



**State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES**

Jim Doyle, Governor  
Scott Hassett, Secretary  
Ronald W. Kazmierczak, Regional Director

Northeast Region Headquarters  
2984 Shawano Ave., P.O. Box 10448  
Green Bay, Wisconsin 54307-0448  
Telephone 920-662-5100  
FAX 920-662-5413  
TTY Access via relay - 711

**NORTHEAST REGION REMEDIATION AND REDEVELOPMENT PROGRAM  
FAX TRANSMITTAL SHEET**

**DATE** June 6, 2005

**TO**  
Name: Russ Rolland  
Company/Agency:  
Fax Number: 920-884-9507

**FROM**  
Name: Kristin DuFresne  
Company/Agency: WDNR - NER  
Telephone Number: 920-662-5443

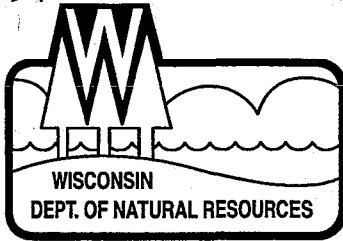
Pages to follow (excluding cover sheet): 10

**Comments/Message:**

Attached please find a copy of the general liability clarification letter for the One Hour Martinizing site located at 1233 South Military Avenue, Green Bay, Wisconsin. You will be receiving a paper copy of this letter by regular mail.

Please contact me if you have any questions.

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June 6, 2005

Dr. John Brusky  
1589 Arapahoe Court  
Green Bay, WI 54313

File Ref BRRTS: 02-05-217270

Subject: Liability Clarification and Current Environmental Conditions at  
One Hour Martinizing, 1233 South Military Avenue, Green Bay, Wisconsin

Dear Dr. Brusky:

### Purpose

The purpose of this letter is to provide you with clarifications as to environmental liabilities and current environmental conditions at 1233 Military Avenue, Green Bay, Wisconsin ("the Property"). The Property is located in Subdivision of Private Claim No. 8, west side of the Fox River, City of Green Bay, Brown County, Wisconsin, Township 24 North, Range 20 East. The Property is located in a one-story mini-mall developed with commercial businesses. An active dry cleaning facility occupies the Property.

### Request

On May 27, 2005, the Department of Natural Resources ("the Department") received your request to issue a liability clarification letter with a determination whether further response actions are needed under the ch. NR 700 rule series, Wis. Adm. Code, based on the release or presence of one or more hazardous substances at the Property. The Department received the fee for providing assistance, in accordance with s. NR 749.04(1), Wis. Adm. Code on May 27, 2005.

In order for the Department to make this determination, you have requested a complete review of the Department's file regarding the Property. The Department's file consists of the following documents:

- Release notification form submitted to the Department on March 30, 1999; and
- Phase II Environmental Assessment, dated March 23, 1999, prepared by Northern Environmental.

- Work Plan for Site Assessment, dated April 1999, prepared by STS Consultants Ltd.
- Project Status Report, dated September 2, 1999, prepared by STS Consultants Ltd.
- Additional Site Investigation and Remedial Action Recommendations Report, dated April 2000, prepared by STS Consultants Ltd.
- Site Investigation Addendum Report, dated March 2001, prepared by STS Consultants Ltd.
- Additional Site Investigation Information, dated November 29, 2001, prepared by STS Consultants Ltd.
- Remedial Options Addendum, dated February 1, 2002, prepared by STS Consultants Ltd.
- Final Remedial Options Addendum, dated November 14, 2002, prepared by STS Consultants Ltd.
- Proposal for Environmental Services, dated August 27, 2003, prepared by STS Consultants Ltd.
- One Hour Martinizing – Military Avenue Proposal, dated November 17, 2003, prepared by STS Consultants Ltd.

The Department has reviewed the submittals listed above and provides the following summary of the facts of the case and opinions concerning environmental conditions at the Property.

