

January 11, 2021

DONALD & BONNIE JOHNSON  
1746 15TH AVE  
BARRON WI 54812

**CERTIFIED MAIL/RETURN RECEIPT REQUESTED**

**SUBJECT: NOTICE OF NONCOMPLIANCE**  
Continuing Obligations Associated with Lee's Cleaners  
1727 South Main Street, Rice Lake, Wisconsin  
WDNR BRRTS #02-03-552055  
FID #603010540  
Barron County Parcel #276500667000

Dear Mr. and Mrs. Johnson:

This letter is to notify you that the Department of Natural Resources ("Department") believes you are out of compliance with Wisconsin Statutes (Wis. Stat.) chapter §292 and Wisconsin Administrative Code (Wis. Admin. Code) chapters NR 700 through NR 754.

On July 30, 2008, the Department notified the former owners of the Lee's Cleaners property ("Site") of their responsibility to investigate the degree and extent of contamination from volatile organic compounds (VOCs) associated with dry cleaning operations at the Site and to clean up the Site as necessary to protect human health and the environment.

Following investigation and cleanup activities which included the use of a cover or barrier to prevent remaining contamination from contaminating groundwater as well as a vapor mitigation system installed to limit exposure to potentially harmful concentrations of VOC vapors entering the building, the Department issued a Final Case Closure (attached). The final case closure letter describes continuing obligations necessary to protect human health and the environment from remaining contamination.

**CURRENT CONDITIONS**

On August 6, 2020, Department Hydrogeologist Carrie Stoltz visited the property to perform a continuing obligations audit. These audits are periodically conducted to maintain compliance with continuing obligations established at the time of case closure.

One of the continuing obligations associated with the Site is operation and maintenance of the vapor mitigation system. The system must be inspected on a monthly basis and system components must be repaired or replaced immediately upon discovery of malfunction. Inspections must be documented in the Sub slab Depressurization System Inspection Log and any system repairs shall be tracked on the Continuing Obligations Inspection and Maintenance Log. The inspection logs shall be kept up to date, on-site, and submitted to the DNR annually.

**NOTICE OF NONCOMPLIANCE**

Closure of the Site was approved by meeting the requirements of Wis. Admin. Code ch. NR 726. The authority to set site-specific continuing obligations for closure associated with the vapor mitigation system is derived from Wis. Admin. Code NR 726.15(2)(i). The authority to require conditions for closure at the Site deemed necessary to protect human health and the environment is derived from Wis. Admin. Code NR 726.13(1)(c). Notification for change in use of a vapor mitigation system is required by Wis. Admin. Code NR 727.07(4).

The operational status of the vapor mitigation system is unknown. No maintenance or inspection logs for the system have been submitted to the Department, therefore the Site is currently not in compliance with Wis. Admin. Code NR 727.05(1)(b).

**ACTION NEEDED**

To achieve compliance with Wis. Admin. Code NR 700 – 754, the following must be addressed:

- The vapor mitigation system must be inspected on a monthly basis. System components must be repaired or replaced immediately upon discovery of malfunction. Inspections must be documented in the Sub slab Depressurization System Inspection Log and any system repairs shall be tracked on the Continuing Obligations Inspection and Maintenance Log. The inspection logs shall be kept up-to-date and on-site. Inspection logs shall be submitted to the DNR annually.
- Submit photos of the vapor mitigation system and inspection/maintenance logs within 30 days of the date of this letter, **by February 9, 2021**.

If you have any questions, please feel free to contact the Project Manager, Barbara Flietner at 715-492-1891 or by email at [Barbara.Flietner@Wisconsin.gov](mailto:Barbara.Flietner@Wisconsin.gov). You may also contact me at 715-208-4004, or by email at [Christopher.Saari@Wisconsin.gov](mailto:Christopher.Saari@Wisconsin.gov).

