



March 18, 2014

Mr. Sal Safina
1033 North Old World Third St.
Milwaukee, WI 53202

Subject: Case Closure Denial for the Comedy Club Café site -- Incomplete site investigation
615 E. Brady St., Milwaukee, Wisconsin
WDNR BRRTS Activity # 02-41-553001 FID#341170170

Dear Mr. Safina:

On March 6, 2014, the Department of Natural Resources' (Department) Southeast Region Closure Committee reviewed a request for closure of the case described above. The request was submitted on your behalf by Key Engineering Group (Key). The Department reviews environmental remediation cases for compliance with state rules and statutes to maintain consistency in the closure of these cases. After careful review of your request, the closure committee has denied closure because additional requirements must be met. The purpose of this letter is to inform you of the remaining requirements for obtaining closure, and to request your written response within 60 days of receiving this letter. Additional work necessary to meet the requirements for site closure is described below.

Completion of ch. NR 716 Wis. Adm. Code requirements

The November 25, 2013 *Site Investigation Report/Remedial Action Plan* report and additional site information provided with the case closure submittal does not satisfy the requirements of ch. NR 716 Wis. Adm. Code. The following items must be addressed and appropriately reported to the Department.

- Site investigation scoping: your environmental consultant must provide a more thorough discussion and documentation of the history of the facility especially as it relates to former use and location of hazardous substances. Historical information should be used to identify areas where dry cleaning solvents and petroleum products were handled or stored in order to determine more specifically where contaminant spills might have originated and to determine whether all potential source areas have been assessed. This assessment should include considering the locations of former buildings, doors, floor drains, former dry cleaning machines, loading or waste storage areas, underground storage tanks, and dispenser islands. This information should be considered to identify potential contaminant source areas and when developing the work plan to define the extent and degree of contamination as described below.
- Contaminant iso-concentration maps depicting hazardous substances, depths and concentrations should be prepared for each impacted medium. The extent and degree of each contaminant that exceeds residual contaminant levels must be delineated on a site map.
- A geologic cross section of the site must be prepared.
- Analytical results tables (soil, groundwater or vapor) must be revised to identify what the applicable environmental standard is for each medium and indicate which results equal or exceed environmental standards. The vapor tables should reference vapor action levels based on Wisconsin indoor air screening concentrations.

- A site layout map that shows all adjacent underground utility lines and laterals, property boundaries and description of land uses on adjacent properties. Include a description of the depth of utilities.
- Further discussion of the sub-slab vapor sampling and leak test sampling techniques and interpretation of results with tracer gas present in sub-slab samples.
- Documentation of proper disposal of investigative waste. This includes soil cuttings generated after 2006 and soil excavated during trenching for the vapor mitigation trench.
- Laboratory sample results for the indoor air samples collected in October 2011.

Need to Define the Degree and Extent of Contamination

Soil

Additional soil sampling is needed to define the horizontal and vertical extent and degree of soil contamination identified at the site. In particular, further definition around soil borings GP-4, GP-19 and GP-20 is required as well as any areas identified from historic information that suggest potential source areas.

Vapor

Additional investigation is needed to further assess the vapor intrusion pathway at the source property, at the property to the east and the residential property to the south. Sub-slab vapor samples collected by Key below the basement area of the on-site building detected tetrachloroethylene and trichloroethylene at concentrations that exceed vapor screening levels. The Department understands that Key installed a "vapor mitigation trench" designed to cut off vapor migration from sources in the parking lot to the building on the southwest portion of the site. Key has not, however, demonstrated that the system is effectively interrupting the vapor intrusion pathway with respect to the on-site building or preventing migration of vapor to other buildings or utilities.

Sub-slab vapor samples must be collected below the Comedy Club Café portion of the building, below the office area and the break room as well as from below the residential home on the adjacent property to the south and below the commercial building immediately east of the alley. Samples must be collected following Department prescribed sampling protocol/guidance and documented in the site investigation report. The Department expects your consultant to discuss the sub-slab sampling plan with the Department prior to conducting the work. It is likely that we will request that the "trench mitigation system" be turned off prior to vapor testing. Please note that the Department recommends that three sub-slab samples be collected at residential properties to rule out vapor intrusion with at least one sample collected during the winter season. The need for repeated sub-slab sampling to rule out vapor intrusion at commercial/industrial properties will be based on building use and other site specific considerations. The potential for migration of contaminants along utility lines must also be assessed.

If sub-slab vapor sample results indicate a significant contaminant source below the on-site building, the Department may also request analysis of soil below the building.

Site Investigation Work Plan and follow-up reporting

A work plan to address additional soil and vapor investigation requirements should be developed and submitted to the Department. You should consider requesting Department review of the work plan to ensure that the proposed activities will address required elements of the site investigation. You should also be aware of the ch. NR 716.14 notification requirements that require the responsible party to report all sampling results other than those for water supply wells, to the Department and to the property and occupants, as appropriate, of the property from which the samples were collected, including the source property owner if the person conducting the investigation is not the property owner, within 10 business days of receiving the sample results. The work plan should acknowledge that the notification will be made in conformance with the code.

Mr. Sal Safina
March 18, 2014
Page 3

Once the additional assessment work has been completed, the results and conclusions should be reported as an addendum to the site investigation report. The report must provide all information required in ch. NR 716, including a summary of the results and recommendations for any further response actions necessary to protect public health, safety and welfare and the environment and to meet the requirements of chs. NR 700 to 726. If sub-slab vapor samples indicate exceedances of vapor action levels based on the use of the affected property, vapor mitigation actions will likely be required.

Once the above-listed requirements have been satisfied and remedial response actions completed, your consultant can submit a new closure request for Department consideration. **Please note, that because this closure request was substantially incomplete, and as allowed under ch. NR 726.05 (5), the fee submitted for the case closure review will be applied to review of the site investigation report. A new closure review fee will be required when a subsequent closure request is submitted.**

The Department requests that you respond in writing, within 60 days of the date of this letter, with a schedule of your plans to meet these requirements. Until requirements have been met, your site will remain "open" and you will also need to continue to submit the semi-annual progress reports, as required by s. NR 724.13 (3), Wis. Adm. Code.

We appreciate the efforts you have taken to investigate the environment at this site. If you have any questions regarding this letter, please contact me at (414) 263-8533.

Sincerely,



Nancy D. Ryan, Hydrogeologist
Remediation and Redevelopment

cc: SER case file
Steve Bartoszewski, Key Engineering Group