### **Background**

The Property has operated as an active dry cleaning facility for more than 26 years. In 1967, Marti-Chic Corporation of Madison, Wisconsin, opened a One-Hour Martinizing franchised dry cleaning facility at the Property. The business was purchased by PEP Enterprises (a partnership) in April of 1972. Peter F. Fink was one of the partners. In 1975 Mr. Fink bought out the partnership and operated the location as the sole proprietor until incorporating the business in October 1997. The Property continues to operate as an active dry cleaning facility.

### **Summary of Environmental Conditions – Site Investigation**

The purpose of the Phase II Environmental Assessment was to confirm the presence or absence of contamination associated with dry cleaning operations on the Property. One soil boring was completed inside the building near both the dry cleaning machine and the aboveground storage tank formerly used to store perchloroethene (PCE). Two additional soil borings were completed near the front and back doors of the building. The soil borings were advanced to a maximum depth of 10 feet below ground surface (bgs). Two of the soil borings were converted to temporary groundwater monitoring wells.

As part of the Phase II Environmental Assessment, soil and groundwater samples were laboratory analyzed for volatile organic compounds (VOCs). Tetrachloroethene (PCE), a chlorinated solvent, was detected in all three of the soil borings and breakdown products were

detected in two of the soil borings. PCE was detected in the groundwater samples collected from the two temporary wells at concentrations above the ch. NR 140, Wis. Adm. Code, enforcement standard (ES) of 5 micrograms per liter ( $\mu\text{g/L}$ ). Trichloroethene (TCE) and cis-1,2-dichloroethene (cis-DCE) were detected in one of the groundwater samples at a concentration above the ch. NR 140, Wis. Adm. Code, ES of 5  $\mu\text{g/L}$  and preventive action limit (PAL) of 7  $\mu\text{g/L}$ , respectively.

Between June 1999 and September 2001 additional site investigation activities were conducted at the Property in effort to define the lateral and vertical extent of chlorinated solvent contamination which is thought to have originated from the dry cleaning operations. As part of the site investigation, STS Consultants Ltd. collected soil samples for laboratory analysis from nine locations. The soil sample locations were associated with three hand auger soil borings, seven groundwater monitoring wells and three piezometers. Soil analytical results identified cis-DCE, TCE and/or PCE above laboratory detection limits. One of the hand auger borings detected petroleum compounds in soil at concentrations below ch. NR 720, Wis. Adm. Code, Table 1 values. During the October 30, 2000 groundwater sampling event one groundwater monitoring well and one piezometer had detections of PCE and TCE above the ch. NR 140 ES of 5  $\mu\text{g/L}$  and 5  $\mu\text{g/L}$ , respectively. Three other monitoring wells and one other piezometer had detections of PCE above the ch. NR 140 PAL of 0.5  $\mu\text{g/L}$ . The remaining three wells and piezometer were non-detect for VOCs in groundwater. A copy of the site investigation sample location map and analytical results is enclosed with this letter. Please be aware that soil and groundwater associated with the Property is considered a hazardous waste under ch. NR 600, Wis. Adm. Code.

Site investigation activities revealed chlorinated solvent soil impacts near the dry cleaning machine, on the west side of the building, along the east-side of the building and off-site. Groundwater contamination above ch. NR 140 PALs and/or ESs was also identified.

### **Summary of Environmental Conditions – Remedial Action**

The Final Remedial Options Addendum describes the proposed remedial action for cleaning up the soil and groundwater contamination identified on the Property. Per the requirements of ch. NR 169, Wis. Adm. Code, the referenced document was prepared for bidding the remediation/operation and maintenance portion of the project. The proposed remedial action consists of the following:

- Natural Attenuation Monitoring. This option consists of two years of quarterly groundwater monitoring of all groundwater monitoring wells and piezometers to determine the effectiveness of natural attenuation monitoring as a remedial option.
- In-situ Bioremediation Enhancement. This remedial option will be implemented if natural attenuation monitoring is not proven to be effective. It consists of the injection of a carbon amendment source to the unsaturated and/or saturated soil. The injection of the carbon amendment would encourage the growth of chlorinated solvent reducing bacteria. Following injection two years of quarterly groundwater monitoring will be conducted on all groundwater monitoring wells and piezometers.
- Institutional controls. Institutional controls restrict access to a property or a portion of a property. Examples of institutional controls are fences, floor slabs and pavement. As part of natural attenuation and in-situ bioremediation enhancement the building

floor slab and any other impermeable surfaces should be maintained as institutional controls to limit the potential risk to human health through direct contact with soils.

