


DATE: May 21, 2019 FILE REF: Susies Restaurant (Former) – LGU – WI DOT

TO: Site File

CC: Roxanne Chronert – NER RR Team Supervisor

FROM: Sarah Krueger 

SUBJECT: Meeting with off-site property owner of 1037 S 26th Street, City of Manitowoc, regarding permission to access for sub-slab vapor investigation.

On May 20, 2019 Sarah Krueger made a site visit to the off-site property 1037 S 26th Street, City of Manitowoc, owned by Mr. Edward Wagner to discuss access for sub-slab vapor sampling.

Previously Mr. Wagner called Krueger on April 3, 2019 regarding the first letter that requested access for sub-slab vapor sampling. At that time Mr. Wagner indicated that he would contact his neighbors and his lawyer about the access.

Mr. Wagner indicated that he was frustrated that he was hearing different things from his neighbors regarding the information provided by the DNR. He indicated that it would not matter if vapor sampling was not performed on his property because no one would know about it, and “no bank would require investigation” as part of the sale of his property. He provided the report that was completed following soil and groundwater investigation on his property which is part of the Manitowoc Brake (Former) Site (BRRTS #: 09-36-578953).

Mr. Wagner informed Krueger that he had talked to his lawyer, who he indicated is on the Brownfield Commission, and that his lawyer had recommended that he ask for certain assurances from the DNR. He said that “(he) was not denying access” he was giving a “denial with stipulations” and the stipulations were “not unreasonable”. The first stipulation was that he wants to put into writing that the DNR will not affect his livelihood, ie. guarantee that he “won’t be out of work for six months” or more. The second stipulation was to have in writing that he “won’t have to put a dime into it”.

Mr. Wagner informed Krueger that the RP is not the City of Manitowoc but rather the former dry cleaner that was on the property and indicated that he wasn’t denying the RP access because the RP, being the former dry cleaner, had not requested access. Krueger asked if Mr. Wagner would prefer a request for access from the City of Manitowoc, the current RP. Mr. Wagner indicated that he would not.

Mr. Wagner also provided Krueger with information regarding past issues he has had with the City of Manitowoc; they annexed his property into the city and forced him to abandon a potable well. During a Site Investigation of his building Mr. Wagner’s hired Environmental Consultant broke a water line during installation of a monitoring well within the building and he does not want to have that happen again by allowing access for vapor sampling.

Mr. Wagner was argumentative throughout the conversation. Krueger attempted to redirect the conversation to discuss the DNR request and the process moving forward for the DNR. She explained that he has the right to deny access to his property and the process should he deny access. Krueger explained that his denial for access would be noted in the site file and that any future vapor investigation may be the responsibility of the owner of his property at that time.