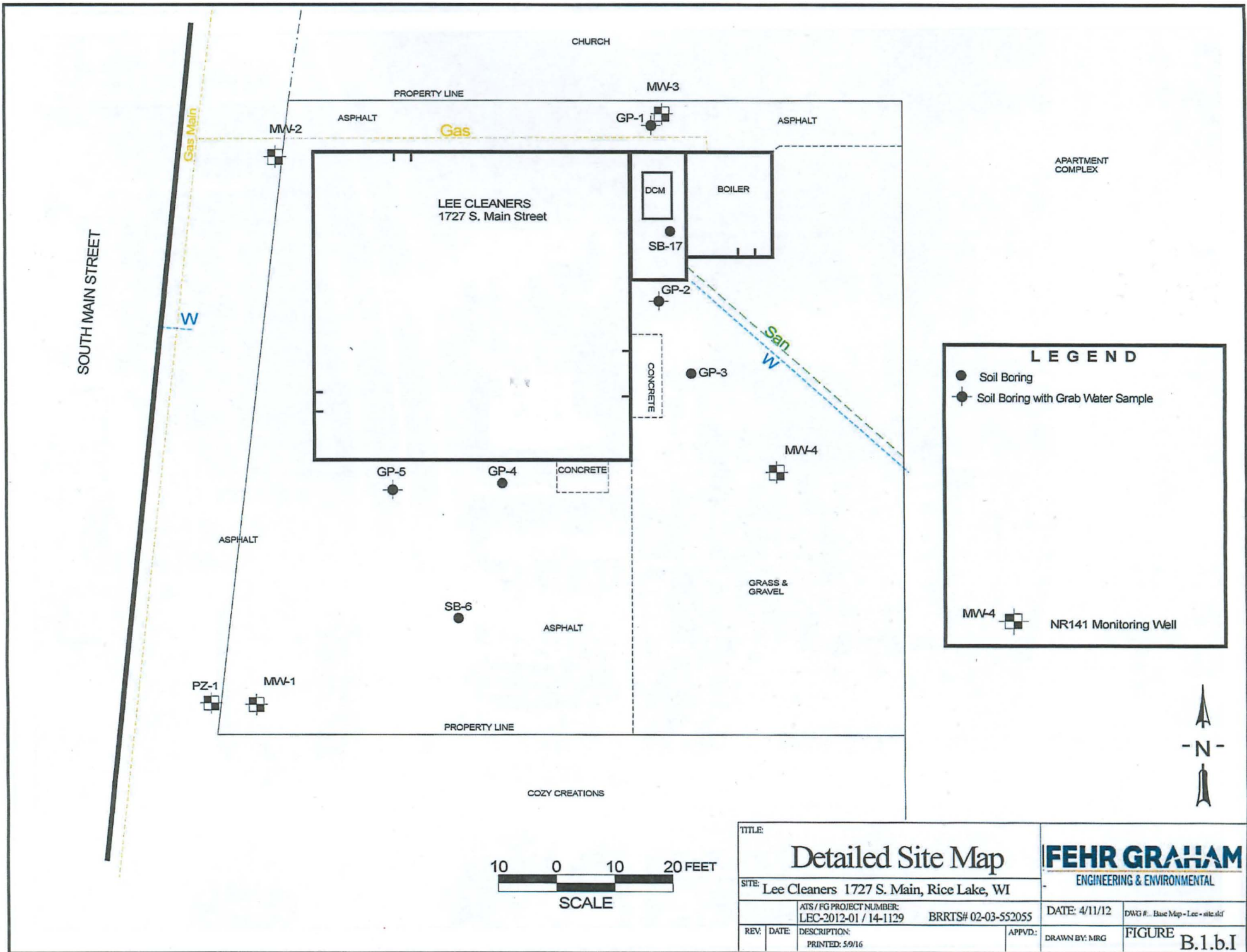
Sincerely,



Christopher A. Saari  
Northern Region Supervisor  
Remediation and Redevelopment Program

Attachment: Final Case Closure With Continuing Obligations, DNR, January 6, 2017

cc: Barbara Flietner – DNR Rhinelander (via email)

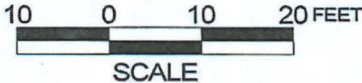
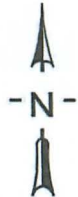


