



December 16, 2020

Mr. Dan Martino  
Martino's Master Dry Cleaners  
7513 41<sup>st</sup> Avenue  
Kenosha, WI 53142

Subject: Case Closure under Wis. Admin. Code ch. NR 726 Not Recommended –  
Site Investigation Not Complete  
Martinis, 3917 52<sup>nd</sup> Street, Kenosha, Wisconsin 53144  
BRRTS #: 02-30-552186, FID #: 230007030

Dear Mr. Martino:

On September 3, 2020, 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).

On October 6, 2020, the DNR sent an email to you and your consultant, Mr. Brian Kappen with EnviroForensics LLC, indicating that additional information was required prior to the DNR providing a case closure determination. During a phone call between Mr. Brian Kappen and the DNR on December 9, 2020, it was established that the DNR would issue a closure not recommended determination, as additional legal requirements for this environmental contamination case must be met. The purpose of this letter is to inform you of the remaining requirements for obtaining closure, based on the information submitted to date.

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 because the site investigation, per Wis. Admin. Code ch. NR 716, is not complete.

I. Evaluation of emerging contaminants

Wis. Admin. Code §§ NR 716.07, NR 716.09 requires that site investigation scoping and work plans include an evaluation of potential perfluoroalkyl and polyfluoroalkyl substances (PFAS) and other applicable emerging contaminants that were historically or are presently produced, used, handled, or stored at the site.

Provide an evaluation of emerging contaminants, and include any available information on whether any products containing PFAS were used in any process services, the duration of PFAS-containing product use, the type of PFAS contained in the product, and any areas of the site where PFAS-containing products may have been used, stored, managed, or discarded. You may reference the August 17, 2020, DNR letter titled, *Reminder to Include Evaluation of Emerging Contaminants in Site Investigation*, for additional details on this requirement.

## II. Degree and extent of contamination in all affected media

Wis. Admin. Code § NR 716.11 (3) (a) requires the field investigation to determine the nature, degree and extent, both areal and vertical, of the hazardous substances or environmental pollution in all affected media.

### A. Soil

- 1) No soil data was collected north of the alleyway and west of the source area under the site building (i.e. 3931-A, 3931, 3933, and 3935 52nd Street). Collect additional soil samples from this area of the site to define the extent and degree of soil contamination.

### B. Groundwater

- 1) Monitoring well MW-5T and piezometer PZ-5 are part of a nested groundwater monitoring well (MW5T/PZ-5). The well screen and groundwater sample interval for MW-5T is from 10.7 – 20.7 feet below ground surface (ft bgs) and the well screen and groundwater sample interval for PZ-5 is from 35.4 to 40.4 ft bgs. Chlorinated volatile organic compounds above their respective Wis. Admin. Code ch. NR 140 preventive action limits and enforcement standards were identified in MW-5T, but not in PZ-5. Between these sample intervals, a sand seam was identified in soil boring PZ-5 from 19.5 to 27 ft bgs.

Collect groundwater samples from within the sand seam near MW-5T/PZ-5 to define the degree and extent of groundwater contamination in this stratigraphic unit. Discuss whether the sand seam is acting as a preferential migration pathway for groundwater contamination.

### C. Vapor

- 1) To demonstrate that the vapor pathway is incomplete for residential buildings, RR-800, *Addressing Vapor Intrusion at Remediation & Redevelopment Sites in Wisconsin*, requires that indoor air and sub-slab vapor concentrations be below their respective vapor action levels and vapor risk screening levels for three consecutive monitoring events. Complete additional indoor air sub-slab vapor sampling at the Gulick residence (5231 40th Avenue) to satisfy this requirement.

- 2) *Site Investigation Report* dated September 15, 2015, states that the vapor action level exceedances of 1,2-dichloroethane and chloroform in the indoor air samples at the Gulick residence are from an indoor air source, not from soil and/or groundwater contamination adjacent to this residence. Discuss the potential sources for these contaminants within the indoor air at the Gulick residence.

### III. Documentation

- A. Provide decommissioning reports for the sub-slab depressurization systems that were installed at the source property and at 3909 52<sup>nd</sup> Street, per Appendix F of RR-800.

### Next Steps

In consideration of administrative code requirements, the DNR is requesting the implementation of the following schedule:

- I. Per Wis. Admin. Code § NR 716.14, all sampling results are required to be submitted within 10 days of receiving laboratory data.
- II. Per Wis. Admin. Code § NR 716.15(1), the DNR requests that a Comprehensive Site Investigation Report be submitted within 60 days after completing the additional site investigation activities related to the above comments.

Please be aware that the site investigation can be an iterative process and that data results may indicate further assessment is needed to define the degree and extent of contamination. Once additional work has been completed and documented with the DNR, your consultant should evaluate the appropriate pathway for case closure based on the results of this additional work. Additionally, dependent on the results of the additional site investigation, remedial actions must be evaluated and identified, as applicable, per Wis. Admin. Code ch. NR 722.

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.

### Conclusion

The DNR appreciates your efforts to restore the environment at this site. If you have any questions regarding this letter or would like to discuss the letter and case closure requirements, please contact the DNR project manager, Jane Pfeiffer at (414) 263-8603 or by email at [Jane.Pfeiffer@Wisconsin.gov](mailto:Jane.Pfeiffer@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,

A handwritten signature in blue ink that reads "Michele R. Norman".

Michele R. Norman  
Southeast Region Team Supervisor  
Remediation & Redevelopment Program

cc. Brian Kappen, EnviroForensics LLC, [bkappen@enviroforensics.com](mailto:bkappen@enviroforensics.com) – electronic copy