

**From:** [Wayne Fassbender](#)  
**To:** [Hnat, John J - DNR](#)  
**Subject:** RE: OHM 285 Hampton  
**Date:** Wednesday, July 8, 2020 2:24:28 PM

---

J: I left you a voicemail.

**Wayne P. Fassbender, Senior Project Manager**

**EnviroForensics**® | N16W23390 Stone Ridge Dr, Suite G, Waukesha, WI 53188  
Direct 414-982-3988 | Mobile 262-490-6472 | [enviroforensics.com](http://enviroforensics.com)

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**From:** Hnat, John J - DNR <[John.Hnat@wisconsin.gov](mailto:John.Hnat@wisconsin.gov)>  
**Sent:** Wednesday, July 08, 2020 1:51 PM  
**To:** Wayne Fassbender <[wfassbender@enviroforensics.com](mailto:wfassbender@enviroforensics.com)>  
**Subject:** RE: OHM 285 Hampton

Well....it just prints the form at this end. Starting on Page 3, with no attachments.

---

**From:** Wayne Fassbender <[wfassbender@enviroforensics.com](mailto:wfassbender@enviroforensics.com)>  
**Sent:** Wednesday, July 8, 2020 1:18 PM  
**To:** Hnat, John J - DNR <[John.Hnat@wisconsin.gov](mailto:John.Hnat@wisconsin.gov)>  
**Subject:** RE: OHM 285 Hampton

J: If you print the form, it becomes the letter.

**Wayne P. Fassbender, Senior Project Manager**

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---

**From:** Hnat, John J - DNR <[John.Hnat@wisconsin.gov](mailto:John.Hnat@wisconsin.gov)>  
**Sent:** Wednesday, July 08, 2020 1:04 PM  
**To:** Wayne Fassbender <[wfassbender@enviroforensics.com](mailto:wfassbender@enviroforensics.com)>  
**Subject:** OHM 285 Hampton

Can you send the letter again? I got the form and cap plan. Somehow the letter isn't there anymore in my email.

 *J. Hnat, C.P.G. P.G.*

Project Manager/Hydrogeologist

Remediation and Redevelopment Program

Southeast Region Headquarters

Wisconsin Department of Natural Resources

(☎) **phone:** (414) 263-8644, **temporary cell:** (414) 881-0523

(☎) **fax:** (414) 263-8550

(✉) **e-mail:** [John.Hnat@wisconsin.gov](mailto:John.Hnat@wisconsin.gov)

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**From:** [Hnat, John J - DNR](#)  
**To:** [Wayne Fassbender](#)  
**Subject:** RE: OHM 285 Hampton  
**Date:** Wednesday, July 8, 2020 10:14:00 AM

---

Thanks Wayne.

---

**From:** Wayne Fassbender <[wfassbender@enviroforensics.com](mailto:wfassbender@enviroforensics.com)>  
**Sent:** Wednesday, July 8, 2020 10:12 AM  
**To:** Hnat, John J - DNR <[John.Hnat@wisconsin.gov](mailto:John.Hnat@wisconsin.gov)>  
**Cc:** Mylotta, Pamela A - DNR <[Pamela.Mylotta@wisconsin.gov](mailto:Pamela.Mylotta@wisconsin.gov)>; Brian Kappen <[bkappen@enviroforensics.com](mailto:bkappen@enviroforensics.com)>  
**Subject:** RE: OHM 285 Hampton

J: Here is also the Cap Maintenance Plan that was sent with the notification. We also sent a legal description and the WDNR fact sheets (although the boxes on the form for the fact sheets was not checked).

**Wayne P. Fassbender, Senior Project Manager**

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**To:** Wayne Fassbender <[wfassbender@enviroforensics.com](mailto:wfassbender@enviroforensics.com)>  
**Cc:** Mylotta, Pamela A - DNR <[Pamela.Mylotta@wisconsin.gov](mailto:Pamela.Mylotta@wisconsin.gov)>  
**Subject:** OHM 285 Hampton

Wayne,

Can you send me a copy of the Continuing Obligations letter sent to Dan Seibel on June 11, 2020?  
Thanks.



Project Manager/Hydrogeologist

Remediation and Redevelopment Program

Southeast Region Headquarters

Wisconsin Department of Natural Resources

(📞) **phone:** (414) 263-8644, **temporary cell:** (414) 881-0523

(📞) **fax:** (414) 263-8550

(✉️) **e-mail:** [John.Hnat@wisconsin.gov](mailto:John.Hnat@wisconsin.gov)

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## CAP MAINTENANCE PLAN

June 11, 2020

Property identified as:

**WFB Hampton, LLC**  
**249-257 E. Hampton Avenue**  
**Milwaukee, Wisconsin 53217**

**TAX ID#: 2420223100**

### INTRODUCTION

This document is the Maintenance Plan for the asphalt/concrete surface material (the “Cap”) covering soil and groundwater contaminated with chlorinated volatile organic compounds (CVOCs) for portions of the property located at 249-257 E. Hampton Avenue, Milwaukee, Wisconsin in accordance with the requirements of s. NR 724.13(2), Wis. Adm. Code. The contamination originated from former dry cleaning operations performed at the One Hour Martinizing property located at 285 E. Hampton Avenue, Milwaukee, Wisconsin. The maintenance activities relate to a portion of the existing asphalt/concrete surfaces which cover the residual soil and contamination.

More site-specific information about source property/site may be obtained from:

- The case file in the Wisconsin Department of Natural Resources (WDNR) Regional office;
- [BRRTS on the Web](#) (WDNR’s internet based data base of contaminated sites)for the link to a PDF for site-specific information at the time of closure and on continuing obligations;
- [RR Sites Map/GIS Registry layer](#) for a map view of the site, and
- The WDNR project manager.