**LEGEND**

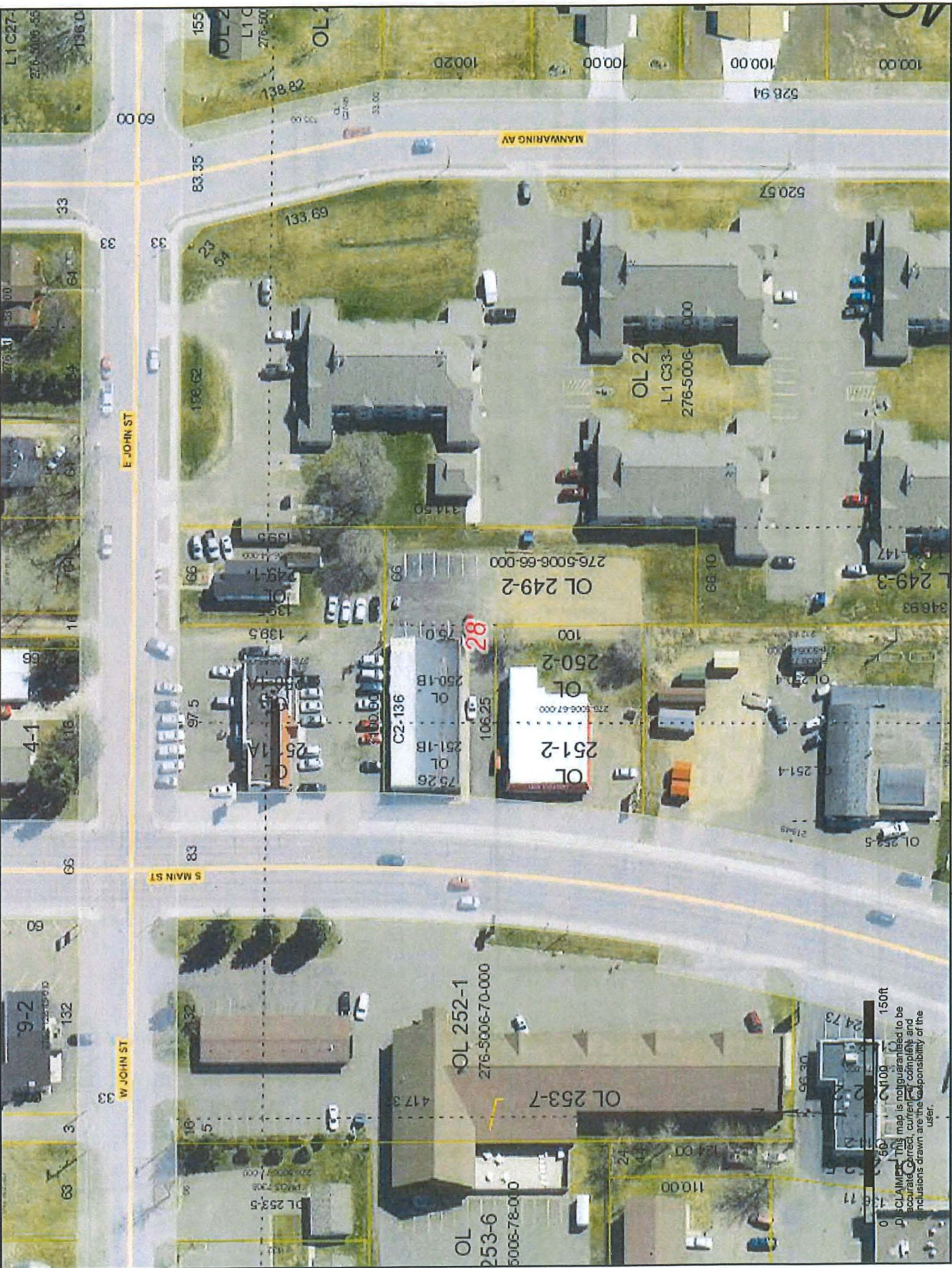
- Soil Boring
- ⊕ Soil Boring with Grab Water Sample

MW-4 ⊕ NR141 Monitoring Well



TITLE:		<h1>Detailed Site Map</h1>		<b>FEHR GRAHAM</b> ENGINEERING & ENVIRONMENTAL	
SITE:		Lee Cleaners 1727 S. Main, Rice Lake, WI			
ATS / FG PROJECT NUMBER:		LEC-2012-01 / 14-1129		BRRTS# 02-03-552055	
DATE:		4/11/12		DWG #: Base Map - Lec - site.dwg	
REV:	DATE:	DESCRIPTION:	APPVD:	DRAWN BY:	FIGURE
		PRINTED: 5/9/16		MRG	<b>B.1.b.I</b>



150ft  
 DISCLAIMER: This map is not guaranteed to be accurate. Current, correct, complete, and accurate data is the responsibility of the user.

