

Borski, Jennifer - DNR

From: Borski, Jennifer - DNR
Sent: Friday, November 18, 2022 3:05 PM
To: joe.ackerman@covantagecu.org
Cc: LOVINGPAPA@STEDCD.COM
Subject: Sterling Enterprises of Wisconsin, Inc., 304 W. Wisconsin Ave., Appleton, WI, DNR BRRTS # 02-45-552133

(Please note I am copying Myra Chung at Sterling Enterprises of Wisconsin, Inc. for transparency)

Hello Joe,

Thanks so much for speaking with me today. I understand that you have taken over for the long-time commercial loan officer, Tonni Larson that I've worked with for over a decade. I also understand that Kimcentral Credit Union is now CoVantage Credit Union. This email is a summary of the high points of our conversation today where I provided you with a brief history of this site based on my recollection alone and planned next steps. You are welcome and encouraged to contact me with follow-up questions or if you'd like me to speak directly with any of your team about site details or environmental liability.

The contamination at this site was reported to DNR in 2008 by the current owner, Sterling Enterprises of Wisconsin, LLC. At the time, Jae Cho was the President. Through investigation, research & interviews, we learned there were several historical releases that occurred at this property:

1. Typical historical dry cleaner operations prior to waste handling rules;
2. Arson with arrest and prosecution; and
3. A spill circa 1999 following purchase of the property on Sheriff's Auction.

Sterling Enterprises of Wisconsin, LLC since purchased the property and was issued a letter of responsibility in 2008 as the current property owner (under the Spill Law, an identified causer is also a responsible party).

Due to lack of sufficient funds by the current property owner and inability to identify a viable causer, DNR engaged USEPA to perform a "removal action" circa 2010 where they excavated hazardous waste levels of contaminated soil from the north side of the property and applied an amendment that would act to break down some of the residual contamination. They also performed a vapor investigation in the neighborhood, modified the HVAC system at Sterling and installed a vapor mitigation system at the residence to the north. However, USEPA was not able to define or remediate all of the contamination. USEPA later decided not to file a lien for incurred costs following a legal investigation.

DNR subsequently performed more investigation utilizing federal grant funds but did not have sufficient funding to complete the investigation and cleanup. Since this work was funded by a grant, DNR did not pursue cost recovery.

DNR also performed minimal additional investigation work utilizing state environmental funds. Similar to USEPA, DNR also did not move forward with cost recovery or filing a lien for these incurred costs.

DNR recently received state environmental funds to perform the highest priority investigation work at several sites throughout Wisconsin that pose the highest risk to human health. This includes performing an investigation of vapors within the sewers adjacent to this site to determine if any residual contamination is off-gassing into the sewer and migrating into occupied spaces (through dried out p-traps, open drains or other preferential pathways). This work is projected to take place this winter. I do not yet have a cost estimate for this next phase of work but we are pairing it with similar work at other sites in the area in an effort to reduce costs. It is unclear if additional vapor investigation or

mitigation is necessary and is dependent upon the results of our investigation. However, we will not be performing the full investigation or cleanup required of the responsible party.

Following this minimal investigation effort, DNR *may* file a lien for costs incurred. The official Notice of Intent to Incur Expenses letter will be sent to you and Sterling Enterprises of Wisconsin, Inc. via certified mail. I spoke with Don Lee today as well and gave him advance notice of the next phase of work and that the referenced letter is coming.

The DNR will keep you and Sterling Enterprises of Wisconsin, Inc. informed on the work performed, costs incurred and plans for cost recovery and/or filing a lien. As discussed, there are many factors that come into play in these decisions.

Thanks again for your time and questions. Let me know if you need anything further from me.

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Jennifer Borski

Vapor Intrusion Team Leader / Hydrogeologist

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