## DESCRIPTION OF CONTAMINATION

Soil contaminated by the chlorinated volatile organic compound tetrachloroethene (PCE) exists at depths of approximately 2 to 8 feet below ground surface (bgs) in the far eastern section of the north parking/walkway area and the northeast corner of the south parking area. The extent of residual CVOC contamination in soil is shown on the attached **Figure D.1**. The concentrations of PCE detected in the soil are below the non-industrial direct contact residual contaminant levels (RCLs) within four feet of the ground surface but are above the soil to groundwater RCLs.

## DESCRIPTION OF CAP

The cap consists of a portion of the asphalt/concrete paved parking and walkway areas north of the property building; and a portion of the asphalt parking lot south of the property building. The location and extent of the cap is depicted on **Figure D.2**. The asphalt/concrete cap is anticipated to be 3 to 4 inches thick across the area.

The existing cap is intended to be a barrier to infiltration of precipitation, which will minimize soil-to-groundwater contaminant migration.

## ANNUAL INSPECTION

The asphalt/concrete parking and walkway areas will be visually inspected once per year for deterioration, cracks and other potential problems that would allow a direct conduit for infiltration of precipitation. This is typically performed in the early spring after all snow and ice has melted and before the seasonal rains begin. The inspections will be performed by the property owner or their designated representative (i.e. tenant, property manager, etc.). The inspections will be performed to evaluate damage due to settling, exposure to the weather, wear from traffic, increasing age, and other factors. Any area where large cracks or other openings have occurred or are likely to occur will be documented.

A log of the inspections and any repairs will be maintained by the property owner on WDNR Form 4400-305 (Continuing Obligations Inspection and Maintenance Log), included as **Attachment A**. The log will include recommendations for necessary repair of any areas where underlying soils are exposed. Once repairs are completed, they will be documented in the Inspection Log. A copy of this Cap Maintenance Plan and the Inspection Log will be kept at the property and available for submittal or review by WDNR representatives upon their request.



## **MAINTENANCE ACTIVITIES**

If problems are noted during the annual inspections or at any other time during the year, repairs will be scheduled as soon as practical. Repairs can include patching, filling, asphalt resurfacing, or construction operations. In the event that maintenance activities involve soil removal and disposal is necessary, the property owner must sample any soil excavated from the site prior to disposal to ascertain if contamination is present. The soil must be stored, disposed, or treated by the owner in accordance with applicable local, state and federal law.

In the event the cap overlying the contaminated soil is removed or replaced, the replacement barrier must be equally impermeable. Any replacement barrier will be subject to the same maintenance and inspection guidelines as outlined in this Cap Maintenance Plan unless indicated otherwise by the WDNR or its successor. The property owner, in order to maintain the integrity of the asphalt/concrete parking and walkway areas, will maintain a copy of this Maintenance Plan on-site and make it available to all interested parties (i.e. on-site employees, contractors, future property owners, etc.) for viewing.

## **PROHIBITION OF ACTIVITIES AND NOTIFICATION**

The following activities are prohibited on any portion of the property where an asphalt/concrete cap is required as depicted on the attached **Figure D.2**, unless prior written approval has been obtained from the WDNR: 1) removal of the existing barrier; 2) replacement with another barrier; 3) excavating or grading of the land surface; 4) filling on capped or paved areas; 5) plowing for agricultural cultivation; or 6) construction or placement of a building or other structure.

If removal, replacement or other changes to the asphalt/concrete surface materials are considered, the property owner will contact WDNR at least 45 days before taking such an action, to determine whether further action may be necessary to protect human health, safety, or welfare or the environment, in accordance with s. NR 727.07, Wis. Adm. Code.

## **AMENDMENT OR WITHDRAWAL OF MAINTENANCE PLAN**

This Maintenance Plan can be amended or withdrawn by the property owner and its successors with the written approval of the WDNR.



## CONTACT INFORMATION

Property Owner: WFB Hampton, LLC  
Mr. Daniel Seibel  
2060 N. Humboldt Avenue, Suite 225  
Milwaukee, WI 53212