OL 253-6  
 253-6  
 5006-78-0-0

OL 252-1  
 276-5006-70-000

OL 253-7  
 417.3

OL 251-2  
 276-5006-67-000

OL 249-2  
 276-5006-66-000

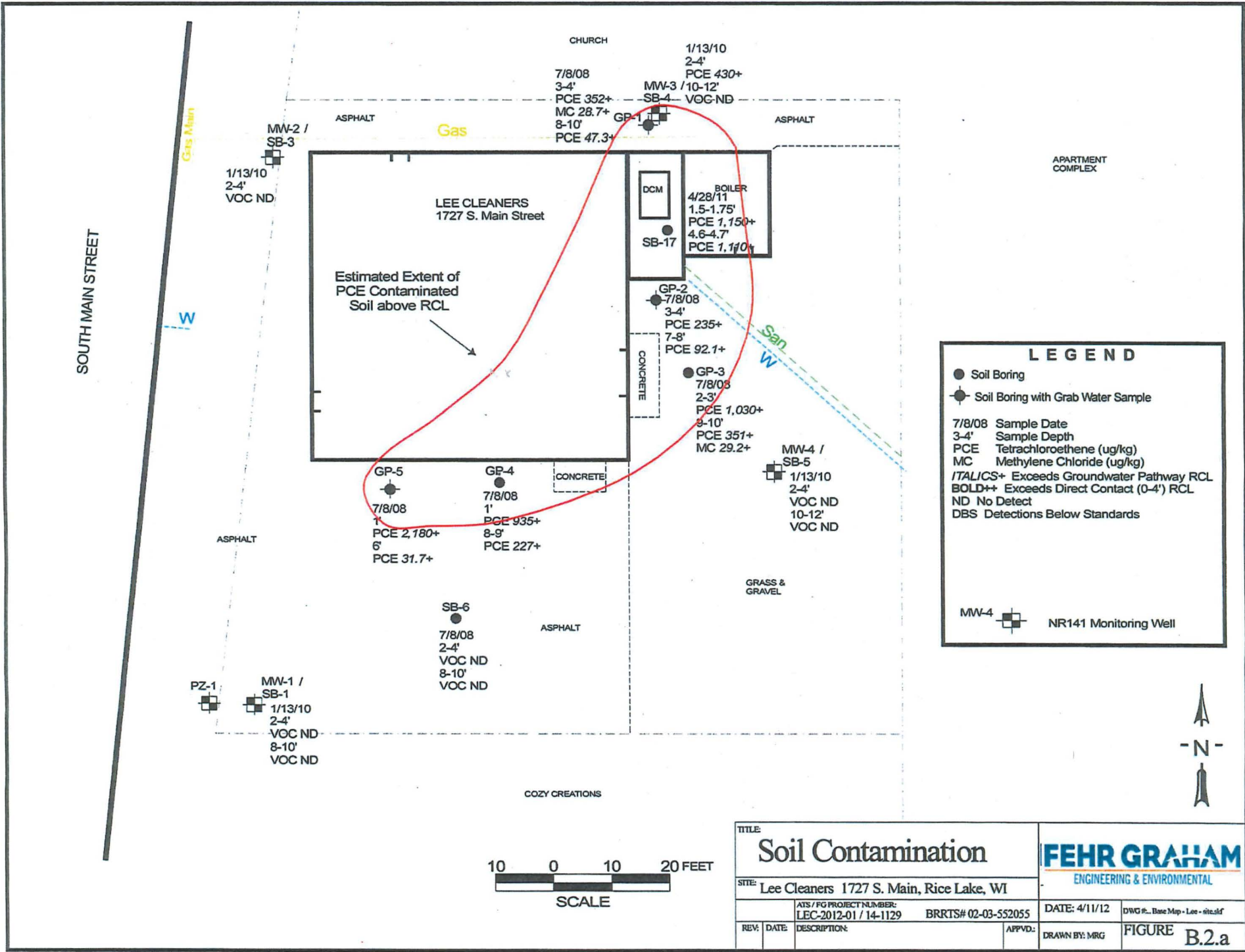
OL 2  
 L1 C33-  
 276-5006-0-000

E JOHN ST

S MAIN ST

MANWARING AV

W JOHN ST



SOUTH MAIN STREET

Gas Main

W

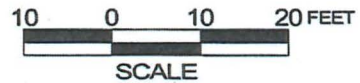
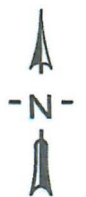
San W

