



September 30, 2020

VPI Corporation  
Jeff Udovich  
3123 S 9th Street  
Sheboygan WI 53082

Subject: Case Closure under Wis. Admin. Code ch. NR 726 Not Recommended  
Vinyl Plastics (Former), 3123 S. 9th Street, Sheboygan, WI  
DNR BRRTS Activity # 02-60-001045

Dear Mr. Udovich,

On August 20, 2020, the Wisconsin Department of Natural Resources (DNR) reviewed the closure request for the case identified above. As you are aware, the DNR reviews environmental remediation cases for compliance with applicable laws, including Wis. Stat. ch. 292 and Wis. Admin. Code chs. NR 700 – 754 and whether any further threat to public health, safety or welfare or the environment exists at the site or facility, per Wis. Admin. Code § NR 726.13 (2) (b). As discussed with your consultant on September 3, 2020, case closure is not recommended because additional legal requirements must be met. The purpose of this letter is to inform you of the remaining requirements for obtaining closure. We request that within 60 days of this letter, you provide us with the information requested or your written response regarding the necessary work and a schedule for completion of this work.

#### **Additional Requirements Needed for Case Closure Under Wis. Admin. Code ch. NR 726**

As noted above, additional work is necessary to meet the requirements for case closure because;

- The nature and extent of contamination is not defined in soil or groundwater;
- The vapor investigation requires additional analysis and sampling;
- An emerging contaminant scoping evaluation needs to be completed;
- Sampling indicates that free product may exist at the site; and
- Evaluation and implementation of an appropriate remedial action is needed since there are direct contact exceedances in soil within two feet of the ground surface and a permeable cap may not be appropriate due to the high concentrations found in soil and groundwater.

#### **Need to Define the Degree and Extent of Contamination**

Additional soil, groundwater, and vapor sampling is needed to define the degree and extent of contamination per Wis. Admin. Code § NR 716.11 for volatile organic compounds (VOCs) and semi-volatile organic compounds (SVOCs).

- Soil: Additional delineation is required to the east, north, and northwest to define the contaminated area.
- Groundwater: Additional delineation is needed in the southeast direction between MW-4 and MW-5 in the direction of groundwater flow. A groundwater monitoring well is needed upgradient of the plume, between the plume and building. The PAL exceedance near P-2 needs

additional investigation of VOCs and SVOCs.

- Utility corridors should be placed on site maps and evaluated for potential as a migration pathway. If utilities are contributing to contaminant migration, field sampling may be required.

#### Need to Complete the Vapor Investigation

Additional site investigation, per Wis. Admin. Code § NR 716.11 (5), is needed to determine whether vapor intrusion is a completed pathway at this site, or if there is a risk of future vapor exposure due to residual contamination. A typical vapor investigation includes two rounds of sampling (summer, winter) as discussed in guidance document *Sub-Slab Vapor Sampling Procedures* (RR-986). Compounds bis(2-ethylhexyl) phthalate and diisononyl phthalate have EPA Vapor Intrusion Screening Levels (which should be used to calculate the Vapor Action Levels and Vapor Risk Screening Levels for Wisconsin) and should be evaluated. A second round of vapor sampling is also needed for VOCs (only contaminants of concern). If vapor intrusion is an issue at this site, document all source control actions taken under Wis. Admin. Code § NR 726.05 (8).

#### Need to Complete an Emerging Contaminant Scoping Evaluation

Previous evaluations as part of the investigation at the site did not include scoping for emerging contaminants. On August 17, 2020, a letter was issued to you by the DNR reminding you that this site needs to include an evaluation of emerging contaminants per Wis. Admin. Code Wis. Admin. Code § NR 716.07. A response for the scoping evaluation of emerging contaminants consistent with Wis. Admin. Code § NR 716.07 for this site should be submitted.

In accordance with Wis. Admin. Code § NR 716.07, site investigation scoping shall include an evaluation of all potential contaminants associated with a hazardous substance discharge and/or environmental pollution, including emerging contaminants. Therefore, your response for the evaluation should include any available information on whether any products containing emerging contaminants, including PFAS, are presently or were produced, used, handled, or stored at the site or used in any process services. If PFAS is documented, the duration of PFAS-containing product use; the type of PFAS contained in the product; and any areas of the site where PFAS-containing products may have been used, stored, managed, or discarded should be included in the evaluation. The evaluation must include an assessment of all environmental media affected or potentially affected by the contamination per Wis. Admin. Code § NR 716.07(4), and potential or known impacts to receptors per Wis. Admin. Code § NR 716.07(8).

#### Need to Conduct Additional Groundwater Monitoring

Additional groundwater monitoring is needed to establish compliance with the closure criteria of Wis. Admin. Code § NR 726.05 (6). Well MW-6 and the new well between MW-4 and MW-5 should be sampled quarterly until it is established that groundwater contamination is not migrating beyond the property boundary above NR 141 standards. Depending on groundwater monitoring, additional delineation may be needed.

#### Need to Delineate/Remove Free Product

According to Wis. Admin. Code § NR 708.13, *Responsible parties shall conduct free product removal whenever it is necessary to halt or contain the discharge of a hazardous substance or to minimize the harmful effects of the discharge to the air, lands or waters of the state.* Soil samples at borings P-1 and P-10, and the groundwater sample at P-11, indicate that free product may exist on site. The area containing free product should

be defined and free product should be removed to the extent possible. This may be completed as an immediate or interim action as defined in Wis. Admin. Code ch. NR 708.

#### Need to Conduct Additional Remedial Action

Additional remedial action is needed to comply with the closure criteria of Wis. Admin. Code ch. NR 726. Evaluation and implementation of an appropriate remedial action under Wis. Admin. Codes chs. NR 722 and 724 is needed since there are direct contact exceedances in soil within two feet of the ground surface and a permeable cap may not be appropriate due to the high concentrations found in soil and groundwater.

#### Schedule

Within 60 days of the date of this letter, please respond in writing with a schedule of your plans to meet these requirements. An additional site investigation workplan needs to be submitted within 60 days per Wis. Admin. Code § NR 716.09(1). Following a complete nature and extent delineation, a Remedial Action Options Report and Remedial Action Plan will be required per Wis. Admin. Code chs. NR 722 and 724 to address contamination at the site.

Until requirements are met, your site will remain “open” and you are required to submit semi-annual progress reports, per Wis. Admin. Code § NR 700.11. You are also responsible for any operation and maintenance activities required under Wis. Admin. Code § NR 724.13. Once the additional work has been completed, documentation should be submitted to the DNR to demonstrate that the applicable requirements have been met, per the timelines above.

#### Conclusion

If you have any questions regarding the information in this letter or would like to schedule a meeting to discuss this case, please contact the DNR project manager, BJ LeRoy at 920-889-0151 or [BJ.LeRoy@Wisconsin.gov](mailto:BJ.LeRoy@Wisconsin.gov). For more information on the closure reconsideration process, please see DNR publication, RR-102, “Wis. Admin. Code ch. NR 726 Case Closure Reconsideration Process” by visiting [dnr.wi.gov](http://dnr.wi.gov), search: RR-102, for more information.

The DNR appreciates your efforts to restore the environment at this site.

Sincerely,



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