



August 10, 2018

Glass Vault, LLC
Darci Thomas
602 N. Capitol Ave. #220
Indianapolis, IN 46244

Subject: Reported Contamination at Barb & Ron's Cleaners (Former),
1700 S. Lawe St., Appleton, WI
DNR BRRTS Activity # 02-45-297744

Dear Ms. Thomas:

The Department of Natural Resources (DNR) learned on July 16, 2018 that Glass Vault, LLC purchased 1700 South Lawe Street in Appleton, Wisconsin in February 2018. The DNR was notified in 2002 that volatile organic compounds (VOCs) had been detected at the site described above. A letter of responsibility was issued to Mr. Ron Van Asten on February 6, 2002. While significant investigation and cleanup has taken place, the investigation and cleanup have not yet been approved by the DNR and this site remains open.

Based on the information that has been submitted to the DNR regarding this site, we believe you are responsible for investigating and restoring the environment at the above-described site under Section 292.11, Wisconsin Statutes, known as the hazardous substances spill law. The remainder of this letter is the standard letter of responsibility issued at the beginning of a site investigation. Some requirements have already been met for this site. Please work directly with your DNR Project Manager to determine what actions remain for this site.

This letter describes the legal responsibilities of a person who is responsible under section 292.11, Wis. Stats., explains what you need to do to investigate and clean up the contamination, and provides you with information about cleanups, possible financial assistance, and working cooperatively with the DNR.

Legal Responsibilities:

Your legal responsibilities are defined both in statute and in administrative codes. The hazardous substances spill law, Section 292.11 (3) Wisconsin Statutes, states:

- **RESPONSIBILITY.** 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 chapters NR 700 through NR 754 establish requirements for emergency and interim actions, public information, site investigations, design and operation of remedial action systems, and case closure. Wisconsin Administrative Code chapter NR 140 establishes groundwater standards for contaminants that reach groundwater.

Steps to Take:

The longer contamination is left in the environment, the farther it can spread and the more it may cost to clean up. Quick action may lessen damage to your property and neighboring properties and reduce your costs in investigating and cleaning up the contamination. To ensure that your cleanup complies with Wisconsin's laws and administrative codes, you should hire a professional environmental consultant who understands what needs to be done. The following information provides the timeframes and required steps to take. Unless otherwise approved by DNR in writing you must complete the work by the timeframes specified.

1. Within the next **30 days**, by September 10, 2018, you should submit written verification (such as a letter from the consultant) that you have hired an environmental consultant. If you do not take action within this time frame, the DNR may initiate enforcement action against you. **Update:** *The DNR understands that EnviroForensics is the environmental consultant for this site. No written verification is needed if this is correct.*
2. Within **60 days**, by October 9, 2018, you must submit a work plan for completing the investigation. The work plan must comply with the requirements in the Wis. Adm. Code NR 700 rule series and should adhere to current DNR technical guidance documents.
3. You must initiate the site investigation within 90 days of submitting the site investigation work plan. You may proceed with the field investigation upon DNR notification to proceed. If the DNR has not responded within 30 days from submittal of the work plan, you are required to proceed with the field investigation. If a fee for DNR review has been submitted, the field investigation must begin within 60 days after receiving DNR approval.
4. Within 60 days after completion of the field investigation and receipt of the laboratory data, you must submit a Site Investigation Report to the DNR.
5. Within 60 days after submitting the Site Investigation Report, you must submit a remedial actions options report (RAOR). The RAOR shall include an evaluation of Green and Sustainable Remediation opportunities as required by Wis. Adm. Code §. NR 722.09 (2m).

Sites where discharges to the environment have been reported are entered into the Bureau for Remediation and Redevelopment Tracking System ("BRRTS"), a version of which appears on the DNR's internet site. You may view the information related to your site at any time (<http://dnr.wi.gov/botw/SetUpBasicSearchForm.do>) and use the feedback system to alert us to any errors in the data.

If you want a formal written response from the DNR on a specific submittal, please be aware that a review fee is required in accordance with Wis. Adm. Code ch. NR 749. If a fee is not submitted with your reports, you must complete the site investigation and cleanup to maintain your compliance with the spills law and chapters NR 700 through NR 754. **The timeframes specified above are required by rule, so do not delay the investigation of your site.** We have provided detailed technical guidance to environmental consultants. Your consultant is expected to know our technical procedures and administrative rules and should be able to answer your questions on meeting cleanup requirements.

All correspondence regarding this site should be sent to:

Jennifer Borski
Remediation and Redevelopment Program
Wisconsin Department of Natural Resources
625 E. County Rd. Y, STE. 700
Oshkosh, WI 54901-9731
Jennifer.borski@wisconsin.gov

Unless otherwise directed, submit one paper copy and one electronic copy of plans and reports. To speed processing, correspondence should reference the BRRTS number shown at the top of this letter.

Site Investigation and Vapor Pathway Analysis

As you develop the site investigation work plan, we want to remind you to include an assessment of the vapor intrusion pathway. Wis. Adm. Code ch. NR 716 outlines the requirements for investigation of contamination in the environment. Specifically, Wis. Adm. Code §. NR 716.11(3)(a) requires that the field investigation determine the "nature, degree and extent, both areal and vertical, of the hazardous substances or environmental pollution in all affected media". In addition, Wis. Adm. Code §§ NR 716.11(5)(g) and (h) contains the specific requirements for evaluating the presence of vapors in the sub-surface as well as in indoor air.

You will need to include documentation with the Site Investigation Report that explains how the assessment was done. If the vapor pathway is being ruled out, then the report needs to provide the appropriate justification for reaching this conclusion. If the pathway cannot be ruled out, then investigation and, if appropriate, remedial action must be taken to address the risk presented prior to submitting the site for closure. The DNR has developed guidance to help responsible parties and their consultants comply with the requirements described above. The guidance includes a detailed explanation of how to assess the vapor intrusion pathway and provides criteria which identify when an investigation is necessary. The guidance is available at: <http://dnr.wi.gov/files/PDF/pubs/rr/RR800.pdf>.

Additional Information for Site Owners:

We encourage you to visit our website at <http://dnr.wi.gov/topic/Brownfields/>, where you can find information on financial assistance and understanding the cleanup process. You will also find information there about liability clarification letters, post-cleanup liability and more.

If you have any questions, contact the DNR Project Manager, Jennifer Borski, in Oshkosh at 920-424-7887, or by email at jennifer.borski@wisconsin.gov or visit the RR web site at the address above.

Thank you for your cooperation.

Sincerely,



Denise D. Danelski
Environmental Program Associate
Remediation & Redevelopment Program

cc: Ron Van Asten, W459 Cindy Ann Lane, Kaukauna, WI 54130
Rob Hoverman, EnviroForensics, rhoverman@enviroforensics.com