needed to demonstrate that the groundwater plume is stable or receding in compliance with Wis. Admin. Code §§ NR 726.05 (6) (a) 6., (b), (c) and (d).

The August 28, 2018, sampling event had an order of magnitude higher benzene levels in monitoring wells MW-1, MW-2, and MW-3. At a minimum, one additional groundwater sampling round for PVOcs + N is necessary to demonstrate natural attenuation as a viable remedy.

Additionally, MW-1 exhibited an increasing trend of Polycyclic Aromatic Hydrocarbons (PAHs) and at a minimum, one additional round of PAH sampling from MW-1 is necessary to demonstrate natural attenuation as a viable remedy.

Need to Complete a Vapor Investigation

Additional site investigation, per Wis. Admin. Code § NR 716.11 (5), is needed to determine whether vapor intrusion is a completed pathway at this site, or if there is a risk of future vapor exposure due to residual contamination. If vapor intrusion is an issue at this site, document all source control actions taken under Wis. Admin. Code § NR 726.05 (8).

Need to Provide Additional Off-Site Notification

Notification should be provided to the 116 North Linwood property for soil contamination similar to the notification provided to the 121 North Douglas Street property.

Schedule

Within 60 days of the date of this letter, respond in writing with a schedule of your plans to meet these requirements. Please submit a supplemental Site Investigation Workplan within 60 days (NR 716.09 (1)) and begin additional work within 90 days of DNR approval of workplan (NR 716.11 (2g)).

Until requirements are met, your site will remain “open” and you are required to submit semi-annual progress reports, per Wis. Admin. Code § NR 700.11. You are also responsible for any operation and maintenance activities required under Wis. Admin. Code § NR 724.13. Once the additional work has been completed, documentation should be submitted to the DNR to demonstrate that the applicable requirements have been met, per the timelines above.

Case closure can be reconsidered by the DNR once documentation has been received.

Conclusion

If you have any questions regarding the information in this letter or would like to schedule a meeting to discuss this case, please contact the DNR project manager, Tom Verstegen at (920) 424-0025 and Thomas.Verstegen@wisconsin.gov. For more information on the closure reconsideration process, please see DNR publication, RR-102, “Wis. Admin. Code ch. NR 726 Case Closure Reconsideration Process” by visiting dnr.wi.gov, search: RR-102, for more information.

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The DNR appreciates your efforts to restore the environment at this site.

Sincerely,

A handwritten signature in blue ink, reading "Roxanne N. Chronert". The signature is written in a cursive style with a large initial 'R'.

Roxanne N. Chronert
Northeast Region Team Supervisor
Remediation & Redevelopment Program

ec: Ron Anderson, METCO, rona@metcohq.com