- Case closure of the site would require a deed restriction listing the building floor slab and any other impermeable surfaces as a performance standard. Soil and groundwater impacts existing at the time of case closure will also require a listing of the Property on the Department's GIS registry.

On March 10, 2004, the Department issued a "Notice to Proceed" letter to Mr. Fink informing him that he could proceed with hiring STS Consultants Ltd. as his environmental consultant for the remedial action at the Property. Per the STS Consultants Ltd. proposal, the cost to complete two years of natural attenuation groundwater monitoring and bring the site to closure is \$30,011.00. If the in-situ bioremediation enhancement is necessary an additional \$15,720.00 would be necessary to achieve closure.

To date, STS Consultants Ltd. has completed one year, four rounds, of natural attenuation groundwater monitoring. The analytical results indicate the in-situ bioremediation enhancement option should be implemented. STS Consultants Ltd. is in the process of submitting a work plan to the Department for approval. At this time, the Department assumes the time frame and cost estimate previously provided by STS Consultants Ltd. are adequate to cleanup and close the environmental repair case for the Property. Please be aware that due to unknown circumstances additional time and funds may be necessary to complete this project.

### **Dry Cleaners Environmental Response Program**

The Property is eligible for the Dry Cleaners Environmental Response Program (DERP). DERP was developed by the dry cleaning industry to reimburse dry cleaners for their eligible costs for cleaning up dry cleaning solvent discharges to the environment. Section 292.65, Wis. Stats., contains the statutory language from which the program must operate, and ch. NR 169, Wis. Adm. Code, contains more detailed rule language outlining how the rule is implemented. Complete information and details of DERP are available on-line at <http://www.dnr.state.wi.us/org/aw/rr/financial/dryclean.html>.

DERP has reimbursed \$46,534.25 in eligible expenses for the dry cleaning facility located at the Property. The maximum DERP award for investigating and cleaning up the dry cleaning facility is \$500,000.00.

Department records indicate the cost to complete the site investigation at the Property was \$39,493.50. This dollar amount includes the initial \$10,000 DERP deductible. The proposed remedial action for the site is anticipated to cost between \$30,011.00 and \$45,731.00. To date, the Department has received two remedial action DERP reimbursement claims totaling \$7,040.75.

### **Liability Determination**

The Wisconsin Hazardous Substance Discharge Law, s. 292.11, Wis. Stats., commonly called the Spill Law, requires those who cause, possess or control a hazardous substance discharge to "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 this state." Section 292.55,

Wis. Stats., authorizes the Department to issue clarification letters concerning liability for environmental pollution.

The data summarized above indicates that one or more hazardous substance discharges have occurred on the Property. The discharge(s) is thought to have originated from the dry cleaning operations taking place on the Property.

Site investigation activities conducted between March 1999 and September 2001 have defined the lateral and vertical extent of the soil and groundwater contamination thought to be associated with the dry cleaning operations. The DERP has reimbursed Mr. Fink for the site investigation activities.

Mr. Fink and STS Consultants Ltd. have completed one year of natural attenuation groundwater monitoring. The analytical results indicate the in-situ bioremediation enhancement option should be implemented. STS Consultants Ltd. is in the process of preparing a work plan to accomplish this task. The Department assumes the work plan will outline the process for injecting a carbon amendment source and conducting two additional years of quarterly groundwater monitoring. Depending on the effectiveness of the in-situ bioremediation enhancement and the additional groundwater monitoring the Property may be ready for closure in two years.

Based on submitted proposals, the Department assumes the total cost to implement the remedial action, in-situ bioremediation enhancement, and close the site is \$45,731.00. To date, the DERP has reimbursed Mr. Fink \$7,040.75 for the remedial actions. Please be aware that the total cost and time to complete this project may change based on the work plan STS Consultants Ltd. is preparing and changes in environmental conditions at the Property.

