



April 29, 2024

Mr. James Small, Trustee  
Ehrlich Family Limited Partnership  
PO Box 081007  
Racine, WI 53402

Sent via email only to: [jsmall@mallerpetersoncpa.com](mailto:jsmall@mallerpetersoncpa.com)

Subject: Case Closure under Wis. Admin. Code ch. NR 726 Not Recommended  
Express Cleaners (FMR), 3921-3941 N. Main St., Racine, Wisconsin  
DNR BRRTS # 02-52-547631; VPLE# 06-52-576325; FID #: 252010000

Dear Mr. Small:

On March 27, 2024, 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 attorney on April 22, 2024, 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. The following items need to be addressed.

**Need to Complete a Vapor Investigation**

Additional site investigation, per Wis. Admin. Code § NR 716.11 (5)(g), 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.

At least one additional sub-slab vapor sample should be collected from the building located on the adjacent property to the north, in the vicinity of the VP-2 sampling location. Submit the vapor data as soon as you receive it along with a brief discussion of the data and how or if conditions have changed since the last round of sampling. Evaluate whether a Commercial/Industrial use requirement is needed as a continuing obligation for this property.

**Closure Packet Revisions**

1. Table 5 will need to be changed to reflect that the off-site affected properties will require a Future Vapor Risk Continuing Obligation (Row xiii).
2. Update data Table A.4 and Figure B.4.a with new vapor data once it is received.
3. Update sections of closure form to reflect the Future Vapor Risk CO for the off-site properties.

4. Correct Page 1 of the Case Closure form (Form 4400-202) to place a check mark in the box just below the Responsible Party information to indicate that the RP is the owner of the source property.
5. Include all changes into one submittal once you have it updated.
6. Additional actions and/or packet changes may be needed based on the results of the vapor investigation required above.

### **Monitoring Well Abandonment**

Based on the DNR review of the case closure information, the monitoring wells may be abandoned as no further groundwater investigation or monitoring is required for case closure.

### **Schedule**

**Within 60 days of the date of this letter, respond in writing with a schedule of your plans to meet these requirements.**

**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.

Case closure can be reconsidered by the DNR once documentation has been received.

### **Documentation Submittal**

The submittal of both an electronic and paper copy are required in accordance with Wis. Adm. Code § NR 726.09(1). However, at this time only an electronic copy of the documentation is needed. See Guidance for Electronic Submittals for the Remediation and Redevelopment Program, RR- 690 for additional information. To view the document online, go to [dnr.wi.gov](http://dnr.wi.gov) and search “RR 690”.

### **Conclusion**

The DNR appreciates your efforts to restore the environment at this site. If you have any questions regarding the information in this letter or would like to schedule a meeting to discuss this case, please contact me at 414-374-2423 or [pamela.mylotta@wisconsin.gov](mailto:pamela.mylotta@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.

Sincerely,



Pamela A. Mylotta  
Southeast Region Team Supervisor  
Remediation & Redevelopment Program

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