Signature: \_\_\_\_\_

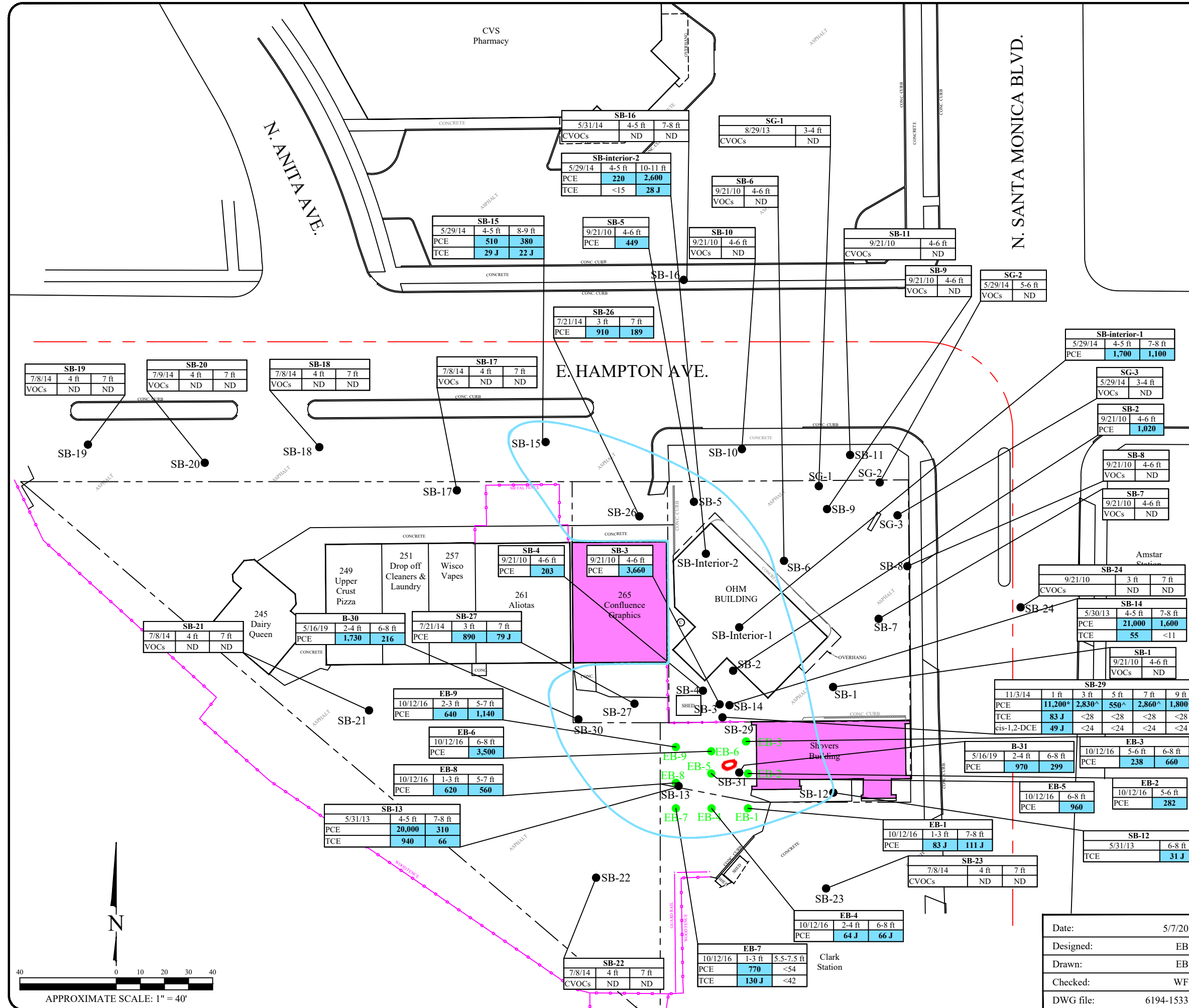
Consultant: EnviroForensics, LLC.  
Wayne Fassbender, PG, PMP  
N16 W23390 Stone Ridge Dr., Suite G  
Waukesha, WI 53188  
(262) 290-4001

WDNR Project Manager: John Hnat  
Wisconsin Dept. of Natural Resources  
2300 Dr. Martin Luther King Jr. Dr.  
Milwaukee, WI 53212  
(414) 263-8644





## **FIGURES**



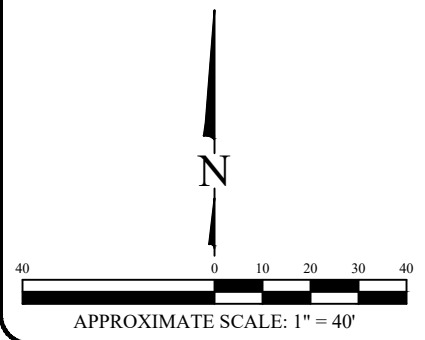
### Legend

- Property boundary
- - - City of Milwaukee/Village Whitefish Bay boundary
- - - Fence line
- SB-1 Soil Boring
- EB-1 Characterization soil boring for excavating purposes
- Extent of residual CVOC impacts in soil above non-industrial RCLs
- Extent of CVOC concentrations exceeding the soil to groundwater RCL

Analyte	Soil to Groundwater Residual Contaminant Level	Non-Industrial Direct Contact RCL	Industrial Direct Contact RCL
PCE	4.5	30,700	153,000
TCE	3.6	1,260	8,810
cis-1,2-DCE	41.2	156,000	2,040,000

- Note:
- Bolded and blue shaded values exceed the Soil to Groundwater Residual Contaminant Level
  - Bolded values are above detection limits
  - J = Analyte concentration less than the laboratory reporting limit
  - Samples analyzed using EPA SW-846 Method 8260
  - All results reported in units of micrograms per liter (ug/L)
  - PCE = Tetrachloroethene
  - TCE = Trichloroethene
  - cis-1,2-DCE = cis-1,2-Dichloroethene
  - RCL = Residual Contaminant Level
  - ND = Not detected
  - VOCs = Violate Organic Compounds
  - CVOCs = Chlorinated Violate Organic Compounds
  - \* = Toxicity Characteristic Leaching Procedure (TCLP) analysis of the sample yielded 0.081 milligrams per liter (mg/L)
  - ^ = Toxicity Characteristic Leaching Procedure (TCLP) analysis of the sample yielded <0.05 milligrams per liter (mg/L)

Structural impediment to complete investigation



## SOIL CONTAMINATION

One Hour Martinizing Facility  
285 East Hampton Avenue  
Milwaukee, Wisconsin

Date:	5/7/20	<p>825 North Capitol Avenue • Indianapolis, IN 46204 EnviroForensics.com</p>	Figure
Designed:	EB		D.1
Drawn:	EB		Project
Checked:	WF		6194
DWG file:	6194-1533		

