



January 25, 2021

DLAR LLC  
ATTN: Davis Idrizi  
10255 Whitnall Ct.  
Hales Corners, WI 53130-2618

Subject: Request for Status Update  
Fabricare – Former, 323 W. Sunset Drive, Waukesha, WI 53189  
DNR BRRTS Activity # 02-68-305374; DNR FID # 268087820

Dear Mr. Idrizi,

On November 8, 2019 the Wisconsin Department of Natural Resources (DNR) notified you of your responsibility to investigate and, as needed, clean up contamination at the above-referenced property. As the responsible party of this property you have certain legal responsibilities, as outlined in Wis. Stat. § 292.11 (3), also known as the hazardous spills law. Wis. Stat. § 292.11(3) 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 of the air, lands or waters of the State.

In email correspondence with the DNR on March 5, 2021, your former environmental consultant, Dakota Intertek Corp., indicated that additional groundwater sampling of the existing monitoring well network had been conducted on your behalf. The DNR has not received the results of this additional groundwater sampling. Wis. Admin. Code § NR 716.14 requires responsible parties to report all sampling results other than those for water supply wells, to the DNR within 10 business days of receiving the sample results. The DNR requests that you submit the results of the groundwater sampling immediately.

#### Vapor Intrusion Considerations

On April 6, 2021, the DNR sent you a letter titled, Vapor Intrusion – Short Term Risks for Trichloroethylene Vapors, Vapor Intrusion Pathway Assessment, and Immediate and Interim Actions, which presents information about the risks of vapor intrusion. More specifically, the April 2021 letter explains that TCE poses a short-term health risk in indoor air at certain concentrations which justifies expedited assessment, investigation, mitigation or interim actions. TCE is a breakdown product of PCE, and, when released into the environment, TCE and PCE readily migrate through soil, groundwater and subsurface air (i.e., vapor intrusion). For additional details on TCE vapor intrusion and the DNR's requirements for the investigation, mitigation and interim actions, refer to the April 2021 DNR letter.

Due to the potential short-term health risk and proximity of known TCE and PCE contamination to nearby buildings, including residences, the DNR requests that you prioritize the investigation of vapor intrusion as you continue the site investigation.

Next Steps

A lack of response to this letter may result in the initiation of formal enforcement actions. The DNR requests that you submit the results of the completed groundwater sampling immediately. Additionally, the DNR requests that you provide a written status update that includes your updated contact information, confirmation that you have hired or plan to hire an environmental consultant, and a work plan to complete the next phase of the site investigation, with priority given to the investigation of vapor intrusion, within 30 days from the date of this letter. If you have any questions regarding your responsibilities or what is being requested in this letter, please contact me, the DNR Project Manager, at 414-218-6042 or by email at [joseph.martinez@wisconsin.gov](mailto:joseph.martinez@wisconsin.gov).

Sincerely,

A handwritten signature in black ink, consisting of a stylized 'J' followed by a horizontal line that ends in a small hook.

Joseph J. Martinez  
Hydrogeologist - Remediation & Redevelopment Program  
Southeast Region