### LEGEND

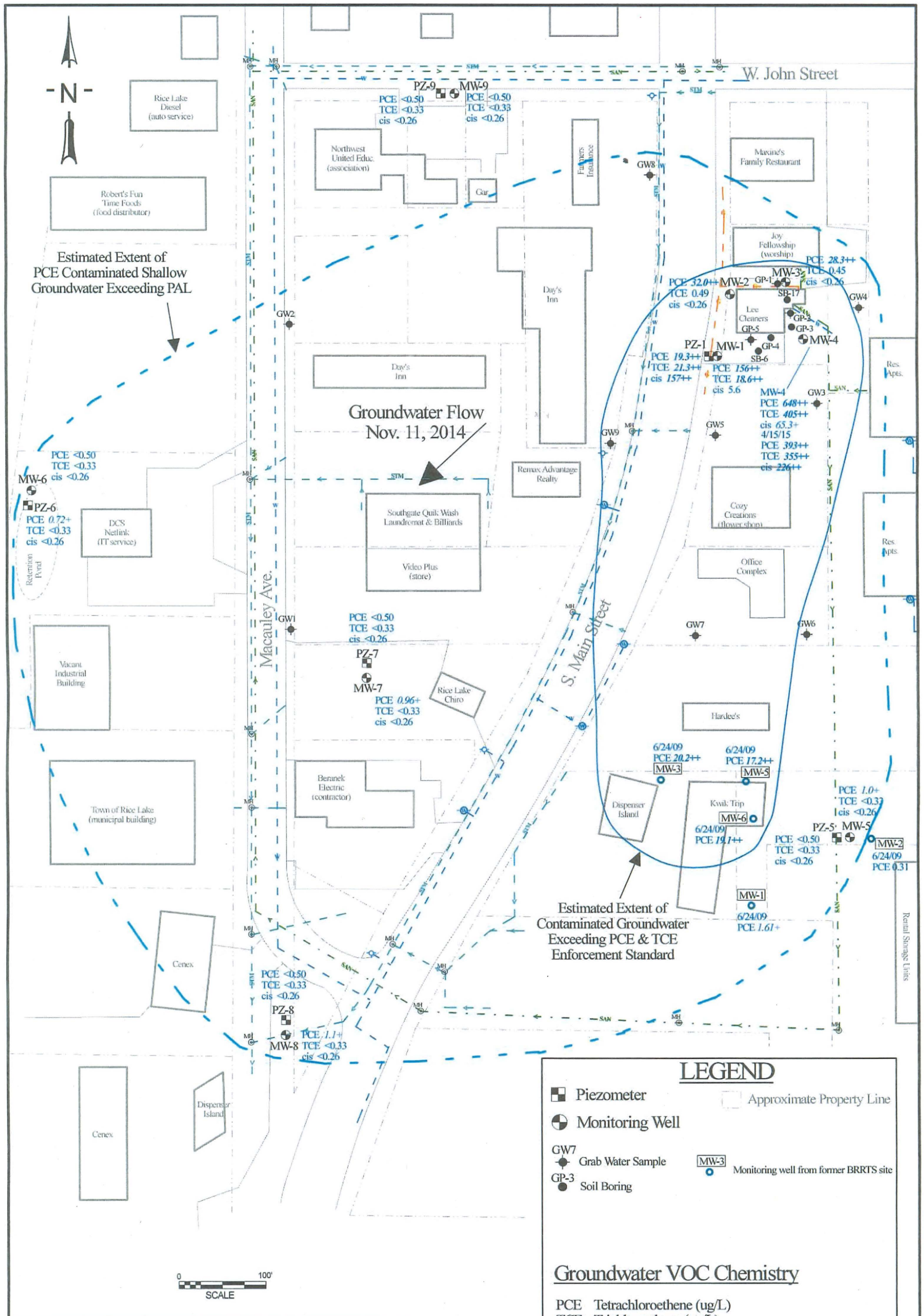
- Soil Boring
- ⊙ Soil Boring with Grab Water Sample
- 7/8/08 Sample Date
- 3-4' Sample Depth
- PCE Tetrachloroethene (ug/kg)
- MC Methylene Chloride (ug/kg)
- ITALICS+* Exceeds Groundwater Pathway RCL
- BOLD++** Exceeds Direct Contact (0-4') RCL
- ND No Detect
- DBS Detections Below Standards

MW-4 ⊙ NR141 Monitoring Well



<b>TITLE</b> Soil Contamination		<b>FEHR GRAHAM</b> ENGINEERING & ENVIRONMENTAL	
<b>SITE:</b> Lee Cleaners 1727 S. Main, Rice Lake, WI			
A/S / FG PROJECT NUMBER: LEC-2012-01 / 14-1129		BRRTS# 02-03-552055	
DATE: 4/11/12	DWG #.: Base Map - Lee - etc.dwg	APPVD:	DRAWN BY: MRG
REV:	DATE:	DESCRIPTION:	FIGURE <b>B.2.a</b>



**LEGEND**

- Piezometer
- Monitoring Well
- Grab Water Sample
- Soil Boring
- Approximate Property Line
- Monitoring well from former BRRTS site

**Groundwater VOC Chemistry**

PCE Tetrachloroethene (ug/L)  
 TCE Trichloroethene (ug/L)  
 cis cis-1,2-Dichloroethene (ug/L)

*Italics+* Exceeds NR140 Preventive Action Level  
**Bold++** Exceeds NR140 Enforcement Standard  
 Samples taken 11/17/14 except where noted

<b>Groundwater Isoconcentration</b>		<b>FEHR GRAHAM</b> ENGINEERING & ENVIRONMENTAL	
SITE: Lee Cleaners 1727 S. Main, Rice Lake, WI		DATE: 3/4/13	DWG #: Base Map - Lee - Full site.sxf
ATS / FG PROJECT NUMBER: LEC-2012-01 / 14-1129	BRRTS# 02-03-552055	DRAWN BY: MKH	FIGURE B.3.b
PRINT DATE: 3/1/16	DESCRIPTION:	APPVD:	

**Attachment D.1**

**MAINTENANCE PLAN**

March 4, 2016

Property Located at:

1727 S. Main Street, Rice Lake, WI 54868

WDNR BRRTS #: 02-03-552055

Legal Description of Parcel:

Parcel 1: A parcel of land located in Outlot 251 and located in the South half of 28-35-11, described as follows: Commencing at the South Quarter post of 28-35-11; thence North on the quarter line a distance of 1171.5 feet (71 rods); thence East parallel to the South line of John Street a distance of 577.5 feet (35 rods) to the place of beginning; thence South parallel to the South Quarter line a distance of 100 feet; thence West parallel to the South line of John Street a distance of 52.8 feet to the East line of highway right-of-way; thence Northerly along the East line of said highway right-of-way a distance of 101 feet; thence East parallel to the South line of John Street a distance of 40.25 feet to the place of beginning.