N. ANITA AVE.

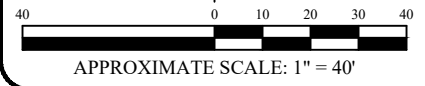
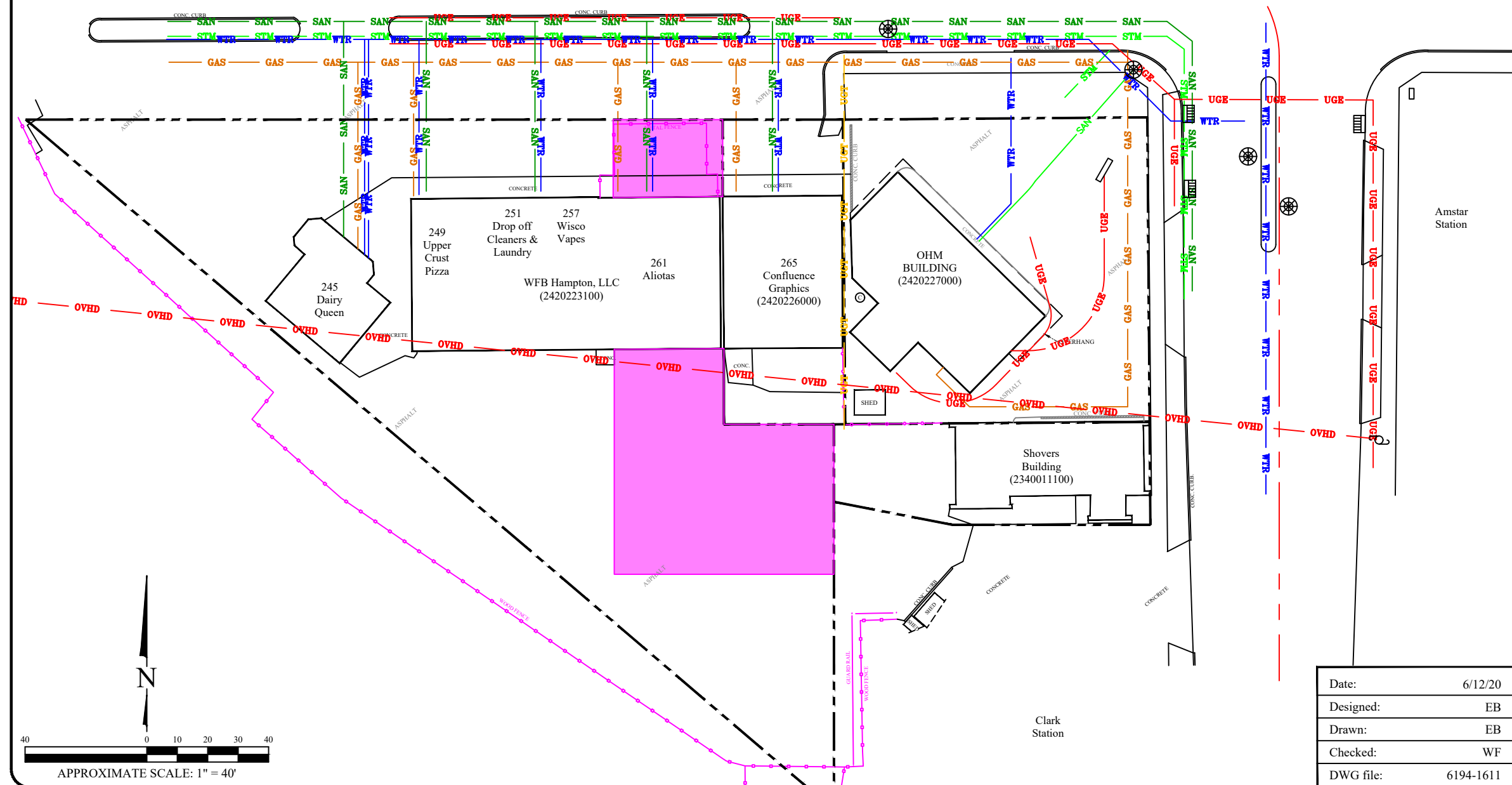
CVS Pharmacy

N. SANTA MONICA BLVD.

### Legend

- Parcel identification number
- Property boundary
- City of Milwaukee/Village Whitefish Bay boundary
- Fence line
- Underground gas utility line
- Underground water utility line
- Underground sanitary utility line
- Underground storm utility line
- Underground electrical utility line
- Underground fiber optic line
- Utility Pole
- Catch Basin
- Manhole
- Area of cap maintenance

E. HAMPTON AVE.



<b>AREA OF CAP MAINTENANCE FOR WFB HAMPTON, LLC</b>			Figure
One Hour Martinizing Facility 285 East Hampton Avenue Milwaukee, Wisconsin			D.2
Date:	6/12/20	825 North Capitol Avenue • Indianapolis, IN 46204 EnviroForensics.com	Project
Designed:	EB		6194
Drawn:	EB		
Checked:	WF		
DWG file:	6194-1611		



## **PHOTOGRAPHS**

**May 6, 2020**



View of the asphalt/concrete cap in the north parking area. View is to the south.





View of the asphalt cap in the south parking area. View is to the northeast.



## **ATTACHMENT A**

### **Continuing Obligations Inspection and Maintenance Log**

**Directions:** In accordance with s. NR 727.05 (1) (b) 3., Wis. Adm. Code, use of this form for documenting the inspections and maintenance of certain continuing obligations is required. Personal information collected will be used for administrative purposes and may be provided to requesters to the extent required by Wisconsin's Open Records law [ss. 19.31-19.39, Wis. Stats.]. When using this form, identify the condition that is being inspected. See the closure approval letter for this site for requirements regarding the submittal of this form to the Department of Natural Resources. A copy of this inspection log is required to be maintained either on the property, or at a location specified in the closure approval letter. Do NOT delete previous inspection results. This form was developed to provide a continuous history of site inspection results. The Department of Natural Resources project manager is identified in the closure letter. The project manager may also be identified from the database, BRRTS on the Web, at <http://dnr.wi.gov/botw/SetUpBasicSearchForm.do>, by searching for the site using the BRRTS ID number, and then looking in the "Who" section.

