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August 1, 2012

Mr. Richard Gad
3900 N. Frederick Avenue
Shorewood, WI 53211

Mr. Richard Miletto
Dorprop LLC
3516 Crown Boulevard
La Crosse, WI 54601

Subject: Case Closure Denial and Response to GIS Registration Notification Letter Regarding 3582 N. Oakland Avenue
Dorprop LLC, 3596 N. Oakland Avenue, Shorewood
BRRTS#02-41-543031, FID#241371680

Dear Mr. Gad and Mr. Miletto:

The Department has received the case closure request submitted for the drycleaning solvent release that occurred at the 3596 N. Oakland Avenue property, identified as the Dorprop LLC site in our hazardous substance release tracking database (BRRTS). The case closure request was received April 30, 2012. As required by our regulations, Mr. Miletto, the owner of the Dorprop site property, sent a letter to Mr. Gad, the owner of the 3582 N. Oakland Avenue property, informing him that the site investigation conducted at the Dorprop LLC site had found the drycleaning solvent compound, tetrachloroethylene (PCE), in samples collected from deeper groundwater in a monitoring well (PZ-1) located immediately adjacent to the property boundary with the 3582 N. Oakland Avenue property. This letter was required based on the groundwater data from PZ-1 that strongly indicate the presence of PCE above the applicable Wisconsin groundwater enforcement standard in deeper groundwater under the northeast corner of the 3582 N. Oakland Avenue property, in the vicinity of the monitoring well PZ-1. Mr. Gad contacted the Department, expressing concern that the placement of the 3582 N. Oakland Avenue property on the Department's GIS Registry of cases with continuing obligations without data collected from his property, would inappropriately stigmatize his property. Mr. Gad's consultant, Sigma Environmental Services, subsequently submitted a report of evaluation and recommendation to the Department regarding the case closure request for the Dorprop LLC property, received by the Department June 18, 2012. The report by Sigma recommended the collection of soil, groundwater, soil vapor and indoor air samples from the 3582 N. Oakland Avenue property to verify environmental conditions and establish justification for a decision to identify that property as impacted on the GIS Registry.

The Department has spent considerable time reviewing the data from the Dorprop LLC site, including the case closure request submitted in April. Based on the investigation and remedial work conducted at the Dorprop LLC site, the apparent stability of the deeper groundwater contamination, and the lack of receptors for the deeper groundwater, the soil and groundwater data appear to be sufficient to define the extent and degree of contamination within the soil, soil vapor and groundwater in this situation. The data collected do not indicate a risk of PCE vapor migration onto the 3582 N. Oakland either from soil contamination found under the building on the Dorprop LLC site or from the deeper contaminated groundwater which is estimated to extend beneath the northwest corner of the 3582 N. Oakland Avenue property.

The Department recognizes that the stigma of perceived or actual contamination is not something that affected property owners should accept without scrutiny. The Department also accepts that there is always some level of uncertainty which is inherent in any subsurface investigation, regardless of the care taken and the adherence to accepted methods of evaluation. The Department requires the GIS Registration notification letters to be sent to off-site affected property owners to allow these owners the opportunity to have input into the closure decision and the resulting impact on their property's risk perception by lenders, buyers and occupants. We therefore do not take Mr. Gad's expressed concern over this perception of his residential property lightly, and believe that the following work should be conducted, as explained below:

1. Although the groundwater data from PZ-1 strongly suggest that an Enforcement Standard exceedance could be found in deeper groundwater in the immediate vicinity of PZ-1, the levels of PCE found in PZ-1 are still relatively low and nearby geologic and groundwater conditions could limit the concentrations in nearby groundwater on the 3582 N. Oakland Avenue property to below the Enforcement Standard. Groundwater below Mr. Gad's property at 3582 N. Oakland should be tested for PCE and trichloroethylene to confirm whether there is an Enforcement Standard exceedance that would warrant including this property as an impacted off-source property on the GIS Registry. Mr. Miletto's consultant may propose a sample collection location and method, which will be reviewed by the Department. A second sample will be collected from the approved location to confirm the results of the first sample. Groundwater will be collected from the same depth interval as that sampled in PZ-1 on the Dorprop LLC site. If the confirmed analytical results do not find either of these compounds above the applicable Enforcement Standard, then Mr. Gad's property will not be included as an affected property with an Enforcement Standard exceedance on the GIS Registry. If the confirmed analytical results find one or both of these compounds above the Enforcement Standard, then Mr. Gad's property will be included as an affected property with an Enforcement Standard exceedance on the GIS Registry. The Department will also review the data to determine whether any further investigation is required to finalize the closure decision.
2. Although soil data from the Dorprop LCC site strongly define the extent of soil contamination being limited to beneath the northern part of the building on that site, and it is unlikely that soil vapor has moved beyond the building limits, contaminated soil vapor can move beyond the limit of contaminated soil. Given the relative proximity of the building on 3582 N. Oakland Avenue to the building on the Dorprop LLC site, some degree of uncertainty remains in ruling out the risk from vapor migration to the 3582 N. Oakland building. Taking the residential occupancy of the 3582 N. Oakland Avenue property into account, sub-slab soil vapor samples should be collected from beneath the northern side of the basement of Mr. Gad's property at 3582 N. Oakland and tested for all compounds identified in sub-slab samples collected from beneath the Dorprop LLC site building. Two sample locations will be tested, in accordance with methodologies approved by the Department. The Department has established Vapor Risk Screening Levels (VRSLs) for sub-slab soil vapor for a residential use setting, in accordance with indoor air health levels (Risk Screening Levels) developed by the U.S. EPA, and the collected sub-slab soil vapor data will be compared to these Vapor Risk Screening Levels to determine whether further investigation or remediation work will be needed.
3. Results from the required testing should be transmitted to the Department and to Mr. Gad, as soon as they become available. A brief report prepared as an addendum to the closure request should be submitted to the Department and to Mr. Gad within 60 days of receipt of the results. The Department will render a determination on the case closure within 30 days of receipt of this report.

The work being required of Mr. Miletto would be eligible for reimbursement through the Dry Cleaner Environmental Remediation Fund (DERF). Mr. Miletto should direct his consultant, Braun Intertec Corporation, to submit a request for change order, with a work plan and cost estimate, to the Department for advance approval within the DERF process.

If you have questions about the determinations or instructions contained in this letter, please contact me at (414) 263-8758.

Sincerely,

A handwritten signature in black ink, appearing to read "Pamela A. Mylotta". The signature is fluid and cursive, with a large initial "P" and "M".

Pamela A. Mylotta, Hydrogeologist
Remediation & Redevelopment Program
Southeast Region

c: Kevin Nestingen – Braun Intertec Corporation
Tim Wimmer – Sigma Environmental Services