Parcel 2: A parcel of land described as follows: Commencing 44 rods North and 35 rods East of the quarter post of Section 28 and 33, 35-11; thence East parallel to John Street 4 rods; thence North parallel to the North and South quarter line 345.5 feet, which is the place of commencement; thence North parallel to the North and South quarter line 100 feet; thence West parallel to John Street 4 rods; thence South parallel to the North and South quarter line 100 feet; thence East parallel to John Street 4 rods to place of commencement. (Being a part of Outlot known as Outlot 250). City of Rice Lake, Barron County, Wisconsin.

Parcel ID #: 276-5006-67-000

City of Rice Lake, Barron County, Wisconsin

## Introduction

This document is the Maintenance Plan for a Subslab Depressurization System (SSDS) and soil cap at the above-referenced property in accordance with the requirements of s. NR 724.13(2), Wisconsin Administrative Code.

The maintenance activities relate to the SSDS (also identified as a vapor mitigation system) addressing subslab vapor contamination and the soil cap including the concrete building floor, asphalt/concrete pavement and grass surface over contaminated soil on-site (Figure D.2).

More site-specific information about this property may be found in:

- The case file in the DNR Northern Region Service Center office
- BRRTS on the Web (DNR's internet-based data base of contaminated sites at <http://dnr.wi.gov/botw/SetUpBasicSearchForm.do>)
- GIS Registry PDF file for further information on the nature and extent of contamination:  
<http://dnrmaps.wi.gov/sl/?Viewer=RR+Sites&runWorkflow=RR&ID=0203552055>
- The DNR Project Manager for this site in Barron County is currently Ms. Carrie Stoltz at (715) 365-8942

## Description of Contamination

Soil contamination containing Tetrachloroethene (PCE) is present beneath the concrete slab floor of the building, beneath the asphalt/concrete pavement surrounding the building and beneath the grass cover that is directly east of the building at levels above the groundwater pathway RCL (Figure B.2.a).

Groundwater contamination containing PCE, trichloroethene (TCE), cis-1,2 Dichloroethene (DCE) and vinyl chloride (VC) is present above the NR140 Enforcement Standard (Figure B.3.b) at the Property.

Vapor contamination of PCE was detected above the WDNR / WDHFS Small Commercial (building) Subslab standard beneath the concrete floor of the Property building (Figure B.4.a).



### **Description of the Soil Cap and SSDS to be Maintained**

The locations of the surface cap and vapor mitigation system to be maintained in accordance with this Maintenance Plan are identified on Figure D.2. The surface caps over the contaminated soil serve as a barrier to prevent direct human contact with residual soil contamination. The impervious and semi-pervious caps over contaminated soil also serve as an infiltration barrier to minimize future soil-to-groundwater contaminant migration that could violate the groundwater standards in ch. NR 140, Wisconsin Administrative Code. Based on the current and future use of the property, the barriers should function as intended unless disturbed. There are three types of site caps, concrete pads at building floors, asphalt surfaces, and grass/gravel (Figure D.2).

The SSDS is comprised of two fan systems installed to mitigate vapor contamination beneath the concrete floor of the Lee's Cleaners building. Each system has a high vacuum fan mounted on the exterior wall of the building to exhaust the subslab vapors. The fans should operate on a continual basis. The north system has two suction points and the south system has one suction point. A U-Tube manometer is installed on the main exhaust pipe of each system (See D.3 Photographs).

The SSDS that is located at the Rice Lake Chiropractic site is not part of this maintenance plan, and does not need to be maintained. The system was installed on 7/24/13, prior to revision of the vapor standards. Current standards indicate contaminant levels in the building subslab are below levels of concern and operations of the chiropractic building SSDS is not necessary.

### **Annual Inspections**

The cap overlying the contaminated soil is depicted on Figure D.2. It will be inspected once a year for deterioration, cracks, and other potential problems that may allow direct contact or infiltration through the underlying contaminated material. The inspections will be performed by the property owner to evaluate any damage due to settling, wear from traffic, increasing age, or other factors. Any area where soils have become or are likely to become exposed will be documented.

A log of the inspections and any repairs will be maintained by the property owner and is included as Exhibit A, Cap Inspection Log. 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 the inspection log shall be kept on-site and presented to the Wisconsin Department of Natural Resources ("WDNR") upon request, unless otherwise directed in the case closure letter.