Activity (Site) Name	BRRTS No.
----------------------	-----------

Inspections are required to be conducted (see closure approval letter):

annually  
 semi-annually  
 other – specify \_\_\_\_\_

When submittal of this form is required, submit the form electronically to the DNR project manager. An electronic version of this filled out form, or a scanned version may be sent to the following email address (see closure approval letter):

Inspection Date	Inspector Name	Item	Describe the condition of the item that is being inspected	Recommendations for repair or maintenance	Previous recommendations implemented?	Photographs taken and attached?
		<input type="checkbox"/> monitoring well <input type="checkbox"/> cover/barrier <input type="checkbox"/> vapor mitigation system <input type="checkbox"/> other:			<input type="radio"/> Y <input type="radio"/> N	<input type="radio"/> Y <input type="radio"/> N
		<input type="checkbox"/> monitoring well <input type="checkbox"/> cover/barrier <input type="checkbox"/> vapor mitigation system <input type="checkbox"/> other:			<input type="radio"/> Y <input type="radio"/> N	<input type="radio"/> Y <input type="radio"/> N
		<input type="checkbox"/> monitoring well <input type="checkbox"/> cover/barrier <input type="checkbox"/> vapor mitigation system <input type="checkbox"/> other:			<input type="radio"/> Y <input type="radio"/> N	<input type="radio"/> Y <input type="radio"/> N
		<input type="checkbox"/> monitoring well <input type="checkbox"/> cover/barrier <input type="checkbox"/> vapor mitigation system <input type="checkbox"/> other:			<input type="radio"/> Y <input type="radio"/> N	<input type="radio"/> Y <input type="radio"/> N
		<input type="checkbox"/> monitoring well <input type="checkbox"/> cover/barrier <input type="checkbox"/> vapor mitigation system <input type="checkbox"/> other:			<input type="radio"/> Y <input type="radio"/> N	<input type="radio"/> Y <input type="radio"/> N
		<input type="checkbox"/> monitoring well <input type="checkbox"/> cover/barrier <input type="checkbox"/> vapor mitigation system <input type="checkbox"/> other:			<input type="radio"/> Y <input type="radio"/> N	<input type="radio"/> Y <input type="radio"/> N



BRRTS No.

Activity (Site) Name

# Continuing Obligations Inspection and Maintenance Log

Form 4400-305 (2/14)

Page 2 of 2

{Click to Add/Edit Image}

Date added:



Title:

{Click to Add/Edit Image}

Date added:

Title:

**From:** [Wayne Fassbender](#)  
**To:** [Hnat, John J - DNR](#)  
**Cc:** [Mylotta, Pamela A - DNR](#); [Brian Kappen](#)  
**Subject:** RE: OHM 285 Hampton  
**Date:** Wednesday, July 8, 2020 10:05:48 AM  
**Attachments:** [WFB Hampton Notification Form-4400-286.pdf](#)

---

J: Here is a copy of the notification form.

**Wayne P. Fassbender, Senior Project Manager**

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**Subject:** OHM 285 Hampton

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Thanks.



Project Manager/Hydrogeologist

Remediation and Redevelopment Program

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Notice: Pursuant to s. 292.12(4), Wis. Stats., written notification of parties affected by residual contamination is required. Pursuant to ch. NR 725, Wis. Adm. Code, this form is required to be completed for those sites meeting the criteria in s. NR 725.05 (see below), by a responsible party seeking case closure approval pursuant to ch. NR 726, Wis. Adm. Code or by those persons seeking a remedial action plan approval pursuant to ch. NR 722, Wis. Adm. Code, or by local government units or economic development corporations that are required to take an action pursuant to ch. NR 708, Wis. Adm. Code, when the Department of Natural Resources (DNR) determines that notification is necessary. Personally identifiable information collected will be used for program administration and may be provided to requesters to the extent required by Wisconsin's Open Records law (ss. 19.31-19.39, Wis. Stats.). (Unless otherwise noted, citations refer to Wis. Adm. Code.)

**Note:** A copy of each completed form must also be submitted to the WI Department of Natural Resources, in accordance with s. NR 726.09 (3), Wis. Adm. Code.

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**Directions:**

1. Include the first page of this form, **Contact Information**, as an attachment with all notifications sent using Sections A and B. (*Filling out the Contact Information page allows for automatic entry of the contact information within the letter.*)
2. To notify affected parties about residual contamination and continuing obligations, use the appropriate section (A, B or C), based on the type of property to which the required notification is to be sent, per s. NR 725.05 and 725.07, Wis. Adm. Code:  
**Section A: Deeded Properties**  
**Section B: Right-of-Way (ROW) - non-Department of Transportation**  
**Section C: Department of Transportation (DOT) ROW**
3. Select and use the applicable paragraphs, based on the types of residual contamination and continuing obligations for the specific property. For the "Residual Contamination" and "Continuing Obligations on Your Property" sections, the applicable language will appear upon selection of the checkboxes.
4. Include the information requested within each paragraph. If requesting remedial action plan approval, or if the Department has directed a local governmental unit to take an action at a site, modify the language regarding a "closure request" to reflect the appropriate situation ("remedial action plan approval" or a "liability clarification letter").
5. Once completed, print the form for mailing.
6. Under s. NR 725.07, Wis. Adm. Code, notification letters under section A and B are required to be sent via certified mail, return receipt requested, or priority mail with signature confirmation. If the notifications are sent via priority mail with signature confirmation, you may use the signature waiver option if you have reason to believe that the owner of the property or other recipient may refuse to sign for the notification.