At the time of case closure, the Department anticipates the environmental repair case will close with institutional controls, a deed restriction and a listing on the Department's GIS registry. These items were described in the Summary of Environmental Conditions - Remedial Action portion of this letter.

This response letter relates only to those conditions described above, and makes no determination concerning the presence or absence of hazardous substances, other than those identified in the reports listed above.

In the future, if the Department becomes aware of new information concerning the contaminants referenced above, or the presence of other contaminants on the Property not previously identified, the Department will need to evaluate that data to determine if response actions may be required. Whenever possible, the Department requires the person who caused the discharge to take the appropriate response actions.

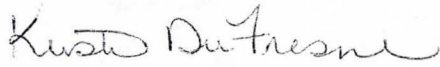
The Bureau for Remediation and Redevelopment Tracking System (BRRTS) identification number for this activity is shown at the top of this letter. The Department tracks information on all determinations such as this in a Department database that is available on the Internet at <http://dnr.wi.gov/org/aw/rr/>. See "BRRTS on the web" under "Contaminated Land Databases". The Department has issued BRRTS case number 02-05-217270 and will track this site activity as an environmental repair site.

Dr. John Brusky  
June 6, 2005

Page 6 of 6

If you have any questions, please contact me at 920-662-5443.

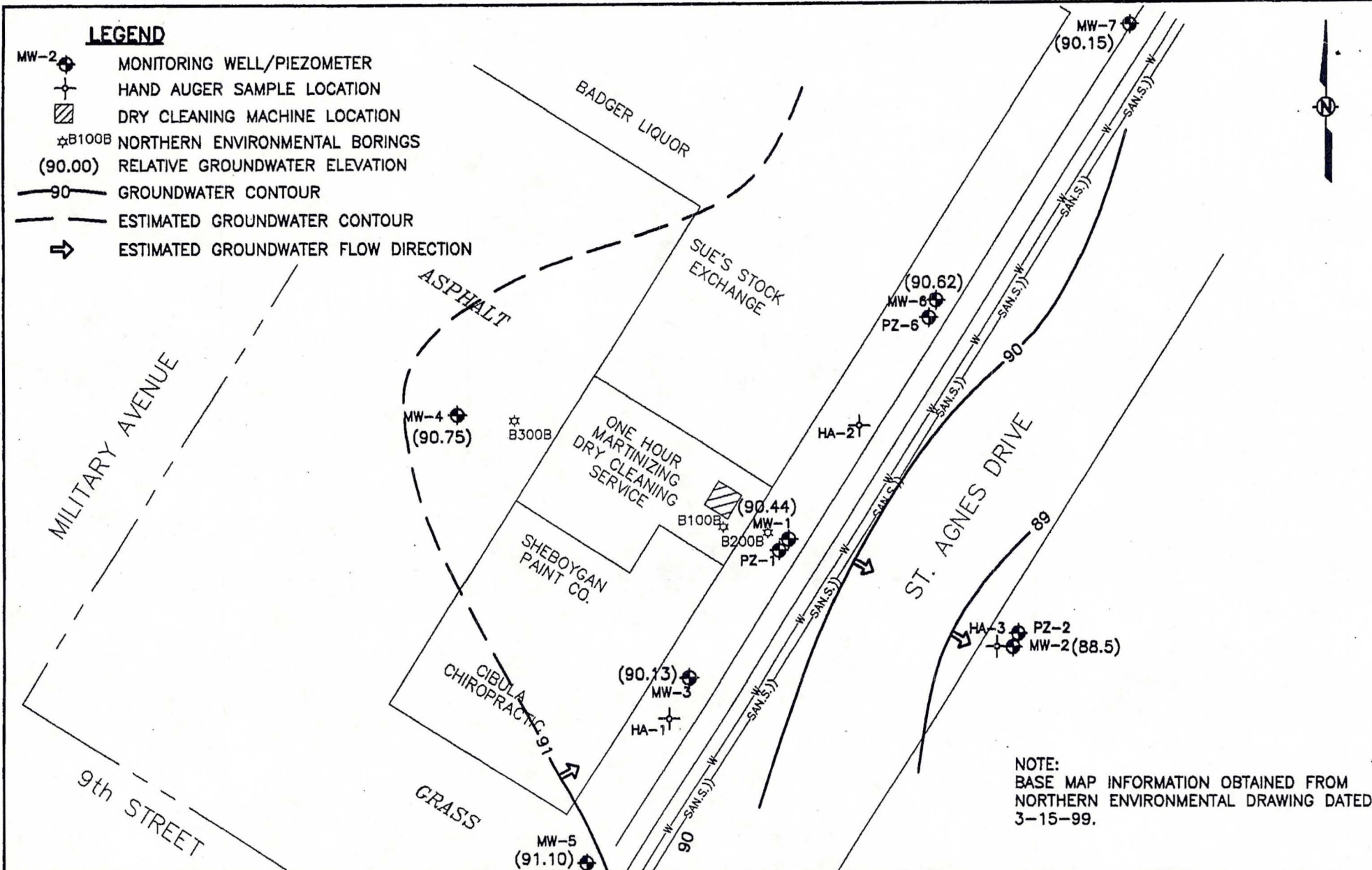
Sincerely,



Kristin DuFresne  
Hydrogeologist  
Remediation & Redevelopment Program


Enclosures

c: Russ Rolland, Bay Lakes Commercial Realtors  
425 Packerland Drive, Suite G, Green Bay, WI 54303-4859  
Peter Fink  
522 North Langlade Court, Green Bay, WI 54301-1591  
Paul Garvey, STS Consultants Ltd.  
1035 Kepler Drive, Green Bay, WI 54311  
Annette Weissbach, DNR NERH  
One Hour Martinizing – Military Avenue Case File



NOTE:  
 BASE MAP INFORMATION OBTAINED FROM  
 NORTHERN ENVIRONMENTAL DRAWING DATED  
 3-15-99.

STS PROJECT NO. 24871XF  
 STS PROJECT FILE 424871XF03.dwg  
 SCALE 1" = 30'  
 FIGURE NO. 3



STS Consultants Ltd.  
 Consulting Engineers

**GROUNDWATER CONTOUR MAP (AUGUST 21, 2001)**  
**ONE HOUR MARTINIZING DRY CLEANING SERVICE**  
**1233 SOUTH MILITARY AVENUE**  
**GREEN BAY, WISCONSIN**

DRAWN BY	J.R.L.	DATE	10-12-01
CHECKED BY	P.M.G.	DATE	10-12-01
APPROVED BY		DATE	
CADFILE X:\PROJECTS\Dwg2001\24871\XF\424871XF03.dwg			



Table 1  
Soil Analytical Results  
One Hour Martinizing  
1233 S. Military Avenue  
Green Bay, Wisconsin

