



April 18, 2024

Mr. A. H. Mattacotti
Milwaukee Plating Company
1434 N. Vel R. Phillips Ave.
Milwaukee, WI 53212-3888
Electronic mail to ahm@milwaukeeplating.com

SUBJECT: Notice of Non-Compliance: Action Required by May 3, 2024
Milwaukee Plating Co., 1434 N. Vel R. Phillips Ave., Milwaukee, WI
BRRTS #02-41-000826, FID #241036840

Dear Mr. Mattacotti:

This letter is to notify you that the Milwaukee Plating Company is out of compliance with Wisconsin Statute (Wis. Stat.) chapter 292 and Wisconsin Administrative Code (Wis. Admin. Code) chapters NR 700 through NR 754. In the letter dated June 10, 2022, the Wisconsin Department of Natural Resources (DNR) notified you of Milwaukee Plating's responsibilities to take immediate actions to halt and minimize the harmful effects of trichloroethylene (TCE) that are impacting the adjacent building to the south at 1422 N. Vel R. Phillips Avenue (1422 building). That letter is attached for your reference.

To date, the DNR has not received a report that demonstrates 1) the requirements of Wis. Admin. Code § NR 708 have been met, 2) the vapor intrusion risk has been mitigated, and 3) no additional actions are necessary to address TCE vapor intrusion at the 1422 building.

At this time, the DNR is requiring that Milwaukee Plating submit a plan to mitigate the migration of TCE vapors into the 1422 building and continue vapor monitoring until it is demonstrated that the vapor risk has been mitigated and no additional actions are necessary to address TCE vapor intrusion at the 1422 building.

On April 27, 2023, the DNR met with you, your legal representative, Don Gallo, and the GZA GeoEnvironmental, Inc. (GZA) project managers Kevin Hedinger and James Drought, to discuss actions taken to address TCE vapors that have impacted the 1422 building. In that meeting, GZA provided a timeline of activities conducted to repair the TCE degreaser at Milwaukee Plating that is the on-going source of vapors in the 1422 building. The repairs were completed in March 2023. Additional vapor sampling was proposed at Milwaukee Plating and the 1422 building, followed by a report to the DNR and completion of additional activities, as needed.

Since that meeting, GZA conducted vapor sampling at Milwaukee Plating, in the alley and in the 1422 building over a seven-day period from May 30 through June 6, 2023. The GZA sampling was coupled with sampling conducted by Christ Church MKE (the Church), the owner of the 1422 building. The DNR was copied on the letter to the Church, dated June 29, 2023, which provided the results of the vapor samples GZA collected within

the 1422 building. A second round of paired vapor sampling by GZA and the Church was conducted in late August or early September 2023 (exact dates and timeframe were not specified), which were provided to the DNR on October 26, 2023 in response to the DNR's request to GZA for an update on sampling.

On January 26, 2024, the DNR again requested an update on vapor investigation activities, as elevated TCE concentrations within the alley are on-going and indicate a continuing vapor intrusion risk to the 1422 building. GZA responded on January 31, 2024, stating that since TCE concentrations in the 1422 building during the two previous vapor sample rounds were below the indoor air Vapor Action Level (VAL) of 8.8 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$), no additional vapor sampling at the 1422 building is planned. It is the DNR's understanding that since 2022, Milwaukee Plating has been evaluating mechanical options to address the potential TCE concentrations in the alley between the facility and the 1422 building.

The DNR has not received a report demonstrating that the vapor intrusion risk has been mitigated and that no additional actions are necessary to address TCE vapor intrusion at the 1422 building. TCE was detected at 71 $\mu\text{g}/\text{m}^3$ in the alley in the June 2023 sampling event, which is similar to levels detected in the alley in 2022, prior to the degreaser repairs, and which corresponded to VAL exceedances within the 1422 building in 2022. The DNR verified with the Church that they currently operate carbon-unit indoor air filters continuously to mitigate the TCE vapors in their building, which may result in artificially lowered TCE concentrations within the 1422 building. An evaluation of the data that considers the variable conditions at the site such as timing of degreaser use and presence of air filters has not been provided. For example, it is not known whether vapor sampling has occurred during the worst-case scenario for vapor generation.

Please be aware that the DNR may initiate enforcement action against you for failure to comply with Wis. Stat. ch. 292. Your legal responsibilities are defined both in Wis. Stat. ch. 292 and Wis. Admin. Code chs. NR 700 through 754 and are also described in the January 11, 1990 responsible party letter. In particular, 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 to the air, lands, or waters of the state.

The DNR is requiring that by May 3, 2024, you submit a plan to mitigate the migration of TCE vapors into the 1422 building and continue vapor monitoring until it is demonstrated that the vapor risk has been mitigated and no additional actions are necessary to address TCE vapor intrusion at the 1422 building. The DNR recommends including a Technical Assistance fee for DNR review and response.

Please understand that you are in noncompliance and will remain in noncompliance until you fulfill all requirements of the statute. Failure to take the actions required by Wis. Stat. § 292.11 to address this contamination will cause the DNR to review this case for enforcement actions. Additionally, please be advised that the DNR is authorized under Wis. Stat. § 292.94 to assess non-reimbursable fees for any reports you are required to submit as part of additional enforcement actions.

As a general reminder, the site investigation has not been approved and completion of the investigation of the source and extent of CVOC contamination in all environmental media is required per Wis. Admin. Code ch. NR 716. The results of the complete site investigation should be evaluated to determine an appropriate remedial action per Wis. Admin. Code chs. NR 722 and NR 724.

If you have questions concerning this letter or the cleanup process, please contact the DNR Project Manager, Linda Michalets at 414-435-8010, or at linda.michalets@wisconsin.gov. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in blue ink that reads "Michele R. Norman".

Michele R. Norman
Southeast Region Team Supervisor
Remediation and Redevelopment Program

Enc.: Wisconsin Administrative Code ch. NR 708 – Immediate Action Required, DNR letter, June 10, 2022

cc: James Drought, GZA GeoEnvironmental, Inc. (James.Drought@gza.com)
Kevin Hedinger, GZA GeoEnvironmental, Inc. (Kevin.Hedinger@gza.com)
Don Gallo, Don Gallo Law (don.gallo@dgallolaw.com)
Curtis Hedman, Wisconsin Department of Health Services (Curtis.Hedman@dhs.wisconsin.gov)