---

**Situations for Which Notifications are Required:**

Under s. NR 725.07, Wis. Adm. Code, notification is required for the following situations:

- groundwater contamination that attains or exceeds applicable standards remains upon completion of the remedial action
- soil contamination that attains or exceeds applicable standards remains upon completion of the remedial action,
- one or more monitoring wells have not been located for abandonment (fill and seal), or
- one or more monitoring wells will be kept for future monitoring,  
*Do not use this option if the well/s are to be transferred to another site for continued monitoring. That will be addressed in the final closure letter, upon documentation that responsibility for the well/s has been accepted by the responsible party for the other site.*
- a cover (which may include soil covers, pavement, engineered cover, foundations) was used to address exposure by either direct contact or the groundwater pathway,
- a structural impediment (generally a building or other type of structure) prevented completion of a site investigation or remedial action. *This may also apply to site-specific situations which prevent a complete investigation or cleanup, such as an overhead power lines. Contact the agency with administrative authority first for site-specific situations.*
- soil contamination has only been cleaned up to industrial residual contaminant levels, and the property's land use has been classified as industrial under ch. NR 720,
- (vapor) the continued operation of a vapor mitigation system is necessary in order to limit or prevent vapor intrusion. *Notification is provided to the current property owner when that person is not the responsible party conducting the cleanup, and to any other property owners when sub-slab vapor risk screening levels are exceeded, and the operation and maintenance of a vapor mitigation system is necessary in order to limit or prevent vapor intrusion.*

## Notification of Continuing Obligations and Residual Contamination

- (vapor) vapor inhalation exposure assumptions for a non-residential setting will be applied for closure.  
*Notification is provided to the current property owner when that person is not the responsible party conducting the cleanup, and to any other property owner where residential vapor action levels are exceeded, including at properties used for commercial or industrial purposes.*
- (vapor) contamination in soil or groundwater from volatile compounds remains after completion of the remedial action, that could lead to vapor intrusion upon new construction, reconstruction or occupation of an existing building.  
*This is especially important in cases where elevated residual soil concentrations or large volumes of soil contaminated with volatile compounds remain. Notification is provided to the current property owner when that person is not the responsible party conducting the cleanup, and to any other property owner where vapors may pose a health issue if buildings are to be constructed in the future, or if other land use changes or actions could result in a completed vapor pathway. This includes expansion or reconstruction of existing buildings.*

The Department may also require a condition based on site-specific circumstances. In this case, consult with the project manager to determine what specific information to include in the notification of any affected property owner or right-of-holder. *This has been used in limited situations where actions such as methane monitoring or fencing were required.*

---

### Parties Receiving Notifications:

Under s. NR 725.05, Wis. Adm. Code, notification must be provided to:

- the owner of each property within or partially within the contaminated site or facility boundaries, other than properties owned by the responsible party,
- occupants of affected properties, as appropriate, *(consult with the project manager if you have questions)*
- the clerk of the county, town, village or city in which an affected public street or highway ROW is located, and municipal department or state agency that is responsible for the maintaining the public street or highway,
- the railroad that maintains the railroad right of way, and
- the owner of each property where a monitoring well will remain, for future abandonment or continued monitoring.

A summary of the notifications sent is to be provided in the case closure request form (4400-202). The attachment for “Notifications to Owners of Affected Properties”, in Form 4400-202 includes a summary table of all notifications sent to all property owners or occupants of affected properties and to holders of affected ROWs, a copy of each letter sent, and a proof of receipt for each letter.

**Note:** A response to a closure request cannot be provided until at least 30 days after this notification letter has been sent. Documentation that this letter has been sent must be provided to the agency with administrative authority for an approval or decision under ch. NR 726, Wis. Adm. Code.

## Notification of Continuing Obligations and Residual Contamination

### List of Potential Attachments:

(list all attachments to be included; include name of attachment and figure numbers)

### Maps

#### Section A

Monitoring Well Location Map - (Filling & Sealing, Continue Sampling of Wells)

Location of Cover in relation to the extent of contamination ( Maintenance of a Cover)

#### Section B

Monitoring Well Location Map - (Filling & Sealing, Continue Sampling of Wells)

#### Section C:

Groundwater Isoconcentration Map

Soil Isoconcentration Map

### Maintenance plan

#### Section A

Maintenance of Plan - (Maintenance of a cover, Barrier, and/or Vapor Mitigation System)

### Factsheets:

#### Section A

RR 819, Continuing Obligations for Environmental Protection

RR 671, What Landowners Should Know: Information About Using Natural Attenuation to Clean Up Contaminated Groundwater

RR 892, Vapor Intrusion: What to Expect if Vapor Intrusion from Soil and Groundwater Contamination Exist on My Property

#### Section B

Groundwater RR 892, Vapor Intrusion: What to Expect if Vapor Intrusion from Soil and Groundwater Contamination Exist on My Property



**Notification of Continuing Obligations  
and Residual Contamination**

**The affected property is:**

- the source property (the source of the hazardous substance discharge), but the property is not owned by the person who conducted the cleanup (a deeded property)
- a deeded property affected by contamination from the source property
- a right-of-way (ROW)
- a Department of Transportation (DOT) ROW

**Include this completed page as an attachment with all notifications provided under sections A and B.**

**Contact Information**

**Responsible Party:** The person responsible for sending this form, and for conducting the environmental investigation and cleanup is:

Responsible Party Name OHM Holdings, Inc.

Contact Person Last Name Cass	First Brian	MI	Phone Number (include area code) (262) 521-9710
Address W229N2494 County Road F	City Waukesha	State WI	ZIP Code 53186
E-mail <u>brian@ohmholdings.com</u>			

**Name of Party Receiving Notification:**

Business Name, if applicable: \_\_\_\_\_

Title Mr.	Last Name Seibel	First Daniel	MI	Phone Number (include area code) (414) 477-8174
Address 2060 N. Humboldt Avenue, Suite 225	City Milwaukee	State WI	ZIP Code 53212	

**Site Name and Source Property Information:**

Site (Activity) Name One Hour Martinizing

Address 285 E. Hampton Avenue	City Milwaukee	State WI	ZIP Code 53217
DNR ID # (BRRTS#) 02-41-543260	(DATCP) ID #		

**Contacts for Questions:**

**If you have any questions regarding the cleanup or about this notification, please contact the Responsible Party identified above, or contact:**