Inspection of the SSDS is required to verify that the fans are operating. Post installation testing has already documented subslab communication, as shown by the

measured pressure differentials from November 2014, recorded on Figure D.2. Each of the two U-Tube manometer gauges must be visually inspected visually on a monthly basis to verify operation. The liquid levels in each U-Tube limb should not be equal if the fan is operating. Record the height of the elevated limb on the U-Tube to the nearest 0.1 inches of water column on Exhibit B, the Subslab Depressurization System Inspection Log. It is recommended that the log be kept on a clipboard mounted on a pipe near each U-Tube.

### **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 to the cap may include patching and filling operations or they can include larger resurfacing or construction operations. In the event that necessary maintenance activities expose the underlying soil, the owner must inform maintenance workers of the potential for direct contact exposure hazard and provide them with appropriate personal protection equipment ("PPE"). The owner must also sample any soil that is excavated from the cap area of the site prior to disposal to ascertain if contamination remains. The soil must be treated, stored, and disposed of 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 at least as equally impervious. Any replacement barrier will be subject to the same maintenance and inspection guidelines as outlined in this Maintenance Plan unless indicated otherwise by the WDNR or its successor.

SSDS repairs may include resurfacing or filling in any cracks or holes in the paved surfaces, replacing any cracked or broken PVC piping, and/or replacing a fan.

The property owner, in order to maintain the integrity of the cap and SSDS, 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 of DNR Prior to Actions Affecting a Cap or SSDS**

The following activities are prohibited on any portion of the property where a cap or SSDS is required as shown on the attached map, unless prior written approval has been obtained from the Wisconsin Department of Natural Resources: 1) removal of the existing barrier or SSDS; 2) replacement with another barrier or SSDS; 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.

### 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 WDNR.

### Contact Information

Current as of February 2016

Site Owner: Bruce and Rita Johnson  
1974 13 1/2 Street  
Rice Lake, WI 54868  
(715) 234-9315

Consultant: Fehr Graham  
1237 Pilgrim Road  
Plymouth, WI 53073  
(920) 892-2444  
Attn: Mr. Mark Gibeault

WDNR: Wisconsin Department of Natural Resources  
107 Sutliff Avenue  
Rhineland, WI 54501  
(715) 365-8942  
Attn: Carrie Stoltz, WDNR

Attachments: Figure D.2: Location Map  
Figure B.2.a: Soil Contamination  
Figure B.3.b: Groundwater Isoconcentration  
Figure B.4.a: Vapor Intrusion Map  
Figure D.3: Photographs  
Figure D.4: Continuing Obligations Inspection and Maintenance Log  
Subslab Depressurization System Inspection Logs

SOUTH MAIN STREET

Gas Main

W

CHURCH

MW-3

MW-2

ASPHALT

ASPHALT  
CAP 1

ASPHALT

Gas

GP-1

APARTMENT  
COMPLEX

LEE CLEANERS  
1727 S. Main Street

CONCRETE CAP 1:  
BUILDING

Estimated Extent of  
PCE Contaminated  
Soil above RCL

DCM

BOILER

SP-1 (+)  
1.8

SP-2

SB-17

GP-2

VP-1  
X 0.21

CONCRETE  
CAP 2

GP-3

GRASS /  
GRAVEL CAP 1

MW-4

SP-3 (+)  
3.6

GP-5

GP-4

CONCRETE  
CAP 3

SB-6

ASPHALT

GRASS &  
GRAVEL

ASPHALT

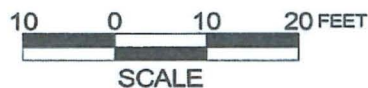
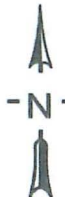
PZ-1

MW-1

COZY CREATIONS

**LEGEND**

- Soil Boring
- ⊕ Soil Boring with Grab Water Sample
- Exhaust Pipe to Roof
- SP-1 Suction Point
- VP-1 Grab Vapor Point  
(Communication Testing - Nov 2014)
- 1.8 U-Tube / Manometer Reading (Nov 2014)  
(inches of water)
- + U-Tube Location
- [ ] Soil Cap Limits
- MW-4 NR141 Monitoring Well



TITLE:		<h1>Location Map</h1>		<b>FEHR GRAHAM</b> ENGINEERING & ENVIRONMENTAL	
SITE:		Lee Cleaners 1727 S. Main, Rice Lake, WI			
REV:	DATE:	DESCRIPTION:	APPVD.:	DATE:	DWG #.. Base Map - Lee - site.sxd
		ATS / FG PROJECT NUMBER: LEC-2012-01 / 14-1129	BRRIS# 02-03-552055	4/11/12	FIGURE D.2
				DRAWN BY: MRG	

