

**From:** Don Gallo <don.gallo@dgallolaw.com>  
**Sent:** Monday, June 24, 2024 2:57 PM  
**To:** Norman, Michele R - DNR; Michalets, Linda M - DNR  
**Cc:** Brooke Smith; Ethan Jacoby  
**Subject:** Milwaukee Plating Response to WDNR Notice of Compliance  
6.24.2024  
**Attachments:** Response to WDNR Notice of Non-Compliance 6.24.2024.pdf

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## Gallo Law, LLC

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June 24, 2024

### **VIA EMAIL**

Michele R. Norman  
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(414)-559-8621

Wisconsin Department of Natural  
Resources  
Southeast Region Team Supervisor  
Remediation and Redevelopment Program

Subject Property: 1434 N. Vel R. Phillips Ave. Milwaukee, WI 53212-38888

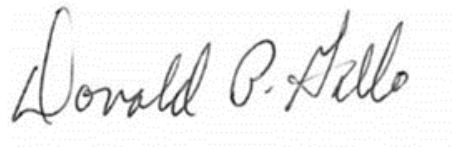
WDNR BRRts No.: 02-41-000826

**RE: Milwaukee Plating Company Notice of Non-Compliance Dated  
April 18, 2024**

Dear Ms. Norman,

Please see the attached PDF full response letter.

Gallo Law, LLC

A handwritten signature in black ink that reads "Donald P. Gallo". The signature is written in a cursive style and is positioned above a faint, dotted rectangular box.

Donald P. Gallo

cc:

Milwaukee Plating Company

# Gallo Law, LLC

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WDNR BRRTs No.: 02-41-000826

**RE: Milwaukee Plating Company Notice of Non-Compliance Dated April 18, 2024**

Dear Ms. Norman,

Gallo Law, LLC writes this letter on behalf of Milwaukee Plating Company (“MPC”) in response to your Notice of Non-Compliance dated April 18, 2024. In that letter, you stated that WDNR is requiring MPC to submit a plan to mitigate the migration of TCE vapors into the building at 1422 N. Vel R. Philips Avenue (the “1422 Building”) and to continue vapor monitoring until it is demonstrated that the vapor risk has been mitigated.

**1. The Presence of TCE in the 1422 Building**

MPC believes that its environmental sampling data indicates that the TCE vapor concentration levels have fallen below the Vapor Action Level for Small Industrial Buildings for all sample locations, besides the outside alley.

The data from samples collected by George Beyer (The consultant retained by Christ Church, who is the owner of the 1422 Building) indicates TCE vapor concentration levels above the Vapor Action Level for Small Industrial Buildings at the west exit location, in addition to the outside alley.

In correspondence dated October 26, 2023, Kevin Hedinger of GZA GeoEnvironmental ("GZA"), explained the differences in sampling methods used by GZA and the method used by Mr. Beyer. The samples collected by GZA were analyzed by Eurofins using gas chromatography with a mass spectrometer (GC-MS). This method specifically identifies the TCE mass in the sample, if it is indeed present, and reports that concentration.

“The analytical method used for each sampler could be a potential difference. Both the AT525 and the Radiello use carbon disulfide solvent to extract the contaminants from the sorbent in the sampler. From information on the Assay Technology website, the AT525 extract is analyzed using a gas chromatograph with a flame ionization detector (GC/FID) and the Radiello is analyzed with a gas chromatograph with a mass spectrometer (GC/MS). The flame ionization detector can be influenced by interference compounds in the sample that elute near TCE and these other compounds cannot be distinguished. Using the GC/MS allows for each peak on the chromatograph to be separated and identified; this separation of peaks could reduce the TCE concentration reported in the sample. Indoor air has many different compounds from materials in the space and activities inside the building which could be influencing the results analyzed with the GC/FID. The laboratory report that George provided to me to make the table indicates that the method reference is ”AT L-OV (GC/FID)”. This information could be confirmed for the specific samples analyzed for 1422 Building by Assay Technology.”