**Environmental Consultant:** EnviroForensics, LLC

Contact Person Last Name Fassbender	First Wayne	MI P	Phone Number (include area code) (414) 982-3988
Address N16W23390 Stone Ridge Drive, Suite G	City Waukesha	State WI	ZIP Code 53188
E-mail <u>wfassbender@enviroforensics.com</u>			

**Department Contact:**

**To review the Department's case file, or for questions on cleanups or closure requirements, contact:**

**Department of:** Natural Resources (DNR)      **Office:**      Milwaukee

Address 2300 North Martin Luther King Drive	City Milwaukee	State WI	ZIP Code 53212
Contact Person Last Name Hnat	First John	MI	Phone Number (include area code) (414) 263-8644
E-mail (Firstname.Lastname@wisconsin.gov) <u>john.hnat@wisconsin.gov</u>			

**Section A: Deeded Property Notification: Residual Contamination and/or Continuing Obligations**

**KEEP THIS DOCUMENT WITH YOUR PROPERTY RECORDS**

2060 N. Humboldt Avenue, Suite 225  
Milwaukee, WI, 53212

Dear Mr. Seibel:

I am providing this letter to inform you of the location and extent of contamination remaining on your property, and of certain long-term responsibilities (continuing obligations) for which you may become responsible.

I have investigated a release of:

dry cleaning solvents

on 285 E. Hampton Avenue, Milwaukee, WI, 53217 that has shown that contamination has migrated onto your property. I have responded to the release and will be requesting that the Department of Natural Resources (DNR) grant case closure. Closure means that the DNR will not be requiring any further investigation or cleanup action to be taken. However, continuing obligations may be imposed as a condition of closure approval.

**You have 30 days to comment on the attached legal description of your property and on the proposed closure request:**

Please review the enclosed legal description of your property, and notify Wayne Fassbender at N16W23390 Stone Ridge Drive, Suite G, Waukesha, WI, 53188 within the next 30 days if the legal description is incorrect.

The DNR will not review my closure request for at least 30 days after the date of receipt of this letter. As an affected property owner, you have a right to contact the DNR to provide any technical information that you may have that indicates that closure should not be granted for this site. If you would like to submit any information that is relevant to this closure request, or if you want to waive the 30 day comment period, you should mail that information to the DNR contact: 2300 North Martin Luther King Drive, Milwaukee, WI, 53212, or at [john.hnat@wisconsin.gov](mailto:john.hnat@wisconsin.gov).

**Your Long-Term Responsibilities as a Property Owner and Occupant:**

The responses included

Excavation of source area soil contamination and capping of remaining soil impacts to reduce the infiltration of precipitation which will reduce the potential for continued groundwater contamination.

The continuing obligations I am proposing that affect your property are listed below, under the heading **Continuing Obligations**. Under s. 292.12 (5), Wis. Stats., current and future owners and occupants of this property are responsible for complying with continuing obligations imposed as part of an approved closure.

The fact sheet "Continuing Obligations for Environmental Protection" (DNR publication RR 819) has been included with this letter, to help explain the responsibilities you may have for maintenance of a certain continuing obligation, the limits of any liability for investigation and cleanup of contamination, and how these differ. If the fact sheet is lost, you may obtain copies at <http://dnr.wi.gov/files/PDF/pubs/rr/RR819.pdf>.

**Contract for responsibility for continuing obligation:**

Before I request closure, I will need to inform the DNR as to whom will be responsible for the continuing obligation/s on your property.

It is our intent to inform them that you will be responsible for the minimal continued obligations described below.

Under s. 292.12, Wis. Stats., the responsibility for maintaining all necessary continuing obligations for your property will fall on you or any subsequent property owner, unless another person has a legally enforceable responsibility to comply with the requirements of the final closure letter. If you need more time to finalize an agreement on the responsibility for the continuing obligations on your Property, you may request additional time from the DNR contact identified in **Contact Information**.

*(Note: Future property owners would need to negotiate a new agreement.)*



**Remaining Contamination:**

***Soil Contamination:***

Soil contamination remains at :

A small area at the far east end of the south parking lot at the 257 E. Hampton Avenue property.

The remaining contaminants include:

tetrachloroethene (PCE)

at levels which exceed the soil standards found in ch. NR 720, Wis. Adm. Code. The following steps have been taken to address any exposure to the remaining soil contamination.

The concentrations in soil are above the soil to groundwater RCLs. Maintaining the cap in this area will limit the infiltration of precipitation and reduce the potential for migration of soil impacts to the water table.

***Groundwater Contamination:***

Groundwater contamination originated at the property located at 285 E. Hampton Avenue, Milwaukee, WI, 53217 .

Contaminated groundwater has migrated onto your property at:

261 East Hampton Avenue, Milwaukee, Wisconsin

The levels of

tetrachloroethene (PCE) and trichloroethene (TCE)

contamination in the groundwater on your property are above the state groundwater enforcement standards found in ch. NR 140, Wis. Adm. Code.

However, the environmental consultants who have investigated this contamination have informed me that this groundwater contaminant plume is stable or receding and will naturally degrade over time. I believe that allowing natural attenuation, or the breakdown of contaminants in groundwater due to naturally occurring processes, to complete the cleanup at this site will meet the case closure requirements of ch. NR 726, Wis. Adm. Code. As part of my request for case closure, I am requesting that the DNR accept natural attenuation as the final remedy for this site.

The following DNR fact sheet (RR 671, "What Landowners Should Know: Information About Using Natural Attenuation to Clean Up Contaminated Groundwater") has been included with this notification, to help explain the use of natural attenuation as a remedy. If the fact sheet is lost, you may obtain a copy at <http://dnr.wi.gov/files/PDF/pubs/rr/RR671.pdf>.