**D.3 Maintenance Plan Photographs**  
BRRTS# 02-03-552055

Lees Cleaners  
1727 S. Main St., Rice Lake, WI 54868



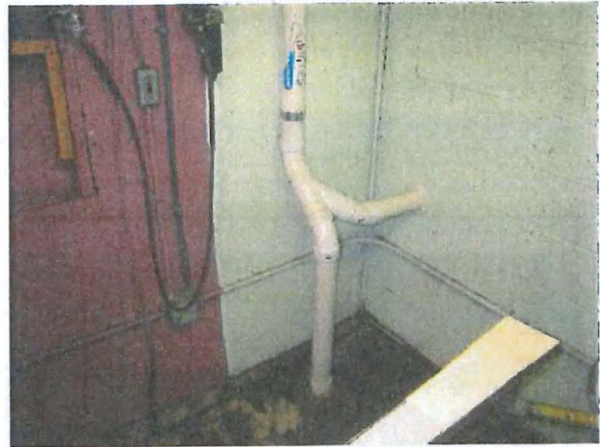
South vapor mitigation system inside Lee's Cleaners building, one floor penetration.



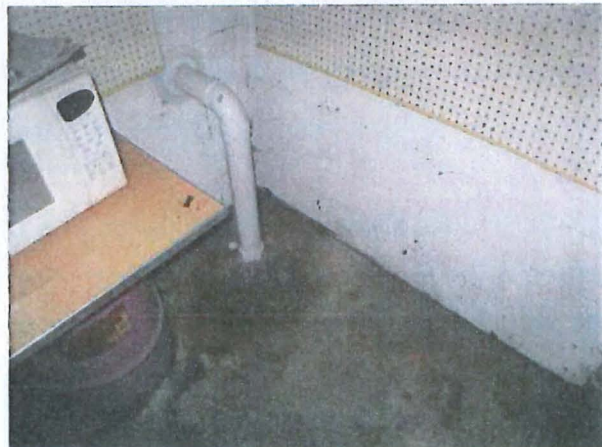
South vapor mitigation system inside Lee's Cleaners building, one floor penetration.



South fan outside Lee's Cleaners building. Looking north.



North vapor mitigation system inside Lee's Cleaners building, two floor penetrations.



North vapor mitigation system inside Lee's Cleaners building, two floor penetrations.



North fan outside Lee's Cleaners building. Looking southeast.

{Click to Add/Edit Image}

Date added: 02/29/2016



Title: Asphalt Cap 1 North of Building

{Click to Add/Edit Image}

Date added: 02/29/2016



Title: Asphalt Cap 2 / Concrete Cap 3 South of Building

{Click to Add/Edit Image}

Date added: 02/29/2016



Title: Concrete Cap 1 (Building) & Asphalt Cap S & W of Building

{Click to Add/Edit Image}

Date added: 02/29/2016



Title: Grass/Gravel Cap

**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 <b>LEES CLEANERS</b>	BRRTS No. <b>02-03-552055</b>
--	----------------------------------

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?
09/15/2015	Justin Schuenemann	<input type="checkbox"/> monitoring well <input checked="" type="checkbox"/> cover/barrier <input type="checkbox"/> vapor mitigation system <input type="checkbox"/> other:	Conc Cap 1, 2, 3 Asphalt Cap 1, 2 Grass/Gravel Cap 1	Baseline Condition	<input checked="" type="radio"/> Y <input type="radio"/> N	<input checked="" 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

**Subslab Depressurization System Inspection Log NORTH SYSTEM**

Site Name Lees Cleaners  
 Address 1727 S. Main Street  
 Rice Lake, WI  
 BRRTS# 02-03-552055

Contacts: Ken Ebbott or Mark Gibeault - Fehr Graham  
 920-892-2444 (Environmental Consultant)

Date	Time	Location	Reading (inches H2O )	Method	Comments
11/17/2014	1:00 PM	North Wall	1.8"	U-Tube	
		North Wall			
		North Wall			
		North Wall			
		North Wall			
		North Wall			
		North Wall			
		North Wall			
		North Wall			
		North Wall			
		North Wall			
		North Wall			
		North Wall			
		North Wall			
		North Wall			
		North Wall			
		North Wall			
		North Wall			
		North Wall			



Subslab Depressurization System Inspection Log SOUTH SYSTEM

Site Name Lees Cleaners  
Address 1727 S. Main Street  
Rice Lake, WI  
BRRTS# 02-03-552055

Contacts: Ken Ebbott or Mark Gibeault - Fehr Graham  
920-892-2444 (Environmental Consultant)

Date	Time	Location	Reading (inches H2O )	Method	Comments
11/17/2014	8:00 AM	South Wall	3.6"	U-Tube	
		South Wall			
		South Wall			
		South Wall			
		South Wall			
		South Wall			
		South Wall			
		South Wall			
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