

Jorgensen, Theadora O - DNR

From: Ryan, Nancy D - DNR
Sent: Wednesday, July 18, 2018 2:08 PM
To: 'blas9601@att.net'
Cc: 'Ron Anderson, METCO - Environmental Division'; 'Mark Treter'; Michalets, Linda M - DNR
Subject: RE: Badger Lease and Auto Sales BRRTS # 02-41-305222 and #03-41-005185

Hi Christine, Steve, Ron, Mark,

I am finally getting around to follow up on the Badger Lease case. At this time, since Steve/Christine have apparently not been successful at obtaining access to the two properties at 1422 and 1423 S. 96th St for the purpose of conducting a vapor assessment., I am asking that you follow the process that DNR has now set up regarding obtaining access to those properties as well as the property at 9611 W. Greenfield. Letters should be prepared per the information contained on the DNR website which is found at <http://dnr.wi.gov/topic/Brownfields/Vapor.html> and include a vapor intrusion fact sheet (RR-67)). As I believe Ron has had experience with these access letters, it would make sense for him to prepare the first request template <https://dnr.wi.gov/files/PDF/pubs/rr/RR960.docm>, and the second <https://dnr.wi.gov/files/PDF/pubs/rr/RR961.docm>, if needed if there is no response to the first. If no response after sending two, DNR will step in and send a letter. These letters must be sent in order to confirm the owner's unwillingness to allow the vapor intrusion testing.

Based on the RR 700.11 reporting submitted by Ron, it is not clear whether you (Christine/Steve) are willing or able to conduct the vapor intrusion assessment or any other work at the site(s). Can you please provide me with a status report on the situation and, if moving forward, a schedule for completing the access requests and other work under PECFA or DERF. If you do not intend to conduct the work, the DNR will pursue the vapor intrusion assessment utilizing state funds. It is my understanding that we would then place a lien on the Badger Lease property for any costs associated with the assessment.

I would appreciate receiving the update/response within the next 15 days.

Thank you,

We are committed to service excellence.

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

Nancy D. Ryan

Hydrogeologist, Bureau for Remediation and Redevelopment
Wisconsin Department of Natural Resources
2300 N. Dr. Martin Luther King, Jr. Dr.
Milwaukee, WI 53212
Phone: (414) 263-8533
Fax: (414) 263-8550
nancy.ryan@wisconsin.gov



From: Ryan, Nancy D - DNR
Sent: Friday, June 23, 2017 9:25 AM
To: 'Mark Treter' <mctreter@treter-law.com>
Cc: 'Ron Anderson, METCO - Environmental Division' <rona@metcohq.com>; blas9601@att.net
Subject: RE: Badger Lease and Auto Sales

Mark, Ron, Christine, Steve,

Thank you for providing this response. I have the following comments:

1. I agree that one sub-slab sample per residential property is appropriate and agree that DNR will assist in obtaining access.
2. I have discussed the situation with my supervisor, Pam Mylotta, and we agreed that, as discussed with you, the most immediate concern is the potential for vapor intrusion into the two residential properties (1422 S 96th St. and 1423 S 96th St). With respect to collecting an indoor air sample at the Badger Lease Office, for the present, we feel that the decision to conduct that sampling is up to Christine and Steve and it should certainly be done if they want to know what the indoor air quality in the building is. Ultimately, before the case can be closed, we will require at a minimum, collection of a sub-slab sample and mitigation/possible indoor air sampling if sub-slab sample results exceed vapor risk screening levels. But at this point, we think it's your choice whether to collect this information. Given the proximity to the adj. commercial building at 9611 W. Greenfield, we also recommend collecting a sub-slab sample there, although this is not as critical as the residential properties given it's use and upgradient location. I believe they already have agreed to grant access at that property.
3. Regarding the cost estimate provided by METCO, in order to approve costs under DERF, DNR will need a more detailed scope of work including the sampling methods (leak testing, shut in), consulting hourly rates and hours needed to conduct the work for each task. Then, you will need to ask for approval of these costs under DERF as an **interim action**. You will not need to request approval to retain METCO as the DERF consultant as interim actions may be approved without having to go through the bid process.
4. My schedule is crazy right now, so it may be at least month or two before I am able to work on the access piece. Given that the residents have again denied access, I don't feel quite the urgency to get this sampling done ASAP. I will contact W. Allis Health Dept. and proceed with contacting the residents as soon as I am able to. In the meantime, it would be good for you to follow-up on the DERF reimbursement as well as pursuing potential loans. I would be happy to sit down with you to go over reimbursement issues and/or to review information submitted by Bob Nauta or potential expenses associated with Sigma work.

