



September 17, 2020

PAUL ZUEGE
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Subject: Notice of Non-Compliance: Action Required by October 19, 2020
Dry Cleaners Etc.
102 East Cook St, New London, WI
BRRTS #: 02-69-552218

Dear Mr. Zuege

This letter is to notify you that 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 August 29, 2008, the Wisconsin Department of Natural Resources ("Department") notified you of your responsibilities to investigate the degree and extent of contamination and clean up the above-referenced site.

On May 4, 2020 the Department received the most recent round of sub-slab vapor sampling results for the former Dry Cleaners Etc building, now currently a video game store, and the New London Public Library. The results from this round of sampling showed contamination at the site and off-site properties which includes trichloroethylene ("TCE") and tetrachloroethylene ("PCE").

On August 20, 2020 the Department sent you a letter requiring an interim action take place to mitigate the identified risk from vapor intrusion ("VI") at the site building and at the New London Public Library in accordance with Wis. Admin. Code § NR 708.11. The Department also required a prioritized investigation for VI at multiple off-site properties in accordance with Wis. Admin Code § 716.11(5)(a) and ch. NR 708.

Please be aware that the Department may initiate enforcement action against you for failure to comply with Wis. Stat. chapter 292. Your legal responsibilities are defined both in Wis. Stat. chapter 292 and Wis. Admin. Code chapters NR 700 through 754 and are also described in the August 29, 2008 letter. In particular, Wis. Stat. § 292.11(3), states:

RESPONSIBILITY. A person who possesses or controls a hazardous substance which is discharged or who causes the discharge of a hazardous substance shall take the actions necessary to restore the environment to the extent practicable and minimize the harmful effects from the discharge to the air, lands, or waters of the state.

Our information indicates that you have not implemented the required interim action and prioritized VI investigation.

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Wis. Admin. Code chapters NR 700 through NR 754 establish requirements for emergency and interim actions, public information, site investigations, design and operation of remedial action systems, and case closure. Chapter NR 708 includes provisions for immediate actions in response to limited contamination. Wis. Admin. Code chapter NR 140 establishes groundwater quality standards for contaminants that reach groundwater.

The Department is requesting that by **October 19, 2020**, you provide a Site Investigation Report with a summary of activities at the site to date and combined with a brief Site Investigation Work Plan for the following VI investigation.

PHASE I of VI Investigation

Install a sub-slab depressurization system (“SSDS”) in the site building (102 E Cook St), and in the New London Public Library (412 S Pearl St). If pursuing DERF eligibility, then follow Wis. Admin. Code § NR 169.11(1)(b); submit the cost estimate and a schedule for performing the action for department approval. If not pursuing DERF eligibility then department approval is not needed prior to installing the SSDS per Wis. Admin. Code § NR 708.11(2)(d). If conditions do not allow for the installation of the SSDS then in accordance with Wis. Admin. Code § NR 708.11(4)(b) submit a detailed alternative design plan for department approval prior to implementation. The department recommends hiring a certified radon mitigation contractor to install the chosen systems. A list of contractors can be found at <https://www.dhs.wisconsin.gov/radon/radon-proficiency.htm>

Utility investigation:

1. Include storm, sanitary and other sewer utility laterals for the site and all off-site properties on the site map.
2. Collect soil and groundwater samples adjacent to the site sanitary sewer lateral to determine if a secondary release occurred on the property.
3. Provide information from the New London Department of Public Works on direction of flow for utility main lines, and type of backfill material around utilities.
4. Collect vapor samples from behind the cleanout to the site sanitary sewer lateral to determine whether the utility lateral to the site could be acting as a preferential pathway for vapor.
5. If chemical vapors are found within the site utility lateral, additional investigation within the utilities beyond the source property is required.

PHASE II of VI Investigation

Based on the current extent of the groundwater plume and the soil plume (full extent currently undefined), access the following off-site properties to perform a minimum of two rounds of “full column” sampling (sub-slab, indoor air, and outdoor air), one during heating season and one during cooling season:

412 South Pearl Street	111 East Beacon Avenue
420 South Pearl Street	113 East Beacon Avenue
520 South Pearl Street	117 East Beacon Avenue
108 East Cook Street	121 East Beacon Avenue
114 East Cook Street	

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PHASE III of VI Investigation

Based on vapor sampling results, mitigate any occupied buildings where VI has the potential to occur (i.e., where vapor risk screening levels exceeded or a direct pathway from impacted utilities to occupied space identified).

Please understand that you are in noncompliance and will remain in noncompliance until you fulfill all requirements of the statute. Failure to take the actions required by Wis. Stat. § 292.11 to address this contamination will cause the Department to review this case for enforcement actions. Additionally, please be advised that the Department is authorized under Wis. Stat. § 292.94 to assess non-reimbursable fees for any reports you are required to submit as part of additional enforcement actions.

If you are experiencing problems selecting an environmental consultant or if you have other questions concerning the cleanup process, please do not hesitate to write or call Gwen Saliars at (920) 510-4343 or gwen.saliars@wisconsin.gov.

Thank you for your attention to this matter.

Sincerely,



Roxanne N. Chronert
Team Supervisor, Northeast Region
Remediation & Redevelopment Program