**Continuing Obligations on Your Property:** As part of the cleanup, I am proposing that the following continuing obligations be used at your property, to address future exposure to residual contamination. If my closure request is approved, you will be responsible for the following continuing obligations.

To construct a new well or to reconstruct an existing well, the property owner at the time of construction or reconstruction will need to obtain prior approval from the DNR. See **Well Construction Requirements**. Typically, this results in casing off a portion of the aquifer during drilling, when needed, to protect the water supply.

***Residual Soil Contamination:***

If soil is excavated from the areas with residual contamination, the property owner at the time of excavation will be responsible for the following:

- determine if contamination is present
- determine whether the material would be considered solid or hazardous waste
- ensure that any storage, treatment or disposal is in compliance with applicable statutes and rules.

Contaminated soil may be managed in-place, in accordance with ch. NR 718, Wis. Adm. Code, with prior DNR approval. In addition, all current and future property owners and occupants of the property and right-of-way holders need to be aware that excavation of the contaminated soil may pose an inhalation or other direct contact hazard and as a result special precautions may need to be taken during excavation activities to prevent a health threat to humans.

Depending on site-specific conditions, construction over contaminated soils or groundwater may result in vapor migration of contaminants into enclosed structures or migration along underground utility lines. The potential for vapor inhalation and means of mitigation should be evaluated when planning any future redevelopment, and measures should be taken to ensure the continued protection of public health, safety, welfare and the environment at the site.

Continued monitoring was requested/required for certain monitoring wells



## Notification of Continuing Obligations and Residual Contamination

### *Maintenance of a Cover:*

A soil cover/engineered cover/other has been placed over remaining contamination to limit infiltration of contamination to groundwater, and this cover will need to be maintained. Inspections will be required, and submittal of inspection reports may be required. Certain activities which would disturb the cover or barrier will be prohibited. If the cover was intended for industrial or commercial use, notification of the DNR may be required before changing the land use to a residential type use, to determine if the cover will be protective for that use. A maintenance plan is attached, which describes the maintenance activities likely to be required. An updated maintenance plan will be provided at closure, if the requires changes to the maintenance plan.

A map, figure   D2  , is attached, which shows the location of the extent of contamination and the extent of the cover.

### *Vapor: Commercial or Industrial Use of Property:*

The closure request is based on this property being used for commercial or industrial purposes, using site-specific vapor exposure assumptions. If closure is approved, notification of the DNR will be required before changing the use of the property. Additional investigation and remediation may be required at that time.

### *Vapor: Future Actions to Address Vapor Intrusion:*

While vapor intrusion does not currently exist, if a building is constructed on this property, or reconstructed, or if use of a building is changed to a residential-type use, vapor intrusion may become an issue. If closure is approved, notification of the DNR will be required before construction of a building or changing the use of an existing building to residential occupancy. The use of vapor control technologies or an assessment of the potential for vapor intrusion will be required at that time.

### **Maintenance and Audits of Continuing Obligations:**

If compliance with a maintenance plan is required as part of a continuing obligation, an inspection log will need to be filled out periodically, and kept available for inspection by the DNR. Submittal of the inspection log may also be required. You will also need to notify any future owners or occupants of this property of the need to maintain the continuing obligation and to document that maintenance in the inspection log. Periodic audits of these continuing obligations may be conducted by the DNR, to ensure that potential exposure to residual contamination is being addressed. The DNR provides notification before conducting site visits as part of the audit.

### **Well Construction Requirements:**

If this site is closed, all properties within the site boundaries where contamination remains, or where a continuing obligation is applied, will be listed on the Bureau for Remediation and Redevelopment Tracking System (BRRTS) on the Web, at <https://dnr.wi.gov/topic/Brownfields/WRRD.html>. Inclusion on this database provides public notice of remaining contamination and of any continuing obligations. Documents can be viewed on this database, and include final closure letters, site maps and any applicable maintenance plans. The location of the site may also be viewed on the Remediation and Redevelopment Sites Map (RR Sites Map), at the same internet address listed above.

DNR approval prior to well construction or reconstruction is required in accordance with s. NR 812.09 (4) (w), Wis. Adm. Code. This requirement applies to private drinking water wells and high capacity wells. Special well construction standards may be necessary to protect the well from the remaining contamination. The property owner needs to first obtain approval from a regional water supply specialist in DNR's Drinking Water and Groundwater Program. A well driller can help complete this form. The well construction application, form 3300-254, is on the internet at <https://dnr.wi.gov/files/PDF/forms/3300/3300-254.pdf>.

### **Site Closure:**

If the DNR grants closure, you will receive a letter which defines the specific continuing obligations on your property. The status of the site (open or closed) may also be checked by searching BRRTS on the Web. You may view or download a copy of the closure letter (sent to the responsible party) from BRRTS on the Web. You may also request a copy of the closure letter from the **responsible party** or by writing to the DNR contact, at John Hnat, john.hnat@wisconsin.gov, (414) 263-8644. The final closure letter will contain a description of the continuing obligation, any prohibitions on activities and will include any applicable maintenance plan.

If you have any questions regarding this notification, I can be reached at: (414) 982-3988  
[wfassbender@enviroforensics.com](mailto:wfassbender@enviroforensics.com)

**Notification of Continuing Obligations  
and Residual Contamination**

Date Signed \_\_\_\_\_

\_\_\_\_\_  
*Signature of responsible party/environmental consultant for the responsible party*

**Attachments**

**Contact Information**

**Legal Description for each Parcel:**

**Maps:**

**Maintenance plan**

Maintenance of a cover Maintenance of a Cover - Maintenance Plan

Date \_\_\_\_\_

**Factsheets:**

RR 819, Continuing Obligations for Environmental Protection

RR 671, What Landowners Should Know: Information About Using Natural Attenuation to Clean Up Contaminated Groundwater