Thank you again for response. Please let me know if you have any questions regarding this email.
Regards,

We are committed to service excellence.

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

Nancy D. Ryan

Hydrogeologist, Bureau for Remediation and Redevelopment
Wisconsin Department of Natural Resources
2300 N. Dr. Martin Luther King, Jr. Dr.
Milwaukee, WI 53212
Phone: (414) 263-8533
Fax: (414) 263-8550
nancy.ryan@wisconsin.gov

Please let me know if you have any

From: Mark Treter [<mailto:mctreter@treter-law.com>]
Sent: Wednesday, June 07, 2017 11:19 AM
To: Ryan, Nancy D - DNR
Cc: 'Ron Anderson, METCO - Environmental Division'; blas9601@att.net
Subject: Badger Lease and Auto Sales

Nancy –

By way of status update, Badger Lease and Auto Sales has asked me to confirm to you their support for completing the sampling we discussed during our meeting on May 23.

Since that meeting, Badger Lease has been accumulating and organizing environmental records in hopes of being better able to document a DERF application.

We have reached out to environmental consultants with respect to the scope of work and costs for performing the sub-slab and vapor sampling tasks. It is our understanding that the Department recommends that 3 sub-slab samples be collected at these residences (i.e., buildings with a footprint less than 5,000 square feet), that the sub-slab vapor samples are to be collected in vacuum gas canisters fitted with a controller to limit vapor flow to no more than 200 ml/min (a 6 L canister will fill in approximately 30 minutes at this flow rate) and to conduct concurrent indoor air sampling. Based on this understanding, we would be submitting 9 lab samples at approximately \$300/sample TO-15 analysis for a laboratory cost of about \$2,700. We are informed that the cost for installing vapor pins in the basement of the 2 buildings, plus labor for sampling and removing the vapor pins would be about \$2,200, with field supplies such as hydrogen and meters, estimated at \$1,000, followed by data analysis and report preparation estimate at \$1,500, for a total of \$7,400.

METCO has prepared a proposal with a scope of work for one sub-slab and one indoor air sample at each residence, along with an indoor air sample at the Badger lease building, estimate at \$4,455 (proposal attached). Would the WDNR be able to approve this scope, as it may adequate for these very small building footprints, may be easier to obtain access from the neighbors (compared to 3 penetrations) and can be funded and completed sooner.

Badger Lease is setting aside funds in a monthly plan to finance this work. While the business is not steady, but rather characterized by ups and downs, the goal has been set for accruing \$1,000 per month to this fund. In the interim, we are continuing to explore lending opportunities to obtain the funding.

Badger Lease has reviewed vapor intrusion information, including Vapor Intrusion 101, RR-892, RR-954 and has obtained other supportive health risk literature. They have reached out to the identified neighbors and informed them of the WDNR's health risk concerns. The requested permission to conduct the sampling has not been given. The neighbors remain unwilling. They have been told to expect contact from WDNR and the Health Department. Badger Lease intends to continue to seek openings to gain access to perform the work and to complete it at that time.

I will be working with Ron Anderson at METCO to prepare correspondence to you for approval of METCO as the DERF consultant.

We will continue to keep you apprised of progress.

Regards,
Mark



TRETER LAW OFFICE

Mark C. Treter, Esq.
5791 Fern Ct.
Greendale, WI 53129

Office: 414.858.9172
Cell: 414.640.1943

Email: mctreter@treterlaw.com

The information contained in this communication is confidential, is intended for the sole use of the named recipient, and may be legally privileged. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication, or any of its contents, is strictly prohibited. If you have received this communication in error, please return it to the sender immediately and delete the original message and any copy of it from your computer system. Thank you for your cooperation. If you have any questions concerning this message, please contact the sender.