			Analyte Units	Benzene ug/kg	cis 1,2-Dichloroethene ug/kg	Ethylbenzene ug/kg	Methylene Chloride ug/kg	Naphthalene ug/kg	Tetrachloroethene ug/kg	Trichloroethene ug/kg	Toluene ug/kg	Trimethylbenzenes ug/kg	Xylenes ug/kg	TOC mg/kg
MW-1/PZ-1	6/3/99	S-2	Depth-ft 2.0 - 4.0	<116	<115	<120	<157	<50.7	10100	511	<68.0	<501	<352	--
		S-3	4.0 - 6.0	<11.4	21.2 (p)	<11.8	<15.4	<4.97	2760	134	<6.67	<49.1	<34.6	--
MW-2	6/3/99	S-3	4.0 - 6.0	<12.6	<12.5	<13.0	<17.1	<5.51	106	<14.2	<7.39	<54.5	<38.3	--
MW-3	6/3/99	S-2	2.0 - 4.0	<11.7	<11.6	<12.1	<15.8	<5.12	<21.0	<13.2	<6.86	<50.6	<35.6	--
		S-4	6.0 - 8.0	<12.9	<12.8	<13.3	<17.5	<5.64	378	<14.6	<7.56	<55.7	<39.1	--
MW-4	6/3/99	S-2	3.0 - 5.0	<11.7	<11.6	<12.1	<15.8	<5.11	<21.0	<13.2	<6.86	<50.5	<35.5	--
MW-5	12/14/99	S-2	2.0 - 4.0	--	--	--	--	--	--	--	--	--	--	4640
MW-6	12/14/99	S-2	2.0 - 4.0	--	--	--	--	--	--	--	--	--	--	2150
HA-1	8/21/01	S-1	1.0-2.0	<12	<12	31	<51	60	140	<14	56	40	176	--
HA-2	8/21/01	S-1	1.0-2.0	<12	<11	<12	<49	<33	42	<13	<6.8	<50	<24	--
HA-3	8/21/01	S-1	1.0-2.0	<12	<12	<12	<51	<35	<22	<14	<7.1	<52	<25	--
<i>Soil Analytical Results from Northern Environmental's March 23, 1999, Phase 2 ESA.</i>														
B100B	S102B	3/10/99	1.0 - 3.0	<25	38	<25	<25	<25	33000	66	<25	<50	<75	--
B200B	S201B	3/10/99	1.0 - 3.0	<25	<25	<25	<25	<25	7800	88	<25	<50	<75	--
B300B	S301B	3/10/99	1.0 - 3.0	<25	<25	<25	<25	<25	34	<25	<25	<50	<75	--
WAC NR 720 Generic RCL <sup>1</sup>				5.5		2900					1500		4100	
Site-Specific RCL - Non-industrial Ingestion Pathway					1100000				18000	83000				
Site-Specific RCL - Industrial Ingestion Pathway					--				55000	260000				
Site-Specific RCL - Non-industrial Inhalation Pathway					150000				20000	5300				
Site-Specific RCL - Industrial Inhalation Pathway					120000				19000	5200				
Site-Specific RCL - Leaching to Groundwater Pathway					240				130	36				
Suggested Generic RCL (WDNR Pub. RR-519-97)								400						
WAC NR 746 Soil Screening Level				8500		4600					38000	83000(1,2,4)/11000(1,3,5)	42000	

Notes:

ug/kg = micrograms per kilogram

mg/kg = milligrams per kilogram

(p) = Reported result is less than the practical quantitation limit

<sup>1</sup>Wisconsin Administrative Code Chapter NR 720 Generic Residual Contaminant Level

TOC = Total Organic Compounds

Table 6 Ground-Water Analytical Results, 1233 South Military Avenue, One Hour Martinizing, Green Bay, Wisconsin

Well ID	Date Sampled	Relevant and Significant Analytical Results (µg/l)									
		Benzene	cis-1,2-Dichloroethene	trans-1,2-Dichloroethene	Ethylbenzene	Naphthalene	Tetrachloroethene	Toluene	Trichloroethene	Trimethylbenzenes	Xylenes
WDNR PAL (µg/l)		0.5	NE	NE	140	8	0.5	68.6	0.5	96	124
WDNR ES (µg/l)		5	NE	NE	700	40	5	343	5	480	620
TW200B*	03/10/99	<0.32	9.3	<0.38	<0.34	2.2"J"	>200	0.41"J"	41	<0.99	<0.98
TW300B*	03/10/99	<0.32	<0.32	<0.38	<0.34	2.1"J"	29	0.78"J"	<0.48	<0.99	<0.98

Key:

- µg/l = micrograms per liter
- WDNR = Wisconsin Department of Natural Resources
- PAL = Preventive Action Limit
- ES = Enforcement Standard
- NE = Not established by WDNR
- = Not Analyzed
- \* = Sample did not meet Laboratory QC Limits
- "J" = Analyte detected between Limit of Detection and Limit of Quantitation
- 0.32** = WDNR Preventive Action Limit Exceeded
- 32** = WDNR Enforcement Standard Exceeded