The samples collected by the owner of the 1422 Building were analyzed by Assay Technology using gas chromatography with a flame ionization detector (FID). This method of analysis is not as specific to TCE and can be influenced by other compounds in the indoor air samples that elute at approximately the same time as TCE on the column. These other compounds interfere with the concentration of TCE and because they elute at approximately the same time on the column, are combined with the TCE which causes the concentration reported to be elevated.

The below chart displays the test results for the sampling event conducted from August 28 through September 8, 2023. The chart contains results from samples taken by GZA and analyzed by Eurofins Air Toxics LLC (the “GZA” data set), and samples taken by George Beyer (working on behalf of Christ Church) and analyzed by Assay Technology (the “1422 dataset”).

	1 <sup>st</sup> Floor Gallery	2 <sup>nd</sup> Floor Mother's Room	Basement Print Cage	1 <sup>st</sup> Floor – NE Rear Cage	2 <sup>nd</sup> Floor – NE Conference Room	Outside-Alley	1 <sup>st</sup> Floor – West Exit	1 <sup>st</sup> Floor NW Office	2 <sup>nd</sup> Floor Nursery	Outside Roof Unit #1
GZA	1.7	2.4	3.8	1.9	3.2	11	5.5	1.7	2.8	0.92
1422	4.27	5.36	8.7	5.48	6.06	18	9.56	4.13	6.74	2.18

1. All units are measured in ug/m<sup>3</sup>

As the data shows, eight of the ten sample locations were beneath the Vapor Action Level for Small Commercial Buildings of 8.8 ug/m<sup>3</sup> in both data sets, only one location exceeded the Vapor Action Level in both data sets (Outside – Alley), and one location exceeded the Vapor Action Level in the 1422 dataset but not the GZA dataset.

MPC and GZA believe that the sample collection method (gas chromatography with a mass spectrometer (GC-MS)) used for the GZA dataset provides results that are more accurate and representative of on-site conditions than the sample collection method used in collecting the 1422 dataset (gas chromatography with a flame ionization detector (FID)).

In light of the discrepancy between sampling methods and results, GZA's dataset indicates that the migration of TCE vapor intrusion into the 1422 Building has been mitigated to the extent that none of the indoor air samples collected by GZA exceeded the Vapor Action Level for TCE.

## 2. Addressing TCE Vapor in the Outside Alley

Milwaukee Plating is evaluating mechanical options to address the potential TCE concentrations in the alley between the MPC and 1422 buildings. Currently, air from the MPC building is exhausted out through vents on the south side of the MPC building in the alley which separates the MPC building from the 1422 building. Test results for the outdoor air samples measured in the alley have revealed TCE concentrations higher than the TCE concentrations inside the 1422 building.

An option being investigated by MPC and GZA to vent the air from MPC vertically on the south side of the building and exhaust it above the roof line of the Milwaukee Plating building. This option is being considered because the vapor would no longer be vented directly into the alley at all, but instead higher in the air. The vents as they are currently positioned exit the MPC building approximately 15 feet above the ground. MPC and GZA is evaluating other considerations to ensure that this discharge does not influence other air intakes before this option can be considered viable for implementation.

Another alternative being considered is to close the vents on the South side and to install venting on the West side into a space between the MPC buildings with the discharge air then rising up vertically as a fugitive air discharge.

### 3. Conclusion

MPC believes that the method used by GZA for collecting the samples used in its dataset is more effective and accurate than the method used for collecting the samples used in the 1422 dataset. Thus, the GZA dataset demonstrates that the TCE vapor concentrations in all indoor air samples taken at the 1422 building have fallen below the Vapor Action Level for Small Commercial Buildings.

To address the remaining levels of TCE vapor present in the alley, MPC is strongly considering exhausting the air from the MPC building either vertically on the south side of the building rather than directly into the alley on the south side of the building or more likely sealing the South side vents and venting to the West between the MPC buildings and into the ambient air above the MPC buildings. The approach of exhausting the building air vertically will reduce the accumulation of vapor in the relatively stagnant air of the alley.

Gallo Law, LLC

A handwritten signature in black ink that reads "Donald P. Gallo". The signature is written in a cursive style with a large initial 'D'.

Donald P. Gallo

cc:

Milwaukee Plating Company