

July 1, 2013

**JUL 3 2013** *JK*

**VIA EMAIL AND U.S. MAIL**

William P. Scott, Esq.  
Gonzales Saggio & Harlan  
111 E. Wisconsin Ave., Suite 1000  
Milwaukee, WI 53202

*File 241 094590*

Re: Shorewood Queensway

Dear Mr. Scott:

This letter is to respond to your letter dated June 17, 2013 containing your comments and inquiries regarding environmental investigation activities associated with Shorewood Queensway on behalf of your client Aunt Peg's.

Vapor Monitoring

In your comment you suggest that additional indoor air sampling in Aunt Peg's building at 4320-4322 N. Oakland Avenue is necessary. By way of background, on June 14, 2011, on behalf of Shorewood Queensway, its consultant EnviroForensics submitted a Vapor Intrusion Assessment Status Report to Mr. John J. Hnat at WDNR, and on the next day, June 15, 2011, I emailed the Vapor Intrusion Status Report to P. Duncan Moss, Aunt Peg's attorney at the time. On July 15, 2011, Mr. Hnat sent a letter to Shirley Carlson containing additional necessary measures following his review of the Vapor Intrusion Assessment Status Report. The additional measures relating to your client's property that were deemed necessary by Mr. Hnat were indoor air testing on the second floor of the building at 4320 N. Oakland Ave, a sub-slab vapor sample beneath 4320 N. Oakland Ave. and the design and installation of a sub-slab depressurization system (SSDS) for the businesses located at 4312 to 4316 N. Oakland Avenue. On July 19, 2011, I emailed Mr. Hnat's July 15, 2011 letter to Attorney Moss. On July 28, 2011, Shorewood Queensway consultant, EnviroForensics, sent Attorney Moss the work scope and cost estimates for the SSDS installation. On August 24, 2011, the draft version of the work scope for indoor air and sub-slab vapor sampling requested by WDNR was emailed to Attorney Moss by EnviroForensics. On September 13, 2011, Attorney Moss emailed EnviroForensics to advise it that Moss' client approved the work scope for the indoor air and sub-slab vapor sampling. The

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work scope included two indoor air samples in residential spaces and one sub-slab vapor sampling in the basement of 4320 N. Oakland Ave. On August 21, 2012, EnviroForensics forwarded to you the work scope and cost estimate for SSDS installation.

In my opinion, there are some technical misunderstandings in your letter in regard to some matters that occurred before your involvement in representing Aunt Peg's.

The two recent SSDS performance monitoring tests performed by EnviroForensics were intended to determine whether or not the SSDS system is functioning properly in the areas that it was designed and installed to service (*i.e.*, 4312 to 4316 N. Oakland Ave.). As to the need for any additional testing under, in, or about, the premises located at 4320 to 4334 N. Oakland Ave., data collected during 2011 showed that sub-slab vapor impacts extended under the 4312 – 4316 N. Oakland Avenue commercial building **only**. Sub-slab vapor data collected from the building further north (*i.e.*, 4320 – 4322 N. Oakland Avenue) did not exceed commercial *or* residential screening levels. The results of indoor air monitoring conducted by EnviroForensics during 2011 indicated the following: air inside a second floor apartment at Aunt Peg's (4320-4322 N. Oakland Avenue) did not contain tetrachloroethylene (PCE) at a detectable concentration; and a second sample collected from the common area (hallway) between apartments contained PCE at a concentration of 16.5 ug/m<sup>3</sup>, which is below the current vapor action level (VAL) of 42 ug/m<sup>3</sup>. The indoor air samples were collected prior to installation of the SSDS, and there is no reason to suspect that concentrations of PCE in indoor air have increased since 2011. At the direction of the WDNR, the SSDS was installed to mitigate potential vapor intrusion (VI) risk over the entire area under the Aunt Peg's building that exhibited sub-slab vapor impacts in excess of screening levels.

Shorewood Queensway and its environmental consultant, EnviroForensics, are receptive and willing to consider and evaluate any comments and suggestions that Aunt Peg's environment consultant, Terracon, would make. Please forward to me such specific suggestions that Terracon or you would make, and I will have them reviewed and evaluated by EnviroForensics.

#### Remediation

With respect to the requested information:

1. An evaluation of remedial options for the Shorewood Queensway property has been initiated by EnviroForensics and contact has been made with potential vendors; however, a remediation schedule has not been established.
2. EnviroForensics is currently preparing a proposal for a remedial action.
3. The date when Shorewood Queensway will seek WDNR approval of a remedial proposal has not been determined. Remedial action, as you know, is dependent upon WDNR accepting the site characterization.

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4. A comprehensive Site Investigation (SI) Report will be submitted to WDNR by July 31, 2013. The SI Report will include the groundwater data requested in your June 17, 2013 letter. We will provide you a copy as well.
5. No additional investigative groundwater monitoring events are scheduled since the completion of site characterization. Remediation progress monitoring will begin probably on a quarterly basis upon implementation of the remedial action.

Very truly yours,

Davis & Kuelthau, s.c.



William J. Mulligan

WJM:llm

cc: John Hnat, WDNR (via email)  
Blaine Schroyer, Terracon (via email)  
Brian Kappen, EnviroForensics (via email)

Hnat, John J - DNR

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**From:** Sussman, Mary K. <msussman@dkattorneys.com>  
**Sent:** Monday, July 01, 2013 3:45 PM  
**To:** Bill\_Scott@gshllp.com  
**Cc:** Hnat, John J - DNR; BKappen@enviroforensics.com; brshroyer@terracon.com; Mulligan, William J.  
**Subject:** Correspondence from Attorney Mulligan re environmental investigation activities re: Shorewood Queensway  
**Attachments:** Ltr to Scott re envir invest activities 7-1-13 (11539588).PDF

Gentlemen:

Attached is correspondence from William Mulligan concerning the above-referenced matter.

Please let me know if I may be of any further assistance.



Mary K. Sussman  
Legal Secretary

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